# Legislative Council

Tuesday, 15 March 2011

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**THE PRESIDENT (Hon Barry House)** took the chair at 3.00 pm, and read prayers.

## BILLS

*Assent*

Messages from the Governor received and read notifying assent to the following bills —

1. Health, Safety and Civil Liability (Children in Schools and Child Care Services) Bill 2010.
2. Telecommunications (Interception) Western Australia Amendment Bill 2010.
3. Dangerous Sexual Offenders Amendment Bill 2011.
4. Heritage and Planning Legislation Amendment Bill 2010.
5. Child Support (Adoption of Laws) Amendment Bill 2009.

## "ENERGY2031 STRATEGIC ENERGY INITIATIVE DIRECTIONS PAPER"

*Statement by Minister for Energy*

**HON PETER COLLIER (North Metropolitan — Minister for Energy)** [3.04 pm]: Western Australia is unique in the wealth and diversity of its energy resources. It is unique in its distance from other energy networks; from an energy perspective, it is an island state. This means that our primary energy supply and the way we use energy will largely be determined by choices that the state alone can make. Despite this, Western Australia lacks a cohesive, long-term energy plan, something that industry has been calling for over a number of years to support economic growth in the state while providing a high standard of living for all Western Australians.

The state government and the energy industry recognise that substantial policy changes will be needed to address emerging impacts on the cost and availability of energy caused by changes in the global demand and supply for energy, climate change mitigation measures such as carbon pricing, and the emergence of alternative fuel sources and generation technologies. I am pleased to inform the house that I recently released the "Energy2031 Strategic Energy Initiative Directions Paper". It forms the foundation of a 20-year vision for Western Australia's energy sector, providing industry and the community with clarity about the direction for the energy sector and the context for decision making.

The directions paper proposes a series of strategies structured around six major themes, which include security of energy supplies; ensuring efficient provision and utilisation of energy infrastructure; improving the energy efficiency of the Western Australian economy; continuity of downstream energy supply; ensuring effective and efficient downstream energy markets; and ensuring universal access to essential energy supplies. The directions paper was drafted by a team from the Office of Energy, the Department of State Development and the Department of Mines and Petroleum based on feedback from state-wide industry and community consultation forums. Public and industry comment will once again inform the final recommendations to government with another series of workshops and forums. Our vision for the next two decades paints a picture of the energy system that will meet strategic goals of secure energy, reliable energy, competitive energy and cleaner energy for Western Australia.

Over the past 30 years, there has been a revolution from an energy system based largely on oil to one based on natural gas, oil and coal, and the early uptake of renewable energy. This has underpinned much of the economic development of this state, both directly and indirectly. However, the ways that we consume, transport and source our energy have not changed. The demands of the current era will require us to be smarter than this. As we move forward, it is important that we put in place the policy, regulatory and incentive mechanisms that will ensure that the energy market in Western Australia will be dynamic, competitive and efficient, ensuring that the state is an appealing destination for investment and innovation, and an attractive place to live and do business.

The "Energy2031 Strategic Energy Initiative Directions Paper" outlines a vision for an energy system in WA that will be smart and adaptable, with a diverse range of energy sources, intelligent systems of delivery to consumers, and will encourage smarter patterns of energy use by those consumers. It is important that industry and the community provide input to guide us in the most beneficial actions that we can implement over the near future, and in the medium term, to help achieve this long-term vision. Together, we can effectively meet the energy challenges of today in order to create a future that provides Western Australians with secure, reliable, competitive and cleaner energy in order to live, work and prosper in our unique state. The release of the directions paper is another important step in the process to create an energy-intelligent state. I encourage the

community and industry alike to contribute their views in order to share this energy vision and to assist us to finalise the Energy2031 strategic energy initiative.

I table a copy of the "Energy2031 Strategic Energy Initiative Directions Paper".

[See paper 3100.]

Consideration of the statement made an order of the day for the next sitting, on motion by **Hon Ed Dermer**.

## PAPERS TABLED

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

## COAL SEAM GAS EXPLORATION AND MINING — MORATORIUM

*Notice of Motion*

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

> That this house demands that the government place a moratorium on all coal seam gas exploration and mining in Western Australia until such time as it can be assured that such activities will —
>
> (1) Have no impact on local land users, including —
>
> (a) no reduction of available agricultural land;
>
> (b) no reduction in local groundwater levels;
>
> (c) no saltwater contamination of groundwater;
>
> (d) no chemical contamination of groundwater; and
>
> (e) no uncontrolled methane leakage from drilled locations.
>
> (2) Be governed by government regulations that ensure that —
>
> (a) absolute transparency is provided to the public about which chemicals are used in all coal seam gas drilling and hydraulic fracturing ("fraccing") activities;
>
> (b) rigorous independent testing is conducted on all chemicals before they are used in coal seam gas exploration, drilling and fraccing operations to ensure no adverse impacts on groundwater, human health and the environment; and
>
> (c) any liability for contamination of groundwater, land or community assets be borne by the company conducting the operations rather than the state and people of Western Australia.

## SHIRE OF PLANTAGENET CEMETERIES AMENDMENT LOCAL LAW 2010 — DISALLOWANCE

*Discharge of Order*

**Hon Robin Chapple** reported that the concerns of the Joint Standing Committee on Delegated Legislation had been satisfied, and on his motion without notice it was resolved —

> That order of the day 1, Shire of Plantagenet Cemeteries Amendment Local Law 2010 — Disallowance, be discharged from the notice paper.

## CRIMINAL CODE AMENDMENT (INFRINGEMENT NOTICES) BILL 2010

*Third Reading*

Bill read a third time, on motion by **Hon Peter Collier (Minister for Energy)**, and returned to the Assembly with an amendment.

## CRIMINAL INVESTIGATION AMENDMENT BILL 2010

*Recommittal*

**HON PETER COLLIER (North Metropolitan — Minister for Energy)** [3.13 pm] — without notice: I move —

> That the Criminal Investigation Amendment Bill 2010 be recommitted for the further consideration of clause 4 and a proposed new clause 4A.

By way of explanation, on 24 February 2011 the Criminal Investigation Amendment Bill 2010 was amended to the effect that the specific intimate forensic procedures referred to in the bill could be done by a "doctor or a qualified person, who is a nurse, midwife or another prescribed class of person". As members will be aware, there was considerable debate about the form of wording that the chamber should agree on. Subsequent to the

completion of the committee stage of the bill, Parliamentary Counsel's Office reviewed the amendment that was moved and has indicated that there is some ambiguity in that the amendment could require a doctor to also have to be a nurse or midwife in order to carry out the specific intimate forensic procedures. This is not what the chamber intended should occur. Instead, the chamber intended that what would be achieved by the amendment was that suitably qualified nurses, midwives or other persons, as well as doctors, could carry out these procedures. To remedy this situation, it is proposed that the Criminal Investigation Amendment Bill 2010 be recommitted for the purposes of considering a revised amendment to clause 4 and a new clause 4A.

Firstly, an amendment to clause 4 of the bill is necessary to tidy up the wording in the amendment moved on 24 February 2011. This amendment will remove the ambiguity mentioned earlier. The second amendment to insert a new clause 4A in the bill will pick up the part of the amendment moved on 24 February concerning the definition of "midwife". On 24 February 2011, a definition of "midwife" was inserted into clause 4 of the bill, which amends section 103 of the Criminal Investigation Act 2006. The new definition in proposed new clause 4A is identical to that moved on 24 February 2001. However, Parliamentary Counsel's Office believes that the definition should be in section 73 of the Criminal Investigation Act 2006, not in section 103. Section 73 contains all the relevant definitions, including definitions of "qualified person" and "nurse", which are used in part 9 of the Criminal Investigation Act 2006.

In essence, the spirit of the amendments made to the bill will remain. These new amendments will help to overcome the ambiguity that exists. I could not see the ambiguity when I first looked at it, but on closer reading, I could see it and it does in fact exist. I think these amendments will maintain the spirit of the amendments moved by members on the day.

**HON ALISON XAMON (East Metropolitan)** [3.16 pm]: The Greens (WA) are happy to support the motion. We appreciate that the minister was prepared to entertain the amendment, which improves the legislation. We recognise that, without the benefit of Parliamentary Counsel at the time the amendment was drafted, sometimes amendments need to be tidied up a bit. We understand that that is exactly what the minister is trying to do and that these amendments will not change the intent.

Question put and passed.

*Committee*

The Chairman of Committees (Hon Matt Benson-Lidholm) in the chair; Hon Peter Collier (Minister for Energy) in charge of the bill.

**Clause 4: Section 103 amended —**

**Hon KATE DOUST**: The opposition will support the government's proposed amendments. When we last dealt with the Criminal Investigation Amendment Bill 2010, the amendments were made pretty much on the hop. Although we thought we had cobbled together the words we wanted, I was pleased to see late last week that the Minister for Police had emailed Hon Giz Watson and me to say that the government had picked up on this issue and that it had redrafted the amendment. The language used in the new amendment is more appropriate and fitting, and it actually delivers what we originally intended by the amendments we had put forward. We are pleased that the government has rectified this matter. Sometimes when things are done in a hurry, we do not always have the opportunity to finesse the language as well as we could. It is good that the government had time outside of the chamber to cast its eye over the bill again before it was sent to the other place so that we could make sure it was very tidy and neat.

Before I sit down, I note there is an amendment on the supplementary notice paper standing in my name. That should not be there. I thought I had removed that a couple of weeks ago.

**The CHAIRMAN**: I advise the house that that is an old insertion and members should totally disregard it.

**Hon PETER COLLIER**: I move —

> Page 2, lines 12 to 19 — To delete the lines and insert —
>
> (a) in item 4 delete "Doctor" and insert:
>
> Doctor, or a qualified person who is a nurse, midwife or other prescribed person
>
> (b) in item 6 delete "Doctor" and insert:
>
> Doctor, or a qualified person who is a nurse, midwife or other prescribed person

The whole point of the exercise is to remove the ambiguity. When I was first told that there was some ambiguity, I could not see it, but upon further reading, it appears that a doctor would have to be a nurse or a midwife. This

amendment clarifies that situation. Suffice to say that we are confident that the amendment is as per the spirit of the original amendment. I appreciate the support of the Labor Party and the Greens (WA).

**Amendment put and passed.**

**Clause, as further amended, put and passed.**

**New Clause 4A —**

**Hon PETER COLLIER**: I move —

Page 2, after line 9 — To insert —

**4A. Section 73 amended**

In section 73 insert in alphabetical order:

***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;

For the reasons I expressed in my precis, this definition is more appropriate in section 73 of the act.

**New clause put and passed.**

**Bill again reported, with further amendments.**

## ROAD TRAFFIC LEGISLATION AMENDMENT (INFORMATION) BILL 2010

*Second Reading*

Resumed from 10 November 2010.

**HON KEN TRAVERS (North Metropolitan)** [3.24 pm]: This bill seeks to amend three acts: the Road Traffic Act 1974, the Road Traffic (Administration) Act 2008 and the Road Traffic (Authorisation to Drive) Act 2008. The first thing we need to do in this debate is put in context why we are amending those three acts. Essentially, the same amendments that will be made to the Road Traffic Act will be made to the 2008 acts. That is because in 2008 the then government passed a suite of legislation through this house. However, we have not dealt with the remainder of the legislation that would enable the 2008 acts to be fully implemented, at which point they would take a number of functions out of the Road Traffic Act and deal with them separately under the Road Traffic Administration Act and the Road Traffic (Authorisation to Drive) Act.

We are now dealing with the Road Traffic Legislation Amendment (Information) Bill. The two 2008 bills were part of a suite of legislation that was intended to set up a range of changes to road traffic legislation, including what is called "compliance and enforcement legislation". The suite of legislation also required other legislation to be passed. Once that legislation is passed, all the bills can be fully gazetted and enacted. The amendments we are moving to the 1974 act will cease to exist when the new 2008 acts come into play.

The first thing I will look for from the government is an indication of where the other legislation is to deal with those very important road safety matters that are commonly referred to as the "compliance and enforcement legislation". The "chain of responsibility" is another way to refer to those areas. They are important measures about road safety. I would have thought that if we were able to deal with this bill, we also would have been able to deal with the other bills by now. If we had done that, we would probably be amending only two acts rather than amending three acts with similar amendments.

In the second reading speech, the Minister for Transport said that this bill seeks to amend four key areas of the acts. I believe it is fair to say—I would argue very strongly that it is the case—that there is a fifth element which has not been given the same prominence as the four elements that were highlighted in the second reading speech but which is just as important to the people of Western Australia as the other four. I will explain to members what I think that fifth point is. This bill is also about establishing, to some degree, the framework for privatisation within the whole area of road traffic licensing administration. Some clauses are clearly aimed at helping set up the framework for that to occur. Most of that will occur as an administrative function. There is no doubt in my mind that this legislation intends to do that. We have before this Parliament legislation to deal with a matter of privatisation, yet it is not clearly and explicitly pointed out in the bill that that is the purpose of some of the clauses in the bill. In addition, the government has not openly explained to the people of Western Australia what its intentions are for the privatisation of things such as people getting their driver's licence. I can understand how that can be done for high-end heavy vehicles. People who pass their licence for that type of vehicle and who work in an industry will very quickly be found wanting if they do not have the required skills. Those who employ and use those registered training associations and who conduct the assessments would very quickly identify those whose skills are wanting. How can a simple driver's licence test be privatised? For that matter, how can the administration of the processing of driver's licences and motor vehicle registrations be privatised when dealing with such confidential information? I find that quite extraordinary.

The government identified that this bill does four things. Firstly, it provides greater protection for and rules about the disclosure of information. Secondly, it deals with access to the photographs taken for a driver's licence test. Thirdly, it deals with learner's permits and, in particular, the inclusion of a photo on them. Fourthly, in the case of a deceased person, it requires that a photo must be provided to a family member of the deceased. I believe that the government intends to move some amendments relating to that last provision, which I will refer to in more detail later. The first provision deals with the disclosure of information relating to how we manage, disclose and create the framework and provide the protection for that information that is contained within the databases that make up the motor vehicle and driver's licence databases in Western Australia. The bill very clearly articulates and outlines how information is to be exchanged between various government agencies, such as the police, the Department of Transport, Main Roads, and, from memory, without flicking back through it all, the Office of Road Safety. Interestingly, it also includes a provision for a general framework of disclosure. Members may recall the Wilson Parking incident that occurred some considerable time ago. At the time an extensive report came out with a number of recommendations on the need to provide greater clarity about when the information held in these databases can and should be disclosed to different people. It is fair to say that this legislation has been a long time coming. It seeks to address a number of the outstanding key recommendations of the reports on the Wilson Parking issue. I think the former Minister for Transport, the same member who will have carriage of this legislation in this house on behalf of the government, tabled a report in December 2008 that contained a range of recommendations that called for action. It is worth noting that that suite of legislation that I talked about earlier addressed these matters but because the government has not progressed that suite of legislation, we have been waiting from December 2008 until March 2011 to have access to that information and to get this bill before us that will seek to deal with the way information is handled.

This is an interesting and complex issue in that I think we would all agree that a range of personal information is held on those databases that we do not want disclosed willy-nilly to private organisations purely for commercial interests without any checks or balances in place as to what will happen with that information. At the same time, information is contained within those databases that may be beneficial to provide to private sector organisations in a very limited nature. I know that certain organisations are seeking to develop databases of motor vehicles, for instance. They would not require the provision of any personal information but this legislation would allow those organisations to develop databases that track the history of motor vehicles on a fee-for-service basis. That will allow a car yard to have far greater intelligence about the history of a vehicle and whether the clock that shows the vehicle has done 20 000 kilometres is accurate or whether it may have actually done 1 020 000 kilometres. It will also help prevent the rebirthing of vehicles, the moving of vehicles and illegal vehicles being transported around our system, which would be useful so long as that can be done without personal information being provided. From the briefings that I have had to date, until quite recently it is still unclear whether this legislation intends to deal with those matters or whether other legislation will be required down the track. I look forward to the minister giving us some clarity on that.

The other thing that worries me is that at the same time as we seek with this bill to provide a very clear framework about the way in which legislation is referred to and shared between relevant government agencies, which is a good thing, disclosure of information in a more general sense seems to be covered by clause 12 of the legislation. That clause effectively sets up a framework about who information can be provided to in line with other written laws and jurisdictions and then includes a clause that states "a purpose prescribed by the regulations for the purposes of this definition". Members may recall my recent speeches on the Police Amendment Bill 2010 about the way that bill was drafted. This is another example of legislation that comes through the Parliament about which we say we want to have all these checks and balances, and the Parliament sets that framework, but then we include a clause that basically says it will be up to the government of the day to make that decision about what happens to that information. Clause 12 basically allows a government to prescribe by regulation anybody it wants. In theory, even though this bill is about addressing the circumstances of the Wilson Parking issue, if a future government wants to sell that information to Wilson Parking, all it has to do is prescribe in the *Government Gazette* that Wilson Parking or private car park owners is a purpose prescribed by the regulations for the purposes of this definition. Then it can provide whatever information it wants from those databases to that private organisation. We may ask what the problem with that is. It relates to the same issue that I have raised before. It is always easy and we will always get it from governments. Governments of the day always look at issues according to where they sit at that particular time as a government. They say, "This will make it easier, we can give it out and choose how and when we give this information and who we give it to." The problem is that future governments are also given that opportunity. It may be that everyone who sits in this house who becomes a member of the government will act responsibly with that information. We do not know what is going to happen in five, 10 or 15 years when a future Minister for Transport prescribes it and puts it through. Others can say that Parliament could disallow it. Even if a government has the numbers in the house, it is a lot harder to put legislation through that will allow it to do that than it is to simply gazette a matter. Again, the public disclosure or the public debate does not occur around matters that are gazetted. That is the first point. The second point is that once the regulation has been gazetted, that information can be provided to a third party.

Even if we disallow the regulation at a future date, that information is gone and it is too late. It stops the government doing it again until it issues a new gazette with a new regulation contained in it. In the meantime, that information has been provided to that third party. That is a very dangerous thing. Previously, the checks and balances of Parliament would have resulted in an amendment to restrict and contain that power, but ultimately the government has the numbers in both this house and the other place. How long have we been here, Hon Ed Dermer? Is it 14 years?

**Hon Ed Dermer**: Fourteen years.

**Hon KEN TRAVERS**: In that time, on every occasion this house would have sought to put pressure on the government to come up with amendments that would reduce the power of the executive and require it to come back to Parliament in a proper way to change the legislation. We would have ended up with legislation that made it very clear who the government wanted to give this information to and the circumstances in which it wanted to give it, and that would have been done with amendments in this place.

**Hon Ed Dermer** interjected.

**Hon KEN TRAVERS**: It is also the nature of this house to provide that check and balance. Today, because of the numbers in this house, the only people who can get any changes through are on the government side. I have not bothered to move an amendment. There is no point unless the government is prepared to make amendments as this legislation will go through on the numbers. I am a realist; I can count the numbers.

**Hon Ed Dermer**: But the fact that you can still argue the case and point out the defects is also very important.

**Hon KEN TRAVERS**: Absolutely! That is one thing; however, the point I make is that that responsibility for these matters now rests on the shoulders of the backbench members of the government parties in this place and in the other place. Until the next election, they are the only people who can provide those checks and balances in the system. That is their responsibility, and it will be on their heads if these matters backfire at some point in the future. I urge backbench members on the other side to understand that is now their responsibility.

This legislation basically sets up a very nice framework and if we include one simple little line, we can basically provide whatever information to whomever we like by way of prescribed regulation. In my view that is of great concern. In many respects I think it defeats the purpose that we are told this legislation is for—namely, to address the concerns that were raised in the report on the Wilson Parking issue.

The next issue I move to is the provision of photographs. Again, this is a fascinating issue. On this occasion, I will move an amendment because this bill seeks to allow for access to the photographs that are taken when we sit our driver's licence. I am sure we will have a view about whether our personal photo that is held on the database is a good photo or a bad photo.

**Hon Simon O'Brien**: Yours would be a good one.

**Hon KEN TRAVERS**: I do photograph well, thank you, minister, if you say so. As long as it has me on the right side with my dimple, minister!

**Hon Simon O'Brien**: You are even better in person!

**Hon KEN TRAVERS**: Sweetness will not get this legislation through any quicker, I am sorry!

**Hon Simon O'Brien**: It was worth a long shot.

**Hon KEN TRAVERS**: The bottom line is that this bill seeks to free up the legislation so that those photographs can be provided to the Australian Security Intelligence Organisation, the WA Commissioner of Police, a member of the police force or someone assisting a police officer. My first point is that it is my view that if there is a national security issue that requires ASIO to have access to that database, it would be able to get those photographs today, if it wanted to, through its own legislation. ASIO may need to get a warrant to do so, but I would be fairly comfortable that if it is related to national security, that could easily be done by ASIO and that its powers would override whatever we put in state legislation anyway, because national security matters override the powers of the state.

The question then becomes: should the police have access to those photographs? I think everyone would remember the debate—or maybe many would not, but it was a contentious issue when photographs were included on drivers' licences of whether those photographs should be provided to other organisations. When I talked to the government about this issue, it said that there was a circumstance, I think in Mandurah, in which the police wanted to get a photograph of a bloke who was suspected of having committed a murder; I think this is the story that was told to me. They wanted this photograph to distribute to the police so they could use it and could catch this person because the community was at risk. In those circumstances, I would agree to the release of the photograph. I do not have a problem with a framework that allows driver's licence photographs to be released when there is a threat to community safety. However, the question broadens: should we hand over driver's licence photographs willy-nilly? What does it mean if we simply hand over the photographic database

that is attached to the drivers' licensing system to the police force to use in whatever circumstances it wants? I think this brings us to the whole question of whether that then turns our driving licence into an effective identity card. I suggest that once we have actually provided a photograph to the police, so that officers will have our photos and our names and addresses in their cars, it is becoming an identity card. If members think about that, it is something that we should give serious consideration to.

**Hon Ed Dermer**: Remember the extraordinary reaction to the Australia Card debate?

**Hon KEN TRAVERS**: Absolutely, Hon Ed Dermer. I suspect there were many on the other side of this chamber who were out there protesting against the Australia Card when it was proposed by a previous federal Labor government. There was a strong campaign and I am fairly confident that members on the other side said, "No, we don't want an identity card", yet here is a piece of legislation that, it can strongly argued, will turn the driver's licence into an identity card. That brings us to a more philosophical question. Members on the other side frame themselves as "liberal" and I would have thought that they understand the concept of libertarianism and that there is always a balance between the freedoms that are attached in those circumstances and the question of national security. It is always a balancing act to ensure that we have our freedoms as individuals but that at times for the benefit of national security some of those freedoms are diminished. In my view, it is clear that in the circumstances I outlined earlier in which there is a genuine belief that someone is endangering society—it is not national security, but it is about the security and the safety of the community—handing over the picture is a reasonable thing to do. But do we want to do that on a broader level—that is, hand over all photographs? It is interesting to think that we are creating something that is potentially an identity card that could be handed out and used by the police in this state as an identity card. They would be able to stop people and require them to produce their identity card and, worse still, that information would sit on the computer database in every police vehicle and even within the handheld tasking and data information system devices that police have.

Let us think about the legislation that has been brought in over the past two years and whether the government is starting to create the elements of a police state. I am not suggesting that that is the government's motivation in bringing in this legislation. Well may Hon Liz Behjat laugh, but the member should look at the legislation that has been introduced, such as the stop-and-search powers, and think about how that legislation could have been used in other parts of the world in previous times. What powers are used by police states? They are the ability to randomly stop and search, the ability to confiscate people's assets without justification, the ability to create fear and the ability to vilify people. Hon Alison Xamon is right; prohibited behaviour orders are part of that, potentially vilifying people. Although it may not be the intent of members on the other side, look at the way in which they have drafted the PBO legislation —

**Hon Simon O'Brien**: With respect, this is about drivers' licensing legislation; this is not about those things that you're getting on to.

**Hon KEN TRAVERS**: This is the problem: the minister has his blinkers on and he cannot see what the government is doing. The minister sees the trees but he does not see the wood. This bill is part of that wood; this bill is one element of that wood. That is the minister's problem and why I have to explain it to the house in such detail in my contribution to the second reading debate. The minister looks at each tree and says it is a tree; he does not look at all the trees and put them together and say it is a forest. Therefore, this bill as an individual tree is a tree, but when it is put with the other legislation the government has brought forward, it creates the framework for a police state. That is the bottom line. Members can laugh about it or be upset by it, but the bottom line is that this government has brought in all the legislation that potentially produces all the key elements of a police state. As I said earlier, I honestly do not believe that it is the genuine intention of members on the other side to create a police state. I think they are doing it completely ignorant of the fact, and I am raising the issue in the house tonight to try to alert members that the combination of legislation that this government is bringing in presents or sets up the framework for a future minister or a future government to abuse and misuse. It will not be the members who sit in this chamber tonight who will abuse and misuse the legislation; however, when we are gone, there will be the potential for that abuse, and that is something we always have to guard against. It might sound like good politics. Government members may be able to run around putting out media statements claiming that they have been tough on law and order issues even though it will not make any difference to the law and to the safety and security of people. The government can claim it has been tough, yet when we look at the totality of the legislation it gives us grave cause for concern. I have no problems with the police having access to photographs in those circumstances in which there is a demonstrable public interest in providing that photograph to the police. I do not support the holus-bolus handover of those photographs to the police to use however, whenever and wherever they like, without any controls or restrictions, thereby effectively creating another of the elements that go together to create a potential future police state. That causes me grave concern about this legislation and is an area in which I will seek to move an amendment to try to limit the provision of a photograph to the police force by way of a public interest test. I do not think that is unreasonable. I would have thought that that would at least give us some protection down the track against this legislation and the handing over of photographs being misused.

The Road Traffic Legislation Amendment (Information) Bill 2010 provides for photographs for learners' permits. Members will be pleased to know that I do not have a problem with that. If we have photographs on our drivers' licences, we should have them on our learners' permits.

The next element of this legislation is who should have access to a photograph of a deceased person that is held on the database. I understand there is a mother who is keen to get access to the photograph of her deceased son because, as I understand, the photograph taken for the purpose of his driver's licence is very sentimental to the family. I understand that and I have no qualms about providing a photograph in those circumstances. In fact, at the time, I indicated to the minister that I was prepared to try to facilitate the rapid passage of this legislation through the house before adjourning for the Christmas break so that the photograph could be handed over to that family member. I did however have some concerns about the manner in which this bill was drafted and I acknowledge the government's advice that it intends to move some amendments to address the concerns that I have raised. I think the proposed amendments are very good and will fulfil the requirements of what the government seeks to do and will meet the protections that I want. I will take a short moment to explain to members what I mean by that. The original proposal was that any family member, as described in the bill, could apply to the director general for a copy of the photograph of a deceased person, which on face value seems reasonable. However, when one thinks about it, there may be a reason why someone does not have a photograph of the deceased person; they may not have had a photograph of that person for 30 years because the person did not want them to have a photograph—yet they may still be a family member. There may be very good reasons why the person did not want a family member to have a photograph, yet under this legislation how was the Director General of Transport to know the history? I proposed, and the government has picked up my suggestion that we amend the legislation to make it that the deceased person's estate can apply for a copy of the photograph. The photograph then becomes a part of the assets of the estate, in the way that other photographs of that person become a part of the estate, and the executor or administrator of the estate can distribute the photograph as they see fit. One would hope that the administrator or executor of the estate would have a better understanding of who the deceased person would want photographs distributed to or not distributed to in the family. I think that is a good way for the government to deal with the issue while ensuring checks and balances to prevent photographs being provided to the wrong person. Again, I congratulate the government for being prepared to pick up and deal with the issue and address it in the manner in which we as an opposition would by understanding the problem and coming up with a good solution that will not create other problems down the track.

The final point that I want to raise, which I do not believe is adequately addressed in the legislation, is the insertion of a new clause to deal with the confidentiality of information to provide for anybody, be they an employee, a staff member, a contractor or an agent of the director general in any capacity whatsoever engaged in the performance of the functions under this act, to be held accountable; that is, if they are given access to that information they have to maintain its confidentiality. Why would the government need to include a special clause in that framework and in that terminology? It would need to if, as a government, it had plans to privatise areas of the current Department of Transport, including vehicle licensing and vehicle assessment areas. That is my view on why the clause is in this bill. It was not explicitly pointed out in the minister's second reading speech, and, in fact, whenever I have asked questions in this place about the issue of privatisation the government has been very cagey about giving a straight answer about its plans. It is clear that the government has plans. Perth is a small town. We hear the whispers around town about what is going on. We know what the government is up to in those sorts of areas. There is no doubt in my mind that the government has been actively examining a range of privatisation options in that area. I do not know the extent or the full nature of it.

As I have said earlier, any privatisation would greatly concern me, but if the government were to go so far as privatising the assessment of motor vehicle driving licences for the average run-of-the-mill driver's licence it would horrify me, because it sets up a system that I do not think will work. If assessments were handed over to the driving schools, it will create two potential conflicts; firstly, that the schools will seek to keep the person longer than needed by saying they need more lessons because they have not yet achieved the required standard or, secondly, the schools seek to gain a reputation of passing people very quickly in order to encourage people to use their services. Whichever way we look at it, it is not good. It is one of those things that is impossible to monitor post-event. It is extremely difficult to set up a regime to monitor vehicle examinations post-event. Unless the assessor is sitting outside the private vehicle examiners' offices and grabs the vehicle as it is driven off the premises, it can always be claimed that the bald tyres were fitted after the vehicle left the workshop. For drivers' licences, I have no idea about how we ensure the driving school has assessed the person properly. The person could be taken out for a drive post-event and drive really badly and the school says, "Well, they drove really well with us; they must have been nervous." Who does not know someone who has said that they failed their driver's licence the first time because they were nervous when they sat the test? I genuinely do not see how a framework could be set up in any way, shape or form. Yet this provision allows us to set up a framework that allows people who are outside the public service to access and use the information that is contained within the motor vehicles and the drivers' licences databases. There is only one reason for the government to include such a broad clause that would allow people outside the public sector to be covered by confidentiality of that

information and the use of that information: it is the government's intention to privatise. I hope that as part of this debate we get some straight answers from the government on its intention in that area. If we are being asked to pass legislation that sets up a framework, we should be given the opportunity to have that put clearly, honestly and openly to the people of Western Australia through this Parliament.

I have pretty much covered all the issues that I wanted to cover in my contribution to the second reading debate. I note that we will go into committee because, as I said, there are government amendments. There may be some further government amendments on top of the one I discussed earlier.

**Hon Simon O'Brien**: There are some other little ones.

**Hon KEN TRAVERS**: It may have been the late Hon Phil Pendal who told me the story about how Charlie Court used to tell his ministers that if they brought in a bill and they needed to amend it after it got into the Parliament, it went to the bottom of the list and never went back to the top of the list. That was a way of encouraging ministers to make sure that they got their bills right the first time and did not make mistakes and have to amend them later. I note it is becoming a habit for us to be given legislation to which government amendments are moved. I do not have a problem with the amendment that is a result of discussions with the opposition, but I have a problem when the amendments are initiated by the government because it has realised it did not get the bill right when it was first brought in. It is interesting that we ran out of legislation last week.

**Hon Simon O'Brien**: We deferred a bill at your request and then you went and complained!

**Hon KEN TRAVERS**: You know we ran out; we were down to one last bill!

Several members interjected.

**The PRESIDENT**: Order! As interesting as this may be, it has very little to do with road traffic legislation. That is the bill before the house.

