



Parliamentary Debates

(HANSARD)

THIRTY-NINTH PARLIAMENT
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LEGISLATIVE ASSEMBLY

Thursday, 24 March 2016

Legislative Assembly

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THE SPEAKER (Mr M.W. Sutherland) took the chair at 9.00 am, and read prayers.

CLOSED WATERS MOTORISED VESSELS AREA — SOUTH BEACH, FREMANTLE

Petition

MS S.F. McGURK (Fremantle) [9.01 am]: I have a petition that has been checked by the clerks and conforms with the standing orders. It reads —

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

Currently, the Department of Transport is undertaking a review of aquatic use for the South Metropolitan area involving a proposal which includes gazetting a Closed Waters Motorised Vessel area 100 m from the shore from approx. 120 m south of the Fremantle Sailing Club (FSC) groyne, to the second South Beach groyne. This proposal includes a 120 m boat landing area onto South Beach immediately adjacent to the FSC groyne and club facilities.

The proposal, supported by FSC and other boating organizations, would mean that vessels including motorised boats, sailing dinghies, ribs, tenders and jet skis will be able to moor or run ashore on the 120 m northern section of South Beach including 30 m of the main entrance to South Beach. This section of South Beach is used by swimmers, families and children and people with dogs every day of the year.

The pristine ocean environment of South Beach has been subject to numerous threats in recent years. Most recently, in around 2013, the FSC proposed building a 75 m universal access ramp off South Beach, which did not proceed. The FSC already has 28 ha of coastline and water.

We, the undersigned, say that South Beach is widely used and highly valued by the local and wider community. With the FSC, Fishing Boat Harbour and marine industries taking up most of the City of Fremantle coastline, South Beach and Bathers Beach are the only remaining swimming beaches south of the City of Fremantle.

Now we ask the Legislative Assembly to ensure the preservation of South Beach and its natural surrounds for the people of WA and we call on the State Government to resist further encroachment of development on or offshore from South Beach coastline and request that a **Groyne to Groyne Closed Waters Motorised Vessel area 200 m from shore** be gazetted in perpetuity.

This particular lot of petitions has 634 signatures, bringing the total number of signatures tabled with this petition to over 11 100.

[See petition 356.]

PAPERS TABLED

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

EASTER ROAD SAFETY CAMPAIGN

Statement by Minister for Road Safety

MRS L.M. HARVEY (Scarborough — Minister for Road Safety) [9.07 am]: Tonight marks the commencement of the Easter long weekend. Traditionally, the Easter weekend brings increased traffic on our roads, particularly in regional areas, as people take the opportunity to enjoy this break. With extra traffic comes the increased possibility of crashes and road trauma. Since the Towards Zero strategy began in 2008, there has been one fatality-free Easter, in 2012, and that was the result we were hoping for this year.

As always, WA Police will be making a significant contribution to keeping road safety foremost in our minds and targeting unsafe road-user behaviour across the state. Police efforts will be complemented by reinforced communication from the Road Safety Commission around issues including speeding, alcohol, fatigue, use of restraints and looking out for others, particularly vulnerable road users. The Road Safety Commissioner is also keen to ensure that those travelling in vehicles being driven poorly or dangerously have the courage to speak out and bring this behaviour to the attention of the driver. Research has shown that those prone to bad behaviour can show more care when someone else is in the vehicle. This small action to remind someone of their responsibility to their passengers and other road users by driving safely could save lives. The Road Safety Commission and agencies with road safety responsibilities receive funding for initiatives through the road trauma trust account and have agreed on a shared hashtag, #SafeEasterWA, to be used from 18 March on all social media posts relating to Easter road safety.

Yesterday I was joined by the Commissioner of Police, senior traffic police and the Road Safety Commissioner for the launch of the government's Easter road safety campaign at state traffic headquarters in Midland. Every available officer will be on duty over the Easter break. As always, police will take a zero-tolerance approach to illegal, dangerous and anti-social driver behaviour and will focus enforcement efforts on the offences we know lead to fatal and serious injury crashes—speeding, alcohol, drug use, fatigue, inattention and failure to wear seatbelts. In 2015, 39 per cent of fatalities on WA roads involved speed-related crashes, alcohol use contributed to approximately 25 per cent of fatalities, and fatigue and inattention played a part in 29 of the 161 deaths on WA roads. These statistics speak for themselves.

Double demerits will apply from midnight tonight and, for some people, one infringement could mean losing their licence. Sadly, we have already lost two people on our roads. This Easter I urge all road users to take care and make safety a priority every time they get on the road to prevent further fatalities over the long weekend. Please drive safely and responsibly and help to get this very important message to your friends and family and everyone you know. I wish everyone a happy, safe and fatality-free Easter break.

GORGON GAS PROJECT — BARROW ISLAND

Statement by Minister for Mines and Petroleum

MR W.R. MARMION (Nedlands — Minister for Mines and Petroleum) [9.11 am]: I rise today to share the exciting news that Chevron's \$54 billion Gorgon project has officially begun production. Gorgon is Australia's largest single resource development with an anticipated operational life of between 30 and 40 years and an ultimate production capacity of 15.6 million tonnes of liquefied natural gas per annum. Chevron estimates that over the next 20 years of operation, Gorgon will add more than \$440 billion to Australia's gross domestic product and boost government revenue by more than \$70 billion. More than \$34 billion has been committed to Australian goods and services since construction started. The first gas milestone is the culmination of more than a decade of planning and construction. At peak construction, the Gorgon project employed 8 400 people. Construction will continue to mid-2017 to complete the second and third LNG processing trains, with approximately 6 500 workers remaining on Barrow Island. During production, the project will employ 350 people. Growing demand in the Asia-Pacific region will continue to drive growth and innovation in the LNG sector, and Western Australia is well placed to benefit. By 2017 Western Australia will have the world's second largest LNG production capacity, behind Qatar. The state's annual production capacity of LNG is forecast to more than double from just over 16 million tonnes per annum to approximately 41 million tonnes per annum by 2018.

Chevron has continued to maintain stringent environmental standards while planning and building the Gorgon LNG plant. Chevron has been producing oil and gas continuously on Barrow Island—a class A nature reserve since 1910—since 1967. Last year I presented Chevron with a Golden Gecko Award for environmental excellence for micro-tunnel work commissioned on its other major project, the \$29 billion Wheatstone venture.

I would particularly like to praise Chevron and its contractors and workers, who have dedicated a large part of their careers to help get this once-in-a-generation major project off the ground. I am confident that the skills and experience gained will be transferrable to new opportunities, not only in construction but also for Western Australia to take a leading role in carbon capture, storage technology and innovation around the world. The timing is perfect, with Perth hosting the eighteenth biennial International Conference and Exhibition on Liquefied Natural Gas from 11 to 15 April 2016. LNG 18 will provide a unique Western Australian experience for international delegates, as well as maximum exposure for Western Australia's upstream exploration opportunities, service and supply value-adding, and downstream processing sectors.

PRINCE REGENT NATIONAL PARK — SURVEY RESULTS

Statement by Minister for Environment

MR A.P. JACOB (Ocean Reef — Minister for Environment) [9.14 am]: I take this opportunity to inform the house of a recent survey in the Kimberley, which has revealed some very encouraging results about the region's mammal species. The stunning Prince Regent National Park on the remote Kimberley coast contains more than half the mammal and bird species found in the entire Kimberley region. We now know that many threatened native species are thriving there, thanks to information released in January 2016 by the Department of Parks and Wildlife. Golden-backed tree-rats, golden bandicoots and northern quolls were found to be prospering. One of the most important finds was the discovery, by remote cameras, of the Kimberley sugar glider, which has never before been recorded in the park.

The survey was carried out at Mt Trafalgar, an escarpment surrounded by sea and rugged sandstone that can be reached only by helicopter, as well as Cascade Creek near the famous Kings Cascade on the Prince Regent River, and other sites. Trap success was high, with some interesting native species such as the Kimberley rock-rat, the scaly-tailed possum and the northern brown bandicoot recorded at Cascade Creek, and the threatened brush-tailed rabbit-rat recorded at Mt Trafalgar. These finds and others highlight the importance of the

government's Kimberley science and conservation strategy, which is helping us learn more about the unique values of the region. Indeed, Parks and Wildlife and the Dambimangari traditional owners have been working hard to manage Prince Regent National Park, with Dambimangari rangers participating in surveys in 2012 and 2014. The remoteness of the country, along with proactive fire management, has kept the area almost entirely bushfire free for eight years.

The government is collaborating with traditional owners across the Kimberley to manage and protect conservation estate and create Western Australia's biggest system of marine and terrestrial parks. As part of this ongoing effort, Prince Regent National Park is proposed to become a part of the new Kimberley national park, covering more than two million hectares. I look forward to updating the house on further developments in the Kimberley as we learn about, manage and promote this special part of the world.

FINANCIAL COUNSELLING SERVICES

Statement by Minister for Community Services

MR A.J. SIMPSON (Darling Range — Minister for Community Services) [9.16 am]: Members may recall that in September last year, the state government approved the transfer of financial counselling from the Department for Child Protection and Family Support to the Department of Local Government and Communities. At the same time, state cabinet also approved a reprioritisation of funding to provide \$2 million per year for metropolitan financial counselling services over the next three years. This means \$5.75 million has been allocated for state financial counselling services across 2015–16, which is a significant contribution to support those who are most vulnerable in our communities.

I am pleased to advise the house that following a restricted tender process to engage providers to deliver a financial counselling service in the metropolitan area, a community sector partnership led by Anglicare WA and UnitingCare West was chosen. The metropolitan financial counselling service involves a consortium of 10 community service organisations. Those organisations are UnitingCare West, Midland Information Debt and Legal Advocacy Service, Blue Sky Community Group, The Spiers Centre, the City of Wanneroo, Anglicare WA, Gosnells Community Legal Centre, Southcare, Mission Australia, and the City of Cockburn.

I am pleased to inform the house that 13 service locations are now operational, with the contract signed and the final service to be in operation by Mission Australia in Cloverdale on 1 April 2016. This arrangement will enable small, medium and large not-for-profit organisations to work together under a common set of principles to provide face-to-face and telephone services to individuals and families.

I place on the record my appreciation for the positive approach to developing this new model from the community sector. This new service model will ensure flexibility and coverage of financial counselling across the Perth metropolitan area. The state government looks forward to working with the successful service providers and the financial counselling sector to support people experiencing financial hardship.

LORD STREET — UPGRADE

Grievance

MS R. SAFFIOTI (West Swan) [9.18 am]: Mr Acting Speaker —

Dr K.D. Hames interjected.

The ACTING SPEAKER: Thank you, minister.

Ms R. SAFFIOTI: Can I have my 10 seconds back?

Several members interjected.

The ACTING SPEAKER: Thank you, members.

Ms R. SAFFIOTI: My grievance is to the Minister for Transport about a very important issue regarding public transport and road infrastructure in my electorate. I will talk specifically about Lord Street before moving on to public transport.

The minister may recall that in October last year I raised the issue of significant congestion on Lord Street, which is now at breaking point, with commuters having to wait a long time in traffic when they try to access the southern part of the area. They used to wait 15 minutes during peak times, but they are now waiting up to 40 minutes. This massive congestion is having a big impact on commuters and residents in the area. Last October I raised this issue with the minister and he said that the Department of Transport was undertaking a review into transport in the corridor. In December last year, I asked the minister what had happened with the review and the report. The minister said that the government was considering the recommendations for Lord Street and other options in other areas made by the Department of Transport and Main Roads WA. The minister has had the report about the future of the Lord Street area on his desk since December last year. The state budget is coming up and it is very important that it contain funding for an upgrade of Lord Street, which cannot cope with the massive population in the area.

Recently, the Minister for Housing announced a further subdivision in the area, which will just increase the number of commuters and residents in the area. As I said, it is at breaking point and it is the number one issue raised with me by people living along that corridor and in Ellenbrook. This area has been neglected for too long. The population is growing all the time and the transport network is at breaking point because people cannot get to even the Bassendean train station in a timely fashion. This is an issue of utmost priority. The minister might talk about Gnangara Road, which Labor committed to before the Liberal Party did.

Several members interjected.

The ACTING SPEAKER (Mr I.C. Blayney): Members! I know it is a very important subject but I would rather hear the member in silence.

Ms R. SAFFIOTI: The minister will talk about NorthLink WA, but it was federal Labor that committed to NorthLink. This government had to catch up, and this minister had no role in that.

Let us get back to the key point. Last December, the Minister for Transport said that the Department of Transport and Main Roads Western Australia put out a report into the infrastructure requirements of that region. I call on the minister today to provide information to this house about that report.

I want to talk about public transport. As members know, we have committed to a rail line to Ellenbrook, but I want to know: what is the government's plan? Recently we heard about how, all of a sudden, this government is pushing for better connections to Midland. For years and years I raised the issue of connections to Midland.

Mr F.A. Alban: You're copying mine, member. I've already done that.

Ms R. SAFFIOTI: I did it back in 2010, my friend. Do you know what your government said? It said that it consulted with people from Ellenbrook and they did not want to connect to Midland; they wanted to connect to Morley. Where were you, member for Swan Hills? You were nowhere to be seen on this issue for year upon year.

Mr F.A. Alban: There was no hospital there then. There's a reason for it.

Ms R. SAFFIOTI: There was no hospital. You basically ignored this issue for year upon year.

Mr F.A. Alban interjected.

The ACTING SPEAKER: Member for Swan Hills, I understand your long history in this area, but I would appreciate it if we could hear the member for West Swan in silence.

Ms R. SAFFIOTI: I want to know: what is the government's plan for public transport? Does it support the bus rapid transit system or not? A number of weeks ago a grievance was raised in this house by the member for Swan Hills, but no-one actually understood the outcome of it. The Minister for Transport said that this government is not going to build a rail line in the area because the population does not justify it—he is wrong on that front. He then went on to say that the government might consider a BRT.

Mr D.C. Nalder: Are you committing to it?

Ms R. SAFFIOTI: Yes, we are. Honestly, I do not know how clearer we can be. It is one of our priorities and we are committed to a rail —

Mr F.A. Alban interjected.

The ACTING SPEAKER: I would just like to hear the member in silence, please. I will have to start calling people shortly if you will not hear out the member in silence.

Ms R. SAFFIOTI: I would like to know what this government's plan is for public transport in the area. What is its plan? We know it is not a rail line. Is it a BRT? Is the Department of Transport doing work on this project at the moment? Is that the case? The minister is obliged to tell us, because year upon year he has changed his tune on public transport in the area, and people are sick of it. What is the government's plan? The government has been in office for seven and a half years and it does not have a plan. It committed to a rail line and it broke that promise. It also committed to a BRT. When the government walked away from that BRT commitment, the Premier said that it was not justified and that a rail line makes better sense. When this government committed to a BRT and then walked away from it, the Premier went on radio and said that the BRT is not value for money and we should have a rail line, so what is the plan? In seven and a half years we have seen enormous growth through that corridor, which has a catchment of over 100 000 people, and this government has done nothing about it.

The minister told Parliament in December that he received a report from the Department of Transport about the public transport requirements in that corridor. The minister has the obligation to tell the public about the government's requirements and its plan, particularly for Lord Street. Is it part of the state budget considerations? It has to be. This government cannot continue to allow more housing in that area. Regardless of NorthLink, people still need to get to NorthLink. They still have to go on to Lord Street. People in Brabham, Dayton and Ellenbrook will still have to use Lord Street, and that is the key problem. The minister cannot ignore the local roads in that area because they are at breaking point and commuters are taking longer to travel just down the road.

MR D.C. NALDER (Alfred Cove — Minister for Transport) [9.26 am]: I really appreciate the opportunity to talk on this matter. I note that the member for West Swan raised this same issue in October last year, and more recently the member for Swan Hills raised a similar issue about the government's planning and thinking for the northern suburbs. I would like to touch on the fact that the member for West Swan just said that the roads are at breaking point, and she asked what we are doing for these local roads. At the end of this year we start the construction of a new freeway link through to Ellenbrook. The pressure that that will take off all those local roads will be enormous. Although she tries to claim that it was a federal Labor government that said it is their road, it is the state that builds and is responsible for all the road construction in this state.

Ms R. Saffioti: Who funded it first?

Mr D.C. NALDER: I will acknowledge —

Ms R. Saffioti: Who funded it first?

Mr D.C. NALDER: Hang on. I will acknowledge that the federal Labor government —

The ACTING SPEAKER: I consider that I did a reasonable job of protecting you so you were able to get your message across.

Ms R. Saffioti: You never called him to order, so I will do the same back.

Mr D.C. NALDER: He's not calling you to order either.

The ACTING SPEAKER: I think these things should be heard in silence as much as possible. You have brought your question in here so that you can get an answer, and that is what we are trying to hear.

Mr D.C. NALDER: Thank you, Mr Acting Speaker.

It is interesting to note that construction will start at the end of this year. It was supported by the federal government with 60 per cent funding. The current federal government has lifted that to 80 per cent funding, so it is really good that we can get on and do this. We have said all the way through that the transport requirements for this city involve an integrated, inter-mobile approach. It is important that people understand some of the investments that have been made in the northern suburbs since the Liberal government came into being, so I will just run through some of them. In 2010, this government introduced new bus services providing a combined 10-minute peak frequency between Ellenbrook and Bassendean train stations. Off-peak services also operate every 15 minutes. This is the same peak and off-peak frequency as that for train services on the Midland, Fremantle, Armadale and Thornlie lines; they are getting exactly the same level of service—it is interesting. In addition, the local feeder bus network has also been enhanced significantly. This government has made the largest investment in bus-service kilometres ever seen in this state. We have had an increase of 13.5 million kilometres. The bus fleet has increased by 26 per cent since we came into government. We have been very serious about the level of public transport available right across the metropolitan area. Yes, it has been a challenge in this state, given the increase in the number of jobs created by this government, which has resulted in a large influx of population and, therefore, a large requirement for increased infrastructure on both our road and public transport networks. As recently as August last year, the bus services were extended to Malvern Springs estate and Annie's Landing estate in response to the increased development. As Ellenbrook increases in population, we are building new public transport services into the area. In the coming years, I expect to see new services introduced in suburbs such as Brabham and Dayton as residential development intensifies. Public transport patronage forecasts for the Swan urban growth corridor through to Ellenbrook do not demonstrate sufficient demand to justify the provision of a train line in the near future. It is interesting to note that I heard the member say that she is committing to the Ellenbrook line. I have heard the member say, "Just do it." It is one of the tag lines that she uses everywhere. I really look forward to that because that is on top of what the member has already committed to doing, which is the number one priority of completing construction of the Forrestfield–Airport Link that will start construction at the end of this year. It is interesting that the member notes that that is part of the opposition's transport plan, but the opposition's transport plan does not acknowledge the new Tonkin Highway route to Ellenbrook, which also starts construction at the end of this year. That does not show up in the opposition's transport plan, yet the Forrestfield–Airport Link does, and we are starting construction of both at the end of this year. Therefore, I do not quite understand the opposition's transport plan for the northern suburbs.

The state government has been very clear that the most efficient form of public transport for this corridor will remain buses for at least the next decade. The state government is therefore investing heavily in transport infrastructure that will improve access for the Ellenbrook area. We have awarded a \$281 million contract to replace signalised intersections on Tonkin Highway at Morley Drive, Collier Road and Benara Road that will ease traffic movements throughout those northern suburbs and take the pressure off Lord Street, West Swan Road and even Great Northern Highway. Later this year, a separate contract will be awarded to construct the Reid Highway to Ellenbrook section of NorthLink, which is part of the \$836 million project to construct the freeway connection through to Muchea. Because of the member for Swan Hills' great efforts, we

have also seen an \$8 million upgrade to the Lord Street intersection and the input around dualling on Gngangara Road. Notwithstanding this significant investment, my department continues to investigate various options for the people of Ellenbrook and surrounding suburbs, including options to enhance the Lord Street corridor.

HOUSING AUTHORITY — STATE HOUSING DENSITY

Grievance

MRS G.J. GODFREY (Belmont) [9.32 am]: My grievance is about the Housing Authority's aim for a one-in-nine presence. Neither former nor current governments have been able to justify this policy with research. I continue to see the policy as something created by the authority that has been accepted by both sides of politics since 1982. Despite this concern, my grievance today is not on this policy per se; rather, it is about areas in my electorate where state housing stock far exceeds the Housing Authority's own policy limits.

Although the entire electorate of Belmont has a state housing density that fits within the one-in-nine policy, these homes are not spread evenly throughout the electorate. The homes are overwhelmingly grouped within six clusters, which are identified by the Housing Authority. These clusters lend themselves to unfortunate scenarios that negatively impact surrounding homes, and they are a constant source of complaints to my office. Contrary to what many people assume, these complaints are not just from private renters and homeowners. Many of the people affected are state housing tenants who, although recognised as vulnerable, are left in these situations anyway. There is no discrimination in who is affected by the fallout from state housing clusters; people are suffering regardless of whether they live in private or public housing. The main difference is that when a state housing tenant is having problems, they are often the least resourced and least capable to deal with it. In fact, I have assisted a number of good state housing tenants transfer out of the area because they could no longer live in such clusters. It is a shameful situation that housing intended to support tenants is in fact making their lives miserable.

I do not want to continue to lose good people from our community because of disruptive behaviour. I am fed up with following up on cases only to find out that people have been relocated elsewhere by the Housing Authority, have abandoned their rental properties or, as has happened in a number of cases, sold their family home at a huge loss to move somewhere else where they can live in peace.

By raising concerns about state housing I am often accused of being anti-state housing. This is mainly the view peddled by my opponents and in no way reflects the truth. The truth is that I recognise that state housing is an essential service. I applaud the government's investment in state housing that will see the delivery of an additional 1 000 homes by the end of June next year. This great project will help provide homes for around half of the priority housing list. Through the work I do in my office, I have become very aware of how desperate people are for these homes and I recognise the real difference they will make in the lives of so many. My grievance today is not about reducing the number of state housing homes across the state; that is something I would never agree with. My grievance today is about taking concrete steps to finally deal with the concentrations of state housing in Belmont. Countries across the world have learnt the hard way about the detrimental effects of concentrating public housing in one place. We can no longer ignore the consequences of leaving things as they are.

Despite acknowledging that the suburbs of Cloverdale, Redcliffe, Belmont and Rivervale have above average state housing densities, the authority has, in fact, more state housing homes now in all four suburbs than it did 15 years ago. When I wrote to the minister about this, his response noted that the six precincts in the electorate had been, according to my notes, "identified for immediate redevelopment, as well as staged redevelopment opportunities over the next 10 to 25 years". In the eight months since receiving that letter, I am yet to see any concrete plan that reflects "immediate redevelopment" and there is no way that the people of Belmont will accept a further wait of 10 to 25 years. My constituents are understandably sceptical, given the Housing Authority's record. We need clear leadership from the minister. I ask the minister to provide the people of Belmont with a concrete redevelopment plan, with targets and time lines, to reduce the absolute number of public housing stock within the six precincts identified in the suburbs of Cloverdale, Redcliffe, Belmont and Rivervale.

MR D.T. REDMAN (Warren-Blackwood — Minister for Regional Development) [9.37 am]: I represent the Minister for Housing in this house. I thank the member for Belmont for her grievance. This is not the first time this issue has been raised. In fact, when the member hosted regional cabinet in Belmont, the same issue was raised. I do not think that I was Minister for Housing at the time—I think Hon Bill Marmion might have been—but I did respond to a couple of questions on this issue. It is not an issue that I am entirely unfamiliar with.

