Parliamentary Debates
(HANSARD)

THIRTY-NINTH PARLIAMENT
FIRST SESSION
2014

LEGISLATIVE COUNCIL

Wednesday, 22 October 2014

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THE PRESIDENT (Hon Barry House) took the chair at 2.00 pm, and read prayers.

PILBARA UNDERGROUND POWER PROJECT

Petition

HON ROBIN CHAPPLE (Mining and Pastoral) [2.01 pm]: I present a petition containing 41 signatures, couched in the following terms —

> To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned residents of Western Australia are concerned that the charges being now imposed by the City of Karratha do not reflect the stated commitments given by the President of the Shire of Roebourne, Horizon Power and the Pilbara Cities during the projects inception and stated costs.
>
> Your petitioners therefore respectfully request that the Legislative Council inquire into:
>
> The failure of Horizon power to carry out a satisfactory due diligence assessment of the project.
>
> The failure of the former Shire of Roebourne to carry out a due diligence assessment of the project that was committed to by the Shire on behalf of the community.
>
> The outsourcing of past and current tender agreements by Horizon power to contractors and project managers.
>
> The cost overruns of the project.
>
> The failure of the Shire of Roebourne, Horizon Power and Pilbara Cities to consult meaningfully with the community as to the costs to be imposed on the community.
>
> What action that should be taken by Horizon Power, the State and the Pilbara Cities program to ameliorate the fiscal impact being applied by the City of Karratha on the recipients of the PUPP.
>
> And your petitioners as in duty bound, will ever pray.

[See paper 2185.]

HON DAVID KINGSLEY MALCOLM, AC, QC

Statement by Attorney General

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [2.03 pm]: Today I rise to inform the house of the sad passing of Hon David Malcolm, AC, QC, former Chief Justice of the Supreme Court and Lieutenant-Governor, and a great Western Australian.

Hon David Kingsley Malcolm, AC, CitWA, KCSJ, QC was born in Bunbury on 6 May 1938 and attended Guildford Grammar School and the University of Western Australia. He was awarded a Rhodes Scholarship in 1960 which enabled him to undertake further legal studies at Oxford University's Wadham College before his admission as a legal practitioner in Western Australia in 1964.

David Malcolm was a partner of the legal firm Freehill Hollingdale and Page until 1979. He was a deputy counsel for the Asian Development Bank, based in Manila, between 1967 and 1970. In 1980 he became a barrister and Queen's Counsel. By the time of his appointment as Chief Justice in 1988, he was regarded as the leader of the Western Australian Bar, having been president of the WA Bar Association from 1981 to 1984. Upon his retirement in 2006 he became a life member of the Australian Bar Association.

He gave wide support to the legal profession as a lecturer in constitutional law and equity at the University of Western Australia from 1966 to 1967 and from 1989 to 1992, and was vice president of the Law Society of Western Australia between 1986 and 1988. He served on the Law Reform Commission from 1975 to 1982 and chaired the Town Planning Appeals Tribunal from 1978 to 1986.

When appointed as Chief Justice of Western Australia in 1988 following the retirement of his distinguished predecessor Sir Francis Burt, David Malcolm was the first Chief Justice to be appointed from outside the judiciary since 1883. For nearly 18 years until his retirement in February 2006, he fulfilled this role with skill, integrity and energy. He was a strong advocate for the effective administration of justice, and during his term the number of Supreme Court justices rose from 10 to 20, including four women.

In March 1990 he was again appointed as successor to Sir Francis, this time as Lieutenant-Governor of Western Australia, serving in that capacity until 2009 under four state Governors, and acting as Administrator on many occasions during their absences from the state. As Chief Justice, David Malcolm chaired the Western Australian electoral distributions in 1994 and 2003. Not content to be a figurehead, he took a keen and perceptive interest in the entire redistribution process. In the 2003 final report of the Electoral Distribution Commissioners, he did not hesitate to call for changes to the Electoral Distribution Act to reflect population realities. His impartiality was respected in this, the most sensitive area of the political process.

Chief Justice Malcolm received many awards during his career, and earned great respect during his time as Chief Justice, receiving great acclaim from the legal profession on his retirement on 7 February 2006, just short of 18 years on the bench. He was one of the longest serving Chief Justices in Western Australia.

David Malcolm is widely acknowledged as one of the greatest advocates to have been produced by the profession in this state. He received the distinction of being made an honorary bencher of one of the ancient English Inns of Court, Lincoln's Inn. As Chief Justice he was also involved in a range of community activities. From 1991 to 2000 he was a member of the Constitutional Centenary Foundation Council and headed its Western Australian section, working to improve public awareness of the Constitution. He was a member of the University of Western Australia Senate from 1988 to 1994 and was chairman of the advisory board of the University of Western Australia Crime Research Centre from 1991 to 2006. Between 1995 and 2006 he chaired the board of trustees of the Francis Burt Legal Education Centre and Law Museum, and was a trustee of youth at Fairbridge after 1997.

Having been an active rugby player at Oxford and in Western Australia, where he captained the WA state team in 1964-65, David Malcolm was a patron of sporting and charitable bodies and served on the council of Guildford Grammar School. He was noted for his practical generosity within the legal profession and the community, was made a Companion of the Order of Australia, and was WA Citizen of the Year in 2000. On his retirement as Chief Justice he continued to serve the wider legal profession as professor of law at the University of Notre Dame Australia for as long as his health allowed, imparting his wisdom and knowledge to new generations of legal practitioners.

On behalf of the Legislative Council of the Parliament of Western Australia, I offer my deepest condolences to Mrs Kaaren Malcolm and to his daughter Manisha, to all members of his family, and to the many friends who loved him.

2014 TELSTRA WESTERN AUSTRALIAN BUSINESS WOMAN OF THE YEAR

Statement by Parliamentary Secretary

HON ALYSSA HAYDEN (East Metropolitan — Parliamentary Secretary) [2.08 pm]: Today I take the opportunity to share with members some exciting news in the women's interests portfolio. A woman who champions workplace flexibility in the male-dominated construction and mining sector has been named the 2014 Telstra Western Australian Business Woman of the Year at a ceremony that I was fortunate enough to attend, representing the Minister for Women's Interests.

Sharon Warburton, executive director strategy at leading global construction contractor Brookfield Multiplex, and a non-executive director since 2013 at Fortescue Metals Group, also won the private and corporate sector award at the twentieth Telstra Western Australian Business Women's Awards at Crown Perth on 10 October 2014. Training as a chartered accountant while working at KPMG, Sharon Warburton moved into mining and property sectors for multinationals, and from a young age thrived in cross-cultural leadership roles. At 25, she was the financial controller at Hamersley Iron, which is now Rio Tinto Iron Ore, before assuming a group analyst role for Rio Tinto in London. After that her roles included mergers and acquisitions management for the then Multiplex Group and strategy experience for Aldar Properties in Abu Dhabi, before returning to Perth and her current role at Brookfield Multiplex in 2011. Ms Warburton is actively involved in mentoring young women and men through Brookfield Multiplex's emerging leaders program, Women in Mining WA and the National Association of Women in Operations. She is the co-chair of Fortescue Metals Group's remuneration and nominations committee and a director of the fundraising not-for-profit foundation for Princess Margaret Hospital for Children. Sharon wears many hats. She juggles motherhood with her senior executive role and directorships of a listed company and a not-for-profit organisation. Her leadership style is one of building a team and empowering team members to lead.

Other winners include two not-for-profit chief executive officers. The Rise Network's Justine Colyer, from my own electorate, East Metropolitan, was the winner of the community and government award, and the Centre for Cerebral Palsy's Judy Hogben took out the business innovation award for her leadership in distributing a powered vehicle for Australian children with cerebral palsy. Gemma Tognini, founder of gtmedia Strategic Communications, won the business owner award, and Laura McMahon Higgins, who runs training services consultancy Questamon, was named the winner of the young businesswoman award. The Western Australian

winners proceed to the national finals in Melbourne on 26 November. Finding a healthy balance between family and work is something these women have in common and I congratulate them for achieving this. I wish these remarkable Western Australian women all the best in the national awards.

SCHOOLS — PLANNED CHANGES 2015

Motion

Resumed from 15 October on the following motion moved by Hon Sue Ellery, (Leader of the Opposition) —

> That this Council expresses its concern at the lack of transparent planning for the announced changes across Western Australian schools in 2015.

HON DARREN WEST (Agricultural) [2.12 pm]: I look forward to finishing off my contribution from last week. Again I thank Hon Sue Ellery for bringing forward such an excellent motion. As members present for my remarks last week would remember, I think there is cause for concern that many schools and school communities across Western Australia, especially the ones I am most familiar with in the Agricultural Region, face a lot of uncertainty. I touched on the fact that a lot of changes are occurring in schools that in isolation are possibly manageable, but on top of harsh cuts to school budgets and a broad range of changes to schools are proving difficult to implement. School communities are really struggling to grasp what they are facing. I acknowledge that there are some positive changes, and I commend the government on those. I am sure that the minister has schools' best interests in mind, but I think there has been too much opaqueness and not enough transparency about what the government is trying to achieve. Many things the government is trying to achieve are confusing. Cuts to schools have been thrown in on top of the transition of year 7s to high school. Vast changes in primary and secondary school community numbers mean that small rural communities will face difficulties with the year 7 transition, which I note South Australia has chosen not to implement. I do not see the need to bring that in along with all the other changes and reforms to schools. I pointed out that it did not make a lot of sense to me to do that in the Agricultural Region, where most voters have a higher level of faith in their community primary school system than they do in the secondary school system. It does not make a lot of sense to take students from a school system that has the faith of the electorate and put them in a school system that does not have faith of the electorate. Be that as it may, the government has decided to do that. It will cost an awful lot of money, there is no evidence to suggest that the educational outcomes will be better and it will be difficult for small rural schools. Nevertheless, it has been implemented by the government at a cost, I believe, in the order of $800 million.

I hold the view, as I pointed out last week, that although we support the student-centred funding model and it could be a good thing, I do not think enough emphasis has been put on things that are important and matter to the Agricultural Region—that is, the Aboriginal component in schools, the social disadvantage faced by some school communities and the distances from other education sources and providers. I think a funding model that spits out a $22 000 cut for a school that has one of the lowest socioeconomic index rankings in the state has inherent problems. I hope that there is still time for the government to perhaps tweak the model so that there is a greater level of fairness. As I said yesterday in my member's statement about the passing of the great man Gough Whitlam, he sought to give everybody an equal opportunity to access education. I do not think that is done by cutting funding to schools that have a lower socioeconomic ranking or have a higher level of social disadvantage. I will hold that line. It is an important issue in my electorate, where, as I pointed out last week, there are some rather large cuts to many schools. I will not go through those again, but there are some significant cuts of $3 000 and $4 000 per student as a result of the student-centred funding model. I do not think that is fair for schools in the Agricultural Region. It is really difficult to attract and retain staff. It is already difficult to keep our families intact on farms and in communities when parents want to get the best education for their children. It often means that a family has to break up; with the mother moving to Perth to be with her children while they attend a city school, because boarding school is very expensive. There are all the associated problems of families being split because they are chasing a better education for their children. I think we need to address that issue and better resource schools in regional areas so parents do not see the need to send their children to the city to get the education they would like them to have and families do not split up. I am sure it is possible in regional areas. There are some outstanding teachers and if they could just get enough support and resources in those schools, there would be better outcomes for parents and students in the Agricultural Region and a greater acceptance and level of faith in the public secondary school system.

Last week I touched on the cuts for each school and for each student. I will not go through that again, but for people who wish to read it that information is available in the corrected *Hansard*. I surveyed a few schools and received feedback from P&Cs and school communities on school budget cuts. I want to touch on that before I finish today. I sent out a paper for them to fill in on how the cuts to the public education system had affected their school. I received a range of responses. I will not go through them all today, but I have chosen a few from the Agricultural Region that I would like members to be aware of. A lot of these replies are anonymous; I do not want people to feel incriminated providing information to the opposition, but I wanted to get information on what is important to people.

> The removal from the budget for our new Performing Arts Centre – value $600,000.
>
> Although promised to be put in later budget no time for this will be given.

That school has missed out on a performing arts centre. I think it is areas like culture and the arts, in which country schools really lag behind their metropolitan counterparts—those little extras, such as culture and the arts. Contrary to popular belief—we do punch above our weight in footy, cricket and sport generally—not everybody in the country is into sports. We have quite a large arts community in the Agricultural Region. Walkaway Primary School stated —

> The cuts to public education have affected our school by …
>
> - STAFF CUTS—1 staff member has been redeployed … and we will lose significant Education Assistant time in 2015.
> - LESS CLASSES—our school has 83 students and all classes are multi-age classes. We will need to reduce the number of classes when a teacher is redeployed. This will mean we will have to go over the recommended class size for classes up to year 3 or we will have to have 4 year groups in one classroom. It is already hard to provide the curriculum in a small school with limited staff & will be even harder with one less staff member.
> - LONG SERVICE LEAVE LEVY will take $4500 from school funds in 2014.
> - LESS PREPARATION TIME FOR TEACHERS.
> - PRINCIPAL ADMIN TIME REDUCED AND TEACHING TIME INCREASED.
> - LESS ONE-TO-ONE ASSISTANCE AND SUPPORT, which particularly affects children with learning difficulties & those requiring extra support.

As members will see, in a small school with 83 students these are significant issues when these amounts of money are removed from school budgets. Principals cannot find someone to work 0.2 or 0.4 full-time equivalent per week because people need full-time work; I understand that. Those staff will probably move into Geraldton and be lost to that community.

The Mukinbudin District High School got back to me with its issues. Its page states —

> - Reduction in valuable Education Assistance time.
> - More pressure on teachers to attend to our multi-year class groupings without extra assistance.
>
> There are more but apparently we can't say that there have been budget cuts that have affected our staff FTE.

It is a little disturbing if the school community feels it cannot say that there have been budget cuts when there clearly have been. It continues —

> Apparently budget cuts that affect our school are because we have had a reduction in numbers. There are still valuable kids in our school who need an education.
>
> What we have done to help ourselves……..

They went the next step and set out what they have done. As members would know, the Mukinbudin community is a very resourceful, resilient and proud community. To help themselves they have raised an extra $40 000 —

> … to help our staff run our school (that's a lot of money for 84 kids!).

That is the length that rural communities now have to go to; they will have to start fundraising to run their own schools. I do not think it should be that way. The page continues —

> We don't want handouts, we want……
>
> - To work in partnership with the State to educate our kids.
> - A quality education for our country kids!

Some students will travel over 100 kilometres to Mukinbudin District High School as a result of the year 7 transition. Small schools should be considered more when changes to school budgets are brought in.

Kukerin Primary School P&C got back to us to say —

> Our small school has lost 39% (2 days/week) of their mainstream Education Assistant time. This has severely impacted their support programs. Many children are now not receiving the individual and small group support that they have previously had, and that they need to help them succeed in a classroom which contains students at four year levels.

There seems to be a constant theme—small schools with multi-year levels are the ones seeing the need to get back to us to tell their story. The P&C continues —

> The total school grant is 16% less in 2013 than 2014 despite enrolments rising by 7%, including a Special Needs student. This has caused the school to reduce the number of incursions and excursions that they normally take part in and which give our children the opportunity to interact socially and academically with children from other schools. This is very important in small regional schools where children often have only one or two other children in their year group. It has also resulted in cuts to all budgets and has affected the school's ability to provide remediation programs in Literacy and Numeracy to students who are struggling.

Although I note it is difficult to make one size fits all, the Kukerin Primary School community has seen fit to add more comments, but I have other ones to work through.

I have information to add to what I read out last week from Rangeway Primary School in Geraldton, which is of course a school that I refer to regularly and visit often. I admire the good work done at that school. The principal at Rangeway Primary School recently told me that in term 1 its turnover of students was 100. A lot of students' families in that area move around a lot. They move in and out of the bush or out to Meekatharra, or wherever the case may be. There has been a 100-student turnover within that school. Not only do they teach 580-odd kids at the school, there are 100 extra kids because some leave and some return. If members can think that through, it means a lot more work for the school and its staff rather than the raw numbers in a more stable population.

A note went out to the P&C regarding the changes. Under the section headed "Staffing and School Grant Funding adjustments for 2014", it is stated —

> In 2013 our teaching staff allocation was 31.63FTE (dollar value of $3 354 362) and our anticipated teaching allocation in 2014 is 30.67 FTE …

That is a dollar value of about $130 000 less —

> We will have a reduction in teaching staff of 0.96 FTE staff equivalent to $101 808 based on the new allocative funding mechanisms.
>
> Our AIEO (Aboriginal Education Islander Officer) FEE will be reduced from 7.7FTE to approximately 5.64FTE …

I do not see how the government will reduce truancy rates and get better attendance of Aboriginal students by taking away two of the seven Aboriginal education officers. I do not see how that will improve the outcome. This represents a reduction of 2.06 FTE, which equates to $124 000 worth. Continuing —

> We will reduce from 2.3FTE for our School Registrar and School Officer positions to 2.22TE which is a reduction of 0.08FTE which is equivalent to **$ 5222**.
>
> For the school in 2014 this means that there will be a reduction in the allocated amount of FTE (Full Time Equivalent) funding for non-teaching staff in 2014 and reduction in funding available generally for purchasing of staff and contingencies.
>
> I am currently working with Administration staff in managing the anticipated funding changes for 2014 and will keep the School Board informed and updated.
>
> The figures for staffing have been based on anticipated enrolments for 2014 which are expected to be similar to 2013.
>
> I will provide information to staff and parent/guardians via meetings … and School Board Meetings.

Although that has been made clear to the school community, there is still confusion about why Rangeway Primary School has been the target of such harsh cuts. I would like to see a fairer and more transparent system so that schools in my electorate felt they were getting a fair go; equivalent to schools in the metropolitan area. I noted when I read through the list of changes to the student-centred funding model this year that schools such as North Cottesloe Primary School will receive an increase in funds whilst Rangeway Primary School will get a decrease in funds. I find that very confusing. I would like it explained why that is the case.

Hon Peter Collier: I went through that last week.

Hon DARREN WEST: Okay; I will hear it in a minute.

Before I finish up I make the point that I represent a regional electorate. I am the only progressive member to represent that seat in Parliament. I wonder where my colleagues are, especially those from the National Party. They have been absolutely silent on the harsh cuts to school through changes to school funding. We have not heard anything at all from members of the National Party on this issue. I think that is quite disgraceful. Members of the National Party should be sharing my concern and standing up for schools in their electorates, supporting

Hon Sue Ellery's motion to get more transparency about why these changes have been made so that they too can go into the community and explain to schools why they have to operate with less in a challenging environment. I urge all members representing the Agricultural Region to take an interest in this issue rather than sitting back and allowing it to happen under their watch when they have such dominance in the region. It seems ridiculous to me that one of the biggest challenges we face in the Agricultural Region is going seemingly unnoticed by the WA Nationals and Liberal representatives. I urge them all to stand up on this issue. Let us show some solidarity as regional members and see what can be done about the unfair changes that are happening to schools in the regions.

HON LIZ BEHJAT (North Metropolitan) [2.28 pm]: I am delighted to stand and speak on this motion today. I would also like to thank the Leader of the Opposition for bringing the motion to the house because any opportunity to speak about education in this place is always a good day. I have to say that I am totally confused at the wording of the motion; that is, that there is a lack of transparent planning in education. I am not sure which parallel universe it is that the opposition seem to dwell in, but I would like to introduce them to the Leader of the House, Hon Peter Collier, who is the Minister for Education. The minister is one of the most transparent people I know when it comes to the education portfolio. He never misses an opportunity to speak about education. To coin one of his terms, he salivates at the prospect of being able to talk about education. I was chatting to a number of my colleagues at lunchtime today and they said, "You know what? It's pretty hard to shut Pete up about education at times." I think that is a great thing because if we have proved one thing since taking charge of the government benches, it is that we are prepared to talk about what we do. Sometimes we come to this place and we are damned if we do and damned if we do not. Recently, a widespread advertising campaign about changes in education has been implemented across electronic media and print media such as brochures, and many members are speaking about it. This campaign is about the massive changes that are happening, especially in 2015. However, that does not seem to be transparent enough for the opposition, even though we are out there talking about all the programs that we have put in place. Even prior to coming into government, when Hon Peter Collier was the opposition spokesperson on education and the architect of the independent public school policy, he talked about education nonstop. At every opportunity in this place and in his electorate—anywhere we go—we hear Hon Peter Collier talking about education and what this government is doing for education in this state. As members on both sides recognise, 2015 will be a massive year for education.

When I rise in this place to talk about education, I do so wearing several hats. Obviously, the first is as a member of Parliament representing my constituents in the North Metropolitan Region, along with the Minister for Education, the Attorney General and my colleague Hon Peter Katsambanis. We are out and about at our schools in north metro all the time and we speak to them about the changes. They contact us and we contact them. The other hats I wear in this place when speaking about education is as a parent of a year 11 student and as chairman of the Ashdale Secondary College board. I never fail to speak about Ashdale Secondary College, which is an independent public school in Darch. I will talk about those matters individually.

As chairman of the board, I know that our principal inundates board members with information on the changes happening in education. I know full well that our principal, Carol Strauss, does not manufacture this information or sit in her office thinking, "What sort of words will I write for the board today?" The Department of Education sends her information about changes that need to be considered by the board as we move into 2015. The information needs to be on the record and we can go through it today and put more and more of it on the record. People may think it is repetitious, but the opposition obviously would not think that because it believes there is a lack of transparency in what we do and that we do not let people know what we are doing in education. Everything that Hon Peter Collier does as the Minister for Education seems to be done in a shroud of secrecy. He comes up with ideas that he does not talk about it; he does not consult with anyone and he does not ask anyone to do detailed reports; he just announces changes! I am not sure what parallel universe that is happening in, but in the universe I am in I hear about the changes in education day in and day out—I will not say "ad nauseam" because it is not nauseating; the department gives us very interesting information and we are pleased to disseminate it among our communities.

Currently, 264 schools operate as independent public schools. With IPS comes that significantly increased autonomy. That figure represents 34 per cent of public schools in Western Australia and about 50 per cent of the total public schoolteacher and student populations in the state. All members who have anything to do with independent public schools in their electorates or who are involved as a parent, as I am, or as a chairman of a board will have spoken to the end users of independent public schools. I class the end users as the principals, the administrators, the teachers, the students and the parents at those schools. We are all together the end users of the independent public schools because we come together as a community to work in our independent public school system. I am yet to come across anybody within the community who tells me that an independent public school is not the way to go. No-one tells me that they do not like the autonomy that they have been given or that they are able to decide themselves what is best for their community and what programs and projects they should work on. Quite frankly, there is a resounding 100 per cent acclamation from everybody whom we come across

that independent public schools are the way to go. People say that they have never been happier than they are working in that system.

The University of Melbourne study released in June 2013 shows that the principals of independent public schools believe the initiative has enhanced the functionality of their schools, created access to more benefits and led to better outcomes for the whole school community. Again, I speak with firsthand knowledge of Ashdale Secondary College. The IPS system gives schools the opportunity to go out in the real world and enter into arrangements with people in the community. Businesses and people involved can come into the school and participate in what schools are doing by assisting them in programs or sponsorship or whatever it might be. It benefits and equips our students to then participate in the real world. They are not in a cloistered environment in the education system for 12 years, whereby they come out not knowing about anything in the real world. They are exposed to the real world through internships, visiting sites, having incursions or programs being run within the school; that gives them a flavour of what real life is all about.

In 2015 the independent public school scheme will enter its sixth year. Again, we see that the rollout of independent public schools will increase even further. If a system that was not transparent had been introduced, people would not know about or understand the IPS system and they would not know how well it works. Obviously, the complete opposite of that is happening in the real world. More and more schools are clamouring to become independent public schools. Now we have made it even easier for them to do that. A resounding 100 per cent are very happy with the independent public school system and other schools are saying that they want to also become IPS. From 2015, 442 schools will operate as independent public schools, which means that 178 new independent public schools are coming on board in 2015. That figure represents 57 per cent of all public schools in Western Australia and about 70 per cent of the total public schoolteacher and student populations in the state. We had 241 schools express an interest to participate and 197 schools completed the development program to demonstrate their readiness to become IPS. I am not sure how they knew about these schemes if we were not being transparent and were not talking about them. I am not sure how they all signed up for the program or found out it was such a good program. Quite frankly, we are transparent in what we are doing. We believe that the best journey we can take people on is a journey on which everyone is well-informed and well-equipped. That is exactly what this government has done in a very measured and very considered way.

There seems to be a heck of a lot going on in 2015. After the Leader of the Opposition moved the motion, she acknowledged that the things happening are all very manageable. No doubt a lot is happening in 2015 and it will take a lot of work to manage that. We have complete faith in the people who run our education system. The principals and the boards of independent public schools are able to manage the change. I go back to Ashdale Secondary College, because I have knowledge of it. As a board, we are more than ready to take on the challenge of 2015 and, to coin a phrase from the minister, we are salivating at the prospect of what 2015 will bring to our school environment. Ashdale will have close to 1 500 children on campus, and the school is only in its sixth year. Together with achieving IPS status, Ashdale has grown to the point it is at now. It is such a good school, and it has embraced the IPS system so well, that our school principal, Carol Strauss, is a finalist in this year's education awards as Principal of the Year for the work that she has been doing, not just as the principal of Ashdale Secondary College, but also in an advisory capacity to other schools that want to become part of the IPS system. Carol is very happy to go out and talk about the information she has, because she has been fully equipped with that information from the Department of Education, and that information has obviously emanated from the minister in the first instance. I really question the wording that the government has not been transparent in what it is doing.

I now refer to the transition of year 7 students into secondary school next year. Ashdale Secondary College is part of a cluster of independent schools. Three primary schools are involved in that cluster: Ashdale Primary School, Madeley Primary School and the Landsdale Primary School. As chairman of the board of the cluster, I have a lot to do with those primary schools as well. There has been a resounding big tick from all those schools for the way that this transition is being handled for the students from year 7 going into high school. They have all said that they have been given lots of information about it; they all know exactly how it will be happening. The current year 7s will be coming into the high school in the last four weeks of the school year, so that they will know what will be expected of them as year 8s next year. They will certainly be settled into the school. In the final two weeks, the current year 6 students, who will become the first year 7s at the high school next year, are coming along to the campus as well. We have been able to manage that without any problems at all. As I said, that is a school where there will be 1 500 students on campus next year.

Of course, there will probably be a few teething problems, but that is the case with any new year. Again, one of the measures of this government's ability to manage the education portfolio is that at the beginning of every school year since we have held the government benches, we have put a teacher in front of every class—something that the previous government was not able to achieve. People want to be involved in our education system and are happy to be involved in it, and we have the people taking it on. There has been some criticism surrounding the transition for year 7s, but it is not something that has been shrouded in secrecy and was the

subject of a furtive plan cooked up in the dark depths of Silver City and then just foisted on people at the eleventh hour. A massive amount of planning has gone into this project. Would any government seriously want to do something like this under a shroud of secrecy? When things like that happen, we are setting ourselves up for failure, which is something this government has never done. We have done everything along the way in consultation, and we have taken on board expertise from all sorts of areas.

As we know, 2015 is an absolute watershed year in education in not only this state but also throughout the country. There will be many changes, and the transition for year 7 changes coincide with the implementation of the Australian curriculum. In 2011, the government announced that year 7 public school students would move to secondary settings in 2015, for the reasons given at that time. In the interests of transparency, we cannot just make an announcement that we are going to do something, and then not say why we are going to do it. The reason the government put on the record in 2011 for moving year 7s to secondary colleges was so that students would have access to specialist subject teaching and the greater facilities that high schools have. It would also bring Western Australia into line with the majority of other states and territories, and with private schools in this state.

We know that in this day and age people are much more flexible in the way that they move about, unlike in the days of my parents. My family moved to this country from England in 1966, and between that year and my father's death in 1997, we lived in two houses. These days, people travel much more often between states and between towns. There needs to be consistency for students so that they know that if they come from Victoria or Western Australia and go to New South Wales, they can enter the same level of school. It makes for a seamless transition when that is happening. I know that one of the pressures on people thinking about moving interstate, from a regional area to the city or from the city to a regional area is how the move will impact on their children's education. If we can make that part of it seamless and easier for people, it takes away that burden of making these life-changing decisions. Again, that is something that is done with transparency, because the information is available for everybody to see. This government's planning for the transition of year 7 students to secondary settings has been extensive, as has been its ongoing ability to manage the changing demographics, as I said, with the way that people move around.

Since I have been a member of Parliament, one of the people I have had quite a bit to do with during my time in the last Parliament as a member of the Standing Committee on Estimates and Financial Operations is the Auditor General, Colin Murphy. Members will know that the Auditor General does not often have complimentary things to say about the way things are managed in government departments. That is a good thing; he sometimes brings to light issues that need to be addressed and that governments need to take on board to do things in a better way. Interestingly, the Office of the Auditor General supported the Department of Education's preparations for the year 7 transition. The report was tabled in Parliament in May 2014, and I think the minister last week, in his contribution to this debate, may have tabled a further copy, in case people missed it the first time around. Of course, we do not do things under shroud of secrecy; we do things in a transparent way, so we tend to table things more than once, if that is what is needed to show that we are transparent in what we are doing. Some of the highlights of that report from the Auditor General were: there was a strong and responsive approach to project management and project governance; a comprehensive program and a robust plan in place for year 7 transition; key stakeholders were satisfied with the communication from the department; and the transition appeared to be well managed. They are not the words of an Auditor General who would have looked at a scheme if he thought it was being anything less than transparent. Again, I am not sure where that parallel universe is that the government is comfortably living in, but the opposition seems to think that we are doing things without letting people know what we are up to.