**Hon KEN TRAVERS**: You hit the sore point! You set off all sorts of explosions, Mr President.

**The PRESIDENT**: I did not say a word.

**Hon KEN TRAVERS**: I was making a general observation on this bill, that, as I mentioned earlier, the opposition was prepared to try to facilitate its passage late last year if it could get agreement on those amendments on the licence, which I discussed earlier. Even if the opposition could not get agreement, it would have still brought it on for debate, had the debate, finished the bill and got it through before the end of last year. The opposition was certainly prepared to facilitate the passage of the bill. This bill was placed on the notice paper two weeks before Parliament came back; it was on the list of bills to be addressed. I immediately contacted the office of the now Minister for Transport and said that it is great that it is on the list and I asked him to tell us where we are up to with it. I did not get any response. On the Friday we were notified of what was on the list for the next week. I was having a very enjoyable drive back from Cervantes with Hon Sue Ellery and, as she will remember, we contacted the government and said it was fine and we were happy to deal with it, and asked where we were up to with those matters. Then it was taken off the notice paper and it is back on today. I raise these points only to highlight the fact that this is about the cabinet and the cabinet's management of its legislation and having legislation, first, ready to go and, second, having considered it in the detail to make sure that the bill covers all the things it wants the bill to do.

With those comments, I am happy to conclude my remarks on the second reading. I look forward to the committee stage. As I said, there is a lot of detail to go through to fully understand the implications of this legislation; on the surface the opposition is happy to support most of it, but I think there are a number of hooks in the detail that we need to address in committee.

**HON ALISON XAMON (East Metropolitan)** [4.04 pm]: The Greens also have a number of questions about the Road Traffic Legislation Amendment (Information) Bill 2010 that we are hoping to explore further in committee, but we broadly support efforts to clarify and strengthen legislative provisions around the protection and disclosure of licensing information. The Western Australia Police, the Department of Transport and other relevant agencies need adequate access to information to undertake their duties; that is recognised. However, there is always the balancing act in acknowledging that this is personal and private information and, therefore, it is important to ensure we have adequate safeguards to protect people's interests and privacies.

The bill amends the Road Traffic Act 1974, the Road Traffic (Administration) Act 2008 and the Road Traffic (Authorisation to Drive) Act 2008. The bill will therefore repeal the acts' existing provisions dealing with the disclosure of information held by the director general and it will replace those provisions with a far more explicit and prescribed framework. The bill seeks to clarify and strengthen provisions relating to the protection and disclosure of licensing information held by the Director General of Transport, incorporating all the information relating to WA drivers' licences, vehicle licences and demerit points. To date there has not been a clear and comprehensive framework for the disclosure of this information, which is an issue, as just mentioned, that was

brought to the fore by the media on several occasions over the last few years. This has been a point of contention.

The bill also enables drivers' licence photographs to be accessed by WA Police, the Australian Security Intelligence Organisation and other Australian law enforcement agencies to assist in the investigation and prevention of criminal and corrupt behaviour and national security initiatives. I would certainly be keen to hear the Minister for Finance representing the Minister for Transport detail the rationale for introducing the requirement to disclose drivers' licence photos to various other state and federal government agencies, because the explanatory memorandum does not cover this as comprehensively as was expected. The bill also introduces the requirement for all learners' permits to include the person's photograph and signature. This requirement is not only a deviation from the practice that has been employed for learners' permits to date, but, importantly, also adds a provision over and above what is currently required for people who have drivers' licences in that they are not compelled to have a photo. On the face of it, it sounds like a pragmatic step, but certainly the Greens would be keen to ensure that there are stringent constraints on the use of juveniles' personal information. I have personally spoken on the importance of the protection of right of privacy for juveniles on a number of occasions in this place and we are acutely aware that this provision will enable an official record of, effectively, all learner's permit holders, who in many instances are juveniles, and means pretty much that everyone, because most people get a driver's licence these days, will have a formal photo, if you like, on a government system.

Finally, the bill will allow the director general to give a photograph of a deceased person to a near relative. I understand that until now there was no legislative provision under which the director general could release a copy of the driver's licence photo to a person's family. This requirement for privacy has meant that in some instances people who have lost a relative and who have treasured the photo on the deceased's driving licence have been unable to access the photo. Certainly the Greens have some sympathy for those family members who wish to be able to access that photo. Hence the Greens support the government facilitating families' access to these photographs when the person has died. I understand from the briefing on the bill that a number of these provisions are to combat the high levels of driving licence fraud. I think it would be useful to have on record just how frequently people are being caught committing fraud of this nature. We know that identity theft is becoming an increasingly serious issue and we recognise that the capacity to access photos can actually go some way towards addressing that.

Again, while the Greens support efforts to combat fraud, I take this opportunity to raise the issue of the release of details, including driving licence photographs of missing persons. As I understand it, that was one of the rationales behind this. I would be grateful for further clarification regarding the release of information in sensitive circumstances. For example, if a person is noted as missing but in actual fact has deliberately gone missing to escape a situation of domestic violence, the worst thing that could happen for them would be for their picture to be made available and displayed on every television set in the state. I understand from the briefing that it is intended that there will be a framework by which to determine which photos should be publicly released. I would really appreciate it if the minister could elaborate what that framework will be.

Similar to the concerns raised by the opposition, I note that last month a newspaper published an article claiming that WA Police intends to outsource mobile speed and fixed red-light–speed camera operations and infringement processing. The Greens have concerns about this move towards privatisation. The legislation we are considering highlights how sensitive people's information is. The government has a duty to protect the confidentiality of this information. In many ways I recognise that that is partly the intent of this legislation, while at the same time it is opening the gateway for information to be released.

I certainly have grave concerns about the prospect of allowing private profit-making businesses to access this information. The Greens will be seeking an assurance from government that this will not happen and that it is not the intention, as well as an assurance that provisions in this legislation have not been written with an aim in mind for privatisation and the release of information to private companies. Following those brief comments, the Greens have a number of questions to ask during the committee stage, and I will raise those issues then.

**HON SIMON O'BRIEN (South Metropolitan — Minister for Finance)** [4.13 pm] — in reply: Speaking in response to the second reading debate of the Road Traffic Legislation Amendment (Information) Bill 2010, I thank members for their input and I thank those who have indicated their support for the second reading. I would like to respond in detail to Hon Ken Travers and Hon Alison Xamon, who both made thoughtful contributions. In so doing, they underscored the purpose of the upper house as the house of review, our Legislative Council—indeed, the older chamber; the senior chamber—in the WA Parliament. In some of his remarks, Hon Ken Travers challenged us to contemplate the role of not only the chamber but also individual members in considering and weighing matters before us and whether they should be supported or opposed based on criteria of whether this is in the better interest of long-term administration and the protection of human rights in Western Australia, or whether it simply adheres to some order of numbers of the day. They are reasonable and rightful questions for us all to contemplate on an ongoing basis. I do not in any way shy away from dealing with those

questions or being part of a consideration of those matters in the light that Hon Ken Travers has shone upon this particular debate. I want to say that upfront: we are in furious opposition on these matters.

While it is true, as Hon Ken Travers also observed, that governments of the day tend to find it necessary to advance legislation without other members or houses having the temerity to seek to amend it and knock it into what is always perceived to be some better shape, the fact of the matter is that there are two sides to every proposition. It is with that in mind that I now present an alternative view to some of the matters that have been raised by Hon Ken Travers and Hon Alison Xamon so that members can weigh those matters in light of all the information that they need to come to a conclusion. I look forward to the conclusion being that the second reading is supported.

Hon Ken Travers asked, and I think it was reasonable to do so, what has happened to the chain-of-responsibility bill or the balance of those bills in that suite of legislation. Members will remember there was a package of five bills, and I think two of them have actually received royal assent, though they have not been proclaimed.

**Hon Ken Travers**: I think clauses 1 and 2 might have been proclaimed but not the rest of them as such.

**Hon SIMON O'BRIEN**: It is the same effect; he is quite right. There are a couple of bills still in the offing. Further industry consultation has been undertaken, and some revisions are to be made or being made. This always seems simpler than it is, particularly when, in light of those bills, it involves a rewriting of the entire Road Traffic Act and then some. It is all the machinery involved in everything to do with the licensing of drivers of all classes of vehicles, indeed the licensing of all the vehicles that need to be licensed to be on our roads and a range of matters, such as the loads that those vehicles carry and learners' permits; it is about everything. It is a complicated mechanism, and it is surprising how difficult sometimes it can be to get that job done. Nonetheless, I think it is fair enough that at this time Hon Ken Travers, as opposition spokesperson for transport, asks, "Where are these bills and can we reasonably expect to see them?" I indicate that, although I am not the transport minister anymore, I would hope that that legislation is introduced and progressed this year. Those bills will of course have to battle other priorities for legislation in the house, the same as any bill has to. I would hope that they would be progressed. I was progressing them as minister, and I have no doubt that Minister Buswell will be doing just the same thing

**Hon Ken Travers**: He'll probably claim he's brought them forward!

**Hon SIMON O'BRIEN**: He probably will, and good luck to him. It is interesting what happens. We had a change of government a couple of years ago, and that was a new experience for a lot of us.

**Hon Sue Ellery**: A very unpleasant one.

**Hon SIMON O'BRIEN**: Some of us enjoyed it more than others! Before Christmas there was a reshuffle of cabinet responsibilities, and for some members of cabinet, including me, that was also a new experience. Hon Ken Travers can probably relate to this remark: when you move on, it is a bit like being a relinquishing foster parent.

**Hon Ken Travers**: I got to keep transport, minister.

**Hon SIMON O'BRIEN**: Good luck to the member. It is a bit like being a relinquishing foster parent who has to understand that they do not have formal rights to interfere in the ongoing education and the nutrition of the child. You have to move on, but you adopt new responsibilities. Insofar as I am aware, I believe that my successor in this portfolio will bring it on.

**Hon Ken Travers**: The question then is: is that legislation your baby or Buswell's?

**Hon SIMON O'BRIEN**: Again, I will use the metaphor of the curate's egg: the good bits can be attributed to me; if there are any bits that people do not like, I am sure that will be due to Minister Buswell! The house of review will give that adequate attention at the appropriate time.

Hon Ken Travers made note of my speech—because it was my speech then—and the four key areas identified in the bill. He said that he had identified a fifth area, and that is fair enough. The area he raised that he felt needed to be added to the list was the issue of the possible privatisation of services. I turn firstly to the order in which Hon Ken Travers raised matters. He dealt firstly with the provision of information. I am glad that Hon Ken Travers acknowledged that this is a complex issue. The more we look into it, the more we uncover. It is very much like the analogy of peeling an onion: the more this matter is examined, the more that comes to light.

**Hon Ken Travers**: If you peel an onion too much, all that happens is that you end up in tears, minister!

**Hon SIMON O'BRIEN**: We came close to that on occasion, but I am sure we will not go there this evening.

**Hon Robyn McSweeney**: Not if you peel them in water.

**Hon Sue Ellery**: That is true.

**Hon SIMON O'BRIEN**: Returning to the matter at hand, Hon Ken Travers raised the issue of dealing in great detail or dealing generally with matters of authorisation—of how some officer, now, or at some stage in the future, will be permitted to deal with private information. He spent some time—it was useful time—developing that theme. He was right when he focused on proposed new section 12 in the bill, and in particular the third category of purposes prescribed by the regulations for the purposes of this definition. That is just the sort of thing that deserves to be debated in this place and consideration given to. I think the member has acknowledged that the rest is pretty straightforward, and that is our proposition.

**Hon Ken Travers**: It sets up a framework between government agencies. We go into great detail there and then we suddenly say that, for the private sector, we will just leave it to the government to do in the future.

**Hon SIMON O'BRIEN**: The member is right. There are already provisions for dealing with, and the passage of, information between agencies; we are just trying to make them better. A later evolution is now being prescribed that will tighten things up and make it a bit clearer. It reflects the natural evolution that has occurred in the handling of this sort of information. At the same time, we need to understand that this is a broad bill dealing with the overall issue of information disclosure. The exact parameters that will surround the future provisions relating to this issue will be a matter for the committee stage. We need flexibility in what we are prescribing. There will be occasions in the future, as circumstances or technology evolve, when it will be necessary to make judgements because there are other reasons that information has to be exchanged. We are proposing that that be done for prescribed purposes in the future. Other members in the house may have a contrary view on whether that is a suitable provision. We will explore that a little more later on.

I turn now to the provision of photos. The honourable member surmised that the Australian Security Intelligence Organisation, and perhaps some other agencies, would have powers under national security legislation to obtain information or, indeed, to do all sorts of things. I think that is a reasonable presumption for now, so let us not debate that. I am sure that those powers exist. Those powers would probably override many other state-imposed restrictions. That starts to get a bit complicated if we start considering that in all its shapes and variances, but I do not think we need to do that. I think we need to look at what this bill is proposing to do. In the limited situation that ASIO needed to obtain an identifiable photo of a person in real time to respond to a security issue, this bill would enable it to have access to that photo. That is what we are doing deliberately, because without that, we think that a greater wrong would potentially exist. If there were a need, for national security purposes, for a photo to be obtained so that, for example, a suspected terrorist or bomber could be identified in a crowded shopping centre or an airport terminal, that photo needs to be obtained quickly. People cannot muck around trying to get a search warrant and going through all other forms of bureaucracy or other judicial processes to make that happen. It has to occur in real time. That is our view, and that is why that provision is in the bill.

In relation to police accessing photographs virtually as a matter of course, the police used to have that capacity anyway. It was not so long ago that all this licensing information and all the administration that went with it was done by Western Australia Police. The police had all the information, and they used it. I have no doubt it was already in the custody of the Commissioner of Police, and I will guarantee that it was used for more than simply licensing purposes.

**Hon Ken Travers** interjected.

**Hon SIMON O'BRIEN**: We are now proposing to recognise that for many enforcement and simple compliance purposes it is the police out there on the streets who have responsibilities in this regard. We have heard from other members involved in the debate about the problems of identity fraud and theft. We need to ensure that police are out there checking the bone fide details of drivers and have a fighting chance of identifying them correctly. That includes, in our view, the ability to access information and require people to produce not only their name, address and general driver's licence information, but also their image, which is recorded. Why else would we need images in the form of photos? Specifically, this will assist police in determining whether they have been presented with fraudulent identity information by a person they have stopped on a roadside. That is particularly when we need to have this capability.

Hon Alison Xamon made the comment that identity theft and identity fraud are significant and increasing problems, and this bill is aimed directly at seeking to assist police to address those issues. However, I do not think it is right to say that the driver's licence will become a de facto compulsory identity card. It may well be used for the convenience of the holder, as indeed drivers' licences with photos on them are used by most of us from time to time as a way of proving our identities. That is just the way it is and that happens now, but I do not think that it is fair to say, Hon Ken Travers, that there is any proposal to make drivers' licences an ID card that will be required to be produced on demand. There is a requirement for police in certain functions to have a driver produce their driver's licence. That does not occur in the sense that Hon Ken Travers is worried about; it is an existing power and it is quite proper for someone using a motor vehicle to prove that they are licensed to do so. It also proves their identity. However, it is not envisaged anywhere in this amending bill that a driver's licence would become a de facto identity card to be demanded by police, for example, of pedestrians accessing Hay Street Mall.

Debate interrupted, pursuant to temporary orders.

[Continued on page 1179.]

## QUESTIONS WITHOUT NOTICE

### GOVERNMENT OFFICE ACCOMMODATION — GOVERNOR STIRLING TOWER

**108. Hon SUE ELLERY to the Minister for Finance:**

I refer to the government's decision to move government offices out of Governor Stirling Tower.

(1) Has the government been advised by the owner of the property that the government offices can remain in Governor Stirling Tower beyond the lease date; and, if so, for how long?

(2) Has the government been advised that Governor Stirling Tower is being progressively refurbished, allowing government officers to remain in the building?

(3) What was the cost of installation of the fibre-optic cable between Parliament House, Governor Stirling Tower and Allendale Square?

(4) What is the cost of installing new fibre-optic cable to service the new government offices put in place as a consequence of the move out of Governor Stirling Tower?

**Hon SIMON O'BRIEN replied:**

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

(1) In 2009, a procurement process was undertaken to lease replacement space for Governor Stirling Tower in the central business district. This procurement process was aborted when the negotiation with the preferred proponent—that was the previous owner of Governor Stirling Tower—was unsuccessful. At that time, the price being requested was over $750 per square kilometre.

**Hon Ken Travers**: Per square metre!

**Hon SIMON O'BRIEN**: Per square metre.

**Hon Ken Travers**: Seven hundred and fifty per square kilometre is cheap!

**Hon SIMON O'BRIEN**: It was well over $750 per square kilometre, but the specific price was in the vicinity of $750 per square metre!

The government office accommodation master plan was then developed. This included the leasing of replacement space for Governor Stirling Tower at 140 William Street, Perth, and the Optima Centre in Osborne Park. The cost of this replacement space averaged $520 per square metre, which was a significant saving on the previous negotiation with the owner of Governor Stirling Tower.

Negotiations have commenced with the new owner of Governor Stirling Tower for a short-term lease extension over two floors of the building associated with the proposed relocation of the Premier and Cabinet secretariat to Hale House. The new owners have recently advised that they are planning to refurbish the building upon expiry of the current lease in June 2012, and would consider a longer term lease following completion of the building refurbishment, which would require the government to undertake a completely new fit-out at its own cost. However, that is no longer an option, as replacement space has already been procured.

(2) Yes. This is a change in approach from that of the previous owner. The previous owner ultimately wanted government to vacate the building, and this necessitated procurement processes for replacement accommodation. These processes were undertaken and completed prior to the change in ownership and the approach of refurbishment.

(3) The cost was approximately $173 000. This investment is not made redundant by the move of government out of Governor Stirling Tower, as other government agencies are located along and near St Georges Terrace.

(4) There is no installation cost.

### REDRESS WA — PAYMENTS

**109. Hon SUE ELLERY to the Minister for Community Services:**

(1) How many Redress WA payments have been made to date under each payment level?

(2) How many offers of payment have been made to date under each payment level?

(3) How many payments to date have been made to the estates of deceased Redress WA applicants?

(4) What is the total amount paid to date to Redress WA applicants?

**Hon ROBYN McSWEENEY replied:**

I thank the honourable member for some notice of this question. These figures are as of 24 February.

(1) Level 1, 369; level 2, 974; level 3, 533; and, level 4, 351.

(2) Level 1, 465; level 2, 1 107; level 3, 633; level 4, 430.

(3) Forty-four.

(4) The total amount paid to date is $45 664 500.

WESTERN POWER — OVERHEAD SERVICE CONNECTIONS — REPLACEMENT

**110. Hon KATE DOUST to the Minister for Energy:**

I refer to the Economic Regulation Authority's "New Facilities Investment Test Application for the Replacement of Overhead Customer Service Connections" as submitted by Western Power.

(1) Provided it passes the ERA's regulatory tests, when will this $71.1 million project commence?

(2) How will this project be funded and will any funding for it be allocated in the 2011–12 budget?

(3) Given that Western Power identified 240 000 connections as having the potential to cause electric shock in June 2009, why has the government delayed this project for over 18 months?

(4) When will the remaining balance of 135 400 potentially unsafe connections needing replacement be replaced?

(5) Can the minister guarantee the safety of these households; and, if not, why is he not insisting on all 240 000 connections being replaced as part of this project?

**Hon PETER COLLIER replied:**

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

(1) Overhead service connection replacement is an ongoing work program that commenced in 2005 and is targeted for completion by 2015–16.

(2) The budget for this program over the three-year period 2009–2012 is $71.1 million, of which $26 million is budgeted in 2011–12. The number of overhead service connections that are planned to be addressed as a part of this program over 2009–2012 is 104 600.

(3) The project is already underway, with 31 100 service connections replaced during 2009–10 and 32 400 service connections planned to be addressed in 2010–11. Western Power is on track to meet this target.

(4) This program is planned for completion by 2015–16. It is one of the many programs that will be proposed by Western Power as part of its third access arrangement, which commences in 2012.

(5) While some safety risk remains, work is in hand to progressively address all identified potential unsafe overhead service connections by 2015–16.

MT HART WILDERNESS LODGE, KIMBERLEY —
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

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

I ask the question of behalf of Hon Jon Ford, who has left the chamber on urgent parliamentary business.

I refer to the current negotiations between the Department of Environment and Conservation and Mr Taffy Abbotts. When does the minister or his department intend to respond in writing to Mr Abbotts' latest offer?

**Hon HELEN MORTON replied:**

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

A senior officer of the Department of Environment and Conservation has been in regular contact with Mr Abbotts and has sought and received additional information from Mr Abbotts as part of ongoing negotiations. The department will respond to Mr Abbotts in the near future.

COMMUNITY SECTOR — PAY EQUITY

**112. Hon ALISON XAMON to the Leader of the House representing the Premier:**

(1) Does the Premier recognise the significant pay equity gap that currently exists in Western Australia?

(2) Does the Premier acknowledge that this gap needs to be urgently rectified in the community sector?

(3) Will the significant increase in funding to the community sector announced by the Premier for the next budget be contractually tied exclusively to wages?

(4) Will the increase referred to in (3) be expected to be inclusive of any predicted consumer price index increase for that financial year or in addition to CPI?

**Hon NORMAN MOORE replied:**

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

(1) This government acknowledges the community sector's concerns about funding for service agreements.

(2)–(4) This matter will be considered as part of the 2011–12 budget process.

NORTHBRIDGE TUNNEL ACCIDENT — MONDAY, 14 MARCH 2011

**113. Hon KEN TRAVERS to the minister representing the Minister for Transport:**

I refer to the accident that occurred on the Graham Farmer Freeway yesterday.

(1) How long did it take to clear all vehicles from the freeway following this accident?

(2) Does Main Roads or the tunnel operator have a contract with anyone to provide tow truck services to clear the freeway following any accidents or breakdowns?

(3) If yes to (2), does the contract have any performance standards or require tow trucks to be provided within a specified time frame; and, if yes, what are the performance standards or time frame and were they met?

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

**Hon SIMON O'BRIEN replied:**

I thank the honourable member for some notice of the question. I am advised of the following by Main Roads.

(1) The incident occurred in the Northbridge tunnel at 7.35 am on Monday, 14 March 2011. A tow truck arrived on site 12 minutes after the incident occurred and the vehicles involved were cleared from the scene after a further seven minutes.

(2) Yes. Main Roads has a contract with RAC towing to provide towing services in the event of an accident or breakdown in the Northbridge tunnel or on the Graham Farmer Freeway. If RAC towing does not have a tow truck available to service an incident when required, Main Roads will obtain a tow truck from another towing contractor.

(3) The weekday morning peak traffic period—that is, between 7.00 am and 9.30 am—has a 10-minute response. The weekday evening peak traffic period—that is, between 3.30 pm and 6.30 pm—has a 10-minute response. During other times—that is, on weekends, public holidays and outside peak traffic periods on weekdays—there is a 20-minute response time. For this particular incident, the contract response time of 10 minutes was not met. The actual response time was 12 minutes.

(4) Not applicable.

KIMBERLEY — SUICIDE PREVENTION

**114. Hon LJILJANNA RAVLICH to the Minister for Mental Health:**

I refer to the 11 suicides that have occurred in the Kimberley since October 2010.

(1) Why has the minister spent only $500 000 of the $22.47 million allocated to the Mental Health Commission for the establishment of a dedicated statewide specialist Aboriginal mental health service?

(2) What has the $500 000 been spent on so far?

(3) Given that the key elements of the statewide specialist Aboriginal mental health service should have been operational by the last quarter of 2010, what is the minister's excuse this time for yet another delay?

**Hon HELEN MORTON replied:**

I thank the honourable member for raising this matter.

(1)–(3) For those people who are unaware, the statewide specialist Aboriginal mental health service that is being rolled out is a program valued at about $22 million. It is a specialist mental health service for Aboriginal people throughout the state. It was brought to Western Australia as part of the national partnership agreement on closing the gap in Indigenous health outcomes. Since it was brought to WA, a significant amount of discussion and consultation has taken place on how it should be rolled out and whether it should go out under the WA Country Health Service or through the Aboriginal-controlled medical services in the different country regions. Consequently, a fair bit of discussion and consultation has taken place. It has now been agreed that in all areas other than the Kimberley, the service will roll

out via the WA Country Health Service. That has commenced. Both the Kimberley Aboriginal Medical Services Council and the WA Country Health Service put in ideas about how that should roll out in the Kimberley. When I was in Broome last Friday I met with both of those groups and talked to them about their respective approaches. During that process it was agreed that we would try to find a way to bring those two services together to run a more collaborative system rather than an either/or system. Consequently, that is now happening.

As to the manner in which the funds have been allocated, I am sure that the member would appreciate that these discussions and that level of consultation take a bit of time. That has occurred. I am very comfortable that the statewide specialist Aboriginal mental health service is in good hands and will provide great benefits for the people of Western Australia.

MT WELD RARE EARTH DEVELOPMENT —
ENVIRONMENTAL PROTECTION AUTHORITY APPROVAL

**115. Hon ROBIN CHAPPLE to the minister representing the Minister for Environment:**

My question, of which some notice has been given, is to the parliamentary secretary representing the Minister for Environment. I refer to question without notice 81 of 23 February 2011.

(1) Are there environmental regulations or limits to the quantities of thorium that can be transported on the road or through residential areas in the state of WA?

(2) What is the concentration of thorium that will be contained in the processed rare earth concentrate that will be transported from the Mt Weld concentration plant to Kwinana prior to shipping to Malaysia by quantity and percentage?

(3) As the thorium will be stripped from the rare earth concentrate at the Gebeng Industrial Estate near the Kuantan Port in Malaysia, will the thorium need to be licensed or have environmental approval if returned to Western Australia?

**Hon HELEN MORTON replied:**

I say to Hon Robin Chapple that because I seem to be covering so many questions, if he does not refer to the minister representing, I do not listen until he is partway through the question and then realise that the question is directed to me. I thank him very much for some notice of the question.

(1) The transport of radioactive material is regulated by the Radiation Safety (Transport of Radioactive Substances) Regulations 2002. Depending on the concentration and isotopes present, thorium may or may not be defined as radioactive material under these regulations.

(2) In EPA report 646 of August 1992 the rare earth concentrate from Mt Weld is stated to be 0.14 per cent by dry weight.

(3) The import of radioactive material into Australia is regulated under the commonwealth Customs (Prohibited Imports) Regulations 1956. An import permit would need to be obtained from the Australian Radiation Protection and Nuclear Safety Agency should the thorium be classified as radioactive material.

GERALDTON, DALWALLINU, WUBIN AND BUNTINE — ELECTRICITY INTERRUPTIONS

**116. Hon MATT BENSON-LIDHOLM to the Minister for Energy:**

(1) How many supply interruptions arising from power quality problems or blackouts have occurred in Geraldton, Dalwallinu, Wubin and Buntine in 2010–11 to date?

(2) What were the causes of these interruptions?

(3) What is Western Power doing to ensure that these areas have a reliable, quality power supply?

**Hon PETER COLLIER replied:**

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

(1) Interruptions recorded—that is, the number of outages—for 2010 and 2011 to date are as follows: Buntine, 46 in 2010 and 23 in 2011 to date; Dalwallinu, 80 in 2010 and 47 in 2011 to date; Geraldton, 44 in 2010 and 33 in 2011 to date; and Wubin, 49 in 2010 and 32 in 2011 to date. It should be noted that that data includes outages to a single premises that do not affect the network in an area.

(2) The outages were caused by a range of factors, including planned maintenance work, equipment failure, lightning strikes and impact from other external forces such as storms and wind-blown debris, bird strikes, possums, stubble burning and car accidents.

(3) Western Power undertakes routine maintenance and inspection to identify poor performing assets and undertake corrective works. Assets identified with inferior performance are replaced as part of an ongoing asset replacement program. Significant asset issues have been identified for feeder MOR 620 that supplied Dalwallinu. These are targeted for replacement under a major feeder rebuild program planned for 2012–13 and 2013–14. These form part of Western Power's access arrangement.

HILLARYS AND SORRENTO — ELECTRICITY INTERRUPTIONS

**117. Hon ED DERMER to the Minister for Energy:**

I refer to the minister's answer to question without notice 89 regarding electricity supply problems in Hillarys and Sorrento.

(1) What has been identified as the underlying cause of the interruptions?

(2) Has any work been undertaken to address this problem; and, if so, when did that work commence and when will it be completed?

(3) What new technologies is Western Power using to improve fault response times?

(4) What percentage of homes in Hillarys and Sorrento have underground power?

**Hon PETER COLLIER replied:**

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

(1) The interruptions were caused by a number of factors, including equipment failure and external forces, such as storms, vegetation and car accidents, impacting the network. Equipment failure contributed to about 50 per cent of interruptions in Hillarys and 30 per cent of interruptions in Sorrento.

(2) Western Power has a targeted program to install remote monitoring equipment on these powerlines to provide a fast response for fault restoration. In 2010–11 automated switchgear is being installed at eight sites. The automation devices enable Western Power to isolate faults and automatically reconnect power if the cause of a fault passes. In addition, Western Power has an asset replacement program based on condition, with replacement determined by routine inspections.

(3) Western Power is deploying automated switchgear and remote monitoring to enhance its ability to detect, isolate and respond to faults. This will reduce the time to restore power supply after a fault. Western Power is also deploying reclosers on feeders to reduce the number of customers who are affected by a fault.

(4) Approximately 63 per cent of homes in both Hillarys and Sorrento have underground power.

ENERGY EFFICIENCY STANDARDS FOR RESIDENTIAL BUILDINGS

**118. Hon LYNN MacLAREN to the Minister for Commerce:**

(1) Can the minister confirm that the Building Commission advisory note of February 2010 entitled "BCA 2010—Energy efficiency changes in Western Australia" was correct in advising that the national provisions for residential buildings would be deferred due to a Western Australian variation?

(2) Given the 12-month deferral was from 1 May 2010 to 1 May 2011, why has the minister announced a further 12 months' delay?

(3) Can the minister confirm that the advisory note stated that the national provisions to increase energy efficiency in all other buildings will commence on 1 May 2010?

(4) Will the minister advise who from the building industry requested sufficient time to adapt to the new provisions as stated in the advisory note?

(5) During this additional 12-month transitional period, will approval authorities, such as local councils, have the discretion to adopt these new energy efficiency standards?

**Hon SIMON O'BRIEN replied:**

I thank the honourable member for notice of her question on 22 February. I thought I had already responded to this question, or perhaps it was just one like it.

**Hon Lynn MacLaren**: It was similar.

**Hon SIMON O'BRIEN**: Okay, I will indulge the member again, Mr President.

**The PRESIDENT**: I cannot remember the exact question, so I suggest you provide an answer if you have one.

**Hon SIMON O'BRIEN**: Certainly.

(1) Yes.

(2) The WA building regulations allow buildings to be approved under a superseded standard for a period of 12 months from the date of adoption of the new standard. Thus, a 12-month transition for residential buildings commences on 1 May 2011, the date of adoption of the six-star standard in Western Australia.

(3) Yes.

(4) The Housing Industry Association and the Master Builders Association, in consultation with government officials, in 2009 requested sufficient time for the Western Australian housing industry to adapt to the new energy efficiency standard for residential buildings.

(5) The WA building regulations currently provide discretion for local government to approve a building that is compliant with either the intermediate superseded building standard or the current building standard for a period of up to 12 months.

Mr President, in delivering that answer I notice that there is potential for ambiguity in the fifth part of the member's question, so if I have not addressed her question adequately in that respect, she should feel free to approach me outside and I will be more than happy to discuss the matter with her further.

BUS SERVICES — ELLENBROOK AND AVELEY

**119. Hon LINDA SAVAGE to the minister representing the Minister for Transport:**

(1) Why are there no direct bus services from Ellenbrook to Midland on Saturdays, Sundays or public holidays?

(2) Does the government have any plans in 2011 to commence a direct bus service from Ellenbrook to Midland on Saturdays, Sundays and public holidays?

(3) Why are there no bus services in the suburb of Aveley?

(4) Does the government have any plans to commence a bus service for Aveley in 2011?

(5) Is the minister aware that taxi services in Ellenbrook are extremely limited?