The City of Belmont is located some six kilometres from the CBD and residents have access to health and education services, employment opportunities and transport. It is certainly a desirable inner-city location. Interestingly, I understand that a number of investments in the location have made it less affordable. There is a bit of an affordability challenge with the change in the marketplace in the City of Belmont area. Government investment in Great Eastern Highway and the Forrestfield-Airport Link has spurred some of that private

investment. There is a high percentage of rental properties in the marketplace. The 2011 census shows that 40.82 per cent of the marketplace is rental properties, which is high compared with the metropolitan average of 28.4 per cent. The amount of public housing sits at about 8.42 per cent. I understand that that is not the member's direct grievance—I will get to that point. The member's issue is around the cluster of public housing and the impact that has. The 8.42 per cent represents 1 438 houses—that is, 118 for singles, 519 for seniors and 801 for families.

Several members interjected.

The ACTING SPEAKER (Mr I. Blayney): I ask that these grievances be heard in silence. We do not need a running commentary from the other side of the chamber.

Mr D.T. REDMAN: Interestingly, quite a high percentage, 36 per cent, of housing is for seniors. There is an argument that locating seniors in clusters is a good thing in some senses because there is some level of support and protection, if you like, with that. The argument to totally de-cluster public housing does not necessarily fit the full profile and demographic of those who live in those particular housing units.

The Department of Housing's strategy through the minister delivers what we call urban renewal through four approaches: rationalisation, redevelopment, revitalisation and renewal. Rationalisation includes spot purchases, refurbishment and selling down current assets. That is happening in Rivervale and I will come to that in a second. Redevelopment includes the demolition of assets, often the amalgamation of adjoining sites and redevelopment for the retention of public housing, shared equity sales and full market sales. That is happening in Cloverdale. The third approach, renewal, includes all the other methods of urban renewal including the potential acquisition of private housing in an area to restructure. That is happening in Belmont proper. The fourth approach, revitalisation, includes rezoning, road realignment and amenity upgrades, such as parks and streetscaping. The department is working towards that in Redcliffe. The member mentioned the social housing investment package of \$560 million. Some \$76 million of that is allocated towards urban renewal, which includes asset investment and so on in Belmont.

I want to go through the particular precincts because the member talked about six precincts where public housing is being consolidated. The first one is Rivervale and the Wilson Park precinct, where a rationalisation process is going on. The urban renewal program in Rivervale has been initiated to address a high social housing presence in a discrete area around Wilson Park. Housing is targeting rationalisation of up to 50 properties in the next five years and 100 to 120 properties in the longer term. That reduction in public housing is expected to reduce concentration in the area by over 10 per cent, which is a good target.

A redevelopment approach is being taken in precincts 2 and 3, which is Cloverdale and Kew Street, Cloverdale. Through the public housing redevelopment strategy two vacant sites and 10 public housing dwellings have been redeveloped to deliver four public housing dwellings, eight shared equity sales and nine full sales to the market. That project is expected to be completed in June 2016. Housing is also pursuing options for public housing asset transfers to the community sector through registered growth providers, which will facilitate further redevelopment. To take it off the government's balance sheet and put it on the not-for-profit sector's balance sheet is a good strategy. It can use those as assets to borrow against to build more units to cover the profile of needs. It does a pretty good job of that.

The fourth, fifth and sixth precinct areas are the Bellis Place–Wilson Place super lot in Redcliffe and the Keymer Street precinct where we are taking a redevelopment approach. All three precincts will develop substantially from the Forrestfield–Airport Link and associated Airport West train station to be developed at Redcliffe. Planning work and redevelopment and de-concentration is heavily reliant on the completion of that infrastructure.

Member, I know that the Minister for Housing is taking a personal interest in the Belmont challenge. I have had a conversation with him about that. I am happy to leave the member with this information, which gives me a bit of a better understanding of what is happening specifically. No doubt the member wants to have a conversation with the minister about specific strategies if questions are raised here.

I make the point that as a government we have taken a strong position on disruptive behaviour with the three strikes process policy. I am told, and I do not know whether it is reflected through calls into the member for Belmont's office —

Ms S.F. McGurk: What about for the National Party, three strikes?

Mr D.T. REDMAN: What about for the National Party? For what?

Ms S.F. McGurk: In cabinet.

Mr D.T. REDMAN: I am responding to a grievance from the member for Belmont here, member. It has seen a noticeable drop in the number of complaints that have come through. I am not sure whether that is coming through the member for Belmont's office. In the current financial year, for example, 303 complaints have led to the issuance of 58 strikes, and that is roughly equal to the metropolitan average. The fact that there are more people on first strikes, fewer on second strikes and fewer again on third strikes means that the strike process has

currency in the marketplace. People do not want to get a strike against them. My response does not give an immediate response to the member for Belmont's challenges, but we are on the path to achieving that and I am happy to give the member more information about it.

CLOSED WATERS MOTORISED VESSELS AREA — SOUTH BEACH, FREMANTLE

Grievance

MS S.F. McGURK (Fremantle) [9.45 am]: My grievance this morning is to the Minister for Transport. This grievance is made on behalf of my constituents and those further afield who believe very strongly that South Beach and South Fremantle should be left exclusively to swimmers and, in the case of the beach just south of Fremantle Sailing Club, their dogs.

Users of South Beach have seen successive efforts to have vessels, motorised and sailing, including jet skis, encroach on a very popular and much treasured public asset. The most recent campaign to stop vessels encroaching on public safety and enjoyment at South Beach was in response to the Department of Transport's "South Metropolitan Aquatic Use Review". This proposal, left unchecked, would have allowed a significant area of South Beach, 120 metres from the groyne that separates South Beach and the Fremantle Sailing Club and 125 metres in from shore, to be open to motorised vessels—that is, boats and jet skis. That proposal also included a beach landing area. Beach users were aghast at this proposal, which they rightly believed would have an extremely detrimental effect on public safety and enjoyment of the beach. Beach users enjoy the usual amenity that the public utilise at the beach—walking, swimming, children playing and getting their confidence in the water and exercising their dogs. These uses are enjoyed by thousands of people every week at South Beach. As a user of this beach, I can say categorically that another element of this coast has motivated people to come out and fight for this stretch of beach. South Beach is not just a beach; it is a jewel at the heart of the community. It is a place where people go, sometimes 365 days a year, to meet friends, make friends and greet acquaintances, or sometimes just alone to get fresh air, have a swim or a walk or to take their dogs. This beach is a free and accessible community asset and it should be kept that way.

One of the reasons people have been so motivated to keep boats and further development away from this beach is that so little public beach is available in Fremantle. With the port, fishing harbour, and commercial areas, including a marina, as well as a sailing club, the only places for the public to swim in that area are Bathers Beach and South Beach. Beach users are frustrated at successive efforts to encroach on safe public access and swimming at this beach. They are frustrated and they are angry, so much so that when the Department of Transport released its survey in early December last year, the defenders of the beach swiftly swung into action. They set up information stalls and commenced collecting petition signatures so that with the addition of the 600 signatures in the petition I tabled this morning, over 11 100 signatures have been collected in support of a groyne to groyne swimmers-only zone at South Beach. That is an extraordinary achievement by South Beach users. They collected signatures daily, including on Christmas Day. That is the sort of passion and commitment the Fremantle beach users group have to this public space and to their natural environment. Only half of those signatures came from people living locally. Many more came from within the wider metropolitan area. Nearly 10 per cent came from interstate and overseas. This is a widely recognised asset on Fremantle's popular tourist trail.

I know the minister is checking his phone and it might be interesting, but I think for the people in my electorate this is an interesting issue to which I would ask the minister to pay attention.

Mr D.C. Nalder: You will find it interesting what I was checking.

Ms S.F. McGURK: Another reason that this beach should be swimmers only, groyne to groyne, and free from all boats is that it is a particularly accessible beach for the elderly, the very young and those with limited mobility. The area between the grass and the water is narrow and the water is protected and mostly calm. As I said in my inaugural speech to this Parliament, South Beach has a calm and a lack of pretence that is fiercely protected by the local community. Prior to the aquatic use review, the proposal in 2012–13 by the Fremantle Sailing Club to construct a parallel groyne on the north end of South Beach so that junior sailors could have a launching ramp closer to shore also drew the ire of the local community and was rigorously opposed. Members of the Fremantle beach users group reference a history of the Fremantle Sailing Club published in 2000 titled *Sailing to Success: Fremantle's Yachting Heritage and the History of Fremantle Sailing Club*. The author of that book, Trevor Sutcliffe, confirms the beach users' frustration over the years at the loss of public beach space and outlines what he believes to be the understanding that negotiations to extend the sailing club to its current boundaries would be the end of the matter. This view has been confirmed by senior Fremantle council staff, including the then CEO Ken Posney.

In short, the users of South Beach are sick and tired of efforts to encroach on full safe public access to their beach, either by motorised boats or by yachts or support vessels from the Fremantle Sailing Club. There may be issues allowing an easy launch ramp for junior sailors, but it is the firm view of the community that the sailing club has enough coastal real estate to manage that issue within its existing footprint. The community saw off that

proposal because it felt that sailing clubs' motorised tenders or rigid inflatable boats coming on to the beach presented real safety issues for the hundreds of swimmers and their families with young children who use this section as the main entrance to the beach. In summary, minister, beach users said, "Enough; the sailing club has enough of our coast. We treasure our free public space—this community meeting place; our beach—and we'll fight for it." In 2007-08, the state government proposed the three harbours policy, which was another effort to extend the marinas in Fremantle. That was also fiercely and successfully opposed. Many of the people who have put their heart and soul into fighting for South Beach to be boat-free are with us this morning, and I acknowledge their commitment. They welcome the recommendation that arose from the aquatic use review that motorised boats should be kept from the shoreline, but the beach users believe they have won this battle but not the war. They would like to see South Beach free of all vessels, including from the sailing club, and for it to become a vessel-free zone groyne to groyne. They would like to hear the minister commit to that this morning.

MR D.C. NALDER (Alfred Cove — Minister for Transport) [9.51 pm]: I thank the member for Fremantle for her grievance.

The Department of Transport is committed to working with the community and stakeholders to continually monitor and improve localised aquatic use arrangements. These arrangements include waterskiing areas, the setting of speed limits, and in some instances the creation of sections of water that are closed to motorised vessels. It is not uncommon for the department to receive passionate and conflicting submissions. I am very familiar with South Beach. I played for South Fremantle Football Club for seven years, and we often used South Beach for training. We would run down, do some swimming and then run back to the oval. I am fully conversant with the amenity and what it provides to the local community.

The department recently conducted a review of the coastline from Fremantle port's South Mole to Port Kennedy south in Warnbro Sound. This area included the area of coastline known as South Beach, immediately south of Fremantle Sailing Club. The review involved extensive consultation with key stakeholders, with one of the issues identified being the use of motorised vessels at South Beach. Previous representations had been made to the department that asked for total closure to motorised vessels along the beach; others requested that the status quo remain, with motorised vessels able to access the entire beach. To balance these conflicting views, the proposal put forward for public comment was to establish a 30-metre wide channel directly south of the existing groyne to allow motorised vessels to access the beach and utilise facilities ashore. This method has been successfully implemented in other popular beaches, including Meelup Beach in Geographe Bay.

Ms S.F. McGurk: But not Cottesloe.

Mr D.C. NALDER: I think the member for Fremantle needs to wait until the end.

To further enhance the safety of swimmers along the dog beach, the department also proposed to restrict the speed of motorised vessels to eight knots within the proposed beach access channel and within 200 metres of the shoreline, and close the waters to all motorised vessels south of the proposed access channel to the second groyne out to 100 metres offshore.

The public comment period closed on 31 January 2016. It attracted strong public interest, with over 2 500 responses received through the online survey. After careful consideration of the community feedback, the department modified three of the 10 proposals. Those included the proposals related to South Beach. On 22 March 2016, the department announced, and placed on its website, that the proposal to establish a vessel access channel onto South Beach had been discarded and that the entire beach area south of Fremantle Sailing Club to the second groyne would be closed to motorised vessels. I am not sure whether the member is aware —

Ms S.F. McGurk: Yes, we are. We are saying that we want all vessels to be banned, minister; not just motorised.

Mr D.C. NALDER: I am advised that the final outcome has the support of the City of Fremantle and Fremantle Sailing Club, which will continue to have limited access to the area for training activities via an exemption that will be closely monitored by the department. The department is now preparing a new boating guide, new and updated signage, and a six-month education program to inform all waterway users of the changes that will come into effect from 31 May 2016. The review process has ensured safe, equitable and sustainable use of the coastline as the population of the area grows and demand increases for a variety of aquatic activities.

Ms S.F. McGurk: Minister, will you take an interjection?

Mr D.C. NALDER: Just a moment.

I wanted to check that this was a widely held review, and that others were involved in the consultation process and were aware of the changes, I have with me—I am happy to table it—the notice to members of Fremantle Sailing Club, which reads —

An amended proposal impacting the boating public includes a new closed waters zone banning motorised vessels which will now extend the entire length of South Beach, from the Fremantle Sailing Club groyne to the second groyne to the south and extending 125 meters from shore.

...

Fremantle Sailing Club Commodore Terry Baker stated, *“Fremantle Sailing Club is aligned with the Fremantle City Council in supporting the Department of Transport to ensure a safer environment for both the boating public and beach goers.*

The notice also included a quote from a Fremantle city councillor, who stated —

“This is a great outcome for the whole community. The Department of Transport is to be commended for supporting the community and the Council’s wishes to make South Beach a safe swimming zone.

[See paper 4034.]

Mr D.C. NALDER: I repeat that the government’s responsibility is to find the right balance for the whole community when there are conflicting and various opinions about usage. Careful consideration has been given, including assessment of the 2 500 responses received through the community consultation process, and I believe, from what I have received, the City of Fremantle is fully supportive, in which case we have done the right thing. We are committing to the continued monitoring of activities to ensure a safe environment for all beach users.

Ms S.F. McGurk: Minister, do you understand that people are saying that Fremantle Sailing Club has enough real estate, and they actually want all vessels to be stopped from having access along that beach, not just motorised?

Mr D.C. NALDER: I am happy to take the interjection, Mr Acting Speaker (Mr I.C. Blayney), if that is okay. I am aware, but, as I said, we received 2 500 submissions and the department went through them. The department has banned the use and access of motorised vessels anywhere near the beach —

Ms S.F. McGurk: And that’s welcomed; that’s good.

Mr D.C. NALDER: Before now, motorised vessels had unlimited access to anywhere on the beach; that has now been removed. But we will not make any changes to dinghies being able to be rowed up to the beach or other small, light craft coming up to that beach.

Ms S.F. McGurk: But there are other metropolitan beaches where that exclusion applies.

Mr D.C. NALDER: We believe we have taken a balanced approach. We know there will always be elements that will not necessarily be happy with the final outcome. I believe it is a much improved circumstance than we had before, and the department is committed to ensuring it continues to monitor activities on South Beach.

NATIVE VEGETATION CLEARING

Grievance

DR G.G. JACOBS (Eyre) [9.58 am]: I take this opportunity to grieve to the Minister for Environment about vegetation on freehold land, and offset irregularities. I recognise that the minister has made some changes in regulations related to those irregularities, but we need to go a lot further.

I will share with members the story of a farmer who acquired the neighbour’s 1 000 acres—404 hectares. After acquiring that land by freehold, he wanted to do some clearing. A question was raised about a previous clearing of the land, but the timing of that clearing was not determined. It was deemed that the land would again be classified as pristine native vegetation, and that a clearing permit would be necessary. The process of obtaining a clearing permit went on for over two years. There was a litany of communication between the Department of Environment Regulation and the farmer on the regulations and requirements under clearing principles; I suggest that some of the clearing principles in paragraphs (a) to (f) are in fact non-clearing principles. They include restrictions on clearing rare flora, threatened communities, remnant vegetation, wetlands, waterways and high biological diversity and habitat flora. I recognise that when those restrictions are valid, consideration should be given.

After two years of this process, going backwards and forwards, with most of the information being provided by the landholder, it was deemed that of the 404 hectares—which, in the landholders’ words, had been cut down to 33 hectares—all 33 hectares was deemed significant under the habitat flora clearing principle as a significant Carnaby’s cockatoo-dependent region. Two options were available after that, and I have to say that often the proposal is one whereby the proponents provide all the information. If I had any criticism, I would suggest that often the Department of Environment Regulation does not do its due diligence and gets the landholder to do an enormous amount of work. As I said, 404 hectares was pared down to 33 hectares, and flora habitat and inundation considerations were taken into account. I hope that the minister can reassure the house about the criminality in this process and the running of kangaroo courts on supposed breaches of clearing permits that I have seen occur in many areas throughout Western Australia. It is important that landholders not be seen as guilty until proven innocent but are in fact innocent until proven guilty.

The offset arrangements communicated to this farmer who had acquired his next door neighbour’s land by freehold, of which 404 hectares were pared down to 33 hectares of Carnaby’s cockatoo habitat, presented two

options. One was to place a conservation covenant over 167.5 hectares of the property. The other option, according to an email sent to the farmer, stated —

A monetary contribution of \$103,850 would be required to offset the impacts to environmental values resulting from your application to clear being approved.

I believe this formula has very little science and validity. The 33 hectares has been multiplied by a factor of five to establish a conservation covenant so that of the 404 hectares, 167 hectares would be under a conservation covenant in perpetuity and would never be cleared. The monetary contribution for the 33 hectares would then be 167.5 hectares, and that was multiplied by the \$620 per hectare deemed to be the market rate of land in the region. Therefore, in this offset arrangement, the landowner was required to come up with \$103 850. I believe that the formula is not clear. It cannot be questioned and there is no appeals process. People should be able to appeal. I understand that there is the Office of the Appeals Convenor, but the farming industry does not believe that the Appeals Convenor is truly independent, so provision really needs to be made for some sort of appeals process through the State Administrative Tribunal.

MR A.P. JACOB (Ocean Reef — Minister for Environment) [10.05 am]: I thank the member for Eyre for providing some notice of his grievance that relates to three native vegetation clearing matters. I do not know the specifics of the property he has referred to, but he has raised three matters that come under the Environmental Protection Act 1986; namely, criminal aspects of investigations, the validity of monetary contributions as offsets, and the independence of the appeals process. Section 61C of the Environmental Protection Act makes it an offence to clear native vegetation without a clearing permit unless the clearing is of a kind set out in schedule 6 of the act or is for the purposes prescribed within the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 and not within an environmentally sensitive area, as the member knows. In December 2013 some changes were made to increase the previous 10-year limit to 20 years, and also the total area allowed to be cleared without a permit per financial year per property for that prescribed limited clearing was increased from one hectare to five hectares.

Dealing specifically with the criminality aspect of investigations, the unauthorised clearing of native vegetation is an offence under the Environmental Protection Act. Also, the alleged unlawful clearing is investigated by the Department of Environment Regulation. Investigations into alleged offences use contemporary methods based on the powers contained within the Environmental Protection Act and requirements of the Criminal Procedure Act and the Evidence Act 1906, and precedents set by the court that guide how admissible evidence is to be collected and presented. Investigations are formally conducted by authorised officers and are aimed at establishing the facts through the identification of relevant and admissible evidence. For a matter to progress to a sanction, including a prosecution, a prima facie case must first be established and the sanction must be in the public interest.

Non-criminal regulatory actions are currently available under section 70 of the Environmental Protection Act. These actions allow that when unlawful clearing has occurred on land, a vegetation conservation notice may be given to the owner or occupier of the land, which requires them to take specified measures to repair damage caused by the clearing and also to re-establish and maintain native vegetation in the affected areas. That is certainly my preferred approach, where possible, both as a deterrent and for an environmental outcome.

Dr G.G. Jacobs: But you must avoid the kangaroo court situation where people are called before and asked in fact to bring a lawyer. I mean, this is totally ultra vires and is outside the law.

Mr A.P. JACOB: I agree, member, and, as I flagged, we are looking at amendments to the Environmental Protection Act. In any event, I think the environmental outcome from pursuing vegetation conservation notices is better anyway, because we get the environmental outcome and I suspect that it acts as a better deterrent in the first instance.

Going to the independence of the appeals process, since becoming Minister for Environment I have had the benefit of considering a range of appeals under the Environmental Protection Act. My observations are that the current appeals process provides a fair, accessible, transparent and also effective review mechanism. Appeals are investigated on my behalf by the Office of the Appeals Convenor under a statutory provision established under the act. There is also capacity under the act—indeed, it is common practice—for the Appeals Convenor to seek technical guidance from experts as required, as well as the option of appointing in some instances a dedicated appeals committee, which happens from time to time. Bear in mind that the Appeals Convenor is not the decision-maker in the appeals process, the minister is. I think that is the most appropriate place for that discretion to sit because the environment portfolio inevitably has a range of discretionary decisions. Wherever possible discretionary decisions should be made by an elected member so that that elected member is accountable to the electorate for those decisions; however, the Appeals Convenor will prepare a report and make recommendations to the minister and seek advice from relevant agencies. They also meet with appellants, applicants and any other party for whom it is deemed necessary to pursue further information along the way for their investigation. I am happy to take an interjection.

Dr G.G. Jacobs: It is not seen by the farming community that the Appeals Convenor is at sufficient arm's length to the EPA and the department of environment in the process.

Mr A.P. JACOB: It is at very arm's length. Remember, that is the minister's decision-making point following the Appeals Convenor's action. Until then, a clearing permit refusal or acceptance is granted by the Department of Environment Regulation; from that point it does not come to the minister at all. The Office of the Appeals Convenor is simply the conduit by which these matters come to the minister of the day for the final decision. I think that is by far the best system to pursue appeals because, particularly with the environment, it inevitably comes down to a discretionary decision. I will argue this with anybody in the farming community: the best person to hold that discretionary decision-making power is someone who is an elected member under our system—the minister. That is why we have ministers and why that process exists. The only point at which a ministerial decision comes into play is under part IV and part V of the Environmental Protection Act, following that appeals process. The Office of the Appeals Convenor is essentially a conduit to bring the matter through to the Minister for Environment.

I move to environmental offsets. An environmental offset may be required if significant residual impacts remain after all practical actions have been taken to avoid, minimise and mitigate environmental impacts. The state government released its environmental offset policy in 2011, which provided an overarching framework for environmental offsets in Western Australia and also its "WA Environmental offsets Guidelines 2014", which now outlines the respective roles and responsibilities of agencies, applicants and also statutory bodies. The Environmental Protection Act allows for conditions to be attached to a clearing permit, which would require the permit holder to establish and maintain vegetation on land, other than land cleared under the permit, and, alternatively, as the member outlined, to provide a funding mechanism, which is usually the least preferred option.

Dr G.G. Jacobs: You're asking the farmer to buy back his land a second time!

Mr A.P. JACOB: The offset process is well-established. The offset provides an opportunity to pursue and develop an outcome that otherwise may not be achievable, making sure that the environmental outcome is provided at the same time.

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

Twelfth Report — "How do they manage? An investigation of the measures WA Police has in place to evaluate management of personnel" — Tabling

MS M.M. QUIRK (Girrawheen) [10.12 am]: I present for tabling the twelfth report of the Community Development and Justice Standing Committee, titled "How do they manage? An investigation of the measures WA Police has in place to evaluate management of personnel".

[See papers 4035 and 4036.]