The planning for the year 7 transition was a two-tiered approach, because we needed to make sure that everybody involved in the transition was fully aware of what was going to take place. There had to be an approach at the system level within the department on the changes that would be necessary, but also at the local level so that schools, parents and students could deal with this very important year 7 transition process. As an interesting aside, when people first heard that year 7 students would be moved to high school, they may have been a little concerned because they felt their children were perhaps too young to go into a high school environment. My son was born in 1997, so he was in the first year of students who started school when they were six months older than previous students. As all members in the chamber who are parents will know, all of our kids are absolute geniuses: "My little Johnny could do this at the age of six months and he was up walking and talking and doing all sorts of things." Everyone knows that their child will be good. As a parent, I was no different. I am sure that my son, Ali, was showing signs of becoming a nuclear physicist or something like that at the age of three months. I am very proud of him today, even though he tells me that he is going to be a rock star rather than a nuclear physicist, but that is an argument that we are continuing to have. Having been to see Brian Cox last week, who is a physicist, I have told my son that he can be both, and that can be done in our system of schools. Later in my contribution, I will talk a bit about the changes we have made to the subjects that students can study.

Going back to my son, when I discovered that he would not go to school until he had already turned six, I could not believe it; I thought it was outrageous. I started making all sorts of noises and then found out that it was introduced by Hon Colin Barnett when he was Minister for Education. It was before my time as a member. I did not care; I thought my son was ready for it. I have come to learn over the years—as I have said, he is now getting ready to complete year 11 and will go into his final year next year—that he was very much school ready at that time, as he was six months older. We are finding that a lot of those year 7 students are quite large children because they are six months older. I was speaking to someone the other day who said that they have to start thinking about the furnishings that are put into schools because some of the boys in particular are quite tall and do not fit into the school desks. The size of the class cannot be larger than 26 or 28 students because they physically do not fit into the room that is allocated. Certainly, there are much different classroom configurations in high school, including the size of the room and the way that things are conducted. It is important to bear in mind that those year 7 students are probably a little better equipped to go to high school than students were in the late 1980s and early 1990s.

We know that there was some concern by regional people that sending students who live in the regions to high school, which meant that they would go to boarding school, might present some problems for those students who may not be as emotionally or physically mature as some of their colleagues. We compensated for that. Again, after talking about the programs that we are introducing and negotiating our way through the issues, that transition has been delayed for a small cohort of people because it does not suit them. That is the beauty of the system that we have introduced. It is an independent public system, but it is also independent in the way that we can deal with individual students on an individual basis. They will not all turn out the same—because they are this age, they fit into this little box and so this is what they have to do. We look at each child individually, which is happening with the year 7 transition. Obviously, there were some issues surrounding the infrastructure needed for the year 7 transition. We talked about it and we did audits and we found out which schools would not be fully equipped to cope with the year 7s.

Hon Ljiljanna Ravlich interjected.

Hon LIZ BEHJAT: Did the member just wake up?

The desktop audit identified 29 schools that needed additional accommodation to cope with the year 7 transition. On 21 May 2012, the then Minister for Education, not the current Minister for Education, announced which 29 schools would need additional accommodation. That shows that the government is telling the people what is happening; it is telling them that it has looked at this situation, it has decided that there will be a year 7 transition, it has looked at the infrastructure that will be required, it has identified through a desktop audit those schools that will need more infrastructure in place and it has announced those schools. That is another example of transparency in this whole process.

At the end of July 2014, eight of the 29 schools that were announced as needing additional accommodation were completed, and the minister listed in his contribution those schools that have had that additional infrastructure. Broome, Byford, Canning Vale, Cape Naturaliste, Carine, Safety Bay, Kelmscott and Wanneroo high schools have finished their infrastructure projects, and they are certainly raring to go and are ready for the transition come the new school year in 2015. I am very pleased to say that work is continuing on the remaining 21 schools. We are advised that all projects are on track and will be ready for the 2015 school year. Again, the department and the minister are willing to give out that information and talk about those issues. We do not hide anything under rocks or bales of hay. It is all out there for people to see with the transparency with which we are doing everything.

The year 7 transition will need changes to be made to the way that information is delivered to the students in class. They are no longer in a primary school setting, in which they have one teacher who delivers everything to the students and then they might have a sports teacher or a craft teacher or someone a bit different. They are in high school and they will be taught subject by subject, and that will require a different teacher for each subject. Of course, that requires changes to the workforce. Again, we identified that it was an issue that needed to be addressed. How did we address it? We negotiated with people, we took advice from people and we did some planning for it. The workforce planning indicated that additional secondary teachers would be needed to accommodate the year 7 students. We know that the principals of primary and secondary schools have predicted their 2015 student enrolments, and the current projections indicate that an additional 1 000 positions will be required in secondary schools in 2015, but there is likely to be 500 fewer positions required in primary schools. It does not take Einstein to work out how this will come about. Maybe people need to transition from an area where they have previously taught to a different area, so we will have a refinement of workplace requirements, which are currently being undertaken by principals on an ongoing basis. Carol Strauss and I speak often about what the staffing needs will be at our school come 2015 once we have all of our year 7s on board. In the May 2012 state budget, our government announced that $22.4 million would be allocated for approximately 525 teachers to undertake training to support the move of year 7 students to secondary settings in 2015. We knew that money had been allocated. It was there; it was in the budget papers, so it was transparent and I know

from memory that it was very openly discussed during the estimates process both in this and the other place that this is what the money was for. On June 7 2013, the teacher training program Switch was launched. It provides a range of options supporting both primary teachers to teach in secondary schools and secondary teachers to teach additional specialist subject areas. It was launched amongst a lot of publicity and, I think, advertising at that time because a program cannot be introduced and have money set aside for it unless people are told that it is there. Again, there needs to be transparency about what is done. People needed to be told that there was this new program and there would be this need. They needed to be told that a future gap in the system had been identified and that there had been forward planning done because it would happen in 2015, and now, in 2013, people needed to be retrained under the Switch program. We know that the Switch program trains teachers in required learning areas. Currently they are being trained in the areas of English, mathematics, design and technology, special education, science, society and environment, health, physical education, and visual arts. They are the areas in which teachers are being trained at the moment because it will assist us to meet our workforce requirements and it will provide those much needed opportunities for teachers to be able to extend and enhance their skills, and add to the subjects that they are qualified to teach. I know, having spoken to a number of teachers undergoing the Switch program, that they are really enjoying it and they have found a renewed enthusiasm for their vocation. Members who were here at the time I made my maiden speech know that I spoke about teachers in an almost reverent way, and I still speak about them in that way because I certainly would not have the patience to be a teacher. It is a vocation that people take on with great enthusiasm, as we know from a very transparent Minister for Education, who was himself a former chalkie, as he describes it, and someone who loved the life he led as a teacher. He has brought that enthusiasm and transparency into the role he plays today. Just to finalise on the Switch training so that all the information is there and we cannot be accused of hiding anything, as at 31 July this year, 478 teachers are participating in Switch training, which is something we are very pleased to see, and they are very pleased to be involved in that training.

Other major reforms coming along are those to the Western Australian Certificate of Education announced in January 2013. I am very pleased to see there has been a change to the Western Australian Certificate of Education and the way it is being delivered, because, again, we are providing, mostly through the independent public system, choices for students, their parents and their teachers to come together in a collaborative way to discuss the best track for children to be on. From my own perspective, I went along to a meeting with my son when he was in year 10 and we talked about what subjects he would take in years 11 and 12 that would then equip him for the study he wants to undertake when he goes to university. I found it completely confusing, quite frankly, what it was he was going to be doing. I graduated from school a very long ago, in the year of the dismissal, 1975, in fact.

Hon Peter Collier: You're older than me!

Hon LIZ BEHJAT: I think I am older than the Minister for Education by about 20 days, is it, minister? Let us not harp on that!

Hon Peter Collier: You always will be!

Hon LIZ BEHJAT: I always will be indeed!

In those times it was very simple. The examination was called the Tertiary Admissions Examination and 1975 was the only year in which grades, instead of being given as a percentage, were given as a letter—so, A, B, C or D. The subjects I took for my Tertiary Admissions Examination were history, English, German, economics, biology and English literature—no maths; maths is beyond me. I cannot do maths! They were the six subjects I took at that time and it was all very easy—what we saw was what we got. When it came to choosing subjects with my son, he wanted to do maths. His plan is to go to university and do a Bachelor of Science, and there are prerequisites for that, one being mathematics. Even though, as I said, I did not do maths, in those days I think there was maths 1 and maths 2 and 3—that was it. I think they were the two levels of maths that people did. Now we were confronted with the question of whether Ali wanted to do maths 2A and 2B, 2C and 2D or perhaps he might have wanted to maths 3A and 3B and then 3C and 3D.

Hon Simon O'Brien: A case of "2B or not 2B"!

Hon LIZ BEHJAT: It is "2B or not 2B or A, C or D"!

Hon Peter Collier: He could have done 1A and 1B as well.

Hon LIZ BEHJAT: No, I do not think he could have done 1A and 1B because it would not have equipped him for an Australian tertiary admission rank, which would not have got him into university; he would have got onto a different path. We are all nodding our heads in total confusion here! It was an absolute minefield and all I know now is that he is doing maths 3A and 3B and he will be doing that in year 11 and year 12. He is doing very well in those subjects and he will get an ATAR that will hopefully get him into university. That is just one of the subjects that we were confronted with. We now know that that will be changed and there will be a much more streamlined and transparent way for people to be able to make those choices. Again, it is something done in

collaboration with the school, teachers, parents and the child, so everyone needs to know. We know that not everyone wants to go to university and that is an important thing for us to recognise. However, we know that students are staying at school until they are much older. The majority of the cohort my son is in will turn 18 while they are in year 12. There are adults now in our high schools and that is why it is important for us to have programs that will set them up for life. We know that the ATAR scheme will be there for those who want to go to university and they will have a much more simplified way of choosing the subjects they will be able to do. Then we have the vocational education and training scheme, which is a fantastic scheme for those kids who want to do something other than go to university.

Hon Peter Collier: That is the majority of students.

Hon LIZ BEHJAT: It is the majority of students. I think only 27 per cent of students go to university, so the majority do not. In previous years, and certainly in the years I was at school, everything seemed to be skewed more towards looking after those people who were going to university. Now, we just need to look after our students in a way that will be meaningful and fruitful for them, whether it be through sporting programs or vocational education and training. For instance, I have a great nephew only six weeks younger than my son who attends a different school in the northern suburbs and he was not doing very well at school in his early high school years because he was not enjoying it. He did not see the point. He did not see the need to be at school, because he did not want to go to university. He wants to be a mechanic. Now he is still very fruitfully engaged in the program at school because one day a week he goes out to a mechanic's workshop and gets that practical experience of what it will be like to be a mechanic. He will train as an apprentice and he is doing his early studies now at school, so when he finishes school he will already have his certificate I, if not his certificate II, and then go on to complete his apprenticeship. He will do that in the school environment that has been created for him. I spoke earlier about my son, who is doing six Australian tertiary admission rank subjects and a certificate II. Music is one of the things he enjoys as an extracurricular activity, so he is now able to, while still in high school, concurrently do his ATAR subjects to set himself up for university, and his certificate II in music in pursuit of his background ambition to be a famous rock star! Let us watch this space; I am never going to be one to kill ambition, and hopefully he will do that, but he will also have by the end of year 11 this year a certificate II qualification in music. Regardless of what may happen—one would hope that nothing will happen to make him stray from the track of what he is planning to do—he will leave school with a certificate in his hand to say that Ali Behjat has a certificate II in music. He may want to go off later and do something else totally involved in music, and he will always have that qualification, while in the meantime doing his ATAR, but that is part of the massive changes we are seeing. These changes have taken place in complete transparency; the government has been out there, talking about this to people and telling them what is available, which is why we can stand here today, talking about all the programs that are available. Since the announcement of the changes in 2013 we have done nothing but talk about them to make sure that people are aware of them so that we will never have people saying, "But I didn't know you could do that at school; I didn't know that it was available for my son to go down that path." As chairman of the board, I am always signing off on information sheets that go out to parents and information sessions that we run at school. We also make sure through email and telephone communication that the students and parents are always aware of all the changes that are happening. We all know that if people are fully informed and fully aware of what is going on and what changes are to be made, the chances of something going wrong are absolutely minimal. This has been done in an environment of everybody knowing, because there is no point in doing things in a shroud of secrecy or in introducing something but not telling anyone about it. That is the way that we are conducting ourselves in this space and it is the way that we have conducted ourselves in government since we took charge of the government benches. We do everything in a collaborative and measured way. I have said many times before in speeches and contributions to debates in the house that this government measures twice and does things once. We measure something twice, make sure it is the right thing, and then introduce it. That is what we have done in education; we have been out there, talking, and we have read all the expert reports. We held out in relation to Gonski, and that was absolutely the right decision in terms of federal funding, which can be a whole different subject for somebody else to talk about, because my time is rapidly running out.

Again, I thank the Leader of the Opposition for allowing us to speak on this issue. If there is one thing the government is doing, it is transparency in education.

HON AMBER-JADE SANDERSON (East Metropolitan) [3.13 pm]: I rise in support of the motion put by the Leader of the Opposition —

> That this Council expresses its concern at the lack of transparent planning for the announced changes across Western Australian schools in 2015.

I thank members who have spoken before me for their contributions. I think we have all acknowledged that the last couple of years have been a very tumultuous time for schools, and the next few years will present more interesting challenges for them. In 2013 we saw the state government announce a range of funding cuts to schools, including a 30 per cent reduction in school support program resource allocation funding, a reduction in

the number of education assistants and leave liability being shifted onto schools, which has materialised in this school year. Those cuts have been hard on a number of schools. Just over 12 months ago we had the Gonski debate, with the offer from the then federal Labor government of $600 million for schools in Western Australia, which was rejected by the Western Australian Barnett government. A new student-centred funding model will be introduced, and I will talk about that in a bit more detail in a minute. Schools will move to one-line budgets, which will be challenging for a number of them. Some schools welcome it, but a lot are anxious about how they are going to manage their one-line budgets and whether they have the skills within their schools to do that. There will also be the transition of year 7s into high school; that is a huge reform, the debate of which has already passed. There will be the rolling out of curriculum changes, new curriculums for years 11 and 12 and changes to the Western Australian Certificate of Education. It really is one thing after another for schools, and it really is a revolutionary time for our public education system.

Some of these things are good things and some of them are not. Some schools will be able to handle these changes adeptly, while others will have trouble. In many ways, a tricky path has been set out by the state government, particularly in implementing the new student-centred funding model on top of a range of cuts. Those cuts have resulted in a reduction of EA hours, particularly in early years education, which was a strange policy decision given the shift in focus to the early years of education and the importance of developing and laying down good educational programs for kids in the early years to continue their education.

There has been a 30 per cent cut to SSPRA funding. That allocation was targeted at school programs, with some flexibility for the needs of individual schools—for example, schools that have large multicultural cohorts, schools with a lot of ESL students, schools with truancy issues and schools with disengaged kids. A lot of those programs have had to be either scaled back, cut completely, or shifted onto not-for-profit organisations, such as Outcare.

Leave liability has been shifted onto schools, which schools absolutely hate; it was a pretty brutal move by the Department of Education. That has been limited to one year, so there is some small mercy in that. One of the most difficult to understand cuts, from my point of view, is the cut to Aboriginal and Islander education officers in schools. AIEOs are integral to improving Indigenous participation and literacy and numeracy rates, but the government has cut them back.

It is an uncertain path for 2015. I speak to many members of school communities, obviously to the principals and teachers, but also to support staff, including cleaners, gardeners and education assistants. Education assistants have really borne the brunt of a lot of these staff cuts over the year, with a real reduction in their hours and/or complete removal of their jobs. Education assistants are responsible for much more than just doing photocopying, filling the gluepots and making sure that all the materials are in line; they provide educational support. They are trained to provide support for the students in classes who need that support so that the teacher can get on with the job of teaching the other students in the class, and so that students with special learning needs can remain in mainstream schools and enjoy the same opportunities as everyone else. Those hours have now been reduced, so that shifts a work burden onto the teachers.

From information that has been extracted through parliamentary questions, the new funding model will leave 250 000 schoolkids with less funding per student than would have been the case had the funding levels of 2013 continued. The information released by the government was not entirely a true and honest picture of funding; it has released information comparing 2015 funding with 2014 funding, and the 2014 funding had already been subjected to $180 million in cuts, so the true comparison is between 2013 and 2015. When we make that comparison, we see that, on average, every student will be around $750 worse off in 2015. Some students in some schools will be $9 000 worse off than they would have been had the 2013 funding levels continued. That is a huge amount. So 90 per cent of students will receive less funding under the new education funding model introduced next year. That is not transparent. That is not transparency when we are talking about the government selecting—I will be generous—the figures that it chooses to compare when the real comparison is between 2013 and 2015.

There are some concerns in schools about one-line budgets. Some schools that I visit in my electorate are happy with this and some are quite concerned and unsure how they will manage their one-line budget for maintenance, staff and all the other challenges that come with a school. Some training has been provided but I have heard from the principals that not enough training on one-line budgets has been provided. When we compare those schools with independent public schools, which already have a one-line budget but are also able to access a range of other benefits such as a broader recruitment pool than the non-IP schools, it begs the question of why we are moving to one-line budgets. We seem to be limiting the ability of some schools with a one-line budget to recruit certain teachers and to have autonomy; whereas other schools are allowed other benefits. In the reports mentioned by other members, concerns were raised about creating a two-tier education system through IPS and about the department's handling of IPS. Those concerns have been borne out in some of these examinations and reports, and I am also concerned about them. Not every school wants to be an IPS, because it does require a strong school board, it requires a lot of skills and it requires a lot of participation. I think the schools that will

benefit most from IPS are actually not the ones that most need the benefit, as they have parents who are engaged with the school. Perhaps both parents do not have to work or do not work full-time and can afford to live on one income, and that leaves another parent able to engage with and participate in the school and the running of the school; whereas a lot of schools that would benefit from being an IPS or having more autonomy and flexibility would not have the parent body to participate. We see that as we move through the high school years as well. Primary schools largely have incredibly engaged parents and citizens associations and boards, but that gets less and less as students go through high school.

One of the extraordinary moves by the government last year when it announced the cuts and was surprised—it was surprisingly surprised—at the outrage from schools that they were having their budgets cut, was the response to provide the media with the bank balances of all the schools to be printed in public as some sort of demonstration that, "Look, they are floating in money. Public schools are drowning in money." The government did not mention, though, that a lot of that money had been set aside for capital works that had been in the pipeline for schools and for the transition of year 7s, and a lot was from fundraising. A lot of fundraising goes on at schools. I get asked repeatedly to participate in fundraising activities at my daughter's school. Most parents who attend public schools cannot escape fundraising events, and a lot of the money in those bank accounts was from the work and activities done by parents and the communities. It was an offensive strategy and one that I think essentially backfired.

When we consider this motion on the lack of transparency in planning, I want to focus on one particular issue, which is the government's announcement that eight new schools will essentially be privatised. The building of eight new schools was part of an election commitment the Liberal Party made. However, it did not say, "We will build these eight new schools and they'll be privatised." I think the reaction from the community would have been a bit different if the Liberal Party had put in its election platform, "Yes, we will build these eight new schools but they'll be run by private companies and they'll have 25-year contracts." That is an extraordinarily long contract. That is therefore dishonest and it is not transparent. It is not transparent at all to make that promise. The Liberal Party made a similar promise with Midland Health Campus. It said that it would be a brand-new private hospital but it did not say that it would be privatised to a private contractor.

The announcement made by Hon Peter Collier and Hon Mike Nahan, the Minister for Education and Treasurer respectively, states —

> Eight public schools to be designed, built and maintained by a private company
>
> …
>
> Four public primary schools and four public secondary schools are set to be built and maintained under Western Australia's first … (PPP) for schools.
>
> "A private company will design and build the schools and then maintain them over a 25-year period. In addition, the company will finance the design and construction."

That was not mentioned prior to the election. When governments talk about privatisation and outsourcing, particularly in education, they always talk about it under the banner of education reform and that it allows greater autonomy for schools and modernisation. It is like flexibility in the industrial relations debate. Whenever someone mentions "flexibility", it usually means a reduction in rights for one party, and usually the employee in particular; therefore, when I hear that it is about education reform and modernisation, I am instantly suspicious that that is what it means. It means that the government is putting our schools out to market. It means that it is making part of our education part of the market. Education should not be part of the market. It should be provided universally for all the community and not put out essentially for profit-making companies. The minister is right, as he has stated a number of times, that private participation in schools and in education is not new, and it is certainly not new in Western Australia. The previous Court government, in fact Colin Barnett when he was education minister, announced the privatisation of contract cleaning in schools; and it was not good for schools. The reality is that it drives down the quality of services, wages and standards because the focus is on profits.

We have been here before on this issue. In 1995 Colin Barnett announced the privatisation of cleaning in schools, and between 1995 and 2006, 634 schools engaged private contractors. I want to talk about some of the experiences of that, as it was subject to examination and there was a long period for it to impact. In an effort to reduce costs, a number of contractors reduced the number of cleaners and did not provide the most basic equipment. In 2004, a report on contract cleaning indicated that one in five cleaners had to use the same mop for the toilets as for other areas, and some cleaners were asked to cut sponges in half to make supplies last. That is what happens, and that is what happened. Talk to any cleaner who has worked for a contractor versus a cleaner who works directly for the government that is better resourced. With a contractor they have poorer conditions, poorer equipment, less time and have to clean more classrooms because the contractor needs to squeeze every dollar out of the contract.

A study titled "Cleanliness and Learning in Higher Education" conducted by Jeffrey Campbell, PhD, chair of a facilities management program, reported on contract cleaning across a number of areas. The areas looked at rated aspects such as tidiness and casual inattention. The report looked at 30 service providers and states —

> Eighty-eight percent of students reported that the lack of cleanliness becomes a distraction to their learning ability at Level 3 … The services provided … are vital to accomplishing the learning goals of educational institutions. In addition, 78 percent of students indicated that levels of cleanliness have an impact on their health. Thus, clean buildings can aid students in learning and in being healthy at the same time.

It therefore does matter. People do not see the cleaners and do not see what they do, but the environment in which kids learn and in which staff teach does matter.

Contract cleaning often leads to lower standards for not only contractors but also the people working as cleaners. Cleaners are part of the school community. Often cleaners have been cleaning at a school for 10 or 20 years. They feel part of the school community and they take great pride in looking after the classrooms, the administration blocks, the principal's office and the staff rooms. They actually want to make their school a great place to learn. A number of cleaning contractors—in fact almost all—pay just award rates. Very few pay above award rates. These people are essentially doing a job for the government—cleaning government schools—but they are being paid significantly less than cleaners at a school down the road who are doing exactly the same job. The government is basically treating people in a completely different way, when those people are doing the same job, just because it has decided to contract out those jobs. The workloads of contract cleaners are often higher. They are not given enough time to do their job. They are also often required to accept and use poor equipment. Getting contractors to provide equipment is often difficult for cleaners. Cleaners found under the last round of contracting that they had to provide their own equipment. Another issue is wages. Contractors pay significantly lower wages. Under the current government wages agreement, a level 2 cleaner gets $22.35 an hour. A contract cleaner under whoever gets the contract—Spotless or Serco, or whatever—earns around $18 an hour, or $4 an hour less. That is creating an inequity in our system for people who are committed to our schools and want to put the best into our education system. The injury rates for contract cleaners are also often higher, and the work is often fragmented.

There are a lot of questions about how this will work. Will the services in schools be subcontracted out in the same way as the services at Fiona Stanley Hospital? Will schools have an overall facilities manager, and then have the capacity to subcontract out not only the cleaning and maintenance, but even more services? That will water down the chain of accountability. It will also affect the ability of schools to take immediate action on anything that happens in those schools.

I now want to talk about some of the experiences of teachers and school cleaners. This comes from Trevor Vaughan, who was the principal of Lathlain Primary School in 2002 when the cleaning at that school was contracted out, and more recently is at Belmont Primary School. I am reading from my notes. He said —

> The issues in relation to contract cleaning wasn't so much the quality of cleaning, as the contractors did as good as they could under the time limit and resources they had, it was about developing a relationship with the cleaner. There was no consistency with the workforce — you didn't personally know them. I was never sure what wages and conditions cleaners were being paid and that concerned me. I had to presume the contractor was paying the right rate of pay.

The next quote is from Terry Milligan, who is a school cleaner —

> When my job went back in-house my role became more personal. I felt included and appreciated in the school environment. It was easy to communicate about workplace matters and issues at a local level with the Registrar or Principal. It would normally take the contractor days to return your call let alone resolve any employment issues or queries I had. There was a notable absence of contract area supervisors when you needed support or help.

That underpins the argument that cleaners pull out resources where the government will not, to ensure that schools are properly cleaned and provided for.

It is very opaque—it is not clear at all—what this will mean for principals on a day-to-day basis. What will happen if emergency maintenance is required at a school and the contractor does not have its maintenance person at that school site? What will happen if the contractor does not have an immediate contact for the gardener? What will happen if a principal needs to reconfigure a classroom or any other part of the school? Will the contract allow principals to do that on the spot or will they have to go through a range of red tape in order to do that? So, on the one hand, the government is providing a range of autonomy for principals, and, on the other, it is potentially binding their hands by outsourcing the management and maintenance of their school. Will principals have the ability to directly manage maintenance, gardening and cleaning staff? Will they be the line manager for those staff so that they can direct those staff to areas where they are needed? This will essentially pull apart the

school community. Gardeners, similar to cleaners, take great pride in their work. They look after the school grounds. They take care of the playgrounds. They rake the sandpits every day for needles and for sharp objects such as glass, to make sure they are safe. Often that is done as an extra. It is not written into their contract. It is not written into their work requirements. They go the extra mile, because they are part of the school community. I do not want to see them stretched and pushed to the point at which there are fewer of those people to provide that service for our kids.

The ACTING PRESIDENT (Hon Alanna Clohesy): Order, members! There is a bit of chatter in the chamber. Hon Amber-Jade Sanderson has the call.

Hon AMBER-JADE SANDERSON: Thank you, Madam Acting President.

Essentially, when schools are run by the government, the minister and the government are ultimately accountable. Parents need to know that under the Westminster system, when they send their kids to a public school, the minister and the government are ultimately accountable for what happens in that public school. If we are contracting out the cleaning, gardening and maintenance in public schools, we know that the minister will not be accountable. If anything goes wrong, it will be blamed on the contractor and the subcontractor and their staff. That will undermine the faith of people in the public school system—in the same way that pulling money out of school budgets undermines the faith and the confidence of people to send their kids to a public school.

This has been an issue for many, many years. Governments have been bedazzled by the thought of privatising services in schools. This has been done in the United Kingdom since at least 2001 and 2002. I have enough literature here to enable me to go through exactly what that has meant for those schools. I will not go through all of it, because there is a lot, but I will give members a snapshot of it. Many of the local educational authorities in the United Kingdom are now turning away from this model of private contracting. They did it, but they found it does not work and is not value for money. I will give members the example of a school in Bradford in the United Kingdom. This is from an article in the *Daily Telegraph* —

> At the same time it emerged that Bradford, a privatised local education authority, is planning to lower the academic targets it set in its 200 schools. This will give Serco, the company running the service, a better chance of qualifying for a £2 million bonus.

The article states also —

> Last year the company achieved only five of 52 targets and was paid £8,450 of a possible £1 million.

Because Serco did not meet the targets, the targets were reduced to enable Serco to meet the targets. A number of those contracts across local education authorities in the United Kingdom are now coming back in-house.

It is cheap and short-term economics for the government to privatise or contract out to try to make up for the black holes that have been created by its poor economic decisions. Our kids will essentially have to pay for that. More often than not, these contracts cost governments more in the long run. There is a ream of evidence to demonstrate that.

Hon Ken Travers: It is just transferring it to future generations, when we should be picking it up.

Hon AMBER-JADE SANDERSON: Absolutely, in a 25-year contract. Let us talk about transparency in planning. I urge the minister to release the public sector comparator for the PPP model for schools over those 25 years, versus those schools being run by the government. If the government wants to talk about transparency, it should release the public sector comparator. Whenever anyone calls on the government to release the public sector comparator, it is shrouded in-commercial-in confidence and the government says it cannot possibly release it. If the government wants to be truly transparent, and if this is genuinely in the best interests of not only the finances of the state, but schools, the government should release the comparator and demonstrate those benefits and outline the accountability structures within those contracts. What we have here is 25-year contracts. What will happen if a company goes bust or is taken over? Will companies have to go through rigorous probity and tendering processes, or will they just get to buy the contract? The contract will be on the market, because the school is out to market. That is essentially what this model will do to our schools. It will drive down the standards and reduce accountability. I call on the government to release the public sector comparator if it truly wants to be transparent about this plan.

I support the motion moved by the Leader of the Opposition and call on the government to be more transparent in its planning for our schools.

HON PETER KATSAMBANIS (North Metropolitan) [3.40 pm]: I, too, would like to thank Hon Sue Ellery for putting this motion on the notice paper, because it gives us the opportunity to discuss the wonderful work the government has done in the education portfolio and in Western Australian schools in the past six years since it came to power. If I had more time—hours and hours—I would be able to outline in great detail all of the wonderful things that the government has done. Unfortunately, in the short time that members are permitted to speak on this topic, we can only touch the surface of the work that the government has done and continues to do

to provide first-class facilities in our public schools in Western Australia, first-class teaching and first-class educational opportunities for the children, the students, whom the schools are there to serve primarily. It is a bit rich for the opposition to put on the notice paper 16 months ago a motion that talks about lack of transparent planning and changes that are to take place in 2015, and then march into the chamber 16 months later and pretend that absolutely nothing has happened in that time and to twist themselves in knots to find ways to criticise the government for the much-needed, well thought out, very well-planned, very well-implemented and extremely transparent changes that will take place next year. If the opposition wanted to be credible in this area, it would have thought about amending its motion; it might have accepted that certain things had already happened prior to this motion being put onto the notice paper and that in the 16 months since, lots and lots of other things have also happened to make sure that a clear and transparent process had been undertaken. Members do not have to take the words that I am saying today as proof of that. Members do not have to take the minister's word. They do not have to take the word of anyone from the government at all. All members have to do is pick up the Auditor General's report.