(6) Does the minister have any plans or strategy to assist the residents of Ellenbrook to have reasonable access to taxi services?

**Hon SIMON O'BRIEN replied:**

I thank the honourable member for some notice of her omnibus question—pun intended!

The Public Transport Authority advises —

(1) I am advised Transperth operates a limited direct service between Ellenbrook and Midland on weekdays only. This service, route 335, is predominantly designed to meet the needs of school students attending a range of schools in the Midland area.

(2) No.

(3) Funding has not permitted the provision of bus services to Aveley.

(4) Priority will be given to implementing bus services to Aveley in 2011.

(5) I acknowledge there is a need for improvement to taxi services in Ellenbrook.

(6) Twenty-eight outer area plates were recently advertised, including eight in the north-east outer area, which includes Ellenbrook.

STRAYING STOCK — WORKING GROUP

**120. Hon HELEN BULLOCK to the minister representing the Minister for Transport:**

I refer to the minister's response letter to me dated 13 December 2010, reference number 29–16163.

(1) Has a working group, which was mentioned in the letter, been established to progress concerns relating to the interface between public roads and pastoral leases and the issue of straying stock?

(2) If yes to (1) —

  (a) when was the working group established;

  (b) who is represented on the working group;

  (c) has any decision been reached; and

  (d) has anything been achieved as a result of the working group's decision?

(3) If no to (1), when does the minister foresee the establishment of the working group?

**Hon SIMON O'BRIEN replied:**

I thank the member for some notice of this question.

Main Roads WA advises —

(1)–(2) Arrangements are currently underway to establish the working group. Representatives are being determined.

(3) The inaugural meeting of the working group will be held as soon as all membership nominations have been determined. It is expected that this will occur sometime in May.

MARGARET RIVER COALMINE

**121. Hon ADELE FARINA to the minister representing the Minister for Environment:**

I refer to the Osmington coalmine in Margaret River and recent advice from Dr Vogel, Chairman of the Environmental Protection Authority, that a decision on whether to assess the proposal will not be made before the EPA's March meeting as the EPA requires additional information.

(1) Was the proposal considered by the EPA at its February 2011 meeting?

(2) Will the minister table all written notices issued pursuant to section 38A(1) of the Environmental Protection Act 1986; and, if not, why not?

(3) What additional information is needed by the EPA, from whom, and what is the due date for the provision of the additional information?

(4) Has the EPA complied with section 39A(3) of the Environmental Protection Act 1986; and, if not, why not?

(5) Has the period "within 28 days" referred to in section 39A(3) of the Environmental Protection Act expired; and, if not, when does it expire?

**Hon HELEN MORTON replied:**

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

The Minister for Environment has provided the following response —

(1) Yes. I am advised that the Environmental Protection Authority considered the advice it had received to date at its meeting of 17 February 2011.

(2) Yes, and I wish to table the attached documents.

(3) I am advised that, further to its meeting, the EPA requested additional information from a range of sources, including the Department of Water and the Department of Mines and Petroleum, to assist in its deliberations.

(4) Yes.

(5) Section 39A of the Environmental Protection Act 1986 provides for the EPA to decide whether to assess proposals referred. The EPA's decision is to be based on information submitted in the referral or derived from the EPA's own investigations and inquiries. Section 38A of the EP act also allows the EPA to request further information to inform its decision on whether to assess the proposal; and, if so, the level of assessment—section 38A(1)(a) and (c) of the EP act. As indicated in the answer to part (3), the EPA has requested further information to inform its decision. The EPA will make its decision within 28 days of receiving a response to the information it has requested.

[See paper 3101.]

PUBLIC SCHOOLS — CORPORATE INVOLVEMENT

**122. Hon ALISON XAMON to the minister representing the Minister for Education:**

I refer to corporate involvement in public schools.

(1) Does the Department of Education have a policy regarding corporate involvement in public schools?

(2) If yes to (1), will the minister table a copy of the policy?

(3) If no to (1), will the minister please detail whose responsibility it is to determine whether proposed business involvement in schools is allowable, and on what criteria they are required to base this decision?

**Hon PETER COLLIER replied:**

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

(1) No.

(2) Not applicable.

(3) The School Education Act 1999 and the School Education Regulations 2000 provide a basis for the minister, director general, principals and teachers to have responsibility for various aspects of business involvement in schools.

"EARLY CHILDHOOD DEVELOPMENT IN WESTERN AUSTRALIA: CAPTURING THE POTENTIAL" — REPORT TABLING

**123. Hon LINDA SAVAGE to the Leader of the House representing the Premier:**

I refer to the report "Early Childhood Development in Western Australia: Capturing the Potential" by Brenton Wright.

(1) When did the Premier receive the report?

(2) Why has the Premier failed to table the report?

(3) When will the Premier table the report?

(4) What was the total amount paid by the government for the report?

**Hon NORMAN MOORE replied:**

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

(1)–(3) In December 2007, the Council of Australian Governments agreed to a partnership between commonwealth, state and territory governments to pursue substantial reforms in the areas of education skills and early childhood development. In May 2009, Morton Philips Pty Ltd was engaged to provide Mr Brenton Wright to undertake services associated with an early childhood and learning development project. This is a whole-of-government issue, and accordingly, the government is actively considering the recommendations arising from the project and other reports into the delivery of early childhood development in Western Australia that have been subsequently released. Decisions about the delivery of services for young children are critically important and the government is giving careful consideration to this report and other relevant research.

(4) Please refer to tabled paper 2418.

ENERGY USE — SMART METERS

**124. Hon KATE DOUST to the Minister for Energy:**

I refer to the strategic energy initiative directions paper, which states that smart energy use remains a major objective for the state government.

(1) How many Western Australian homes have smart meters installed and operational, and how many do not?

(2) How does the minister envisage a rollout of smart meters will occur?

(3) What is the estimated cost of a smart-meter rollout in Western Australia?

(4) Will the minister guarantee that, in any smart-meter rollout under this government, individual householders will not be slugged the installation cost?

**Hon PETER COLLIER replied:**

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

(1) There are approximately 899 000 residential supply points within the south west interconnected system. Of these, there are currently 10 000 installed and operational smart meters as part of a ring-fence trial.

(2) To facilitate a wide-scale rollout of smart meters, such trials are informing the development of a robust business case to demonstrate the costs and benefits. Subject to a positive cost–benefit analysis, a detailed plan will be developed for the rollout of smart meters for government consideration. In parallel with these processes, the government will review existing legislation, as outlined in the strategic energy initiative directions paper, to ensure that there are no unnecessary regulatory barriers, and to develop customer protection regulations, consistent with the national energy consumer framework.

(3) Costs are not yet known. Western Power is developing a cost–benefit analysis of a smart-meter rollout across the network, informed by the smart meter trial.

(4) Smart meters would be installed only where benefits exceed costs. The smart meter trial will inform the development of a business case that will ultimately go to the Economic Regulation Authority for consideration as part of Western Power's access arrangement.

RESIDENTIAL TENANCIES ACT — REVIEW

**125. Hon LYNN MacLAREN to the Minister for Commerce:**

(1) Is the Residential Tenancies Act still under review?

(2) When will the revised act be tabled in Parliament?

**Hon SIMON O'BRIEN replied:**

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

(1) No.

(2) It is intended for the government to introduce the residential tenancies amendment bill 2011 during autumn 2011, although I am subject in my intentions to the requirements to negotiate draft bills through all the other processes of government before they arrive here.

## QUESTIONS ON NOTICE 3265, 3476, 3243 AND 3216

*Papers Tabled*

Papers relating to answers to questions on notice were tabled by **Hon Peter Collier (Minister for Energy)**, **Hon Robyn McSweeney (Minister for Child Protection)** and **Hon Helen Morton (Minister for Mental Health)**.

## ROAD TRAFFIC LEGISLATION AMENDMENT (INFORMATION) BILL 2010

*Second Reading*

Resumed from an earlier stage of the sitting.

**HON SIMON O'BRIEN (South Metropolitan — Minister for Finance)** [5.05 pm]: Just prior to question time I think I addressed the question asked by Hon Ken Travers about whether one of the intentions of the Road Traffic Legislation Amendment (Information) Bill and the amendments it contains is to make a driver's licence a general de facto compulsory identification card. That is most certainly not the case. If people want to use a driver's licence for identification purposes beyond simply proving their qualification to drive—for example, to prove their age to get into a nightclub, when undertaking a commercial transaction or for whatever other reason someone might need an identity document—they can and will do so. However, what is not contained in this bill is a requirement for people to use their driving licence to prove both their identity and their qualification to drive in circumstances other than those normally associated with a driver's licence—that is, in connection with matters to do with the Road Traffic Act. I offer that reassurance.

I note that the police handle a lot of sensitive information all the time and that photos, in the context of this debate, are a form of information. Police can access information only in connection with performing a function. Access is monitored and audited, and photos will be treated in the same way if the Parliament sees fit to pass this bill. Those are the protections that are in place. Indeed, we learn from time to time of police officers who have been subject to disciplinary action, including charges, as a result of having mishandled information. It is not contested that, from time to time, some of the vast amounts of information contained in this world will be mishandled; that happens. But we can minimise that, and there has already been a demonstration in our police service that any incident of misuse of information is viewed very seriously and that sanctions are taken against offenders. These are the safeguards that reasonably need to apply.

Hon Ken Travers offered his support to the proposal that learners' permits should contain the bearer's photograph in the same way that drivers' licences do, so I thank him for that. He also touched on the question of providing a photo to a family member in a situation in which the subject of the photo is deceased. The house became aware of a situation some little while ago in which someone had died, and the person's mother did not have a recent photograph of the deceased. It was just one of those things; it appears that the only recent photograph available of the deceased was the one on the driving licence database. She could not access that photograph because the law prohibits the giving out of that information except in the way prescribed. It had never been contemplated that such a requirement would come to notice. In that situation, I do not think anyone would have the view that a mother should not be allowed to have a copy of that photo or that the government should withhold it. But the law said what the law said and the law is very strict. I mention this to reinforce for those members concerned about the checks and balances we place on information disclosure legislation the need to understand that this act has shown that information can be controlled, although in this case the government seeks to amend the act in a very particular way to make sure there are no undesirable unintended consequences; hence the relevant amendment in this bill. There has been further discussion about this and it has since been pointed out that there may be occasions when the reason a family member may not have a recent picture of a family member is that they are estranged and the person who is the subject of the photograph may not have wanted the family member to have a copy of that photo—whether they were dead or alive. As members will see, there is a contemplation on the supplementary notice paper to entertain an amendment that will provide for the

executor or other representative of a deceased person to receive such a photo if it is requested. Some people might think that is overkill, and it perhaps might be, but it recognises the extraordinary circumstances that we are trying to correct. I guess these things can happen and at least this way we will not unknowingly create some other problem. We are all in furious agreement on that and would like to see it done.

**Hon Ken Travers**: I think the circumstances of the mother that have been outlined are probably more extraordinary than the circumstances of someone not having a photo because they are estranged from the person. So we should help the mother but not the estranged person.

**Hon SIMON O'BRIEN**: Indeed. Frankly, it would seem to me that if someone who wanted a photo of a loved one did not have any photos, that might indicate the likelihood of an estrangement. Or it might be the photo of a teenager and everyone knows that teenagers quite often do not like to be photographed. Whatever the circumstances, we have sought to address that. It is interesting to note that we have had to seek to amend the act in order to do it. Anyone, be it myself as the minister or an opposition spokesperson, a director general, a head of a department or section holding this photo or information, or the bloke at the bus stop outside Hoyts Cinemas, could recognise that it is a reasonable prospect for a bereaved mother to be given access to the photo, but the fact is, the law said that we could not give her access and that is why we have to change the law. I mention that in light of Hon Ken Travers' earlier remarks about clause 12 and the capacity for governments in future to prescribe certain matters for disclosure. Here is an example of how we have to weigh things in the balance. It would have been desirable to have a mechanism at our disposal to enable the provision of this photo much earlier than it will, ultimately, be provided. We still have a way to go before this legislation is passed. We need to balance that against the question Hon Ken Travers quite rightly raised about how much licence we give to a future government to set those parameters. Hon Ken Travers noted the confidentiality of information clause and I do not think that he has any objection to it per se, but his purpose in raising it was his concern that the government may be setting up an agenda, a secret agenda, for the privatisation of certain licensing functions. I can assure the member and the house that if this government wants to go down that path, it will not be coy, twee, hidden or secret about it. If this government decides that that is something that it wants to do, it will announce the fact and all commentators and stakeholders will have the chance to debate the issue and to be consulted about it.

**Hon Ken Travers**: Before you make a decision or once you have made the decision?

**Hon SIMON O'BRIEN**: It depends on the nature of the decision. I am not going to contemplate, in another portfolio, decisions or directions that have not yet been selected.

**Hon Ken Travers**: But when you were a minister, you were actively considering the option. You know that. And you didn't talk to the public about it then.

**Hon SIMON O'BRIEN**: No. The member is seeking to read into this something that is not there.

**Hon Ken Travers**: Are you saying that you never considered privatisation?

**Hon SIMON O'BRIEN**: Hang on a minute. I am dealing with this bill now in a representative capacity; therefore, there is a limit to how much ability I have to digress and to canvass other matters.

**Hon Ken Travers**: You can canvass any matter if you have knowledge of it. And you have knowledge of the drafting of this bill. When this bill was drafted, what was in the then minister's mind?

**Hon SIMON O'BRIEN**: I will tell the member exactly what was in the then minister's mind when this particular clause was contemplated and created. As I indicated earlier, this bill deals with matters concerning information disclosure. In a broad sense, it intends to cover the field. We need a confidentiality of information clause to contemplate not only some possible future involvement by those who are not already bound by the disclosure obligations that confront every public servant, but also by those who are already in the system but are not public servants and who may become aware of driver's licence information in the course of doing what they do. Those people already exist. The honourable member is well aware that vehicle examinations occur that are not conducted by public servants. That has happened for a long time and that will keep happening. That is the beginning and the end of the requirement for this clause. I may have had a view, and I have not discarded it, that it would be worth considering whether certain other licensing functions and services could not be done better by the private sector. I look at the queues of people that have, from time to time, accrued at government examination centres, and wonder why on earth this can be done privately in a country town, but not in the city. Why do people not have a choice whether they go to a government-operated examination centre or some other qualified and licensed person to have their vehicle certified? It happens in other places around the world. There are more than enough safeguards. I could very cheerfully talk about this sometime. I am sure that Hon Ken Travers will want to take part in that discussion with equal gusto. That is fine. But that is getting off the point of what this bill is about. Without any sense of hiding any agendas or anything like that or discounting things that might or might not happen in the future—I do not want to speculate on whether things might or might not happen—I can say that that is not the reason that this clause is in the bill. This clause is in the bill for the very

good reason that people may legitimately come into the possession of driver's licence information in the course of their work on behalf of government and they also need to be bound by confidentiality clauses. There is also a belt and braces aspect to this clause to remind people, post the Wilson Security affair and other incidents that have occurred, of their obligations to keep private information confidential. I hope that has reassured people. I thank Hon Ken Travers for his thoughtful contribution to the debate.

Hon Alison Xamon raised a couple of matters that I have already addressed in part, but there is more. She indicated that she had more questions for the committee stage, which is interesting and prompts me to ask, if I may —

**Hon Alison Xamon**: It is just to clarify some of the specific provisions, not the policy of the bill.

**Hon SIMON O'BRIEN**: Okay; we will deal with the second reading and then we will get down to some detail. My concern is to make sure that the member is provided with sufficient opportunity —

**Hon Alison Xamon**: I got an excellent briefing; thanks.

**Hon SIMON O'BRIEN**: I am just surprised that she has further questions.

**Hon Alison Xamon**: I think it is good to have some of the answers recorded in *Hansard*. I was satisfied with some of the responses I received in the briefing, but I thought it would be useful to have them placed on the record in *Hansard*, because the further clarification would be good.

**Hon SIMON O'BRIEN**: Has the member given notice of any of those questions?

**Hon Alison Xamon**: Yes.

**Hon SIMON O'BRIEN**: Good. We will seek to deal with those during the committee stage, but I just wanted to make sure, as ever, that when I deal with a bill, members know that they have only to ask if they require any more attention than they are getting and I will make sure that they get it.

**Hon Alison Xamon**: I have no complaints in that regard.

**Hon SIMON O'BRIEN**: No, and I would be surprised if the member did, because I know that everyone involved with this bill has been very helpful in offering their services.

**Hon Ken Travers**: Can I put on the record that I also think you have very good officers in this area, minister.

**Hon SIMON O'BRIEN**: Thank you. I am glad the member put that on the record.

**Hon Ken Travers**: I often question the cabinet, but I am always very happy with the way the officers present it to us.

**Hon SIMON O'BRIEN**: I am glad that members will have confidence in the advice and information that is made available to me as we head into the next stage of debate.

As Hon Alison Xamon observed, this bill is about the disclosure of information generally. These are broader issues that have been raised. She discussed them in her contribution to the second reading debate, and I thank her for sharing those thoughts and that insight. She asked about the rationale for disclosing information to government officers in other states. The bill proposes that certain information will be made available to Australian Security Intelligence Organisation officers, and they can be all over the place—that is, in different locations—and also to police officials, but there is limited ability at this stage to provide information to other government officers generally. If there are some other questions about that, we can deal with that when we get to that clause. The member also mentioned that it seemed a little unfair that learner drivers require a compulsory photo whereas other drivers do not. It may have been a while since she was a learner driver —

**Hon Alison Xamon**: It is many, many years!

**Hon SIMON O'BRIEN**: I am sure it is not that long. The member needs to have another look at her driver's licence. If she has not renewed it lately—I often try to get a five-year licence as my preferred option —

**Hon Ken Travers**: The current minister hopes to keep his for five years!

**Hon SIMON O'BRIEN**: I am sure that five years would be a very good achievement for any of us. I am advised that photos are now not discretionary on drivers' licences and have not been for some little while.

**Hon Alison Xamon**: I have always had a photo. I needed it for ID.

**Hon SIMON O'BRIEN**: That is right. It changed some time ago. I do not know exactly when.

**Hon Alison Xamon**: I kept getting asked.

**Hon SIMON O'BRIEN**: That is so the member can get into nightclubs and so on, is it not?

**Hon Alison Xamon**: It is, yes!

**Hon Ken Travers**: I think it might have even been in the late 1990s that compulsory photos were introduced.

**Hon SIMON O'BRIEN**: Hon Alison Xamon acknowledged, and I have already discussed, the high incidence of driver's licence fraud and the high incidence of identity theft. These are problems that need to be addressed. Yes, when addressing them, we need to consider the other wider issues relating to the security and privacy of information that governments extract and are required to hold and, in some cases, deal with. That is what this bill is all about.

I thank members for their support for the second reading of the bill. I acknowledge that there are some concerns, but I am confident that we will be able to work those through. I commend the bill to the house.

Question put and passed.

Bill read a second time.

*Committee*

The Deputy Chairman of Committees (Hon Brian Ellis) in the chair; Hon Simon O'Brien (Minister for Finance) in charge of the bill.

**Clause 1: Short title —**

**Hon KEN TRAVERS**: I have a very quick question. I appreciate the minister's response to the second reading debate. He referred to the suite of bills that will effectively form the second part of these bills. He mentioned that he hopes that the other bills dealing with compliance, enforcement and the chain of responsibility will be introduced some time this year. Those bills go together with the two bills that we will deal with tonight. Until then, the rest of that suite of bills will not come into realistic existence, for want of a better term. I appreciate that Hon Simon O'Brien is no longer the Minister for Transport, but can the member briefly outline what other processes are required to occur before that legislation can come back in? The member said that there was further consultation; has that been completed? Is it simply a matter of drafting that legislation and getting it in or is there still some other process that is required before we can get that legislation?

**Hon SIMON O'BRIEN**: It is stretching clause 1 a little to canvass this.

**Hon Ken Travers**: I could do it under the long title, which mentions the two bills!

**Hon SIMON O'BRIEN**: It is with that sense of flexibility that I am more than happy to briefly canvass this issue. I conducted some consultation quite some time ago. I thought it was important after a period of time and in view of prior circumstances.

**Hon Ken Travers**: If I remember correctly, the member released the consultation details on Christmas Eve with a response required by mid to late January.

**Hon SIMON O'BRIEN**: I am not sure of the dates. It was a genuine consultation with some people who claimed that they had not been consulted properly by the previous government in the development of the suite of bills. I thought that if we were to have a general acceptance of what was being proposed, it was important that those people felt that they had had their say. Indeed, it is likely that there will be modifications to some parts of the bill. The modifications will be substantially those that we have already dealt with. It is surprising how long it takes to get things amended. Nothing is as simple as we hope. In broad terms, as far as I am aware—I do not know how far it has been advanced now—the relevant department would be required to produce the drafting instructions, which may then have to go to cabinet for approval, depending on how substantial they are. There are the normal cabinet processes. Once approval is given to draft and print, the bills would be introduced. Because the bills disappeared with the dissolution of the last Parliament, they do not exist at all. Therefore, someone would have to go to cabinet with a submission to seek approval for the bills to be drafted even though they already exist. That is the process that would have to occur. Then, with the incorporation of some of the amendments that I have alluded to, there would be a fresh submission to cabinet to seek approval to print and introduce. That is the normal process, which I am sure the member is familiar with. That all takes a bit of time.

**Hon Ken Travers**: It has been two and a half years.

**Hon SIMON O'BRIEN**: That is right. But a lot of other legislation has had to find precedence.

**Hon Ken Travers**: Road safety is pretty important. That legislation is all about improving safety in the transport industry, which is, I would have thought, a pretty high priority.

**Hon SIMON O'BRIEN**: Sure. We do not want to get bogged down on this, of course. The package of legislation we are talking about replaces large parts of the Road Traffic Act 1974, but it does not introduce new material apart from the chain-of-responsibility matters, which are the subject of harmonised agreement between jurisdictions. I make that point because we already have licensing laws; it is not as though there is a vacuum that needs to be addressed. If we did not have the Road Traffic Act 1974 as amended, if that somehow expired, we would be in trouble.

**Hon Ken Travers**: The chain of responsibility is a vacuum at the moment; we do not have a chain of responsibility.

**Hon SIMON O'BRIEN**: Yes. This jurisdiction has got by without it since 1832 when this here Legislative Council was first created. I share Hon Ken Travers' view; I would also like to see us get on with it and finalise it. Thank you for your indulgence, Mr Chairman. I will now conclude on that point.

**Clause put and passed.**

**Clauses 2 to 5 put and passed.**

**Clause 6: Section 8 replaced —**

**Hon ALISON XAMON**: I have a few questions on clause 6. Would the government please explain why the definition of "authorised purposes" in proposed section 12(1) is not limited to disclosure for non-commercial purposes? Specifically, why is there no restriction on proposed section 12(1)(c) to that effect?

**Hon SIMON O'BRIEN**: I thank the member for her interest, which she foreshadowed. Hon Ken Travers also touched upon the matter in the second reading debate. In my response I acknowledged the questions that the members asked and I indicated that, on balance, in producing this bill the government felt that there needed to be not only some specifics, which are contained in proposed section 12(1), but also some flexibility, which is the issue we are now considering in the terms of proposed section 12(1)(c). These matters are ultimately matters of judgement. I am advancing the interests of flexibility and I think the member is challenging me to justify that on the basis of reasonable, real-world realities that we might encounter; I think I can do that. It is not the case that this government proposes to embark on some new channels of government activity or to privatise functions and use this provision to do so. If such a thing were to happen with some government in the future, the effect of this provision would be to control the disclosure of information. This is not what is on the table at the moment; a policy decision to privatise issuing of drivers' licences—or however members want to characterise it—will be a decision that is made quite separately from these current proceedings.

There is no contemplation of that now. Whether such a decision or one like it or several like it might be made in five, 10 or 20 years' time, what I hope to be section 12(1)(c) will come into play and will prescribe the authorised purposes, which in turn will be subject to our information disclosure laws and be captured by them. I agree, though, with the honourable member who has noted that, yes, this is a general power and, yes, it is a matter of whether the chamber wishes to grant government this degree of flexibility. She is quite correct; that is the view I am advancing and the view the government puts forward.

In conclusion, the question has been asked: "Hang on, is this going to be for government use in future or some commercial purpose?" I think that was how it was phrased. It is fully possible to have some commercial purpose without it representing a privatisation push. As Hon Ken Travers indicated, without any identifying information being provided—for example, Alison Xamon owns this car and she lives at this address—it might be the case that some information to identify the vehicle, such as an engine serial number, is provided to a consultant or an insurance interest that is involved in doing an audit process to try to prevent re-badging or re-birthing of stolen vehicles. That might be a path we might want to go down. That would be characterised as a commercial undertaking and could be highly desirable, I am sure members would agree. That may be the sort of thing that we may need to prescribe.

There are a couple of examples. I have taken a little while to address this question, but I have tried to pick up on each of the threads in the member's question and also the other threads that were raised or foreshadowed during the second reading debate. I hope members are reassured and are now in a position to conclude their consideration of this legislation.

**Hon ALISON XAMON**: Similarly, minister—I suspect the answer will be in a similar vein—will the government explain why the definition of "prescribed person" in proposed section 12(1) is not limited to federal or state government agencies or local government? I note that the minister has already outlined some of those instances. Would this allow the information to be given to people working outside the public service; for example, if some functions of WA Police or the Department of Transport were to be privatised or even outsourced? I understand from the briefing that I received that that is already occurring in some instances, particularly in regional areas, but it would be useful to have that elaborated.

**Hon SIMON O'BRIEN**: The member is absolutely right; my answer is very similar to what I have just described in the last question. Without being flippant about it, in many cases the prescribed person facility is very much intended to describe the things that people will undertake as authorised purposes. The member is quite correct in contemplating it, but there is a little more to it as well. There are already numerous categories in which people required to access and use the sort of information we are talking about are not public servants, even though people might think of them as such. I am advised that there is a group called Austroads, for example. It sounds very much like some federal government instrumentality. I understand it is a non-government

corporation formed as an alliance between the states and territories to do certain things, but it is not a government body. There is another repository of information called NEVDIS, which is also, if my memory serves me correctly, an alliance operation between the police forces of several jurisdictions. It is a computer facility to enable all those jurisdictions which are signatories—all our Australian jurisdictions are—to share licence information. That stemmed from cooperation between all the police forces back in the day when this licensing information was held by police forces.

It is funny how this evolution occurs, as I alluded to earlier, when it all worked fine as an arrangement between police forces, but now that separate licensing authorities have inherited that arrangement there are all sorts of implications when police need to access that information. The sorts of variations that can occur—for example, when the police force in Victoria needs to access some information about a South Australian vehicle on one of its roads—raise questions that involve the custody of information by South Australian licensing authorities and how they interact through NEVDIS.

Suffice to say that there are examples of when that can happen. I mentioned earlier the example of some commercial entity or commercial alliance wanting to look at a re-badging prevention program. That is an example of a prescribed person perhaps being identified to undertake that sort of work, but generally a prescribed person enjoys the government support that we are giving them with the same purposes and rationale as we support the "authorised purpose" definition that we have just discussed. To give members an idea of other sorts of organisations that might be accessing this information, they include Centrelink, local governments and universities. Universities are generally set up by a state government charter. However, are those who work within them exercising compliance functions in respect of their parking bylaws? Are they government officers? You are getting into a quasi-government stage. Port authorities are another example, and there are a whole range of others.

In conclusion, when it comes to commercial entities, this government made it clear—for example, when there was a recent application by Wilson Parking, which we opposed—that we were not prepared to give this sort of information to private entities. Having said that, the matter is not as simple as that. It is not enough to just assert that, as there are other ways that the sort of information that is held on our database can be accessed through the courts. In the future governments may well decide that this is a matter that needs to be managed in some way other than simply resisting and then having to respond to court-produced outcomes. I do not know. That is not something that is actively under consideration at the moment. If that were the case, there would need to be some device that not only permitted some exchange of information but also put a fence around how that information can be used. For now, that is not a measure that is contemplated, but there are a lot of other applications in which it is necessary to have such a power to prescribe persons.

**Hon KEN TRAVERS**: This is the key clause about the disclosure of information. I find it interesting that we are very prescriptive about to whom and when information can be transferred internally between government agencies. Clause 6 relates to the exchange of information between the director general and the Commissioner of Police and between the director general and other authorities, while information can be disclosed to the Commissioner of Main Roads and the registrar of the Fines Enforcement Registry. We have a very extensive framework. Proposed new section 12 under clause 6 states that information can be disclosed to a person prescribed "by the regulations for the purposes of this definition". Later in the bill, it is proposed to replace section 15 of the Road Traffic (Administration) Act 2008. The legislation has not yet been proclaimed but it has been passed by this Parliament. As the minister noted in either his second reading speech or in answer to a previous question, this legislation supersedes that act so we can get on and deal with the issues around information whilst we are waiting for the Road Traffic (Administration) Act to be proclaimed. When we get to the relevant clause, we will abolish current section 15. The way in which the minister is proposing to handle this matter is different from the way it is currently handled under section 15. I am happy to be corrected if I am wrong, but the issues that I would say are different in section 15 are that there is provision in section 15 for information to be provided to all those bodies that are currently listed and there is provision for it to be provided to other state and government instrumentalities, which would include local government. The key issue in the existing legislation, which is not yet proclaimed but which has been passed by Parliament, provides for those records to be provided to people for the purposes of the performance of the person's function under a written law, or for a function relating to the enforcement or administration of a written law. My reading of the legislation is that we could still do it by prescription, but only if it fitted in with another purpose under another written law or the administration of a written law, whereas this afternoon we are going an awful lot further and saying that we can pass this information on to whomever we like, so long as the minister prescribes it. Is that a fair description of what we are looking at here compared to what is proposed under section 15 of the existing act and what will happen as a result of the passage of this bill?

**Hon SIMON O'BRIEN**: I thank the honourable member for coming to the point of this question because I think it is quite pertinent. The good news is that I think I can satisfy his query. It is true that the relevant section in the Road Traffic (Administration) Act 2008 will be amended by way of a later clause in this bill. What we are

creating now will be replicated precisely in the future when the administration act is proclaimed. That is desirable. We are considering clause 6 of the bill, which deletes section 8 and proposes to insert new sections 8, 9, 10, 11, 12 and 13 into the act. As members will notice, proposed new section 8 relates to the exchange of information between the director general and the Commissioner of Police. Proposed new section 9 relates to the exchange of information between the director general and other authorities. Proposed new section 10 relates to the disclosure of information to the Commissioner of Main Roads and proposed new section 11 relates to the disclosure of information to the registrar of the Fines Enforcement Register. These are known quantities. These are major areas of information exchange activity, as I am sure the member would acknowledge. We have been pretty prescriptive in these four clauses.

**Hon Ken Travers**: It is between government agencies.

**Hon SIMON O'BRIEN**: They are specific government agencies. The member should notice that they are different; it is not just Main Roads being taken out of one and the police being put in. Different information is being provided. By the time we get to proposed section 12, which is what the member is looking at, we still see that a good level of prescription is required here. This is the theme that we have been talking about; that is, how much prescription do we have in here and how much do we allow to be prescribed somewhere remote from here? In the current version of the law—the bill that is before us now—we are evolving the way in which we prescribe what can be done, what information can be shared and between whom. This is more specific than what it proposes to replace. I do not believe that there is any failure on our part in these aspects of the bill.

**Hon Ken Travers**: But there was a restriction. Under the Road Traffic (Administration) Act there were restrictions on who could get the information. This is now saying that the only restriction is that you have to have it gazetted. A future minister could provide this information to whomever, so long as they prescribe that as being okay, which is not what you could do under the existing legislation.

**Hon SIMON O'BRIEN**: That is where we had a problem with the existing legislation, including with the Commissioner of Main Roads. A range of other functions are yet to be prescribed.