Ms M.M. QUIRK: This is the final report on measures used by WA Police to judge and evaluate its performance. This report examines recruitment, training and internal investigations, and the treatment of officers considered medically unfit to continue in their role as police officers. I thank the committee members: deputy chair, Dr Tony Buti, member for Armadale; Mr Mick Murray, MLA, member for Collie–Preston; Mr Chris Hatton, MLA, member for Balcatta; and Ms Libby Mettam, MLA, member for Vasse. The subject of this inquiry had the effect of generating heated discussion; however, I am gratified that all members approached their role in a professional and conscientious manner.

The committee is exceptionally fortunate in the calibre of its research staff. In the course of the inquiry, principal research officer, Dr Sarah Palmer, and research officer, Ms Franchesca Walker, integrated a large volume of written submissions, oral evidence and research into a seamless whole. At all times they undertook their role with timeliness, professionalism and cheerful patience.

At the outset, given this time of year with our focus on road safety, I quote at length from the report a case study of evidence from a former police officer. I warn members that this is confronting stuff. Case study 2 reads —

My first fatal accident I attended when I was 19 years old, I can clearly recall bagging the bits of human skull, brain and body parts that had been smashed when the person was thrown from the car wreck. I then went on to admit the body to the morgue then assist in speaking to the family to do the "notification". This accident didn't seem to affect me at the time, as I had learnt to cope with this by having a drink with mates later.

... I attended a few suicides in Perth, one in particular I had arrived just after a person had jumped from the car park. I can clearly recall the incident including the message left in the tape recorder of her car. I maintained my position of dealing with it by myself.

... I attended many accidents on the highway [near the country town I was posted to], many fatal or serious ... I started drinking harder, my father became a paraplegic during [this] time, I wasn't

sleeping, [my] wife [was] pregnant, then I attended a fatal car accident. I believe this accident was the “straw that broke the camel’s back”. We had arrived before the ambulance. A [small vehicle] had gone sideways into a tree, the driver was on the bitumen, her friends were giving her CPR, but from where I was standing I could see cerebral fluid and brain matter being pushed out near her ears. I believed she was dead but I couldn’t tell her friends, I told them to keep going.

We didn’t realise that there was someone else in the car, she had been thrown some 20 metres away; she must have woken from unconsciousness because her screams, I won’t forget. I went through the same process of completing mortuary paperwork (this occurred some 10 years in the job so I was an old hand at it) but she was different, I was putting this body in the fridge that was still warm—don’t know why but this got to me. Not really different to the many others before.

My drinking increased ... it was during this time I had thoughts of suicide, I had attempted suicide by accident, taking risks in the car hoping to have a single car fatal accident. I saw my GP and started on anti-depressants, mostly they didn’t seem to work though.

... having now served 10 years in the WA Police service I mostly battled on myself. I have been later told that during this period of my service I had severe undiagnosed PTSD; my suicidal ideation continued and I continued to work ... It does concern me in hindsight that I was mentally struggling so much, struggling to maintain this façade of normalness not to break down, not to cry, not to show it.

[Following suspension for almost a year for illegally giving himself and a secretary a motorbike licence, the officer returned to work in a role in another country town. His senior sergeant told him that in return for working without claiming overtime or penalties, he would write commendable reports on his performance.]

The officer continues —

I felt blackmailed by the system within the service. I believed I had no one to turn to as I had been given a second chance to return to work from suspension. For months this tore me up inside even further. I sought help from my GP and was prescribed anti-depressants and tablets to help me sleep.

This is by no means an isolated case. The committee looked at the treatment of those officers who were injured or psychologically impaired in the course of their work. We heard a number of accounts and received written submissions from medically retired police officers who laboured under a burden of post-traumatic stress disorder. Official acknowledgement of the nature and prevalence of this condition is shamefully slow.

The committee reported on this issue in 2012. As well, the Western Australian Police Union of Workers subsequently completed a substantial body of work for Project Recompense. It is highly disappointing that police management’s response can best be described as sclerotic.

The committee also concludes that the lack of a modern workers’ compensation regime is not sustainable and must be remedied as a matter of priority. In this context, I am pleased that Commissioner O’Callaghan, in his evidence before the committee, was optimistic that this situation could be remedied in the not-too-distant future.

We were also in fierce agreement with the Medically Retired Western Australian Police Officers Association that those forced into retirement for medical reasons should not be removed from their employment pursuant to a loss of confidence notice issued by the commissioner under the provisions of section 8 of the Police Act 1892. This is the same provision that is used to dismiss officers who are guilty of criminal behaviour or serious misconduct. For this reason, being section 8-ed stigmatises an otherwise honourable and dignified career and it is the final insult and slap in the face to already sick and injured officers.

In this report, as in the past two reports, it became readily apparent that commitment to quality improvement and targeting more effective service delivery to the public did not feature prominently in priority setting. There is no question that policing presents many challenges. However, in the absence of any objective measures of success or effectiveness shared collectively within the organisation, it is little wonder that morale is flagging. Likewise, at this stage of the inquiry, we canvassed that the Frontline 2020 policing model, the subject of the committee’s scrutiny, had been revised arbitrarily in recent times, with minimal consultation. The rationale for so doing was that it could not be objectively established that the model was working as intended.

In this inquiry the committee also grappled with the, at best, perfunctory efforts made at recruiting a more diverse workforce. Leaving aside issues of discrimination and substantive equality, it is simply inefficient to automatically exclude one-third of the available talent pool. On a more philosophical level, policing requires a consensus from the community and, broadly speaking, the composition of the police force should more closely reflect the make-up of the broader community. There are also sound operational reasons for greater diversity. There is a handful of officers within WA Police who work tirelessly to improve police relations with emerging communities. Inspector Don Emmanuel-Smith, a previous police officer of the year, readily comes to mind for his exceptional endeavours. I digress to note that his colleague Senior Constable Zen Kassim was recently

acknowledged for her efforts, receiving the outstanding individual achievement award at the 2016 Western Australian Multicultural Recognition Awards. The citation for that award noted —

Zen ... has worked tirelessly in an often difficult environment to build positive relationships between the WA Police and migrant communities. She has advocated strongly on behalf of CaLD communities and is particularly focused on the issue of domestic violence and providing advice and assistance to migrant women. In addition to her regular policing duties, Zen is a regular contributor to events that promote multiculturalism and celebrate WA's diverse community. She uses these events to build rapport with the CaLD community in an informal setting. The first woman in the WA Police to wear a hijab, Zen actively encourages those from a CaLD background to consider a career in the police force. Her work has had a positive and lasting impact on both the WA Police and CaLD communities.

In her smiling acceptance speech earlier this month, Zen did not waste the opportunity to advocate for greater diversity in WA Police.

Again, the need for closer ties between police and culturally and linguistically diverse communities was sheeted home to me a few weeks ago. At the recent funeral of 17-year-old South Sudanese Kuol Akut, who lost his life in an assault in Girrawheen, an appeal was made to those gathered to provide police with assistance by coming forward with information. That appeal reinforced to me how important it is to develop trust and relationships in communities as a matter of course. In that way, when tragic events like this need to be investigated, police are not playing catch-up and falling foul of cultural sensitivities at a time of great grief and sadness.

There was some robust discussion within the committee as to whether there was systemic, albeit unintentional, discrimination within the recruiting process. Instead, we opted for the more neutral term "indirect". What was patently clear, however, through oral evidence, was that fundamental notions of substantive equality were not readily understood. The committee visited Balga Senior High School, an ethnically diverse school, and met with police rangers. We considered that outreach to a group like this would be an excellent way to encourage young people from culturally and linguistically diverse backgrounds into a policing career. We found that this program was given minimal funding by the Department of Local Government and Communities, and that there was virtually no contact with police at all. This, added to the lack of police participation in police and community youth centres, lets golden opportunities for outreach and possible recruitment to go begging.

Finally in this context, I was at a Harmony Day event in Mirrabooka last week with you, Madam Acting Speaker (Ms J.M. Freeman). It was a large affair. Police had a stall with various crime prevention information as well as handouts available. What was very noticeably absent from that stall was any information on becoming a police officer. Instead, there were fridge magnets with the words "Western Australian Police Supporting Diversity". On each were phone numbers including 131 444 and the Crime Stoppers number. Frankly, I did not know whether to laugh or cry, but for the benefit of members I would like to table for the remainder of today's sitting one of those fridge magnets.

[The item was tabled for the information of members.]

Ms M.M. QUIRK: The committee acknowledges that policing is a complex and difficult job and that officers work under considerable pressures. For that reason, they need the full support of management and to be given the tools they need to do the job proficiently. In the context of training, demand outstrips supply, meaning much of the training is undertaken by so-called Blackboard e-training. This is a poor substitute in many areas. Throughout the 12 months of the inquiry there has been a recurring theme of the failure of training needs being adequately addressed by management. It is not surprising that in various other fora, such as coronial inquests, the Corruption and Crime Commission or the courts, this lack of training in particular areas is often highlighted as a causal factor. In particular, the inquiry into the Warneke investigation, recently conducted by the CCC, found that officers interacting with Aboriginal people must be properly trained in culture and language.

This committee made a similar finding in November 2013 in its report "In Safe Custody: Inquiry into Custodial Arrangements in Police Lock-ups". As an aside, I have deep regret that more attention was not paid to implementing the committee's recommendations, as the inquiry into the death in custody of Ms Dhu in August 2014, currently before the coroner, is looking at the very same issues that our committee highlighted.

Oversubscription to and inadequate resourcing of training programs has resulted in some police officers being deemed non-operational. This is inefficient and could create a cyclical effect, whereby training requests are rejected on the basis that it will reduce frontline capacity; yet failing to access training results in officers being taken off the front line. These were key concerns for those surveyed by the WA Police Union. Of the approximately 33 per cent of respondents who had experienced at least one occasion on which a request for mandatory training was not met, nearly 55 per cent said that it was because the course was full; around 33 per cent said it was because the course was unavailable; and nearly 22 per cent said that funding was problematic. The WA Police Union was also concerned that information such as emergency driving, which it believes should not be taught or assessed online, was imparted via Blackboard. In fact, the reliance on the computer-based system meant that at least one member had not received practical training for 26 years, despite emergency driving training being identified as a critical skill.

With regard to internal investigations, it appears that sincere efforts are being made to provide a level of procedural fairness to officers about whom allegations have been made. This is, however, a work in progress, and it must be noted that the impetus for change was largely brought about by some recent high-profile cases where fundamental elements of natural justice were lacking. Because of the changes currently underway, it was difficult for the committee to assess whether the changes ultimately implemented will enjoy the confidence of the public. There are always some concerns when investigations are devolved down to district or station level, with colleagues investigating colleagues. The WA Police Union made the cogent point that this had the effect of taking detectives offline from frontline investigations for weeks to conduct that inquiry. The committee also found that there are systemic barriers to the filling of a large number of vacant detective positions. Evidence given suggests there were inconsistencies between what Parliament and *The West Australian* had been told about this situation and what, in fact, had occurred. On this matter, I look forward to the government's response.

At the conclusion of this inquiry it is open to form the opinion that there may be some utility and merit in imposing key performance indicators on the most senior levels of police to ensure a level of discipline and consensus on goals and objectives for the organisation. At present, measures of performance are ill-defined and illusory. The pursuit of more meaningful performance indicators is not an esoteric or academic exercise; it enables greater levels of accountability and the setting of goals and objectives that would give all the community a level of confidence in the police that they do not currently enjoy.

MR C.D. HATTON (Balcatta) [10.30 am]: I would like to add to the comments that have been made about the twelfth report of the Community Development and Justice Standing Committee, which was tabled today. The committee resolved on 14 November 2014, which is some time ago now, to initiate an inquiry into the methods employed by WA Police to evaluate performance. The committee established three focus areas that would be looked at over a period of 12 months or more. The first focus of the inquiry was the performance measures used by WA Police to determine the effectiveness of traffic law enforcement and road safety initiatives. That report with its findings was tabled on 25 June 2015. The second focus of the inquiry was how WA Police evaluates whether it is providing adequate protection to victims of family and domestic violence. I will not go through the terms of reference of that inquiry because that has already been done and I might run out of time. That report and its findings was tabled on 22 October 2015. The final focus, which has resulted in the report that was tabled today, is how WA Police evaluates its performance in regard to management of personnel. The terms of reference for that inquiry included recruitment practices, training, police misconduct and medical issues.

The eighth report of the committee deals with the first focus of the inquiry and is titled "Are we there yet? How WA Police determines whether traffic law is effective". That report made 16 findings and 12 recommendations. Chapter 2 of the report outlines the demanding nature of the governance and management of policing and road safety and the complexities involving other agencies associated with road safety. It was generally acknowledged by the committee that it is incorrect to hold the police accountable for everything that happens on our roads. Some worthwhile recommendations were put forward in that report to improve road safety. However, personally, I was uncertain about whether some of those findings and recommendations related strongly enough to the intent of the terms of reference. I stated at the time that the policing of road safety is the result of general and targeted deterrents, and that policing is about getting out there and doing the job. I also raised at that time whether advertising and excessive reporting should be the priority of policing. That is generally related to policing policy and operations, and key performance indicators.

The tenth report of the committee deals with the second focus of our inquiry and is titled "A measure of trust: How WA Police evaluates its response to family and domestic violence". This inquiry evolved from the alarming number of domestic violence incidents in Western Australia, and, indeed, across Australia and other parts of the world, but the committee was focusing on Western Australia. The key point raised in the report is that family and domestic violence is a complex societal issue and a whole-of-society issue, not just a police issue; however, the police are in a unique position to respond. The executive summary of that report states in part that WA Police is some way along the road to what is considered good practice. It is part of a multi-agency response that is considered essential for delivering best practice, and WA Police is committed to this approach. The report recommends that WA Police should commit to developing a set of measures within a suitable time frame, and states that there are promising signs that WA Police is adopting particular practices. The report raises concerns about whether there has been enough movement forward since the Family and Domestic Violence Strategy 2009–2011 was developed, and about whether specific issues have been addressed under the Freedom from Fear Action Plan 2015. The conclusion of the report raises a concern about whether police officers are sufficiently trained and experienced to attend family and domestic incidents, and states that only time and some robust performance measures will tell whether the new model is a step in the right direction.

The twelfth report of the committee, which was tabled today, is titled "How do they manage? An investigation of the measures WA Police has in place to evaluate management of personnel". The report is very extensive. It makes 36 findings and 13 recommendations. The report contains some very important and valid information about whether the lack of multicultural diversity within the WA police service is an issue. I would say that it may

very well be an issue. It refers also to the need for further training of police personnel, and to the need for further attention to be given to medically retired officers, particularly in the area of post-traumatic stress. A question was raised by the committee about the possibility that a negative systemic culture exists within WA Police. I personally do not support that notion. The committee explored the definition of “systemic”, and we might have different points of view on that issue.

I turn now to the executive summary of this report, particularly chapter 6. Chapter 6 reviews the three areas that have been the focus of the inquiry since its inception in 2014. Those three focus areas are traffic enforcement, domestic violence and personnel management. Chapter 6 of the report states that across the three focus areas of the inquiry, three recurring themes emerged. The first is that there are limited measurements and indicators that could be used to evaluate the success of strategies and current practice. I agree that that requires further attention. The second is that there is a reactive rather than proactive approach to policing. I have to say that I do not understand how that got into the report. I did contest that during the committee proceedings. That is an aspect that I think needs to be explored further. I cannot really agree with that in full, or maybe even in part. The third is that there is a lack of resources. This was also referred to as a recurring theme. That to me is not a recurring theme. The committee explored and debated that issue.

Mr M. McGowan: Where’s the minority report?

Mr C.D. HATTON: There is no minority report on this. There is some very good information in this report, and we worked well to bring that information to the house. I have expressed to the committee that I have some problems with how the terms of reference link back to the —

Ms S.F. McGurk interjected.

The ACTING SPEAKER: Member for Fremantle! The member has two minutes left. He has answered that interjection. He will continue to be heard in silence for the remaining two minutes.

Point of Order

Mrs M.H. ROBERTS: Madam Acting Speaker, I am wondering whether the member for Balcatta is contravening the standing orders by divulging discussions within his committee, and whether he should be allowed to continue to do that.

The ACTING SPEAKER (Ms J.M. Freeman): Member for Balcatta, continue with your speech.

Debate Resumed

Mr C.D. HATTON: I can respond to that if you like, Madam Acting Speaker.

The ACTING SPEAKER: No. You have two minutes to continue with your speech. You know the standing orders. You know your responsibilities.

Mr C.D. HATTON: Certainly. I am divulging some information in good faith because we did work in good faith.

There is a problem with the linking back to the terms of reference. I do not believe that resourcing, which is dealt with in chapter 6, is part of the terms of reference. The committee seemed to focus a lot on the resourcing, on police operations and on whether the police are being reactive and proactive. I believe that did not really link back to the terms of reference. Frontline policing seemed to be a focus, which is probably right because it is a new model, but sometimes the focus became a little negative rather than looking at the whole model. To say that resourcing is poor and the policy is reactive rather than proactive is not what was indicated to me.

I want to finish by saying that some very good data was presented but there was a lot of union-based data. I felt that it was weighted a bit too much in the final report. We discussed this and I endorsed the report with those comments attached to it. I thank the staff for the wonderful work they have done and I thank my colleagues on the committee.

MR M.P. MURRAY (Collie–Preston) [10.41 am]: I would also like to speak to the report of the Community Development and Justice Standing Committee, titled “How do they manage? An investigation of the measures WA Police has in place to evaluate management of personnel”. I thank the staff, Dr Sarah Palmer and Franchesca Walker, for their work, which was extremely tough in the last few days, but we reached our deadline without seeking an extension. As speakers before me have said, there was some very robust discussion about that. I am very happy we have a full committee again. After a big dummy spit, the members who have come back onto the committee have worked extremely hard, and I thank my colleagues for that.

Another of my disappointments is the effort that we made to get the Commissioner of Police to appear before our committee. It seems to me that he was more intent on doing roadshows with the minister, being out in the public light, acting more like a politician than a commissioner and giving excuses for not turning up to address our committee. That is very disappointing. I do not think anyone on the committee would disagree that it was hard. In fact, at one stage there was discussion about issuing a subpoena to make sure that he attended on the day he was required.

Mrs L.M. Harvey interjected.

Mr M.P. MURRAY: That is a poor reflection —

Point of Order

Dr A.D. BUTI: Madam Acting Speaker, the member is trying to deliver his contribution to the committee report. He has not sought the interjection of the minister. Could you please bring her to order?

The ACTING SPEAKER (Ms J.M. Freeman): I do not know whether that is a point of order. You cannot direct the Chair, member for Armadale.

Several members interjected.

The ACTING SPEAKER: Goodness me! Calm down. It is not a point of order. The member will be heard in silence. Minister, do not interrupt. Member for Armadale, do not direct me on how I do my job.

Debate Resumed

Mr M.P. MURRAY: As I was saying, it is very disappointing to see the leader of an agency —

Mrs L.M. Harvey interjected.

The ACTING SPEAKER: Minister!

Several members interjected.

The ACTING SPEAKER: Members! I am on my feet. Member for Albany, I will call you. Minister, I have asked you not to interject. You will have the opportunity to respond.

Mrs L.M. Harvey: I will.

The ACTING SPEAKER: Thank you very much. If you interject again, I will call you. Member for Collie–Preston!

Mr M.P. MURRAY: Madam Acting Speaker, do not yell at me; I am only doing my job.

I am reporting on what I have seen and what actually happened on our committee. There was reluctance from the commissioner to attend. Every man and his dog appeared before the committee before he turned up. I made it clear to the commissioner at the time that I was disappointed in his actions. I do not withdraw from that. I do not think anyone else in the committee would cross me when I say that it was extremely hard to get the commissioner to appear before us. I understand that he has a very busy job but he has a responsibility to Parliament first. At one stage we were stood up because he had to do a press release. I think that is absolutely appalling and is probably indicative of some of the problems in the police department at the moment. He should get his mind back on the job instead of his retirement. I will move on from that.

The other thing that has been raised in this place, which I disagree with very strongly, is that there is a difference between many other unions and the WA Police Union. The police union has a job to do. Individual police officers are not allowed to complain to politicians. If they did, they would be stepping across the line. The minister knows that. I am very pleased with the evidence that was given to us by the police union and the way it conducted itself when its officers appeared before the committee. I found that many things we did not know about were raised by the police union. About 98 per cent of the people in that industry are in the union so the union was able to tell us what is needed —

Dr A.D. Buti interjected.

The ACTING SPEAKER: I will call you, member for Armadale. You have been called for the first time.

Dr A.D. Buti interjected.

The ACTING SPEAKER: Member for Armadale, I call you for the second time. I am on my feet.

Mr M.P. MURRAY: Because the word “union” is used —

Dr A.D. Buti interjected.

The ACTING SPEAKER: I can keep standing, member for Armadale. The member for Collie–Preston has the floor. The member for Collie–Preston will be heard. You will be called to speak. You can make your comments when you are called to speak.

Mr M.P. MURRAY: Because the word “union” was used, there seems to be this case of shock, horror and the view that we should not listen to people from the union. That is appalling. Maybe if the WA Police Union changed “union” in its title to “association”, it would be respected the way it should be. I give the example of the Chamber of Commerce and Industry of Western Australia. Maybe if the union changed its name a bit and took the word “union” away, it would have got the respect it deserved when it appeared before this committee, which I do not believe it got at times. Throughout our discussions we heard it said, “But the union said that and we do not really think that is the truth.” That is totally wrong. This committee was charged with investigating the police because they are the people closest to the action and able to tell us what the issues are.

The other thing that the union and the medically retired police officers raised was the support they received after they retired. I felt that there should be—I am sure most members of the committee agree; I heard the member for Balcatta say something along similar lines—that police officers should be given more support after they retire. Unfortunately, that does not occur.

The other thing that was very clear in my mind is the lack of support for people with mental health problems. We heard the committee chair's speech about the police officer who experienced problems after a period of time when everything caught up with him. That support is not forthcoming or officers are ridiculed if they ask for help for mental health problems. I think we are probably better placed now than ever in this place and in the general community to understand mental health issues far better than we were previously. I believe there should be some support services and if someone has sought help for a mental health problem, it should not be a mark on their ability to work or on their employment. Someone should not have to have their arm cut off before it is recognised that something is wrong. Sometimes people with mental health problems just need a bit of help and some guidance. I think that is sadly lacking within the system. Generally, the sergeant sorts out the problems with policemen; they have to deal with it themselves instead of being able to seek further help. Certainly my town was shocked at the death of a police officer through mental health issues. That has been well reported and I would not like to bring it all up again. When we look at it, they are probably two of the other things.

The other thing that I must bring out in the last couple of minutes I have is the purpose of the inquiry, which was about performance measurements. Again, I was appalled that on a long weekend we had 11 road deaths. That was bad enough, but when questions were asked—it was also in the press—about how many extra police officers were working and how many officers were on overtime, the minister could not answer. That is why we need these measurements. That is why we need to understand how many people are on the roads and the types of accidents that have occurred. We need these measurements. We cannot keep changing them to suit the climate of the police department at its will. That is where the problem is. Let us get them out there and let us use them for a positive and not a negative. We should use them so that in the future we can say that it was a gravel road, it was a speeding issue or it was a drinking issue. All those things are measured to a degree, but a lot of the key performance indicators have been changed to suit the department. That is one of the greatest problems we have in the police department at the moment.

I commend the report to the house and again thank my colleagues for their robust interrogation of ourselves more than of the people who stood before us.