Hon Ljiljanna Ravlich: Which you clearly haven't read, because he has a number of risks in there that are serious.

Hon PETER KATSAMBANIS: If Hon Ljiljanna Ravlich wants to make a contribution in this debate, she should make it by standing on her feet!

Hon Ljiljanna Ravlich: I wanted to, but you took the call!

The DEPUTY PRESIDENT: Order! Hon Peter Katsambanis has the call.

Hon PETER KATSAMBANIS: If members on the opposition benches want to make a contribution to this debate, they should get up on their feet and make a contribution. Instead they prove my point that they have nothing fair dinkum to say on this motion. The government has been clear and transparent over a long time. The opposition shouts down members of the government who talk about facts and reality and who do not live in a parallel universe where the sky is falling down. Members of the opposition may as well come into this place or walk around anywhere in Western Australia with Chicken Little suits on, yelling that the sky is falling down; but it has not. It has never fallen down; it is not falling down; and it is not going to fall down in Western Australian schools in 2015. Members do not have to take my or the minister's word for it.

Several members interjected.

The DEPUTY PRESIDENT: Order! Hon Peter Katsambanis has the call.

Hon PETER KATSAMBANIS: I get heated about this issue because, as members know, I have a great passion for education in this state. I am a strong believer that education is one of the best things we can give young people in society, and I am also a strong supporter of a vibrant public education system. That is why I am proud to be a member of a government that has done its utmost to improve the quality and standards of education in this state, and continues to do so, despite the clear parallel universe and the bunch of rubbish that the opposition claims is happening. Reality proves the opposition wrong again and again.

I will get to the Auditor General's report, because it was a very important and complementary report. It was tabled in this place in May 2014 and last week, in his contribution, the Minister for Education tabled it again to make sure that nobody missed out and so that no-one can say that they had not seen or read it. The report clearly found that the Department of Education had a strong and responsive approach to project management and project governance in the transition of year 7s into high school in 2015. The report found that there was a comprehensive program and robust plan in place for year 7 transition. It found that key stakeholders were satisfied with the communication from the department. It also found that the transition appeared to be well managed. It pointed out, of course, that between May 2014 and the start of the school year in 2015 that there were a few things that the government had to continue to work on, but based on the history from 2011, when the government first announced that year 7 would be going into high school, through to May 2014 and continuing through to the start of year 2015 school year, and based on the evidence of past performance, the Auditor General had no concerns about the government addressing those issues that it rightly had to put in place in that period between May 2014 and February 2015. The Auditor General issued an absolutely clean bill of health. The Auditor General gave a tick, tick, tick to the minister and a tick, tick, tick to the government.

Had the Auditor General's report not been so complimentary, I am sure that members of the opposition in their contribution to this debate would have been quoting extensively from that report. Members of the opposition, including Hon Ljiljanna Ravlich, cannot say that I have not read the report. I reckon some members of the opposition probably read the first couple of pages and thought, "Oh my goodness! There is nothing horrific in here. It does not tell us the sky is falling; let's move on and make things up instead," which is what opposition members have done.

This government made it very clear that it believes that the right thing to do is to make a series of changes, and a lot of them, to be introduced in the 2015 school year. There is a reason those changes come in all at the same

time. One of the important reasons for moving year 7 into high school is that the introduction of the national curriculum assumes that year 7s are in high school and that they have access to specialised subject teachers and specialised subject facilities, in particular, specialised subject teachers in maths and science and specialised facilities, such as laboratories and the like, for science. The introduction of the national curriculum in 2015 is an opportune time to make sure that year 7 students are in those specialised facilities to maximise their capacity to get the best possible benefit out of the education system. It is the absolutely right thing to do. The government did not decide to do it yesterday, last week or last year when this motion was put on the notice paper; it decided it in 2011. It created an orderly transition process that informs communities that that would be the case, let them know and introduced transition provisions for some people, primarily in regional and more remote areas of the state, to ensure that if for some reason they did not want to send their children to high school in year 7 that there would be orderly transition provisions, which some families will take advantage of. Not many will take advantage of that, because, understandably, parents have to make a choice about sending their children away for further education. Should they keep them back a year or should they give them access to those specialised facilities one year in advance? That choice has been left in the hands of those few parents who have made the choice to essentially keep their kids in a primary school environment with additional resources and additional teachers. The vast majority of parents have accepted the fact that it is a good idea for year 7s to be in a high school environment, to have access to specialist teaching and to delay the start of high school that will eventually lead to them obtaining a WACE that is meaningful. I will hopefully get to WACE changes during my contribution later.

The government did not just provide information to parents and school communities. This government recognised that by moving year 7s from primary school to high school, there would be a need for improved facilities in high schools to cater for the extra students. Again, it set out a program to assess the needs of each high school—whether those high schools could cater for the students in their existing facilities or whether they needed new facilities. Lo and behold, the government worked out that around 29 schools in Western Australia would need additional facilities—additional accommodation. It did not work that out yesterday or last week; it announced those 29 schools in May 2012, almost three years before the facilities were required. The audit had been done, the planning had been done and the orderly transition had been done in a completely transparent manner, and the building started. The building was financed by this government and it commenced. A lot of those facilities had already been completed well ahead of time. I recently had the honour and the privilege to go to one of those completed facilities at Carine Senior High School in my electorate with the minister. I saw the wonderful new facilities that had been provided to cater for the year 7 students coming into high school. This is a facility that will not just benefit the year 7 students but it will benefit the entire school community by using those new specialised classrooms. It is a first-class facility built to that same high standard that all public schools in Western Australia have been built to under this government. That is happening across all 29 schools. At the end of July, I think eight of those 29 school builds had already been completed. They are all coming onstream; since then, a few more have been completed. By the end of this year, all of those 29 schools will be completed, ready for occupation by the new students in 2015. There will not be a situation, as has happened in the past under the Labor government—we have talked about it again and again—in which students roll up on the first day and do not have anywhere to go, because this government thought about it in advance. It informed parents, worked out what was required from the facilities point of view, funded those new facilities and built them so that they are ready to be used.

As both the minister and my colleague from North Metropolitan Region Hon Liz Behjat pointed out in their contributions, the government went a step further; it worked out what sort of teaching arrangements would be required when we move a cohort of students from primary school to high school and determined, quite rightly, that we would require about 500 fewer teachers in primary schools as a result of the move to year 7 and about 1 000 new secondary teachers in our high schools to cater for year 7 and for the increased demand in our public schools. As we pointed out, parents are voting with their feet for the first time in living memory. The percentage of students going to public schools in this state has increased under the Liberal–National government.

Hon Peter Collier: The only state in the nation.

Hon PETER KATSAMBANIS: As the minister rightly points out—he should be very proud of this—Western Australia is the only state in the nation that has reversed that drift across the public system to the private system. There is nothing wrong with the private system. There should be lots of choice. We should look at how Western Australian parents are voting when they get that choice. They are voting to come into the well-resourced, highly successful public system that this government has created. Yes, the government has provided for additional teachers, transparently. It announced the Switch program to enable those teachers who might have thought about career progression and moving from primary school to high school to gain additional qualifications and do refresher courses and it committed money, again well ahead of time. In May 2012, well ahead of 2015, the government committed those funds to give those teachers an opportunity to think about their career and to think about whether they would like to make the switch—pardon the pun because that is the name of the program—to

go out, improve their skills, retrain and move across to high school. We have seen 478 teachers participate in the program. The government funded 525 places, so it was almost 100 per cent. We can never guess these things in advance because we are not forcing people to do it; it is completely voluntary. In the end, the government provided funding for 40 or 50 places that were not taken up. Again, the government cannot be accused of underfunding the program in any way. In fact, as the demand and supply worked out, it overfunded it by a little bit but that is a great thing.

As far as the year 7 changes in 2015 are concerned, we have an absolute total clean bill of health. Everything is on time, everything was announced early, all the communication was done well, everyone was clearly aware of what was going on, they were totally transparent about it and the transition will happen in 2015. The benefits will be seen over the subsequent years. We will see them particularly in national testing at a year 7 and year 9 line level, and we see them filtering through into WACE as well. Students who have had an additional year of specialist teaching in high school will gain enormous benefit from their education. I look forward to seeing the graduates of the six years of high school lift the education standards in this state even higher than they have already been lifted between 2008 and now, as measured by the National Assessment Program — Literacy and Numeracy testing, where Western Australia has seen a massive improvement to the investment that the government has made in education.

Another major change next year is the WACE changes, something that is very dear to my heart and something that I believe will be transformational in the provision of education in this state at all levels and at all levels of ability of students in our state. In her contribution, Hon Liz Behjat spoke as a parent of a high school child under the current three-tiered alphabet soup WACE system that has parents and students scratching their heads with the 1As, the 1Bs, the 2Cs, the 3Ds, the 4Fs and lord knows what other silly numbers are around. They are complex and clearly not transparent. They are difficult for parents, students and teachers. We saw what happened with this three-tiered system. Too many kids who should have been pushing themselves to higher levels chose the level 1 courses because it was all too hard to do anything else. As the minister pointed out in his contribution, some of those courses are unfortunately at year 9 level. It is not a criticism of the students, but a criticism of a complex and broken system that these kids are not challenging themselves and that, effectively, the last two or three years of school for these kids is becoming an advanced babysitting service—a very expensive service that is not giving anyone any benefit. It is not benefiting those students who should be pushing themselves harder. It is not benefiting the teachers, who feel demeaned that they have to teach at a lower level than they otherwise could, and it is not benefiting our community because we are not producing people who are as well educated as they should be. That will change in 2015. We are getting rid of that three-tier system and replacing it with a clear and transparent two-tier system, after significant communication with all stakeholders. When the minister announced the new system and the School Curriculum and Standards Authority rolled it out to schools, did we hear any criticism about it? No. I can tell members that schools—the teachers and principals—have the best interests of their students at heart. If they thought the new system was wrong or inappropriate, they would have been screaming from the rooftops, and rightly so. The proof is in the pudding though. There was no screaming from the rooftops; there was universal acclaim from across all sections of the community, from teachers, educators, the higher education sector and employer groups who are going to benefit from a better educated and better trained cohort of students coming out of our public school system. The minister is to be congratulated.

The authority that I mentioned earlier, the School Curriculum and Standards Authority headed by Allan Blagaich ought to be congratulated as well for the immense amount of work that it has done to prepare for the new Western Australian Certificate of Education in 2015. Already the building blocks of that WACE, the foundation of the new WACE system, have been implemented this year with the first Australian Online Literacy and Numeracy Assessment for year 10 students, a critical part of the new WACE. For the first time ever an education system will be certifying that graduates of its education system have a minimum level of literacy and numeracy that equips them to walk out there with their heads held high in the adult world. Again, the proof is in the pudding. That new OLNA system has been totally welcomed across Australia. Other state jurisdictions are now subscribing to the test; they are seeking Western Australia's guidance as to how they can introduce it into their own education systems to introduce a bit more rigour into their systems. WACE is about not only a minimum standard, but also allowing every student to maximise their potential with two clear streams. One stream will attain an Australian tertiary admission rank that enables students to enter higher education institutions. The other stream will ensure that when a student leaves high school they will have some form of vocational training that will form the basis of their next set of informed career choices. All of this was announced ahead of time and rolled out to school communities; schools were trained up about it and materials sent out ahead of time for the important year 10 OLNA test conducted this year, so that everything is in readiness for 2015. Once again, that totally disproves the entire basis of the motion that is before us when it comes to the introduction of changes to WACE.

There are other changes and, as I said earlier, I wish I had more time because I can talk about this subject for a long, long time because it is so critically important. One of the most important things that a government does is

deliver an education system in the state, and this government is delivering a fantastic world-class system because of the commitment of this government, this minister and the people on this side of the house.

We are introducing the national curriculum in 2015. We have added additional funding to ensure that that curriculum introduction goes ahead as planned. I will not spend much time talking about that today, because time does not allow me to speak about the other great things we are doing as well. Again, it is a curriculum that has been taken from the national curriculum and adjusted to Western Australia's requirements, and, very importantly, it will serve our students well. Another of the big and important changes next year is the student-centred funding model. I repeat: it is a student-centred funding model. It is a radical change. We are no longer going to be funding institutions. We are no longer going to provide funds to a particular school, simply because that is what we have always done; we are going to fund students. What a radical concept. I wonder who else thought up a radical concept like that? It is a fellow called David Gonski, and another fellow is Professor Teese.

Hon Darren West: It is nothing like Gonski!

Hon PETER KATSAMBANIS: My goodness, I wish I had time to go through and systematically inform Hon Darren West of the provisions of the Gonski report and the Teese report and then explain exactly how student-centred funding works. In the few minutes left to me I cannot do it forensically.

Several members interjected.

The DEPUTY PRESIDENT: Order, members! It is not appropriate for members to be having conversations across the chamber when another member has the call. I suggest to the member who does have the call that he directs his comments through the Chair and perhaps there might be fewer interjections.

Hon PETER KATSAMBANIS: Thank you, Madam Deputy President.

The student-centred funding model that has been introduced in Western Australia was informed largely by a report by Professor Richard Teese from the University of Melbourne. The commissioning of that report by the Western Australian Liberal–National government preceded the commissioning of the Gonski report federally. Again, Western Australia was ahead of the curve. We know that when the Gonski report came out there were all these promises of magical mystery federal funding, which did not exist. We also know the measly offer that the previous Labor government made to the state of Western Australia to implement the federal government's version of student-centred funding. All that disappeared for two reasons: firstly, because Western Australia was being short-changed again; and, secondly, because despite all the rhetoric, the federal Labor government of the time did not put its money where its mouth is, because it had run out of money and there was no ongoing funding for the implementation of Gonski. However, this government is a believer that student-centred funding is the way to go. Schools are resourced based on the students that they have and the particular needs and requirements of each and every one of those individual students, taking into account a base level of funding for each year level, plus a second category of funding to address specific needs and the specific characteristics of various schools around our community. There will be loadings for people who are of Aboriginal descent, students who face social disadvantage as measured by various well-used indicators across the country, people who have English as a second language, and students with a disability. Also, as I said, the particular characteristics of local schools are taken into account when looking at the funding model. At the end of that process, schools come up with a one-line budget, which they are allocated. They then go out and allocate the funding as required by their school community. It is totally clear and transparent. Schools were advised as soon as possible after the 2014–15 budget was known. They knew in advance that we were moving to a student-centred funding model. They got their funding. As I move around the schools in my community, what do I hear? I hear that most schools are satisfied with the funding they have. Sure; they could all use more funding. Under this model whether they get more funding, or whether they get a bit less funding, all schools would happily take on any extra funding we gave them.

Hon Liz Behjat interjected.

Hon PETER KATSAMBANIS: But they appreciate the reality and, as Hon Liz Behjat pointed out. If someone gave most people across our community extra money, they would take it; that is human nature. Every school I have been to, every school principal I have spoken to and every school community I have spoken to have said quite clearly that they appreciate the funding they have and they believe they can deliver a first-class education for their students based on that funding. Again, that is a massive affirmation of the work this government is doing. As I said, if I had time, I would expand even further on how the student-centred funding model works and how I believe it is the best possible model so that every student in this state gets the opportunity to maximise their potential through education.

In the couple of minutes I have left, I will talk about the independent public schools, another wonderful initiative. I have not been to one school community that has not said to me how grateful they are that their school is an IPS or how they want to be an IPS if they have not yet achieved that status. As we know, 264 schools

operate as IP schools. Next year there will be another 178 IP schools. That is a magical transformation. One hundred and seventy-four existing schools will be converted to the IPS model and four new schools will commence as IP schools. Why are these additional schools coming onstream? During the first few cohorts of IPS, it was recognised by this government that although schools wanted to be an IPS, and wanted the advantages of being an IPS, they needed a little bit of assistance to get there. This government did not walk away and say, "You're on your own; become IPS or not." When we implement a new system and realise that we need to make a few changes and do a bit of tweaking, under the auspices of this minister, Hon Peter Collier, Leader of the Government in this place, a development program was introduced. I have spoken to dozens of schools that have undertaken that program. They are grateful for the additional resourcing that has been put into that program. Now that they have been ticked off as IP schools, they are grateful for the additional resourcing given to them to become IP schools. They are looking forward to kicking off next year as 178 new IP schools. Based on everything the minister, Hon Liz Behjat and I have said, it is quite clear this motion is completely flawed and is based on a fallacy and a wrong premise and should not be supported.

The DEPUTY PRESIDENT: The question is that the motion be agreed to. On the basis of the voices, I think the ayes have it, if members want to call a division, they can.

Division

Question put and a division taken, the Deputy President casting her vote with the ayes, with the following result —

Ayes (12)

Hon Robin Chapple	Hon Sue Ellery	Hon Ljiljanna Ravlich	Hon Ken Travers
Hon Alanna Clohesy	Hon Adele Farina	Hon Amber-Jade Sanderson	Hon Darren West
Hon Kate Doust	Hon Lynn MacLaren	Hon Sally Talbot	Hon Samantha Rowe *(Teller)*

Noes (21)

Hon Martin Aldridge	Hon Peter Collier	Hon Alyssa Hayden	Hon Michael Mischin
Hon Ken Baston	Hon Brian Ellis	Hon Col Holt	Hon Helen Morton
Hon Liz Behjat	Hon Donna Faragher	Hon Peter Katsambanis	Hon Phil Edman *(Teller)*
Hon Jacqui Boydell	Hon Nick Goiran	Hon Mark Lewis	
Hon Paul Brown	Hon Dave Grills	Hon Rick Mazza	
Hon Jim Chown	Hon Nigel Hallett	Hon Robyn McSweeney	

Pair

Hon Stephen Dawson	Hon Simon O'Brien

Question thus negatived.

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

457 VISA HOLDERS — PUBLIC SCHOOLS CHARGE

1191. Hon SUE ELLERY to the Minister for Education:

Yesterday in the other place, when asked what was holding up the release of the hardship guidelines for the application of the new fee to students of 457 visa families from term 1 in 2015, the Premier said that it lay with the Minister for Education and that it was up to the Department of Education to administer it. What is the reason for the delay in making these guidelines available, given that principals are now dealing with enrolment inquiries for next term and have no idea what to tell parents of 457 visa students?

Hon PETER COLLIER replied:

I thank the honourable member for some notice of this question; it is a good question!

As the member will be aware, the state government has already announced that the tuition fee will be capped at $4 000 per annum, per family, irrespective of the number of children enrolled in the public school system. This reflects consideration of the potential impact on families with two or more children. In addition to this change, hardship provisions are currently being finalised and will be made publicly available in the near future. Having said that, they are not available at the moment; it has taken longer, as I mentioned in the debate last week, than I would have preferred. This policy framework is across government, but it will be available very, very shortly.

Hon Sue Ellery: It's not just you, is it?

Hon PETER COLLIER: No, as I said, it is across government, and the Premier is quite correct: I am responsible for it. It has taken longer than I would have preferred, but we are working on it. I want to make sure that it is as fair a system as we can possibly have, and that is why it is taking longer. We want to make sure that

we make it fair for 457 visa holders across the board. That is not quite as easy as it may appear, but I anticipate that I will have the provisions very shortly.

SCHOOLS — PUBLIC–PRIVATE PARTNERSHIPS

1192. Hon SUE ELLERY to the Minister for Education:

I refer to the announcement of a public–private partnership arrangement to build and maintain eight public schools. What key performance indicators will be in place to ensure cleaning services do not go backwards as they did in the last Liberal–National government experiment with the privatisation of cleaning in the 1990s?

Hon PETER COLLIER replied:

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

The key performance indicators are currently in development. These will be completed for the release of the request for proposal in December 2014. When in place, the KPIs will be actively monitored by the Department of Education and, if not achieved, payment to the project company contracted under the public–private partnership will be abated according to the payment schedule. This is consistent with the approach taken by other jurisdictions. The KPIs will require a minimum level of service equivalent to that provided at other, non-PPP, schools.

I note that the member has asked a number of questions relating to the proposed public–private partnership and I seek leave to table the expression of interest document, which is available on the Tenders WA website. That is in the interests of transparency and to provide members with as much information as I can with regard to the PPPs.

The PRESIDENT: The minister sought leave, but he does not need to; he can just table it. That document is tabled.

[See paper 2186.]

DEPARTMENT OF AGRICULTURE AND FOOD — EMERGENCY DRILLING CONTRACTS

1193. Hon KATE DOUST to the Minister for Agriculture and Food:

I refer to the response I received to question 1165, asked on Tuesday 21 October 2014, relating to drilling contracts.

In relation to the 2013 emergency drilling contract for $300 000 and the select tender procurement method involved —

(a) how many companies were selected to tender;

(b) how many responses to the request for tender were received;

(c) who drafted the request for tender;

(d) who was on the tender evaluation panel; and

(e) which was the successful company that undertook the work?

Hon KEN BASTON replied:

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

In accordance with the State Supply Commission, under emergency arrangements —

(a) One company was requested to provide a quote for services.

(b) One, as per response to (a).

(c) Department of Agriculture and Food WA officers with hydrogeological contract expertise prepared a scope of works.

(d) DAFWA officers with hydrogeological contract expertise.

(e) Global Groundwater undertook the emergency drilling program and subcontracted specific tasks to specialist companies.

BICYCLE NETWORK PLAN — PUBLICATION

1194. Hon KEN TRAVERS to the parliamentary secretary representing the Minister for Transport:

I refer to the Minister for Transport's answer to question without notice 1140.

(1) Who in the office of the transport minister prepared the answer for the parliamentary secretary to provide to the Parliament?

(2) Did the Department of Transport provide anything in writing to the minister's office to assist it in preparing an answer to question without notice 323; and, if not, why not?

(3) If yes to (2), will the minister table it; and if not, why not?

(4) Did the director or office of the director general suggest that the answer to part (3) of question without notice 323 be "No"?

(5) If yes to (4), what inquiries did the director make prior to suggesting this answer, and who else did they consult prior to providing this answer?

(6) If no to (4), who suggested that the answer to part (3) of question without notice 323 be "No"?

Hon JIM CHOWN replied:

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

(1) Not applicable.

(2) Yes.

(3) No. Please refer to the answers to questions without notice 323, 1135 and 1140.

(4)–(6) The director or office of the director general was responsible for its sign-off and has apologised for the error.

MENTAL HEALTH — NORTH METROPOLITAN AREA HEALTH SERVICE

1195. Hon STEPHEN DAWSON to the Minister for Mental Health:

I refer to the North Metropolitan Area Health Service mental health service.

(1) How many staff are employed by the service?

(2) How many vacancies currently exist in the service?

(3) What positions are vacant and where are the positions located?

(4) How many staff have left the service over the past six months and what positions did they hold at the time of their departure?

Hon HELEN MORTON replied:

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

I note that this question was asked on 16 October, and at that time the answer was that providing the information in the time required was not possible and I requested that the member place the question on notice. I do not know whether the member is aware of just how many services there are across the North Metropolitan Area Health Service; it would have had to access many different sites and obtain information around staff numbers over the past six months and what positions they held at the time of their departure. That is not something that can be made readily available in a turnaround of a couple of hours. Although I know the member asked the question on 16 October, I have not followed it up since then and asked for the service to provide that information, so the service is still working on the answer it gave me on 16 October, which is: could the member please put the question on notice.

AUSTRALIND — SERVICE CANCELLATIONS

1196. Hon SALLY TALBOT to the parliamentary secretary representing the Minister for Transport:

I refer to this week's *Australind* train service cancellations.

(1) When was the train withdrawn from service and why?

(2) Why was the train service not returned to service on Tuesday evening, as originally advised?

(3) How many booked *Australind* passengers were notified by TransWA of the cancellation?

(4) How many passengers have used road coaches each day since the cancellation started?

(5) When will the service be restored?

Hon JIM CHOWN replied:

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

(1)–(2) The *Australind* train was undergoing a scheduled service and a major component replacement from 8.30 am Tuesday, 14 October 2014 to 5.00 pm Wednesday, 15 October 2014. It was planned for the train to be reintroduced on the evening of Wednesday, 15 October 2014, but as a result of faults identified relating to air-conditioning, transmission and electrical earthing that could not be remedied,

the train service was cancelled and passengers were transferred to two road coach services to undertake their journey.

(3)–(4) The first unplanned cancelled service was on the evening of Wednesday, 15 October 2014. A total 42 passengers travelled on the rail replacement road coaches that evening. TransWA either spoke to or left messages for seven passengers who were expected to board the train en route to Bunbury. All other passengers were advised when they arrived to board the train in Perth. On Thursday, 16 October 2014, TransWA operated the first three services of the day with road coaches. Fifty-six passengers on the first service were not advised until boarding in Bunbury or en route to Perth as a result of the failure of the train late in the evening of the previous day. Passengers on the next two services were advised where possible. The last service was operated by train; however, it broke down at Cannington as a result of mechanical failure and passengers were then transferred to road coaches.

On Friday, 17 October 2014, 253 of the 304 passengers booked to travel were advised prior to travel. Since Wednesday, 15 October 2014, TransWA has attempted to make contact or has made contact with every passenger, where possible, and where a passenger has provided a contact phone number. The number of passengers who have used road coaches since Wednesday, 15 October 2014 is 1 772—including the two afternoon–evening services expected to leave today—and a further 314 are booked to travel on the *Australind* from Thursday, 23 October 2014 to the afternoon of Friday, 24 October 2014.

(5) Friday, 24 October 2014; the evening service from Perth to Bunbury.

WARRANTS OF COMMITMENT

1197. Hon ROBIN CHAPPLE to the Attorney General:

I refer to warrants of commitment.

(1) Is there a statutory period of time to be served in prison calculated according to the amount of the fine outstanding?

(2) If yes to (1), what is it?

(3) If no to (1), how is the length of time to be served in custody by the offender calculated in terms of hours or days to be incarcerated?

(4) Can anyone else offer to pay the offender's fine?

(5) If yes to (4), will that mean the immediate release of the fine defaulter?

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

Hon MICHAEL MISCHIN replied:

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

(1) Yes, there is, in section 53 of the Fines, Penalties and Infringement Notices Enforcement Act 1994.

(2) The amount is $250 a day, as prescribed by regulation 6BAA of the Fines, Penalties and Infringement Notices Enforcement Regulations 1994.

(3) Not applicable.

(4)–(5) Yes.

(6) Not applicable.

ROTTNEST ISLAND AUTHORITY — 2013–14 ANNUAL REPORT

1198. Hon LJILJANNA RAVLICH to the parliamentary secretary representing the Minister for Tourism:

I refer to the Rottnest Island Authority 2013–14 annual report.

(1) What amount of potable water was produced in each financial year from 2008–09 to 2012–13?

(2) What amount of potable water, expressed in kilolitres and as a percentage of the total, was used to irrigate the golf course?

(3) What Fire and Emergency Services Authority levy did Rottnest Island businesses pay?

(4) What was the equivalent FESA levy for a similar location in the metropolitan area?

Hon ALYSSA HAYDEN replied:

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

(1) The amount in 2008–09 was 146 000 kilolitres; in 2009–10, 164 000 kilolitres; in 2010–11, 202 000 kilolitres; in 2011–12, 119 266 kilolitres; and in 2012–13, 110 400 kilolitres.

(2) No potable water was used to irrigate the golf course.

(3) Nil. The Rottnest Island Authority, as the lessor, pays the emergency services levy.

(4) Not applicable.

NATIONAL DISABILITY INSURANCE SCHEME — MY WAY TRIAL

1199. Hon ADELE FARINA to the Minister for Disability Services:

I refer to the NDIS My Way trial in the lower south west and the minister's answer to my question without notice asked on Tuesday, 23 September 2014.

(1) How long have the 26 people deemed eligible under the NDIS My Way trial who are still waiting to receive a package been waiting for a package?

(2) What is the reason for the delay in these people receiving a package?

(3) When can they expect to receive a package?

(4) Have NDIS My Way staff been told to slow down allocating packages?

(5) Are NDIS My Way staff required to keep a record of people with a psychosocial disability who would like to apply for a package but have been told by staff not to bother because they do not meet the criteria?

Hon HELEN MORTON replied:

I thank the member for some notice of this question. Some of her questions border on offensiveness, but I will go through them.

(1) As the member may be aware, WA NDIS My Way was launched on 1 July 2014, and as at 23 September, 492 participants had been receiving support within the lower south west. This government is committed to ensuring the best possible outcomes for people with disability, and our participation in this trial will ensure that WA is very well placed when WA NDIS is evaluated in just under two years. For the 26 people deemed eligible under WA NDIS My Way, every person's situation is unique. The time frame for when a person receives a funding package depends on when their eligibility was determined and when their plan is completed and approved.

(2) There is no delay in the process, which involves eligibility determination, assessment of needs and a good planning process prior to consideration of the need for a funding package.

(3) If a funding package is required, this will be provided after their plan has been developed and approved. The benchmark is within 90 days of eligibility determination.

(4) I do not know from where the member gets this ridiculous idea that staff have been told to slow down allocating packages, because it is absolutely not so. So the answer to this part is absolutely no.

(5) The answer to this part is equally absolutely no. People are not given this message. Eligibility assessments are undertaken for people who apply, provided they meet the age and residency requirements and have appropriate documentation to provide evidence of their disability.

WANDOO REINTEGRATION FACILITY — YOUNG ADULTS FACILITY CONTRACT — ANNUAL REPORT 2013–14

1200. Hon ALANNA CLOHESY to the Attorney General representing the Minister for Corrective Services:

I refer to the 2013–14 annual report of the Wandoo Reintegration Facility's young adults facility contract.