*Sitting suspended from 6.00 to 7.30 pm*

**Hon SIMON O'BRIEN**: Before the dinner break we were having an extensive and necessary discussion on clause 6, in particular that portion which introduces proposed new section 12 to the Road Traffic Act. Having reflected on this over the dinner break, it might be useful if I were to summarise where we are at and to make a short statement to the chamber about this. I hope members find that this addresses their questions.

Broadly, proposed section 12 provides that the director general may disclose to a prescribed person information for an authorised purpose. What information may be disclosed? The director general will only disclose information the prescribed person requires for an authorised purpose. This may be vehicle licence information, for example, in the case of a local government authority that needs the information in order to enforce local government parking bylaws. In the case of a person who operates a mobile speed camera device for police, the person will not require access to any information to perform that function. Generally, under proposed section 12(1)(a) and (b) the authorised purpose will be to administer or enforce a written law.

**Hon Ken Travers**: The minister said "generally".

**Hon SIMON O'BRIEN**: Yes, "generally", but now I will come to paragraph (c). Paragraph (c) will enable another purpose to be prescribed in regulation. I indicated before the dinner break that these circumstances may be many and varied and it would probably be impossible for us to contemplate an exhaustive list right now because circumstances change. An example of a circumstance that may need to be prescribed relates to the director general's need to engage expertise for the maintenance and repair of software and hardware used by the director general for storing the information that he or she is required by law to keep, such as a demerit points register, a driver's licence register and a vehicle licence register. In order to be eligible to undertake a maintenance or repair job, a potential tenderer would likely need access to the relevant software and hardware in order to scope the task. The director general cannot presently give such access.

Now we turn to the question of who might be a prescribed person for the purposes of proposed section 12(1)(c). Presently we know that various entities such as Centrelink, the Botanic Gardens and Parks Authority, port authorities, local governments, the Keep Australia Beautiful Council and so on require information in order to administer or enforce written laws. The list is extensive, and I guess that it is going to change and evolve over time, and as I pointed out in response to a question from Hon Alison Xamon earlier today, some of the entities are not government instrumentalities. It is intended to prescribe these entities in a schedule, which obviously will evolve and change as all schedules of things that are more convenient to prescribe by regulation evolve and change over the years. Providing for prescription in regulation is considered necessary to future-proof the framework for disclosure information needed for law enforcement, law administration or other authorised purposes that may be prescribed in regulation.

I was asked whether the regulations will prescribe non-government entities as persons to whom information may be disclosed for an authorised purpose. The answer is yes—possibly. Potential tenderers for software and hardware maintenance and repairs will likely be commercial entities outside of government. I think we can contemplate today persons who may need to be prescribed for an authorised purpose in due course. Hon Ken Travers mentioned earlier an initiative of a non-government entity that has approached government to float an idea. The idea relates to the proposal to establish a register that the public could consult to check whether a vehicle that a person wishes to purchase has previously been written off and has been placed on the written-off vehicle register maintained by the director general. Such vehicles are sometimes rebirthed by unsavoury parties who endeavour to sell them to unsuspecting members of the community; however, these vehicles have been written off because they have been so badly damaged in an accident that the structural integrity of the vehicle has been compromised to the extent the vehicle is unrepairable and unsafe. If the government determined to support this idea, the proposal could not constitute an authorised purpose under paragraphs (a) or (b); however, they could be prescribed under paragraph (c) as an authorised purpose. Even though there would be non-government elements and non-government personnel and would not be law enforcement-related—not directly anyway—and would involve a commercial entity that is undertaking what is ultimately a commercial operation, it would still be desirable that such a thing could be facilitated.

In the example I have given the chamber, the information sought by the proponent would be the vehicle licence information only, and specifically information relating to previously licensed vehicles that had been written off under the Road Traffic (Written-Off Vehicle Register) Regulations 2003. I hope these examples reassure members that proposed new section 12(1)(c) has been demonstrated to be necessary. It is true that it is not a provision that currently exists. It is something we need to introduce as our legislation evolves to meet the needs of the day. I hope I have demonstrated, by way of the examples I have given now and before the dinner break, not only the necessity to have this device and this flexibility, but also that the intent of the government is to use it for necessary, benign and, ultimately, non-controversial and bipartisan purposes. They are my comments on reflection over the dinner break, and I hope they have been useful to members.

**Hon KEN TRAVERS**: I do not disagree that the government's intent is to do all those things, but with this legislation as drafted, the Parliament will lose control; it will be a matter of the executive making the decision. I am of the view, to borrow some words from the former Prime Minister, that a Parliament should decide who gets the information and the circumstances in which they get that information.

**Hon Simon O'Brien**: I did not know you were a disciple of that particular great man, but go on.

**Hon KEN TRAVERS**: I am not a disciple but one can put those words on the record. The minister, tonight, is saying, "Trust us." I may trust the minister, but I have a bit of difficulty with the new minister at times!

**Hon Simon O'Brien**: I do protest!

**Hon KEN TRAVERS**: Not that strongly, I note.

The Police Act has been in place since 1890. That shows how long a bill can last once it has been passed. Once we set up a framework like this and give away that power, in my experience, we never get it back; it will be gone from the Parliament never to return. We are setting up a situation in which the minister is asking us to trust the government. That might be fine for the current government, but who knows what a future government will do? I argue that that is a responsibility of Parliament. I do not think it is that difficult to draft a format to determine who should get this information and the circumstances in which they get it. As I understand it, the minister and I have both met with Wilson Parking—the example the minister gave tonight. I do not have the advantage of the expertise the minister had in the department to analyse all the implications, but on the face of it, what that company put to me sounded like a good idea. It did not want personal information; it wanted only the vehicle information to allow the company to match it with a range of other information it would collect in WA and around Australia and then provide a database that would be useful for consumers. As the minister pointed out, it would prevent rebirthing of stolen or written-off vehicles, fraud and a range of other things. That would be a great outcome. It is not that hard for us to write in the circumstances. At the same time, what the minister is proposing here today—correct me if I am wrong—will allow a future government to say, "We will provide the details of the people's addresses and motor vehicle registrations to Wilson Parking." There is nothing in this legislation that will prevent a future government doing that. I will finish with the question: under this legislation, if the government put in the *Government Gazette* that the purpose is to chase up unpaid fines and that the class of companies is anyone who owns a car park, could a future government provide the information previously provided to Wilson Parking to a future Wilson Parking?

**Hon SIMON O'BRIEN**: The member asks an intelligent series of questions. I will treat them with respect and respond to them now, as I hope we are getting to the end of the debate on this particular clause. Again, I think I can offer some comfort. There is no edge in my voice as I say this: I do not believe that I said, "Look, just trust this government; we are going to do the right thing." I do not think I have said anything like that, even though

Hon Ken Travers used the words, "Just trust us, we'll be fine; we're the government." With respect, I have not said anything as glib as that. I am pointing to the letter of the bill before us and saying that, to meet the challenges of the day and the future, within reasonable parameters, this is the instrument that we require and this is how it has been designed with all in mind that we have discussed. Now I am going to get a bit glib for a moment. The honourable member pointed out that even if we accept that this government is as pure as the driven snow, governments come and go.

**Hon Ken Travers**: I think I said that on this occasion, I do not think your intention was to do that.

**Hon SIMON O'BRIEN**: Okay; I think the word "licence" has come up from time to time, but in a different sense! Hon Ken Travers' concern was about a future government. Hopefully, not a different government in the immediate future because that would reflect adversely on Hon Ken Travers' motives! But I am being flippant when I say that.

**Hon Ken Travers**: The rumour that Eric and Brendon are having a glass of red wine is a complete myth!

**Hon SIMON O'BRIEN**: Hon Ken Travers needs accountability, this Committee of the Whole needs accountability and this chamber is looking for accountability, and I think he has got it. Let us take poor old Wilson Parking, which is always mentioned in relation to this. In opposition I have crossed swords with that company and more recently in government publicly, even though there is no personal antipathy.

**Hon Ken Travers**: It's about policy. I don't have a grudge against Wilson Parking.

**Hon SIMON O'BRIEN**: That is right. We keep using Wilson Parking as the example. I think that a government that gazetted a regulation that enabled certain personal information—name, address and so on—to be provided to a private entity would have some real explaining to do in this place and elsewhere in the community. The government would have to justify it. That is another way we have a safeguard because that is the very nature of prescribing by regulation. Who knows what might be prescribed in future? A private entity such as a parking company might enter into an arrangement in which government maintains the integrity of its information by setting up a process to act as an intermediary for that company, and the government entity communicates with the alleged parking miscreant based on the registration number given by the company. Who knows what might happen?

**Hon Ken Travers**: But the government will not have provided the information then, so it will not be a problem.

**Hon SIMON O'BRIEN**: Indeed. Who knows; that might happen. Let us not speculate too much on that, but let us take the example Hon Ken Travers gave. If a policy decision were made to do that, it would be a matter for the government of the day. It would be a public decision and the government would have to make sure that it did that in a way that is acceptable to community standards. Obviously, Parliament would retain its role to scrutinise subordinate legislation under section 42 of the Interpretation Act. Again, that is not the full process of a bill going through Parliament. I recognise that. I am saying that we believe that the instrument before us now meets the tests of balance between all the competing demands. In closing on that point, I remind Hon Ken Travers of one further thing: in considering proposed section 12, as we hope it will be, we have been looking at what "authorised purposes" might be. We have had a good discussion about that. We have seen that there is a need, I think, for authorised purposes to be prescribed in future. We have looked at the term "prescribed person". I think we have also demonstrated that there will be a need for such a device to be at our disposal in the future.

The other matter I draw attention to is proposed section 8, which refers to not only who may get information or for what purpose they may receive information but also what information may be provided by the director general. That narrows the scope. It also requires that the information provided is actually required by the person for the authorised purpose. It breaks it up into several categories. The additional test that has to be met is that in each of the five categories of information—it is a pretty limited range—the director general has to be satisfied that there is a real requirement for whichever parts, any or all, of those types of information are to be provided; again, a further safeguard. All in all, I think we have the balance right. Is anything ever going to be perfect? Heck, we are amending an act that prevents us from giving a grieving mother the only known photo of her deceased child. That is the sort of thing that comes under this act, and it was never contemplated that the restrictions of this act would manifest themselves in such a way, but that shows members how, yes, there are times when we need to come to the house to adjust the act.

**Hon Ken Travers**: As the minister recalls, the house was ready to cooperate with the government to facilitate the passage of legislation to deal with that issue and fix that problem.

**Hon SIMON O'BRIEN**: Indeed; the only trouble is, there are two houses of Parliament, and it is not clear whether the other one would have been available to do it.

**Hon Ken Travers**: I am sure it would have gone to the other place as well, but the government certainly would have gotten the same cooperation from the opposition. We were prepared to facilitate the passage of the legislation to fix a problem like that.

**Hon SIMON O'BRIEN**: I am sure we would have, and there is no argument about that; it is just that the other matters did not come together to enable us to do that. That is not a point in dispute. What, also, should not be a point in dispute is that from time to time we make laws in this place, based on all of the advice and balancing all of the competing demands, that may need to be changed in due course, but I believe that the Road Traffic Legislation Amendment (Information) Bill 2010 fits the bill, and so I commend clause 6 to the house.

**Hon KEN TRAVERS**: I asked a very specific question, and I will ask it again in the hope that I can get a simple, clear answer. Under this clause, would this or a future government be able to provide information of the type that was provided to Wilson Parking to a parking company?

**Hon SIMON O'BRIEN**: I do beg the member's pardon, he did ask that specific question; I was not seeking to avoid it. I believe that yes is the clear and simple answer to that. I also point out that this information was provided in tens of thousands of examples for a fee paid by Wilson Parking under the previous legislation. So, again, there are no absolute guarantees of everything.

**Hon Ken Travers**: That's why we are here to fix it.

**Hon SIMON O'BRIEN**: I am not so sure that we can fix that particular thing, and I alluded to that in my second reading speech, but it is not the intention of this government to go out of this place, armed with this new provision, and start regulating for private entities to buy or otherwise obtain this information. But, yes, it could be used for that, and that would be subject to the normal review of the regulations.

**Hon KEN TRAVERS**: The minister referred earlier to the Interpretation Act. Correct me if I am wrong, but my understanding is that this would allow a future government to sell this information to the private sector. It may not even be the minister; it could be an instruction from Treasury because it has had an economic audit and has decided it needs to raise some money quickly and it sees the opportunity to sell this information to the private sector, because, as the minister rightly pointed out, this type of information is a valuable commodity in the private sector. So if the government gazetted the necessary legislation, it would then be able to provide that information to the private sector. Parliament may, at some point in the future, disallow that regulation, but the information has already been sold and provided, and there is no way the Parliament could require that information to be returned by that company. Am I correct in that assessment?

**Hon SIMON O'BRIEN**: I will raise a couple of concerns in response. For example, if a government of the day was to decide to start flogging information for the sake of raising some money—let us say it as blatantly as that because that is basically how the question was put—I think that might run foul of the state trading act. Although the giving of information to Wilson a number of years ago in exchange for a fee was characterised in the public domain as selling information, a fee for service was actually charged; it was not actively selling for reward. If we were to embark on selling for reward, I think that would offend the state trading act, but, in any case, that is not what we are debating now. I am sure the honourable member is not motivated purely by trying to get me to give some quote that can be held up as saying that we have some secret agenda for doing this.

**Hon Ken Travers**: I'm happy to say that I do not think the current government has a secret agenda to do this. I am saying that the government is asking us to pass legislation that will last beyond the current government, and that a future government may see that as an opportunity and that the Parliament will have lost the control to prevent it.

**Hon SIMON O'BRIEN**: Okay. To address that point directly: there are many, many occasions—indeed in almost every bill that sets up any form of administrative machinery—on which provision is made for regulations to prescribe those matters that are most conveniently prescribed in that way. That gives discretion to governments as to who, what or how much is included in the schedules produced under regulation—I understand that. Governments can do things that we disapprove of in a number of ways, even using the existing letter of the law. That is not the intention, and I do not think we should say that that will be the intention of a future government, but if it is, it will be up to the other checks and balances available in the system to hold such a government to account for its actions. I think that addresses the respective merits of what is being argued. I think it is a good exploration of the issues, but ultimately, having explored that, we need to move ahead with this legislation, and I hope we will be able to do it.

**Hon KEN TRAVERS**: Minister, one way of resolving this that would certainly give some greater security, I think, to me and to future Parliaments would be if the government was prepared to consider the method used for other legislation, whereby the government cannot provide the information until the regulations have passed the disallowance stage in Parliament. I would imagine that is something that could be drafted; I have seen it before in other legislation. I am trying to remember which bill it was, but I know of a bill that did not immediately allow the release of information after it had been gazetted.

**Hon Simon O'Brien**: I understand what you are saying, yes.

**Hon KEN TRAVERS**: I do not know whether the government would consider that as an amendment, but I think that would provide some protection at least, because the house would have the opportunity to stop the

information being provided by a future government, rather than setting up a framework whereby the information can be provided, and even if the house was to disallow it, it would be too late.

**Hon SIMON O'BRIEN**: I appreciate that the suggestion was constructively offered, but the government is not able to entertain it. I acknowledge that there could be some situations in which what the member has outlined works—I am sure I have seen it, too, in legislation, but none comes to mind. We are trying to achieve the flexibility, within certain parameters, to have certain elements of information provided, being the right information for the right purpose to the right people, as prescribed by legislation, to meet the needs of the day. I think that is a flexibility that we need from the time that regulations are gazetted, bearing in mind that the existing provision, say for disallowance, may cover many months, particularly if it is over the summer recess of Parliament, for example. Therefore, again, we will defeat ourselves if we build in mechanisms that could ultimately delay any decisions that need to be made. The sorts of things that the member is worried about are extraordinary decisions. We are talking about making significant improvements to our vehicle and driver's licensing databases, to ensure that they work better, and that the correct safeguards for the rightful transfer of that information are in place. This is a significantly improved evolution on the current situation. Maybe we have not yet reached the ultimate, but I think that is all we can achieve now. The change that the member is suggesting is sufficiently radical that I would not be prepared to entertain it on behalf of the government at this time.

**Hon KEN TRAVERS**: Perhaps the minister will undertake to talk to the minister in the other place, and he can move this as an amendment in the other place; and, if the bill did come back to this place with that amendment, we could flick it through as quick as a flash.

**Hon Simon O'Brien**: If that will help us make progress, I will undertake to report that.

**Hon KEN TRAVERS**: In that case, I am happy to move on.

The minister said that what we are trying to do here is make the system work better. What we are also doing is setting up a mechanism whereby information that has been provided to the government—namely, the personal private details of individuals, which is pretty important and pretty valuable information—may be released to the public. I realise that a process will need to be gone through. However, when we are dealing with information that has been provided to the government, we need to take it very seriously.

**Hon Simon O'Brien**: I fully agree.

**Hon KEN TRAVERS**: There is one final area that I would like to get some clarification about. I understand the tests that must be met in order for this information to be released; that is, it must be for a prescribed authorised purpose, and it must be to a prescribed person. However, once that information has been provided to that person, what controls will be put in place over what that person may do with that information? Can the minister explain to us how that will work?

**Hon SIMON O'BRIEN**: I have just been taking some advice, Mr Chairman. I think it would generally be understood by Hon Ken Travers, and by me and other members, that there is a range of provisions and sanctions in this bill for persons who obtain information, quite lawfully, in the course of their duties, and misapply it. Members would also be aware of clause 12 of the bill, which proposes to introduce a new section 103 into the Road Traffic Act. That proposed new section also creates penalties for people who use information obtained through the act in a way that is not authorised. I think that would generally be understood. However, I believe that Hon Ken Travers, in the question that he asked, is going beyond that—he can correct me if I am wrong, or he can confirm if I am right. Hon Ken Travers asked about the security of information that is passed from the authorised person to some other public third party who does not have the same obligations through his employment, or through separate obligations currently or in the future to be cast under the act. I would say this in response. There comes a point at which the chain of responsibility and sanction finishes in relation to information that is obtained in the course of official duties and is then communicated outside. Once information has been communicated outside, it is in the public domain. If another person then obtains that information, that person is not the one who has unlawfully used that information. Hon Ken Travers also asked whether there is some sort of sanction for those who receive information unlawfully. That is the nub of the question that Hon Ken Travers asked, I think.

**Hon Ken Travers**: It is a range of areas. Obviously within the government there will be a range of protections around that information. The police computers show who has logged on and who has accessed what information and when they have accessed it. However, once information is given to the private sector, what controls will there be at that level? Part of the answer is that we will need to be very careful in how we prescribe the purposes, because if the description is too wide, we will not be able to stop people from using this information willy-nilly, because they will be able to say that it was within the purpose for which they got it.

**Hon SIMON O'BRIEN**: If public servant A or police officer B were to obtain information in the course of their duties, whether they were entitled to extract it from the systems that are available to them, or not—whether they came by it lawfully, or not—they would be committing certain disciplinary, and possibly also criminal, offences

if they then conveyed that information to people not authorised to receive it, if they conveyed it in certain circumstances. We know that; that is agreed.

**Hon Ken Travers**: They may be captured by proposed new section 103 under clause 12. Equally, they would be captured by the Public Sector Management Act and a range of police —

**Hon SIMON O'BRIEN**: We are all agreed on that. The member's question is: in all of the authorised purposes and what have you that we have spoken about, and then they in turn —

**Hon Ken Travers**: And it has gone out to a private organisation.

**Hon SIMON O'BRIEN**: The member wants to know what sort of sanction there is, if any, against that behaviour. I will take some advice.

**Hon Ken Travers**: And what protections are there around that information as well.

**Hon SIMON O'BRIEN**: Sure.

The bill before us deals with what it deals with. The question raised in my mind by the honourable member's question is whether we have existing provisions that will provide the safeguards that he seeks. I am not in a position to answer that now. What I propose as a way forward is this: this matter can be further researched overnight before the house meets again tomorrow. I would hope that one of the orders of the day for tomorrow might be the adoption of this committee's report, but if we can make progress in the balance of this bill, which I think most members recognise has merit, I will undertake to do that homework and deal with the honourable member behind the chair. I will give him an undertaking that if we can identify a gap that he is suggesting might exist, we will talk to him with a view to closing that gap.

**Hon KEN TRAVERS**: I appreciate that, and I am happy to proceed on that basis. I add that it is also about the control mechanisms in the place where it goes. As the minister pointed out, there is a range of potential additional controls when that information is in the hands of public servants over and above what is in this legislation. Once that information is passed to private organisations, we lose those controls. I am happy to proceed as the minister outlined. I will ask one final question, which I want to get on the record to be clear. We talked earlier about a company that was trying to put together a vehicle database. Is the government confident that under this legislation it will be able to provide the information that the company is looking for should the government decide it wants to provide that information?

**Hon SIMON O'BRIEN**: Yes, Mr Chairman.

**Clause put and passed.**

**Clauses 7 to 9 put and passed.**

**Clause 10: Part IVA Division 4A inserted —**

**Hon KEN TRAVERS**: Before I formally move the amendment standing in my name, I wonder if the minister could explain to the house exactly how he sees this provision operating. As I said earlier, if the Australian Security Intelligence Organisation wanted the information and it was for its legitimate purposes, it would be able to get it. I will focus on the provision of the photographs to the police. Can the minister outline to the house how he envisages this section operating in terms of the photo? Will they all be provided to the police service? Will the police maintain them on their own database? Will they be available to every police officer in their cars at all times? Can the minister give us a general outline of how he envisages it operating?

**Hon SIMON O'BRIEN**: Following our earlier extensive consideration of clause 6, which introduced a range of provisions relating to all kinds of information by the director general, we now turn, under clause 10, to providing a new division 4A into the act, which is about the disclosure of photographs. Typically, in this day and age photographs are digitally available and transferable by the mechanisms that currently exist with computers, and which are being developed all the time. I am going to be brief on this. If the member wants more, I am sure he will ask for it. In general, the vast majority of traffic contemplated here is not for other purposes such as national security under ASIO or disclosure to any relatives—we will come to that subject in a moment as well, separately—it is about police getting access to these photos. I pointed out in my closing remarks to the second reading debate that of course the police used to have access to all of this information because historically they did all the drivers' and vehicle licensing. That was at a time, I suppose, when photos were by and large not part of that database.

**Hon Ken Travers**: I suspect there would have been a wall in terms of that information. It may have been in a database but was not available to operational police. It was within the database, but anyway.

**Hon SIMON O'BRIEN**: I suspect there were provisions in place for it to be fairly freely available to operational police. Indeed, I think members will find that the legislation of the day was set up that way. Be that as it may, that is another matter that has long since passed. The member wants to know how police might access

this. This is an important point. I think we all agree there would be plenty of circumstances in which it is desirable for operational police officers who are actively pursuing their duties to have access to the information contained in their databases, particularly photographs that nowadays go with drivers' licences. We alluded to some of those things earlier in the debate. I do not think we need to go through them again. There is a range of reasons, whether it be protecting against identity fraud or identity theft, finding a way to identify someone who might be lost and suffering from dementia, or a suspect who has fled a crime scene and needs to be urgently identified and apprehended. There are a range of good reasons. Similarly, it has also been recognised in the debate that this is sensitive information that could be misused. It is proposed that the director general of the Department of Transport, in pursuance of division 4A, will provide information—the disclosure of photographs—to the Commissioner of Police and his delegated officers in accordance with the protocols that will be developed by those two chief executive officers. There will be a heavy reliance on the existing police requirements for the security of information, the accessing of information and what is done with it and so on. I have a lot of information about what provisions exist, but I think members are generally aware of the circumstances in which the police can access that information.

**Hon Ken Travers**: Are we talking about handing over individual photos on a case-by-case basis, or are we talking about handing over the database of photographs that will then be merged into the police database and be accessible to police officers at any time?

**Hon SIMON O'BRIEN**: The idea is not for police to apply piecemeal for individual photos through some process, whether that involves filling out forms or whatever; the police will have direct access to the Department of Transport's licensing database. The constraints on the access to that will be as I have already described; that is, in accordance with the protocols that are to be decided by the Commissioner of Police in consultation with the director general of the Department of Transport. The accessing of the information will be recorded and will reflect heavily all the protocols that the police currently have for accessing databases for personal information of whatever type. The bill sets out some other parameters. Proposed section 44AB(1) states —

> The Director General must disclose photographs to a police official for the purposes of the performance of the police official's functions under this Act or another written law.

That is just one example. That sets a clear obligation on not only the director general, but also the police official. As I have already indicated, the police need real-time access to this type of information. It is not intended that an officer will fill in a form that will take three days to process before getting a photo. There will be none of that. The police will have direct access, via a computer terminal or terminals, to the Department of Transport's database. Access to those terminals obviously will be restricted to police personnel who are authorised by the commissioner under the terms of the protocols.

**Hon Ken Travers**: Will that include the in-car terminals that police officers now have in all vehicles?

**Hon SIMON O'BRIEN**: Not in the first instance, but it is clearly envisaged that it would be desirable to do that once the tasking and data information system is capable of such an interface. Again, protocols will need to be put in place in the same way that protocols are required to provide other information over TADIS or via a computer terminal of some other variety. There may, for example, be a further restriction such as "view only" so that an officer can examine a photograph to verify an identity as presented, and off it goes. Conversely, in other situations, not out on the street at 2 o'clock in the morning, but perhaps during the search for a missing person, hard copies of photos may be needed for distribution among personnel or for some other purpose. The short answer is that it is proposed that this will be within the constraints that normally apply to police officers accessing personal information within those same disciplines with which we are familiar. We have seen police officers prosecuted for the misuse of the system. The same disciplines that I and this Parliament would require, if we pass this legislation, will apply. However, it is intended that the police will have direct access to the database, as required, even though the requirement is circumscribed by the provisions of the act.

**Hon ALISON XAMON**: Can the minister confirm that the criteria that will be developed in order to prescribe the way that police officers in particular can access certain information and the form in which they can access it will be done internally by policy rather than by regulations? Is it not prescribed beyond that?

**Hon SIMON O'BRIEN**: Substantial statutory requirements are already in place about accessing this sort of information, and we will not impose any more. Similarly, I do not believe there is any scope for further prescription by regulation. It will be what can be seen here in the proposed provisions of the bill.

**Hon Ken Travers**: It will come down to the internal police management controls about how the police can access these photos once we pass this bill.

**Hon SIMON O'BRIEN**: Absolutely, but acting in communication and cooperation with the director general of the Department of Transport, because only he can provide it once he knows what he is providing it for.

**Hon Ken Travers**: You said that he can provide access to the whole database, so then it is up to the police to manage it.

**Hon SIMON O'BRIEN**: No. There is a process for auditing and monitoring police access to computers, and that will continue to be done by the police.

**Hon ALISON XAMON**: I was responding to the comment the minister made about some data not being able to be printed out, for example. How will that be—I was going to say "policed", but I should not—managed and monitored? I would like the minister to confirm whether those limitations will be determined by internal policy.

**Hon SIMON O'BRIEN**: Again, I reiterate that any access to these photos will be governed by the same strong regimes that apply to police access to other sensitive information and systems. A lot of that information is a heck of a lot more sensitive than what we are talking about here, let us face it. In relation to hard copy, or view only, it is envisaged that when this is fully accessible by the police—it will be sometime before the technology is available—about 80 per cent of the everyday applications for and verification of identities, for example, would be done through TADIS and TADIS-like systems, which are "view only" anyway. The whole point is to become electronic and paperless.

**Hon KEN TRAVERS**: Basically, if we pass the bill as it currently stands, all the photographs will become available to the police and at some point in the future they will be available to police officers in every police vehicle and on every handheld TADIS. That is the simple fact of the matter.

**Hon SIMON O'BRIEN**: Access to each and every photo will be available to the police in the circumstances that are set out in the bill and within the guidelines that will surround that. It is a subtle distinction. It is not the case that on day one the contents of the databases get copied over to some police computer. That will not happen. The police will have to access individual photos as they require to access them, which obviously will not be all of them in one go, and it will not be all of them over a period of time.

**Hon KEN TRAVERS**: Earlier I noted the comments of the minister in his response to the second reading debate when he said that the situations in which there would be real-time photos in a security situation would be limited. In fact, we are now seeing that the reality of this bill is that if a police officer pulls someone over or stops them in the street, at some point in the future—I accept not immediately—a police officer will be able to type the person's name into the system. The person may say that his name is Hon Simon O'Brien. The police can type that into the system, and a photograph of the person will come up immediately. If we incorporate all that with the ability to share that information with others, that says to me that our drivers' licences are becoming identity cards. That is the bottom line. In fact, it is probably worse than an identity card, because it will no longer be a case of the police officer saying, "Present your papers to me"; it will be a case of the police officer saying, "Tell me your name", which the person must tell the police officer, and then the police will have the papers there in front of them; they have the person's photo and their details. That, to me, on any description, says that we are creating an electronic identity card. That is the point I made in the second reading debate. On that basis, I move —

Page 15, line 12 — To delete "must" and insert —

may

As members will see, there is a subsequent amendment. This will remove the word "must" and set up a framework under which photographs can be provided to the police, but there has to be a compelling reason in the public interest for the disclosure of those photographs.

The example that was given as the justification for bringing in this legislation is one that I am happy to support. If someone is running around the town and there is a risk to public safety, and if that photo is the only one that can be accessed, I have no dramas about having quick and easy access to that photograph. My amendment would allow that to occur. However, I do not think we should allow a massive handing over of all those photos for the database. It is interesting to go back and look at the debate. When we put forward the issue of the photographs, there was a huge argument about civil liberties. If members recall what happened, they will know that we have seen a creep. Initially, there was concern about even having photos on drivers' licences, and it was going to be optional whether a person had their photo or did not have their photo on their driver's licence. Many people chose to not have their photo on their licence. Then it became compulsory for a person to have their photo on their driver's licence. Now we are going to move to the next stage whereby that photo will be available to every police officer across the state. People cannot see what is happening with the creep. Then we combine that with all the other legislation that has been proposed in recent times. It may not be the intention of members of the government—I am genuine when I make this comment—but when a party uses the word "Liberal" to describe itself, bearing in mind what that means in its strictest political sense, I find it extraordinary that that party is progressing down the path of setting up all the mechanisms for a police state.

The problem with a police state is that it does not have to be today. When I use the term "police state", I do not mean any disrespect to any serving police officers; I am using it in the sense that it is used around the world to describe those areas where powers are abused and used to suppress the public and the democratic freedoms and the social contract—however one wants to describe it—that we as a community have, if we are law-abiding

citizens, to go about without being subjected to the rule of an overbearing government. When we put it all together, the police will be able to stop and search people. An identity card will be sitting there on the tasking and data information system so that the police can look at the person. How long will it be before everyone who does not have a driver's licence will have to provide their photograph so that it can be recorded in the database? That will be the next progression at some point in the future. It is just a continual time line, and we can see where it is going. It is voluntary, then it will be compulsory, and then a photograph will have to be handed over.

Some would argue that my amendment is probably not enough, but it is at least an attempt to say that we have to try to place some restrictions in this legislation. It must be the case that if a photograph is handed over, it has to be in the public interest. It should not be handed over for the sake of making the job of the police easier, because that is about removing and damaging the social contract that we have.

**Hon SIMON O'BRIEN**: If members want to do a little more homework, they might want to examine what happens in other states in which photos and other information are disclosed by licensing authorities to police or police officials. Police states have not manifested themselves, but there have been significant benefits as contemplated in advancing the capacity for this sort of information to be exchanged.

I have the greatest respect for those like Hon Ken Travers who offer wise counsel against the dangers of the erosion of civil liberties and advancement towards what we might call a police state. I do not think any of us want that, and we do not want to be a party to it. So we are in furious agreement on that point. Let me just remind members, though, that what we are talking about are amendments to the Road Traffic Act; we are not talking about licences to live or compulsory identity cards or "show us your papers" type situations arising in our streets.