MS L. METTAM (Vasse) [10.51 am]: I would first like to respond to the member for Collie–Preston's comments about the Commissioner of Police. I am not sure whether the member was at the public hearing, but the police commissioner was in attendance. The Commissioner of Police obviously has a very busy job to do.

Mr M.P. Murray interjected.

The ACTING SPEAKER (Ms J.M. Freeman): Member for Collie–Preston, when members were interjecting on you, I asked that your speech be heard in silence. There will be an opportunity for the member for Armadale, who is also on the committee, to stand and speak, so I ask that the member for Vasse be heard in silence.

Ms L. METTAM: To be a police officer is one of the most honourable vocations that anyone can achieve. It is also one of the most demanding and often one of the most unrewarding ones as well, because police deal with the public at their worst and not at their best. As I said, it is a vocation and not a job, which is why I have some concerns with this report and that many of its recommendations deal with how to make police more appealing to the public rather than how to ensure that the integrity of the police best serves the public. Nowhere is that more evident than in the first recommendation —

That WA Police use section 51 of the *Equal Opportunity Act 1984* to increase the diversity of its higher ranks.

In fact, this report is very critical of the way in which WA Police attempts to attract culturally and linguistically diverse recruits. However, the WA Police recruitment website, stepforwardwa.gov.au, largely adheres to best practice. It contains examples of police entrance evaluation, which has been shown elsewhere to increase the success of applicants from minority groups.

The ACTING SPEAKER: Members, especially you, member for Balcatta, it is pretty disrespectful to be over there chatting while your member is speaking. Can we just listen to the member for Vasse in silence. If members need to have discussions, please go outside.

Ms L. METTAM: I also understand that WA Police is working in conjunction with West Coast Institute to provide a bridging course for people from ethnic backgrounds to develop numeracy and literacy skills to enable them to partake in the police recruitment process. The failure of WA Police to engage comprehensively with minority groups was illustrated during the committee's visit to Balga Senior High School. The student group is extremely diverse, with 57 per cent of the student population having a migrant background. Around 16 per cent of the entire school participates in the Police Rangers unit, which is one of the cadet types offered under the Cadets WA program. We met with the culturally and linguistically diverse group of students from the successful

Police Rangers program. We heard from students whose parents were from war-torn or unsafe countries that there is a strong reluctance by their parents for their children to seek employment in the police force or to have careers that involve the front line. As I said earlier, policing is one of the most demanding and unrewarding vocations, which is the reason that recruitment practices are so important. It is obvious that as our population becomes more diverse, both culturally and socially, it will be necessary for the police to ensure that a broad cross-section of the population is represented in its ranks. If my house were broken into, if I were a victim of domestic violence or if I had lost my child because of a drunk driver, I would not be concerned about the ethnicity, gender or sexual preferences of any police officer I dealt with, and the same can be said for members of the public. The public is not concerned about quotas for CALD and other minority groups; they are concerned only that WA Police has attracted the best person for the job, regardless of their background. As I said earlier, we should not be concerned about how to make police more appealing to the public, but, rather, how we ensure that the integrity of the police best serves the public.

One of the key issues is how we support the police. The police need our full support, especially in dealing with issues like post-traumatic stress disorder, which can arise from dealing on a daily basis with various issues that are alien to the public or the government. The main reason police self-report and manage issues like PTSD internally is that the public has no concept of the pressures that officers deal with. The only people who have an appreciation of these pressures are those in the force. The committee heard of an incident in which an Aboriginal officer was forced to attend the house of a family with whom his own family was feuding, placing him in a difficult position. Late last year *The Sunday Times* reported that an Aboriginal senior constable resigned from WA Police after experiencing repeated racism within the agency. According to the report, 45 per cent of officers will at some stage during their career, suffer from some form of psychological ailment. Of those, around one per cent will suffer full-blown PTSD, and most people with PTSD also have other conditions or problems, such as depression, alcohol abuse or illicit drug use. One recommendation is that the mental health first aid course be made compulsory for all sworn officers. This course was developed by the non-profit company Mental Health First Aid Australia and has been adapted and supported by WA Police. Training on mental health is held over two consecutive days and includes former officers who have suffered from PTSD being invited to speak on this issue. The union and WA Police say that the course has been well received, but only 10 per cent of police officers, or 867 employees, have gone through the course up to 2016. The report recommends that officers have the same access to the PTSD program as Australian Defence Force personnel. According to the Hollywood Clinic, it has treated officers who have heard about the value of its program. In the last 12 months, the health and safety section has come to the party and paid for officers who have requested this treatment. WA Police has also confirmed that the agency will pay for private consultations for officers who do not want to consult the agency's own psychology team, and they can also access the employee assistance program, as is often required.

One of the biggest issues facing WA Police is that WA is the only state that does not have a compensation scheme for medically retired officers. There is a general sick leave entitlement of 168 days per year. The Medically Retired Western Australian Police Officers Association Inc says that no amount of long-term sick leave will see officers with catastrophic, incurable injuries return to operational capacity. Western Australia Police accepts that this needs to be rectified and hopes to negotiate a scheme that will not involve police sacrificing leave provisions. The committee certainly supports some progress in this space. There is value in having this status as an honorary discharge scheme as evident in the armed services.

Finally, I would like to thank my fellow committee members and chairman, the member for Girrawheen, and also the parliamentary committee office staff Dr Sarah Palmer and Franchesca Walker.

DR A.D. BUTI (Armadale) [11.01 am]: As the deputy chairman, may I also contribute to noting the twelfth report of the Community Development and Justice Standing Committee. I would like to commence by thanking my fellow committee members, the chairman, the member for Girrawheen; the members for Balcatta, Vasse and Collie-Preston; and the outstanding contribution of the committee staff, principal research officer Dr Sarah Palmer and research officer Franchesca Walker.

Having listened to the various comments made by fellow committee members, one has to ask if some of the contributions would have been more in line with a minority report, but we will leave that to one side. I will concentrate my time on issues about recruitment practices. I specifically refer to pages 33 and 34 of the report that has been tabled in Parliament today about the shortages in the recruitment of detectives. Set out on pages 33 and 34 of the report are discussions during the committee hearing process with the Western Australian Police Union about the inability to fill positions in the detective part of the police force. I will commence with a statement made in this house by the Minister for Police to a question from the member for Midland. On 23 September 2015, the member for Midland asked the following question —

Having had time to reflect on the minister's criticism of the Western Australian Police Union of Workers this morning —

- (1) Does the minister now acknowledge that the vice-president, Brandon Shortland, did in fact raise the issue of unfilled detective positions with her when they last met?

(2) Will the minister correct the record, and apologise to Mr Shortland?

This is the Minister for Police's answer —

(1)–(2) I thank the member for Midland for the opportunity to correct the record. Mr Speaker, I categorically and emphatically state to the house and the community of Western Australia that no member of the police union has raised the issue of detective shortages with me at any time, until I contacted them yesterday —

That would have been Wednesday, 22 September 2015 —

after hearing the media release from the member for Midland. It has not formed part of any of my WA Police Union of Workers' agenda meetings over the last six months, and it has not been discussed with me privately in any capacity by any member of the police union.

I appreciate the opportunity to correct the record. I stand by what I said on the radio this morning. It has not been raised with me; it has been now, and I will get to work with the executive on addressing the concerns of the union, now that I have been made aware of them.

The police minister stated that no-one in the police union had brought up the issue of detective shortages to her. She made this statement in Parliament on 23 September and said she became aware of it only the day before, which was 22 September 2015.

Page 33 of the committee's report states —

WAPU senior vice president Mr Shortland said the reluctance to apply for detective positions was due to perceptions that the position had been devalued, that there were limited promotional opportunities, and that detectives had to spend time on menial tasks which diverted them from core duties.

Mr Shortland said the union had attempted to bring the situation to the attention of police management for some time. Despite the Minister for Police asserting in parliament in September 2015 that no member of the police union had raised the issue of detective shortages with her at any time, the WAPU was able to provide the Committee with an extract from a recording of a union board meeting on 13 May 2015:

... [which] the Police Minister attended and spoke with the board, and one of our directors raised directly with the Minister and her chief of staff issues regarding detectives and detective vacancies.

The conversation lasted approximately four minutes. The union representative raised the issue of newly-trained detectives having no say in where they were posted, which resulted in them having to travel large distances to work from home. Some chose to return to uniform roles ...

I will refer to the transcript of the hearing before the committee on 17 February 2016 attended by the Western Australian Police Union president, Mr Tilbury, Mr Shortland and a research officer, Mrs Baker.

Page 6 of that transcript states —

The CHAIR: Is it strictly true that the 47 vacancies are vacancies of recently created positions, or has this been a longstanding issue?

Mr Tilbury: It has been a longstanding issue, and we are having trouble actually getting an itemised list of exactly where the vacancies are and whether they are attributed to current vacancies that cannot be filled, those new positions that are being created or actually a combination of both.

The CHAIR: You have said that you have certainly told police and the minister of your concerns for some time. When do you recall that you told the minister, and what were the circumstances?

Mr Tilbury: That would have occurred at a meeting last year. I am not sure of the exact date, but we have regular monthly meetings with the minister to raise various issues.

The CHAIR: Do you have records of that, so that you could maybe refresh your memory as to when that occurred?

Mr Tilbury: No actual minutes are taken; it is just issues that we will raise on that particular monthly basis. I could not give you exact details.

The CHAIR: Did the minister ever go to a board meeting, and you raised it with her there?

Mr Tilbury: I am not sure if it was raised specifically about the vacancies, but we talk about general policing issues, and vacancies have come up in the past.

Mr Shortland: Madam Chair, I recall the May board meeting.

That would be the board meeting in May 2015 —

I think the police minister attended and spoke with the board and one of our directors raised directly with the minister and her chief of staff issues regarding detectives and detective vacancies.

The transcript of that board meeting is found on the committee website; I quote from that transcript —

Union: How are you going filling the extra 200 detectives positions? Have they briefed you on that part of ...

That was inaudible —

Harvey: Well, they've told me that they've actually started to take some detectives through ... now, I don't know ...

Union: It has commenced. I couldn't tell you what number ...

Minister: "I can tell you how many." It then goes on about the extra 200 detectives et cetera. Further on, the minister states —

I'll raise it and ask for an update of where we're up to with that and how we're going ...

Harvey: Where we're up to with applications and where we're up to with graduates. So I'll ask the right questions.

That was taken from an audio recording in May 2015, which does not seem to agree with the minister's statement in Parliament in September 2015.

Mr M. McGowan: We were misled.

Dr A.D. BUTI: It would appear that Parliament has been misled by not just a backbencher, but also by the minister who emphatically answered a question put to her by the member for Midland by categorically denying that the issue had been raised with her by the police union. That has been proven to be a lie. She has misled Parliament. She should resign.

Withdrawal of Remark

The ACTING SPEAKER (Mr I.M. Britza): Member, you must withdraw the comment about the lie.

Dr A.D. BUTI: I withdraw the comment about a lie, but what I have read out is true and she has misled Parliament.

Debate Resumed

Dr A.D. BUTI: I will return to the transcript of the committee hearing on 17 February in which Mr Shortland then states —

Mr Shortland: We were telling WA Police and the minister that there was a problem with detectives for some time before that September article and the issue was raised publicly.

The CHAIR: Right, so, are you aware that she made the statement in September in the Parliament that she was not aware of the issue and it had not been raised with her? Do you recall?

Mr Shortland: I was not sure whether it was raised in Parliament or not. I did hear those comments.

The CHAIR: What was your reaction to the comments?

Mr Shortland: Personally, I was deeply disappointed.

He was deeply disappointed. That was very mildly put by the senior vice-president of the Western Australian Police Union of Workers.

The Minister for Police has not only misled this Parliament, but also she has misrepresented the concerns expressed by the police union. The police minister cannot argue that on 23 September 2015 she told this Parliament that she had not received, in any shape or form, any concerns or had any conversations with any members of the police union about filling vacant detective positions. She categorically stated in her statement that she had not received any correspondence. She said she was unaware until the day before as a result of some media release.

Several members interjected.

The SPEAKER: Time, member.

HOUSING AUTHORITY — AUDIT — RENT ASSESSMENTS

Standing Orders Suspension — Motion

MR F.M. LOGAN (Cockburn) [11.11 am] — without notice: I move —

That so much of standing orders be suspended as necessary to allow the following motion to be debated forthwith —

That this house calls on the Treasurer to launch an immediate financial audit into the Housing Authority's wasteful use of taxpayers' money and demands that the authority reverse the public housing rent hikes set to begin next week.

In four days' time there will be a significant change for pensioners, veterans and disabled tenants of the Housing Authority. Western Australia will be the only state in Australia that will include federal allowances and benefits in the rental assessment for public housing. Questions answered in the Legislative Council on Tuesday night informed the opposition that 90 per cent of Housing Authority tenants will be impacted by these changes—that is, 90 per cent of the 36 000 tenants in Western Australia will be impacted by these changes. These changes to the rental income paid by the most vulnerable in our society come in light of the information that the Housing Authority has bought even more luxury units in apartment blocks here in Perth, under the guise of affordable housing. I put to the government and Leader of the House that the imminent increases in rents for public housing tenants will push them further into poverty. Did the government agree to 20 minutes each?

Standing Orders Suspension — Amendment to Motion

MR J.H.D. DAY (Kalamunda — Leader of the House) [11.13 am]: With some reluctance, the government will agree to a certain amount of time for this debate. I make the point that I think the government has been very generous this week in dealing with suspension of standing orders. I hope the opposition will reciprocate when dealing with other legislation today that is important to be dealt with in a timely fashion by this Parliament. I move —

To insert after “forthwith” the following —

, subject to the debate being limited to 20 minutes for government members and 20 minutes for non-government members

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

The SPEAKER: Members, as this is a motion without notice to suspend standing orders, it will need an absolute majority in order to succeed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

MR F.M. LOGAN (Cockburn) [11.15 am]: I move —

That this house calls on the Treasurer to launch an immediate financial audit into the Housing Authority's wasteful use of taxpayers' money and demands that the authority reverse the public housing rent hikes set to begin next week.

On 28 March, 90 per cent of public housing tenants in Western Australia will be impacted by the most heinous action of the Barnett Liberal–National government to date. On 28 March, the rents that Homeswest—Housing Authority—tenants pay will be changed forever by including all their commonwealth supplementary allowances and benefits in the total income allowed for assessing their rents. Twenty-five per cent of those allowances and benefits will then be taken and given to the Housing Authority as payment for Homeswest rent. When Hon Colin Holt, Minister for Housing, was questioned about what he intends to do with that money, he made it very clear that the money will be spent on further affordable housing. He did not say the money would be spent improving the maintenance and conditions of existing public housing tenants' homes or that the money would be spent on building more public housing properties to bring down the waiting list; he said it would be spent on more affordable homes. When the minister was questioned and when the Leader of the National Party representing the minister in this house was questioned about the reasons for increasing the rents of public housing tenants, the simple response from both the minister and the Leader of the National Party was that it was being done simply to bring Western Australia into line with all other states in the country. That is just not true! It is further misleading of this house. Only one state in Australia includes 25 per cent of commonwealth allowances—in many cases it is not 25 per cent—as part of rental income, and that is Queensland. That was implemented by the previous Queensland Liberal-National government that lasted for one term. The current Palaszczuk Labor government is reversing those changes. When members of this state government come into this place and say, “We're bringing it into line with all other states and territories by increasing rents by 25 per cent”, it is just not true! For the government to then say it will slug the most vulnerable people—the people at the bottom of the heap in Western Australia who are struggling to get by, such as pensioners, veterans and the disabled—and make their lives more miserable in terms of further affordable housing, given what the government has done with affordable housing, is nothing short of scandalous!

I give members an example of affordable housing—Pelago, Karratha. The units at Pelago, Karratha, were bought by the government for \$37.03 million. The most recent valuation of July 2014—it is even worse now—was that the value of that investment is \$27.14 million.

Mr D.T. Redman interjected.

The SPEAKER: Leader of the National Party!

Mr F.M. LOGAN: We have lost \$10 million since purchasing the apartments. The state government has given up on filling the 29 empty Pelago apartments and forced the WA Country Health Service to occupy those apartments. As a result, 26 former Government Regional Officers' Housing homes in Karratha are empty. The people working for country health and occupying those GROH homes were forced into the Pelago apartments to make it work, and now GROH homes are empty. Treasurer, that is an example of the stupid, stupid waste of money involved. We have since found out, through the annual report hearings of the Standing Committee on Estimates and Financial Operations and question on notice 4897, that 18 Pelago West tower, owned by Finbar Karratha, has been empty for 20 weeks at \$650 per week. The state government paid over to Finbar Karratha \$13 000 for an empty apartment. The combined total the state government paid for purchasing Osprey Village, Port Hedland, was \$115.3 million. The most recent valuation of that village is \$93.6 million, so the 295-unit village for workers is now worth \$21.7 million less than the government spent developing it and it is 53 per cent occupied. Even though it is only 53 per cent occupied, the brilliant genius deal of the National Party—by this guy here—is that we pay Fleetwood Corporation, the operator, the full amount regardless of how many people are in there. It is half empty, and since July last year we have already paid Fleetwood \$3.5 million, which is the full amount for operating that facility up there. Despite how many people are in the village, Fleetwood gets the money. Remember, Fleetwood Corporation was a joint venture in the first investment and put in just over \$30 million, and when the genius over here and the Housing Authority purchased Fleetwood's share of Osprey Village, they paid over \$60 million. Treasurer, that organisation —

Mr D.T. Redman interjected.

Mr F.M. LOGAN: The minister will have his chance to respond in a minute.

Several members interjected.

The SPEAKER: I want to hear the member for Cockburn and I do not want to hear the members for Murray–Wellington and Alfred Cove.

Mr F.M. LOGAN: That organisation, Fleetwood, got nearly a 100 per cent mark-up on its investment in two years. Now we find that the further apartments that have been purchased are not in the north, they are in Elizabeth Quay. What is the Housing Authority doing buying 38 luxury apartments in Elizabeth Quay for \$20 million? What is it doing? The construction cost of each apartment, even if it buys —

Several members interjected.

The SPEAKER: Members! Minister for Health. Member for Warnbro, you are not helping your speaker.

Mr F.M. LOGAN: Even if the Housing Authority buys those apartments at the full construction cost of \$526 000 each, under the Opening Doors affordable housing policy, the total income limit for a single applicant is \$75 000 and for couples it is \$95 000. When we take into account mortgage repayments and strata fees for luxury high-end apartments, which can be anything from \$2 500 up, no applicant under affordable housing could buy an apartment. They could not afford to buy the apartment, pay the strata fees, pay the services and eat. But the Housing Authority has done even more. The Housing Authority at Queens Riverside, Adelaide Terrace, Perth, bought 43 luxury apartments. That is an extra 43 luxury apartments! The two-bedroom apartments are worth \$605 000 and the three-bedroom apartments are worth \$730 000. I have just pointed out to the house that no applicant under the Opening Doors policy could afford to buy those apartments. Why is the Housing Authority doing this? Why is it buying luxury apartments with stone benchtops in the kitchen, quality European kitchen appliances, ducted air conditioning for heating and cooling, and luxurious finishes throughout? That is what is in the blurb of the apartments that the Housing Authority has bought.

Several members interjected.

The SPEAKER: Member for Wanneroo, I call you to order for the first time.

Mr F.M. LOGAN: Are these the types of people from the public housing waiting list who are going to go in there? Is that right? Meanwhile, after the absolute financial debacles in the north west and the purchasing of luxury apartments here in Perth, what is happening to 90 per cent of its existing tenants? The government is driving those tenants further into poverty so that it can raise money to waste in the north west or to buy luxury apartments in Perth. It is a scandal, and next week, on 28 March, the Treasurer and this government will force Housing Authority tenants into further poverty so that it can purchase luxury apartments. It is robbing from the poor to buy luxury apartments. It is a scandal! The Treasurer needs to conduct a financial audit right through the Housing Authority and he needs to immediately reverse the decision to take away pharmaceutical allowances from 25 per cent of them, from pensioners, veterans and the disabled.

MR P.B. WATSON (Albany) [11.26 am]: Once again the government is taking from the poor and giving to the rich. I am speaking today on this motion on behalf of veterans. I am shadow Minister for Veterans and numerous veterans have rung me to say that they are going to lose money that they currently get from the federal government. These people have dedicated their lives to serve our country and have been affected over a long

time. Did the Minister for Veterans come out beforehand and say that we should sit down and work these things out? These people have been away, protected us, looked after us, and now a lot of them are struggling. They do not come out with a big pension like politicians, with all the benefits that we get; they go back into the community and struggle. A lot of them have issues. A lot of them have post-traumatic stress disorder. They are struggling in the community, but the government just worries about getting the money to pay for this and that and all its overspending. Where is the National Party on this matter? A lot of veterans in regional areas are living in Housing Authority homes. They are really struggling.

Mr V.A. Catania interjected.

Mr P.B. WATSON: I beg your pardon, member for North West Central? I wouldn't go to war with you. You would be the person running the other way.

The SPEAKER: Thank you.

Several members interjected.

Mr P.B. WATSON: This is a serious issue, so unless members have something constructive to say, they should not say anything.

Mr V.A. Catania interjected.

The SPEAKER: That is enough! Through the Chair, thank you.

Mr P.B. WATSON: We are in a situation in which our most vulnerable people are being affected. I have pensioners in my electorate who do not go out at night. They do not put on their TV at night.

Mr D.T. Redman: What about the Country Age Pension Fuel Card? Do they like that?

The SPEAKER: Leader of the National Party, I call you to order for the first time.

Mr P.B. WATSON: Leader of the National Party, I would be more worried about the rat behind you and his mate on the other side!

Withdrawal of Remark

The SPEAKER: Member for Albany, please withdraw that. That is not parliamentary language.

Mr P.B. Watson: Which bit, Mr Speaker?

The SPEAKER: "The rat behind you."

Mr P.B. WATSON: I withdraw.

Debate Resumed

Mr P.B. WATSON: There was a great cartoon in today's newspaper, and I know which one of those little creatures running off would have been the first. He would be heading straight towards the Greens because there is nowhere else for him to go. This is a very serious issue. Our most vulnerable people, our veterans, our pensioners —

Mr B.J. Grylls: People like you make them leave.

The SPEAKER: Member for Pilbara, I call you to order for the first time.

Mr P.B. WATSON: Member for Pilbara, you would have been the little fat one at the back!

This is a very serious issue. The Leader of the National Party can shake his head, but this is a very serious issue. He laughs, but he is not looking after the most vulnerable people in our community.

Several members interjected.

The SPEAKER: Member for North West Central, I call you to order for the first time.

Mr P.B. WATSON: I only wanted to say a few words for the veterans, the pensioners, the people who can least afford it. We can have all the pretty stuff and spend big money, but the people who are most vulnerable are the ones who are being hit by this government.

MS J.M. FREEMAN (Mirrabooka) [11.30 am]: I was going to let the minister try to get up and defend a terrible issue for public housing tenants. This Liberal–National government is effectively putting its hands into the pockets of pensioners and families to fund projects it has overspent on. In the time I have I want to read to members a letter from a Ms E, who is quite devastated by the impact these increases in rents will have on her pension. As members know, I have tabled many petitions on this issue, including from people who are elders of the Liberal Party who cannot believe that the government is attacking their pensions and provisions in their pensions for medications and other issues around their day-to-day lives. Ms E is in a particular situation.

Her letter states, in part —

I do not drink, do not smoke, do not go to movies, do not hire videos, do not eat out or have any other outside activities. Mr. Barnett said we will have to do with less. What basics do we cut out?