(1) Of the 55 prisoners in count on 17 October 2014 —

(a) how many were aged 24 or under; and

(b) how many were at Wandoo solely for the purpose of clinical intervention programs such as Pathways or Think First, and therefore above the threshold age of 24 years?

(2) Are the clinical intervention programs Pathways and Think First conducted at any of the other prisons; and, if so, which prisons?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Corrective Services, I thank the honourable member for some notice of the question.

(1) (a) There were 54 prisoners aged 24 or under.

(b) One prisoner at Wandoo is above the age of 24 and is currently undergoing a Pathways program.

(2) Pathways and Think First programs are offered at other prisons. Pathways programs are scheduled for delivery at Acacia Prison, Albany Regional Prison, Bandyup Women's Prison, Boronia Pre-release Centre for Women, Bunbury Regional Prison, Casuarina Prison, Eastern Goldfields Regional Prison, Greenough Regional Prison, Karnet Prison Farm, West Kimberley Regional Prison and Wooroloo Prison Farm.

Think First programs are scheduled for delivery at Acacia Prison, Albany Regional Prison, Bandyup Women's Prison, Boronia Pre-release Centre for Women, Bunbury Regional Prison, Casuarina Prison, Eastern Goldfields Regional Prison, Greenough Regional Prison, Karnet Prison Farm, Roebourne Regional Prison and Wooroloo Prison Farm.

I think the only difference is that one is at West Kimberley and the other is at Roebourne.

SWAN VALLEY EGG FARM

1201. Hon AMBER-JADE SANDERSON to the parliamentary secretary representing the Minister for Health:

I refer to the operations of the Swan Valley Egg Farm, operating at 60 Cheltenham Street, West Swan and on Carabooda Road, Carabooda.

(1) Has the Department of Health been advised or requested to investigate the operations of the farms and facilities in respect to public health issues?

(2) If yes to (1), will the government provide the results of those investigations; and, if not, why not?

(3) If no to (1), will the Department of Health undertake investigations as soon as possible in the interests of public health?

Hon ALYSSA HAYDEN replied:

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

(1) Yes. The Department of Health is liaising with the relevant local government agency regarding its investigations.

(2) No. The Department of Health has not conducted this investigation. Local government is the Food Act 2008 enforcement agency for egg production—in this case, the City of Swan and the City of Wanneroo.

(3) No. Local government is the Food Act 2008 enforcement agency for egg production.

DEPARTMENT OF WATER — HYDRAULIC FRACTURING

1202. Hon LYNN MacLAREN to the minister representing the Minister for Water:

I refer to the Water Corporation's fact sheet, hydraulic fracturing, south west information sheet, November 2013, which states —

Any projects that require the taking or abstraction of water resources for use in drilling or hydraulic fracturing operations are subject to licensing by the Department of Water.

(1) How many of these licences has the Department of Water granted in Western Australia for the purpose of extracting unconventional gas where those operations are occurring in a known public drinking water reserve?

(2) What conditions have been imposed on these licenses to protect drinking water?

(3) Is the government planning to include in the new water resources management legislation the power for the Department of Water to veto plans to undertake hydraulic fracking in public drinking water reserves?

Hon KEN BASTON replied:

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

(1) None.

(2) Not applicable.

(3) No.

DEPARTMENT OF HOUSING — ASBESTOS MANAGEMENT POLICY

1203. Hon SAMANTHA ROWE to the minister representing the Minister for Housing:

I refer to the minister's response to question without notice 1098 on 14 October 2014.

(1) Does the government believe that a nine-week delay from report to removal of hazardous broken asbestos sheeting is acceptable?

(2) Did the Department of Housing notify the Department of Education that broken asbestos sheeting from the dividing fence of East Maddington Primary School and an adjoining property was left uncovered for a period of nine weeks from August 2014 to October 2014?

(3) If yes to (2), when was that notification made? If no to (2), why not?

Hon KEN BASTON replied:

On behalf of the Minister for Housing, I thank the honourable member for some notice of the question.

(1)–(3) In cases where dividing fences are being negotiated between parties it is not unusual for it to take some weeks before an agreement or resolution occurs. In this instance, the department experienced difficulties securing the services of an available fencing contractor. The department initiated action to resolve the complaint on 27 August 2014. However, it was unable to secure the services of a fencing contractor until 30 September 2014. The department contacted three contractors prior to the fourth contractor completing the work. On 2 October 2014, a contractor repaired the damaged fence and removed the broken asbestos from the property. A sheet of asbestos concealed by overgrown grass was inadvertently not taken away for disposal. On 9 October 2014, the sheet of asbestos was removed.

DEPARTMENT OF REGIONAL DEVELOPMENT — STATE OF THE REGIONS SPONSORSHIP

1204. Hon DARREN WEST to the parliamentary secretary representing the Minister for Regional Development:

I refer to the Department of Regional Development's sponsorship of the state of the regions speeches, run by the Committee for Economic Development of Australia.

(1) How many of these events has the department sponsored?

(2) What is the financial value of the sponsorship?

(3) What are the conditions of the sponsorship?

(4) Do any other state government agencies sponsor this series; and, if so, which agencies and what is the value of their sponsorship?

(5) Which organisation or agency initiated the sponsorship arrangement?

Hon COL HOLT replied:

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

(1) State of the Regions: Regional Development in WA is a 10–part event series, over a two-year period.

(2) It is $100 000, excluding GST.

(3) The Committee for Economic Development of Australia agreed to provide the Department of Regional Development with a tax invoice for payment of the sponsorship fee of $100 000 plus GST, which is $110 000 in total; provide DRD with a list of the sponsorship features and the time lines for delivery of requirements; refund the entire sponsorship fee in the event that it is necessary to cancel the series; and refund the appropriate portion of the sponsorship fee in the event that it is necessary to cancel one or more events within the series.

The Department of Regional Development agreed to pay CEDA the sponsorship fee of $100 000 plus GST, and pay the sponsorship fee before the first event in the series takes place in July 2014.

(4) DRD is the series sponsor and CEDA is able to secure additional sponsorship including from other state government agencies. DRD is aware that other agencies have sponsored the events that have been held to date, but is not aware of the value of the sponsorships.

(5) CEDA approached each of the regional development commissions in 2012 and proposed the event as individual events. In consultation with the nine regional development commissions, the CEDA event proposal was submitted at a Regional Development Council meeting. DRD progressed the sponsorship proposal with CEDA as the one point of contact for the coordination of the CEDA series.

POLICE — SUBSTANTIVE EQUALITY FRAMEWORK

1205. Hon SUE ELLERY to the Attorney General representing the Minister for Police:

I refer to the adoption and implementation of the "Policy Framework for Substantive Equality" and the five sequenced levels of achievement. Can the Minister for Police please advise —

(a) the current completed level of achievement for WA Police; and

(b) the current self-assessed level of achievement for WA Police?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Police, I thank the honourable member for some notice of this question.

(a) The substantive equality framework is a process of continuous improvement and as such WA Police are working continuously towards developing and maintaining substantive equality at all levels outlined within the framework.

(b) As outlined in the 2013–14 annual report, the following progress has been made in relation to substantive equality in 2013–14. The corporate governance group for diversity management—CGGDM—continued its strategic role in the implementation of substantive equality within WA Police providing leadership on diversity matters; a gap analysis has been undertaken to highlight areas for improvement regarding the implementation of substantive equality to support continuous improvement and integration into corporate frameworks; a screening process for new policies and initiatives is in place; ensuring the sustainability of the substantive equality policy, systems and processes through the development and implementation of training has begun with a diversity training review; and the professional development branch continued its focus to deliver on substantive equality requirements through the review of recruitment and retention.

The CGGDM provides strategic direction on substantive equality and diversity matters. The mix of senior management representation ensures cross-agency awareness and opportunity for efficient analysis and decision-making momentum to facilitate effective implementation. Strategies addressing substantive equality continue to be highlighted in business processes—the strategic plan, annual business plan, district management action plans and risk management framework. Practical guidance for the implementation of substantive equality is also available on the intranet. Measures are in place to ensure all policy, project or program development work is considered within the framework of substantive equality across the agency with the use of the equity impact assessment guidelines and checklist.

As an initiative endorsed by the CGGDM, a working group was established to review and develop sustainable training programs targeting substantive equality and diversity. The needs of recruits, officers in service and police staff are being considered. The substantive equality assessment on employment, recruitment and retention agreed to by the Commissioner of Police and the Equal Opportunity Commissioner is in progress. It is linked with significant reform taking place on all recruitment and retention policies and procedures led by the professional development branch.

DEPARTMENT OF AGRICULTURE AND FOOD — EMERGENCY DRILLING CONTRACTS

1206. Hon KATE DOUST to the Minister for Agriculture and Food:

I refer to the answer to question without notice 1165 asked on 21 October 2014.

(1) Why was the contract awarded in 2013 for an emergency drilling program procured by selective tender?

(2) Who approved the decision to procure the 2013 contract by selective tender?

(3) How many bores were drilled as part of this $300 000 tender?

(4) For those contracts awarded in 2014 through an open tender process —

(a) what is the name of all companies that tendered for the contracts; and

(b) what was the price tendered by all companies outlined in (4)(a)?

Hon KEN BASTON replied:

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

(1) The emergency circumstances required a rapid response that targeted proven contractors with capacity to undertake the drilling program in a short time frame.

(2) As minister, I instructed the Department of Agriculture and Food WA to follow State Supply Commission guidelines and implement an emergency drilling by targeting contractors with the capacity to commence work almost immediately.

(3)–(4) Twelve exploratory bore holes were drilled and one production bore developed. As required by State Supply Commission guidelines, the specific company and individual quote is covered by confidentiality. Nine companies tendered and the range in tender prices was $2 709 690 to $5 717 460.

JULIEKA IVANNA DHU — DEATH IN CUSTODY

1207. Hon ROBIN CHAPPLE to the Attorney General representing the Minister for Police:

I refer to the death of Julieka Dhu and comments made by the acting police commissioner Lawrence Panaia in relation to the prisoner hospital transfer reported in *The Weekend Australian* on 23 August 2014.

(1) Was Miss Dhu transferred to the Hedland Heath Campus on Saturday, 2 August, and again on Sunday, 3 August 2014, by ambulance?

(2) If no to (1), why was it not possible?

(3) Was Miss Dhu transferred to the Hedland Heath Campus on Monday, 4 August 2014, by ambulance?

(4) If no to (3), why was it not possible?

(5) If no to either (1) or (3), by what method was she transported to the Hedland Heath Campus?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Police, I thank the honourable member for some notice of the question.

(1) No.

(2) The police officers who had custody of Miss Dhu deemed that police could transport her to Hedland Health Campus, which is located only 900 metres from South Hedland Police Station, and that transport by ambulance was not required.

(3) No.

(4) The police officers who had custody of Miss Dhu deemed that police could transport her to Hedland Health Campus, which is located only 900 metres from South Hedland police station, and that transport by ambulance was not required.

(5) She was transported in the rear pod of a police vehicle by police.

PUBLIC SCHOOLS — BEFORE AND AFTER SCHOOL CHILD CARE — CONTRACTUAL ARRANGEMENTS

1208. Hon SUE ELLERY to the Minister for Education:

How many public schools have contractual arrangements in place for the provision of before and after school child care?

Hon PETER COLLIER replied:

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

As at 17 October 2014, there are 182 public schools with contractual arrangements in place for the provision of before and after school child care.

TRANSPERTH — CARBON TAX

1209. Hon KEN TRAVERS to the parliamentary secretary representing the Minister for Transport:

I refer to the minister's answer to question without notice 1181.

(1) Does the government know the amount of additional revenue the Public Transport Authority is collecting each day due to the increases in fares imposed on 1 July 2012 to cover the carbon tax not being removed?

(2) Does the government know how much the free travel day on 3 November will cost the PTA?

(3) If no to (1) or (2), what information did the government provide to the Australian Competition and Consumer Commission to obtain its approval for the state government's proposed actions on public transport fares?

(4) If yes to (1) or (2), why was the minister unable to provide an answer to question without notice 1181 yesterday?

Hon JIM CHOWN replied:

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

It is not possible to provide the information in the time available, and I request that the member put the question on notice.

Hon Sue Ellery: How embarrassing.

Hon JIM CHOWN: Not at all.

Hon Ken Travers interjected.

The PRESIDENT: Order! Hon Ken Travers, your colleague wants to ask a question.

ABORIGINAL AND ISLANDER EDUCATION OFFICERS — VACANT POSITIONS

1210. Hon STEPHEN DAWSON to the Minister for Education:

I refer to the minister's comments that 33 Aboriginal and Islander education officer positions are currently vacant.

(1) In which schools are the positions located?

(2) For how long have each of the positions been vacant?

(3) For each of the positions, can the minister indicate whether the positions are full time or part time; and, if part time, how many hours a week are the positions for?

(4) How have each of the vacant positions been advertised?

Hon PETER COLLIER replied:

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

Before I start, I will say that the figure of 33 AIEOs was the figure at the time of my comments, and I will now give the updated number.

Full-time equivalent allocations for Aboriginal and Islander education officer positions for 2014 were confirmed in February on the basis of Aboriginal student enrolment at the census. During the school year FTE employment levels vary due to staff taking leave, varying their hours, moving to alternative positions or resigning or retiring. As at 16 October 2014, there were 38.97 FTE positions unfilled across 87 schools.

From 2015, the student-centred funding model will allocate funds to schools for each Aboriginal student enrolled. This will enable all schools maximum flexibility to meet the needs of their Aboriginal students.

(1) The information is in tabular form, so I seek leave to table it and have it incorporated into *Hansard*.

Leave granted. [See paper 2187.]

The following material was incorporated —

School Name	Allocated FTE	Employed FTE	Unfilled FTE	Unfilled Hours
BELMONT CITY COLLEGE	1.26	0.00	1.26	40.95
HALLS CREEK DHS	7.62	6.42	1.20	39.00
SEVENOAKS SENIOR COLLEGE	1.08	0.00	1.08	35.10
TJIRRKARLI CAMPUS	1.00	0.00	1.00	32.50
BROOME PS	3.96	3.00	0.96	31.20
BAYNTON WEST PS	0.92	0.00	0.92	29.90
NGALAPITA RCS	1.00	0.10	0.90	29.25
EAST WAIKIKI PS	0.87	0.00	0.87	28.28
CARALEE COMMUNITY SCHOOL	0.85	0.00	0.85	27.63
GREENFIELDS PS	0.83	0.00	0.83	26.98
TAMBREY PS	1.95	1.15	0.80	26.00
SOUTH LAKE PS	0.78	0.00	0.78	25.35
BALLAJURA COMMUNITY COLLEGE	0.72	0.00	0.72	23.40
AVONVALE PS	1.66	0.94	0.72	23.40
LA GRANGE RCS	4.08	3.38	0.70	22.75
PINJARRA SHS	0.69	0.00	0.69	22.43
WINTERFOLD PS	0.62	0.00	0.62	20.15
MIDDLE SWAN PS	1.40	0.80	0.60	19.50
BRAESIDE PS	0.59	0.00	0.59	19.18
KARRATHA SHS	2.58	2.00	0.58	18.85

LAKELAND SHS	0.58	0.00	0.58	18.85
BEECHBORO PS	0.55	0.00	0.55	17.88
O CONNOR PS	1.54	1.00	0.54	17.55
WANGKATJUNGKA RCS	1.34	0.82	0.52	16.90
MOUNT LAWLEY SHS	0.52	0.00	0.52	16.90
KALGOORLIE PS	0.52	0.00	0.52	16.90
MEADOW SPRINGS PS	0.51	0.00	0.51	16.58
HEDLAND SHS	3.50	3.00	0.50	16.25
KAMBALDA WEST DHS	0.50	0.00	0.50	16.25
ATWELL COLLEGE	0.50	0.00	0.50	16.25
NORSEMAN DHS	0.99	0.50	0.49	15.93
SAFETY BAY SHS	0.48	0.00	0.48	15.60
HUDSON PARK PS	0.48	0.00	0.48	15.60
TOODYAY DHS	0.46	0.00	0.46	14.95
MULLEWA DHS	1.45	1.00	0.45	14.63
JOHN FORREST SECONDARY COLLEGE	0.44	0.00	0.44	14.30
BUNBURY SHS	0.42	0.00	0.42	13.65
QUEENS PARK PS	0.52	0.12	0.40	13.00
ELLENBROOK PS	0.40	0.00	0.40	13.00
EAST KALGOORLIE PS	3.23	2.83	0.40	13.00
CARNARVON COMMUNITY COLLEGE	7.09	6.69	0.40	13.00
KINGSTON PS	0.37	0.00	0.37	12.03
MOORDITJ NOONGAR COMMUNITY COLLEGE	2.35	2.00	0.35	11.38
DURHAM ROAD SCHOOL	0.35	0.00	0.35	11.38
KOONDOOLA PS	0.54	0.20	0.34	11.05
COMO SECONDARY COLLEGE	0.33	0.00	0.33	10.73
NEWBOROUGH PS	0.33	0.00	0.33	10.73
MORLEY SHS	0.32	0.00	0.32	10.40
BULLSBROOK COLLEGE	0.32	0.00	0.32	10.40
KALGOORLIE-BOULDER CHS	2.49	2.18	0.31	10.08
OCEAN ROAD PS	0.31	0.00	0.31	10.08
TWO ROCKS PS	0.31	0.00	0.31	10.08
SOUTH FREMANTLE SHS	0.30	0.00	0.30	9.75
ROCKINGHAM LAKES PS	0.29	0.00	0.29	9.43
SOUTH EAST METROPOLITAN LANGUAGE DEVELOPMENT CENTRE	0.29	0.00	0.29	9.43
PEEL LANGUAGE DEVELOPMENT SCHOOL	0.29	0.00	0.29	9.43
EATON COMMUNITY COLLEGE	0.28	0.00	0.28	9.10
GOSNELLS PS	0.56	0.28	0.28	9.10
ARBOR GROVE PS	0.68	0.40	0.28	9.10
KALAMUNDA SHS	0.27	0.00	0.27	8.78
ANZAC TERRACE PS	0.27	0.00	0.27	8.78
SETTLERS PS	0.27	0.00	0.27	8.78
COMET BAY PS	0.27	0.00	0.27	8.78
YALGOO PS	0.41	0.14	0.27	8.78
PINGELLY PS	0.56	0.30	0.26	8.45

GOVERNOR STIRLING SHS	1.26	1.00	0.26	8.45
PARKFIELD PS	0.26	0.00	0.26	8.45
RAWLINSON PS	0.26	0.00	0.26	8.45
AVELEY PS	0.26	0.00	0.26	8.45
HAMPTON PARK PS	0.25	0.00	0.25	8.13
EAST BEECHBORO PS	0.65	0.40	0.25	8.13
KARRINYUP PS	0.23	0.00	0.23	7.48
CARCOOLA PS	0.23	0.00	0.23	7.48
ENDEAVOUR PS	0.23	0.00	0.23	7.48
BROOKTON DHS	0.72	0.49	0.23	7.48
MOORA PS	0.22	0.00	0.22	7.15
BEAUMARIS PS	0.22	0.00	0.22	7.15
GIDGEGANNUP PS	0.22	0.00	0.22	7.15
WANDINA PS	0.22	0.00	0.22	7.15
BUTLER COLLEGE	0.21	0.00	0.21	6.83
BALDIVIS PS	0.21	0.00	0.21	6.83
NORANDA PS	0.21	0.00	0.21	6.83
NORTH EAST METRO LANGUAGE DEVELOPMENT CENTRE	0.21	0.00	0.21	6.83
DOUBLEVIEW PS	0.20	0.00	0.20	6.50
WATTLE GROVE PS	0.20	0.00	0.20	6.50
DENMARK PS	0.26	0.06	0.20	6.50
ALLENDALE PS	1.22	1.02	0.20	6.50
TOTAL			**38.97**	**1266.53**

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(2) Levels of employment change on a daily basis. The positions in each of the 87 schools with unfilled AIEO FTE will need to be investigated on a position-by-position basis, and I will provide that information to the house next week.

(3) Please refer to the tabled paper for the number of hours that are currently unfilled. Tjirrkali Campus has a full-time position unfilled. Belmont City College, Halls Creek District High School and Sevenoaks Senior College currently have a full-time and part-time position unfilled. All other positions are part time.

(4) Positions have been advertised at the following schools: Belmont City College, Tambrey Primary School, Queens Park Primary School, Moorditj Noongar Community College, Governor Stirling Senior High School and Wandina Primary School. These positions have been advertised on the JobsWA website. It is possible that some schools may have also advertised their positions in their local community. I will provide this information to the house next week as it requires individual principals to be contacted.

TELETHON INSTITUTE FOR CHILD HEALTH RESEARCH — CHILD HEALTH SURVEY — FUNDING

1211. Hon SALLY TALBOT to the parliamentary secretary representing the Minister for Health:

I refer to the 2011 report of the Commissioner for Children and Young People "Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia", which recommends that the state government provide funding for the regular conduct of the Telethon Institute for Child Health Research's child health survey, and for that survey to be conducted in Western Australia every three years.

(1) Will the state government provide this funding?

(2) If yes, how much will be provided, and when?

(3) If no, why not?

Hon ALYSSA HAYDEN replied:

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

Unfortunately, I am not happy with the answer that I have been provided and I have asked, if the member does not mind, to come back to her tomorrow.

QUESTIONS ON NOTICE 1668 AND 1675

Papers Tabled

Papers relating to answers to questions on notice were tabled by **Hon Helen Morton (Minister for Mental Health)**.

BANDYUP WOMEN'S PRISON

Question without Notice 1183 — Correction of Answer

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [5.06 pm]: On behalf of the Minister for Corrective Services, I provide a correction to question without notice 1183, asked yesterday by Hon Sally Talbot. The information provided in part (b) yesterday included remand prisoners, but excluded sentenced prisoners awaiting a court appearance. Part (b) should read —

Maximum, 17; medium, 119; and minimum, 17.

DEPARTMENT OF AGRICULTURE AND FOOD — EMERGENCY DRILLING CONTRACTS

Question without Notice 1165 — Correction of Answer

HON JIM CHOWN (Agricultural — Parliamentary Secretary) [5.07 pm]: I would like to provide a correction to the answer to question without notice 1165, which was asked by Hon Kate Doust yesterday. The information in part (b) in relation to the contracted price for Austral Drilling in 2014 should have read "$3.423 million" and not "$2.71 million", as provided.

OUTPATIENT SURGICAL CLINIC REFERRALS — JUNE 2014 REPORT

Question without Notice 1176 — Answer Advice

HON ALYSSA HAYDEN (East Metropolitan — Parliamentary Secretary) [5.08 pm]: Yesterday I was asked question without notice 1176 by Hon Alanna Clohesy. I wish to table the answer and seek leave to have it incorporated into *Hansard* .

Leave granted. [See paper 2190.]

The following material was incorporated —

I thank the honourable member for some notice of this question. The following information has been provided to me by the Minister for Health.

(1) Publication of the June 2014 report was delayed due to data quality issues that required a complete re-extraction from the source system in order to produce the Report.

The data set used to prepare the report required enhancement to include additional site data, pre-empting a requirement to extract the data set again. The new extract included the changed and additional data in the patient record. This new processes required an update of all records in the data set.

All data received in the Department of Health collections is validated prior to analysis and reporting. Once the new dataset was extracted, validation identified issues requiring the extract and validation to be repeated. Once this was resolved, the data set was analysed and the report produced.

The Department of Health has improved the information in the report by:

• Clarifying existing content.

• Improving readability.

• Adding additional sections on how outpatient referrals are made, the relationship between outpatient appointments and placement on the elective surgery waiting list.

•Undertaking and including additional analysis of results to improve accuracy of the information in the report.

(2) The report was published on the Department of Health internet on 21 October 2014 and I table a copy of the report.

COMMITTEE REPORTS — CONSIDERATION

Committee

The Chair of Committees (Hon Adele Farina) in the chair.

Joint Standing Committee on the Commissioner for Children and Yong People — Fourth Report — "2013–2014 Annual Report"

Resumed from 16 October.

Motion

Hon SALLY TALBOT: I move —

That the report be noted.

This is a report that I would normally suggest the house note, but in the Chair's foreword to this report, the Chair has drawn the Parliament's attention to some very serious matters which are not necessarily directly within the power of the Joint Standing Committee on the Commissioner for Children and Young People to address but which, nevertheless, need to be very much at the forefront of the consideration by members of this report. Given that I have a very short period of time in which to make these comments on the annual report, I will be brief. The issue that I want to draw to the attention of honourable members is the concern that the committee is expressing and that is reflected in the chair's foreword about some aspects of the government's timeliness in presenting the results of the statutory review into the act. I say that in a general sense, because obviously there were problems, and I imagine that government members might be as concerned about the lack of timeliness in presenting the results of the statutory review as members on this side of the house. Most particularly, I want to draw members' attention to the fact that the results of the statutory review were delayed partly because the Attorney General decided to incorporate a reference to the Blaxell recommendations to the body that carried out that statutory review. That was entirely appropriate. There is nothing in the work of the committee or in the committee's annual report to suggest that that was not appropriate. It is a shame that the report was so seriously delayed, but I suspect that other factors may have contributed to that delay. I certainly speak for myself when I say that it was pleasing to see that, in light of the fact that the government supported the particular recommendation of the Blaxell inquiry that the office of the Commissioner for Children and Young People take on some kind of central processing role for complaints about child sexual abuse, this was a timely way in which to consider that recommendation.

Having referred that recommendation from the Blaxell inquiry to the body carrying out the statutory review, it is fair to say that we would have been within our rights and it would have been entirely reasonable to expect that the result would have been a substantive recommendation about how the Blaxell recommendations were to be implemented, given that the government has supported this recommendation. Sadly, this was not the case. Members will see in the chair's foreword that she went to some trouble to explain the problem. I draw the attention of honourable members to the third paragraph on the second page of the report, which states —

> Upon tabling the report of the statutory review, it was announced that the implementation of the Commissioner's complaints support function as recommended by Blaxell will be delayed a further two years. It will therefore be more than four years before the recommendations from this incredibly sensitive and challenging Inquiry can be realised. This is a concern.

I think that is very moderate language. It is language that is entirely appropriate for a chair's foreword in an annual report. This should ring a very loud warning bell of concern to every member of Parliament.

The government has decided it wants to wait before putting in place any kind of central reporting mechanism into the handling of complaints about child sexual abuse. The government wants to wait until the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse has reported. Let us start from that end of the problem. I entirely accept—I think I can speak for a couple of other members of the committee, if not the whole committee—that when the royal commission reports, some recommendations will almost certainly need to be considered by state governments. Daily reporting of hearings of the royal commission have already suggested that quite dramatic steps are needed from all layers of government and all sections of our community to ensure that institutional responses to child sexual abuse are appropriate. Quite clearly, for many decades in Australia, they have not been adequate; they have been seriously flawed. My impression of the reports that we have seen coming out of the hearings of the royal commission is that in some examples—it might be a minority of institutions—some very significant institutions clearly still do not today, in 2014, have appropriate mechanisms in place to ensure that they can function adequately as child safe organisations. The problem is that we have already had the Blaxell inquiry and it has reported. The Blaxell inquiry was very specific. The recommendation from the Blaxell inquiry states —

> That the State Government develop a function and role within or across central and independent agencies to fulfil a robust child focussed central complaints system that is a "one stop shop" for any complaint concerning child abuse regardless of the public sector agency that the matter relates to.

That is a very specific recommendation, which the government has accepted. Why would we want to delay that response when we have a body that we all agree is the appropriate body to be doing that monitoring? The standing committee has held public hearings, so it is all on the record, with the acting commissioner and other agencies. Although we have heard questions about exactly how that monitoring would take place—there is obviously work to be done to set up an appropriate system—why would we want to delay it for a minimum of two years? After all, the reporting deadline for the national royal commission has already been extended once and it would not be beyond the bounds of possibility for it to be extended again. Even then, we will have to wait and see exactly what form these recommendations take. These things do not happen quickly. It will be an absolute minimum of two years, and likely to be considerably longer than that, before we even take the step that was recommended by the Blaxell inquiry. To my mind, it simply does not make sense to do that.

Is the office of the Commissioner for Children and Young People the appropriate body to undertake this function? I think that it clearly is. Even if other members are not sure, there is a forum for us to have a debate about where that function should be carried out. I have not heard a whisper from the government to suggest that an alternative plan is being formulated. In effect, we are not so much left with a policy vacuum because we have a proposed policy for dealing with this on the table. We have a process and we have a recommendation that nobody is dissenting from, yet the government is dragging its feet on this. It may be that there are some quite complicated questions to sort out. It struck me during the public hearings that we held that there is some reason to deliberate further about which way the triangle goes as far as this reporting process is concerned—whether all reports go into a central point that is located virtually within the office of the commissioner or whether they end up in the office of the commissioner. I do not think it is that hard to resolve that matter. Why do nothing for the next two or three years while we sort it out? We could do it right here and now.

Let us look at the scale of the problem. The Blaxell report makes chilling reading. There is a cultural problem when it comes to the reporting of child sexual abuse. Indeed, one could go further than that and say that abuse of children, whether it is sexual, physical, emotional or neglect, is a cultural problem. We know from what Peter Blaxell said that children did indeed try to report the abuse many times over the course of many years and that some people who held positions of power within the community where the abuse was being reported simply ignored the reports they received. These are people who, I want to say—I cannot imagine anybody in this chamber would disagree with me—should have known better. They should have known that they were obliged morally to take some form of action and not to say that this cannot be happening and it is the result of a fanciful childish imagination. If that had happened, a great deal of damage might have been prevented.