**Hon Ken Travers**: It's getting very close.

**Hon SIMON O'BRIEN**: That is a different matter, and who knows? Perhaps as a society we may want to go down that path one day. I certainly hope not, because that is not the sort of Western Australia that I would recognise or want to be a part of.

**Hon Ken Travers**: It's just another step in that direction.

**Hon SIMON O'BRIEN**: The member has made that point and made it very well indeed.

I would like to offer a different perspective about what this legislation is about. This is about amendments to the Road Traffic Act as to what may be done by the custodian of information gathered under that act, the Director General of the Department of Transport, relating to how that information may be deployed, conveyed, utilised or passed to other parties. That is what it is all about—no more, no less. And that information can be used only for purposes that are related to the Road Traffic Act and the licensing regimes.

When a driver's licence may need to be produced to a police officer, it is in connection with the Road Traffic Act. It is not the case that a police officer may demand someone's driver's licence and that they be required to show it. It may happen from time to time that people produce their driver's licence as a way of confirming their identity, because that is a convenient thing for them to do —

**Hon Ken Travers**: Minister, can I just interject —

**Hon SIMON O'BRIEN**: — but it is making too much of a leap to say that a requirement for someone involved in driving a car to be called on to display their driver's licence or present it to a police officer translates directly into some police state in which anyone can be required to produce some licence to live. Did the member want to interject?

**Hon Ken Travers**: The minister is right in terms of the Road Traffic Act and a police officer can require someone to give their name, but what he has missed is that once this bill is passed, they will also be able to access all the details on a driver's licence, including the photograph and address. The point I am making is that the minister is moving beyond the realms of the Road Traffic Act because this information can be used in circumstances well beyond the Road Traffic Act.

**Hon SIMON O'BRIEN**: It is currently the case that in the pursuit of duties in relation to the Road Traffic Act, a police officer may require a person to present their driver's licence. What is on a driver's licence? It is a person's full name and address, which a police officer can require of people anyway—their date of birth, the class of vehicle that a person can drive and their photograph. If the member or I were pulled up for a roadside check, we would present our driver's licence with our photograph, which would protect our identity on our licence. This provision says that the officer can access the photograph of the person before them or the photograph of the person they claim to be. I have already referred to the advantages of that, which most obviously are a reduction of people falsely representing themselves as someone they are not. That happens a lot and people's civil liberties are transgressed by people assuming their identity by the simple device of giving a false name when they are picked up for an offence, whereas, if police were able to check the identity of a name that is given by reference to a photo, they could make sure that the real owner of the name presented is not receiving demerit points they

are not entitled to and the culprit is exposed as a fraud. It enables police officers to check the bona fides of someone who is driving a car and may have committed some offence but who does not have a licence to display at that time. An interrogation of the system will tell the officer whether that person actually has a licence, and access to a photo will enable the officer to confirm whether they are the licence holder. It can then get very interesting if that person, for example, has warrants outstanding and might otherwise give a false name and get away with it. There are many, many benefits to this clause. I do not see it is a move towards a police state; it is a realistic use of available information for legitimate purposes, but only in relation to the Road Traffic Act. The amendment that has been moved by Hon Ken Travers defeats the intent of the clause, and I advise the Committee of the Whole House that the government will not be supporting it.

**Hon Ken Travers**: I thought I had just about convinced the minister.

**Hon SIMON O'BRIEN**: The member's argument did not quite drag me over the line. I am aware of, and freely acknowledge, the member's intentions, but I do not think it is practicable to insert a requirement that the director general must be satisfied there is a compelling reason in the public interest for disclosure of the photograph. All of a sudden, that defeats the aim of direct real-time access, which is what this is all about. How is the Director General of Transport meant to confirm the view in his own mind about what a police official's performance of his official functions under this act or another written law are? That is the sort of thing that the Commissioner of Police has to be able to satisfy himself of, and we think that is the appropriate area for that to exist. Otherwise, we are going to go back to some situation in which the director general, through his delegate, has to individually go through applications and we will end up with a bureaucratic quagmire rather than a real-time response. Respectfully, we will not be supporting the member's amendment.

**Hon KEN TRAVERS**: Until the very end of the minister's response, I was going to let this go to the vote. The minister said that the police commissioner will be responsible for ensuring that the photos are used only in the performance of a police officer's function under this act or another written law. How will the police commissioner do that?

**Hon SIMON O'BRIEN**: It will be by exercising the same regime that applies to all information that comes under an officer's control or disposal, whether it is by computer access or however so obtained. Significant legislation, regulation and policy requirements are attached to police officers accessing information, and these will be extended to these photographs. In oversight and governance, there are professional standards, the Corruption and Crime Commission, personal vetting plus higher level security vetting, integrity testing, early intervention and profiling managed by the risk assessment unit, a declarable associations register and the Blueline for anonymous and confidential reporting. Furthermore, in regard to the actual physical systems security, there is a password for standard operating environment access, a password for database access, partitioning to ensure that there is a job-related need for access, a system audit functionality and an audit and flagging system employed by professional standards in the police called AudiTrack. Those are the mechanisms to ensure that the police commissioner is satisfied with the appropriate dealing with the information obtained.

**Amendment put and negatived.**

**Hon KEN TRAVERS**: I move —

> Page 15, line 15 — To insert after "written law" —
>
> , if the Director General is satisfied that there is compelling reason in the public interest for disclosure of the photographs

**Amendment put and negatived.**

**Hon SIMON O'BRIEN**: I move —

> Page 15, line 20 — To delete "may" and insert —
>
> may, with the prior approval of the Commissioner of Police,

Clause 10 will insert a new division 4A into part IVA of the Road Traffic Act 1974. Division 4A will set out the circumstances in which the director general must or may disclose a photograph that has been provided to the director general for use in the production of a learner's permit document or a driver's licence document. This amendment will affect proposed section 44AB(3), which will empower the director general to disclose such a photograph to a prescribed law enforcement official where the director general considers that its disclosure is required for the performance of functions under a written law. The amendment will require the director general to seek the approval of the Commissioner of Police before disclosing a photograph to a prescribed law enforcement official under proposed section 44AB(3). This is necessary to ensure the continued safety of a person who is a protected witness for the purposes of the Witness Protection (Western Australia) Act 1996. Under the witness protection act, the Commissioner of Police is required to establish a state witness protection program under which protection and other assistance may be arranged or provided for witnesses whose safety is or may be put at risk due to the nature of their evidence. Amongst other matters, the witness protection act

provides for the commissioner to apply to the Supreme Court for a new identity order to be made in respect of a witness. The Commissioner of Police, as the official with the responsibility for the state witness protection program, has knowledge of the identity of protected witnesses. The requirement for the director general to seek the commissioner's approval will require that a photograph not be disclosed if its disclosure would compromise the safety of a protected witness. This is a necessary safeguard that we will introduce.

**Hon KEN TRAVERS**: The opposition became aware of this amendment, I think, late yesterday. I have not had a great deal of time to consider it but I am happy to agree to its passing through this place. If on further consideration we have any concerns, we can raise them in the other place and, if we can convince the government, the bill can be returned to this place. It causes me some concern because if, despite the information being provided, a photograph is not provided, it will be a red light to anyone on the east coast that the person might be a protected witness. I do not know how we get around that. I kind of understand what the government is trying to do, but I ask that we think about the fact that if we show there is an exception in relation to someone, we will be flagging that person as being different in some way.

**Hon Simon O'Brien**: I am sure the commissioner and his senior officers will be aware of that.

**Hon KEN TRAVERS**: If in Western Australia a person is pulled over to the side of the road and their name is keyed in for a licence check and the details come up without a photograph, that will also be a flag. I raise those issues and let better minds than my mind consider it within the government. We will not oppose this amendment at this stage.

**Amendment put and passed.**

**Hon SIMON O'BRIEN**: I move —

> Page 15, line 26 to page 16, line 7 — To delete the lines and insert —
>
> **44AC. Disclosure to executor or administrator**
>
> If the person shown in a photograph has died, the Director General may disclose the photograph to an executor or administrator of the person's estate.

This amendment has been drafted in response to concerns raised by the opposition. The matter was canvassed by members during the second reading debate. I think we all understand the provision. Clause 10 inserts a new division 4A in part IVA of the Road Traffic Act 1974. Division 4A will set out circumstances in which the director general must or may disclose a photograph that has been provided to the director general for use in the production of a learner's permit document or a driver's licence document.

This amendment will affect proposed section 44AC, which, in its present form, will empower the director general to disclose such a photograph, when the subject of the photograph is deceased, to a near relative of the deceased person. The amendment will provide for proposed section 44AC to be deleted and replaced with a provision that, instead, will empower the director general to disclose a photograph of a person who is deceased to the administrator or executor of the deceased person's estate. Pursuant to the amendment, the photograph will be treated as a part of the deceased's estate to be dealt with appropriately in accordance with the deceased's wishes. I would like to thank members of the opposition for their constructive suggestion. The government commends this amendment to the Committee of the Whole.

**Hon KEN TRAVERS**: I have covered this in my contribution to the second reading debate. I thank the government. I think this is a better way of proceeding with the bill. The amendment will achieve its aims and will actually provide some protection. It even means that, if the only surviving relative is an uncle, he will be able to get it if he is the executor. It broadens the provision and, hopefully, an executor or administrator will have a better understanding of the wishes of the deceased person. I thank the government for accepting the opposition's amendment. I note that we managed to shorten the bill by somewhere in the order of 10 lines. That is always a good thing!

**Hon Simon O'Brien**: Brevity is always my strong suit; you know that!

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 11 put and passed.**

**Clause 12: Section 103 inserted —**

**Hon KEN TRAVERS**: I think this is certainly one of the provisions in this bill that will work to facilitate privatisation. I also realise that it has some other roles to play in the legislation that has now been presented. I think that could have been handled differently, but in light of the wording of the legislation, I will not move any amendments because it is important as it stands in relation to earlier legislation. I hope the government does not go down the path of privatisation. If it does, we will oppose that strongly at that stage.

**Hon SIMON O'BRIEN**: I thank the honourable member for contributing to debate on this clause. We believe the clause is required regardless of what a future government might do about privatisation or contracting out of functions. It is not, with respect, to be taken as evidence of something that this government may or may not do in the future. We believe that these provisions are required regardless. I ask the chamber to support this provision.

**Clause put and passed.**

**Clauses 13 to 25 put and passed.**

**Clause 26: Part 2 Division 3A inserted —**

**Hon KEN TRAVERS**: I indicate that I will not proceed with the amendments standing in my name on the supplementary notice paper. This is one of those proposed sections in which we are duplicating what is in the Road Traffic (Administration) Act. Even if I were lucky enough to somehow gain the support of the chamber on this one, I suspect that we would end up having to recommit the whole bill to make the two pieces of legislation consistent. Therefore, I will not proceed with the amendments standing in my name.

**Hon SIMON O'BRIEN**: Mr Chairman, of course if we fail to make this consequential amendment to the 2008 act, that would only give argument to not bring in the bill because that would be inconsistent with what we are trying to do and with what the committee has already decided. With that in mind, I had best move the two amendments standing in my name on the notice paper. They are consistent with the last amendments that I moved. For the same reasons as previously expressed, I move —

Page 32, line 1 — To delete "may" and insert —

may, with the prior approval of the Commissioner of Police,

Page 32, lines 7 to 19 — To delete the lines and insert —

**11D. Disclosure to executor or administrator**

If the person shown in a photograph has died, the CEO may disclose the photograph to an executor or administrator of the person's estate.

**Amendments put and passed.**

**Clause, as amended, put and passed.**

**Clause 27 put and passed.**

**Title put and passed.**

**Bill reported, with amendments.**

## CONSERVATION LEGISLATION AMENDMENT BILL 2010

*Second Reading*

Resumed from 17 November 2010.

**HON SALLY TALBOT (South West)** [9.05 pm]: We now get to the important matter of how we facilitate joint management agreements in some of the most environmentally sensitive and environmentally valuable areas of the state. Those people who follow the upper house notice paper will know very well that this has been on the notice paper for some time. I start by acknowledging that the government recognised some three weeks ago, when we got to the place on the notice paper at which we were to start debating the Conservation Legislation Amendment Bill 2010, the need for delay. That delay was not because the opposition was unready to proceed, as Hon Norman Moore, Leader of the House, knows.

**Hon Norman Moore** interjected.

**Hon SALLY TALBOT**: I am not going to be ungenerous about the decision to defer the debate on that day three weeks ago. However, I want to make clear, and put on the record, what happened on that day. If the member disagrees with me, I am sure he will have a chance to make his point later in the debate.

A considerable degree of disquiet amongst the major stakeholders came to the attention of the two people on this side of the house responsible for the carriage of this bill—namely, me for the Labor Party and Hon Robin Chapple for the Greens (WA). Their disquiet was not about the substance and the intent of the bill, but about the degree of consultation that had been undertaken. Their unhappiness was expressed in terms of what I regarded—I think Hon Robin Chapple agreed and will add his comments later—to be a genuine desire to see a better bill put in place. On that basis, I made several approaches to the government. I spoke firstly to Hon Wendy Duncan, knowing that she had taken a close personal interest in the events leading up to this bill, and to Hon Peter Collier, with his new-found responsibilities for Indigenous affairs, and they were both very supportive of delaying debate on this bill. Hon Norman Moore took a little more persuading. He is in charge of business in this house and he clearly wanted to get on with things. However, I then spoke to the minister, who is now in the other place, and he

agreed, when he heard the concerns being expressed, that we should delay the debate. That is why we arrive here tonight at the start of this debate. I am not going to comment on this for very long. I think that most of the work that we will do will be done in committee as we work through the bill clause by clause to try to give some legislative effect to the points that have been raised with us by the major stakeholders and to see whether we can make this a better bill.

Just to give some substance to my comments, I will share with members a letter that was written to Hon Bill Marmion, the Minister for Environment, with a CC to Hon Brendon Grylls, Hon Colin Barnett, Hon Wendy Duncan and Hon Peter Collier. The letter is dated 14 February, and it is from the Environmental Defender's Office WA, the Goldfields Land and Sea Council, Yamatji Marlpa Aboriginal Corporation, the National Native Title Council, the Conservation Council of Western Australia, WWF Australia, the Wilderness Society WA Inc, and Nolan Hunter, chief executive officer of the Kimberley Land Council. The letter is signed by all those stakeholders, and it states —

> We the undersigned, wish to express our congratulations to the Government for introducing the Conservation Legislation Amendment Bill 2010. Amending legislation to allow for stakeholders, particularly Indigenous Traditional Owners and Native Title claimants, to enter into partnerships for land and sea management represents a crucial step towards integrated management for a more sustainable Western Australia.
>
> However, in order for the amendments to achieve their purpose it is essential that key stakeholders, who may in future be involved in (or party to) joint management arrangements, are able to comment on the detail of the proposed legislative framework underpinning such joint management. We would like to draw your attention to a number of important matters regarding this Bill. Consultation with key stakeholders was very limited prior to the introduction of the bill into Parliament. Additionally, the late release of the Explanatory Memorandum into the public domain has frustrated the efforts of key stakeholders in interpreting the provisions of the Bill.
>
> In light of the difficulties we have experienced in making comment on the details of this important piece of legislation, we request that second reading debate on the Bill be deferred to allow sufficient time for consultation, or that the Bill be referred to Committee to provide for further comment and input from our organisations.

As a member of the Labor Party, I am very much aware that the genesis of this bill goes back a couple of decades. This is a problem that has been brewing for some time, and this is a problem that has demanded our attention for some time. In the last few months of the Labor government, we made an attempt to move down this path. My feeling at the moment—there may be some disagreement from other members on this side of the house—is that there is no need to take a first course of action whereby this bill would be referred to a committee. My feeling is that we can probably work through in this house what we need to work through. That will not take up much time, because we are very fortunate to have the assistance of groups with the experience and integrity of the groups that have signed that letter. These groups have done an extraordinary amount of work in the past three months to get us where we are tonight. I believe that if we can work through some of the suggestions that are in front of us, we will come up with a very adequate solution.

Another reason that I am suggesting this course of action is that we have kept these stakeholders waiting for long enough. These stakeholders have been caught in a situation that nobody anticipated. I will give members a brief run-down of that in a moment. They have expressed their frustration and deep unhappiness with the way in which the system is working to deliver to them something that is quite rightly theirs and that has been acknowledged by the courts as being quite rightly theirs. Our system of law and regulation has had its grip firmly on the hose for far too long. I want to see whether we can move through this process expeditiously so that we can at least find ourselves back in tune with these stakeholders. These stakeholders are saying, "Frustrated as we might be, and much as we would like to spend time on arguing for a better outcome, we will take what you give us now in order to move forward." That is the spirit in which I am approaching this bill.

Undoubtedly, the minister with responsibility for this bill in this house will be able to tell us, when she makes her second reading response, what has happened in the nearly three weeks since we deferred this debate. I am hoping that the minister will be able to tell us that some more extensive consultations have been held during these past three weeks. It was very troubling to me to find out that there are still people in the government and in the senior ranks of the bureaucracy who think that they can undertake a consultation of this kind simply by flying into a regional centre, sitting down with a group of traditional owners for a couple of hours, working their way through the bill clause by clause for those couple of hours, saying, "So you're right with that, then?" and flying out again. It simply does not work in that way. I do not want to endorse a process that has been conducted in that manner, and neither do any of my colleagues in the Labor Party. I am sure Hon Robin Chapple will make the position of the Greens very clear when he addresses this bill.

I am hoping that Hon Helen Morton, because she is in charge of this bill in this house, even though she is not the Minister for Environment, will be able to provide us with some indication of what has been happening during these past three weeks. What I have seen come across my desk is far more elaborate suggestions and pointers as to how this bill might be improved on the one that we were looking at three or four weeks ago. A lot of work has been done by the stakeholders. I respect the work that they have done, and I hope that we will give some acknowledgement to that work as we progress this bill through the house.

I have said that this process has been going on for a long time. I have also made reference to the fact that it is because of a set of circumstances that nobody anticipated would happen that we have ended up with this problem. We need to go back to the decision of Justice French in September 2002, when the Federal Court of Australia made a consent determination on the Martu native title application. Everyone assumed that that application would include—I think I can use that expression as a bit of shorthand—Rudall River National Park. That was probably the first time in the history of native title in Western Australian that it had been pointed out clearly by the court that if a vesting order has been made pursuant to section 33 of the Land Act 1933, native title has been extinguished. The point was made in that determination that exclusive possession native title would have been determined over Rudall River but for that extinguishing event, that extinguishing event being the creation of that A-class reserve. That was a bitter blow to the Martu people, as everybody will remember. What the government did, in order to address that unforeseen outcome that was part of that native title determination, was talk to the Martu about entering into joint management arrangements.

About three years later, a second determination was made on the Ngaanyatjarra lands native title application for the Gibson Desert Nature Reserve, and the same finding was made. I guess by then the lawyers had begun to realise that there was a problem with section 33 of the Land Act. In that determination the court made the explicit statement that exclusive possession native title would have been determined over the Gibson Desert Nature Reserve but for the extinguishing event.

During those few years, the Labor government put its mind towards trying to resolve that problem. That was clearly going to be done through some kind of formalisation of the joint management arrangement. Hon Helen Morton will remember very well the debate in this place in 2008 on the Indigenous Conservation Title Bill 2007. That went through this house, and ended up back in the Legislative Assembly when the government changed. I wonder whether, as part of her response, Hon Helen Morton will be able to tell us what has happened to that bill. Although quite extensive amendments were made between the debate in the other place and the debate here, my reading of that debate is that it came out of this place as a pretty good piece of legislation. It obviously fell away when the government changed. I read somewhere that the Attorney General said that he is giving the matter his consideration. I do not believe that I have heard him actually say that it has been junked. It was something I raised with the advisers in connection with the discussion of the bill before us tonight, but it is still not quite clear to me. It is clear to me that there is some kind of ongoing narrative that connects the two bills, but I would appreciate some addressing of that matter by the minister with responsibility for the bill when we finish the second reading debate so we can talk about it in committee.

The advisers pointed out to me that this bill is nothing like the ICT bill. It becomes obvious when members become familiar with the bill. I think the government believes it has a better solution, but as I have been through the bill in some detail, and as that letter that I read out a couple of minutes ago points out, we did not get the explanatory memorandum until very late in the piece. It turned out to be a 40-page document. There has been a lot of work in the past couple of weeks getting up to speed. I can see it is a better bill in that its scope is broader, because obviously the ICT bill related to only Rudall River and the Gibson Desert Nature Reserve. I still have some very serious reservations about the way this bill works. I would appreciate it if that matter could be addressed.

I should point out, in case people are reading this debate some time down the track, that the reason the debate on this bill is starting in this house is that at the time it was second-read the minister was in this house. It will be a reverse debate in some senses. The minister will not get the chance to make his own comments until it has gone to the other place. That probably sets the tone for this debate. I intend to try to get some things on the record so that things become clearer once they go to the other place.

As was pointed out in the second reading speech, we are essentially amending two acts. Of course, it is time they were amended. The Conservation and Land Management Act 1984 is silent on all matters related to Indigenous heritage. There is no mention of Aboriginal customary purposes when it comes to the sorts of practices that go on inside environmentally sensitive areas. I get the feeling that if we talked to anybody under the age of about 30, they would be astonished to find we are still working on legislation that did not make provision for customary practices such as the taking of material for medicine, food, or ceremonial or artistic purposes. Clearly, the bills need to be brought into the twenty-first century; they need to be brought into the post-reconciliation age, if I can call it that.

I have given a bit of history of Rudall River and Gibson Desert and how these discussions were first ignited, or what gave them some impetus. The stumbling point happened a few years after that when it was brought to the

attention of bureaucrats in the Department of Environment and Conservation, and then to the government's attention, that sections 16 and 16A of the CALM act were deficient in terms of joint management arrangements. I suppose this is one of the occasions when we are really in the hands of the lawyers, because my reading of section 16 is that although it does not mention joint management arrangements, it does not specify single management arrangements. It does not actually say that only the CEO of DEC can enter into these arrangements. Governments of both persuasions often decide to take the advice of the State Solicitor and play it safe. Here we are now making specific provision for joint management arrangements in the CALM act.

The government has recognised this in its own rhetoric: consultation was the absolute key to get this bill off on the right foot. My view is that it has not been entirely successful in that respect, although I think we are closer to it now than we were a few weeks ago. This is not some airy-fairy leftie–greenie fantasy that we wax lyrical about on this side of the house; it is about those fundamental —

**Hon Donna Faragher**: Excuse me; the last I knew it was introduced by this government, not yours.

**Hon SALLY TALBOT**: It is about concepts of free, prior and informed consent, which are basic legal principles. It is not something that sits terribly —

**Hon Donna Faragher**: We introduced the bill!

**Hon SALLY TALBOT**: Hon Donna Faragher will have an opportunity to speak on this bill.

**Hon Donna Faragher**: I will!

**Hon SALLY TALBOT**: I am absolutely sure she will take it, because after all —

**Hon Donna Faragher**: We actually introduced the bill, not you.

**Hon SALLY TALBOT**: I recognise that, but if Hon Donna Faragher was listening to what I was saying, she would know that I was talking about the consultation process, which I assume, because she would have seen her second reading speech—I do not think Hon Donna Faragher made it; I think somebody here —

**Hon Donna Faragher**: Sorry; I actually had a baby, but you know!

**Hon SALLY TALBOT**: I was not going to say the member had a baby. I was going to say that she was out of the house on urgent parliamentary business.

**Hon Donna Faragher**: It was urgent, I suppose!

**Hon SALLY TALBOT**: Hon Donna Faragher was still the responsible minister at that stage, so I am assuming she saw the second reading speech. It gives voice to this imperative about consultation. I am suggesting that Hon Donna Faragher did not get off to a terribly good start with that. I am pointing out that the need for consultation is now taken to be a fundamental legal principle. It is a fundamental right of Indigenous people to be put in a position in which they can give free, prior and informed consent to these kinds of measures.

From the government's second reading speech, from the briefing I was given by the people in DEC, and from the feedback I have received from the stakeholders, the consultation involved the land councils, quite properly; the Miriuwung–Gajerrong group; the Yawuru, who are the native title holders around the Kimberley; and the native title holders involved with the Burrup and Maitland Industrial Estates Agreement, which I understand is probably the most complicated of those three negotiations. I situate my comments in the context that all those groups want these agreements honoured. I will refer to the two native title determinations that I just described, but there are probably about 11 other separate areas of the state that are subject to exactly the same problems that we found with Rudall River and the Gibson Desert Nature Reserve. The state has existing obligations in relation to those native title claims. We need to take action quickly to empower the traditional owners to look after and manage their own traditional country. One of the difficulties that we run into is the stage at which we should be involving the traditional owners, the stakeholder list of councils and other groups that I just read out in relation to that initial letter. I suggest that there are still elements in the government who do not have their heads around how this kind of consultation might be done. I have been given permission by the TOs to use an example of a certain area. Creating something as significant as a nature reserve involves walking into someone else's country and making a determination about how that country will be cared for. One thing that was very much on the minds of members of the Liberal and National Parties, which were then in opposition, when debating the Indigenous Conservation Title Bill 2007 was the need to protect multiple values. We need to protect the environment in areas that have already been designated as A-class nature reserves and national parks and also promote cultural and community values among the local people. One of the problems is that the government still seems to think that it is acceptable to involve the traditional owners way down the track when all the important decisions about the boundaries and what the multiple values will be have been determined. However, I believe that some people, including our new Minister for Environment and his predecessor, have a problem with the concept of multiple values. When I asked Hon Donna Faragher what I thought was a perfectly straightforward question about what multiple values she was aiming to protect at Camden Sound, she said that everyone knew

about the whales. The whales might be very valuable, but they do not represent a multiple value. I understand that when a similar question was asked of the new Minister for Environment in the other place last week, his answer was, "There are a lot of fish." I think government members have a little way to go before they can sit down with some of the TOs and have a serious conversation about that type of thing.

I note that Hon Peter Collier is away on urgent parliamentary business, but I urge him—I am not in a position to share this document with him—to ask the Minister for Environment for a copy of the submission in response to the "Proposed Camden Sound Marine Park Indicative Management Plan 2010", which was submitted to the Department of Environment and Conservation by the Kimberley Land Council. There is a very clear and, I think, quite distressing account in that document about the government's failure to consult with the TOs and take the views of TOs as seriously as the government takes the views of other stakeholders, such as pastoralists. I can give members some flavour of the comments. The TOs from the Dambimangari mob have given me permission to refer to this. Their submission states —

> Despite assurances in those meetings that the State was concerned to ensure that a co-operative and joint approach to management of sea country was implemented, there was been no action taken to date to allow native title claimants to participate in the process for *consideration of* establishment of a conservation reserve that is likely to have significant detrimental effects on their property rights and their cultural heritage. The most recent confirmation of this came in correspondence from the Premier to the KLC dated 3 December 2010, in which a "communication program to raise awareness in the community about the [Kimberley Science and Conservation] Strategy and its implementation" was identified as the State's sole response to engagement with Traditional Owners regarding the proposed marine park. This demotes the native title rights and cultural heritage of Traditional Owners to the same level as the general public interest in the creation of conservation reserves. This response is not appropriate or adequate.

All of us on this side of the house would heartily concur with those sentiments. We urge the government to try to do better.

This bill is complicated. As I said, I will leave many of my detailed comments for the committee stage. When the Liberal Party was in opposition, it often used to fling across the chamber the accusation that we presented legislation that was not backed by a detailed set of regulations. That specific criticism was made of the waste avoidance and resource recovery levy bills when I carried them through this house. The point is that we needed a legislative framework around which to write those regulations. However, this is a different kind of bill. We should have got to this stage with a very well worked out set of regulations because those regulations need to be worked through with all the stakeholders. We cannot embark on this kind of process with the same attitude that I have just described in relation to the proposed Camden Sound marine park. The government cannot involve the TOs as just another interest group. That is not what they are; they are the owners of that country. I cannot understand why we do not have a properly worked-out set of regulations in front of us, at least in a worked-out draft form, that can be considered as we move through this bill. I would like the minister to address that point.

I will give members a taste of some of the issues that have been raised with me as examples of why those regulations are just as critical as the substance of the bill, if not in certain respects even more critical. We still tend to assume that we can put things in different baskets and address them separately. What I read in the government's rhetoric about this bill is that the government will take care of all the environmental concerns and the TOs will look after their business, which is essentially to do with law, culture and heritage. Of course, it does not work like that. I can tell members, as a member for the South West Region, that the TOs in the South West are as concerned as—I might perhaps say they are even more concerned than them—some people in the government about the spread of dieback. If we are going to have joint management arrangements in the South West, the control and management of dieback must be right up there as one of the primary considerations; it is not an add-on later. The government cannot walk up to the table some months down the track and talk about it.

Other TOs have raised with me the issue of removing things from environmentally sensitive areas. I have already talked about the use of these areas for cultural purposes, including for medicine, food, art and other ceremonial purposes. We need a very clearly worked out set of expectations, requirements and penalties that link into those purposes and set out what can and cannot be taken. When I talk about taking things, I am not talking about taking things in the sense of causing environmental damage; I am talking about the damage that might occur to cultural, social and heritage values. I have been sitting here for the past couple of hours listening to Hon Ken Travers, Hon Alison Xamon and Hon Simon O'Brien talking about certain traffic regulations. Hon Ken Travers pointed out that again and again we were being asked to trust the government. The government says, "It'll be okay; we won't do anything terrible." Even if we accept that at face value and that is the case—I make the same point that I made during an earlier debate—we do not know who will be in government next. We do not know what will happen in 10 or 20 years. We should be concerned about leaving as few loopholes as we can when we pass this legislation. I cannot see why we cannot have at least a set of draft regulations for the outcomes of customary practice.

There are a couple of glaring holes in this amendment bill. I do not really want to rank them in order of importance, but perhaps one of the most obvious is: what is the first thing to look for when looking through a bill of this kind? It is money. Is it going to cost anything? If it is, has the government made provision to provide those resources? If I am wrong, I am sure Hon Helen Morton will address it in her second reading summary. There seems to be an assumption in the capital and operational costs associated with joint management. Are they going to be picked up from consolidated revenue? Are they going to come from somewhere else? Does the minister think there will not be any capital and operational costs? I cannot see that that latter proposition could be sustainable. The minister would surely have to be looking at least at training costs. If the minister is not looking at training costs, there is a big problem. Members on both sides of this house will be very familiar, although those on the government side of the house might give it less credibility than do members on this side of the house, with the accusation that a state government program—for example, the Indigenous ranger program—more often works just as a program that dresses people up in a ranger's uniform and gives them a badge and sends them out to do nothing that they have been trained for. There is a stark contrast between that and some of the programs run by the commonwealth. If honourable members have had a chance to read some of the background material that was provided to them about this bill, they will be aware of the contrast, elaborated in some detail, between the programs associated with caring for country and some of the commonwealth programs that provide real training. That is basically the question I am asking: where is the money for the training? If it is not there, where is it going to come from; or is it not there for another reason?

There is also the question about who we are actually empowering to enter into joint arrangements. Again, I will leave most of my comments until the committee stage, but I want to refer to the definition of the person responsible. For those who want to follow this debate, clause 8 of the bill is key here. It refers to all persons responsible and to the written consent to proposed section 8A management agreements. The specific terms at proposed clause 8A(11) state —

(a) each person responsible for the land is either a party, or has given written approval, to it; and

(b) the Minister has given written approval to it.

That definition of the person responsible leads to some very serious problems, because it essentially omits an absolutely vital class of persons. Those are the people who do not have exclusive native title rights to the area under question. This omission means that a joint management agreement could be reached between the CEO of the Department of Environment and Conservation and a non-exclusive interest holder—for instance, a pastoral lease holder—without the consent of the non-exclusive native title holders or the registered native title claimants. It is a technical point, but if members have had a look at the amendments on the notice paper, they will see that this is something that many of those amendments have tried to address. There is clearly a failure when we get different classes of people being subject to a different standard of treatment or a different validity of claim under a piece of legislation like this.