I have bone on bone in both knees, spurs on my spine and neck (which have now fused in some places), arthritis and many other health problems.

I will have to stop taking the newly released anti-depressants (Valdoxin) that the Doctor has prescribed. They are a new drug and not on the PBS list. They are different as they work on the melanin in the brain. I have tried all the other anti-depressants, but they do not work, they make me angry or just keep me awake which is very bad for my health.

Before I was on these new drugs I used to think about committing suicide on a daily basis due to the pain and my quality of life. This new medication has stopped daily suicidal thoughts, but the problem is that they are \$60.00 a script which is \$30.00 per fortnight. With the other prescriptions and chemist products I need puts this up to \$106.00 per fortnight. I can supply a detailed budget of these needs, but I do not want my name and personal details advertised in Parliament.

I am sorry, Ms E, that I put that. The letter continues —

I have no choice but to cut —

1. The gardening service from the Volunteer Task Force
2. Valdoxin
3. Christmas presents for my family
4. Stop watering the garden (I created a beautiful garden, an escape from the world)
5. I already do not shower daily, so as to save money.
6. Don't have me hair cut ever.

These cuts will still not be enough to take my budget out of the red. I have been to financial advisors in the past, only to get home and find that they have left necessary items off the list so as to make my budget balance.

This is what the government is doing to these people. This is the impact that the government is having and it is deplorable.

MR D.T. REDMAN (Warren-Blackwood — Leader of the National Party) [11.33 am]: I rise to respond to this motion on behalf of the Minister for Housing who is in the other place. We had a similar debate in this house not that long ago in which we talked about the policy setting of using the assessment of 25 per cent of income as the benchmark for what the rental payment should be for social housing in this state, which covers some 32 000 households. That has been accepted nationally as the benchmark position. The challenge is that many people have a range of other incomes that come in from various sources, including from the Department of Veterans' Affairs, for those who have totally and permanently incapacitated benefits and the like. The principle applied by the Department of Housing to the assessment of incomes that any householders might get is firstly that it is a regular and ongoing income and not just a one-off payment and, secondly, that the income does not need to be invoiced. In other words, they can use it in a discretionary sense around living. It is not specifically raised as something they are required to buy and it is invoiced back to the supplier. When we look at all the different payments made to people, there are about 150, so it is actually quite a challenge working through all the different payments and making the determination against the criteria that the government has set about what should be eligible income. The Labor Party might have its own policy setting on this, but we have a policy setting of taking into account 25 per cent of eligible income to assess what the rental payments should be.

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro!

Mr D.T. REDMAN: I make the point that in respect of Department of Veterans' Affairs payments, the Minister for Housing has put that on hold until there is a proper assessment of those payments to see whether they do or do not meet the criteria that the Housing Authority has put on it.

Mr F.M. Logan interjected.

Mr D.T. REDMAN: I just went through the criteria; the member was not listening.

Mr F.M. Logan interjected.

Mr D.T. REDMAN: No, the criteria are —

Several members interjected.

The SPEAKER: Members for Albany, Cockburn, Girrawheen and Warnbro, let us hear the minister!

Mr D.T. REDMAN: The criteria are quite basic. They are that it is a regular and ongoing income—that is the first box ticked—and secondly, that it can largely be used for discretionary purposes; that is, it can support the cost of living. If there is a specific payment such as other supports that require invoicing, that is outside the

assessment. It is a challenge for Housing to work through and assess that, and the minister has rightly put this on hold while there is a proper assessment of the Veterans' Affairs payments to see whether it should be eligible for this or not. I think that is a fair and reasonable position to take. The point comes back to the fact that we are supporting a position of 25 per cent of income as being the rental payment.

The bit that the member for Cockburn forgets is that he is totally focused on those in social housing; there are 32 000 households in that case. He forgets about those who are sitting just outside the social housing space—the ones who are subjected to commercial market rents. They are the ones who are actually doing it the toughest. They are in exactly the same pensioner situation —

Mr F.M. Logan interjected.

The SPEAKER: Member for Cockburn, I call you to order for the first time.

Mr D.T. REDMAN: The member for Cockburn is making the point that they can be subject to the rental —

Mr F.M. Logan interjected.

The SPEAKER: Member for Cockburn, I call you to order for the second time.

Mr D.T. REDMAN: The “member for Housing” is suggesting that we do not need any social housing because apparently they can survive in the marketplace.

Ms J.M. Freeman interjected.

The SPEAKER: Member for Mirrabooka, I call you to order for the first time. People who have already spoken spoke in relative quiet.

Mr D.T. REDMAN: The member for Cockburn's point is that we actually do not need any social housing, because he is saying the marketplace can absorb it, and that is absolute rubbish. This side knows it is rubbish, which is why we are focused on a social housing commitment of \$560 million.

Ms J.M. Freeman interjected.

The SPEAKER: Member for Mirrabooka, I call you to order for the second time.

Mr D.T. REDMAN: The same member who talked about letting them go into the market and letting them survive themselves because there are apparently low enough rents for them to survive, also said in *The Sunday Times*, in reference to Elizabeth Quay, that social housing tenants were undermining the value of the apartments. This is a member who sits on the social justice hill and says that social housing tenants undermine the value of apartments! Does that apply in his electorate? I think he has sold out the principles of his lot.

Several members interjected.

The SPEAKER: Minister, I want you to speak through the Chair and I want the member for Butler to not shout out. Let us carry on.

Mr D.T. REDMAN: A couple of other —

Several members interjected.

The SPEAKER: Member for Armadale, I call you to order for the third time.

Mr D.T. REDMAN: I know one thing for a fact, member for Armadale: you are not in government, and there is quite a way to go to get from there right around to the middle here before you start looking on this side!

Another point made by the member for Cockburn related to Pelago East and Osprey Village. He is talking about the challenge of the rental market here in the metropolitan area and the issues of his constituents; the member for Mirrabooka also rightly raised that issue. There is a whole heap of tenants who sit outside social housing and who have actually been exposed to the broader rental market, which is a greater challenge. The member for Cockburn talked about that challenge, but when rents were reaching \$3 000 a week in the Pilbara region as a product of the resources sector boom in this state, the opposition railed against us to ensure we did something about it. They were asking us consistently, day in and day out, to do something about it because it was an acute issue, and we did. We invested, because they called for it. We knew it was the right thing to do. I know the member for Cockburn can read the crystal ball on what happens in the resources sector because no other financial commentator in the world predicted what happened then, but apparently the member for Cockburn did!

Several members interjected.

The SPEAKER: I call the member for Bassendean to order for the first time, and I call the member for North West Central to order for the second time.

Mr D.T. REDMAN: On the back of those investments up there, we have been able to successfully leverage private sector investment. That is what we want to do because that means we get a bigger bang for our buck. Trying to take the Labor Party into level 2 or level 3 thinking about this stuff is really hard, Mr Speaker. The

Labor Party's solution is to take the money and buy a house. It does not even put any innovations into how that might be achieved. Up in the Pilbara, we are seeing the broader rental market for the first time hit something that is even close to being normalised. We invested—we tackled it—and it is close to being normalised. Apparently the member for Cockburn seems to be able to predict what will happen financially around the world that no-one else seems to be able to predict. He says that we should have known and should not have done it, which is absolute rubbish.

In summary, the principle of having 25 per cent of eligible income as the basis for people's rent is appropriate. Yes, some changes are coming in in four days. We think that is a more-than-fair position. It is consistent with the other states' approach, and I think it is consistent and meets what we would consider the fairness test.

Mr F.M. Logan interjected.

The SPEAKER: Member for Cockburn, you have been called twice.

Mr D.T. REDMAN: We believe that it meets the fairness test. Quite rightly, the Minister for Housing has put a couple of assessments on hold to ensure that the department can appropriately assesses the new incomes that some people will get that meet the applied criteria for rents. The second point I made was that those people who sit just outside of social housing are the ones who are doing it tough. If we can have a fair principle for those who are in social housing, it means that we can build more social houses for those people who sit outside of it.

Several members interjected.

The SPEAKER: Member for Cockburn, I call you to order for the third time. Member for Jandakot, I do not want to hear from you.

Mr D.T. REDMAN: Anything that we can do to apply a fairness test for those in social housing allows us the resources to get more social housing. We are building another 1 000 houses with \$560 million to support the affordability strategy, which will bring in access to social housing for more people exposed to the broader rental market—those doing it the toughest, in our view. We have had debates about the Pilbara in this house. We invested. We normalised rentals. That is what we are trying to achieve.

I will make one other point. As far as Elizabeth Quay is concerned, I am advised that, if anything, there may be some shared equity arrangements in there, but there will not be direct social housing.

DR M.D. NAHAN (Riverton — Treasurer) [11.43 am]: I want to make a few comments on this matter. One, the policy around the states of Australia is for 25 per cent of income.

Mr F.M. Logan: No, it's not.

Dr M.D. NAHAN: Yes, it is. There are some differences, particularly whether a pension increase of a few years ago is included in assessments in other states or otherwise. New tenants in social housing have been charged 25 per cent of their income for some time, so it is an equity issue. We are moving some of the older tenants up towards 25 per cent on a step-by-step basis. That is the reality. All the funds raised by the Housing Authority and social housing will be reinvested in additional social housing, whether it is in maintenance, upgrades or otherwise. As the minister indicated, during the last budget, we announced a program of \$560 million for 1 000 additional social houses. That is the largest expansion of social housing for decades.

Mr P.B. Watson interjected.

The SPEAKER: Member for Albany, I call you to order for the first time.

Dr M.D. NAHAN: There will be 1 000 additional homes, and planning and additional activities are underway. On top of that, over a number of years, this government has met its target of 20 000 affordable homes.

Mr W.J. Johnston interjected.

The SPEAKER: Member for Cannington, I call you to order for the first time.

Dr M.D. NAHAN: The government achieved its target early and expanded it to 30 000 homes. Rents have come down, but I tell members that people at the margins are still struggling to pay the existing rents.

Mr F.M. Logan interjected.

Dr M.D. NAHAN: Maybe the member does not, but other people do.

There is an issue about where the housing is. A longstanding policy in Western Australia, both for Homeswest and affordable housing, has been to make sure that people in affordable housing and low-cost housing are spread throughout the community, rather than being stuck in ghettos and other places—as it was in Fremantle with those large high-rise apartments. Up to now, the policy has been bipartisan. The member for Cockburn is saying that in expensive areas such as his area, and in the expansion of Coogee and other places, we should not assist those people on low incomes, whether it is in apartments in the city or in Coogee or otherwise. He is saying that we should go back to the old ghetto mentality and the old high-rises where everybody is on low incomes and are often really struggling on welfare. We will not deviate from the longstanding policy of having people on assisted housing, whether it is social housing or affordable housing, throughout the community.

Dr A.D. Buti interjected.

The SPEAKER: I just want to tell you something, member for Armadale; you might not know it, but you are on three calls, so you started very early today. I suggest you calm down.

Dr M.D. NAHAN: I remember when the former member for Vasse was the Minister for Housing. We found out that the Premier had more social housing in his electorate than I did in mine, in Riverton.

Mr P. Papalia: You sold them!

Dr M.D. NAHAN: We did; that is the point I am getting to.

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro, I call you to order for the first time. Treasurer, through the Chair, please.

Dr M.D. NAHAN: That is the point. We sold those houses and we did a number of things. We kept some houses in the area, but we sold the larger blocks and built two or three. More importantly, we took the money and expended it elsewhere.

Mr W.J. Johnston: No, you didn't.

Dr M.D. NAHAN: Yes, we did.

Ms R. Saffioti: No, you didn't.

Dr M.D. NAHAN: Yes, we did. We have had the largest expansion —
Several members interjected.

The SPEAKER: There is one speaker here. If you disagree with him, go and issue a press conference outside. Do not interject. Thank you.

Dr M.D. NAHAN: There is another issue. With affordable housing programs, the Housing Authority has entered into all sorts of arrangements for joint equity, which was actually a Labor initiative—a good one. We have a whole range of programs to assist lower income people who do not qualify for social housing to get into affordable housing. We will not run away from that. These houses have been in the city and other places. We recognise that the Department of Housing's policy has to be moderated so that it does not buy luxury apartments. I want to caution the member for Cockburn. Yes, those flats up in Elizabeth Quay are luxury apartments, but three-bedroom apartments for \$600 000 are not necessarily luxury apartments. That is largely a social housing —
Several members interjected.

The SPEAKER: Member for West Swan, I call you to order for the first time. Through the Chair, please, Treasurer.

Dr M.D. NAHAN: It is legitimate to help younger people who are working but have no deposit and are struggling to get into an apartment, even for \$600 000, in the city. We can assist them with a whole range of assistance types so that they can eventually pay off the loan. We will not run away from that. It is legitimate to pay \$600 000 for a three-bedroom apartment. It is very strange that people who wear their social conscience on their shirts are now criticising us for expanding social housing and expanding affordable housing. What kind of reality do we live in here? Members opposite criticise us for getting young people into housing in the city! It is bizarre.

Several members interjected.

The SPEAKER: Member for Cannington, I call you to order for the second time; member for Swan Hills, I call you to order for the first time. Treasurer, through the Chair.

Dr M.D. NAHAN: Yes, we made a large number of investments in the Pilbara, but I remember when we came to government, the cost of rent in the Pilbara at that time, particularly Karratha; it was the most important industrial zone in the country. The nation's future wealth depended on getting people up there to work and be successful, but people could not do it because members opposite constrained the sale of land. People had to pay \$2 000 a week in rent! Members opposite did, and were going to do, nothing about it—nothing! It is not an easy place because it is tied to the commodity market, so it goes up and down as commodities do. Yes, we have invested heavily into that area. Yes, it has normalised now. Yes, there are a lot of risks. But we would not have the growth, the LNG projects and the expansion if we had not done things like that. Members opposite would not have done it, because they do not have the mettle to do it.

MS R. SAFFIOTI (West Swan) [11.51]: It is amazing that no-one else wants to stand up and defend the government's record. We have learnt from the Treasurer again that he does not care about the truth in this place. We have learnt also that the first thing this government did was get a list of where the social housing was in each electorate. The Treasurer basically gave the game away. They went through and got rid of all the social housing in Liberal electorates.

Several members interjected.

Ms R. SAFFIOTI: That is what he said. I will go to the key facts.

Several members interjected.

The SPEAKER: We have got the wall of noise. The member for West Swan.

Ms R. SAFFIOTI: The Treasurer said they sat down with a list of the electorates and social housing. That is what they did. That is why the former member for Vasse got rid of all the social housing in the Liberal heartland. That is what he did. The other key point is —

Several members interjected.

The SPEAKER: Leader of the National Party! Do not point, member for Warnbro! I have given you a lot of latitude here today as well. I do not want to hear from you. You have got two minutes, member; through the Chair, thank you.

Ms R. SAFFIOTI: The Treasurer said that a three-bedroom apartment at Elizabeth Quay will cost \$600 000. That is a bargain. But he is wrong. One-bedroom apartments at Elizabeth Quay start at \$700 000. The government is getting a discount because it was needed to underwrite the towers. The Metropolitan Redevelopment Authority forced Housing and Works on this issue.

Let us go through the other key points. We are asking for a financial audit. The Treasurer spoke on the front steps and said that the National Party are economic vandals. Now is the Treasurer's chance to see exactly what they have done. They have wasted millions of dollars. The government is paying rent for empty apartments at Pelago. There has been a massive devaluation in government investment that was made only a couple of years ago. The government is paying exorbitant management fees for apartment complexes that are only 50 per cent full. At the same time, the government is attacking the most vulnerable in the community. This is the key. The government has wasted millions and millions of dollars.

Dr M.D. Nahan interjected.

The SPEAKER: Treasurer, I call you to order for the first time. Through the Chair, member for West Swan.

Ms R. SAFFIOTI: The government has wasted millions of dollars.

Dr M.D. Nahan interjected.

The SPEAKER: Treasurer, I call you to order for the second time.

Ms R. SAFFIOTI: The government has continually wasted millions of dollars, and now it is charging the most vulnerable in the community, just to cover up its stuff-ups, its financial recklessness and the economic vandalism that is being undertaken by government departments and agencies. What is Treasury doing about that? Nothing. Treasury should be examining these deals. What the government has done in this state is absolute economic vandalism. The idea that the MRA was not involved in that Elizabeth Quay deal is wrong. We know what happened. Every time the government pays \$500 000 for a one-bedroom apartment at Elizabeth Quay, it is denying three or four people to chance to get into social housing. That is because the government has wasted all its money on luxury apartments. That is the key point.

Division

Question out and a division taken with the following result —

Ayes (20)

Ms L.L. Baker	Mr W.J. Johnston	Mr M.P. Murray	Ms R. Saffioti
Dr A.D. Buti	Mr D.J. Kelly	Mr P. Papalia	Mr C.J. Tallentire
Mr R.H. Cook	Mr F.M. Logan	Mr J.R. Quigley	Mr P.B. Watson
Ms J. Farrer	Mr M. McGowan	Ms M.M. Quirk	Mr B.S. Wyatt
Ms J.M. Freeman	Ms S.F. McGurk	Mrs M.H. Roberts	Mr D.A. Templeman (<i>Teller</i>)

Noes (35)

Mr P. Abetz	Mr J.H.D. Day	Mr A.P. Jacob	Dr M.D. Nahan
Mr F.A. Alban	Ms W.M. Duncan	Dr G.G. Jacobs	Mr D.C. Nalder
Mr C.J. Barnett	Ms E. Evangel	Mr S.K. L'Estrange	Mr J. Norberger
Mr I.C. Blayney	Mr J.M. Francis	Mr W.R. Marmion	Mr D.T. Redman
Mr I.M. Britza	Mrs G.J. Godfrey	Mr J.E. McGrath	Mr A.J. Simpson
Mr G.M. Castrilli	Mr B.J. Grylls	Ms L. Mettam	Mr M.H. Taylor
Mr V.A. Catania	Dr K.D. Hames	Mr P.T. Miles	Mr T.K. Waldron
Mr M.J. Cowper	Mrs L.M. Harvey	Ms A.R. Mitchell	Mr A. Krsticevic (<i>Teller</i>)
Ms M.J. Davies	Mr C.D. Hatton	Mr N.W. Morton	

Pair

Mr P.C. Tinley

Mr R.S. Love

Question thus negatived.

MINISTER FOR POLICE*Standing Orders Suspension — Motion*

MRS M.H. ROBERTS (Midland) [11.58 am] — without notice: I move —

That so much of standing orders be suspended as is necessary to enable the following motion to be moved forthwith —

That this house —

- (1) notes that the Minister for Police misled the house on 23 September 2015 when she advised the house —

“I categorically and emphatically state to the house and the community of Western Australia that no member of the police union has raised the issue of detective shortages with me at any time, until I contacted them yesterday”;

and

- (2) calls on the Minister for Police to apologise for misleading the house, immediately correct the record and, in accordance with Westminster traditions, resign her commission as a minister in the WA Liberal government.

To call for the resignation of a minister is one of the most serious motions that can be moved. I understand that there is an indication from the Leader of the House that we can agree to this debate proceeding and to standing orders being suspended. So, I will sit down briefly.

Standing Orders Suspension — Amendment to Motion

MR J.H.D. DAY (Kalamunda — Leader of the House) [12 noon]: I note that this is the second time we are agreeing to the suspension of standing orders today. However, we will agree to 10 minutes each side, and that has been discussed. I move —

To insert after “forthwith” the following —

, subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members.

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

The SPEAKER: As this is a motion without notice to suspend standing orders, it will need an absolute majority in order to proceed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

MRS M.H. ROBERTS (Midland) [12.01 pm]: I move —

That this house —

- (1) notes that the Minister for Police misled the house on 23 September 2015 when she advised the house —

“I categorically and emphatically state to the house and the community of Western Australia that no member of the police union has raised the issue of detective shortages with me at any time, until I contacted them yesterday”;

and

- (2) calls on the Minister for Police to apologise for misleading the house, immediately correct the record and, in accordance with Westminster traditions, resign her commission as a minister in the WA Liberal government.

The words that were uttered by the minister on 23 September followed questioning from me in this house. That was the answer that she provided in question time. We now know from evidence just provided by way of the report of the Community Development and Justice Standing Committee this morning entitled “How do they manage? An investigation of the measures WA Police has in place to evaluate management of personnel” that there is evidence that the minister was made fully aware of detective shortages in May 2015, so months before. I have certainly heard anecdotal evidence from lots of members of the Western Australian Police Union. It has over 5 000 members in this state. Lots of them have told me that they raised this matter with the minister. The fact is that this minister thought that she could come into this house and mislead it.

We have seen from the committee report the evidence that was tendered by the Western Australian Police Union. We have heard from the member for Armadale the answers that were given from Mr Tilbury and Mr Shortland to the committee after questioning. We have also listened to the audio of that police union meeting, which is on the committee website. I understand that the minister is going to try to weasel out of this again. She will try to mislead the house yet again into believing that these matters were not raised with her. I understand that her weasel words are to the effect that this conversation was about tenure and not detective shortages. Let us look at the words. As reported, someone from the union says on the tape —

How are you going filling the extra 200 detectives positions? Have they brief you on that as part of ...

The minister responded —

Well they have told me they have actually started to take some detectives through, now I don't know ...

Someone from the union says —

It has commenced, I couldn't tell you what numbers ...

Then the minister says —

I can't tell you how many ... in actual fact when I wanted the extra 200 detectives as part of that commitment it was in response to regional WA, so I went around to all the regional centres.

Some of what she goes on to say is also pretty pertinent to this. She said —

One of the questions I always ask is what is on top of your wish list to try and make this station work effectively and usually it was a couple of extra detectives ...

As part of this conversation she admits that the issue of detective shortages has been raised with her throughout the length and breadth of this state, presumably by union members because the officers in these locations are members of the union. At the very end of this audio, she said —

... so, um, I will raise it and ask for an update of where we are up to with that and how we are going, where we are up to with applications and where we are up to with graduates. So I will ask the right questions.

The minister says that as a result of this conversation with the union, which has been recorded, she was going to find out about these detective shortages and vacancies.

In the conversation that is recorded for the union—I do not have time to go through it all now—the union raised with her the fact that not enough people are putting their hands up to become detectives and that WA Police cannot fill the detective schools. These are all matters that go to the detective shortage. There is a direct reference, with the union saying that officers prefer to remain in uniform rather than take up the detective positions. It is all about the detective shortage. The conversation is all about how these positions are hard to fill. The minister can try to weasel out of that if she likes but I think it is very clear to everyone that she misled the house.

Unfortunately, this minister has a track record on this. She often tries to give these cute answers when she does not give the whole truth. Sometimes ministers get incorrect information from their department, and that is an excuse under the Westminster system to say, “I was provided with the wrong information by my department.” But in this case, it is all about the minister; it is not about an answer provided to her by the police department. It is not about an answer provided to her by her office to read out in this place; it is all about her. She was asked directly whether these matters had been raised and she said that they had not. She spoke to journalists and she went on radio saying the same thing. When I raised the question in September, she said, “This is news to me. This is the first I have heard about it.” She said words to the effect, “If I had heard about it, I would have dealt with it.” The fact is that it had been raised with her for months. It was raised at the police union meeting, which the minister has now been found out on because we have the transcript of that meeting when it was directly raised and discussed with her.

Point of Order

Mr C.J. BARNETT: The member opposite quoted from what she describes as a transcript. This is a serious motion. I think if she is going to quote from a transcript, she should at least have the courtesy of passing a copy of that over.