We know from the work being done by the Commissioner for Children and Young People that in 2011–12—I dare say this is also reflected in the latest annual report, but I received a copy of that only today so I do not have the latest reference—13 745 notifications of abuse or neglect of a child or young person were received by the relevant authorities in WA. That is an absolute minimum figure and is likely to be seriously under-reported, because the data collected by the commissioner is based only on notifications to the departments responsible for child protection. If notifications are made to other departments or other organisations, such as police or to non-government organisations, they are not included in that figure. We have thousands of reports every year that need to be investigated. I put it to honourable members that we know from the work of the commissioner over the years that her office has been working that it is a very effective interface with children and young people right across the length and breadth of this state; it has contact with literally thousands and thousands of young people during the course of the year. During question time I was quickly flicking through the most recent annual report, which contains a range of programs and reports that the commission has underway at any one time. The office of the commissioner is clearly very well placed to be established as a focal point for concerns about child sexual abuse. It most definitely is a child-friendly organisation, and it has a presence now, because of this admirable work it has been doing amongst our community in Western Australia for some years; it has a very real tangible presence in schools and community organisations everywhere in this state. The commission is ideally placed to carry out this function. I say again that if it is not to be the office of the Commissioner for Children and Young People, it needs to be somewhere else.

Unfortunately, because of the way this statutory review has been presented to this Parliament, it seems that we might have been effectively silenced on this matter for at least the next two years, if not much longer. I know that the Attorney General has invited responses to the recommendations of that statutory review, and I dare say that the government will be hearing from many quarters other than the standing committee about the inadequacy of this particular recommendation. It is absolutely unacceptable. I am very pleased that the annual report of the committee of which I am a member has made that point so forcefully in the chair's foreword, and I recommend the report to honourable members.

Hon NICK GOIRAN: I also rise to voice my support for the noting of this report by the Joint Standing Committee on the Commissioner for Children and Young People. It is the committee's fourth report, being its annual report. If members care to note, at page 13 the committee advises this chamber and the other place as well, being a joint standing committee, that it has tabled three reports during the past 12 months. The first report was its annual report for the previous reporting period. The second report was very important, in effect, the one which Hon Sally Talbot has spent the majority of her time speaking to this afternoon; and very well I might add, and I add my voice to her concerns and find it difficult to disagree with anything she has said on that important issue this afternoon.

I suspect, Madam Chair, that had Hon Sally Talbot had more time available to her, she would have been able to speak to the third report that was tabled by the joint standing committee during the reporting period, being the Commissioner for Children and Young People's 2013 report on the sexualisation of children. That was tabled in this chamber on 26 June this year. At the time that this chamber considered that report, the committee's third report, we did not have the government's response. There is an issue with that and our capacity or, potentially, lack of capacity in this chamber at the moment due to the speed at which we consider committee reports and our

inability to consider them at the same time as government responses. I hope that one day a creative solution will be found to that problem.

This seems like an opportune time to make some brief remarks on the government's response to that third report by the joint standing committee. Time does not allow for a detailed consideration of that, so I will speak to only one of the 14 proposals put forward by the Joint Standing Committee on the Commissioner for Children and Young People. There is a six-page government response to the 14 proposals, and I hope that in due course the joint standing committee might provide some advice to the chamber about the adequacy of the government's response to those 14 proposals. But since I have the call for the time being, I want to draw members' attention to one of the proposals—all 14 are important—and I suspect some members might find the government response underwhelming, but let us look at proposal 11. The Commissioner for Children and Young People determined that it was sufficiently important for her to make a recommendation in this very detailed and important report that consideration be given to whether section 192 of the Children and Community Services Act 2004 could be amended or a new provision enacted to create an offence for using children and young people in sexually provocative advertising.

This is a substantial part of the commissioner's report. In summary, she has said that consideration should be given around section 192 of that act. I have pursued this matter since the tabling of report in June. In effect, I have been told that the current provisions around section 192 are adequate. We have the Commissioner for Children and Young People drawing to our attention that she has a concern around the use of children in advertising, particularly sexually provocative advertising; she has identified that some work could be done around section 192, and the initial government response was that that section 192 was adequate. I turn to the government's response to the committee's third report dated 14 October 2014, which was only last week. It is indeed timely that we have the opportunity to consider this. At page 4 of that response, it reads —

> The Government is of the view a new offence is not warranted.

The report goes on to provide some explanation. At the end in the final paragraph of that section it states —

> As such, the *Children and Community Services Act 2004* already provides mechanisms for addressing situations where children are used in advertising that may be considered sexually provocative.

That is the position now confirmed. The Commissioner for Children and Young People says that we have a problem here, so consideration needs to be given to section 192. The preliminary response is that there is no need because that provision is adequate. The formal response of last week is that there is definitely no need to consider anything because the mechanisms for addressing the situation are in the act.

Members might be inclined to say, "That is the end of that; the Commissioner for Children and Young people has got it wrong and everything is well when it comes to the issue of children being used in sexually provocative advertising—all is well in the state of Western Australia." I would like to draw members' attention to the answer I was given to a question on notice that I asked on 9 September 2014. As it happens, the answer was provided on 15 October 2014, exactly one day after the government's response on this matter. My question was —

> Further to the Minister's remarks on 13 August 2014 in reference to the now former Commissioner for Children and Young People's Proposal 11 in the *Sexualisation of Children* report, I ask for each calendar (or alternatively financial) year since the enactment of section 192 of the *Children and Community Services Act 2004*, what were the number of:
>
> (a) complaints received;
>
> (b) prosecutions launched; and
>
> (c) convictions obtained?

The answer indicates that in 2008, five notifications were provided; in 2009, one; in 2010, nil; 2011, one; 2012, nil; 2013, nil; and in 2014, until 15 September, there were nil. How many prosecutions were launched and convictions found for all those? There were nil. Notwithstanding the suggestion that all is well with section 192, the statistics suggest otherwise because in 2008, the very first opportunity people had to make a complaint on this matter, five complaints were lodged. That resulted in zero prosecutions and, quite obviously, zero convictions. One can only conclude that the public were exasperated by the fact that if one makes a complaint, nothing happens with it. It is therefore no wonder that in the preceding six years, there have been only two complaints and, indeed, in the last three years, none. Why therefore would people bother? Anyone who puts in a complaint about children being involved in sexually provocative advertising, will be talking to a massive brick wall that will do absolutely nothing.

With the greatest respect to all involved in this matter, I urge reconsideration of this proposal by the former Commissioner for Children and Young People. I am happy to make myself available to assist in any way I can. I imagine that the Acting Commissioner for Children and Young People, although not the author of the report in question, will have an interest in this matter. I hope that the joint standing committee shares my passion for this

matter and will pursue it with some vigour, because it is not acceptable to me for a proposal by the learned Commissioner for Children and Young People —

[Member's time extended.]

Hon NICK GOIRAN: It is not acceptable that the former commissioner could give weight and consideration to this matter and for the response to be that all is well, yet upon further investigation, the answers to the question on notice asked by an annoying member of the backbench of government suggests otherwise. As I have said before, it is a pain to be a pain, but this matter is very, very important. I remember raising a motion during private members' business sometime back that addressed the wider issue of the sexualisation of children and there was quite obviously unanimous support from members in the chamber. Everyone who rose to their feet was in agreement that this is a significant issue of concern. I am grateful that the then Joint Standing Committee on the Commissioner for Children and Young People, of which I was a member at the time, thought it sufficiently important to refer the issue to the commissioner for examination. I am grateful that the former commissioner put in as much effort as she did. If the former commissioner—the independent advocate for children and young people—thinks it is important enough to put forward a proposal for our attention, the very least we can do is give it due consideration. I am going to say that it disappoints me that a response has come back that, in effect, all is well, a new offence is not warranted, the current mechanisms are good, while the statistics tell us exactly the opposite.

It may be, charitably, that I have this entirely wrong. If that is possible, we have a lazy constituency in Western Australia who do not care about this matter, who are flippant about the issue of sexualisation of children—that is not the impression I get from my constituents, I might add—and who have not bothered to avail themselves of this complaint mechanism under section 192 of the act. People were very vigilant in 2008: five complaints were made and in the last three years people have got lazy and not done anything in that space. Even if that were the explanation, which I would find very hard to believe, we need to be provided with an explanation for why, in 2008, five notifications were put forward and zero prosecutions were launched. In 2009 and 2011, one complaint was made and it resulted in no prosecutions. As I said, I can only conclude that people were exasperated by that, because it is an inconvenience on the part of most people to bother to put in a notification. We hear people ask all the time: what is the point; what can I do; I am only one person? When people bother to make a complaint or give notification, it ought to be considered seriously. That does not necessarily mean it will always result in a prosecution, of course, but it seems odd to me that no prosecutions were launched, so somewhere the system is broken. Either the adequacy of the section is in question or the information available to the general public on how they might make themselves available is inadequate. If the people are providing poor notifications, poor complaints or inadequate information, let us help them because clearly they have a desire to do something in that space. I do not think the response can be "We'll do nothing; the status quo will remain." I think something needs to be done. I am happy to participate in that and I certainly intend to pursue it with the conscientious ministers involved.

Hon SUE ELLERY: I want to make a few comments on this report because the issues canvassed by Hon Sally Talbot and touched on at the beginning of Hon Nick Goiran's comments need to be amplified to the extent that I am able to do so. It is astonishing that a parliamentary committee with oversight of the position of Commissioner for Children and Young People could find itself in a position in which it has had to make such a serious comment in its annual report. I refer to the delays in dealing with the statutory review into the Commissioner for Children and Young People Act 2006. The report tells us —

> This review had been completed by the Public Sector Commission and provided to the Attorney General in January 2013. The report of the review was not tabled until 20 August 2014.

However, there had been no response received from the government at the time of the tabling of the report of the review, and we are still, at the end of October, waiting for the government's response to the review that was completed in January 2013. Therefore, the role of the commission, and certainly this government's commitment to the role of the commission, have been called into question. We have had an acting commissioner in place since the first commissioner resigned the position, and that in itself sends a message. The fact that the position is not filled sends the message that the government does not take this position seriously.

That is not at all a reflection upon the acting commissioner; I know her, and I have known her to be a fine public servant for a long time, but the act requires an independent commissioner to be permanently appointed to the position. That is what we need to do. If the government's intention in not filling the position permanently and not responding to the statutory review of the act is to effectively starve out the position, to make the position worthless and to ensure that the commissioner is unable to speak without fear or favour, then it is going about it successfully and may well succeed. For example, staff who do not know what the future of the commission holds may well decide that they want to pursue jobs elsewhere; it really is an appalling way to manage a very important position.

Part of the statutory functions of the commissioner are to monitor the way in which government agencies investigate or otherwise deal with complaints from children and young people; monitor trends in complaints; initiate and conduct inquiries into any matter affecting the wellbeing of children and young people; and monitor, review and make recommendations on laws, policies, programs and services affecting the wellbeing of children and young people. I suspect it is the last function that the Attorney General does not like, and I think that is why he is trying to whittle away the effectiveness of the commission by refusing to provide it with any of the certainty it needs to be able to do its job independently and properly.

The creation of this position and the act took a long time to achieve, and I acknowledge that the previous Labor government took a long time to put the legislation through Parliament. There were many strong advocates for the legislation within our party, but one of the strongest advocates was former member of the Legislative Council Hon Barbara Scott. I expect she would be horrified at what this government is doing to this position, for which she fought so hard and, ultimately, successfully to get. I can understand why a government would be nervous about an independent advocate and an independent monitor of government agencies that deal with children, but history screams at us to have independent oversight of agencies that deal with children because of all the things we have seen in the Royal Commission into Institutional Responses to Child Sexual Abuse and the Blaxell inquiry into St Andrew's Hostel and a number of other hostels in Western Australia. People are kidding themselves if they think that the things that are being dealt with by that royal commission, the events that were picked up by the Redress scheme put in place by the former Labor government and the things that were revealed in the Blaxell inquiry are all things that happened only in the distant past and are not happening now or do not have the potential to happen now. The one thing we should have learnt from all the evidence that has been provided to us—not only in this state and this country, but around the world—is that there must be a light shone upon the way institutions and agencies deal with children to protect them. Those who would seek to harm children in a variety of ways will use whatever means available to them to do so, including hiding information. That is why the government's commitment to ensuring independent oversight is so important, and I urge the government in the strongest possible terms to make that commitment. Frankly, if I cannot convince the Attorney General—I am not able to convince him of very much—I urge other members of the government who I know to be supportive of the role of the Commissioner for Children and Young People to speak up in their party rooms or one-on-one with the Attorney General to raise this issue. It is just not good enough for it to take 19 months to table a report; we still do not have a response to that report, and we still have only an acting commissioner rather than a permanent one. That is just not good enough.

It is beyond me as to how the government is getting away with this. I am deeply concerned, and I know that the oversight committee is concerned, about what this means for a range of work that one would have to assume cannot be pursued; the commission cannot set a five-year plan because it does not know how the government is going to respond to its statutory responsibilities. How can it plan for the future and carry out the work that it needs to do if it does not know what the future holds? Why should staff think that they should stay with the commission when it does not have a permanent boss and there is uncertainty over the future of the act that governs it? The government is creating a situation in which the independent commission cannot be as successful as it might otherwise be because it has no certainty about its future. We have to assume that that is due to either laziness or incompetence, or is a result of a deliberate strategy to get rid of a voice that might be critical of the government from time to time. Frankly, it could be a combination of all three; it would not surprise me if there were a little of all three: incompetence, laziness, and "I don't want an independent voice being critical of government policies and laws". This is not good enough, and we owe the children of Western Australia a lot more.

Question put and passed.

Standing Committee on Environment and Public Affairs — Thirty-sixth Report —"Review of the Government Response to Report 35: Inquiry into the Sandalwood Industry in Western Australia"

Resumed from 16 October.

Motion

Hon BRIAN ELLIS: I move —

That the report be noted.

We are dealing with the government's response; I know we have already spoken about the original report. As the chair of the committee is away on urgent parliamentary business, it is probably appropriate that I speak to this report anyway because it was originally started during the term of the last government when I chaired the Standing Committee on Environment and Public Affairs; Hon Kate Doust was also on that committee. At the time, we probably knew not very much about sandalwood, and as we delved into it we realised that there were some real issues. The original report that was put out around the end of 2012 was mainly designed to alert the government and the house about some of the issues the sandalwood industry was facing. There was only one

recommendation, and I will get to that in a minute, but the executive summary of the committee's thirty-fifth report pretty much sums up the concerns at the time. It states at paragraph 5 on page i —

> Criminal activity is rife in the industry, with the combination of low penalties, limited access to harvesting contracts and the isolated environment in which sandalwood grows leading to opportunistic illegal harvesting. The future of sandalwood prosecutions should provide for penalties akin to those prescribed in the Criminal Code for stealing, to more effectively deter would-be criminals.

That is where we were coming from. Then the recommendation from the committee that I chaired in the previous government, which is recommendation 9 in this report, reads —

> **Recommendation 9: The Committee requests that the Minister representing the Minister for Environment advise the Legislative Council why Recommendation 1 of Report 29 *Interim Report Inquiry into the Sandalwood Industry in Western Australia* has not been implemented.**

We wanted to progress the increase in the penalties just to deter some of the would-be criminals so that whichever government was in power in this term and running the committee could progress the inquiry. The government's response that we are talking about now is all well and good. It states —

> Given that it is intended that the drafting instructions for the new biodiversity legislation will address the need for appropriate penalty provisions to provide for the effective management of the sandalwood industry, it was more appropriate to concentrate on introducing the new l rather than amending the existing *Wildlife Conservation Act.*

That sounds all well and good and I agree, but the problem is that it is taking a long time to get this biodiversity conservation bill that the government is working on into place. That is a bit of a concern because of the current penalties, which I think are on page 39 of the report. Members will understand when I read out the penalties why the previous committee was very concerned to get on with the penalties to try to deter would-be criminals. The thirty-fifth report states —

> The illegal harvesting of wild sandalwood attracts a maximum penalty of:
>
> - $200 under section 3 of the *Sandalwood Act 1929*;
> - $4000 under section 26 of the WCA; and
> - $10 000 or one year imprisonment under section 103(1) of the CALM Act (for unlawful taking of sandalwood on CALM lands).

However, the reality is that it is a $200 fine for people who were making up to—I think it was—$15 000 a tonne for sandalwood. Members can see the concern that the previous committee had about those penalties, and the committee did express some urgency in that previous report for the government to get on and try to do something about that. That is, therefore, probably one part of the government's response with which I am not entirely satisfied. I am pleased to see that the minister has accepted all the recommendations in the thirty-fifth report. Recommendation 9 is noted and it will be dealt with in the new biodiversity conservation bill. However, it does not really acknowledge the real problem because we need those increased penalties to deal with the problem.

As I said, I am pleased that all the recommendations were accepted and only a few were partly accepted. One was recommendation 2, which reads —

> **Recommendation 2: The Committee recommends that the sole responsibility for regulating and licensing the sandalwood industry in Western Australia be vested in a single agency.**

It is true that it can be seen that it is the case now, but we found a lot of discrepancies in and overlapping of agencies that confused people. The answer to that recommendation reads —

> It is considered that the responsibilities for regulating and licensing the sandalwood industry already sit within the one agency, namely the Department of Parks and Wildlife.

It can be seen in that way but because of the two different departments, the Department of Parks and Wildlife and the Forest Products Commission, we found it was very confusing to the industry— that is, the stakeholders in the industry and those applying for a licence. If anything, it seemed to the committee that there was perhaps a conflict of interest in some cases. It was therefore the intent of recommendation 2 that it be vested in one single agency. Even though the response is correct, it might have missed the intent of what the committee was asking for.

Another concern we had was the seizing of the sandalwood. When an operation was in place and the sandalwood was seized, the FPC then put it back up for auction. In some cases the people who actually stole the sandalwood and were fined the $200 could buy it back! I do not know how many times that happened, but it pointed out once again that the penalties were insufficient, particularly if people could profit from their own criminal activity. That was recommendation 10, which reads —

> **The Committee recommends that the Minister for Environment review the process of auctioning illegally harvested sandalwood as outlined in section 20A of the *Wildlife Conservation Act* …**

I have already pointed out the concerns of the committee that it was illogical and did not make sense that someone could go back and buy it. Because also the sustainability of the industry was at risk, I could not see much point in putting that seized product back on the market; it should have come off the following year's quota.

[Member's time extended.]

Hon BRIAN ELLIS: I want to go back to the single agency that we recommended but the minister did not think was necessary and felt was already the case. I was quite concerned, because dissatisfaction with the FPC and the way it operated was brought to our attention a number of times in submissions. I am a bit concerned that if the minister or the department is happy with the operations now, perhaps things will just carry on as they were. However, the whole point of the report and the minister accepting the recommendations was to alert the government and the departments that we have a valuable resource that, if managed properly, will be profitable to the state and to the stakeholders. On the other hand, if we carry on the way we are, we will not have an industry. It is pointed out in the report that the sustainability of the industry is at threat when there are such ridiculous penalties. Also, as we pointed out in the report, some of the powers of the officers need to be reinforced so that they can take on those who are prepared to engage in criminal activity, similar to the powers in the fisheries industry. I have a fair bit of time for the way the Department of Fisheries manages its industry. I can see that there could be similar management of the sandalwood industry if we provided similar penalties as the penalties for the fisheries industry.

Therefore, although I accept the government's report and am reasonably happy with it, I only hope that the minister and the agency take some notice of this report, as the industry could be at threat.

Sitting suspended from 6.00 to 7.30 pm

Hon SIMON O'BRIEN: The thirty-sixth report of the Standing Committee on Environment and Public Affairs, which I had the privilege to table the other day, is a device that is intended to allow us to consider the government's response to the thirty-fifth report. It is perhaps an accident of how our standing orders have developed that we now consider committee reports in a time-limited debate and we often do not have the benefit of the government's formal response, so this report gives us an opportunity to contemplate that. I have communicated with members outside of this debate about those matters and maybe we can make some adjustments to those arrangements in due course, because I think it is important that, when we put so much of our resources into committee inquiries and the reports that flow from them, we do them justice, and a time-limited debate does not enable us to do that.

I was pleased to note the government's response. There are a couple of other matters that I want to canvass just to highlight in good faith the outcomes of our inquiry to make sure that they were noted by members and the government. When a committee makes a report, inevitably it does so in good faith, and I think there is a presumption that the government receives reports and considers the recommendations in good faith as well, but the government also has to inhabit the real world with the restrictions and the realities that sometimes mean that the things that committees recommend are easier said than done. I have seen both sides of the coin in this, so I have sympathy for all concerned.

I want to quickly draw attention in the first instance to the twenty-ninth report of the committee, which of course is from the previous Parliament and to which Hon Brian Ellis has already alluded. One of the recommendations in that report—the committee of the day rushed to get the report into the house—was recommendation 1, which states —

> **The Committee recommends that the Government, as a matter of urgency, review the legislation governing the sandalwood industry, with a view to increasing the maximum penalties prescribed for the illegal harvesting of wild sandalwood.**

The committee also made a recommendation that led very directly to some further inquiries, which were the subject of our thirty-fifth report, and that is what we are dealing with at the moment. Recommendation 9 in our thirty-fifth report states —

> **The Committee requests that the Minister representing the Minister for Environment advise the Legislative Council why Recommendation 1 of Report 29 *Interim Report Inquiry into the Sandalwood Industry in Western Australia* has not been implemented.**

The committee's recommendation was addressed by the government in the following terms —

> In the lead up to the State election in March 2013, the Government committed to introduce new biodiversity conservation legislation during the current term of government. Given that it is intended that drafting instructions for the new biodiversity legislation will address the need for appropriate penalty provisions to provide for the effective management of the sandalwood industry, it was

considered more appropriate to concentrate on introducing the new legislation rather than amending the existing *Wildlife Conservation Act 1950.*

These are the important resource considerations for the relevant agency in responding through the minister, so I accept its considerations at face value. That does not mean that we do not have a problem here. It was a problem that the former committee was very keen to bring to the attention of the house and the government in November 2012, and it was also the same concern that the committee that currently exists developed in its inquiries to again bring it to attention because we felt that the matter was urgent. It basically means that someone who is illegally taking our native sandalwood—or any sandalwood, but our native sandalwood in particular—poses a risk to the sustainability of this scarce resource, with all the ramifications of that, which are discussed in our thirty-fifth report. If the illegal harvesting of wild sandalwood attracts the maximum penalty of $200 under section 3 of the Sandalwood Act, that is no disincentive to the people who want to jump the fence with the chainsaw and take that sandalwood. We need to address that because the evidence we found from a range of sources was that this loophole, if you like, or deficiency was being exploited at some scale and the only way to slam the door on it with any certainty was to make the penalties more than just a proverbial slap on the wrist.

Our sandalwood stocks obtained some respite through actions that were entered into in concert with Western Australia Police in the goldfields—again I acknowledge that—whereby they were approached by relevant officers from the Department of the Premier and Cabinet who told them about the problem and acquainted the police with the fact that this sandalwood was, in fact, public property and what they were doing was stealing. Suddenly, the police could sit up and take notice, and they brought some substantial resources and the penalties that go with it to bear. It is only a matter of time before we find those actions frustrated by some clever defence lawyer who puts it to a court that the Criminal Code might be seen to apply here, but the Sandalwood Act 1929 is more relevant and those more specific provisions should apply, and then we will be back to slap-on-the-wrist penalties. I want to stress that that is what the current and the former committee wanted to stress to the government. I again bring it to attention, not in a way that is dismissive of the advice it has received and the priorities that it has set.

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

MANDATORY TESTING (INFECTIOUS DISEASES) BILL 2014

Second Reading

Resumed from 23 September.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [7.41 pm]: On behalf of the opposition, I want to make a number of comments in support of the Mandatory Testing (Infectious Diseases) Bill 2014. This is a very significant piece of legislation that we are looking to see passed through this Parliament to assist our very fine police officers of Western Australia. Members will recall that prior to the 2013 state election, the WA Police Union put out a document and would have contacted each sitting member and, I am pretty sure, most, if not all, candidates from across the political spectrum to address a number of concerns it had on behalf of its members. This particular matter was quite significant. I suppose we have to talk about the reasons that this has come about and why this legislation is in front of us. Members would be fully aware that the nature of police work has significantly changed over an extended period of time. Twenty or 30 years ago when a police officer may have been assaulted or injured in some way, they may have brushed it off, said "toughen up" and moved on, and would have dealt with their injuries in an appropriate way. But there have been changes in society. We have all heard the discussions about increases in drug use and of particular types of drugs that appear to cause people to become more aggressive, violent, animated and threatening. Police today are in a highly exposed work situation. I know I have talked about this before, but with this form of work in our state, these types of workers go to work every day and do not necessarily know where they will be at the end of the day, in what state they will come home or, in some cases, sadly, whether they will come home at all. There have been a number of fatalities on the job, along with extremely serious injuries. The legislation we are dealing with tonight does not deal with those things, but it deals with an issue that police have to tackle on a day-to-day basis. They may have to resolve an issue and the individuals involved may deliberately attack them, bite them, scratch them, beat them, cut them and do a whole range of things that may cause an injury and may break skin. If police find there has been a transfer of bodily fluids from an individual, there is concern that they may pick up an infection of sorts. Currently, if those types of situations occur, it is extremely difficult to obtain a sample for testing to reassure the police officer that they have not contracted any health issues. This legislation is in front of us to try to resolve those issues and to reduce the stress factor faced by serving police officers caught up in those situations. It will enable arrangements to be put in place so that when those events occur and there is an exchange of bodily fluids in an incident, a sample can be obtained for testing to establish whether the police officer has been exposed to a range of specific infectious diseases listed in this Mandatory Testing (Infectious Diseases) Bill. Members will note that the three primary diseases listed are HIV, hepatitis B and hepatitis C. The bill gives an indication that at a future stage, other types of infectious diseases could be added to the list. As I understand it, those are three

infectious diseases already listed for notification in occupational safety and health regulations. I think this is a significant piece of legislation. It has been eagerly anticipated by members of the WA Police Union. They have been very active in pushing this issue along. They have obtained bipartisan support in both chambers. When this bill was passed in the other place, it went through fairly quickly and with great support.

The bill sets out the processes quite well. It provides for a range of definitions of who can be caught in this legislation. It excludes children and a range of people who may not have capacity. It enables a third party to act on behalf of people who may be deemed to be incapable. I note that under the definition of "incapable", a sample may have to be extracted from a deceased individual. The bill provides that any costs associated with the sampling are to be picked up by WA Police. I am sure that will provide relief for any officers caught up in that situation. As we know, medical costs can mount up and be quite expensive. That will help provide some relief. It also provides that samples cannot be used for any other purpose; a high degree of privacy surrounds what can be done with not just a sample, but also the information that arises from the sample. How matters will be dealt with has been quite well thought through.

The bill covers not just police officers, but also auxiliary officers and other public officers employed within WA Police. Although this is a matter that the police union has pursued, we can see this as a model for a range of other workers, particularly in the public sector, who may have exposure to these types of situations. At some point, we hope government will give consideration to extending this type of support to those other workers such as ambulance officers and prison officers. I am sure there are people who work in the mental health area who may have to deal with individuals who for whatever reason become agitated, aggressive or violent or, in some cases, deliberately set out to cause harm to the person they have to engage with. I am sure that is a worry, particularly for police officers. As they walk through the door of a building or home to deal with an inquiry, they do not know what is on the other side of the door. They do not know what will greet them. It is a bit like throwing in their hat and waiting for it to be gently thrown back or a fist to come behind it. It is an extremely dangerous job. Some media reports in *The Sunday Times* earlier this year referred to 60 cases of police officers throughout our state who had been injured or suffered violent attacks just doing their jobs. They had to go through a range of testing and wait extended periods to get the results back. HIV results or even hep B or hep C results do not come back in a matter of days; these things take some time. For those individuals it is about modifying their lifestyle while they are waiting for their results, which in turn impacts upon their family life—their relationships with their partners, their engagement with their children and how they manage themselves in terms of their own individual habits. In a moment I will go through in detail some real stories about how people have dealt with this. The stress factor is enormous to the point at which people in that situation have to modify their behaviour, partially out of fear about what the results might be. Thankfully, most of the people about whom information has been provided to me did not contract an infectious disease, but for many months they did not know the results, so they were for that time in a bubble of trying to work out what was going to happen to them, their families and their working lives, because obviously they could not work, and they were also concerned about how they would interact with their workmates. There are enormous pressures on people in that situation, and when they are unable to extract a sample voluntarily, it just adds to the burden that they have to deal with.

The Mandatory Testing (Infectious Diseases) Bill 2014 will enable a decision to be made by an appropriate officer. In situations in which individuals have been exposed to blood, saliva or semen and there is broken skin and an exchange of fluids from one individual to another, an officer will be able to make an appropriate decision about whether a test is required to either allay the individual's fears and concerns and provide reassurance that he or she will not have to seek any treatment or apprise them of the fact that they will have a lifetime burden to deal with. This legislation is timely and at some point I hope that the government will look to expand this capacity into other areas of work. We are now seeing these types of incidents happening in a range of occupations. In due course we will get back to dealing with the custodial legislation. I know that a significant number of cases have been reported in that area in which prison officers have been attacked and have had to go through these types of situations. It is a very sad indictment on our society that people behave in this way and seek to create this type of damage to other people and cause them this degree of pain and life-changing issues. In that regard, I think this is an eminently timely piece of legislation.