There are several amendments on the notice paper that relate to the definition of "person responsible", so that it includes exclusive and non-exclusive native title holders and registered native title claimants. There is also a question about how people are informed of what is going on. I think as we work our way through the committee stage it will become obvious that there are real problems if there are people with either existing or future claims to the land who are simply missed out of the whole negotiation process. Clearly, this is going to lead to very serious problems down the track in terms of legal challenges.

Debate adjourned, pursuant to temporary orders.

## MAGELLAN METALS — TRANSPORTATION OF LEAD CARBONATE

*Statement*

**HON SALLY TALBOT (South West)** [9.45 pm]: Today we woke up to the astonishing news, which I think played first at 6.30 am on the ABC, that Magellan Metals has once again fallen foul of the ministerial conditions relating to the export of lead through Fremantle. I say it was an astonishing revelation because I thought we had already been as astonished as we could ever possibly be about what Magellan Metals was doing. It has already been subject to a stop order—an absolutely unprecedented move in this state. No company has ever had a stop order served on it until a stop order was served on Magellan on 31 December, forbidding the company to resume the export of lead through Fremantle because of some very serious breaches of the ministerial conditions.

Clearly the Premier shared my astonishment, because he took to the steps of Parliament House today expressing his unhappiness about what had happened. But he did so in the most astonishing terms. It really surprised me and, I think, has distressed a very large number of people in the community to hear the Premier say that his patience has just about run out with Magellan. I did not know that we were actually reliant on the Premier being patient with Magellan. What has he been doing for the last two years since Magellan started exporting? The words that the Premier used on the steps of Parliament House today have just added fuel to this fire of growing suspicion that Magellan Metals is being given soft treatment by this government; that Magellan is being given

leeway that no other company or no other industry would be accorded in this state and that somehow the government is involved in a massive cover-up that is on a daily basis putting the health and wellbeing of Western Australians at the gravest risk.

The Premier's patience has just about run out. What does that mean? Does it mean that he is going to give Magellan Metals one more chance or three more chances? When the Minister for Environment took to the steps of Parliament House just after his leader, I thought perhaps we were going to find out the answer to that question, but instead of anything concrete in the words coming out of the minister's mouth about this appalling travesty of corporate behaviour by this company, we heard Mr Marmion say that today's news, while serious, was not fatal.

What did we hear today? We woke up to news this morning about Magellan's environmental conditions—which are available for anyone to look at on the Magellan Metals website; it is not a very complicated document; it does not use long words; and it is not tied up in legal jargon. What we found out this morning was that between 10 November and 4 January Magellan has been taking its lead—not once, not twice, but 10 times—down a route that was not approved in the ministerial conditions. What does that mean?

**Hon Ljiljanna Ravlich**: Why?

**Hon SALLY TALBOT**: I will come to why in a minute. What it means is that we have had something like 12 kilometres of rail line going through built-up areas around Kwinana. Hon Simon O'Brien should be very, very angry about this, because these are his electors who have had this stuff running past their backyards along an area where there is no lead monitoring at all. These areas were not designated to be part of the route under what the minister's predecessor called the most stringent environmental conditions ever introduced. On 10 occasions, 10 trains carrying 159 containers with lead concentrate went down a 12-kilometre stretch of rail that is not part of that approved railroad. The most astonishing thing is that nobody from the government or the company noticed. What I can tell members from reading the press releases put out today by Ivernia is that Magellan Metals still does not get it. This is what they say —

> There is no suggestion that any lead has escaped the sealed shipping containers, nor that there is any public health risk. Although it is not required under the Ministerial conditions related to the transport of lead concentrate, Magellan Metals has temporarily delayed the resumption of its regular transport and is voluntarily undertaking soil sampling for lead analysis and isotopic testing along the 12 kilometer route.

What an extraordinary thing for the company to say! It clearly does not understand what compliance with ministerial conditions is supposed to mean. It is supposed to mean that it has to abide by the rules. Yet here it is saying that it sent all these trains down the wrong way, but it did not have to stop doing it. The company said it was not required to do this under the ministerial conditions; it has stopped only because it is such a good corporate citizen, and not because of the ministerial conditions. This was happening for weeks and weeks. There were 10 trains, but it needed a member of the public to look at a train and say, "That does not look as if it is supposed to be here." It needed a member of the public to ring the government and say that there may be a problem. This company has been operating on its last life for some time. Magellan Metals still does not get it.

Let me go back a little further and advise members what the minister has said, and Hon Helen Morton has given me answers in question time on several occasions over the past two sitting weeks. The Minister for Environment has lifted the stop order and has said that although he is allowing Magellan Metals to export again there is an ongoing forensic audit of Magellan Metals. What are they supposed to be investigating? It seems that every week that goes past we find something else that Magellan has done wrong, yet this company is supposed to be operating under the strictest set of environmental conditions ever devised.

I found today an answer that Hon Bill Marmion had given on 16 February to a question on notice. The question is: what penalties will be imposed on Magellan Metals if it breaches the ministerial conditions? In part, the minister's answer reads —

> Prior to 31 December 2010, the Office of the EPA (OEPA) has advised that one notice of non-compliance has been issued to Magellan Metals in relation to Ministerial Statement 783.

I ask members to listen carefully to this, because this might be news to some members opposite who do not trawl through the *Hansards*, because there has been nothing public about this particular breach —

> I am advised that on 17 October 2010 Magellan Metals notified the OEPA that on 16 October 2010 a technical non-compliance occurred with Condition 6–3 of Statement 783 requiring Magellan Metals to implement the Health, Hygiene and Environmental Management Plan. Specifically, a semi trailer loaded with three washed sea containers containing sealed bags of lead carbonate left the mine site prior to undergoing a final inspection by the independent inspector as required in the management plan. The OEPA issued a notice of non-compliance to Magellan Metals on 20 October 2010 and the company implemented management actions to prevent recurrence of that non-compliance.

I have only one minute left tonight, but I have reams and reams of stuff about the government's management of this farcical episode in Western Australia's history. I am going to get up every single day in this place and add to the record until the government takes responsibility for making sure that public health in Western Australia is protected. The government is not doing it at the moment. All I can say for now is that I am going to get up every day and put more stuff on the record about this until the minister has the guts to confront Magellan Metals and stare it down, or the Premier finds the courage to confront it. The Premier said today he is getting close. I can only assume that is why Hon Donna Faragher, as the previous minister, refused to say that the transportation of this lead was going to be safe. Perhaps she knew that we could drive a truck through these ministerial conditions.

## GOVERNOR STIRLING SENIOR HIGH SCHOOL — RENEWAL

*Statement*

**HON DONNA FARAGHER (East Metropolitan — Parliamentary Secretary)** [9.55 pm]: Tonight I rise to speak on an important event that occurred in my electorate last week with Hon Liz Constable, the Minister for Education. Last week saw the commencement of the demolition of Governor Stirling Senior High School. Some members might ask why demolishing a school is an important event. However, any member who has been to Governor Stirling Senior High School over the past few years would know why. For those members who might not be aware, Governor Stirling Senior High School is a well-established school in the eastern suburbs. For too long it was a school in dire need of renewal. In around June or July 2007, while I was in opposition, a number of concerned parents came to me about the school's state of disrepair.

**Hon Helen Morton**: Who was the minister?

**Hon DONNA FARAGHER**: The minister at the time was either Hon Ljiljanna Ravlich or Mark McGowan—I cannot recall which.

**Hon Ljiljanna Ravlich**: The planning was done under a Labor government, and the member knows it. Money was put aside under us, and you know that too.

**Hon DONNA FARAGHER**: I am putting forward a positive story. If the member wants to talk about what she did for schools when she was education minister —

**Hon Ljiljanna Ravlich**: Tell it as it is!

**The PRESIDENT**: Order! Let us have one member speaking at a time.

**Hon DONNA FARAGHER**: For the edification of Hon Ljiljanna Ravlich, I am not here to have a go at her or indeed the government of the day. I am here to present a good news story in Hon Ljiljanna Ravlich's electorate. Even though the member does not go there much, she might like to hear it.

At the time, I was invited to visit the school and, to put it bluntly, I was shocked by what I saw. In preparing for tonight I recalled all the memories of that first visit and the many letters that I received from parents and concerned members of the local community. One letter in particular still sums up the situation as it was. I have read part of this letter in this house before, but I do so again today because it is important to remind us what the students and teachers had to endure. The letter reads —

> The facility of Governor Stirling is an embarrassment. It is like an inner-city New York high school of the 1960's. The paint is peeling, the toilets are filthy, graffiti-covered, and without soap . . . There is only one water fountain working for the entire school, and it is rusted and dirty. The lockers are broken, bent and unserviceable. There are no window coverings so projectors cannot be used to teach. Desks and chairs are broken. There are few white boards. Science classrooms have leaking sinks which have rotted out the cabinets, and have been fixed simply by covering them over with planks. Art supplies, including odorous paints are stored in unventilated classrooms. Toilet store rooms are being used as offices …
>
> The third floor veranda rail is loose … Chicken-wire and improvised brace-poles hold up ceilings … We're not asking for luxury, just a tidy facility that encourages our children to learn. How can students strive for excellence when they are in a run-down, overcrowded, obsolete facility?

These parents asked for my help, and I was very pleased that I was able to help them in a small way. Following that first eye-opening visit, I organised with the then shadow Minister for Education, Hon Peter Collier, to visit the school and I presented petitions and raised its plight in this place. The Standing Committee on Environment and Public Affairs inquired into that petition and made a number of recommendations for improvement following a visit to the school. As a result of the parents' continued urging and their commitment to get an outcome, there has been a happy ending. I acknowledge that under the previous government an announcement was made and it is now being delivered by this government.

**Hon Ljiljanna Ravlich**: And the money put aside. Why don't you just calm yourself down —

**The PRESIDENT**: Order! It seems to me there is only one person speaking out of turn and that is the member interjecting. Hon Donna Faragher.

**Hon DONNA FARAGHER**: Thank you, Mr President. I find it a little disconcerting that another member for East Metropolitan Region is making such negative comments about a positive outcome for her electorate. The fact is that this school will now be rebuilt on the original site on the banks of the Swan River, overlooking the valley. It will be a new $63 million project that will see state-of-the-art facilities, a food technology studio with a commercial-grade kitchen, a dance and drama studio, a library, a café, basketball courts, maths and information technology laboratories, science and chemistry laboratories, design technology studios with mechatronics, technical graphics and woodwork studios, and a health and physical education sports hall. This redevelopment is not a testament to me, as suggested by Hon Ljiljanna Ravlich; it is a testament to the parents who fought long and hard for this new school—Graham Lane, Lucy Stokes, and the many others who have now perhaps left the school community because their own children have finished school. Even though some of those parents have moved on, I think it is a credit to them that they worked very hard for a positive outcome in the knowledge that their own children would perhaps not benefit from the redevelopment because they would have left the school by the time it occurred. I am sure, Mr President, that you and other members of this house will agree with me that all children deserve a good education and a good environment in which to learn. The start of the demolition of the old school will mark a new beginning for Governor Stirling high school. While it will be sad for some to see the old school go—I can understand that, because a lot of history goes with that high school—I think that we will all agree that the time has come for the students of Governor Stirling to finally have a modern school where they can learn and develop to their full potential.

## "UNIVERSAL CHILD HEALTH CHECKS" — AUDITOR GENERAL'S REPORT

*Statement*

**HON LINDA SAVAGE (East Metropolitan)** [10.02 pm]: I would like to speak tonight about the Western Australian Auditor General's report that was presented to the Parliament in November 2010, titled "Universal Child Health Checks". It began with the following words —

> Few things in our community are more important than the health of our children. Child health checks play a critical role in this area through the prevention and early detection of health and development issues. Early detection helps parents to get support, advice and intervention at the right times in a child's early months and years. Prevention and timely intervention not only improve the health, education and life outcomes of individual children and their families, they also benefit overall population health, and help reduce long term health costs.

I think everyone will agree with those words. For that reason I think many will find it shocking, perhaps even scandalous, that the conclusion of the report on page 6, under "Audit Conclusion", is that many children between birth and school entry are missing out on key health checks. That is a topic I intend to speak about in a number of members' statements to point out what I think is an issue that should be of enormous concern to all of us, and one I hope to get a response to in a more timely way than I did over the number of weeks I raised issues about the Bentley adolescent unit. This is a very, very serious issue and one I am surprised has not drawn a more immediate and urgent response from the government.

In WA there are approximately 200 000 children aged between zero and six years. As many members will know, the annual birth rate has increased significantly in recent years, but services for the youngest of children from infancy have failed to keep up. In particular, the number of community child health nurses has not kept up and that is failing our children at the very time in those early years when we know that emotional, cognitive and physical development occurs at a greater rate than at any other time in human life and when it has a lifelong impact. In fact, these early years are when the emotional and physical bedrock of human development are laid down.

The issue of the shortage of community child health nurses who provide these checks has been raised repeatedly. Three reports to this Parliament in the past two years have referred to it. I will refer to them also. The first one was the report of the Education and Health Standing Committee, "Healthy Child — Healthy State: Improving Western Australia's Child Health Screening Programs", which reported in 2009". Finding 3 reads —

> There is an urgent priority for the Western Australian government to increase the number of school and child health nurses …

The next report presented to this Parliament, also in 2009, was the "Inquiry into the Adequacy of Services to Meet the Developmental Needs of Western Australia's Children" undertaken by the Community Development and Justice Standing Committee. Finding 6 reads —

> The child health nurses' visitation program is, in practice, no longer universal as the number of child health nurses has declined, on a per capita basis, across the State of Western Australia. The reduction in available support restricts access to this key link in early childhood health services.

Finally, a 2010 report by the Education and Health Standing Committee, "Invest Now Or Pay Later: Securing the Future of Western Australia's Children", pointed to the fact that, at that time, we were in need of at least 105 more community child health nurses to even keep up with current demand. Last year I referred in this place to a letter that all members of Parliament had received in April 2010 from Michelle Scott, the Commissioner for Children and Young People, and Professor Fiona Stanley, the director of the Telethon Institute for Child Health Research. In that letter they said —

> Child health nurses, school health nurses and child development staff are stretched beyond capacity. The critical services they provide for ensuring optimal development—services that our generation and those before us largely took for granted—are simply not being received by all children and families.

They also indicated that at that time there was a need for at least 105 community child health nurses simply to address the immediate needs. On 24 February, I asked a question in this Parliament of the minister representing the Minister for Health as follows —

> 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, …

The answer I received was "Yes". My next question was —

> If so, how many more community child health nurses have been employed since 1 July 2010?

The answer was —

> There have been 6.7 new full-time equivalent positions created …

I then asked —

> 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?

The answer I was given in this place was that at 1 July 2010 there were 196 FTEs and at 1 January 2011 there were 197.9 FTEs. That is 1.9 more of a full-time equivalent staff member.

Seven checks are undertaken by community child health nurses from birth until the final one on entry to school, and these checks were described in the Community Development and Justice Standing Committee's report "Inquiry into the Adequacy of Services to Meet the Developmental Needs of Western Australia's Children" as an early warning and intervention system in identifying a wide range of child disorders. The checks are based on scientific evidence, and they are all equally important and coincide with developmental milestones. The early checks focus on infant and maternal health, detection of delay, early intervention and access to timely services and support. Later checks—particularly those at 18 months and three years of age—focus on developmental delays, which are best detected at these ages, and include speech and language delays. Each is important in its own way.

I asked another question in this place on 23 February, referring to the Auditor General's report —

> Does the minister accept that many children are missing out on key health checks between birth and school entry?

The answer was "Yes". I also asked —

> … what specific action has been taken since 1 January 2011 to reduce the number of children missing out on key health checks between birth and school entry?

The answer was "Nil". I also asked —

> What new funds, if any, have been committed or made available in addition to the approximately $60 million allocated in the 2010–11 budget to the Department of Health's Child and Adolescent Community Health services in the metropolitan area since 1 January 2011?

The answer was "Nil".

While I appreciate the honest and straightforward answer I received from the Minister for Health—unlike some of the responses to questions I have asked since I became a member of Parliament—I think it would be difficult to describe the situation as other than scandalous. Members recall that last year I spoke repeatedly about the Bentley adolescent mental health unit, and I was dumbfounded by the failure of the government to respond in any way to my concerns; finally, I had a meeting with the then Minister for Mental Health. I hope I will get a far more rapid response to this issue. It is hard for me to imagine what could possibly be the role of government if not to ensure that all children get the best possible start in life, and these key health checks are pivotal to that

occurring. I believe the government must immediately draw up a plan of action and act on the recommendations of the Auditor General's report. Failure to do so, given all we know, is, I believe, a form of neglect.

## GENDER PAY EQUITY

*Statement*

**HON ALISON XAMON (East Metropolitan)** [10.12 pm]: Last Tuesday was International Women's Day, and I am aware that many people in this place—both men and women—attended events that celebrated that day and also reflected on the status of women and where we are now. I went to events that addressed the ongoing struggle that women have in dealing with violence against them; I went, also, to a very positive event which commemorated 100 years of struggle and at which people had the opportunity to reflect on how far we have gone in so many ways and on our gratitude to our foremothers who struggled on so many fronts. But we know there are still many issues for women on which we still have a long way to go. One of the issues I want to talk about as an example of where we still have a lot of work ahead of us is pay equity for women.

Pay equity for women is an extraordinarily misunderstood concept. When I have had discussions about it, many people mistake it for the concept of equal pay for equal work and refer to the bad old days when women were legally paid at a lesser rate for performing exactly the same job as their male counterparts. The thinking at the time was that women were not real workers and that they were not the family breadwinner, if members like, hence there was simply no need for women to be paid an amount equivalent to their male colleagues. Apart from being offensive, that was often not the case; a lot of women were responsible for raising their children and supporting themselves. That was eventually dealt with and changed, not least because of the good work done by the unions at the time—thank goodness for that—but that is not gender pay equity, and that is not what I am talking about tonight.

Pay equity refers to the disparity that occurs between traditionally male or traditionally female jobs, professions or industries, or even entire sectors; put simply, the pay gap that occurs between traditionally female jobs and traditionally male jobs, even when the comparative jobs require similar levels of expertise or training. An easy example of this is our vital community services sector. This sector incorporates those professions often known as the caring professions, and includes people such as rape counsellors, aged-care workers, refuge workers, people working with people with disabilities, and social workers; frankly, the sorts of services that actually make us a civilised society, and that we could not and should not ever do without. These people work really hard, and in some instances they even have undertaken four-year university studies to enable them to perform their work. But compared with traditionally male industries—even male industries that require lesser qualifications—the workers in the community sector, on average, receive significantly less remuneration.

Looking at some of the statistics on gender pay equity, we know that the gender pay gap in Western Australia has been higher than other states and has been increasing over the past two decades. The gender pay gap in WA currently stands at 25.6 per cent and is the highest in Australia; the national gender pay gap is 16.9 per cent. Men's average weekly ordinary time earnings in 2007 were 35.9 per cent higher than for women, compared with 28.6 per cent a decade ago, so we are going in the wrong direction. In 2007, Australian women earned only 89.3 per cent of the dollar earned by males for full-time ordinary earnings. On a comparison of full-time employment earnings, women, on average, earned $910 a week, and men earned $1 131.

Federal industrial laws have a mechanism by which cases can be brought to the Australian Industrial Relations Commission for a ruling on pay equity; these are known as work value cases. The Australian Services Union is currently undertaking such a case on behalf of its workers, which, it is estimated, will potentially impact on the working lives of about 200 000 community workers throughout Australia. It is being touted as the most important equal pay case in 40 years. A similar case run in Queensland in 2009 was successful.

We certainly know that the community sector is very reliant on government funding to run its essential services and to pay workers' wages. These jobs do not, ordinarily, attract big dollars from the private sector, and so this case is very important for these workers, and it will, at the very least, ensure that their work does not continue to be undervalued. Of course, the outcome of the case will be quite significant, particularly if the union is successful, because there will then be an expectation that those dollars will be met to a large degree by the government. I note that the Premier announced a few weeks ago that there would be a significant injection of funds into the community sector, which has come about as a result of discussions with the Western Australian Council of Social Service and the Economic Audit Committee.

Today I asked a very clear question about that announcement by the Premier. My question was to the Leader of the House representing the Premier. I asked whether the Premier recognises that a significant pay equity gap currently exists in Western Australia. I also asked about the Premier's commitment to address that issue. I have to say that the response that I got was cagey and dismissive, at best. It would have been pretty easy for the Premier to acknowledge that he recognises that there is a pay equity issue. It really was not much of a high ask. But obviously the Premier wants to keep his cards pretty close to his chest on this issue.

I realise that to get an answer as to what the percentage increase is likely to be is not possible at this stage, because an announcement is going to be made. But it would have been good if we could have been given some indication of the principles behind what is likely to be proposed. In particular, I am interested to know whether any future pay increases will incorporate increases in the consumer price index or be over and above the CPI. We are basically looking at an increase of 10 per cent to 15 per cent. However, if that is inclusive of the CPI, it will not be even remotely what is needed to make a significant dent in the gender pay disparity that currently exists in the community sector.

I wanted to talk about this issue tonight in light of the fact that we recently celebrated International Women's Day. I look forward to the day when we will be able to say that the gender pay gap is one of those issues that existed in the past. I hope that future generations will be able to say that they cannot believe that this was considered to be normal, in the same way that I look back at past generations and say that I cannot believe there was a time when women did not have the vote. I hope that gender pay inequity will become as unbelievable to future generations as women not having the vote is unbelievable to my generation. We still have quite a way to go on a number of issues. But this is an issue that is very current and very important. I hope that significant progress will be made on this issue very soon. I acknowledge and thank all those women in previous generations who stood up for my rights, and for the rights of all the women of my generation, so that we can now enjoy the fruits of all their hard work. I hope that I can do the same thing for future generations.

*House adjourned at 10.22 pm*

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## QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

### VASSE COAL PROJECT — POTENTIAL IMPACTS

2893. Hon Giz Watson to the Leader of the House representing the Minister for State Development

Referring to the Department of State Development's role under the lead Agency framework in the facilitation of the Vasse Coal Project, I note that according to page six of the Lead Agency Framework, the lead 'agency is responsible for providing proponents with information on statutory requirements and coordinating the necessary approval processes. This includes assisting proponents to identify the potential impacts of the proposal on matters such as infrastructure, the environment and regional communities as well as the social considerations that arise from the proposal'. I therefore ask -

(1) What information did the Department provide regarding the impact of the proposal on regional communities?

(2) With reference to (1), can the Minister please table this information?

(3) What information did the Department provide on the social considerations that arise from the proposal?

(4) With reference to (3), can the Minister please table this information.

(5) What research or consultation was carried out by the Department before providing the information in (1) and (3)?

(6) Has a memorandum of understanding with the proponents been drafted or signed?

**Hon NORMAN MOORE replied:**

The Department of State Development advises:

(1) The Vasse Coal Project is at an early stage of development of its initial proposal to Government. As it does with other projects for which it provides Lead Agency services, the Department of State Development has generally encouraged the proponents to consult broadly prior to referring their proposal to the Environmental Protection Authority under the Environmental Protection Act 1986 (EP Act).

(2) During the initial project consultation phase, the Department's Lead Agency facilitation services focus on providing advice with respect to relevant legislation in order to guide the proponent in its preparation of environmental referral and scoping documentation. In that context a summary of the Department's initial advice about any potential regional impacts of the proposal to the Proponents was that it should:

- consult broadly on the whole proposal, for example through meetings with the local shire councils and relevant agencies;
- assess matters relating to the impact of the proposal on regional water issues, in preparation for the environmental assessment process under the EP Act;
- examine issues concerning any potential local and regional subsidence from a mine safety perspective, particularly with relevance to the Mines Safety and Inspection Act 1994;
- understand regional transport impacts, for example in relation to heavy vehicle operations and guidelines, issued by Main Roads WA, for assessing the suitability of routes for restricted access vehicles; and
- investigate the regional impacts in regard to accessing the Bunbury Port for the export of coal.

(3) In relation to the potential social considerations of the proposal, the Department has similarly encouraged the proponents to consult broadly prior to referring the proposal to the EPA for assessment.

(4) Within the context of the initial consultation phase, the Department has advised the Proponents to:

- meet with the local shire councils, key interest groups and concerned residents;
- address matters relating to the perceived value of the 'Margaret River brand' and the impact of a coal mine on the 'clean green' image of the South West region; and
- consider public sentiment through the public statements of local, State and Commonwealth Members of Parliament.

(5) During the initial consultation phase, the Department did not conduct or commission any separate or specific research regarding the proposal. The advice provided by the Department is relatively general

advice that would be provided as guidance information to most proponents during the initial consultation phase prior to their referral under the EP Act.

(6) No.

GOVERNMENT DEPARTMENTS AND AGENCIES — MOTOR VEHICLE EXPENDITURE

3094. Hon Ken Travers to the Parliamentary Secretary representing the Attorney General

For each Agency in your portfolio for the 2008-09 and 2009-10 financial years —

(1) What was the total expenditure on motor vehicles of any kind in each year?

(2) How many vehicles did your Agency have, by vehicle type and size at the end of each quarter, in each year?

(3) Can you provide a list of all vehicles on your asset register and details listed on the register at 30 June of each year?

(4) What was the total cost of vehicles purchased in each year?

(5) What were the total operating costs for all vehicles in each year?

(6) What is the expenditure in each year for each of the following categories —

(a) purchase price;
(b) finance costs;
(c) depreciation;
(d) resale;
(e) fringe benefit tax (if applicable);
(f) fuel costs;
(g) maintenance costs;
(h) insurance;
(i) registration; and
(j) management fees?

Hon MICHAEL MISCHIN replied:

Please refer to Legislative Council Question on Notice 3075.

GOVERNMENT DEPARTMENTS AND AGENCIES — MOTOR VEHICLE EXPENDITURE 2010-11

3141. Hon Ken Travers to the Parliamentary Secretary representing the Attorney General

For each Agency in your portfolio for the 2010-11 financial year and for each year of the forward estimates, I ask —

(1) What is the estimated total expenditure on motor vehicles of any kind?

(2) How many vehicles are budgeted for within your Agency, by vehicle type and size?

(3) How much is budgeted for purchasing vehicles?

(4) What is budgeted for total operating costs?

(5) What is the budgeted expenditure for each of the following categories —

(a) purchase price;
(b) finance costs;
(c) depreciation;
(d) resale;
(e) fringe benefit tax (if applicable);
(f) fuel costs;
(g) maintenance costs;
(h) insurance;
(i) registration; and
(j) management fees?

Hon MICHAEL MISCHIN replied:

Please refer to Legislative Council Question on Notice 3122.

SWAN AND CANNING RIVERS — SUB-CATCHMENTS — TOTAL NITROGEN

3210. Hon Alison Xamon to the minister representing the Minister for Environment

In relation to the Swan Canning Rivers – nitrate concentration, load, trend and targets, I ask —

(1) For each of the 15 monitored Swan – Canning sub-catchments during 2010, what was the:

(a) annual flow;

(b) median concentration of Total Nitrogen (mg/L); and

(c) load of Total Nitrogen (t/year)?

(2) Based on current trends for each catchment, in what year will median concentrations and loads of Total Nitrogen meet the long term maximum acceptable load of 130 tonnes of Total Nitrogen to the Swan Canning Rivers?

Hon HELEN MORTON replied:

(1) (a) I am advised by the Swan River Trust that only some of the annual flow data for 2010 is available for the monitored Swan Canning catchment sites. Data for the remaining sites is in the process of being collected and collated and will be available from the Trust later in 2011. The 2010 annual flow data that is available is as follows:

Bayswater Main Drain - 4,337 ML
Bennet Brook - 2,245 ML
Canning River - 3,195 ML
Ellen Brook - 2,281 ML
Helena River - 1,710 ML
Jane Brook - 887 ML
Southern River - 5,880 ML
Susannah Brook - 377 ML

(b) The annual median total nitrogen concentrations for 2010 for the 15 monitored Swan-Canning sub-catchments are as follows:

Avon River - 0.7 mg/L
Bannister Creek - 1.4 mg/L
Bayswater Main Drain - 1.3 mg/L
Bennett Brook - 1.1 mg/L
Bickley Brook - 0.9 mg/L
Blackadder Creek - 1.0 mg/L
Ellen Brook - 2.0 mg/L
Helena River - 0.6 mg/L
Jane Brook - 0.4 mg/L
Canning River - 0.3 mg/L
Mills Street - 1.0 mg/L
Southern River - 1.3 mg/L
South Belmont - 0.7 mg/L
Susannah Brook - 0.7 mg/L
Yule Brook - 0.8 mg/L

(c) I am advised by the Swan River Trust that total nitrogen loads for 2010 are currently not available as they are yet to be calculated and will be available later in 2011.

(2) I am advised that the maximum acceptable load of 130 tonnes of Total Nitrogen is a long term target which will require continued on-ground action to reduce the input of nutrients and contaminants from entering our river system over several decades.

## MOUNT CHARLOTTE GOLD MINING OPERATIONS — ODOUR EMISSIONS

3215. Hon Robin Chapple to the Minister representing the Minister for Environment

I refer to a media statement dated 16 June 2008, from the Department of Environment and Conservation (DEC) titled, 'Hazelmere rendering company pays $25 000 penalty for odour emission', and unreasonable odour emissions of ammonium nitrate fumes from blasts which seriously impacted upon residents which occurred on 11 and 16 February 2010, at a site managed by Kalgoorlie Consolidated Gold Mines Pty Ltd (KCGM ), who is the management company for Newmont and Barrick at the Mount Charlotte gold mining operations, and ask —

(1) Will KCGM be prosecuted under the *Environmental Protection Act 1986*, for causing unreasonable odour emissions for the incidents on 11 and 16 February 2010, in the same/similar manner as other companies referred to, in the DEC media statements above?

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

(3) Can the Minister explain why the investigation in relation to the above referred to incident was not completed and finalised as of 8 September 2010?

(4) If no to (3) why not?

Hon HELEN MORTON replied:

The Minister for Environment has provided the following response:

(1)-(2) The Department of Environment and Conservation (DEC) has concluded its investigation of events surrounding the Kalgoorlie Consolidated Gold Mines Pty Ltd's (KCGM) Mt Charlotte operations on 11 and 16 February 2010. The findings are being reviewed pending a final determination. It is inappropriate for me to comment prior to the conclusion of this matter.

(3)-(4) DEC undertakes thorough, objective and impartial investigations that are broad ranging and invariably include witness statements, documentary and scene evidence. Environmental scientists and experts are frequently sourced to assess the evidence and each case is the subject of formal legal advice from either DEC or State Solicitor's Office lawyers. Environmental investigations are prioritised and are completed as soon as practicable to meet the high standard for prosecution briefs demanded by DEC and the Courts.

## KALGOORLIE CONSOLIDATED GOLD MINES (KCGM) — VEGETATION CLEARING AND BORES CONSTRUCTION

3216. Hon Robin Chapple to the Minister representing the Minister for Environment

I refer to question on notice No. 2393 of 6 May 2010, photographs taken on 21 January 2010, depicting clearing of vegetation and construction of bores undertaken with exploration equipment available for viewing at www.mp.wa.gov.au/rchapple/Kaltails, a document dated 3 December 2009 entitled, 'KCGM Mining Proposal and Works Approval Application', a media statement dated 1 May 2005 entitled, 'Unauthorised native vegetation clearing conviction', and another dated 30 November 2009 entitled 'illegal land clearers fined $10000 each', and I ask —

(1) Given the Minister has indicated that the Department of Environment and Conservation (DEC), has not received an application to clear native vegetation under the *Environmental Protection Act 1986* in the vicinity of the monitoring bores referred to above, will the company/employees/contractors be prosecuted for breaching sections 51 C, 99Q or any other sections of the *Environmental Protection Act 1986*, in clearing and damaging vegetation in the vicinity of the monitoring bores referred to in the photographs above?