Several members interjected.

The SPEAKER: The member for Midland can deal with it.

Debate Resumed

Mrs M.H. ROBERTS: It is online, Premier; maybe you should learn to go online.

This is a serious matter. The Premier has a minister in his government who has no credibility whatsoever. Why does she have no credibility? Because when she gives an answer in this place, she cannot be believed. When she gave that answer, dozens of police officers said to me, “We have raised it with the minister. She's not telling the truth in the house.” I could not prove that but now we know —

Several members interjected.

The SPEAKER: Just let the member for Midland finish—she has three minutes left—and then members can respond.

Mrs M.H. ROBERTS: The fact is that the evidence is now there. This matter of detective shortages was raised with her. Mr Tilbury said that he had been raising the issue until he was blue in the face, yet this minister put her head in the sand and dared to tell this Parliament that the first time it was raised with her was in September and she was going to get onto it. She told the union in May that she was going to get the briefing then. What did she do for all those months and why did she not tell the truth in this house? She has no integrity. She has no credibility. She cannot possibly continue as a minister of the Crown. If the minister will not resign, the Premier should sack her.

MRS L.M. HARVEY (Scarborough — Minister for Police) [12.09 pm]: Mr Speaker —

Several members interjected.

The SPEAKER: Thank you, Premier.

Mr M. McGowan interjected.

The SPEAKER: Leader of the Opposition!

Mr B.S. Wyatt interjected.

The SPEAKER: Thank you, member for Victoria Park.

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen! I want to hear the minister.

Mrs L.M. HARVEY: Thank you, Mr Speaker. I would have thought that if those opposite are calling for my resignation over misleading the house, they would at least have given me the courtesy of their full argument before expecting me to stand. I am happy to stand —

Dr A.D. Buti interjected.

The SPEAKER: Member for Armadale!

Mr M. McGowan: You wouldn't remember anyway.

Mrs L.M. HARVEY: Mr Speaker —

Several members interjected.

The SPEAKER: Member for Midland!

Mrs L.M. HARVEY: I stand by every single comment I made in September. My responses, those comments that I made to questions that were asked of me in this Parliament and when I spoke on radio and to *The West Australian*, were that the issue of detective vacancies—that is, full-time positions that are vacant—had not been raised with me by anybody in the WA Police Union until I found out about it on the day that I was asked here. I was informed by the police executive that as part of our growth program, additional positions had been created and there was a process of recruitment in train to backfill and to fill those additional positions. We started off with, I believe, around 890 positions and another 50 were added, and the police executive was in the process of training detectives to fill those positions. The conversation I had with the union board back in May 2015 was entirely different. That conversation was on our growth program.

From around the time I was appointed minister, I went right across the length and breadth of the state and asked all those individuals in stations what would be at the top of their wish list to improve the way they could do business, and they said, “More detectives.” I said, “Fantastic”, and I took it to the government. We went out with an election promise of 550 additional police and police auxiliary officers, which included the ability to train up an additional 200 detectives—an additional 200 detectives—to address the additional detectives that the officers in those regional stations said they needed to do their work effectively. They were not vacant positions; they did not exist. That is what I was talking about with shortages, because the regional officers were saying to me that they wanted more detectives. I recommend that people listen to the conversation that I had with the union board.

Mrs M.H. Roberts: We have.

The SPEAKER: Member for Midland!

Mrs L.M. HARVEY: You had your turn!

The issues that were raised with me were on behalf of some of the members of the union executive who, first of all, asked me, “Where are you up to with your election commitment of an additional 200 detectives?” I said words to the effect that I understood that it had started but that I could not tell them the number of detectives

who had commenced the program but that I would get back to them, and I did. Another issue that was raised in that meeting was that there were issues with probationary detectives who might live in Joondalup but were stationed in Armadale. They were doing a lot of travelling. The level of supervision of those probationary detectives may also have been of concern. I was told that detectives might not want to take up positions if that issue of travel for the probationary detectives was not addressed. I raised that with the commissioner and I am given to understand that that issue has been resolved as a result. The other issue that was raised was that the workbook program that we required police officers to do in their own time prior to applying to detective school was a deterrent to officers taking up the training opportunities. That was because they had to do it in their own time. That system has now changed. Police officers who want to become detectives start detective training school with the workbook process as part of the training program. That is what I have been advised. They are completely different issues. They were not detective vacancies.

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland, you were heard in absolute silence; I did not call a single member. Member for Cannington, listen to the minister.

Mrs L.M. HARVEY: The issue of vacancies had not been raised with me prior to me going out in the media and saying so in this Parliament; it had not. Mr Shortland went on radio and said that he had had a private conversation with me around the meeting with the union that I had had the day before about detective vacancies and I maintain to this day that that conversation did not occur. None of my staff in my office heard that conversation. I did not have a conversation with any member of the union about detective vacancies. I maintain that stance. We remain committed to our growth program. So I will not be resigning. I did not mislead Parliament. I did not give incorrect information. Yes, my version of events differs from that of the union, but any member of this house can now go to that transcript or can listen to the audio and hear that conversation. It was about training. It was about our growth program. It was not about filling detective vacancies—FTE positions that exist that we cannot get people to take up. It was not about that.

MR M. McGOWAN (Rockingham — Leader of the Opposition) [12.14 pm]: Every single day this government has another crisis.

Several members interjected.

The SPEAKER: I just want to tell you, Treasurer, that you are on two calls. I do not want the wall of noise.

Mr M. McGOWAN: Another day, another crisis for this government.

Several members interjected.

The SPEAKER: Member for Pilbara, I call you to order for the second time.

Mr M. McGOWAN: Back when this issue —

Several members interjected.

The SPEAKER: Member for Swan Hills, I call you to order for the second time.

Mr M. McGOWAN: When this issue was raised on 23 September 2015, detective shortages were a big issue. They continue to be a big issue, as does police —

Several members interjected.

The SPEAKER: Member for Churchlands, I call you to order for the first time and the Premier for the first time.

Mr J.R. Quigley interjected.

The SPEAKER: I call the member for Butler for the first time. Thank you. Carry on.

Mr M. McGOWAN: I just want everyone to understand that when we raised in this house the important issue of detective shortages, the minister said —

... no member of the police union has raised the issue of detective shortages with me at any time ...

That is what she said, as clear as day. I have with me a copy of the transcript of the recording of the meeting in May of last year, which is on the parliamentary website. The union asked the minister —

How are you going filling the extra 200 detectives positions?

The minister has said that detective shortages were not mentioned. The union is recorded as having raised in the meeting with her —

How are you going filling the extra 200 detectives positions?

Several members interjected.

The SPEAKER: Member for Joondalup, number one is that you are in the wrong seat and number two is that I am calling you for shouting out. Thank you very much. We have got two minutes. We have had a reasonable debate. Let the Leader of the Opposition finish.

Mr M. McGOWAN: In this issue, this minister is guilty beyond reasonable doubt. She has misled the people of Western Australia, she has misled this Parliament and she has been caught out. She should apologise to the house and, in accordance with the traditions of Westminster Parliaments, she should resign. We know that this government has no belief in Westminster traditions. We saw that yesterday.

Several members interjected.

The SPEAKER: Member for Churchlands, I call you to order for the second time.

Mr M. McGOWAN: Government members have no belief in the traditions of Westminster government, they do not believe in the concept of cabinet government and they do not believe in being honest to the Parliament. We have seen the police minister, of all people in this house, misleading the house and misleading the public about the number of detectives in the WA police force. This is an issue of fundamental accountability for the government and just follows on from every other issue that has come up over the course of this year and last year. This is a government in crisis, a government with ministers who are not accountable and a government that has been there too long.

MR C.J. BARNETT (Cottesloe — Premier) [12.18 pm]: If a member moves a motion in this Parliament that a member or a minister, in particular, has misled the Parliament, it is a serious matter and we would expect a case to be made in a serious and comprehensive way. The member for Midland quoted from the transcript of a recording, as I understand it, of a meeting of the WA Police Union board. There was no reference to who was making various comment. I do not know to this day who they were. Members opposite refuse to hand over to me a copy of it so that I can read it for myself.

Several members interjected.

The SPEAKER: We have had a reasonable debate. If members want to have a rest, carry on the way you are going.

Mr C.J. BARNETT: From my memory of what the member for Midland read out, I did not hear the words “detective shortages”. I might be wrong but I did not hear the expression “detective shortages”.

Mr A. Krsticevic: It wasn't there.

Mr C.J. BARNETT: It was not there. Her whole argument was about detective shortages but it was not mentioned in what was read out.

Mr M. McGowan interjected.

Mr C.J. BARNETT: He accuses me of being tricky. Who is being tricky? The opposition built its motion around detective shortages when that term does not, to the best of my knowledge, appear in what was read out. It is not there. This is a flimsy little attempt to try to score some political point. No doubt the members of the Western Australian Police Union were talking about a case for more detectives. That is very much different from saying there are vacancies with respect to detectives. They did not talk about vacancies or detective shortages; they made the case —

Mrs M.H. Roberts: They did.

Mr C.J. BARNETT: You didn't read it out!

Several members interjected.

The SPEAKER: Member for Butler, I call you to order for the second time. Member for Midland, I seem to hear you in the mix here as well.

Mr C.J. BARNETT: I understand they made the point about where were the extra detectives coming from. That would be an increase in the establishment of detectives. As the minister said, we are talking about an extra 200 detectives. What is the case? There is none.

Ms M.M. Quirk interjected.

Mr C.J. BARNETT: Come on! I have seen some weak motions in this Parliament, but never one as weak as this when the opposition cannot even get the basic fact of its argument right. They are talking about their case —

Mr P.B. Watson interjected.

Mr C.J. BARNETT: I do not know if you have a problem over there, member for Albany, but calm down.

The police union is making a case for more detectives. The Minister for Police is trying to deliver an extra 200 above the existing establishment. It is quite proper that they should discuss that. Were they talking about a shortage below establishment? Not from what I heard. They may have been concerned but they did not raise it. The opposition has made no case.

Mr J.R. Quigley interjected.

The SPEAKER: Member for Butler, you are on two already.

Mr C.J. BARNETT: This is a pathetic motion.

Mr P.B. Watson interjected.

Mr C.J. BARNETT: That is your cheer squad: a little chuckle from the deep south! That is as good as it gets.

Mr P.B. Watson interjected.

The SPEAKER: Member for Albany!

Mr C.J. BARNETT: Leader of the Opposition, you are smug. You have come in here and suspended standing orders three times and called for two ministers to resign. I tell you what a lie is in politics, Mr Speaker: a lie in politics is when you go out and deliberately tell something that is not true.

Several members interjected.

The SPEAKER: Member for Bassendean, I call you to order for the second time. Member for Albany!

Mr C.J. BARNETT: If you go out and say something that you know not to be true, that is a lie in politics. There are examples of people lying in politics. If members want me to go through them, I am happy to do so. This motion was based on innuendo and supposition, and it is weak.

Division

Question put and a division taken with the following result —

Point of Order

Mr W.J. JOHNSTON: Are you going to ask the Premier to withdraw his allegation of lying?

The SPEAKER: I did not hear anything that happened in the melee that happened when people were crossing. Let us get on with the business.

Division Resumed

Ayes (19)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Ms J. Farrer
Ms J.M. Freeman

Mr W.J. Johnston
Mr D.J. Kelly
Mr F.M. Logan
Mr M. McGowan
Mr M.P. Murray

Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk
Mrs M.H. Roberts
Ms R. Saffioti

Mr C.J. Tallentire
Mr P.B. Watson
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (34)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr G.M. Castrilli
Mr V.A. Catania
Ms M.J. Davies
Mr J.H.D. Day

Ms W.M. Duncan
Ms E. Evangel
Mr J.M. Francis
Mrs G.J. Godfrey
Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
Mr C.D. Hatton
Mr A.P. Jacob

Dr G.G. Jacobs
Mr S.K. L'Estrange
Mr W.R. Marmion
Mr J.E. McGrath
Ms L. Mettam
Mr P.T. Miles
Ms A.R. Mitchell
Mr N.W. Morton
Dr M.D. Nahan

Mr D.C. Nalder
Mr J. Norberger
Mr D.T. Redman
Mr A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

Pairs

Mr P.C. Tinley
Ms S.F. McGurk

Mr R.S. Love
Mr M.J. Cowper

Question put and negatived.

EDUCATION AND HEALTH STANDING COMMITTEE

Inquiry into Aboriginal Youth Suicides — Member for Kimberley to be Co-opted

MR J.H.D. DAY (Kalamunda — Leader of the House) [12.28 pm]: I move —

That the member for Kimberley be co-opted to participate in the Education and Health Standing Committee's inquiry into Aboriginal youth suicides.

The government is supportive of the member for Kimberley joining the committee for the purpose of that inquiry and I am sure that the opposition will be supportive as well.

Question put and passed.

**BELL GROUP COMPANIES (FINALISATION OF MATTERS AND
DISTRIBUTION OF PROCEEDS) AMENDMENT BILL 2016**

All Stages — Standing Orders Suspension

MR J.H.D. DAY (Kalamunda — Leader of the House) [12.29 pm]: I move —

That so much of standing orders be suspended as is necessary to enable the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Bill 2016 to proceed forthwith and pass through all remaining stages without delay between the stages.

It is not common practice for the government to propose that legislation pass through all stages on one day of sitting but there is a particular need for this legislation to be dealt with expeditiously by the Parliament. We hope that the opposition will be cooperative and supportive in that respect. The Treasurer will outline the purpose of the legislation when he introduces the bill in a moment. In short, as everybody is aware, legal action is underway in the High Court about the act as it now is following the debate that we had earlier this year on this legislation.

A number of matters not central to the purpose of the legislation need to be clarified, and consideration of the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Bill 2016 will enable that to occur. It is the government's desire—really, there is a need for it—that the legislation pass through this house in time for it to be introduced in the Legislative Council while the Council is sitting today. We hope the opposition will cooperate in that respect.

MR B.S. WYATT (Victoria Park) [12.31 pm]: This Bell legislation has become a debacle. I will go through, when we get to the substantive amendment bill, the history of how we find ourselves here. Interestingly, I did not hear from the Leader of the House what would happen if this bill is not passed. The Leader of the House has told us it is urgent, but what will happen if it is not passed? To this point, I have been provided with a draft explanatory memorandum, and yesterday the Treasurer gave the opposition a copy of the bill. I do not know whether they are the same as what the Treasurer intends to table in a minute; I do not know. The Solicitor General gave the opposition a briefing on what is an extraordinarily complex area of law related to submissions that were filed in the High Court two weeks ago. Here we are on the last day of this sitting with this urgency motion so that this amendment bill that will amend an act that passed late last year, colleagues, can be debated as a matter of urgency. I do not know—I am waiting; maybe the Treasurer will get up and explain—what will happen if we do not pass it through Parliament by the April sitting. It is my understanding that the High Court hearing is in the same week as the April sitting of Parliament. I have not heard.

This has become a debacle. I am interested in knowing whether this amendment bill will simply delay the High Court proceedings. Members, we are being asked to consider an amendment to a bill that was passed by Parliament last year after being heavily amended by the government, to deal with an issue currently before the court. This is setting quite a precedent, colleagues, in that a commercial dispute is being intervened on by the government of the day to try to legislate for an outcome subject to the High Court challenge. Last time this happened in Western Australia was in 1972. The government is now creating an interesting precedent. I do not understand, only because I have not been told by the government, what will happen if this bill is not passed; I am interested in knowing.

Mr J.H.D. Day: If you move on to the substantive debate, you will find out.

Mr B.S. WYATT: Yes, I will sit down in a minute. I am not going to speak for long on this point; I want to get to the substantive debate.

We are not going to oppose the urgency. I think I understand the urgency, but I want to hear from the government what it is.

Dr M.D. Nahan: You will.

Mr B.S. WYATT: I want to hear what the Treasurer has to say because I want to get to the substantive debate, too. We are not going to oppose the urgency of this bill because I understand that because of the High Court date there is some urgency. The Treasurer can tell me when he gets to his feet whether the bill will have to have gone through both chambers by the time the High Court hearing starts.

Dr M.D. Nahan: Yes.

Mr B.S. WYATT: I want the Treasurer to answer that when he gets to his feet. What will happen if it has passed this house and has just been introduced to the upper house when the High Court hearing starts? I do not know whether that is sufficient for the High Court take notice of, or will that simply result in a delay of the hearing? If I were the barrister I would be saying, "Hang on a minute; the law's in the process of potentially being changed, we need to adjourn this", delaying further what is already an incredibly complicated case.

I do not understand these amendments! I hope the Treasurer does, because I want him to explain every single clause. When the Treasurer gets to his feet, maybe he can tell me whether the explanatory memorandum that has

“draft” all over it—the one his office sent through to me—and whether the bill I was given yesterday are different. I think the explanatory memorandum must change, because the bill I was given yesterday has more clauses than the explanatory memorandum outlines. I am interested in what the update is. I want to know before I make a decision on whether we will support this and whether we are going to allow this without a division. Yesterday I heard the Treasurer and the Premier attacking the Labor Party for this mess. Let me make this clear: this is an amendment to fix a bill that clearly was badly drafted in the first instance. That is what this legislation will do. I will go through that in further detail during the substantive debate, but maybe the Treasurer can outline some answers to the two points I raised.

DR M.D. NAHAN (Riverton — Treasurer) [12.36 pm]: I will answer those two questions.

My advice is that, if necessary, we are to have a second reading debate after I read the second reading speech. As the member knows, this is a longstanding matter, and action has been taken, as the member indicated, in the High Court. That is the focus of this legislation. These amendments are proposed not because of a lack of drafting or a weakness of drafting. The Solicitor-General of Western Australia and the State Solicitor have come to me. They are running the court case in the High Court on our behalf, along with other advisers no doubt, and they have told us that to keep the debate in the High Court on the three substantive issues we need to make some amendments. A whole range of extraneous arguments have been put forward to the High Court by the various parties. We need to address those arguments because the concerns are manifold. First of all, if the High Court pursues and addresses those collateral issues, it will simply postpone the decision-making process further. That has been the modus operandi of the litigants for 20 years and more recently—since the settlement, I believe, in 2009. We know the modus operandi. They threw the legal kitchen sink at this thing to try to come up with a whole range of extraneous issues so they could stall the process of adjudication. Those arguments do not alter the three substantive issues before the High Court.

If we do not get this bill through, there will be two risks. Firstly, it will risk delaying the High Court’s decision on the substantive issues further, which has been, again, the modus operandi of the litigants to date. This is just advice; if we go into consideration in detail I will have the State Solicitor answer any questions the opposition wishes on the details and risks. I am acting on his advice and no more. He said that this very important case will be put at risk. This very important case opens up a whole range of issues related to the Australian Taxation Office and the Corporations Act. As it happens, on the Corporations Act side of it we have the support of all the states, including Queensland and Victoria. This goes to the heart of the rights of the state under the Corporations Act to make corporations responsible for their actions, and for the state to have oversight—I am using layman’s language here—of certain corporate bodies. The same process was used in New South Wales for the James Hardie asbestos settlement.

Under the Corporations Act, states can oversee cooperative bodies. If the court case goes against us on this issue, there is a risk that the ability of the states to oversee cooperative bodies like Co-operative Bulk Handling Ltd and others will be undermined. This is a very important case. The various litigants have come up with a whole range of collateral issues, and this amendment bill will try to straighten out and minimise the debate so that we can get to the substantial issues in the High Court. Were there errors in the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015? No. The High Court litigants made their claims and threw everything at it. The advice is that the Solicitor-General and State Solicitor looked at it and said, “Let’s just straighten out these issues so that we do not get pulled, once again, into years of debate or delay in the High Court.” The purpose of the act was to resolve this issue, to stop the endless litigation and to fairly distribute the \$1.75 billion, and to put this terrible legacy to bed. That is what we are trying to do and we are doing it because that is the advice I have received from the state’s leading legal advisers.

Question put and passed.

Introduction and First Reading

Bill introduced, on motion by **Dr M.D. Nahan (Treasurer)**, and read a first time.

Explanatory memorandum presented by the Treasurer.

Second Reading

DR M.D. NAHAN (Riverton — Treasurer) [12.42 pm]: I move —

That the bill be now read a second time.

In November 2015 this Parliament passed the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Act 2015, called the Bell act, to provide a mechanism for the prompt, fair and reasonable distribution of proceeds from the Bell litigation, which until 2013 had occupied the courts of this and other jurisdictions for almost 20 years. It is the wish of this government and many other interested parties that by that act the Bell litigation is brought to a close, funds are distributed equitably, and the cost to the people of this state and creditors of many more years of litigation is avoided. It had been hoped that the creditors of the Bell Group

companies who had generally worked together through the lengthy Bell litigation would continue to work together cooperatively to bring about a swift and equitable distribution of the proceeds of the case. That proved not to be the case, necessitating the Bell act.

As parties manoeuvred to increase their entitlement to a portion of the \$A1.75 billion held by the Bell Group companies' liquidator, it became increasingly obvious the parties thirst for litigation had not diminished, with several sets of new proceedings commenced, and more threatened. Despite the hope that accompanied the passage of the Bell act that it would finally dispose of this matter, with unfortunate predictability two creditors and the liquidator have issued proceedings in the High Court, seeking to challenge it.

In response to arguments raised by creditors and the liquidator of the Bell Group—as liquidator of one of the Bell Group companies not presently within the scope of the legislation—the government proposes three substantive amendments to the act by this bill. The amendments are intended to address peripheral issues raised by parties contesting the act in the High Court, with a view to ensuring that the High Court focuses upon those constitutional issues that are substantively in dispute. Ancillary to those three substantive amendments are associated definitional and transitional amendments intended to protect and promote the objectives of the act. In particular, the legislation is intended to continue in operation from any date on which it is constitutionally valid and upon any basis on which it is constitutionally valid.

These amendments are intended to ensure the act achieves its objectives of ensuring all creditors maintain rights to prove their claim against the fund; ensure the full scope of the act's operation is caught within the protective provisions of the Corporations Act to the greatest extent possible; and, although no one has yet disputed it, that the companies the subject of the act will continue in existence for the purposes of the act. To that end, the three substantive amendments include, firstly, the insertion of a new section 21A that confirms the existence of companies the subject of the legislation as bodies corporate under the legislation having a share capital and in which the shares continue to be owned by the holders immediately before the transfer day. Associated with that is an amendment to section 30 to deal with the validity of section 30(2) if the Corporations Act 2001 applies to the existence of those companies, rather than this legislation. Secondly, there will be an amendment that deletes a reference to the Corporations Act 2001 in section 25. An argument has been raised that this improperly narrows the scope of those who can lodge claims against the fund in accordance with this legislation. If that argument is correct, the consequence is unintended and should be addressed. Thirdly, the Corporations Act provides for the withdrawal of acts, omissions, bodies, persons or things from the commonwealth jurisdiction by state laws. The act took a conservative, or narrow, approach to the ability to withdraw subject matter from the operation of the Corporations Act 2001 by referring to the companies to which the legislation relates.

On reflection, and on further advice, there is no reason for the state to restrain itself by reference only to persons or bodies, rather than invoking the full scope of that provision. Further, the legislation as originally crafted was restrained in its scope by not including within the operation one company which has a not insignificant role in the Bell Group, when certain of the assets of that company were plainly intended to be included. On further consideration there appears to be no constitutional reason for it being so restrained. That company, which has strong connections with Western Australia, is to be added. That leads to the inclusion of definitions of that company, and of the term "matter" conforming to the definition of the Corporations Act and of amendments to the scope of the exclusion provisions for the purposes of sections 5F and 5G of the Corporations Act to make use of the more expansive definitions.