I would like to now share some examples. These are all case studies provided to me by members of the WA Police Union, and, as I said, they are examples from all over our state. They go back over the last 10 years, so they are relatively current and, sadly, reasonably frequent. There was a situation in Karratha in which a police officer had bailed a fellow up and was patting him down when he was jabbed by a syringe hanging out of the fellow's sock. I do not know why people would have a syringe hanging out of their sock, but the police officer was jabbed with it. The officer had blood taken that night for testing and went through an extremely long process to have the testing done. In his statement, he refers to the degree of change that occurred for him in his personal life while waiting for his results. He states —

> To saw the process was difficult and impacted my family in a detrimental way that still to this day causes problems would be to understate things. Intimacy or lack of it for 7 months is a little difficult to

> take. I recall cutting my hand at a gun club meeting and panicking that I would pass on any disease to other who came to my assistance.
>
> Over the next months I was prone to mood swings, almost violent outbursts and behavioural matters that drew attention from others including Senior Police.

He goes on to say that he went to see a psychologist, and he had to seek leave and take time off to do that. He says —

> Basically people thought I was crazy, not an unjust assumption though.

He goes on to say that he was supposed to get the results of the blood tests within seven days of the sample being taken. However, the tyranny of distance—because he was in Karratha—meant that it was closer to 10 days before each result came in. He says —

> The wait was difficult and the corresponding mood changes increased closer to each result day.
>
> Ultimately I am not HIV or Hep c positive. However the impact on me and my family has been incredible and irreparable damage has been caused.
>
> Support from WAPS would have eased the way but that was not an option for them.

That is just one example, of many.

Another example is an incident that took place in August 2013, when a police officer arrested an intoxicated female offender for breach of a violence restraining order and apparently got involved in a bit of a physical altercation—a barney—and ended up with his arm being gouged by the fingernails of this woman. This police officer had been in the police service for 27 years, and he had had other incidents happen over time, so he was used to getting tests done, and he had not at that point heard of anyone being infected by such an incident. He says —

> I went back to work and lived my life normally, which included time with my wife and daughter …

This happened in August of last year. In September of this year, he attended the local doctor's surgery over another work-related matter, and, while he was there, he happened to ask the doctor whether his test results had come back from that other incident. The doctor opened the results and checked them, and the police officer discovered that he had been diagnosed with hepatitis C as a result of that incident that had occurred, which was an absolute tragedy for him. He says that he was completely shocked but did not know anything about the disease. He says that the doctor went on to explain that it was a disease that attacked liver function, was highly contagious and was incurable. He says —

> I was shocked and devastated. Not so much for myself, but the devastating reality that I may have infected my family unknowingly.

He then goes on to talk about how he dealt with that with his wife and child, because they then had to be tested as well. The good news for him is that the initial diagnosis turned out to be incorrect—so, a silver lining for him—and, as a result, he has been cleared to return to duty. Although this officer did have a good outcome, he went through an extended period of worry and concern, and of not knowing how to engage with people close to him and how to deal with this type of situation. I imagine that would be an outrageously difficult thing to manage.

I understand that there have been 140-plus such incidents in the last year. This legislation—which will hopefully be passed today—will enable, when these incidents occur, immediate action to be taken to take samples from the person who has assaulted the police officer and have those samples tested. It will also enable appropriate support mechanisms to be put in place to back up those police officers so that they will be better able to manage this process than has been the case for the other 60-odd people who have been put in this situation.

I do not know whether anyone has had the opportunity to see any of this information or to go through any of the stories. A number of examples were provided to the media of different scenarios that had happened in WA. Each one of them referred to the anxiety, the stress, the negative implications for their family lives and the health implications. I refer to the potential health implications not just for someone contracting a highly infectious disease, but also when someone gets really stressed out and all the other conditions that present and flow from being stressed. We all know what it is like when things get too much and people change the way they behave; it is a very difficult situation. We should do whatever we can to provide better support for people in these extremely difficult work environments. The environment in which police officers work is perhaps unlike any other work environment and provides no guarantee that those police officers will go home in the same way as they were when they started their day.

When I gave my maiden speech in this place back in 2001, this issue around police health and safety was a matter on which I spent a bit of time. It is therefore an issue about which I have an ongoing concern. One of the matters that I canvassed in that speech was about ensuring that police have appropriate access to a workers'

compensation system. That is something that the Labor Party is still keen on pursuing—hopefully, when we get into government in 2017. The police service is a significant part of our Western Australian public sector. It comprises a group of workers who go out into the community to deliver for us and protect our communities. Police officers in both the metropolitan area and regional areas do everything they possibly can in their work, but regional-based police officers in particular go out of their way to be a very strong and committed part of the community. They are very active outside their work hours, building up their community, working with young people and trying to reduce the potential for these types of incidents when they are exposed to these types of dangers. Over the last six years, we have dealt with a range of legislation in the police portfolio and put in place a range of penalties to deal with different types of behaviours. We have talked about how we can reduce the incidence of these behaviours but, at the end of the day, the problems are still there. The degree of violence is escalating. We know that in a lot of cases, it comes down to the types of drugs that people have access to, which exacerbates the level of violence and the out-of-control behaviour. Sadly, the police officers at the forefront bear the brunt of that violence and aggression. The legislation in front of us will assist in that process by ensuring a degree of support and protection when these situations arise. It will not solve the situation, but police officers who are attacked, have skin broken and have bodily fluids transferred will have peace of mind knowing that they have the capacity to have a sample taken and tested, hopefully with a negative outcome, so that they can then get on with their lives. If they have to go through extended periods off work and have to modify their personal behaviour because there are growing negative implications for their family in how they engage and deal with them, that is a negative for the whole of our community and a cost to the state, as the employer, in its support of this group of workers.

I regard this legislation as part of the duty of care of the employer to provide this type of facility. I am therefore very pleased that the government has delivered on a commitment it made to officers in the police service leading up to the election. The legislation has taken a bit of time to get into this place, but this is a good start. I hope that in due course the government will do the right thing and consider extending the same sort of support to other workers who are potentially exposed to these difficult situations and that it will provide this mechanism for them as well.

With those few words, we are very pleased to support this bill. We hope that it will pass through this chamber tonight. The WA Police Union is very keen, on behalf of its members, to see this bill passed. I am sure that every police officer in this state wants to know that this government is supporting them by putting in place a mechanism that will provide some sort of protection and assistance for them.

HON COL HOLT (South West — Parliamentary Secretary) [8.05 pm]: I rise on behalf of the National Party to indicate our support for the Mandatory Testing (Infectious Diseases) Bill 2014. The bill aims to protect our police officers or at least provide police officers with peace of mind about some potential risks to their lives and their health while performing their job. We ask our police officers all the time to be on the front line protecting our communities. We ask them to go into situations all the time that we, as ordinary citizens, would not go into to restore peace and order, to keep crime off the streets and to be on the front line protecting our community. We should be trying to look at all the ways we can support them in that position.

In a way this bill addresses a narrow concern for police. I do not mean narrow concern in terms of health outcomes; I mean the potential incidents that might occur over the course of a year. I thank Hon Kate Doust for her contribution because she summarised it quite well. There were about 150 incidents related to this bill over the past year. Those incidents involved the exchange of bodily fluid between a person who had been arrested or was in custody and a police officer. In the course of their duty, a police officer may be spat on. In the past, there was no ability to provide an officer with peace of mind. Obviously, testing regimes will be put in place around those officers. The best way to provide that peace of mind is to find out whether the person who spat in their face or exchanged blood into an open wound is carrying an infectious disease. We need to find that out on behalf of police officers who are caught in that situation. We need mandatory ways to test for that. We need the mandatory testing of samples to find out as quickly as possible to ensure that the police officer caught in that situation has the correct medical attention from that point on until they are given the all clear. After a positive test, police officers need to receive the right treatment. There could be times when there are incubation periods; maybe the testing on the perpetrator does not show up. The regime still goes back to the police officer. This is about trying to make the most of the opportunity to provide police officers with peace of mind when they are caught up in that situation.

From a regional member's perspective—I am sure it has ramifications in metropolitan Perth, too—it is really about the actual practice of taking mandatory samples. I ask the Attorney General for clarification about how he sees that being rolled out in remote parts of Western Australia where someone being asked to take a blood sample from a perpetrator—if I can use that language—may be a community nurse at an outlying nursing post: How will it work in a practical sense in regional Western Australia? What sorts of risks are associated with those people in the implementation of this bill and the mandatory testing and sampling? How do we deal with that?

Again, the situation may change the outcome for the police officer. If an incident occurs and a sample is needed so that the police officer can be given some peace of mind, how will it work in a practical sense in some of those isolated and remote areas? I know there are ways of transporting perpetrators to other areas and there could potentially be cooling-off periods, but it would be interesting to get some clarification of how it will work in a practical sense. Some of my colleagues may raise some concerns and questions in the committee stage, perhaps, but we certainly support the passage of the bill. We are interested in getting some clarification of how the practicalities will work. We do not want to put at risk other people in the community through the implementation of this bill.

HON LYNN MacLAREN (South Metropolitan) [8.10 pm]: I rise to speak in support of the Mandatory Testing (Infectious Diseases) Bill 2014. The purpose of this bill, as has been mentioned by previous speakers, is to establish an act to provide for the mandatory testing for certain infectious diseases of persons reasonably suspected of having transferred bodily fluids to police and other related public officers acting in the course of duty. In looking at this bill, I sought a briefing from the department and I thank the minister for providing that briefing and for following up on some of the questions that I asked in the briefing by email. I also sought a meeting with the WA Police Union and I was advised of some interesting stories about the challenges that they face in their duties and of their wholehearted support for this bill.

As Hon Kate Doust said, in the lead-up to the election, we were contacted about this bill and the drafting of specific legislation to enable mandatory testing for infectious diseases. The Greens were wholehearted in their support and offered to not only support the legislation, but also introduce it because we see this as very important legislation. One of the questions that have come up is: why has it taken a while to get here and why are we doing this only now? That is nothing to dwell on. We acknowledge that the government has taken this important step forward in the interests of public safety and health of the officers whom we depend on so much. Often they are in the firing line and we do not realise the occupational safety and health issues that come up for them.

One of the things that police officers and other public officers can face when they are dealing with violent situations or crises is exposure to bodily fluids that can bear disease. That can create a post-traumatic stress disorder if someone is constantly in a crisis and constantly worried about the danger posed by exposure to bodily fluids. We need to take this matter very seriously from an occupational safety and health standpoint. That is why I think it is very important to pass this bill today. However, I have questions about the implementation of it and the rights of people who might be caught up in it. As Hon Col Holt has acknowledged, it would be good to be given more detail about exactly how this will play out. I note that the explanatory memorandum advises that 147 officers were exposed to bodily fluids over a year. That is not an insignificant number of incidents and I am very concerned about that high degree of exposure. If we are to implement these tests, what is the implication to —

Several members interjected.

The ACTING PRESIDENT (Hon Liz Behjat): Order! Members, can we perhaps give courtesy to the member on her feet and minimise the amount of movement around the chamber, especially those members closest to the Chair.

Hon LYNN MacLAREN: Maybe I will start again and talk about some of the answers to the questions I raised with the officers, and I will mention only a couple. My concerns were around the reasonable grounds for disease testing, which the bill in fact deals with. The bill specifies that there are only certain grounds on which a sample can be taken from someone who may have exposed another person to bodily fluids. It is important to realise that up until now, some police officers had to wait to see whether they had caught something and had to be tested repeatedly because of the different incubation periods for different diseases. This bill will shift that onus, and a person will now be able, as soon as they have been exposed or very soon after the exposure, to hopefully capture or obtain a sample from the person who has infected them with bodily fluid, whether it be saliva or blood-borne or, as Hon Kate Doust said, caused by a scratch on the arm. If that cannot be obtained immediately from the person who carried out the assault, it can be followed up the next day by going to either their house or place of work and obtaining that sample. The amount of time a public officer is exposed to that worry will be dramatically reduced. One tremendous asset of the bill is that peace of mind an officer will have so that they can continue their duties immediately, and that is well worth any expenditure on the tests—and there will be some expenditure to get a sample analysed.

I am also concerned about the issue of storage and recording of samples, because we are talking of course about parts of our bodies. How will those samples be used? Will there be some protection for an individual who has given a sample? Indeed, there will be. Samples will be destroyed and will not be used for any other purpose. The bill is explicit in that regard.

I also asked the officers how they arrived at the $12 000 penalty for failing to comply, and they kindly provided me with several examples of similar offences covered by other legislation that carry a similar penalty of $12 000 or imprisonment of 12 months. One example is the Commissioner for Children and Young People Act,

which includes penalties for a failure to comply with a section 33 notice—that is, failure to attend or produce a document—for which the fine is also $12 000 or imprisonment for 12 months.

I also asked about clause 27, which provides for the analysis and destruction of blood samples. I asked about that clause because clause 27(2) states that an officer of the pathology laboratory may destroy a blood sample, or any part of the sample, and I asked why the bill states "may" and not "should" or "must" because it is relevant to a question I have about another piece of legislation I am considering, the Custodial Legislation (Officers Discipline) Amendment Bill 2013, in which there is a similar clause that states "should" or "may" or "must". I appreciate the advice of the officers who said that it states that they "may" destroy a blood sample merely because if it said "must", there would have to be an associated penalty attached to it if it was not complied with. In fact, the bill contains that double-check, and clause 30 requires that blood samples not to be used for any other purpose and provides for a penalty of $9 000 and imprisonment for nine months.

Checking what we would be concerned about in regard to rights of privacy and protection of individuals' own records of diseases, plus balancing out the public interest of keeping our police officers and public officers functioning and well supported by good occupational health and safety practices, I found this bill to be very well written and a very important bill that is worthy of cross-party support, as members have heard already. Finally, we were looking to see whether the legislation would be reviewed, and there is an automatic review after five years, which is important because we do not know whether something unintended might ensue. We will be able to look at it again in five years' time to determine how this new regime will work. I also note that South Australia considered very similar legislation last year, so we will be watching with interest to see how that plays out. South Australia's incidence of infection was much higher than Western Australia's. With those final comments I commend the bill and thank the government for putting together such a good and useful piece of legislation. It is a pleasure to support it.

Debate adjourned on motion by **Hon Peter Collier (Leader of the House)**.

ENVIRONMENTAL PROTECTION AMENDMENT (VALIDATION) BILL 2014

Committee

Resumed from 21 October. The Deputy Chair of Committees (Hon Liz Behjat) in the chair; Hon Helen Morton (Minister for Mental Health) in charge of the bill.

Clause 4: Part X inserted —

Progress was reported on the following amendment moved by Hon Stephen Dawson —

Page 6, after line 11 — To insert —

(c) the report and recommendations of the Environmental Protection Authority on the Roe Highway Stage 8 extension (Report 1489, September 2013).

Hon STEPHEN DAWSON: Just to recap, for the benefit of members who were not here when I moved this amendment, I will remind members of the point I was making. I said that, unlike the other 24 projects on the list provided to members when the bill was introduced, the Roe 8 project is a government project. This project is not yet underway, and no money has been allocated for it in the budget. In effect, we are being asked to validate decisions made by the minister on a range of projects. However, in the case of the Roe 8 project, because the decision is before the Appeals Convenor at the moment, there really is nothing to be validated. None of the considerations that applied to the other projects in the resources sector apply to Roe 8.

I also wish to make the point that there was a great deal of community angst about the Roe 8 project. I made the point further that it is not just people who live in the south metropolitan area who are concerned about this project but people right around the state. Some people have environmental concerns; other people are concerned about the cost of this road. I have heard some members talk about it being the road to nowhere. Last night I said that a price tag of about $750 million is attached to this eight-kilometre stretch of road. At the time, Hon Ken Travers informed me that the cost was more likely to be around $800 million. This eight-kilometre stretch of road will cost $800 million. That, too, is a concern of many Western Australians.

I also think it is important to remind members that the EPA had previously looked at the issue of Roe 8 twice. This was before Chief Justice Martin made his decision on 19 August 2013. The EPA had twice before said that it had issues with the project. Then, curiously, two weeks after Chief Justice Martin made his decision in August last year, a report came out from the EPA which essentially sought to legitimise the current Roe 8 proposal.

There is a lot of community concern about this issue. It is the road to nowhere. We were told previously that these 25 projects are of major concern to the state if the court can overturn and jeopardise the projects. I have made the point previously and I will make it again that a huge amount of money is attached to these projects and a huge number of jobs will be lost should one of these projects fall over. As we have said, the opposition is in favour of this bill. We have major concerns about the Roe 8 project. We do not see why it is included in this bill. We certainly do not think the government has made the case properly for why it is included in this bill.

The Roe 8 proposal is in front of the Appeals Convenor at the moment. We have no idea when the Appeals Convenor may bring down her decision or give advice to the minister about the project. Given the level of uncertainty around the whole EPA decision-making process in relation to Roe 8, as pointed out by Chief Justice Martin, plainly and simply, we say that the government should say, "There is lots of concern about this project and lots of concern about the actions that the EPA has taken. Let us leave this project aside. Let us ensure that the community has faith in this project and end the decision-making around this project. Let us remove Roe 8 from this bill. Let the EPA look at this issue again. Let the EPA do a proper assessment again. Do not let the EPA be accused of invalidly making decisions. Let us take that out of the equation. Let us remove Roe 8 from the list of projects." Essentially, with those few comments and the comments I made last night, I stand by the motion standing in my name.

Hon ROBIN CHAPPLE: Obviously, Roe Highway stage 8 may not come to fruition in the foreseeable future. We know that an awful lot of money is tied up with it. One of the issues that come to mind is that section 36(1)(b) of the principal act states that if a project has not come to fruition within seven years from the date that the policy was approved, it needs to be reviewed by the Environmental Protection Authority. This bill will validate a decision that is yet to be made. Will that validation in any way, shape or form affect section 36 of the act? That is the first question I want to turn to.

Hon HELEN MORTON: It was obvious that the opposition would bring on a debate of this nature. The bill is not about whether Roe 8 should or should not go ahead. I am not going to enter into that kind of debate on this bill. Whether Roe 8 should or should not go ahead is another matter entirely. I will not even give an opinion about that; I will not give the government's view on it or anything else. I am just saying that it has nothing to do with this bill, so I will not enter into any debate or conversation about that.

Hon Ken Travers: Only on those bits that are relevant to the legislation. You'll be amazed at what is relevant.

Hon HELEN MORTON: I am fully aware of the political differences between the government and the opposition on this issue. I know that the opposition's intent is to try to obstruct the process, if possible, through this bill. I am not saying that it will obstruct this particular legislation; I am saying that it will obstruct the issues around whether Roe 8 should or should not go ahead, if only it could use this piece of legislation to do that. That will not work, because it is not part of it, so the opposition will not be able to use this process —

Several members interjected.

The DEPUTY CHAIR: Order! The minister has the call.

Hon HELEN MORTON: I am just laying it out clearly for members that they will not be able to use this process to obstruct the progress of Roe 8. It is not applicable to this bill. Decisions have been made by the EPA on Roe Highway stage 8 to which proposed section 135, "Grounds of invalidity", applies, in the same way as it applies to the other projects. The EPA's report and recommendations on the Roe Highway stage 8 extension are with the Appeals Convenor. Consequently, I will not debate the merits, the science or the research around this project. However, the observations that can be made about the other decisions covered by this bill can also be made about Roe 8. There is no suggestion that any member of the EPA involved in any assessment was influenced by any conflict of interest. If a member were actually influenced, the bill would not protect the decision being challenged on that ground. If members opposite cannot accept or understand that is what the legislation states —

Hon Ken Travers: Why do we need the bill then?

Hon HELEN MORTON: Will the member just wait, please? Members need to fully understand that nothing in this legislation will prevent a decision being challenged if influence or bias actually was displayed by any member at any time in that decision-making process and this bill will not protect that project from a challenge. All this bill will do is protect a project from somebody who did not declare a conflict of interest when they should have, or the quorum was not made up, or any of the other matters that are covered in section 135. There is nothing to indicate that the EPA has done anything other than assess on their merits the environmental factors relating to all the decisions; nor have any of the decisions been determined to be invalid by a court, unlike the decisions relating to the Browse LNG precinct proposal, which are not covered in the bill anyway. As Roe 8 is in the same position as the other decisions this bill covers, it should be treated in the same way.

Hon SUE ELLERY: The minister is quite right that the bill is not about the merits or otherwise of Roe 8. The bill is not about creating some protection for Roe 8 on the basis that somehow the process that it had been through to date under the EPA was invalid because of anything other than a conflict of interest under sections 11 or 12, or that had not been properly declared under sections 11 or 12. That is not what this bill is about. Roe 8 is part of the debate because it is different from all of the other matters that we have been told need to be validated. It does not meet the same criteria. There has not been expenditure of private sector money and work is not underway. In fact, what is in place for Roe 8 is that this is the third time that the EPA has expressed an opinion about the merits or otherwise of Roe 8, and Roe 8 is going through the appeal process. To the extent that any

money, government or otherwise, was around to be spent, it was pulled out of the budget two or three years ago. To the extent that the government might claim that it spent public money doing the consultation to get the EPA to the point it is at, it did not worry the government that it was spending that money for a third time; it had already been spent twice. It did not worry the government to spend money a third time because it did not like the result of the previous two determinations. The thing about Roe Highway stage 8 is that it is different from every other matter the government is asking us to validate. That is why we are talking about Roe 8. It is not the same.

Hon Helen Morton: It's the same.

Hon SUE ELLERY: Tell me where the private investment money has been spent; tell me where the work is underway; tell me where there is sovereign risk if we do not validate it. Those are the reasons the minister says it is very important that we pass a piece of legislation that is retrospective in its nature, and that is very unusual for us to do lightly. It does not meet the tests the minister says that mean we should take the extraordinary step of passing retrospective legislation because these things are so important. It does not meet any of the minister's tests. The responsibility on the minister for this amendment is to convince us how Roe 8 is in the same category and that is why we should be talking about Roe 8.

Hon HELEN MORTON: I have to convince the entire chamber, not any one individual or any one small group of people in the chamber. The issue is that this chamber will make the decision on this. Consequently, the decision on whether to insert Hon Stephen Dawson's amendment is a matter of my convincing the majority of members in the chamber. I understand that and I am sure the member does.

Hon Sue Ellery: Are you saying you have the numbers? Is that news to anyone?

Hon HELEN MORTON: I am saying to the member that she should be very clear about what will happen.

Hon Sue Ellery: For goodness sake! What; I shouldn't raise an issue because you've got the numbers? That's so offensive.

The DEPUTY CHAIR: (**Hon Simon O'Brien**) Order, members!

Hon HELEN MORTON: When I talk to this amendment, I am talking to the whole chamber.

Hon Sue Ellery: Good for you; so was I.

Hon HELEN MORTON: In saying that, the issues reflected in this bill are the same issues for the validation aspects of all the other projects. It makes no difference whether it is the government, the private sector, private moneys invested or other sorts of things.

Hon Sue Ellery: That's what you told us in the second reading speech.

Hon HELEN MORTON: The issue is that the grounds for invalidity are precisely the same. The grounds for invalidity are no different whatsoever from the grounds that are being looked at in every one of those other projects. That is the issue.

Hon Ken Travers: You are asking for retrospective approval.

Hon HELEN MORTON: They are the issues. This is one of the projects undertaken in that time frame we are talking about. It is one of the projects that was picked up in the thorough and comprehensive processes that were undertaken. It is one of the projects for which the EPA saw there was not an insignificant risk around a potential challenge. Those are the things that are absolutely identical to every other one of the projects that are covered. Consequently, Roe 8 is being dealt with in precisely the same way.

Hon ROBIN CHAPPLE: It is not, and I will give the minister the one fundamental reason for that. In all the other cases, the Minister for Environment has signed off on the outcome. The EPA decisions and appeal provisions have gone to the minister on all the other proposals. This proposal has not gone to the minister, so the minister has not approved the proposal yet, because we are still going through an appeal process. I can understand that the minister has agreed to the EPA decisions for the other proposals, the recommendations and all the things associated with that process, so the minister has identified that he or she has signed off on them. In this case, the minister has not signed off on the project.

I would like the minister to answer my previous question about section 36 of the Environmental Protection Act.

Hon HELEN MORTON: Taking Hon Robin Chapple's latter point first, section 36 is about the review of approved policies; it is not about decisions made on assessments, and the Environmental Protection Amendment (Validation) Bill 2014 is about decisions made on assessments. The member's second point was that this is somehow different because the minister has not yet made a decision. This bill is about validating actions undertaken by the Environmental Protection Authority and not about validating a decision that is yet to be taken by a minister. It is about validating issues in a very narrow field of invalidity issues. Once again, if there is any bias or any other reason for somebody wanting to take action against the processes that are not included in this bill in respect of any decisions that have been made by the EPA in that process, they can take that action; there is

nothing to stop that. All this legislation is doing is saying that on these quite narrow grounds, the decisions that have been taken by the EPA for that particular project are valid in the same way that the grounds are being applied to other projects.

Hon KEN TRAVERS: If the minister is saying that it is only on those narrow grounds, can she advise us whether the government has done any work on whether there was any risk that in the EPA's approval of Roe 8, one of those grounds was contravened; for example, someone did not declare an interest or there was a lack of a quorum? Has the government done any work to determine whether or not that might have occurred in the case of Roe 8?

Hon HELEN MORTON: I am fairly certain that Hon Ken Travers was here during the debate last night. I cannot be sure, but he would know that Roe 8 is on the list of 25.

Hon Ken Travers: Yes.

Hon HELEN MORTON: He would have heard us talk about the thoroughness of the process followed by the Office of the Environmental Protection Authority and the State Solicitor's Office, and the QCs and SCs who were brought in to review that process. He would have heard about all of that.

Hon Ken Travers: I was even here when one of the members tried to stop the debate through a point of order.

Hon HELEN MORTON: Exactly, so he knows the process that has been gone through, he knows how thorough and comprehensive it has been and he knows that it is on the list of 25. Consequently, the potential conflict relates to an EPA board member, Chris Whitaker—appointed under a Labor government—who was at the time chairman of James Point Pty Ltd, which had proposed to develop a port that may have benefited from the construction of the highway extension. Whitaker declared a conflict but participated in the discussion and the decision relating to Roe 8 after the chairman determined that no conflict existed. This was in April 2010. Specifically, he participated in the discussion and decision to approve scoping of the public environmental review. He did not participate in the discussion or decision when the assessment report was approved or when issues were being considered on the assessment. The EPA provided its assessment report on Roe 8 to Minister Jacob in September 2013.

Hon KEN TRAVERS: In light of that, the simple fact is that if we do not pass this bill, there will be grounds for people to challenge the decision of the EPA —

Hon Helen Morton: On what basis?

Hon KEN TRAVERS: On the basis of the participation of Dr Whitaker in the decision-making; otherwise, why would we need the bill?

Hon HELEN MORTON: The situation is partly correct in terms of what the member is saying. If a challenge was made, it would not necessarily be successful. But because there is not an insignificant risk of that, it has been captured within this range of projects, having been assessed, as I say, through those processes that we have indicated. There is no suggestion, and never has been any suggestion, that any individual in those processes was actually biased or was actually conflicted. There is just the potential—just the potential. That is all it is. He was only involved in the scoping of the assessment of the environmental review. He was not involved, as I said earlier, in the deliberations and decisions around that.

Hon KEN TRAVERS: The minister says there is nothing different. The minister, in the comments she makes, downplays the need for this legislation by saying there may not be a requirement for this bill, and there may not be this and there may not be that. But the minister still wants the bill to be passed and the minister is still expecting this bill to be passed. The minister gave a speech in response to Hon Sue Ellery that can only be described as "the brutality of numbers will ultimately prevail in this house". We are dealing with a bill that is about retrospectivity and about removing a potential and not insignificant risk that someone will appeal that decision. We are going to remove that right by passing this legislation. Therefore, it is important that the minister outlines to the chamber why this particular item should be in the bill. I accept that the Greens in the corner do not support this bill. They did not support the bill at the second reading stage. That is their right. The Greens have never understood that in order to create opportunity, we need to have growth. We actually share with the government the desire to develop and have growth and provide opportunity—probably that is the bit that members on that side of the chamber do not understand. But in passing a bill like this, which will remove somebody's rights, we need to be absolutely clear that we have ticked every last box. A private sector organisation that has in good faith invested money in Western Australia has the right to not have its projects put at risk because of the incompetence of the government of the day in allowing these changes to occur.

I listened last night to how it all happened when the new minister came in, and how it was all done on her watch. I think the former minister even interjected and said that at the time she did not even have a chair. That is no excuse. Unfortunately, ministers have to accept responsibility from the day they are sworn in by the Governor.

The reality is that a bill like this is very different from the traditional pieces of legislation that are dealt with in this place. The government can get this bill through, and maybe on this bill the Nationals are back in the cart. I never can quite understand how the coalition works, because under the Westminster system, whether or not the government likes it, it is a coalition government. It is a dysfunctional coalition, but it is still a coalition. A bill like this should be getting broader support around the chamber than the support the minister is going to get with the simplicity of the numbers. The government can get that support around the chamber by simply removing this clause. Then there would be two options for the government to take. One is to continue to proceed with Roe 8, and that would be another debate. The minister is right, in that tonight is not the time to debate the complete lunacy of the government's tollway. That debate is for another day. Tonight is not the time to debate whether the government's intention with Roe 8 makes any long-term economic sense for Western Australia. Tonight is the time for debate on whether this chamber should be removing the potential right of people to take action in the Supreme Court of Western Australia on the involvement of Perth people with a potential conflict when decisions were made by the Environmental Protection Authority. The legislation would be far stronger if there was unity around the chamber. As I say, if the government were to take out Roe 8, it would have two options and the bill could proceed. If, as the minister put it to the chamber tonight, there is very little likelihood of anyone being able to get a successful result for a claim in the Supreme Court, pull the bill out and let the matter take its course. The other thing the government could do, of course, is resubmit the proposal to the EPA and have a decision made with the EPA having followed all the correct procedures. Those are the options available to the government.

Hon Helen Morton: Plus.

Hon KEN TRAVERS: Plus what?

Hon Helen Morton: It could be included in the bill. You forgot that one.