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

(3) Can the Minister table a large Department of Environment and Conservation (DEC) map indicating and denoting where the specific locations, including mining tenure of where clearing of vegetation and construction of bores by KCGM employees/contractors took place?

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

(5) Can the Minister table a large DEC map (separate to the maps requested in (3) and for clarity purposes) indicating and denoting where the specific locations of where clearing of vegetation and construction of bores by KCGM employees/contractors took place in September 2009, on all areas which at the time in question did not have granted mining tenure?

(6) If no to (5) why not?

Hon HELEN MORTON replied:

(1)-(2) Under section 20 of the Environmental Protection Act 1986 a delegation of the Department of Environment and Conservation (DEC) CEO's powers in respect of the clearing provisions has been made to the Department of Mines and Petroleum (DMP) for mining or petroleum related activities. Under the delegation, DMP administers the clearing provisions in accordance with the requirements of the Environmental Protection Act and investigates reports of alleged unauthorised clearing.

The matter remains under investigation by DMP and will be referred to DEC for consideration once the investigation has been completed, in accordance with the delegation. Any action taken by DEC will be consistent with its Enforcement and Prosecution Policy (May 2008).

(3)-(6) [See paper 3105.]

## SUSTAINABLE FOREST MANAGEMENT — COST

3233. Hon Giz Watson to the Minister representing the Minister for Environment

I refer to the 2009/2010 annual report of the Department of Environment and Conservation (DEC) and the Key Efficiency Indicator for Sustainable Forest Management, and ask —

(1) What is the area of State forest and timber reserves for which DEC estimated that its average gross cost for management in accordance with the relevant management plan was $34.03 per hectare, with the actual cost being $35.73 per hectare?

(2) Does the Forest Products Commission (FPC) reimburse DEC for its costs of managing State forest and timber reserves in accordance with the relevant management plan?

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

(4) If yes to (2), how much did DEC receive from the FPC last year for this service?

Hon HELEN MORTON replied:

(1) 1,297,500 hectares.

(2) The appropriation to the Department of Environment and Conservation (DEC) for 2009/2010 provided $7.289 million for managing Forest Products Commission (FPC) activities on State forest and timber reserves.

DEC received $900,000 from the FPC for assistance with implementing the Forest Management Plan 2004-2013 and DEC invoiced the FPC$1,596,125.26 plus GST for bushfire suppression in plantations.

(3) Not applicable.

(4) See the answer to (2).

PIT LAKES — SUSPECTED CONTAMINATED SITE

3242. Hon Robin Chapple to the Minister representing the Minister for Environment

I refer to the Pit lakes within the Mystery and Union Club open pits located in close proximity to Kalgoorlie-Boulder owned by Barrick Gold and Newmont mining, operated and managed by Kalgoorlie Consolidated Gold Mines Pty Ltd (KCGM), and ask —

(1) Can the Minister state by quoting the specific text of the legislation on what basis is the pit lake within the Mystery open pit considered to be a contaminated site?

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

(3) Can the Minister state by quoting the specific text of the legislation on what basis is the pit lake within the Union Club open pit considered to be a contaminated site?

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

Hon HELEN MORTON replied:

The Minister for Environment has provided the following response:

(1)-(4) Under s.3(1) of the Contaminated Sites Act 2003, a "site" is defined as "an area of land and includes (a) underground water under that land; and (b) surface water on that land". The pit lakes in the Mystery and Union Club open pits on Mining Tenements M26/261 and M26/60 were reported as suspected contaminated sites under s.11 of the Act due to the suspected presence of metals and salinity, identified through desktop studies and monitoring data. As the reports provided "grounds to indicate possible contamination of the site", as per Schedule 1 of the Act, Mining Tenements M26/261 and M26/60 were classified possibly contaminated — investigation required.

GENETICALLY MODIFIED CROPS — RANDOM AUDITS

3243. Hon Giz Watson to the Minister representing the Minister for Agriculture and Food

I refer to the answer to my question on notice No. 2868, which was asked on 12 October 2010, and ask —

(1) Regarding the first answer to No. 2868, will you please table a copy of the Audit Checklist of 23 criteria?

(2) Regarding the third answer to No. 2868 —

(a) why was Albany audited when the list of 2010 commercial plantings of genetically modified (GM) canola in Western Australia provided on the Department's website shows no GM canola growers in that region this year;

(b) why was Northamptonshire audited 4 times when there are only 3 growers shown on that list;

(c) why was Kojonup not audited despite having 17 growers shown on that list;

(d) why was Victoria Plains audited 4 times despite having only 5 growers shown on that list;

(e) how many individual growers have been audited more than once; and

(f) regarding the answer to (2)(e), what are the reasons for this?

(3) Does the list of 2010 commercial plantings of genetically modified (GM) canola in Western Australia provided on the Department's website accurately record -

(a) every Shire where GM canola is being grown in Western Australia;

(b) the number of properties where GM canola is grown in each of those Shires; and

(c) the number of hectares within each Shire where GM canola is being grown?

(4) If no to (3)(a) and/or (b) and/or (c) —

(a) will you please now table an accurate list of this information;

(b) will you ensure that the information on the Department's website is updated to include this information;

(c) if no to (4)(a) and/or (b), is this information able to be obtained by you or your Department;

(d) if yes to (4)(c), why will you not provide it; and

(e) if no to (4)(c) -

(f) why not; and

(g) why have you permitted GM canola to be grown in Western Australia without reliable means for getting accurate information about exactly where it is grown?

(5) What percentage of Shires where GM canola is grown have had at least one audit?

(6) What percentage of GM canola growers have had at least one audit?

(7) Regarding the fourth answer to question on notice No. 2868 -

(a) separately from the Minister's written request of May 2010 asking for volunteers to participate in audits, have you or the Department separately encouraged any particular GM canola grower/s to accept the invitation; and

(b) if yes to (7)(a) —

(i) which growers; and

(ii) why?

(8) Did the Department encourage the GM canola grower near the organic farm of Steve Marsh in the Shire of Kojonup to participate in an audit?

(9) If yes to (7)(c), why?

(10) How many audits have occurred in respect of properties where the GM canola grower has not volunteered to participate in an audit?

(11) How does the Department decide -

(a) which Shires in which GM canola is grown are to have an audit; and

(b) which particular GM canola growers in those Shires are to have an audit?

Hon ROBYN McSWEENEY replied:

(1) Yes. [See paper 3103.]

(2) (a)-(b) The list on the Department's website shows the number of GM growers in each Shire. The Department's audit list shows the grower's postal addresses. A difference between the location of the grower's property and the grower's postal address has led to the discrepancies.

(c) Two growers from Kojonup volunteered to be audited and these growers were audited after harvest.

(d) Four growers in Victoria Plains volunteered to be audited.

(e) None.

(f) Not applicable.

(3) The 2010 commercial GM canola planting data on the Department's website is supplied by Monsanto Australia to the Department.

(a) Yes

(b) The website records the number of GM canola growers in each Shire.

(c) Yes

(4) (a)-(e) Not applicable

(5) 45 per cent

(6) 16 per cent

(7) (a) Yes, the Department has invited growers to participate in the audits.

(b) (i) The Department has made a commitment not to identify individual GM canola growers.

(ii) The Department has encouraged growers to participate in the audit program to ensure the audits were carried out in a wide range of areas and included a diversity of production systems, and that sufficient growers were audited to provide confidence in the results of the audits.

(8) Please refer to (7)(b)(i)

(9) Not applicable

(10) None

(11) Please refer to (7)(ii).

BUSHFIRES — 2008–09 SEASON

3244. Hon Alison Xamon to the Minister for Energy representing the Minister for Emergency Services

(1) How many recorded bush fires were there in the 2008-09 fire season?

(2) In how many bush fires were private property damaged?

(3) How many of these bush fires were controlled by FESA?

(4) How many bush fires did FESA manage in the 2007-08 fire season?

(5) If there was a substantial increase from the 2007-08 season to the 2008-09 season, what processes were in place to ensure that FESA staff had sufficient expertise and numbers for the increased number of bush fires they were required to handle?

(6) How many of the bush fires in 2008-09 were classified as major fires?

(7) How many of the major bush fires were coordinated by FESA?

(8) What monitoring of the effect of last year's legislation has/is being carried out on -

(a) FESA workloads;

(b) comparing FESA-managed bush fires to Volunteer or DEC managed bush fires; and

(c) progress of increasing Interoperability between the fire services?

Hon PETER COLLIER replied:

The Fire and Emergency Services Authority of Western Australia (FESA) advises:

(1) There were 7,607 in total — 5,422 were managed by FESA.

(2) 29

(3) 16

(4) There were 7,114 in total — 5,509 were managed by FESA.

(5) Not applicable.

(6) 6

(7) 3

(8) (a) FESA as a matter of course debriefs and reviews all major responses where it has responsibility for control and participates in reviews of other incidents in which it plays a part. FESA has additional coordination and command systems in place since the implementation of the amended bush fire legislation.

(b) There is no comparison undertaken.

(c) The establishment of the Interagency Bush Fire Management Committee has made significant progress to enhance interoperability between fire services which includes: the formation of

preformed interagency teams when identified triggers are met; common incident structures; training systems; and interagency liaison officers operating at the State Operations Centre.

FIRE SEASON 2009–10 — STATE ALERT BROADCAST

3245. Hon Alison Xamon to the Minister for Energy representing the Minister for Emergency Services

I refer to FESA's dissemination of information to the community regarding bushfires, and ask —

(1) On how many occasions in the 2009-10 fire season was State Alert used to broadcast messages to the community?

(2) Were there any instances where FESA's website and phone line did not have information available to the public in advance of property burning?

Hon PETER COLLIER replied:

The Fire and Emergency Services Authority of Western Australia (FESA) advises;

(1) During the 2009-10 bushfire season StateAlert was activated on eight occasions and sent out a total of more than 14,000 emergency warnings to residents about bushfires threatening their communities.

(2) FESA records more than 30,000 emergency incidents per year, which includes almost 7000 landscape fires and 5500 structure and property fires. If the member has a specific query about a specific fire then FESA can provide a response.

TASER USE BY POLICE — INTERIM POLICY

3265. Hon Giz Watson to the Minister for Energy representing the Minister for Police

I refer to the answer given to my question without notice No. 455 on 30 June 2010, and the new interim policy on Taser use announced this month by the Commissioner of Police, and ask —

Will the Minister please table a copy of the new interim written guidelines for police on Taser use?

Hon PETER COLLIER replied:

The Western Australia Police Commissioner's Police Manual policies and procedures, in respect to Use of Force, were revised in the Police Gazette No 49, published on 9 December 2010.

These policies are the current policies, not an 'interim' measure in the normal context. The reference to these changes being interim may have been in the context that they are under constant review and change, as required, and the outcome of the changes will be monitored for impact.

The revision to policies, published in the above mentioned Gazette, affected all 'Force Option' policies relating to Use of Force, Firearms, Batons, Oleoresin Capsicum Spray, Taser and Handcuffs.

Attached are the revised policies, specific to Taser in WA Police Manual policy FR-1.6. [See paper 3102.]

GOVERNMENT DEPARTMENTS AND AGENCIES —
NON-TABLING OF STATEMENTS OF CORPORATE INTENT

3274. Hon Ljiljanna Ravlich to the Leader of the House representing the Minister for Racing and Gaming

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 Nov 2010, and in particular to pages 26 and 27, where they refer to annual Statements of Corporate Intent (SCI). The Report states that fifteen of the twenty two Agencies have not tabled SCIs for 2010-2011 and that, 'Widespread non-compliance with legislative requirement to table annual statements of Corporate Intent continues'. As Racing and Wagering Western Australia is listed as being an Agency where a SCI has not been tabled from 2008-09 until the current period, I ask —

(1) What is the reason that a SCI has not been tabled for each of the years until the current time?

(2) Will a SCI been tabled shortly?

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

Hon NORMAN MOORE replied:

(1)-(3) The Statement of Corporate Intent for 2010-11 was tabled on 15 February 2011.

GOVERNMENT DEPARTMENTS AND AGENCIES —
NON-TABLING OF STATEMENTS OF CORPORATE INTENT

3278. Hon Ljiljanna Ravlich to the Minister for Mines and Petroleum

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 Nov 2010, and in particular to pages 26 and 27, where they refer to annual Statements of Corporate Intent (SCI). The Report

states that fifteen of the twenty two Agencies have not tabled SCIs for 2010-2011 and that, 'Widespread non-compliance with legislative requirement to table annual statements of Corporate Intent continues'. As the Chemistry Centre (WA) is listed as being an Agency where a SCI has not been tabled from 2008-09 until the current period, I ask —

(1) What is the reason that a SCI has not been tabled for each of the years until the current period?

(2) Will a SCI been tabled shortly?

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

Hon NORMAN MOORE replied:

(1)-(3) The Chemistry Centre (WA) is a statutory authority under the jurisdiction of the Minister for Science and Innovation.

GOVERNMENT DEPARTMENTS AND AGENCIES — FINANCIAL REPORTING

3294. Hon Ljiljanna Ravlich to the Minister for Electoral Affairs

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 Nov 2010, in Section 5 'Quality and Timeliness of Financial Reporting' on page 30 where it refers to too many Agencies providing documents of unsatisfactory quality, causing audit costs to rise, often significantly, which can delay the issuing of the opinion and the tabling of the annual report, and I ask —

(1) What are the Agencies under the Minister's portfolio that the audit is referring to?

(2) Have any Annual Reports of these Agencies been delayed because of the unsatisfactory quality of their documents for audit?

(3) What action has been taken to ensure these Agencies are able to improve their financial statements for audit?

(4) Can the Minister give an assurance that these Agencies will implement better quality control processes to improve the material they submit in time for the next audit?

(5) If no to (4), why not?

Hon NORMAN MOORE replied:

The comments in the subject Auditor General's report did not apply to the Western Australian Electoral Commission. Therefore (1)-(5) are not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — FINANCIAL REPORTING

3300. Hon Ljiljanna Ravlich to the Minister for Finance

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 Nov 2010, in section five 'Quality and Timeliness of Financial Reporting' on page 30 where it refers to too many Agencies providing documents of unsatisfactory quality, causing audit costs to rise, often significantly, which can delay the issuing of the opinion and the tabling of the annual report, and I ask —

(1) What are the Agencies under the Minister's portfolio that the audit is referring to?

(2) Have any Annual Reports of these agencies been delayed because of the unsatisfactory quality of their documents for audit?

(3) What action has been taken to ensure these Agencies are able to improve their financial statements for audit?

(4) Can the Minister give an assurance that these Agencies will implement better quality control processes to improve the material they submit in time for the next audit?

(5) If no to (4), why not?

Hon SIMON O'BRIEN replied:

(1)-(5) Not Applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — FINANCIAL REPORTING

3301. Hon Ljiljanna Ravlich to the Minister for Commerce

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 Nov 2010, in section five 'Quality and Timeliness of Financial Reporting' on page 30 where it refers to too many Agencies providing documents of unsatisfactory quality, causing audit costs to rise, often significantly, which can delay the issuing of the opinion and the tabling of the annual report, and I ask —

(1) What are the Agencies under the Minister's portfolio that the audit is referring to?

(2) Have any Annual Reports of these agencies been delayed because of the unsatisfactory quality of their documents for audit?

(3) What action has been taken to ensure these Agencies are able to improve their financial statements for audit?

(4) Can the Minister give an assurance that these agencies will implement better quality control processes to improve the material they submit in time for the next audit?

(5) If no to (4), why not?

Hon SIMON O'BRIEN replied:

(1)-(5) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — FINANCIAL REPORTING

3302. Hon Ljiljanna Ravlich to the Minister for Small Business

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 Nov 2010, in section five 'Quality and Timeliness of Financial Reporting' on page 30 where it refers to too many Agencies providing documents of unsatisfactory quality, causing audit costs to rise ,often significantly, which can delay the issuing of the opinion and the tabling of the annual report, and I ask —

(1) What are the Agencies under the Minister's portfolio that the audit is referring to?

(2) Have any Annual Reports of these agencies been delayed because of the unsatisfactory quality of their documents for audit?

(3) What action has been taken to ensure these Agencies are able to improve their financial statements for audit?

(4) Can the Minister give an assurance that these agencies will implement better quality control processes to improve the material they submit in time for the next audit?

(5) If no to (4), why not?

Hon SIMON O'BRIEN replied:

(1)-(5) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — FINANCIAL REPORTING

3306. Hon Ljiljanna Ravlich to the Minister for Mental Health representing the Minister for Culture and the Arts

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 Nov 2010, in section five 'Quality and Timeliness of Financial Reporting' on page 30 where it refers to too many Agencies providing documents of unsatisfactory quality, causing audit costs to rise, often significantly, which can delay the issuing of the opinion and the tabling of the annual report, and I ask —

(1) What are the Agencies under the Minister's portfolio that the audit is referring to?

(2) Have any Annual Reports of these Agencies been delayed because of the unsatisfactory quality of their documents for audit?

(3) What action has been taken to ensure these Agencies are able to improve their financial statements for audit?

(4) Can the Minister give an assurance that these Agencies will implement better quality control processes to improve the material they submit in time for the next audit?

(5) If no to (4), why not?

Hon HELEN MORTON replied:

(1) The agencies under the Minister's Culture and Arts Portfolio are:

- Department of Culture and the Arts
- WA Museum
- State Library of WA
- Art Gallery of WA
- Perth Theatre Trust
- Screen West

Financial statements are also prepared for the Swan Bells Foundation.

None of the agencies submitted financial statements of unsatisfactory quality.

(2) No.

(3)-(5) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — FINANCIAL REPORTING

3310. Hon Ljiljanna Ravlich to the Minister for Child Protection

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 Nov 2010, in section five 'Quality and Timeliness of Financial Reporting' on page 30 where it refers to too many Agencies providing documents of unsatisfactory quality, causing audit costs to rise, often significantly, which can delay the issuing of the opinion and the tabling of the annual report, and I ask —

(1) What are the Agencies under the Minister's portfolio that the audit is referring to?

(2) Have any Annual Reports of these agencies been delayed because of the unsatisfactory quality of their documents for audit?

(3) What action has been taken to ensure these Agencies are able to improve their financial statements for audit?

(4) Can the Minister give an assurance that these agencies will implement better quality control processes to improve the material they submit in time for the next audit?

(5) If no to (4), why not?

Hon ROBYN McSWEENEY replied:

(1) None

(2) No

(3)-(5) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — FINANCIAL REPORTING

3311. Hon Ljiljanna Ravlich to the Minister for Community Services

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 Nov 2010, in section five 'Quality and Timeliness of Financial Reporting' on page 30 where it refers to too many Agencies providing documents of unsatisfactory quality, causing audit costs to rise, often significantly, which can delay the issuing of the opinion and the tabling of the annual report, and I ask —

(1) What are the Agencies under the Minister's portfolio that the audit is referring to?

(2) Have any Annual Reports of these agencies been delayed because of the unsatisfactory quality of their documents for audit?

(3) What action has been taken to ensure these Agencies are able to improve their financial statements for audit?

(4) Can the Minister give an assurance that these Agencies will implement better quality control processes to improve the material they submit in time for the next audit?

(5) If no to (4), why not?

Hon ROBYN McSWEENEY replied:

The answer for the Department for communities which includes Seniors and Volunteering; Women's Interests and Youth

(1) Not applicable — The Department for Communities was listed as a 'better practice' agency on page 32 of the Auditor General report, which recognised the quality and timeliness of the financial statements and sound financial controls within the department.

(2) No

(3)-(5) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — FINANCIAL REPORTING

3312. Hon Ljiljanna Ravlich to the Minister for Seniors and Volunteering

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 Nov 2010, in section five 'Quality and Timeliness of Financial Reporting' on page 30 where it refers to too many Agencies

providing documents of unsatisfactory quality, causing audit costs to rise, often significantly, which can delay the issuing of the opinion and the tabling of the annual report, and I ask —

(1) What are the Agencies under the Minister's portfolio that the audit is referring to?

(2) Have any Annual Reports of these agencies been delayed because of the unsatisfactory quality of their documents for audit?

(3) What action has been taken to ensure these Agencies are able to improve their financial statements for audit?

(4) Can the Minister give an assurance that these Agencies will implement better quality control processes to improve the material they submit in time for the next audit?

(5) If no to (4), why not?

Hon ROBYN McSWEENEY replied:

(1)-(5) Please refer to Question on Notice 3311.

GOVERNMENT DEPARTMENTS AND AGENCIES — FINANCIAL REPORTING

3313. Hon Ljiljanna Ravlich to the Minister for Women's Interests

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 Nov 2010, in section five 'Quality and Timeliness of Financial Reporting' on page 30 where it refers to too many Agencies providing documents of unsatisfactory quality, causing audit costs to rise, often significantly, which can delay the issuing of the opinion and the tabling of the annual report, and I ask —

(1) What are the Agencies under the Minister's portfolio, that the audit is referring to?

(2) Have any Annual Reports of these Agencies been delayed because of the unsatisfactory quality of their documents for audit?

(3) What action has been taken to ensure these Agencies are able to improve their financial statements for audit?

(4) Can the Minister give an assurance that these Agencies will implement better quality control processes to improve the material they submit in time for the next audit?

(5) If no to (4), why not?

Hon ROBYN McSWEENEY replied:

(1)-(5) Please refer to Question on Notice 3311.

GOVERNMENT DEPARTMENTS AND AGENCIES — FINANCIAL REPORTING

3314. Hon Ljiljanna Ravlich to the Minister for Youth

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 Nov 2010, in section five 'Quality and Timeliness of Financial Reporting' on page 30 where it refers to too many Agencies providing documents of unsatisfactory quality, causing audit costs to rise, often significantly, which can delay the issuing of the opinion and the tabling of the annual report, and I ask —

(1) What are the Agencies under the Minister's portfolio that the audit is referring to?

(2) Have any Annual Reports of these Agencies been delayed because of the unsatisfactory quality of their documents for audit?

(3) What action has been taken to ensure these Agencies are able to improve their financial statements for audit?

(4) Can the Minister give an assurance that these Agencies will implement better quality control processes to improve the material they submit in time for the next audit?

(5) If no to (4), why not?

Hon ROBYN McSWEENEY replied:

(1)-(5) Please refer to Question on Notice 3311.

SOCIAL INNOVATION GRANTS PROGRAM — APPLICATIONS

3328. Hon Alison Xamon to the Minister for Community Services

I refer to the State Government's new Social Innovation Grants Program, and ask —

(1) How many applications do you anticipate receiving under this program in 2010-2011?

(2) How many applications do you expect to be successful?

(3) How much funding has your early modelling suggested successful applicants are likely to receive on average?

Hon ROBYN McSWEENEY replied:

(1)-(2) Not known. The closing date for applications is 31 March 2011.

(3) Funding of $2 million in 2010-11, and $4 million each year of the program thereafter will be available. Within this context, there is no limit to the scope of funding available for successful projects.

FOSTER CARERS — ESTABLISHMENT ALLOWANCE

3329. Hon Alison Xamon to the Minister for Child Protection

I refer to the new Establishment Allowance for grandparents and other informal foster carers, and ask —

(1) What are the eligibility criteria for the allowance?

(2) Will people who began acting as informal carers prior to the announcement of the allowance be eligible to receive the $1 000 grant?

(3) If no to (2), will the Minister consider retrospective payment to these people given the often significant costs they incur as carers?

Hon ROBYN McSWEENEY replied:

(1) To be eligible for the payment, the Department must have had involvement with the family. The Department will have undertaken a safety and wellbeing assessment to determine that no legal or court action is required to promote and safeguard the child's wellbeing. Where it is assessed that it is in the child's best interests to reside with their grandparents or relatives, and a safety plan is developed with the family and relatives. A parent must agree to this family care arrangement.

(2) The Establishment Payment can be paid to those eligible informal relative carers from 1 January 2011. People who began acting as informal relative carers previous to this date will not be eligible to receive the $1000 grant, as it is an "establishment payment" to provide for any necessary goods to begin accommodating the child.

(3) Payments will not be made retrospectively.

ASYLUM SEEKERS IN DETENTION — CHILDREN'S CARE

3330. Hon Alison Xamon to the Minister for Child Protection

I refer to the care and protection of children and young people who are currently in detention centres or places of alternative detention on Christmas Island and Leonora, and ask —

(1) What has the Minister done, or does she intend to do, to ensure SERCO staff and management are aware of Western Australia's mandatory reporting obligations?

(2) Does the Department of Child Protection provide any services to parents of those children who need assistance with parenting and child care issues?

(3) Does the State Government have any intention of including these and other child protection issues in an MOU with the Department of Immigration and Citizenship?

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

Hon ROBYN McSWEENEY replied:

(1) The Commonwealth Government is responsible for ensuring that the staff and management of its contracted services comply with all relevant legislation.

Should the Commonwealth Government request assistance to raise the awareness of SERCO staff and management on the subject of Western Australia's mandatory reporting obligations (for the WA Police, Doctors, Nurses, and Teachers), the Department for Child Protection (the Department) will respond to the request.

(2) The Commonwealth Government is responsible for the provision of services to families in immigration detention. Where there are concerns for children in immigration detention, the Department will respond to requests for assistance.

(3) Yes.

(4) Not applicable.

CHILDREN IN CARE — HEALTH CARE PLANS

3343. Hon Sue Ellery to the Minister for Child Protection

How many completed health care plans have been included in the care plans for children in the care of the CEO, by district?

Hon ROBYN McSWEENEY replied:

The Department captures this information in individual case files, and therefore is not able to report statistical information at the present time.

Since 2008, the Department for Child Protection and the Department of Health have been working collaboratively to implement health care planning for children in care. The findings from the 2009 pilot project have informed a State-wide phased roll-out of the framework that is underway.

Health care planning is now operational in 12 districts and will be fully implemented State-wide by July 2011.

COMMUNITY GROUPS — FUNDING

3354. Hon Sue Ellery to the Minister for Community Services

I refer to funding provided to community groups either by grant or contract, and I ask —

(1) Which funding programs require applicant organisations to provide matching funding which require some or all of that to be in cash?

(2) How much of the funding is required in cash?

Hon ROBYN McSWEENEY replied:

(1) Nil.

(2) Not applicable.

COMMUNITY GROUPS — FUNDING

3357. Hon Sue Ellery to the Minister for Child Protection

I refer to funding provided to community groups either by grant or contract, and I ask —

(1) Which funding programs require applicant organisations to provide matching funding which require some or all of that to be in cash?

(2) How much of the funding is required in cash?

Hon ROBYN McSWEENEY replied:

(1) The Department for Child Protection's funding programs for community groups, either by grant or contract, do not require matching funding.

(2) Nil.

DOMESTIC VIOLENCE — CHILDREN'S SAFETY PROGRAMS

3382. Hon Sue Ellery to the Minister for Child Protection

I refer to the nine percent increase in incidents of Domestic Violence in Western Australia over the past two financial years, and I ask —

What is the total number of children reported to DCP during the past two financial years where family or domestic violence incidents have been noted by the Department, and what percentage of those children participated in either the Safe at Home or Domestic Violence Outreach program?

Hon ROBYN McSWEENEY replied:

The Department records reports of concern for a child based on the nature of the reported concern, such as sexual, physical or psychological abuse, or neglect.

Information about underlying issues, such as the presence of family and domestic violence, are collected as part of the child protection investigation, however child protection reports are not reported on that basis.

The Safe at Home and Domestic Violence Outreach Programs commenced in July 2010 and client data from the non government service providers is not yet available.

BERLIN PHILHARMONIC — REGIONAL PERFORMANCE COST

3401. Hon Linda Savage to the Minister for Mental Health representing the Minister for Culture and the Arts

(1) What is the total cost of the Berlin Philharmonic’s performance to regional areas?

(2) What is the full breakdown of that expenditure?

(3) What amount was recouped by sponsorships or ticket sales?

Hon HELEN MORTON replied:

(1) The total cost of the Berlin Philharmonic's performance to Regional Areas was $199 339 funded through Royalties for Regions.

(2) The full breakdown of that expenditure is as follows:

| | |
|---|---|
| Travel and Accommodation | $32,449 |
| Marketing Costs | $12,773 |
| Technical Costs | $73,200 |
| Performer & Production Costs & Venue Hire | $80,917 |
| Total Costs | **$199,339** |

(3) The Berlin Philharmonic Orchestra agreed to the performance on 14 November 2010 at Perth Concert Hall being simulcast but did not charge any additional fee for the simulcast. This was on the undertaking by Perth Theatre Trust, that, attendees at Venues where the performance was being Simulcast be admitted free of charge.

As a result of this agreement, there was no recoup received by Perth Theatre Trust in regard to the Simulcast, from sponsorships or ticket sales.

FIONA STANLEY HOSPITAL — FREEWAY TUNNEL ACCESS

3402. Hon Ken Travers to the Minister for Mental Health representing the Minister for Planning

(1) Is the Minister aware of the view of the City of Melville, that a tunnel providing direct access from the Freeway to Fiona Stanley Hospital, must be completed prior to the opening of the facility in 2014?

(2) Does the Minister agree with this view?

(3) What action is the State Government taking to address the City of Melville's concerns?

Hon HELEN MORTON replied:

(1) Yes.

(2) Government departments are continuing to assess the merits and feasibility of improved road connectivity in this locality.

(3) Once all transport and land use investigations have been concluded as they relate to the Mixed Use Precinct, the Government will be better informed as to the merits of a tunnel.

FIONA STANLEY HOSPITAL — FREEWAY TUNNEL ACCESS

3403. Hon Ken Travers to the Minister for Mental Health representing the Minister for Planning

(1) Has the Government considered the implications of developing a tunnel from Kwinana Freeway to the Fiona Stanley Hospital, on the parking at Murdoch Railway Station?

(2) If yes to (1), what are the implications?

(3) What action will the Government take to address any impacts?

(4) Will the Minister table any studies that consider or relate to this issue?

(5) If no to (4), why not?

Hon HELEN MORTON replied:

(1) A tunnel is an option for access and egress that is currently under investigation.

(2)-(5) The implications of a tunnel will be considered as part of the transport review process for the Mixed Use Precinct.

MURDOCH TRAIN STATION — MIXED USE PRECINCT PROPOSAL

3404. Hon Ken Travers to the Minister for Mental Health representing the Minister for Planning

(1) Has the Government considered the implications of developing a mixed use precinct over the carpark, of the Murdoch Railway Station?

(2) If yes to (1), what are the implications?

(3) What action will the Government take to address any impacts?

(4) Will the Minister table any studies that consider or relate to this issue?

(5) If no to (4), why not?

Hon HELEN MORTON replied:

(1) The Government is considering the development of a Mixed Use Precinct to link the Fiona Stanley Hospital with the Murdoch Bus-Rail Transit Station.

(2)-(5) The full implications will be considered as part of the planning for the Mixed Use Precinct. It is expected this would lead to a statutory planning process with opportunities for consultation and community participation.

INFRASTRUCTURE PROJECTS — FUNDING

3413. Hon Ken Travers to the Minister for Mental Health representing the Minister for Planning

(1) Can the Premier list the top five urban infrastructure projects in Western Australia not currently fully funded?

(2) Can the Premier list his top five rural infrastructure projects for Western Australia not currently fully funded?

Hon HELEN MORTON replied:

(1)-(2) The Government's priority infrastructure projects are identified in the budget papers.

BILLBOARDS ON MAJOR ROADS — ROAD SAFETY COUNCIL POSITION

3414. Hon Ken Travers to the Minister for Energy representing the Minister for Road Safety

(1) Does the Road Safety Council support the construction of advertising billboards alongside freeways and highways in Western Australia?

(2) Does the Road Safety Council provide any guidelines regarding billboards on Freeways or Highways?

(3) What measures does the Government have to control billboards on Freeways or Highways?