The balance of amending provisions protect the validity of the original provisions and any changes proposed by the amending bill, with limited retrospectivity back to the commencement of the act for that protective purpose, and provisions to deal with transitional issues to the extent there is any prospect of invalidity. The purpose in that regard is plain and supports the original intention of the legislation—that is, that this bill and the act it amends are to be effective at all times from 27 November 2015 and at every time thereafter that the act can be constitutionally valid and on every basis that it can be constitutionally valid. These amendments will improve the prospects of the objects of the act being achieved, in particular, to provide a mechanism that avoids litigation, for the distribution of funds received by the liquidator of the Bell Group Limited and certain of its subsidiaries as a consequence of the Bell litigation and the settlement of it in 2013; and, to avoid further litigation that will waste the resources of the state and other persons and consume the Bell litigation funds.

I trust that the same bipartisan spirit that enabled the passage of the Bell act will prevail in considering these amendments.

I commend the bill to the house.

MR B.S. WYATT (Victoria Park) [12.48 pm]: I rise to speak on the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Bill. As I said during the urgency debate, this matter has become a debacle. Members will recall debating the original legislation in this house and then, when it made its way to the upper house, the vast number of government amendments that were made in the upper house, and then debating further amendments again in this house once the committee that was established in the upper house had looked into this matter. We said that this matter would be challenged and what has happened is that to

a certain extent the government's bluff on this legislation has been called. This is a brutal piece of legislation—we all referred to it as brutal when it was first debated—and I think the government is surprised to find itself under attack in the High Court. The Treasurer made the point that this bill seeks to deal with extraneous issues. They are extraneous issues in the view of the government and clearly not for those who are attacking the validity of this legislation. What the government has and is willing to use now, and this will no doubt become standard operating procedure, is that when under attack in the courts, it can come to the Parliament to fix up bad legislation. That is a unique power that the government has. It is somewhat surprising that it is a Liberal government doing it. The Treasurer said, in his second reading speech just then, that one of the reasons this legislation is being brought on is that several sets of new proceedings have commenced and in particular that the liquidator has issued proceedings in the High Court to challenge it. That is kind of true and kind of not true. Of course, one of the bodies that has commenced proceedings is the Insurance Commission of WA, so I do not assume that the Insurance Commission is standing there benignly; it is also in the court, quite rightly seeking clarity on a number of points. The Treasurer did not give a reason the liquidator is in the court; it is pursuant to a contract that the Insurance Commission agreed with and is a signatory to.

Debate interrupted, pursuant to standing orders.

[Continued on page 1878.]

AUSTRALIAN TIDY TOWNS AWARDS — ALBANY

Statement by Member for Albany

MR P.B. WATSON (Albany) [12.51 pm]: It gives me great pleasure today to inform the house of the success that Albany had in the 2016 Australian Tidy Towns awards. In September 2015, Albany was the Tidy Towns' sustainable communities winner for Western Australia, and as a result it went on to represent the state in the Australian Tidy Towns awards held last week. I am proud to say that Albany won the heritage and culture award and was also highly commended in two categories: the Dame Phyllis Frost litter prevention, waste management and resource recovery award; and the environmental education award. The judge said that Albany's position as a major deepwater port and commercial centre for the distribution of agricultural products and commodities offers a streetscape and waterfront that reflects its long history. He said that the long Indigenous history of the area and the efforts of the Menang people to preserve and celebrate their culture are demonstrated at various sites, such as the iconic Oyster Harbour fish traps, which date back more than 6 500 years. It was also stated that a litter-free environment is encouraged through an extensive network of well-signed bins in streets and sporting facilities, and that events such as regular clean-up days that encourage community members to take action on improving their local area have been extremely successful. The Keep Albany Beautiful Committee submission had to get information from a range of sources within our community, including the City of Albany, the Department of Aboriginal Affairs and Green Skills Albany. Congratulations to the Keep Albany Beautiful Committee: Alice Rule, Margaret Martin, Monica Hewson, Barry Chapman, Mark Ford, Jacqui Purvis and Janice Ford, for their hard work and a fantastic result for Albany.

BELMONT ELECTORATE — PUBLIC HOUSING

Statement by Member for Belmont

MRS G.J. GODFREY (Belmont) [12.52 pm]: I have received a letter regarding a local constituent who is the unfortunate victim of disruptive behaviour by nearby Housing Authority tenants in Rivervale. Unfortunately, as is the case for many people who approach me for help, they live in fear of retribution from these people and, as such, have asked that I withhold their name and address. People should not have to live in such fear, but in my electorate, many do. The letter states that the tenant at unit 2 went to live at her friend's house. When she vacated her unit she allowed it to be used by relatives and friends, of various ages and numbers, at any time. This was reported to the Department of Housing. These squatters became increasingly antisocial, abusive and erratic in their behaviour and attitude. The tenant in unit 3 has had property stolen from inside and outside his unit. This includes his wallet, car, camera, money, alcohol, cigarettes, mobile phone and wheelchair. When his car was stolen, it was found in a poor state and contained drug-related paraphernalia. He has been verbally abused and assaulted and has received injuries to his face and a broken ankle. He is no longer able to work as a carer. The squatters and visiting friends cause disturbances by fighting each other physically and verbally day and night. The screaming and language is terrible. Fighting, and police attendance, has been a constant occurrence for years. In the common area, people are injecting themselves and leaving syringes lying on the ground. The tenants have lived in a prison-like environment, which is stressful. I look forward to action being taken by the minister for a good outcome for the tenants of units 1 and 3.

COLLIE ART GALLERY

Statement by Member for Collie–Preston

MR M.P. MURRAY (Collie–Preston) [12.54 pm]: It may surprise some members of this house to learn that the town of Collie last year became home to the first purpose-built A-class art gallery to be opened in Western Australia since the Art Gallery of Western Australia was built in the 1970s. This extraordinary new

centre for the arts is testament to the dedication of a group of volunteers who raised the \$2 million needed for its construction. The Collie Art Gallery was built as part of the Shire of Collie's SuperTowns program and was made possible with funding from the Shire of Collie; royalties for regions; Bendigo Bank, Collie; the Coal Miners' Welfare Board of WA; and Lotterywest. Last month, the gallery opened an exhibition of works by The South West Printmakers. It sold 13 works of art on the first night. Also on display is beautiful finely crafted woodwork made by retired miners who have spent half their working lives underground. This new gallery is creating income for artists, craftspeople, local cafes, hotels and motels. Thousands of people who may never have thought of visiting Collie before are now coming to see the work of local artists in our art gallery, and I invite members of this house to give the Collie Art Gallery all the support it deserves, and to make the effort to visit Collie themselves.

CHINESE NEW YEAR AND TET CELEBRATIONS

Statement by Member for Perth

MS E. EVANGEL (Perth) [12.55 pm]: I rise to share with members my delight at once again attending two of our state's major multicultural community fairs, which were held on 13 and 14 February this year—the Perth Chinese New Year Fair in Northbridge, and the Western Australian Vietnamese community's Tet Festival at Wanneroo Showgrounds.

Tens of thousands of Western Australians gathered in Northbridge on Sunday, 14 February to celebrate the 2016 new year of the monkey. With hundreds of variety stalls lining the streets, lion dances, an abundance of food and drink options, Chinese ethnic costumes, and parades by the Western Australian Police Pipe Band, it is easy to see why the Perth Chinese New Year Fair has become one of this city's largest signature events. Congratulations to Mr Shao Ping Ding, President of the Chung Wah Association, and the many Chinese community leaders, including Mr Khoon Tan, Mr Andy Yuan, Mr Tom Wang, Ms Xu Yi, Ms Zhou Dan, Mr Lam Cheung Pui, and Ms Zhou Wei, and others, of course, for organising the Perth Chinese New Year Fair and many other events across our city.

The Vietnamese community in our northern suburbs once again put together an impressive 2016 Tet Festival. The Tet new year celebration has been a major event on the Perth Vietnamese community's calendar for over 20 years now. I was very pleased to attend this wonderful festival and honoured to be one of the judges for the children's talent quest this year again. Congratulations to the president of the Vietnamese Community in Western Australia, Dr Anh Nguyen, and his hardworking team on delivering a magnificent two days of celebrations for the whole community.

Finally, I would like to wish everyone a happy, safe and prosperous new year of the monkey.

ONLINE KITTEN SALES

Statement by Member for Maylands

MS L.L. BAKER (Maylands) [12.56 pm]: The Cat Alliance of Australia has drawn my attention to some problems that we are running into with online sites, particularly Facebook and Gumtree, that provide an unregulated and unmonitored environment for people to sell cats and kittens that often have not been desexed and microchipped and often are aged only four and a half weeks. This is completely illegal. I have been told by the Cat Alliance that when it informs the people who are selling kittens on these sites that the law does not allow them to do that, and offers to get rescue and adoption centres to take the kittens and help to have the mother desexed, it is told by the site administrators that it is not their responsibility to tell people about their requirements under the law, and the alliance is banned from using the site. The Perth Cat Haven and animal rescue groups have tried to get some activity from the government on this issue. As I have said, the Cat Alliance is banned or deleted from these sites when it mentions the law. In my view, this is absolutely unacceptable. When it contacts the rangers in the various areas that cover the sites on which these kittens are being advertised, the rangers say that they cannot do anything about this either. The current laws must be enforced. I call on the government to take action to ensure that online sites such as Facebook and Gumtree, and the administrators who control those sites, abide by the laws of this state.

BREMER CANYON

Statement by Member for Wagin

MR T.K. WALDRON (Wagin) [12.58 pm]: Recently I facilitated, together with the Shire of Jerramungup, a visit by the Minister for Tourism, Kim Hames, along with myself, shire representatives and other officials, to see firsthand the phenomenon that is known as Bremer Canyon. Bremer Canyon is a biological hotspot. This deep sea canyon, which lies 50 kilometres off the coast of Bremer Bay, is world-renowned for attracting the southern hemisphere's biggest seasonal population of orcas, or killer whales, and other sea life, including other whale species, numerous sharks, dolphins and giant squid, and seabirds. Although research is still being undertaken as to why the sea life congregate at the canyon in such high numbers, it is understood that a source of nutrient-rich water gathers in the canyon, and that attracts the orcas and other sea life to feed for a number of weeks each summer. It really is something to see the site for yourself—the hive of activity, and these majestic

creatures right in front of you. It is quite breathtaking when they breach and crash down next to the boat. There are not a lot of opportunities worldwide to see killer whales up so close in their natural environment. I understand that Bremer Canyon is the only place in Australia where we can see killer whales up close, yet so near to the coast, thus presenting great tourism opportunities. I am very keen to see the canyon protected and I will continue to support any measures to do so. I will continue to work with the state government and the federal government to protect this important marine spectacle. Tours of this hotspot have been running for only a couple of years, and they are already attracting interest and travellers from around the world. I congratulate the local shire, the community and the tour operator for their great work in showcasing and promoting the Bremer Canyon experience.

Sitting suspended from 1.00 to 2.00 pm

QUESTIONS WITHOUT NOTICE

ROYALTIES FOR REGIONS — TREASURER'S COMMENTS

171. Mr M. McGOWAN to the Premier:

I refer to the Treasurer's comments on radio this morning that one of the reasons we have very high deficits and debt is that we have been borrowing for royalties for regions.

- (1) Does the Premier agree with the Treasurer's comments about royalties for regions?
- (2) If he does, is he planning any measures to change how royalties for regions is funded, or how much is spent under that program?

Mr C.J. BARNETT replied:

(1)–(2) I did not hear the Treasurer's comments, and I expect that if the opposition wants a commentary on the Treasurer's comments, it should ask the Treasurer.

Several members interjected.

Mr C.J. BARNETT: I have a real job; I am working, unlike members opposite. I did not hear his comments, but the government has a number of measures to improve our fiscal position. Privatisation is one of them; the freeze on recruitment is another; reviews of agency budgets is another; and wages policy is yet another. All of those measures are in place, and we are curtailing expenditure. Every area of government expenditure is under continuous review, including royalties for regions.

ROYALTIES FOR REGIONS — TREASURER'S COMMENTS

172. Mr M. McGOWAN to the Premier:

I have a supplementary question. I refer to the Premier's comments this morning that we cannot go out and spend lavishly on royalties for regions. He said that he believed country people know there needed to be a slowdown during this tight period. Therefore, the Premier is planning on cutting back on royalties for regions. Will he bring in legislation to ensure that that happens?

Mr C.J. BARNETT replied:

I think it is pretty self-evident. We must adjust our budget because of declining royalty income, declining goods and services tax income and the like. Every program is cut back. We are doing that right across government, but we are making sure that frontline essential services —

Mr M. McGowan: Will you bring in legislation?

Mr C.J. BARNETT: That is the third question.

Mr M. McGowan: It's pretty straightforward; you should be able to answer that.

The SPEAKER: Just wait a minute, please.

Mr C.J. BARNETT: What does the Leader of the Opposition do all day? Does he not do any work? He just listens to the radio.

The point I make, and I repeat it —

Several members interjected.

The SPEAKER: Let us have an answer.

Mr C.J. BARNETT: The point I make—it is the royalties for regions program and a whole lot of other projects—is that we will obviously prioritise. I think country people are very sensible and pragmatic, and they will understand cutbacks to a project that has had an enormous impact on regional Western Australia—the best creation of facilities and programs that country people have ever seen in the past 50 years, if not longer. I think people understand that we cannot maintain levels of spending as they were. That is self-evident.

Mr P.B. Watson: What about the money you spent on the stadium and Elizabeth Quay?

The SPEAKER: Member for Albany, I call you to order for the second time.

Mr C.J. BARNETT: Elizabeth Quay and the stadium account for less than three per cent, if you like, of the total debt level, but what about the money we are spending from royalties for regions on passing lanes on Albany Highway? Are they not important? They are important. What about the money we spent in Albany on the National Anzac Centre? What about that? That is important. These are projects that the member for Albany said would not happen.

COMMUNITY SPORTING AND RECREATION FACILITIES FUND

173. Mr M.H. TAYLOR to the Minister for Sport and Recreation:

On behalf of the member for Forrestfield, I acknowledge the fabulous student leaders from Dawson Park Primary School, who are in the public gallery today.

I was pleased to note that the City of Melville was among 30 recipients announced under the Liberal–National government’s recent community sporting and recreation facilities fund grant round. Can the minister please provide an outline of how the state government is contributing to our state’s sporting infrastructure?

Ms M.J. DAVIES replied:

Before I start, may I pass on many happy returns to the Minister for Health from the Nationals, on his last day as Minister for Health.

This state government has an outstanding record for providing sport and recreation facilities right across the state. The community sporting and recreation facilities fund has been a longstanding policy supported by both sides of politics. It drives incredible investment from our community sporting groups and our local governments, partnered with state government funding, to get great outcomes to increase participation in sport across the board. The annual planning and the forward planning of the components of the fund is done in a very detailed way, working with sports consultants from the Department of Sport and Recreation, and we were very pleased to announce a range of projects not too long ago.

I joined the member for Bateman to announce that the City of Melville was successful in its application for \$1 million from the fund towards forward planning to go towards the construction of a multipurpose synthetic playing field with floodlighting, and the extension and refurbishment of an existing facility at Murdoch University. That will provide an outstanding opportunity to increase participation in suburbs in and around that area. Other successful applicants include the Shire of Laverton, in the electorate of the member for Kalgoorlie, which received \$850 000 as a forward planning grant towards redevelopment of the pool and change room facilities at the Laverton community pool, which forms part of the great hub for that community and encourages greater community participation. The Shire of Northampton, in the electorate of the member for Moore, received \$625 000 for the relocation of tennis and netball courts at the Kalbarri sport and recreation facility. We have put an emphasis, particularly in regional Western Australia, on co-locating some of these facilities to support those clubs to get a better bang for their buck. The Shire of Donnybrook–Balingup, in the electorate of the member for Warren–Blackwood, received \$167 000 for the relocation of its synthetic bowling green and the reticulation of some of its golf fairways.

These projects are some examples from the latest round of CSRFF grants. There has always been a significant demand for this program. We are confident that we have delivered a significant amount during our term in government, and we have significantly increased the funding to deliver programs right across the state. Since coming into government in 2008, we have allocated \$143 million to community sporting infrastructure through the CSRFF—21 new sporting ovals; 20 significantly upgraded sporting ovals; 40 swimming pool developments, replacements or major refurbishments; 80 new clubroom developments; 147 floodlighting developments; 86 new or upgraded bowling greens; and more than 250 new or upgraded tennis, netball or basketball courts. That means that there is an increased opportunity for people in Western Australia to participate in sport, and contribute towards an active and healthy community in Western Australia.

WESTERN POWER — PRIVATISATION

174. Mr M. McGOWAN to the Leader of the National Party:

I refer to the minister and his party voting against Tuesday’s motion to oppose the privatisation of Western Power.

- (1) Will the minister’s party support the privatisation of Western Power, as its government partner expects?
- (2) If no to (1), when will the minister advise the Premier and the public of his decision?

Mr D.T. REDMAN replied:

- (1)–(2) I thank the Leader of the Opposition for the question. The Leader of the Opposition must be in a rabbit hole, because he just does not hear what goes on in this world. There has been no decision to privatise Western Power. There certainly has been discussion about the merits of that, and I have been involved in some of those discussions, and in fact I have made some public commentary about it. The premise of the question is that there has been a decision to privatise Western Power, and that has not happened.

WESTERN POWER — PRIVATISATION

175. Mr M. McGOWAN to the Leader of the National Party:

I have a supplementary question. The Liberal Treasurer totally supports the privatisation of Western Power. Does the minister support the privatisation of Western Power?

Mr D.T. REDMAN replied:

The approach the National Party has taken to asset sales is that we will consider each and every asset sale on its merits and do the due diligence around it. We supported the sale of the Perth Market Authority, and the Utah Point sale is in process at the moment in the upper house. We had an issue with Fremantle port, and that has played out in the last couple of days. I make the point that we will consider all those assets. I think that I said in this place that there are some reasons for looking at the sale of Western Power. Those who are on the fringe of grid areas in particular have challenges with their service provision and getting the reliable source and capacity that they need to expand. Hopetoun is supplied by Horizon Power and Ravensthorpe is supplied by Western Power. In many cases we could make a strong case as to why Horizon Power should be making services available to Ravensthorpe, which is right at the end of an over 300-kilometre line. There is scope to look at how services go into regional Western Australia, and whether that involves privatisation of the Western Power asset to achieve that is another thing to be discussed when and if that comes up for debate.

PREVENTIVE HEALTH — FUNDING

176. Ms L. METTAM to the Minister for Health:

I note that during the second reading of the Public Health Bill, several members of the opposition suggested there was lack of funding for preventative health. Can the minister outline the true story?

Several members interjected.

Dr K.D. HAMES replied:

Yes, this will be my last question in this house as a minister.

Several members interjected.

The SPEAKER: Thank you. Just remember that it is the minister's birthday today.

Dr K.D. HAMES: This will be my last question in the house as minister.

Several members interjected.

Dr K.D. HAMES: That is what I am assuming. Nevertheless, it gives me a great opportunity to bag you mob while I am up! I will have great pleasure in doing that.

Before I start my answer, there are three groups in the gallery, one of which has already been acknowledged. There are students from Ocean Road Primary School, which is in my electorate. Members will notice that they have the best seats in the public gallery, next to the somewhat slower member for Churchlands, who has students from Newman College in the gallery. Also while I am on my feet, and with the indulgence of the house for a second, I want to recognise World Down Syndrome Day, which was chosen to be on 21 March because "21" in the date represents trisomy-21 in the replication of genes—there are three genes rather than two.

During the debate on the Health Services Bill, which is currently referred to the Legislation Committee, a few members on the other side had a go at the government, particularly the members for Armadale and Gosnells, about the lack of action by this government on preventative health. The member for Gosnells said that he had been through the legislation, and even though the legislation is about something totally different from what he was talking about, he asked why there is not something on preventative health. He talked about the legacy of this government being a lack of investment in preventative health in the state. I asked my staff to get the figures and, as members would expect, the figures are somewhat good, otherwise I would not be standing here talking right now!

I refer to direct expenditure on preventative health, largely through the section of the health department that deals with those things, and some is contracted out and some is done by Health itself. This does not include funding that is spent by Healthway on a large range of preventative health programs. In 2007-08, expenditure was \$304 000 and in 2014-15, it was \$505 000. That is an increase of \$200 000 and represents an annual increase of a 9.4 per cent spend each year. I will tell members some of the programs that are funded through that. I am sure many of them will be familiar to members. In fact, I saw some of the programs repeatedly just last week on television. It is all about teaching people how to do things to stay healthy. There is the Make Smoking History campaign; the Refresh.ED school and nutrition program; healthy food and drink in public schools; the school breakfast program; the Better Health program; the LiveLighter program, which I am sure some members have watched and clearly some have not; Healthier Workplace WA; Food Sensations; the water safety program Don't Drink and Drown; and the Stay on your Feet program. This government has clearly invested a significant amount of money in preventative health. It will not do us any good as a government, but it will do future governments a lot of good in encouraging people to stay healthy and stay out of our hospitals.

KURRA VILLAGE LEASE

177. Mr W.J. JOHNSTON to the Minister for Lands:

I refer to the Kurra camp lease, which was not signed by 30 December despite an assurance given by the Premier to BHP Billiton.

- (1) Is the lease currently continuing in its existing terms?
- (2) Has the minister signed the renewal of the lease yet?
- (3) If yes to (2), what are the conditions; and, if no to (2), why is he defying the Premier's agreement with BHP?

Mr D.T. REDMAN replied:

- (1)–(3) I thank the member for Cannington for the question. The first answer is that I have not signed the lease. It is my understanding that under the provisions of the state agreement it can continue to operate, but it has issues with tenure and, of course, that applies to development approvals that it might want to get through local government, for example. I have written to the new chief executive officer of BHP who is responsible for iron ore in Western Australia to seek his support for a 600-bed cap on beds in the Kurra lease. Hopefully, that change in leadership might have a change in view.

KURRA VILLAGE LEASE

178. Mr W.J. JOHNSTON to the Minister for Lands:

I have a supplementary question. The minister has not signed a renewal of the lease as the Premier agreed with BHP, but nonetheless the lease is continuing in its existing terms without any variations—is that correct?

Mr D.T. REDMAN replied:

Yes.

REGIONAL CULTURAL AND ARTS VENUES

179. Mr G.M. CASTRILLI to the Minister for Culture and the Arts:

I am aware that the Bunbury Regional Entertainment Centre has received government funding for improvements. Can the minister please update the house on the program that is supporting regional cultural and arts venues?