Hon KEN TRAVERS: No, because if the minister had listened to my argument, she would know that I referred to it being taken out of the bill. The minister cannot take it out of the bill and then include it in the bill. That defies even the best logic that her government can come up with when it is trying to justify its incompetence.

Hon Helen Morton: That is not even an option; you know that.

Hon KEN TRAVERS: What?

Hon Helen Morton: I say that is one of the options; you know it is, so keep going.

Hon KEN TRAVERS: Yes, but the point I was discussing with the minister was about taking it out of the bill. She cannot take it out of the bill and then put it back in the bill. That would make a nonsense even by this government's warped logic. It would be even more bizarre than the government's local government reform. Is the minister suggesting that we move to delete it tonight and then resubmit it later in a new clause and put it back in in a new way? What a silly statement, minister! The point I was making is —

Hon Nick Goiran: Why are you on that side of the chamber?

Hon KEN TRAVERS: I thought Hon Nick Goiran wanted people to stand up to speak in this chamber.

Several members interjected.

Hon KEN TRAVERS: That was funny, because I heard Hon Nick Goiran getting really upset about interjections from the honourable Leader of the Opposition.

The DEPUTY CHAIR (Hon Simon O'Brien): Order! There is one person standing to speak and he is recognised—Hon Ken Travers on the question that the words proposed to be inserted be inserted.

Hon KEN TRAVERS: Hon Nick Goiran should take a point of order and see whether he can lose 3–0!

This is a serious matter and I want to get back to it. If the minister had listened, she would know that I said if she takes it out of the bill, the government has two paths it can take.

Hon Helen Morton: Then you finished that conversation and said, "They are your only options", and I said, "No, they are not."

Hon KEN TRAVERS: If the minister takes it out of the bill.

Hon Sue Ellery: He is saying that if you take it out of the bill, you have two options.

Hon Helen Morton: But that's not in the bill.

Hon KEN TRAVERS: My God! It is like arguing with a two-year old! It really is.

Hon Helen Morton: You are the two-year-old!

Hon KEN TRAVERS: No. If the minister takes Roe 8 out of the bill, the government will have two options. If it is taken it out, the government will not have a third option of having it in the bill. The point I am making, if only the minister can get this through her head, is that if the government takes it out of the bill, it will still have

the two options. If, as the minister put it to us tonight, there is virtually no real risk, and she was implying that it has been put in the bill but it is not really needed in there, then take it out and see what happens. The minister is probably right that nothing will happen and nothing will change—whether it is in or out will not change Roe 8 going ahead. A lot of other things will determine whether Roe 8 goes ahead; or, as I say, if it is taken out and the government is still concerned about that risk, the other option the government has is to go back through the process. Those two options are not options that should be imposed upon the private sector. Why should it be penalised because of the failings within government? This government currently has no funding for this project. Why can it not be removed and then the government can make its own determinations? If that happened, the Minister for Mental Health would see this bill fly through this chamber. If the minister had agreed to this, I suspect this bill would have been passed two weeks ago. Certainly from a Labor Party point of view, the minister probably would have got a speech from the representative shadow minister in this place saying that we support it in policy and detail, although the minister potentially would have still heard an argument from the Greens. However, they would have wimped out fairly quickly, as they normally do, and the bill would have gone through the house days ago. I urge the minister to reconsider her position on this matter. This project is clearly very different from all the other projects that the Minister for Mental Health is asking us to ratify tonight.

Hon SALLY TALBOT: Like other members on this side of the house, from both the Labor Party and the Greens, I think that the government is being extremely cute in trying to include Roe 8 on this list. I will not make the same points that previous speakers have made, but I will come at it from a slightly different direction in the hope that I can do my part in trying to persuade the Minister for Mental Health to reconsider, because I think it is an enormous mistake to have that project on the list.

I think it is probably fair to say that we are still not entirely clear about the precise moment the government conceded it had a problem but, in my view, something happened around February 2011 when all of a sudden those decisions made by the chair of the Environmental Protection Authority were found to be wrong about both the quorum and the recognition of conflicts of interest. I agree wholeheartedly with the point Hon Ken Travers made that the government was faced with three options. One was to push ahead with every single project that had been called into question. The second option was to re-evaluate every single project to make sure that the assessments were done according to the law. The third option was to come up with a list that involved exclusions. At the moment, we are looking at a list that is not complete because, by the government's own admission, James Price Point—the Browse project—is not on the list, but then somehow the government decided that Roe 8 should be there. That is completely nonsensical. I can see the reason that Browse was left out—because it has already been subject to its own court determination. The Minister for Mental Health is making a face that says, "Well of course", but the fact is that retrospective legislation is retrospective legislation. We know that if the quorum rules and the conflict-of-interest rules had been followed, the James Price Point decision could have been the same. In that respect, the James Price Point project should be on the same list as all the other projects. Even if that is the case, Roe 8 is substantively different.

In pursuing this point, I want to ask the minister whether she is absolutely certain that the reason that Roe 8 is on the list is not that it is a problem about quorum, but that it is a problem about having a conflict of interest? Can I just check that that is indeed the case?

Hon Helen Morton: Sorry; I was being advised on another matter. Could the member please repeat the last two sentences?

Hon SALLY TALBOT: Is the problem that has caused Roe 8 to be on this list a problem relating to a conflict of interest and not to quorum?

Hon HELEN MORTON: Yes.

Hon SALLY TALBOT: Can the minister clarify what was disclosed to the chair when the chair made the original decision and how it was disclosed?

Hon HELEN MORTON: I read this out before, but I am happy to go over it again. Dr Chris Whitaker, who was an Environmental Protection Authority board member, indicated that he may have a potential conflict. He was chairman of James Point Pty Ltd at the time, which was proposing to develop a port that may have benefited from the construction of the highway extension. The chairman determined at the time that that was not a conflict. Consequently, that decision was picked up in the thorough process that we have talked about.

Hon SALLY TALBOT: At the risk of sounding slightly pedantic, I really need to clarify this. As I understand it, fundamentally, an EPA board member can declare an interest in two ways. The first one is that when they become a member of the EPA, they complete some kind of register or declaration of interest in which all their interests are listed. The other way is that before an agenda item is debated, they can, at that point in the meeting, or perhaps even at the beginning of the meeting when that agenda item is listed for discussion, draw attention to a specific conflict of interest with that agenda item.

Hon HELEN MORTON: An EPA member is not required to list their potential conflicts when they join the EPA. The requirement is that a declaration be made when a particular matter is about to be considered. As I indicated, Whitaker declared a conflict but participated in the discussion and the decision relating to Roe 8 after the chairman determined that no conflict existed, and that was in April 2010.

Hon SALLY TALBOT: I think the minister might have clarified something for me. I had understood that on becoming a member of the EPA, or maybe at some point during the selection process, there is a complete declaration of interests; is that not the case?

Hon HELEN MORTON: No, that is not the case.

Hon SALLY TALBOT: I accept what the minister says, of course, but I understood that Ms Carr did not participate in any discussions about Browse or James Price Point, because at some very preliminary stage—I thought it was on joining the board—she had indicated that it would not be appropriate for her to participate in those matters.

Hon Helen Morton: Precisely what is it that you are asking? Are you asking a question or making a statement?

Hon SALLY TALBOT: I am querying an assumption that I am about to make on the basis that the minister said that there is no register of interest on becoming a board member of the EPA and that the only way to declare an interest is immediately before an agenda item. My understanding is that that was not the case with Ms Carr.

Hon HELEN MORTON: I am advised that Hon Sally Talbot's assumption is incorrect; that it is a matter of them seeing what is on the agenda, determining a conflict of interest, and that is how Ms Carr also declared her conflict of interest.

Hon SALLY TALBOT: Would the minister talk us through what happens? I have seen the minutes of some meetings where conflicts of interest are disclosed. Does the chair not know until that agenda item arises that a member is going to report a real or perceived conflict of interest?

Hon HELEN MORTON: It follows what I understand to be normal processes that I see all the time, whether in local government or on other boards. The normal procedure for a meeting starts with the meeting opening time and a declaration of conflicts of interest taken at that time with knowledge of what is on the agenda at that particular meeting, and it is no different with the EPA.

Hon SALLY TALBOT: Would the minister take us through what happened at the meeting in which Dr Whitaker declared a conflict of interest? I would like to know on what basis the chair makes a decision about that conflict of interest. I have said this dozens of times in these kinds of debates, which the government seems to give rise to very frequently. I still maintain that nobody on the government benches really has their head around the actual challenge here, and that is not to avoid conflicts of interest but to manage conflicts of interest. I have never heard a government member speak cogently about the management of conflicts of interest. The important thing here is the way that the conflict of interest is managed. I want to know about a comparison between what happened on whatever day that was that the conflict of interest that ended up making the "Roe Highway Extension: Main Roads Western Australia" report 1489 problematic and what would happen now if the same proposal were to come before the EPA. Would some different decision be made? Is there some difference in the process that has been put in place as a result of the circumstances that have given rise to this bill?

Hon HELEN MORTON: In my speech in reply to the second reading debate I made some comments about this. I will see whether I can find them. Following the Browse decision, the minister asked the EPA to review its code of conduct and to ensure that its governance of that is in line with legislation. That was undertaken, and the authority also had advice from the Public Sector Commissioner. In the process of that agenda that I mentioned before, if a person were to be seen to have a potential conflict of interest, they would be ruled out of both the discussion and the decision-making in that process.

Hon SALLY TALBOT: I think the minister said that she was just filling in a space there while the adviser was looking for something she wanted to read out.

Hon Helen Morton: It was something that I read out before, but if you want me to find it, I will read it out again.

Hon SALLY TALBOT: I think it is important.

Hon HELEN MORTON: These are the items that I covered in my response. One makes the point that no projects have been held up as a consequence of the governance issues and that the Office of the Environmental Protection Authority is sufficiently resourced to support the EPA function. In my speech, I said —

> Following the Browse decision, the Minister for Environment wrote to the chairman of the EPA to ask him to review the EPA's governance arrangements. This has occurred and the government is now

> satisfied that the EPA's governance arrangements fully comply with the legislation and public sector standards.
>
> …
>
> The board's governance procedures, including its code of conduct, have been thoroughly reviewed and updated, and fully comply with legislation and public sector standards. The board itself comprises professionals with a range of skill sets including strong legal experience. I have full confidence in their capacity to maintain good governance and provide the state government with informed, well-considered advice.

Hon SALLY TALBOT: When the minister talks about the revision of the code of conduct, I think she really means that the code of conduct has reverted to what it was before the EPA changed it to accommodate a certain interpretation of the act. Is that correct?

Hon HELEN MORTON: It has reverted to where it was, where it should have been, and how it should have been interpreted, and the skill set of the people on the board is such that the whole issue that has come up as a result of Browse has meant that they are far more acutely aware of their responsibilities in that regard.

Hon SALLY TALBOT: I think I am right in saying—I am sure the minister would know or one of her advisers would be able to tell her—that the code of conduct as it exists today is exactly the same as the code of conduct that existed when Dr Whitaker declared his interest and was allowed to play a deliberative role in the decision.

Hon HELEN MORTON: The current code of conduct sets out these things much more clearly—things like what a pecuniary interest is and, in particular, if one has a superannuation fund or family shares, what a non-pecuniary interest is or an apprehension of bias. It provides a definition of those sorts of things and spells out that under those sorts of conditions, one cannot participate in the discussion or make decisions. Those things were not set out clearly in the previous code of conduct that was available in 2010.

Hon SALLY TALBOT: Like the minister, I have a keen sense of where the numbers lie in this place. I am sure that what I am about to request of the minister will not be the determining factor in whether this bill is passed by this place. I suggest that it would greatly aid and give us an understanding of the government's decision-making processes and provide some clarity that I think is currently missing from this whole debate if the minister could produce for us at some stage before the end of this debate the three versions of the code of conduct that I think must now be in existence. If she can find any more, we will have those as well. The three that I am thinking of are: the code of conduct that was in place when the Roe 8 deliberative discussion was held at an EPA board meeting that resulted in report 1489; the code of conduct as it was amended, and my recollection is that it was amended on the recommendation of the director general of the Department of the Premier and Cabinet, Mr Conran; and the new code of conduct that exists today. It would be very helpful to have those three documents so that the record will show how they changed and evolved over that time. If the minister can find any more versions, we would be very happy to have those with an explanation of the dates on which they apply. Certainly those three would aid our understanding of these measures quite substantially.

While I am on my feet, I ask the minister whether the government has ever considered requiring EPA board members to have a list of their pecuniary interests on a register somewhere. The reason I ask that is that the minister has taken me slightly by surprise, and that is disconcerting in itself, because I have a fair knowledge of this portfolio area, having been the shadow minister for a good number of years. I was certainly under the impression that there was some kind of up-front register of the pecuniary interests of board members that could be consulted by people. Obviously, the government has fallen flat on its face with this procedure, because it simply has not been possible for a chair to make a split-second decision about whether somebody has a conflict of interest that rules them out of a certain discussion. If, as the minister has said, it is raised only before an agenda item is discussed, for a start, how on earth can the chair keep an eye on the quorum requirements at each meeting? For all the chair knows, the board might get to an agenda item and find that nobody is available to discuss it. How is the chair supposed to assess the information that he—I use the pronoun "he" because it is a bloke—may have only just been given that a conflict of interest might exist? How on earth is the chair supposed to make a decision? I am certainly talking about the process that went on at that meeting, and I do not think the minister has given me the date of that meeting yet. How would it go on now? How are we going to fix this, if any or all of the members can just stand up in the middle of a meeting and say, "Sorry; I am out of the next part of the discussion"?

Hon Helen Morton: You know it's not in the middle; that's already been covered. Don't be frivolous.

Hon SALLY TALBOT: I am not being frivolous, minister. I do not know whether that was supposed to be an interjection. I have asked whether the declaration of interests is kept on a central register. In that way, if, for instance, Roe 8 is on the agenda and a board member has a pecuniary interest in James Point, the chair will be well aware of that before he gets to the meeting. But the minister has just told the chamber that that admission or disclosure of a conflict of interest is raised only at the meeting at which the agenda item is listed for discussion.

Hon HELEN MORTON: My comment about not being frivolous was about the member's comment that somebody will stand up in the middle of the meeting and say, "Excuse me; I might have a conflict of interest in this item." That is really quite demeaning.

Hon Sally Talbot: Tell us how it works, then.

Hon HELEN MORTON: I have already told the member and she does not want to hear it, but I will say it again. There is an agenda. Members of the Environmental Protection Authority get the agenda before the meeting.

Hon Sally Talbot: How long before the meeting?

Hon HELEN MORTON: I do not know how long before the meeting, but they get it before the meeting. They know what the items are. They know that the second item of business is the declaration of conflicts of interest. They have the opportunity to let the chairman know before that.

Hon Sally Talbot: Do they have to let the chairman know before that stage of the meeting?

Hon HELEN MORTON: Before they get to the meeting? Not necessarily, but they do have to let the chairman know at that meeting whether they have a conflict of interest. They have an agenda; they know what they are dealing with. There are five members of the board; three are a quorum.

Hon Sally Talbot: Yes, but the scenario that I have just outlined to you —

Hon HELEN MORTON: Mr Deputy Chair, can I please finish my comments?

The DEPUTY CHAIR (Hon Simon O'Brien): The minister does not want to entertain the interjection.

Hon HELEN MORTON: I am saying that at the beginning of the meeting, when people know full well what is on the agenda, they can declare a conflict of interest or they can declare that conflict of interest when they get the agenda papers before that. These are not unprofessional people. The importance of this has been brought home absolutely clearly to these people, and work has been undertaken around strengthening both the membership and the code of conduct in that process. I made the comment about being frivolous because the member was trying to make it sound as though some game of tiddlywinks was going on. That is not the case and the member knows it.

Hon Sally Talbot: It was not anything I said, minister.

Hon HELEN MORTON: It certainly sounded like it, the way the member was talking. The other point I want to clarify is an issue that neither I nor my advisers are clear about. The member asked about something that related to Peter Conran, some code of conduct that he had somehow changed or been involved in changing. The member needs to be clear about that, because I do not know what she is talking about and nor do my advisers.

Hon SALLY TALBOT: I will clarify that last point first. I have been provided with documentation on this bill or it is on the public record—I am not referring to any documents that are not in the public realm—that at some stage, and I am sorry I cannot remember when it was without my detailed papers, the chair of the Environmental Protection Authority sought advice from Mr Conran, or maybe the Public Sector Commissioner, about the processes the EPA was following. The advice from either Mr Conran or Mr Wauchope was that the EPA needed to revise its code of conduct. I am interested in three codes of conduct—one that existed prior to that advice being sought, the amended version of the code of conduct that was in operation for some period of time, and the new code of conduct that is in operation now. Does that help?

Hon Helen Morton: Yes, it does.

Hon SALLY TALBOT: Going back to the point I am trying to get clarification on, the minister has said that the agenda is circulated before the meeting.

The DEPUTY CHAIR: Order! We need to get back to the bill and the question before the house, which is an amendment moved by Hon Stephen Dawson. It is necessary to address what is in the bill. I have allowed a fair bit of latitude to discuss peripheral matters that may, however remotely, have some bearing on the operations of the EPA. I draw the member's attention back to the debate—that is, that the words proposed to be inserted be inserted.

Hon SALLY TALBOT: Thank you for that timely reminder, Mr Deputy Chair. I am indeed indicating the precise reasons that I am speaking in support of the amendment moved by Hon Stephen Dawson that would have the effect of removing Roe 8 from this retrospective legislation so that Roe 8 can be properly assessed at some point in the future. I have asked the minister two things, which I am not sure I have an answer to yet. Firstly, has the government given any consideration to moving to a system under which pecuniary interests are held on a register somewhere so that the pecuniary interests of EPA members are documented and are not considered in relation to individual agenda items at specific meetings? Directly in relation to this amendment, I would like to know when Dr Whitaker declared his conflict of interest. Did he declare it at the beginning of the meeting or in the days leading up to the meeting?

Hon HELEN MORTON: This has been covered. It was declared at the meeting. I have covered it all. In answer to the second part, we have to get back to the independence of the authority and its chairman, which is set out in legislation. It is not something that the government can direct, so let us be very clear about that as well. I agree with Mr Deputy Chair's ruling that the conversation that has taken place so far is hardly relevant to this amendment. I do not intend to keep covering issues around the agenda items of the EPA, the mechanisms by which it deals with those items and at what stage in a meeting it dealt with those sorts of things. We need to focus on the amendment put forward by Hon Stephen Dawson.

The DEPUTY CHAIR (**Hon Simon O'Brien**): Hon Stephen Dawson has moved —

> Page 6, after line 11—To insert —
>
> (c) the report and recommendations of the Environmental Protection Authority on the Roe Highway Stage 8 extension (Report 1489, September 2013).

The question is that those words proposed to be inserted, be inserted.

Although a range of matters that we might consider peripheral to that have been entertained in the spirit of allowing a thorough examination, the fact is that that is the issue before us and debate must be relevant to that.

Hon SUE ELLERY: During the exchange, I went back to the minister's second reading speech because I thought I might have imagined the reasons that the government gave for asking us to deal with retrospective legislation. It turns out that I had not imagined it at all. There are two issues; there is what the bill does and when it applies from. The second reading speech tells us that the act makes valid certain matters that may otherwise be deemed to be invalid by nature of three reasons: failure to comply with sections 11 and or 12 of the Environmental Protection Act; the existence of a reasonable apprehension of bias by authority members; or the response to a perceived conflict of interest being to rely on a delegation when no delegation was in fact available. That is what the bill does, and it does it retrospectively. The minister said in her second reading speech that we are being asked to consider that extraordinary step because of "significant capital expenditure by the private sector". That is not the case for Roe 8. There has been no significant capital expenditure on Roe 8 by the private sector and none by what I think is a bit of a cute term "the proponent", because the proponent is the government. The government has no money to spend on it. It had some money for it in the budget but then took it out. In fact, Roe 8 is still going through the appeals process. The issue of Roe 8 does not meet the test that the government tells us in the second reading speech is why we need to do this retrospectively.

I wonder whether that is because Roe 8 is not the only project that is made valid by this act. We know there are a bunch of other projects not in the list that we do not necessarily know about. Are there other projects for which the government is the proponent in the broader list that we have not seen? Are there others on the list beyond the 25 that have been listed for which the government is the proponent? Browse is dealt with separately because it was the subject of a court case. The other one on the list that is clearly not a resource project is the University of Western Australia project but the state government is not the proponent. Are there any others on the list that make Roe 8 not the exception that it seems to me it is?

Hon HELEN MORTON: We have covered the fact that there are more than 1 000 decisions. Some 65 or something or other projects were being looked at. That is contained in the list of 25 for which there is considered to be a not insignificant risk, and there are the other 40 that are not considered to have any risk of any significance that we would be even bothered about.

In respect of that process, I do not know whether or not any of the 40 projects are government projects, but it is on the public record. I tell the member again that this has been thoroughly researched and comprehensively assessed by the Office of the Environmental Protection Authority and the State Solicitor's Office, and it has been reviewed. As to whether there are any other government projects in that list of 40, the member can have a look at the list and determine whether she considers them to be government projects. She referred to the Underwood Avenue project, which is the University of Western Australia. Do we call that government or non-government? I do not know, but those projects are there for her to see and to make up her own mind about if she wants to consider whether those projects are government, non-government, university or private sector projects. It is there for her to see.

Hon SUE ELLERY: I thank the minister very much for inviting me to go and look at the list. I am asking her: does she have advice available to her as to whether the government is the proponent for any of those 40-odd projects?

Hon HELEN MORTON: I hope that the member got the paper that was tabled yesterday.

Hon Sue Ellery: I didn't get a personal copy.

Hon HELEN MORTON: Okay. I am going to refer to it, so she might need to get a copy. There is a review of the conditions for the Perth desalination plant by the Water Corporation, so my question to the member is whether or not she regards the Water Corporation to be a government body.

Hon Sue Ellery: The Water Corporation is, yes. It's a government trading enterprise. Perhaps I could assist you by telling you that.

Hon HELEN MORTON: Well, there is one. There is another one that relates to the Fremantle outer harbour project, one relating to the Kwinana quay project and another one around the Water Corporation and desalination. These are the projects that are considered not to have a risk attached to them. There are other projects in the list of 40 that relate to government trading enterprises et cetera, but of the 25 projects that have some not insignificant risk attached to them, the one the member is referring to is the government agency within that.

Progress reported and leave granted to sit again, on motion by Hon Helen Morton (Minister for Mental Health).

LOCAL GOVERNMENT — AMALGAMATIONS

Statement

HON NICK GOIRAN (South Metropolitan) [9.45 pm]: I rise to make a short contribution tonight to discuss the issue of local government reform. I wish, in the limited time that I have, to make two observations, one in a congratulatory sense, and one to suggest that some caution be taken with matters that might proceed at a later date. I would like to finish on a positive note, so I will start with the less positive remark first.

This afternoon I received an email from a constituent of mine, who expressed concern and raised matters for consideration with regard to two of the issues announced today. I will quote from this email, which I otherwise consider to be confidential, and I do not think there is a need for me to disclose the name of the constituent. But I think that the points that he makes are important. He says to me —

> … I have to share with my local representative my response to two aspects of the current proposed changes to the local government boundaries. These are both in respect to the names of two of the proposed new LG areas, specifically:
>
> **City of South Park** —this is an attempt to keep everyone happy by hybridising the two existing names, but in actual fact it is quite fatuous to pull one word in isolation from each of the two existing names and mash them together without any sense of history or etymology. "South Perth" is a description of geographical location, while "Victoria Park" makes reference to a monarch who is still widely respected and to the 'garden suburb' nature of the area which was quite innovative in its day. To take 'south' from one and 'park' from the other makes no kind of sense from any perspective … it is just playing with words for the sake of having a name which makes some kind of vague reference to the two former names. The government should bite the bullet as has been done in several other cases and retain the name of South Perth as an expanded geographical reference, with the name of Victoria Park continuing as it was before the split of the formerly much larger City of Perth, simply as a suburb name. Goodness me, that is comparatively recent, but it makes me wonder whether the people who come up with this stuff know anything at all about even the recent history of local government regions in the metropolitan area! By the way, the argument that some may raise, that 'South Park' is a rather controversial and unpleasant American animated TV program, while having some current value, is not the main objection to this proposed nonsense name.

I hasten to add at this point that although I felt it extremely important to raise the issue of the City of South Park, which is, of course, relevant to my electorate—I might add that I concur entirely with the comments of my constituent about the choice of that name—I will now move on to talk about a matter that is not in my electorate but that I raise for the consideration of the members for that region, without expressing my personal view on it. That matter is the City of Riversea. My constituent says —

> **City of Riversea** — this one is even more laughable. It is obviously based on the geographical location of the new LGA between the river and the sea, but it has no context in history or tradition other than as the name of a retirement home and a street in Mosman Park. It would be difficult to come up with a name based on the names of any of the existing LGAs in this case, and so a much better approach would be that followed in naming the City of Stirling, to take the name of some major figure in the history of the area or of Perth in general and apply that afresh to this whole LGA. It need not be someone of great vintage either—I would propose the City of Curtin, as the name of the only Prime Minister to come from Western Australia and whose seat was actually based in the proposed LGA. Hopefully he lived long enough in the past that political affiliations may be ignored and treated on a bipartisan basis. Or would the well-heeled conservatives in the western suburbs find it too objectionable to have their LGA named after a Labor PM? It is noteable that even Tony Abbott today found good things to say about Gough Whitlam, who was both more recent and more controversial than Curtin.

In the remaining time that I have, I want to move on to some more congratulatory remarks about specifically the decision surrounding the Burswood peninsula.

This is a matter that I know the very hardworking and industrious member for South Perth, John McGrath, MLA, in particular has had a lot to do with. I was interested to read his remarks to the media today, which I think are worth quoting. He said —

> "Whilst I appreciate some of my constituents would prefer the City of South Perth to have remained in its current form I think we have achieved a satisfactory compromise that will provide a larger and more sustainable local government authority," …
>
> "Keeping Crown Casino, the new Perth stadium and Belmont Park Racecourse within the boundary of the new entity will help create a more exciting and vibrant city in which to live.
>
> "I must say my initial position was that the City of South Perth was quite sustainable in its current form. However, I understood that amalgamation in some form or another was inevitable and my responsibility was to seek to achieve the best possible outcome for our local community.
>
> "I have taken all the opportunities available to me to lend my support to the submission of the City of South Perth and the Town of Victoria Park, which was for them to amalgamate and include the Burswood Peninsula. As far as I was concerned, if the new entity did not include Burswood I could not support the amalgamation.
>
> …
>
> "I also agree with the decision to use the amalgamation provisions of the Local Government Act, which allow for the public to demand a poll on the proposal. I believe the availability of this democratic right will be appreciated within the community."

As I conclude, I also want to acknowledge the efforts of two of my other colleagues, in particular Hon Simon O'Brien and Hon Phil Edman. These honourable members joined with me and the member for Perth in submitting not one but actually two submissions to the Local Government Advisory Board on this matter. On 7 March this year, the four of us co-authored a submission addressing a number of the proposals that were under consideration by the Local Government Advisory Board. In particular, our submission related to proposal 13 from the City of South Perth and the Town of Victoria Park. We also addressed proposal 14 from the City of Perth; in addition proposal 01/2013 from the Minister for Local Government to do with the City of Perth and the City of Vincent; and, lastly, proposal 06/2013 from the Minister for Local Government on the City of South Perth and the Town of Victoria Park.

However, at a later stage, on 21 May 2014, we made a further, albeit more concise, submission co-authored by the four of us, and that was because the Local Government Advisory Board had received an additional four proposals that were relevant for consideration and had some impact on the Burswood peninsula. As I said, we had already put in a submission on 7 March 2014 on four proposals, but on this occasion we were obliged to engage with new proposal 22 from the City of Subiaco and new proposal 26 from the City of Perth, as both would have had some impact on the Burswood peninsula.

I therefore rise tonight to congratulate the member for South Perth, the ultra-hardworking John McGrath, MLA, and also my two industrious colleagues, Hon Simon O'Brien and Hon Phil Edman, for assisting in this process. It just goes to show what can be done on this side of the chamber even when people are in government and are prepared to have the courage to stand up for their electorate. I regret that that has not always been demonstrated in the past by members opposite. Perhaps they might take something from this experience and understand the importance of standing up for their electorate in each and every instance, not just in politically convenient times.

TRANSPERTH — CARBON TAX

Statement

HON KEN TRAVERS (North Metropolitan) [9.54 pm]: I will comment on one thing that Hon Nick Goiran said. Interestingly, the working title used for the South Perth–Victoria Park amalgamation was actually the city of Curtin in recognition that Curtin University will ultimately be the major centre of employment and activity within that future city. Hopefully one day there will be a city of Curtin somewhere in Western Australia.

The issue that I want to raise is the quality of answers and whether members are bordering on misleading the house. To maintain the dignity of this chamber, the President, as leader of the house, may need to have a long, hard talk to some ministers about the quality and the way in which answers are being provided to this place. A week ago tomorrow, the Minister for Transport issued a press release headed "Carbon tax removed from Transperth fares". In that press release, the minister pointed out that the government was committed to removing this tax from fares and making sure that the public was fairly compensated for it. He then went on to say in his press release —

> "After the repeal of the carbon tax in July this year, I asked the Public Transport Authority to determine a way to remove the carbon tax component of tickets from future fares.

I was dumbfounded, because as of last week, there has been no removal of the carbon tax component from the standard two-zone cash fare. We know that budget paper No 3 for the 2012–13 financial year clearly outlined a 10c increase for the two-zone fare, taking into account inflation. On 1 July 2012 we discovered that the fare had increased by 20c. The second 10c increase was attributed to the cost of the carbon tax. We know that a standard two-zone fare went up on 1 July by 10c; therefore one would assume that if the carbon tax was being taken off, 10c would have been taken off the standard two-zone fare, but that did not occur.