(4) Is the Road Safety Council ever consulted prior to billboards being approved on Highways and Freeways?

(5) Does the Road Safety Council support billboards alongside the Forrest Highway?

(6) Was the Road Safety Council consulted prior to any billboards being erected alongside the Forrest Highway?

(7) If no to (5), what action is the Government taking to remove or prevent more billboards being erected on freeways and highways?

Hon PETER COLLIER replied:

(1) The Office of Road Safety, on behalf of the Road Safety Council, has supported the use of advertising billboards, particularly in regional areas where advertising opportunities are less frequent than in metropolitan areas, for the promotion of road safety initiatives.

(2) Guidelines for the construction of advertising billboards on Freeways and Highways are provided by Main Roads WA and the relevant local government authority.

(3) See (2) above.

(4) The Office of Road Safety, on behalf of the Road Safety Council, has been consulted in some instances prior to billboards being approved.

(5) The Office of Road Safety, on behalf of the Road Safety Council, was offered the opportunity to advertise at a number of sites along the Forrest Highway. One billboard is currently being used to promote the use of seatbelts in all driving situations. This is particularly important in regional areas where recent crash statistics indicate that around 30 per cent of fatal country crashes involved people not wearing seatbelts.

(6) See (5) above.

(7) Not applicable.

EXMOUTH MARINE SUPPLY BASE PROPOSAL — EZION HOLDINGS

3469. Hon Ljiljanna Ravlich to the Minister for Mines and Petroleum

I refer to the proposed development at Lot 50 in Exmouth, with the proponents being Exmouth Limestone Pty Ltd (the lessee) and Ezion Holdings, a wholly owned and based Singapore company, the developer and lessor, and I ask —

(1) Is it true that Ezion will begin building a marine supply base in Exmouth within the next two months?

(2) If no to (1), what is the time frame for the commencement of the building of a supply base in Exmouth?

(3) Has Environmental Protection Authority (EPA) approval been granted for the project?

(4) If yes to (3), when was application first made and approval granted?

(5) Has the EPA approval ever been extended for this project?

(6) If yes to (5) —

(a) when; and

(b) for how long?

(7) When was the application made to the EPA to have the approval extended, and who was the applicant?

(8) Has there been a review of the environmental conditions for this project?

(9) If yes to (8), what changes were made to the conditions?

(10) Will the Minister table the revised environment conditions?

(11) If no to (10), why not?

(12) When was Development Approval first granted for the project?

(13) Has Development Approval expired for the project at any time?

(14) If yes to (13), when?

(15) Has an extension of the Development Approval expired for the project at any time?

(16) If yes to (15), when?

(17) Who made application for an extension of Development Approval and if granted, when was it granted and for how long?

(18) Given that the proposed use of the jetty has changed significantly from limestone-rock load out for Exmouth Limestone Pty Ltd to that of a marine supply base, why has there been no further full environmental review of the proposed development?

(19) Who are the traditional custodians of the land, and what consultation has there been between Ezion Holdings and them, on moving the development from a five hectare clearing of land to 18 hectares of land?

(20) Has Ezion Holdings consulted with the traditional custodians on the building of a marine supply base in Exmouth?

(21) If no to (20), why not?

Hon NORMAN MOORE replied:

(1)-(13) These questions should be addressed to the relevant Minister — Minister for Environment.

(14)-(21) These questions should be directed to the relevant Minister — Minister for Planning.

## CHILDREN IN CARE — STATISTICS

3475. Hon Sue Ellery to the Minister for Child Protection

(1) How many children were under the care of the Department of Child Protection (DCP) during the month of November 2010, by district?

(2) How many of these were placed in non-Government group facilities, by district?

(3) How many of these were in placements with DCP foster carers by category of —

(a) relative;

(b) non relative carer; and

(c) by district?

(4) How many of these were in placements with non-Government organisation foster carers, by district?

Hon ROBYN McSWEENEY replied:

Data cannot be obtained retrospectively and accordingly the information provided below reports results as at 31 January 2011, with an extraction date of 24 February 2011.

(1) As at 31 January 2011, there were 3,504 children in care, in the following districts:

Armadale — 364
Cannington — 293
Fremantle — 248
Joondalup — 240
Midland — 239
Mirrabooka — 301
Perth — 228
Rockingham — 164
Goldfields — 127
Great Southern — 159
Kimberley (East) — 132
Kimberley (West) — 146
Murchison — 150
Peel — 188
Pilbara — 114
South West — 203
Wheatbelt — 193
Accommodation and Care Services — 14
Crisis Care — 1

(2) As at 31 January 2011, there were 148 children placed in non-government group facilities in the following districts:

Armadale — 25
Cannington — 19
Fremantle — 7
Joondalup — 16
Midland — 10
Mirrabooka — 15
Perth — 12
Rockingham — 9
Goldfields — 4
Great Southern — 5
Kimberley (East) — 1
Kimberley (West) — 3
Murchison — 2
Peel — 9
Pilbara — 1
South West — 6
Wheatbelt — 4

(3) As at 31 January 2011, there were 1,340 children placed with departmental relative foster carers and 1,072 children placed with departmental non relative foster carers, in the following districts:

Armadale — 106 relative, 137 non relative
Cannington — 125 relative, 84 non relative
Fremantle — 122 relative, 56 non relative
Joondalup — 64 relative, 87 non relative
Midland — 81 relative, 62 non relative
Mirrabooka — 98 relative, 99 non relative
Perth — 74 relative, 73 non relative
Rockingham — 52 relative, 61 non relative
Goldfields — 71 relative, 21 non relative
Great Southern — 77 relative, 45 non relative
Kimberley (East) — 79 relative, 18 non relative
Kimberley (West) — 77 relative, 24 non relative
Murchison — 74 relative, 42 non relative
Peel — 64 relative, 77 non relative
Pilbara — 65 relative, 14 non relative
South West — 57 relative, 92 non relative
Wheatbelt — 54 relative, 67 non relative
Accommodation and Care Services — 0 relative, 13 non relative

(4) There were 291 children placed with non-government organisation foster carers, in the following districts:

Armadale — 51
Cannington — 32
Fremantle — 28
Joondalup — 22
Midland — 37
Mirrabooka — 34
Perth — 37
Rockingham — 17
Goldfields — 0
Great Southern — 2
Kimberley (East) — 1
Kimberley (West) — 4
Murchison — 1
Peel — 7
Pilbara — 1
South West — 6
Wheatbelt — 11
Accommodation and Care Services — 0
Crisis Care — 0

DEPARTMENT FOR CHILD PROTECTION — FTE EMPLOYEES

3476. Hon Sue Ellery to the Minister for Child Protection

(1) As at 30 November 2010, what was the total funded full time equivalent (FTE) employee allocation, by directorate and district?

(2) As at 30 November 2010, what were the vacancies in the full time equivalent (FTE) terms by directorate and district?

(3) How many of those vacancies were subject to advertising at 31 August 2010 by district; and of those not subject to advertising as at 31 August 2010, why not?

(4) As at 30 November 2010, what was the total service delivery full time equivalent (FTE) employee allocation, by directorate and district?

(5) As at 30 November 2010, what were the total vacant service delivery positions, by directorate and district?

(6) As at 30 November 2010, what was the total full time equivalent (FTE) case worker allocation, by directorate and district?

(7) As at 30 November 2010, what was the total full time equivalent (FTE) vacant case worker positions?

(8) As at 30 November 2010, what was the full time equivalent (FTE) number of employees by directorate and district on permanent contract and on fixed term contract?

(9) As at 30 November 2010, how many DCP field officers have been co-located with Western Australian Police staff from the family protection unit, in regional and rural offices as part of the strategy to combat family and domestic abuse?

(10) What are the co-location sites where the DCP officers referred to in (9), are situated?

Hon ROBYN McSWEENEY replied:

(1) Total FTE = 2299 FTE. [See paper 3104] for breakdown by directorate and district as follows.

(2) Total Vacancies = 193 FTE. [See paper 3104] for breakdown by directorate and district.

(3) 71 FTE were subject to advertising/pool recruitment processes. [See paper 3104] for a full breakdown.

Of those not subject to advertising/pool recruitment processes, 18 FTE were subject to structural review of the positions and 123 were vacant and in the process of recruitment or being reviewed as to how best to recruit.

(4) 1465 FTE. [See paper 3104] for breakdown by directorate and district

(5) 143 FTE. [See paper 3104] for breakdown by directorate and district.

(6) 731 FTE. [See paper 3104] for breakdown by directorate and district.

(7) 65 FTE. [See paper 3104] for breakdown by directorate and district.

(8) 1847 FTE (Permanent); 298 FTE (Fixed Term). [See paper 3104] for breakdown by directorate and district.

(9) 9 Staff

(10) [See paper 3104] for a full list of co-location sites.

CHILDREN IN CARE — SAFETY AND WELLBEING ASSESSMENTS

3477. Hon Sue Ellery to the Minister for Child Protection

(1) As at 30 November 2010, what was the number of new Safety and Wellbeing Assessments for a Child recorded during that month, by district?

(2) As at 30 November 2010, what was the number of new Safety and Wellbeing Assessments with a harm assessment recorded during the month, by district?

(3) As at 30 November 2010, what was the number of children in care for more than 20 days with no planning recorded, by district?

(4) As at 30 November 2010, what was the number of Safety and Wellbeing Assessments open for more than 30 days but less than 90 days, by district?

(5) As at 30 November 2010, what was the number of Safety and Wellbeing Assessment with a harm assessment open for more than 90 days, by district?

(6) As at 30 November 2010, what were the number of open Safety and Wellbeing Assessments with a harm assessment, by district?

(7) As at 30 November 2010, what was the number of 'monitored' or 'active holding' cases not allocated to workers caseload, by district?

Hon ROBYN McSWEENEY replied:

(1) The number of new safety and wellbeing assessments for a child recorded during the month of November 2010 by district was:

Armadale — 84
Cannington — 44
Fremantle — 38
Joondalup — 94
Midland — 28
Mirrabooka — 66
Perth — 24
Rockingham — 14
Goldfields — 45
Great Southern — 21
Kimberley (East) — 19
Kimberley (West) — 7
Murchison — 26
Peel — 39
Pilbara — 77
South West — 52
Wheatbelt — 32
Other — 21 (includes non district units such as Fostering and Adoption Services, Crisis Care, Therapeutic Intervention Services and Head Office)

(2) The number of new safety and wellbeing assessments with a harm assessment recorded during the month of November 2010 by district was:

Armadale — 52
Cannington — 26
Fremantle — 15
Joondalup — 48
Midland — 24
Mirrabooka — 36
Perth — 18
Rockingham — 16
Goldfields — 33
Great Southern — 11

Kimberley (East) — 11
Kimberley (West) — 5
Murchison — 27
Peel — 22
Pilbara — 18
South West — 27
Wheatbelt — 19
Other — 19 (includes non district units such as Fostering and Adoption Services, Crisis Care, Therapeutic Intervention Services and Head Office)

(3) These data are not currently available.

(4) These data are not retrospectively available. As at 23 February 2011, the number of open safety and wellbeing assessments with a harm assessment for more than 30 days but less than 90 days by district was:

Armadale — 49
Cannington — 41
Fremantle — 27
Joondalup — 55
Midland — 14
Mirrabooka — 107
Perth — 24
Rockingham — 10
Goldfields — 8
Great Southern — 7
Kimberley (East) — 12
Kimberley (West) — 17
Murchison — 27
Peel — 31
Pilbara — 59
South West — 14
Wheatbelt — 4
Other — 4 (includes non district units such as Fostering and Adoption Services, Crisis Care, Therapeutic Intervention Services and Head Office)

(5) These data are not retrospectively available. As at 23 February 2011, the number of open Safety and Wellbeing Assessments with a Harm Assessment for more than 90 days by district was:

Armadale — 117
Cannington — 42
Fremantle — 78
Joondalup — 27
Midland — 21
Mirrabooka — 75
Perth — 29
Rockingham — 2
Goldfields — 61
Great Southern — 23
Kimberley (East) — 11
Kimberley (West) — 1
Murchison — 32
Peel — 77
Pilbara — 74
South West — 15
Wheatbelt — 21
Other — 32 (includes non district units such as Fostering and Adoption Services, Crisis Care, Therapeutic Intervention Services and Head Office)

(6) These data are not retrospectively available. As at 23 February 2011, the number of open safety and wellbeing assessments with a harm assessment by district was:

Armadale — 222
Cannington — 100
Fremantle — 118
Joondalup — 139

Midland — 56
Mirrabooka — 253
Perth — 61
Rockingham — 30
Goldfields — 90
Great Southern — 33
Kimberley (East) — 29
Kimberley (West) — 25
Murchison — 71
Peel — 138
Pilbara — 171
South West — 46
Wheatbelt — 32
Other — 41 (includes non district units such as Fostering and Adoption Services, Crisis Care, Therapeutic Intervention Services and Head Office)

(7) As at 30 November 2010, the number of monitored cases, not assigned to a case worker, by district was:

Armadale — 111
Cannington — 74
Fremantle — 83
Joondalup — 44
Midland — 44
Mirrabooka — 51
Perth — 31
Rockingham — 66
Goldfields — 70
Great Southern — 15
Kimberley (East) — 79
Kimberley (West) — 77
Murchison — 68
Peel — 92
Pilbara — 52
South West — 21
Wheatbelt — 62

FOSTER CARERS — STATISTICS

3478. Hon Sue Ellery to the Minister for Child Protection

(1) As at 30 November 2010, what was total number of applications to be a foster carer approved by category of —

(a) relative;

(b) non relative carer; and

(c) by district?

(2) As at 30 November 2010, what was the total number of registered foster carers by category of —

(a) relative;

(b) non relative carer; and

(c) by district?

(3) As at 30 November 2010, what was the total number of interim foster carers, by category of —

(a) relative;

(b) non relative carer; and

(c) by district?

(4) As at 30 November 2010, what was the total number of registered foster carers with children placed, by category of —

(a) relative;

(b) non relative carer; and

(c) by district?

(5) As at 30 November 2010, what was the total number of interim foster carers with children placed, by category of —

(a) relative;

(b) non relative carer; and

(c) by district?

Hon ROBYN McSWEENEY replied:

(1) In November 2010, there were 35 relative and 24 non relative applications to be a foster carer approved in each of the following districts:

Armadale — 0 relative, 1 non relative
Cannington — 1 relative, 0 non relative
Fremantle — 3 relative, 0 non relative
Joondalup — 2 relative, 0 non relative
Midland — 1 relative, 0 non relative
Mirrabooka — 3 relative, 1 non relative
Perth — 0 relative, 0 non relative
Rockingham — 1 relative, 1 non relative
Goldfields — 4 relative, 0 non relative
Great Southern — 3 relative, 2 non relative
Kimberley (East) — 5 relative, 0 non relative
Kimberley (West) — 3 relative, 3 non relative
Murchison — 5 relative, 0 non relative
Peel — 3 relative, 0 non relative
Pilbara — 0 relative, 1 non relative
South West — 1 relative, 0 non relative
Wheatbelt — 0 relative, 0 non relative
Accommodation and Care Services — 0 relative, 0 non relative
Fostering and Adoption Services — 0 relative, 15 non relative

(2) These data are not retrospectively available. As at 31 January 2011, there were 1162 relative and 1099 general registered foster carers in each of the following districts:

Armadale — 75 relative, 81 non relative
Cannington — 115 relative, 63 non relative
Fremantle — 111 relative, 47 non relative
Joondalup — 51 relative, 59 non relative
Midland -69 relative, 54 non relative
Mirrabooka — 78 relative, 61 non relative
Perth — 72 relative, 38 non relative
Rockingham — 47 relative, 43 non relative
Goldfields — 72 relative, 32 non relative
Great Southern — 48 relative, 35 non relative
Kimberley (East) — 68 relative, 12 non relative
Kimberley (West) — 75 relative, 24 non relative
Murchison — 55 relative, 37 non relative
Peel — 57 relative, 42 non relative
Pilbara — 54 relative, 10 non relative
South West — 53 relative, 81 non relative
Wheatbelt — 53 relative, 55 non relative
Accommodation and Care Services — 3 relative, 20 non relative
Fostering and Adoption Services — 6 relative, 305 non relative

(3) These data are not retrospectively available. As at 31 January 2011, there were 430 relative and 58 non relative interim foster carers in each of the following districts:

Armadale — 36 relative, 10 non relative
Cannington — 40 relative, 4 non relative
Fremantle — 41 relative, 2 non relative
Joondalup — 15 relative, 0 non relative
Midland — 28 relative, 3 non relative
Mirrabooka — 22 relative, 5 non relative
Perth — 20 relative, 2 non relative
Rockingham — 22 relative, 3 non relative

Goldfields — 49 relative, 12 non relative
Great Southern — 7 relative, 1 non relative
Kimberley (East) — 23 relative, 2 non relative
Kimberley (West) — 26 relative, 2 non relative
Murchison — 24 relative, 1 non relative
Peel — 31 relative, 3 non relative
Pilbara — 15 relative, 0 non relative
South West — 14 relative, 1 non relative
Wheatbelt — 14 relative, 3 non relative
Accommodation and Care Services — 0 relative, 0 non relative
Fostering and Adoption Services — 3 relative, 4 non relative

(4) These data are not retrospectively available. As at 31 January 2011, there were 797 relative and 723 general foster carers with children placed in each of the following districts:

Armadale — 62 relative, 62 non relative
Cannington — 79 relative, 45 non relative
Fremantle — 71 relative, 31 non relative
Joondalup — 39 relative, 47 non relative
Midland — 42 relative, 31 non relative
Mirrabooka — 58 relative, 44 non relative
Perth — 56 relative, 30 non relative
Rockingham — 30 relative, 34 non relative
Goldfields — 44 relative, 14 non relative
Great Southern — 40 relative, 22 non relative
Kimberley (East) — 49 relative, 6 non relative
Kimberley (West) — 53 relative, 13 non relative
Murchison — 35 relative, 18 non relative
Peel — 36 relative, 30 non relative
Pilbara — 37 relative, 5 non relative
South West — 33 relative, 48 non relative
Wheatbelt — 28 relative, 31 non relative
Accommodation and Care Services — 1 relative, 12 non relative
Fostering and Adoption Services — 4 relative, 200 non relative

(5) These data are not retrospectively available. As at 31 January 2011, there were 256 relative and 23 non relative interim foster carers with children placed in each of the following districts:

Armadale — 30 relative, 2 non relative
Cannington — 26 relative, 3 non relative
Fremantle — 21 relative, 0 non relative
Joondalup — 7 relative, 0 non relative
Midland — 15 relative, 1 non relative
Mirrabooka — 15 relative, 1 non relative
Perth — 13 relative, 2 non relative
Rockingham — 12 relative, 3 non relative
Goldfields — 28 relative, 4 non relative
Great Southern — 5 relative, 1 non relative
Kimberley (East) — 14 relative, 1 non relative
Kimberley (West) — 17 relative, 1 non relative
Murchison — 11 relative, 0 non relative
Peel — 16 relative, 1 non relative
Pilbara — 9 relative, 0 non relative
South West — 9 relative, 0 non relative
Wheatbelt — 5 relative, 1 non relative
Accommodation and Care Services — 0 relative, 0 non relative
Fostering and Adoption Services — 3 relative, 2 non relative

## CARERS — STATISTICS

3479. Hon Sue Ellery to the Minister for Child Protection

(1) During the month of November 2010, what was the total number of registered carers with four or more children placed with them by category of —

(a) relative;

(b) non relative carer; and

(c) by district?

(2) During the month of November 2010, what was the total number of interim carers with four or more children placed with them by category of —

(a) relative;

(b) non relative carer; and

(c) by district?

(3) During the month of November 2010, how many carers had an interim registration for more than 90 days by category of —

(a) relative;

(b) non relative carer; and

(c) by district?

(4) During the month of November 2010, how many carers had a 'carer record screening' overdue or not recorded by category of —

(a) relative;

(b) non relative carer; and

(c) by district?

(5) During the month of November 2010, how many carers had overdue 'carer reviews' by category of —

(a) relative;

(b) non relative carer; and

(c) by district?

Hon ROBYN McSWEENEY replied:

(1) These data are not retrospectively available. As at 31 January 2011, 50 relative and 84 non relative registered carers had four or more children placed in the following districts:

Armadale — 4 relative, 7 non relative
Cannington — 4 relative, 2 non relative
Fremantle — 3 relative, 3 non relative
Joondalup — 2 relative, 6 non relative
Midland — 3 relative, 2 non relative
Mirrabooka — 5 relative, 8 non relative
Perth — 0 relative, 7 non relative
Rockingham — 3 relative, 1 non relative
Goldfields — 2 relative, 0 non relative
Great Southern — 3 relative, 2 non relative
Kimberley (East) — 3 relative, 2 non relative
Kimberley (West) — 1 relative, 1 non relative
Murchison — 5 relative, 2 non relative
Peel — 4 relative, 7 non relative
Pilbara — 2 relative, 2 non relative
South West — 2 relative, 5 non relative
Wheatbelt — 4 relative, 8 non relative
Accommodation and Care Services — 0 relative, 0 non relative
Fostering and Adoption Services — 0 relative, 19 non relative

(2) These data are not retrospectively available. As at 31 January 2011, 13 relative and 1 non relative interim carer households had four or more children placed in the following districts:

Armadale — 2 relative
Fremantle — 3 relative
Goldfields — 1 relative
Kimberley (East) — 1 non relative
Murchison — 2 relative
Peel — 2 relative
South West — 2 relative
Wheatbelt — 1 relative

(3) These data are not retrospectively available. As at 31 January 2011, 198 relative and 20 non relative carer households had interim registration for more than 90 days and children placed in the following districts:

Armadale — 21 relative, 2 non relative
Cannington — 23 relative, 2 non relative
Fremantle — 15 relative, 0 non relative
Joondalup — 5 relative, 0 non relative
Midland — 15 relative, 1 non relative
Mirrabooka — 10 relative, 1 non relative
Perth — 9 relative, 2 non relative
Rockingham — 10 relative, 2 non relative
Goldfields — 23 relative, 4 non relative
Great Southern — 3 relative, 1 non relative
Kimberley (East) — 9 relative, 0 non relative
Kimberley (West) — 17 relative, 1 non relative
Murchison — 8 relative, 0 non relative
Peel — 13 relative, 1 non relative
Pilbara — 5 relative, 0 non relative
South West — 5 relative, 0 non relative
Wheatbelt — 4 relative, 1 non relative
Accommodation and Care Services — 0 relative, 0 non relative
Fostering and Adoption Services — 3 relative and 2 non relative

(4)-(5) These data are not currently available in a reportable format.

SUSPECTED CHILD SEXUAL ABUSE — STATISTICS

3480. Hon Sue Ellery to the Minister for Child Protection

(1) For the period 1 September 2010 to 30 November 2010, what was the number of initial inquiries in relation to suspected child sexual abuse received by district, and by category of mandated referrer?

(2) For the period 1 September 2010 to 30 November 2010, what was the number of Safety and Wellbeing Assessment with harm assessment, by district and by category of harm, being -

(a) neglect;

(b) sexual;

(c) physical abuse; and

(d) emotional abuse?

(3) Has the Western Australian Police notified the Department of Child Protection, that charges had been laid in respect of any of the Safety and Wellbeing Assessments, recorded in the period 1 September to 30 November 2010?

(4) If yes to (3) —

(a) how many individuals were charged; and

(b) what was the nature of these charges?

Hon ROBYN McSWEENEY replied:

(1) There were 833 initial inquires in relation to suspected child abuse between 1 September and 30 November 2010 where the primary concern was sexual abuse.

By district:

Armadale District — 64
Cannington District — 45
Crisis Care — 229
East Kimberley District — 19
Fremantle District — 17
Goldfields District — 39
Great Southern District — 21
Joondalup District — 75
Midland District — 35
Mirrabooka District — 47
Murchison District — 24

Peel District — 31
Perth District — 29
Pilbara District — 34
Rockingham District — 29
Southwest District — 49
West Kimberley District — 18
Wheatbelt District — 28.

By category of mandated referrer:

Doctor — 82
Midwife — 2
Nurse — 42
Police officer — 277
Teacher or principal — 190
Non-mandated referrers — 240.

(2) There were 1,293 safety and wellbeing assessments with harm assessments commenced between 1 September and 30 November 2010.

By district:

Armadale District — 151
Cannington District — 76
Crisis Care — 45
East Kimberley District — 46
Fremantle District — 48
Goldfields District — 76
Great Southern District — 44
Joondalup District — 147
Midland District — 67
Mirrabooka District — 97
Murchison District — 65
Peel District — 63
Perth District — 64
Pilbara District — 104
Rockingham District — 37
Southwest District — 90
West Kimberley District — 29
Wheatbelt District — 44.

By category of harm:

(a) neglect 433

(b) sexual 347

(c) physical 406

(d) emotional/psychological 376.

Note that a safety and wellbeing assessment can include more than one harm type.

(3) Yes

(4) (a) 10

(b) The specific nature of charges is not recorded in the Department for Child Protection's client system.

COMPULSORY INCOME MANAGEMENT — REFERRAL STATISTICS

3482. Hon Sue Ellery to the Minister for Child Protection

(1) During the months of September, October and November 2010, how many individuals did DCP refer to Centrelink for compulsory income management, by district?

(2) How many individuals with children have presented seeking financial assistance on two or more occasions to the Department, for the period 1 September 2010 to 30 November 2010, by district?

(3) How many of these individuals have been assessed for the purpose of referral to the income management program, by district?

Hon ROBYN McSWEENEY replied:

(1) Data compiled by FaHCSIA shows that the Department for Child Protection has referred the following number of clients to Centrelink, by month:

September 2010 — 19
October 2010 — 47
November 2010 — 42

A breakdown by district is not currently available from Centrelink.

(2) Between 1 September and 30 November 2010, 168 distinct individuals with children have presented, seeking financial assistance on two or more occasions, to the same district of the Department for Child Protection. Breakdown by district is as follows:

Armadale — 9
Cannington — 4
Fremantle — 23
Joondalup — 1
Midland — 11
Mirrabooka — 3
Perth — 9
Rockingham — 18
Goldfields — 0
Great Southern — 21
Kimberley (East) — 6
Kimberley (West) — 4
Murchison — 4
Peel — 5
Pilbara — 2
South West — 16
Wheatbelt — 19
Crisis Care — 13

(3) Of the 168 distinct individuals with children who presented seeking financial assistance on two or more occasions to the Department between 1 September and 30 November 2010, 1 client was referred to Centrelink for assessment of a client's eligibility to be placed on the Income Management Program.

## HARDSHIP UTILITY GRANT SCHEME (HUGS) — TAKE-UP RATE

3483. Hon Sue Ellery to the Minister for Child Protection

I refer to the take up rate of the hardship utility grant scheme (HUGS), and I ask —

How many applicants were referred by Synergy, to financial counsellors for the months of October 2010 and October 2009, for the following suburbs —

(a) Leeming;
(b) Canning Vale;
(c) Morley;
(d) Wanneroo;
(e) Willagee;
(f) Samson;
(g) Spencer Park;
(h) Balcatta;
(i) Dalyellup;
(j) High Wycombe;
(k) Kingsley;
(l) Clarkson;
(m) Noranda;
(n) Yokine;
(o) Currambine;
(p) Parkwood;
(q) Huntingdale;
(r) Ellenbrook;
(s) Darch and;
(t) Peppermint Grove?

Hon ROBYN McSWEENEY replied:

This question should be directed to the Minister for Energy. Synergy is the agency responsible for referring applicants to Hardship Utility Grant Scheme (HUGS) Registered Financial Counsellors.

GOVERNMENT DEPARTMENTS AND AGENCIES — FINANCIAL REPORTING

3490. Hon Ljiljanna Ravlich to the Minister for Energy representing the Minister for Police

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 November 2010 in section five, 'Quality and Timeliness of Financial Reporting', on page 30 where it refers to too many Agencies providing documents of unsatisfactory quality, causing audit costs to rise, often significantly, which can delay the issuing of the opinion and the tabling of the Annual Report, and I ask —

(1) What are the Agencies under the Minister's portfolio that the audit is referring to?

(2) Have any Annual Reports of these Agencies been delayed because of the unsatisfactory quality of their documents for audit?

(3) What action has been taken to ensure these Agencies are able to improve their financial statements for audit?

(4) Can the Minister give an assurance that these Agencies will implement better quality control processes, to improve the material they submit in time for the next audit?

(5) If no to (4), why not?

Hon PETER COLLIER replied:

(1)-(5) Not Applicable to the Western Australia Police.

GOVERNMENT DEPARTMENTS AND AGENCIES — FINANCIAL REPORTING

3491. Hon Ljiljanna Ravlich to the Minister for Energy representing the Minister for Road Safety

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 November 2010 in section five, 'Quality and Timeliness of Financial Reporting', on page 30 where it refers to too many Agencies providing documents of unsatisfactory quality, causing audit costs to rise, often significantly, which can delay the issuing of the opinion and the tabling of the Annual Report, and I ask —

(1) What are the Agencies under the Minister's portfolio that the audit is referring to?

(2) Have any Annual Reports of these Agencies been delayed because of the unsatisfactory quality of their documents for audit?

(3) What action has been taken to ensure these Agencies are able to improve their financial statements for audit?

(4) Can the Minister give an assurance that these Agencies will implement better quality control processes to improve the material they submit in time for the next audit?

(5) If no to (4), why not?

Hon PETER COLLIER replied:

(1)-(5) The Office of Road Safety is the responsibility of the Minister for Road Safety, however it is administratively part of Main Roads WA. Therefore its annual reporting information is included in Main Roads WA's Annual Report. The Minister for Transport is responsible for this Annual Report, not the Minister for Road Safety.

WA MUSEUM — FINANCIAL REPORTING

3501. Hon Ljiljanna Ravlich to the Minister for Mental Health representing the Minister for Culture and the Arts

I refer to the WA Auditor General Audit Results Report Annual 2009-10 Assurance Audits Report 10 November 2010 in section five, 'Quality and Timeliness of Financial Reporting', on page 31 where it refers to concern that many Agencies with non-complex financial reporting obligations had not prepared their financial statements in a timely manner. An Agency under the Minister's portfolio listed as being received later than the date agreed with Audit in appendix one, Summary of Audit Opinions is the Western Australian Museum, and I ask —

(1) What is the reason for the financial statements not being prepared in a timely manner?

(2) What action is being taken to rectify current practices, in order that satisfactory processes are put in place to ensure financial statements are received by the date agreed?

Hon HELEN MORTON replied:

(1) As a result of key staff movements one of the seven sets of Culture and the Arts agency statements (WA Museum) was submitted to auditors later than the date agreed. The Office of the Auditor General was aware of this delay. The WA Museum's Annual Report was tabled in Parliament within the statutory time frame.

(2) The Department of Culture and the Arts annually undertakes extensive end of year financial statement planning.

VOLUNTEER FIREFIGHTERS — IDENTITY CARDS

3503. Hon Alison Xamon to the Minister for Energy representing the Minister for Emergency Services

I refer to identity cards for volunteer fire fighters and support staff, and ask —

(1) Have all volunteer fire fighters and support staff received identity cards?

(2) How many are still to receive identity cards?

(3) Were any volunteer fire fighters or support crew delayed in mobilisation, due to lack of identification at road blocks?

(4) If yes to (3) —

(a) how many; and

(b) what was the impact on their units/brigades?

Hon PETER COLLIER replied:

(1) No.

(2) 100% of FESA career fire fighters and support staff have been issued with identification cards.

61% of FESA metropolitan volunteer fire fighters have been issued with identification cards.

Almost 40% of all regional FESA volunteer fire fighters have been issued with identification cards.

(3) FESA resources controlled more than 7000 fires during 2009-10. There is insufficient specific information in this question to enable FESA to provide an answer.

(4) (a)-(b) Refer Answer 3.

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