We were also told that the government had had all of these matters cleared with the Australian Competition and Consumer Commission and, to compensate people for the additional money that had been collected since 1 July this year, the government would offer a free travel day. It was my view that the government had been collecting significantly more than a single day's free travel from passengers since 1 July. Yesterday in this chamber I asked the parliamentary secretary representing the Minister for Transport —

(1) Can the minister confirm that in the 2012–13 budget the government announced a 10c increase in a standard two-zone cash fare due to increases in the consumer price index?

(2) Can the minister confirm that on 1 July 2012 the government increased the standard two-zone fare by 20c, with the additional 10c due to the carbon tax?

(3) Why has the government not decreased the standard two-zone cash fare by 10c, now that the carbon tax has been removed?

(4) How much additional revenue is the Public Transport Authority collecting each day due to the increases in fares imposed on 1 July 2012 to cover the carbon tax not being removed?

(5) How much will the free-travel day on 3 November cost the PTA?

If the Minister for Transport's press release last week was correct, one would assume—I believe it to be the case—that the Public Transport Authority had worked out how much additional revenue it had collected, and it would certainly know how much a free day's travel would cost and what it will pay the bus companies for that to occur. The minister's answer was not simply to put the question on notice, which is a sign to this house that the government does not want to answer it, but we were told by the parliamentary secretary —

> It is not possible to provide the information in the time available, and I request that the member put the question on notice.

I found that quite an extraordinary answer. I believe it was bordering on misleading this house to suggest that an answer was not possible in the time available. It has long been the practice that a minister can answer a question in any way they like. A minister can completely ignore this house if they want, but let it be clear that they are being completely contemptuous of this house so that we all understand that. But what ministers cannot do is mislead the house. I followed up with a question today to the parliamentary secretary and asked whether the government knows the amount. I did not ask what the amount is, but whether the government knew it. It required a simple yes or no answer. The government clearly knows or does not know about the additional revenue being collected. I asked whether the government knew how much free travel on 3 November will cost the Public Transport Authority. Of course, the government knows the answer. It is about to hold the free travel day. Even I do not believe that this government is so incompetent as to agree to a day of free travel without knowing how much it will cost. I asked —

(3) If no to (1) or (2), what information did the government provide to the Australian Competition and Consumer Commission to obtain its approval for the state government's proposed actions on public transport fares?

(4) If yes to (1) or (2), why was the minister unable to provide an answer to question without notice 1181 yesterday?

The answer provided was —

> It is not possible to provide the information in the time available, and I request that the member put the question on notice.

It is simply incomprehensible that the government could not give a yes or no answer about whether it has that information. How hard is it to get that information? If the government does not have it, how did it provide the information to the ACCC? When the minister made his announcement last week, he said that the government had dealt with the ACCC.

If ministers, through their parliamentary secretaries, want to treat this chamber with complete and utter contempt and simply not answer our questions, that is their right. However, members on the other side should remember that what goes around comes around. If that is the standard members opposite want to set, that is the standard that this house will uphold going forward. I hope that is not the standard we are going to uphold. It is my view that to put at the beginning of that sentence the words "it is not possible" is bordering on misleading the house. It

is clearly possible. It may be that the minister does not want to provide it. It may be that the minister is incredibly embarrassed because he lied to the people of Western Australia last week when he said that the government was fully compensating people for the carbon tax by decreasing fares. This government may want to try to slip through a fare increase rather than completely remove the fare increase it put on to cover the carbon tax, which is something that the federal leader said would occur. The minister may want to do those things. If that is the case and he wants to refuse to provide information to this chamber, he should be up-front and tell us to put the question on notice because he will not tell the chamber what is going on. That is his right.

I certainly urge you, Mr President, if you have any capacity, to speak to members opposite. The Leader of the House is more likely to effect a change; I know he battles regularly with his colleagues in cabinet about these matters, and I think he needs to talk to them about the nonsense that they are doing and remind them of their obligations. We accept that they do not have to answer our questions. However, they should not seek to mislead the house by suggesting that information is not available when it clearly is available. If the information is not available, the government is far more incompetent than even I imagined.

CHARLES DARWIN NATURE RESERVE

Statement

HON ROBIN CHAPPLE (Mining and Pastoral) [10.02 pm]: I will be relatively brief. I advise the house that on 4 October I attended an open day at Charles Darwin Nature Reserve, 355 kilometres northeast of Perth. It is on the northeast border of the wheatbelt on a former pastoral station called Whitewells Station. I previously went out there a few years ago with Chris Darwin, one of the direct descendants of Charles Darwin. It was impressive to see that this station has almost completely regenerated and the people there have done a marvellous job. It has created quite a regional development structure. It is situated on the boundary between the wheatbelt and the arid zone. It has been identified as a climate change observatory because it is one of the few places where we will see potential migration or change in species, both flora and fauna, as climate changes. The climate change observatory is part of a joint initiative between Bush Heritage Australia and the Conservation Council of Western Australia. It is one of the many projects taking place at Charles Darwin reserve.

As I said, it will monitor the effect of climate change on animals and plants over the next 30 to 50 years; so will not provide any information in the short term. Currently, less than one per cent of published research on the impacts of climate change on global biodiversity is done in the southern hemisphere, so this project will provide some useful data. The study will be very important in understanding the impacts of climate change on plant and animal survival rates in Western Australia. Bush Heritage Australia, one of the proponents involved in the project, is a not-for-profit conservation organisation dedicated to protecting Australia's unique animals, plants and habitats, and over a period of time it will buy a number of outstanding areas of conservation value, of which they have eight in Western Australia, covering a total 105 700 hectares.

The open day at Charles Darwin reserve brought to people's attention the "Gunduwa Regional Conservation Association Business Plan 2014-2020". Gunduwa is a regional conservation association comprising the shires of Dalwallinu, Mount Marshall, Perenjori and Yalgoo, and it is impressive how those shires have become involved in this proposal. Gunduwa is also working with the Department of Parks and Wildlife, Extension Hill Pty Ltd, the Liebe Group, Mount Gibson Mining Limited, the Northern Agricultural Catchment Council, the Northern Central Malleefowl Preservation Group and the Rangelands NRM. The Gunduwa project is more expansive than Whitewells station, and many regional farming and pastoral areas are taking some really good initiatives by looking at what has been done on the old Whitewells station and Charles Darwin reserve and making their properties compatible with that proposal.

The Gunduwa proposal covers Mullewa, Yalgoo, Muralgarra, Morawa, Perenjori, Mount Gibson, Dalwallinu, Mount Marshall and Paynes Find, and it is becoming a dynamic area in which all the local authorities and mining industries are getting heavily involved. Members should take the opportunity to go out there to see some of the salt pans and the reintroduction of wildlife, because it is marvellous. The stick rat is also being re-introduced to Western Australia in that location. The stick rat, an interesting beast, has been extinct in Western Australia for a number of years. They make their nests out of sticks by adhering sticks together with their own excreta. They make their nests in caves and those nests are one of the longest lasting things to be found in caves even though the animal has been extinct for a long time. Those animals are being reintroduced from the eastern states into Western Australia, and we cannot wait to see how that project goes.

I commend the Gunduwa project, its business plan, the work at Charles Darwin reserve and Bush Heritage.

House adjourned at 10.08 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

TRANSPORT — LIGHT RAIL DEPOT LOCATION

1648. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:

(1) Will the Minister please table the briefing note entitled*4456 – Light Rail Depot Location*?

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

Hon Jim Chown replied:

(1) No

(2) This document contains policy options and recommendations prepared for submission to Cabinet.

TRANSPORT — LIGHT RAIL ALIGNMENT ON YIRRIGAN DRIVE MIRRABOOKA

1649. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:

(1) Will the Minister please table the briefing note entitled *4455 – Light Rail Alignment on Yirrigan Drive, Mirrabooka*?

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

Hon Jim Chown replied:

(1) No

(2) This document contains policy options and recommendations prepared for submission to Cabinet.

CHILD PROTECTION — RESPONSIBLE PARENTING AGREEMENTS

1651. Hon Stephen Dawson to the Minister for Child Protection:

(1) For the period 1 June 2014 to 31 August 2014, how many Responsible Parenting Agreements have the Department for Child Protection and Family Support implemented?

(2) How many of those Responsible Parenting Agreements listed in (1) originated from a referral from another State Government department, and how many were referred by each department?

(3) How many juveniles, whose parents agreed to a Responsible Parenting Agreement have:

(a) improved their attendance at school; and

(b) re-offended since the agreement was made?

Hon Helen Morton replied:

(1) For the period 1 June 2014 to 31 August 2014, 241 Responsible Parenting Agreements were entered into.

(2) Of these 241 agreements, 141 originated from another State Government Department:

Department of Education — 52

Department of Corrective Services — 46

Western Australia Police — 31

Department of Health — 10

Disability Services Commission — 1

Department of Local Government and Communities — 1

(3) (a)–(b) Given the program's six month duration, it is too early to comment on the outcomes of these agreements. In addition, these details are included in individual case notes; however, the Department does not systemically record this information.

CHILD PROTECTION — SAFETY AND WELLBEING ASSESSMENTS

1652. Hon Stephen Dawson to the Minister for Child Protection:

(1) As at 30 May 2014, what was the number of new Safety and Wellbeing Assessments for a child recorded during that month, by district?

(2) As at 30 May 2014, what was the number of children in care for more than 20 days with no planning recorded, by district?

(3) As at 30 May 2014, what was the number of Safety and Wellbeing Assessments with a harm assessment open for more than 90 days, by district?

(4) As at 30 May 2014, what were the number of open Safety and Wellbeing Assessments with a harm assessment, by district?

(5) As at 30 May 2014, what was the number of "monitored" or "active holding" cases not allocated to workers caseload, by district?

Hon Helen Morton replied:

(1) There were 1 506 new safety and wellbeing assessments for a child recorded during the month of May 2014, and their distribution by district was:

Armadale — 91

Cannington — 136

Crisis Care — 110

East Kimberley — 28

Fremantle — 39

Goldfields — 100

Great Southern — 95

Joondalup — 60

Midland — 78

Mirrabooka — 95

Murchison — 74

Peel — 73

Perth — 66

Pilbara — 97

Rockingham — 186

South West — 60

West Kimberley — 56

Wheatbelt — 60

Other work units — 2

(2) The data is not retrospectively available. As at 22 September 2014, there were three children in care for more than 30 days with no planning recorded, in the following districts:

Cannington — 1

Joondalup — 1

South West — 1

(3) The Department no longer distinguishes between safety and wellbeing assessments with and without harm concerns at the assessment stage. As at 31 May 2014, there were 540 safety and wellbeing assessments open for more than 90 days, in the following districts:

Armadale — 65

Cannington — 46

Crisis Care — 0

East Kimberley — 12

Fremantle — 18

Goldfields — 5

Great Southern — 29

Joondalup — 6

Midland — 139

Mirrabooka — 17

Murchison — 9

Peel — 51

Perth — 14

Pilbara — 46

Rockingham — 12

South West — 26

West Kimberley — 40

Wheatbelt — 4

Other work units — 1

(4) The Department no longer distinguishes between safety and wellbeing assessments with and without harm concerns at the assessment stage. As at 31 May 2014, there were 3 046 open safety and wellbeing assessments, in the following districts:

Armadale — 295

Cannington — 227

Crisis Care — 26

East Kimberley — 73

Fremantle — 111

Goldfields — 183

Great Southern — 176

Joondalup — 50

Midland — 433

Mirrabooka — 166

Murchison — 128

Peel — 214

Perth — 105

Pilbara — 187

Rockingham — 242

South West — 181

West Kimberley — 159

Wheatbelt — 87

Other work units — 3

(5) Figures are not available as at 31 May 2014. As at 28 February 2014, there were 586 monitored cases across the following districts:

Armadale — 44

Cannington — 49

East Kimberley — 37

Fremantle — 53

Goldfields — 68

Great Southern — 56

Joondalup — 20

Midland — 82

Mirrabooka — 10

Murchison — 11

Peel — 30

Perth — 0

Pilbara — 15

Rockingham — 30

South West — 55

West Kimberley — 10

Wheatbelt — 16

CHILD PROTECTION — SAFETY AND WELLBEING ASSESSMENTS

1653. Hon Stephen Dawson to the Minister for Child Protection:

(1) As at 28 February 2014, what was the number of new Safety and Wellbeing Assessments for a child recorded during that month, by district?

(2) As at 28 February 2014, what was the number of children in care for more than 20 days with no planning recorded, by district?

(3) As at 28 February 2014, what was the number of Safety and Wellbeing Assessments with a harm assessment open for more than 90 days, by district?

(4) As at 28 February 2014, what were the number of open Safety and Wellbeing Assessments with a harm assessment, by district?

(5) As at 28 February 2014, what was the number of "monitored" or "active holding" cases not allocated to workers caseload, by district?

Hon Helen Morton replied:

(1) There were 933 new safety and wellbeing assessments for a child recorded during the month of February 2014, and their distribution by district was:

Armadale — 51

Cannington — 82

Crisis Care — 54

East Kimberley — 22

Fremantle — 28

Goldfields — 66

Great Southern — 60

Joondalup — 52

Midland — 11

Mirrabooka — 60

Murchison — 64

Peel — 67

Perth — 39

Pilbara — 78

Rockingham — 70

South West — 34

West Kimberley — 24

Wheatbelt — 68

Other work units — 3

(2) The data is not retrospectively available. As at 22 September 2014, there were three children in care for more than 30 days with no planning recorded, in the following districts:

Cannington — 1

Joondalup — 1

South West — 1

(3) The Department no longer distinguishes between safety and wellbeing assessments with and without harm concerns at the assessment stage. As at 28 February 2014, there were 725 safety and wellbeing assessments open for more than 90 days, in the following districts:

Armadale — 134

Cannington — 69

Crisis Care — 2

East Kimberley — 23

Fremantle — 35

Goldfields — 36

Great Southern — 47

Joondalup — 25

Midland — 116

Mirrabooka — 35

Murchison — 26

Peel — 37

Perth — 31

Pilbara — 59

Rockingham — 9

South West — 11

West Kimberley — 13

Wheatbelt — 17

(4) The Department no longer distinguishes between safety and wellbeing assessments with and without harm concerns at the assessment stage. As at 28 February 2014, there were 2 063 open safety and wellbeing assessments, in the following districts:

Armadale — 205

Cannington — 197

Crisis Care — 13

East Kimberley — 59

Fremantle — 79

Goldfields — 114

Great Southern — 146

Joondalup — 97

Midland — 164

Mirrabooka — 163

Murchison — 63

Peel — 138

Perth — 116

Pilbara — 165

Rockingham — 129

South West — 69

West Kimberley — 58

Wheatbelt — 88

(5) As at 28 February 2014, there were 586 monitored cases across the following districts:

Armadale — 44

Cannington — 49

East Kimberley — 37

Fremantle — 53

Goldfields — 68

Great Southern — 56

Joondalup — 20

Midland — 82

Mirrabooka — 10

Murchison — 11

Peel — 30

Perth — 0

Pilbara — 15

Rockingham — 30

South West — 55

West Kimberley — 10

Wheatbelt — 16

CHILD PROTECTION — SAFETY AND WELLBEING ASSESSMENTS

1654. Hon Stephen Dawson to the Minister for Child Protection:

(1) As at 31 August 2014, what was the number of new Safety and Wellbeing Assessments for a child recorded during that month, by district?

(2) As at 31 August 2014, what was the number of children in care for more than 20 days with no planning recorded, by district?

(3) As at 31 August 2014, what was the number of Safety and Wellbeing Assessments with a harm assessment open for more than 90 days, by district?

(4) As at 31 August 2014, what were the number of open Safety and Wellbeing Assessments with a harm assessment, by district?

(5) As at 31 August 2014, what was the number of "monitored" or "active holding" cases not allocated to workers caseload, by district?

Hon Helen Morton replied:

(1) There were 1 435 new safety and wellbeing assessments for a child recorded during the month of August 2014, and their distribution by district was:

Armadale — 109

Cannington — 86

Crisis Care — 108

East Kimberley — 54

Fremantle — 73

Goldfields — 44

Great Southern — 85

Joondalup — 65

Midland — 74

Mirrabooka — 87

Murchison — 100

Peel — 78

Perth — 64

Pilbara — 107

Rockingham — 91

South West — 76

West Kimberley — 34

Wheatbelt — 100

(2) The data is not retrospectively available. As at 22 September 2014, there were three children in care for more than 30 days with no planning recorded, in the following districts:

Cannington — 1

Joondalup — 1

South West — 1

(3) The Department no longer distinguishes between safety and wellbeing assessments with and without harm concerns at the assessment stage. As at 31 August 2014, there were 908 safety and wellbeing assessments open for more than 90 days, in the following districts:

Armadale — 114

Cannington — 52

Crisis Care — 9

East Kimberley — 2

Fremantle — 22

Goldfields — 50

Great Southern — 22

Joondalup — 9

Midland — 248

Mirrabooka — 32

Murchison — 29

Peel — 51

Perth — 16

Pilbara — 53

Rockingham — 35

South West — 50

West Kimberley — 102

Wheatbelt — 10

Other work units — 2

(4) The Department no longer distinguishes between safety and wellbeing assessments with and without harm concerns at the assessment stage. As at 31 August 2014, there were 3 440 open safety and wellbeing assessments, in the following districts:

Armadale — 341

Cannington — 240

Crisis Care — 51

East Kimberley — 87

Fremantle — 110

Goldfields — 126

Great Southern — 177

Joondalup — 80

Midland — 472

Mirrabooka — 184

Murchison — 184

Peel — 204

Perth — 131

Pilbara — 295

Rockingham — 185

South West — 211

West Kimberley — 191

Wheatbelt — 169

Other work units — 2

(5) As at 31 August 2014, there were 783 monitored cases across the following districts:

Armadale — 40

Cannington — 68

East Kimberley — 6

Fremantle — 44

Goldfields — 54

Great Southern — 36

Joondalup — 27

Midland — 106

Mirrabooka — 5

Murchison — 37

Peel — 48

Perth — 16

Pilbara — 86

Rockingham — 35

South West — 57

West Kimberley — 64

Wheatbelt — 54

DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT — CHILDREN IN CARE

1655. Hon Stephen Dawson to the Minister for Child Protection:

(1) By district, how many children were under the care of the Department for Child Protection and Family Support during the month of May 2014?

(2) By district, how many of the children were placed in non-government group facilities?

(3) By district, how many of the children in (1) were in placements with Department for Child Protection and Family Support foster carers by category of:

(a) relative carer; and

(b) non-relative carer?

(4) By district, how many of the children were in placements with non-government organisation foster carers?

Hon Helen Morton replied:

(1) As at 31 May 2014 there were 4 219 children in the care of the Chief Executive Officer of the Department for Child Protection and Family Support (the Department), in the following districts:

Armadale — 439

Cannington — 353

Fremantle — 266

Joondalup — 302

Midland — 352

Mirrabooka — 332

Perth — 258

Rockingham — 263

East Kimberley — 112

Goldfields — 185

Great Southern — 185

Murchison — 184

Peel — 204

Pilbara — 169

South West — 254

West Kimberley — 179

Wheatbelt —169

Fostering and Adoption Services — 13

Grand total

(2) As at 31 May 2014 there were 290 children placed in non-government group facilities in the following districts:

Armadale — 19

Cannington — 6

Fremantle — 20

Joondalup — 44

Midland — 20

Mirrabooka — 18

Perth — 26

Rockingham — 12

East Kimberley — 16

Goldfields — 17

Great Southern — 9

Murchison — 15

Peel — 8

Pilbara — 14

South West — 16

West Kimberley — 22

Wheatbelt — 8

Grand total

(3) As at 31 May 2014, there were 1,802 children placed with relative carers approved by the Department and 1,143 children placed with the Department's approved non-relative carers in the following districts:

Armadale — 156 relative, 153 non-relative

Cannington — 160 relative, 86 non-relative

Fremantle — 124 relative, 48 non-relative

Joondalup — 91 relative, 101 non-relative

Midland — 165 relative, 76 non-relative

Mirrabooka — 155 relative, 86 non-relative

Perth — 106 relative, 59 non-relative

Rockingham — 105 relative, 82 non-relative

East Kimberley — 42 relative, 15 non-relative

Goldfields — 107 relative, 19 non-relative

Great Southern — 80 relative, 63 non-relative

Murchison — 82 relative, 52 non-relative

Peel — 87 relative, 78 non-relative

Pilbara — 99 relative, 30 non-relative

South West — 99 relative, 98 non-relative

West Kimberley — 84 relative, 26 non-relative

Wheatbelt — 60 relative, 66 non-relative

Fostering and Adoption Services — 0 relative, 5 non-relative

(4) As at 31 May 2014 there were 400 children placed in non-government organisation foster carers in the following districts:

Armadale — 50

Cannington — 54

Fremantle — 39

Joondalup — 45

Midland — 45

Mirrabooka — 35

Perth — 36

Rockingham — 30

East Kimberley — 7

Goldfields — 9

Great Southern — 14

Murchison — 4

Peel — 4

Pilbara — 1

South West — 16

West Kimberley — 2

Wheatbelt — 9

DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT — CHILDREN IN CARE

1656. Hon Stephen Dawson to the Minister for Child Protection:

(1) In relation to the number of children in the care of the Department for Child Protection and Family Support during the month of August 2014, by district how many of these children were placed in non-government group facilities?

(2) By district, how many of these children were in placements with non-government organisation foster carers?

Hon Helen Morton replied:

(1) As at 31 August 2014 there were 289 children placed in non-government group facilities in the following districts:

Armadale — 15

Cannington — 7

Fremantle — 19

Joondalup — 41

Midland — 23

Mirrabooka — 18

Perth — 28

Rockingham — 14

East Kimberley — 16

Goldfields — 19

Great Southern — 9

Murchison — 18

Peel — 8

Pilbara — 12

South West — 15

West Kimberley — 18

Wheatbelt — 9

(2) As at 31 August 2014 there were 410 children placed in non-government organisation foster carers in the following districts:

Armadale — 49

Cannington — 56

Fremantle — 37

Joondalup — 49

Midland — 42

Mirrabooka — 33

Perth — 38

Rockingham — 29

East Kimberley — 7

Goldfields — 9

Great Southern — 11

Murchison — 5

Peel — 7

Pilbara — 1

South West — 27

West Kimberley — 0

Wheatbelt —10

MENTAL HEALTH COMMISSION — FUNDING BREAKDOWN

1665. Hon Stephen Dawson to the Minister for Mental Health:

(1) What is the breakdown of the new Mental Health Commission funding of $144.1 million over the next four years, announced in the 2014–2015 State Budget, by the following category:

(a) Promotion and Prevention;

(b) Specialised Admitted Patient Services;

(c) Specialised Community Services; and

(d) Drug and Alcohol Services?

(2) For each of the categories listed in (1), what was the percent increase of funding allocated over the next four years above the 2013–2014 budget allocation for each category?

(3) What percentage of the $144.1 million is anticipated to go to the Department of Health for the delivery of services over the next four years?

(4) What percentage of the $144.1 million was allocated to meet Commonwealth Government funding requirements under the National Health Reform Agreement?

Hon Helen Morton replied:

(1) The additional funding is the amount calculated to meet the activity in public hospitals in addition to the funding already provided across the forward estimates. It is allocated to only service 2 Specialised Admitted Patient Services and service 3 Specialised Community Services.

(a) Nil

(b)

2014/15	2015/16	2016/17	2017/18	Total
$'000	$'000	$'000	$'000	$'000
27,564	23,928	17,597	28,891	97,980

(c)

2014/15	2015/16	2016/17	2017/18	Total
$'000	$'000	$'000	$'000	$'000
5,287	11,505	18,200	11,086	46,078

(d) Not applicable

(2) (a) Not applicable

(b)

2014/15	2015/16	2016/17	2017/18	Total
%	%	%	%	%
10.0	8.2	5.6	9.3	8.2

(c)

2014/15	2015/16	2016/17	2017/18	Total
%	%	%	%	%
1.9	3.9	6.0	3.3	3.8

(d) Not applicable

(3) 100%

(4)

2014/15	2015/16	2016/17	2017/18	Total
%	%	%	%	%
1.7	7.1	12.5	12.4	8.7

MENTAL HEALTH COMMISSION — ACTION PLAN

1666. Hon Stephen Dawson to the Minister for Mental Health:

I refer to the following document on the Mental Health Commission of Western Australia website found at http://www.mentalhealth.wa.gov.au/Libraries/pdf_docs/Action_Plan_2012-13_for_Web_1.sflb.ashx and titled Mental Health 2020 — Action Plan 2012/2013 at 31 March 2012, and I ask can the Minister provide a detailed current status update on each action area number listed?

Hon Helen Morton replied:

I thank the Hon. Member for some notice of this question.

The Mental Health Commission has progressed the implementation of the *Mental Health 2020 2012–13 Action Plan*, with key intiatives including:

grants valued at over $500 000 provided to recognise and support families and carers (Action Area 1);

cross sector collaboration with the Attorney General's Department for the establishment of the Court Diversion Program (Action Area 2);

Individualised Community Support has been comprehensively implemented with over 130 people who have received individualised support with more to follow (Action Area 3);

prevential initiatives such as the Mental Health Commission's support for Act Belong Commit (Action Area 4);

continuation of the State-wide Specialist Aboriginal Mental Health Service and (Action Area 5);

implemented the Pilot Inter-Hospital Patient Transfer Service (Action Area 6);

implementation of the Suicide Prevention Strategy (Action Area 7);

development of consumer, carer and professional leadership of mental health services through Allies in Change (Action Area 8); and

development of new mental health legislation which has now passed the parliament (Action Area 9).

The Commission has also progressed a number of initiatives through the implementation of the recommendations of the Review of the admission or referral to and the discharge and transfer practices of public mental health facilities/services in Western Australia, otherwise known as the Stokes Review. Progress on implementation of the Stokes Review recommendations is published by the Mental Health Commission on its website.

A number of initiatives detailed within the *Mental Health 2020 2012–13 Action Plan* remain ongoing. The Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015–2025 (the Plan) will address the mental health needs of the Western Australian community over the next decade and actions will need to be phased in over this time, particularly where major infrastructure is required.

The Plan builds on the directions of *Mental Health 2020*, progressing priority action areas.

DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT — 50(D) STAFF POSITIONS

1668. Hon Stephen Dawson to the Minister for Child Protection:

I refer to staff positions at the Department for Child Protection and Family Support (DCPaFS) created using section 50(d) of the *Equal Opportunity Act 1984*, and I ask:

(a) how many 50(d) positions existed in the DCPaFS in each of the following years:

(i) 2012–13;

(ii) 2013–14; and

(iii) 1 July 2014 to date;

(b) how many 50(d) positions were abolished or reclassified, and in which offices were the positions located for each of the following years:

(i) 2013–14; and

(ii) 1 July 2014 to date; and

(c) how many 50(d) positions are currently vacant, and in which offices are the positions located?

Hon Helen Morton replied:

(a)–(c) [See tabled paper no 2189.]

TRANSPORT — METRO AREA EXPRESS PLANNING FRAMEWORK

1669. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:

(1) Will the Minister please table the briefing note entitled *5187 — Metro Area Express Planning Framework*?

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

Hon Jim Chown replied:

(1) No

(2) This document contains policy options and recommendations prepared for submission to Cabinet.

TRANSPORT — MAX THRESHOLD PROJECT DEFINITION PLAN — MARKET SOUNDING

1670. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport:

(1) Will the Minister please table the briefing note entitled *6535 — MAX Threshold Project Definition Plan — Market Sounding*?

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

Hon Jim Chown replied:

(1) No

(2) This document contains policy options and recommendations prepared for submission to Cabinet.

MENTAL HEALTH — PATIENT COST ALLOCATION

1675. Hon Stephen Dawson to the Minister for Mental Health:

(1) I refer to mental health patient activity in Western Australia and I ask, what was the cost allocation of a mental health patient bed per day, by facility, for all public hospitals in Western Australia for each of the following periods:

(a) 2013–2014;

(b) 2012–2013;

(c) 2011–2012; and

(d) 2010–2011?

(2) What is the anticipated cost allocation of a mental health patient bed per day in 2014–2015, by facility, for all public hospitals in Western Australia?

(3) What is the anticipated cost allocation of a mental health patient bed per day in 2015–2016, by facility, for all public hospitals in Western Australia?

(4) What is the anticipated cost allocation of a mental health patient bed per day in 2016–2017, by facility, for all public hospitals in Western Australia?

Hon Helen Morton replied:

(1)–(2) [See tabled paper no 2188.]

(3) In 2014–15 and over the forward estimates, total funding for public specialised inpatient mental health services as identified in the State Budget is calculated using the State Price and a quantity of weighted activity units (WAUs). This approach is aligned with the national ABF model and provides increased levels of transparency and accountability for the delivery of mental health services.

The ABF model allows for improved comparability over time as overarching Budget parameters are adjusted and allows for the development of a new national mental health classification system which is currently being developed by the Independent Hospital Pricing Authority, with proposed implementation in 2016–17.

The allocation of inpatient funding to specific public hospital facilities in 2015–16 will be undertaken by the MHC through the development of 2015–16 Service Agreement with the DoH in early 2015. The Service Agreement is informed by updates to the State Budget and quarterly activity and cost monitoring which takes place between the MHC, DoH and Health Services.

The current State Budget provides total funding of over $297 million for public inpatient mental health services in 2015–16. Specific price and activity allocations to individual public hospitals will be determined in collaboration with the Department of Treasury and the DoH through development of the 2015–16 Service Agreement.

(4) In 2016–17, the State Budget currently provides over $309 million for specialised inpatient mental health services.

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