Mr J.H.D. DAY replied:

The provision of high quality, and in sufficient quantity, cultural facilities right across Western Australia is important in both the metropolitan area and regional parts of the state. We have had a particular focus on ensuring that a range of support is provided for cultural activities in regional parts of Western Australia and in particular in recent times through the royalties for regions program under the administration of the Department of Culture and the Arts. Therefore, I am pleased to advise the member for Bunbury that the Creative Regions program has had \$24 million allocated in total over five years. There are five aspects to it, one of which is to provide funding for upgrading regional cultural venues, and in particular the provision of improved technical equipment. The first round of the regional venues improvement fund was announced last week and includes just under \$1 million, which is being shared by seven regional facilities—Bunbury, Geraldton, Mandurah, Albany, Merredin, Narrogin and Port Hedland. As far as Bunbury is concerned, the Bunbury Regional Entertainment Centre will be provided funding of approximately \$250 000 to upgrade the digital cinema projection system, digital signage, stage monitoring system, audio system and lighting system. One of the other successful applicants was the Matt Dann Theatre and Cinema in South Hedland. Its upgrades will include the installation of a hearing induction loop, replacement of the public address system, upgrading lighting fixtures and a new projector. Other venues include the Cummins Theatre in Merredin, the Narrogin Town Hall, the Albany Entertainment Centre, the Mandurah Performing Arts Centre and Queens Park Theatre in Geraldton. These upgrades will provide for higher quality performing arts venue facilities and equipment and will significantly boost what is able to be provided in regional parts of Western Australia for performances by a range of performing arts organisations.

MAIN ROADS AMENDMENT BILL 2015

180. Ms R. SAFFIOTI to the Minister for Transport:

I refer to the Main Roads Amendment Bill that the minister introduced into Parliament last year.

- (1) Did the National Party sit in the cabinet that supported the introduction of the bill?
- (2) Has the National Party asked the minister to withdraw the legislation or substantially change it?
- (3) When will the legislation be brought on for debate this year?

Mr D.C. NALDER replied:

(1)–(3) I love the fascination with what is going on with us and the National Party. We have a great relationship with the National Party. The legislation was approved by cabinet. I will not get into any discussion about what occurred in cabinet and what decisions were taken in cabinet; that is totally inappropriate.

Mr P.B. Watson interjected.

The SPEAKER: Member for Albany!

Mr D.C. NALDER: I am not going to divulge anything discussed by cabinet. It is totally inappropriate. It is an inappropriate question to ask. The member knows darn well that that is not something any of us can comment on. I do not know why the member asked that question. It will be brought on at the appropriate time when the government is well and truly ready for it.

MAIN ROADS AMENDMENT BILL 2015

181. Ms R. SAFFIOTI to the Minister for Transport:

I have a supplementary question. After the introduction of the bill, did the National Party not say that it was not properly consulted, and it did not have the detail; and does it not want to move amendments to the legislation?

Mr D.C. NALDER replied:

The member is asking me a question that she should be asking the National Party.

Several members interjected.

The SPEAKER: Thank you!

Mr D.C. NALDER: Thanks, Mr Speaker —

Mr W.J. Johnston interjected.

The SPEAKER: Thank you, member for Cannington!

Mr D.C. NALDER: I love the member for Cannington being so humble all the time about his knowledge of standing orders in this Parliament when in fact he is the biggest stretcher of the truth I have come across in this house. If members opposite want to know the National Party's position, I believe they should ask the National Party.

REGIONAL COMMUNITY CHILDCARE DEVELOPMENT FUND

182. Mr T.K. WALDRON to the Minister for Local Government:

Can the minister outline for the house how the Liberal–National government uses —

Point of Order

Mr W.J. JOHNSTON: Is it not usual practice for a government member to follow an opposition member?

Mr B.J. GRYLLS: Further to that point of order —

The SPEAKER: It is not a point of order, member.

Questions without Notice Resumed

Mr T.K. WALDRON: Can the minister outline to the house how the Liberal–National government uses the regional community childcare development fund to support the long-term viability of childcare services in regional Western Australia?

Mr A.J. SIMPSON replied:

I thank the member for his question and his interest in child care in regional Western Australia. It is vital that people in regional Western Australia have access to good childcare services. There should be no reason that people cannot access good childcare services in metropolitan and regional Western Australia. Parents should feel safe in the knowledge that when they drop off their child at a childcare centre, the quality and care is the same across the board. The regional community childcare development fund was established to support childcare centres in regional Western Australia. The state government through royalties for regions has invested \$9.3 million over four years to help provide funding to childcare centres in regional Western Australia. Funding goes towards purchasing equipment, investing in the professional development of staff, and vacation care programs. I was pleased to inform the house this morning that I launched another \$134 000 under this fund in the latest round. This includes a \$100 000 grant to Investing In Our Youth Incorporated, which is based in the member for Bunbury's electorate, and provides education and care services in the south west. In the member for Wagin's area there was a similar launch for the Shires of Katanning and Plantagenet to undertake feasibility studies into sustainable business models to address the needs and viability of their childcare centres.

The Liberal–National government recognises the challenges of regional childcare centres; that is why this fund was set up. These funds will go a long way towards making sure we have good, sustainable childcare centres in regional Western Australia.

The SPEAKER: Member for Collie–Preston, you are enjoying yourself. This conviviality is a nice change, but please relax.

WATER CORPORATION — ENGINEERING AND CONSTRUCTION SERVICES PRIVATISATION

183. Mr D.J. KELLY to the Minister for Water:

I refer the minister firstly to comments made yesterday by the Leader of the National Party when he criticised the lack of transparency around the proposed privatisation of Fremantle port and, secondly, to the Minister for Water's answer to a question from the member for Albany yesterday about transparency around the Perth Stadium deal when she relied on ongoing negotiations to justify not releasing full details of that deal. Will the minister now release the full contract with RCR Tomlinson and the business case that supposedly supports the privatisation of the Water Corporation's engineering and construction services, given that that privatisation occurred eight months ago, in August 2015?

Ms M.J. DAVIES replied:

I cannot fathom why someone with this member's background continues to promote that we should have sacked every worker in the engineering and construction services branch instead of what we did, which was through a process, driven by the Water Corporation, to deliver ongoing employment for the people who were part of that branch. It is just unbelievable to me that he does not understand that the decision was made to sell the ECSB due to a number of changes in the workflow for that particular branch of the Water Corporation. Let me go back. I will refer to examples of the work that this branch did for the Water Corporation.

Several members interjected.

The SPEAKER: Member for Bassendean!

Ms M.J. DAVIES: I refer to work that this branch carried out on behalf of the Water Corporation. It did pump stations, water mains, water tanks —

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro, I call you to order for the second time. The member for Bassendean has a point of order.

Point of Order

Mr D.J. KELLY: My question was very specific. I asked the minister whether she will release the contract and the business case that supports the privatisation deal. It is very specific. Will she release the contract? Will she release the business case?

The SPEAKER: You have made your point. I do not want to hear anybody talking while there is a point of order.

Questions without Notice Resumed

Ms M.J. DAVIES: I go back to the fact that the decision was made by the board, in the context of a changing workflow for the organisation, that rather than see the demise of the employment of a large number of employees, the decision was made to put that out for an expression of interest. That outcome means that those employees have ongoing employment with another organisation. The opposition has asked numerous questions in the other place. We have provided information on the Water Corporation board's decision-making process and I am very confident that the right decision has been made in this space.

WATER CORPORATION — ENGINEERING AND CONSTRUCTION SERVICES PRIVATISATION

184. Mr D.J. KELLY to the Minister for Water:

I have a supplementary question. The negotiations and the sale to RCR Tomlinson was completed in August —

Mr D.T. Redman interjected.

The SPEAKER: Leader of the National Party, I call you to order for the second time.

Mr D.J. KELLY: The negotiation and sale was completed in August —

Several members interjected.

The SPEAKER: Member for Girrawheen, I call you to order now I think for the first time. Member for Bassendean, try again.

Mr D.J. KELLY: The negotiations and sale was completed in August 2015, eight months ago. Will the minister release the business case and the contract, or were her party's comments yesterday about transparency all about political expediency?

Ms M.J. DAVIES replied:

I will not even answer the second part of that because it is absolutely ridiculous. An independent probity auditor was part of this decision-making process. I have full confidence in the board.

Several members interjected.

The SPEAKER: Member for Bassendean, I call you to order for the third time. Minister, a quick answer through the Chair.

Ms M.J. DAVIES: I am trying, Mr Speaker.

I have full confidence that the board members who are charged with making decisions around the day-to-day management of the Water Corporation have conducted themselves in an appropriate manner. An independent probity auditor was part of this deal. In my view, we have provided ongoing employment for a number of employees who would otherwise have been given redundancies and sent on their way.

Several members interjected.

The SPEAKER: Member for Bassendean, you are on three calls. If you want to go early, carry on.

CYCLING INFRASTRUCTURE

185. Ms A.R. MITCHELL to the Minister for Transport:

I thank the minister for joining me recently at the Greenwood train station to discuss new cycling infrastructure. Will the minister please update the house on the recent announcement of the state government's project with the City of Joondalup?

Mr D.C. NALDER replied:

I thank the member for Kingsley for the question. It was a pleasure to meet with her at Greenwood station. I would like to share with the house —

Several members interjected.

The SPEAKER: Members!

Mr D.C. NALDER: Greenwood station is the busiest station in the Perth metropolitan area when it comes to cycling to the train station.

Ms M.M. Quirk: There are no buses.

The SPEAKER: Member for Girrawheen, I call you to order for the second time.

Mr D.C. NALDER: I noted the interjection about no buses and I would like to reinforce to the member who interjected that this state government has invested in more new bus kilometres than has any previous state government—an extra 13 million kilometres, thanks to this government, in public transport. It is an extra nearly half a billion dollars when we add up what has been spent on the bus renewal program in additional kilometres. The member for Girrawheen might like to look at the facts when she starts to question public transport commitments. This government has committed more to public transport than she will do in her lifetime.

Dr A.D. Buti interjected.

The SPEAKER: Member for Armadale, you are now on 3.9. Shout out again and you will go looking for Easter eggs!

Mr D.C. NALDER: Thank you, Mr Speaker.

In October 2015 the state government allocated \$604 000 to the City of Joondalup to upgrade the Robertson Road cycleway in Kingsley to link local residents to Greenwood station.

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen, enough!

Mr D.C. NALDER: Member for Girrawheen, would you like to take me on again in a public transport debate?

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen, I have called you twice. I will call you again if you do not stop. I want the minister to answer through the Chair. Thank you.

Mr D.C. NALDER: Certainly, Mr Speaker.

The cycleway provides Kingsley residents with a key link between the Lake Goollelal path networks and the Mitchell Freeway principal shared path. These upgrades will aim to increase pedestrian and cycle access to and from the station. The upgrade project will include separate walking and cycle paths. We are separating them to make them safer because four primary schools link into this cyclepath. LED lighting will be upgraded to improve safety. There will also be drinking fountains, seating furniture and other amenities, and landscape enhancements to improve passive surveillance and personal safety. In addition to providing the connection, the cycleway will benefit, as I said, the four schools as well as a retirement village and a shopping centre, which are all nearby. About half the number of all trips in cars are less than five kilometres. The more the government can do to encourage people to take other modes of transport, the better it will be for overall congestion in our city. Stage 1 has commenced already and we look forward to finishing this project in the near future. All in all, I would like to remind members of this house that since coming to government, the WA government has invested more than \$100 million in cyclepaths. I can tell them that there is no better friend in Western Australia for the cycling community than the Liberal-National government of Western Australia. We have not only committed over \$100 million to our 246 kilometres of off-road shared paths and 74 kilometres of on-road bike lanes, but also we have set aside another \$75.1 million over the next four years to continue the great investment in cycling in Western Australia.

VENUESWEST — PERTH MOTORPLEX — DRAG RACING

186. Mr P.B. WATSON to the Minister for Sport and Recreation:

I refer to ongoing concerns by members of the Australian National Drag Racing Association over the sanctioning of drag racing events at the Perth Motorplex.

- (1) Why did not VenuesWest seek advice from the Confederation of Australian Motor Sport about VenuesWest's assessment that the International Hot Rod Association was a suitable sanctioning body?
- (2) Is the minister aware that ANDRA and its many members face significant loss of earnings and possible closure here in Western Australia as a result of this decision?
- (3) Will the minister overturn the assessment of the International Hot Rod Association as a suitable sanctioning body pending a complete review of VenuesWest's handling of this matter?

Ms M.J. DAVIES replied:

- (1)–(3) We did not talk to the international overarching body because we referred to a national body in Australia, from which VenuesWest and the Department of Sport and Recreation took advice. It is the appropriate body in Australia. In relation to the sanctioning body for these events, yes there has been a change, and there has been a significant amount of concern in the industry about ANDRA's role as a sanctioning body and in running some of those events itself. There have been discussions with the Australian Competition and Consumer Commission.

Mr P.B. Watson interjected.

The SPEAKER: Member for Albany, ask a supplementary.

Ms M.J. DAVIES: I am confident that VenuesWest has done the right thing. It has worked very closely with all the stakeholders. There are some unhappy stakeholders in this space. From VenuesWest's point of view, I have been briefed on this matter and I am confident it has gone down the right path to make sure we have played the correct role in delivering an outcome. That may not be agreed within the industry —

Mr P.B. Watson: The industry is not running it. You're against the people who run it.

The SPEAKER: Member for Albany!

Ms M.J. DAVIES: Thank you, Mr Speaker. All I am saying is that we have worked through the issues with the industry. I am confident that VenuesWest has conducted itself appropriately, so there is not anything further.

VENUESWEST — PERTH MOTORPLEX — DRAG RACING

187. Mr P.B. WATSON to the Minister for Sport and Recreation:

I have a supplementary question. I do not know who the minister has been talking to, but has she been advised by VenuesWest that it is likely to become embroiled in legal action over this matter, and what will she do about it?

Ms M.J. DAVIES replied:

Yes, I am aware there is some discussion about legal action and, as I understand that that legal action has commenced —

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro!

Ms M.J. DAVIES: — I will not discuss any of that in this place or anywhere outside this place. My understanding is that legal action has commenced and I will not make any comment in that space.

MINING INDUSTRY — ILLICIT DRUG USE

188. Ms W.M. DUNCAN to the Minister for Mines and Petroleum:

Could the minister please update the house on current efforts to prevent illicit drug use on mine sites in Western Australia?

Mr W.R. MARMION replied:

I thank the member for Kalgoorlie for asking a very important question. Safety in the mining industry is paramount. It is inherently a dangerous place to work in. I have to say that I must congratulate the industry for its statistics being half those of the construction industry. On the whole, the mining industry does an extremely good job keeping the number of injuries down in that sector. Obviously, we are aiming for zero injuries but we have more to do around the safety culture to get there. If drugs are brought into mining sites, that adds another layer of concern to companies, so there must be absolute zero tolerance of drugs in the mining industry. I was very pleased to be made aware that the gold stealing detection unit in Kalgoorlie has come on board. There is cooperation between my Department of Mines and Petroleum, which is responsible for regulating safety in the industry, in liaising with the police department, so I thank the Minister for Police for allowing the gold stealing detection unit to come on board. That unit led a drug screening operation at Leonora Airport last month. It has indicated that it will continue to do this throughout the year at specific sites. The supply and use of amphetamines, particularly among fly in, fly out workers, is of concern to this government and, indeed, we intend to do something about it. In the mining industry, an industry that is inherently risky, we realise that drugs cannot be involved and I congratulate and thank the Minister for Police for her cooperation in making sure that we eradicate drugs from mining sites in Western Australia.

**BELL GROUP COMPANIES (FINALISATION OF MATTERS AND
DISTRIBUTION OF PROCEEDS) AMENDMENT BILL 2016**

Second Reading

Resumed from an earlier stage of the sitting.

MR B.S. WYATT (Victoria Park) [2.38 pm]: As I was saying before the break, in the Treasurer's justification for the legislation, he complained about the litigation that had been commenced by the creditors and the liquidator. I want to put on the record that the liquidator commenced proceedings pursuant to section 564, because the liquidator is of course obliged to do so, and the Insurance Commission of WA is very aware of that because the Insurance Commission is a party to that particular agreement. There is no litigation on the High Court record that has started that should be a surprise to the government, other than what is already taking place and, indeed, was commenced by either the Insurance Commission or the liquidator pursuant to an agreement that the Insurance Commission is a part of.

I want to get to the consideration in detail stage, so I do not intend to speak for a full hour, but I want to make a few points. Clearly, according to the High Court submissions, it is not just, as suggested by the Treasurer, two creditors and the liquidator that have issued proceedings in the High Court. One of the main, if not the main, litigator is the Australian Taxation Office. This is not the Dutchman that we refer to; this is the Australian Taxation Office. This obviously has been somewhat unexpected by the government. This point was the subject of some debate in November last year when I asked the Treasurer whether it was his view that the ATO would challenge the validity of the bill. Clearly, there were some conversations between the Treasurer and former federal Treasurer Joe Hockey, and then perhaps Scott Morrison; I do not know. Mike Nahan, the state Treasurer said —

I do not think there is any indication from the Australian Taxation Office that it plans to do so. Its focus so far has been to get what it perceives as its fair share ... The ATO has not said anything about a constitutional challenge ...

The ATO submission by the commonwealth Solicitor-General, Mr Gleeson, indicates that the tax office is a very strenuous litigator on the validity of the legislation. I do not know, but perhaps the Treasurer can tell me whether any of the amendments that we are dealing with today seek to correct any of the issues raised by the commonwealth Solicitor-General. I am not a tax expert, but it certainly appears to me that that is the case. As far as I can tell from the briefing I received from Mr Evans, the State Solicitor, we are dealing with transitional issues—that is what these amendments will do—in respect of the change to the liquidation laws in 1993 and seeking to correct, if you like, any weaknesses in the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Act that overlap that transition from the pre-1993 changes to the liquidation laws, to the post-1993 changes to the liquidation laws.

The Australian Taxation Office has been very strong in its argument in its submission about why there is an inconsistency in section 109 of the Constitution, and that is one of the substantive issues that need to be dealt with by the High Court in due course. But, clearly, the transitional provisions are also an area of some critique

and attack by the Australian Taxation Office. I want to make the point that clearly Western Australia has been caught somewhat unawares by the fact that one of the strongest litigators on the validity of the act is the ATO. It is not other creditors that may have financial interests, but the broader Australian taxpayer that is challenging the validity of this bill.

By way of interjection, the Treasurer might like to clarify one point for me. When he raised this issue with me last week, he gave me a letter that was sent to him by the State Solicitor and I want to read it. There is nothing particularly confidential about it. It states —

I refer to my briefing note dated 10 March 2016 outlining the current status of preparation of Submissions in relation to the High Court challenge, and issues that have been identified which might require remedial action.

The Solicitor General is settling the Submissions and has recommended the changes set out in the document scheduled to this letter be effected to the Bell Act, if that can be done prior to determination of the High Court challenge (listed for a hearing on 5–7 April 2016).

Effectively, that would require passage at least by one chamber next week, —

That is this week —

and by the other chamber at the latest, concurrently with the conduct of the hearing and prior to its conclusion.

My question is: is it the view of the government that the legislation has to be passed by both houses prior to the hearing commencing in the High Court on 5 April?

Dr M.D. Nahan: I can answer that in consideration in detail when I will get it from the experts, but my advice is that it has to be passed through both houses before the completion of the hearings from the fifth to the seventh in the High Court.

Mr B.S. WYATT: It is my understanding that there is a hearing on this today in the High Court. I do not know what it is about. I think the court has called that hearing.

Dr M.D. Nahan: I cannot answer.

Mr B.S. WYATT: Perhaps during the consideration in detail stage when the Treasurer is sitting with the State Solicitor, he can give us an update on what today's hearing in the High Court is about.

I made the point a couple of times in the original discussion on the substantive legislation—that is, the act—that despite what both the Premier and the Treasurer have said in the media, this is not about the WA Inc debt; this is about dealing with the inadequacy of the legislation that has been identified in submissions before the High Court. I want to point out that we are revisiting a precedent that we have not dealt with in this house in a long time—that is, passing legislation to, if you like, determine an outcome of court proceedings that are currently on foot between commercial parties. Most people would know that it is an unusual thing that we are doing. I asked the Clerk whether we have done this in Western Australia, and the last time this was done in Western Australia was in 1972. The case involved some interesting names that all members would be familiar with. It was J.D. and W.M.G. Nicholas, D.F.D. Rhodes Pty Ltd, Hancock Prospecting Pty Ltd and Wright Prospecting Pty Ltd v State of Western Australia, the Honourable the Minister for Mines and Others. I will not go into this scenario in great detail, but the appellants claimed a right in equity to occupancy over crown land to enable them to prospect for iron ore. I understand that Parliament at the time passed legislation to authorise the expiry of those reserves. In the decision of Chief Justice Jackson and their Honours Burt and Virtue, the point was made that doing that is not illegal as such. The state has a plenary constitutional power. It is broader than the power the commonwealth Parliament has, limited by its own written constitution. Chief Justice Jackson made this point —

Section 277A —

That was the challenged section —

was within the legislative competence of the State Parliament.

He went on to say —

Western Australia has an “uncontrolled” constitution —

I assume that refers to the plenary powers of the Parliament —

in the sense in which that phrase is used by Lord Birkenhead in *McCawley v. R* ... and a sovereign Parliament with plenary powers limited only by the requirements that its Acts must not be repugnant to Imperial statutes extending to the State ... and to the limitations imposed by the Commonwealth Constitution.

Burt went on to make the point —

There is no restriction upon the legislative power of the Parliament of the State resulting in “a separate power in the judicature which under the Constitution as it stands cannot be usurped or infringed by the executive or the legislature”.

Having said that, of course, it is unusual to do this for a commercial dispute taking place in a very well established environment of the Corporations Act. We are seeking to take this out and create our own to try to determine and resolve the outcome. Ultimately, those issues were debated in a much more fulsome way when the act that we are seeking to amend went through Parliament late last year.

There is a range of submissions on the High Court website, and I note that Western Australia’s submission must have been put on the website late yesterday, because when I looked at about 6.00 pm yesterday, it was not there. It strikes me that the state has some arguments to run and some high burdens, in particular with the reading down provisions of the Bell act. It is my understanding that that is simply because it is trying to ensure it does not fall foul of section 109 of the commonwealth Constitution by being inconsistent with federal law. I will summarise the submission from the Australian Taxation Office—as a layman, as I will call myself, because I did not practice taxation law. The Western Australian Parliament is seeking to deal with money that is otherwise subject to a federal process, being the taxation legislation.

Dr M.D. Nahan: The Corporations Act.

Mr B.S. WYATT: Yes, a federal process. Therefore, the Bell act is inconsistent with that and is invalid. If I were to summarise what is a 20 or 30-page Australian Taxation Office submission, I think that is what it is effectively arguing. I am not going into the substantive issue—the Treasurer said the government is not seeking to amend or fix any of the substantive issues—but I have had a quick look through the submissions filed late yesterday by the State Solicitor on behalf of the state of Western Australia. Paragraph 198 reads —

Section 37(1) of the *Bell Act* is to be understood to provide as follows, with the reading down underlined:

The Authority must determine the property and liabilities of each WA Bell Company ...

I need to clarify that point. The point I made previously is that the state is arguing that if there is any inconsistency, as raised by the ATO, the Bell act should be read down to a point at which it is consistent. I think the Treasurer is saying in his second reading speech, which he read to me just a little while ago —

Ancillary to those three substantive amendments are associated definitional, and transitional, amendments, intended to protect and promote the objectives of the Act. In particular, the legislation is intended to continue in operation from any date on which it is constitutionally valid, and upon any basis upon which it is constitutionally valid.

I think the Treasurer was seeking to say that if it is read down a certain level, the operation of the act will continue to confirm its constitutional validity from the point of that reading down. This is not an easy issue to get one’s head around, Mr Speaker.

The SPEAKER: Not at all, member.

Mr B.S. WYATT: I come back to the State Solicitor’s submission, which states —

Section 37(1) of the *Bell Act* is to be understood to provide as follows, with the reading down underlined:

The Authority must determine the property and liabilities of each WA Bell Company but that if immediately before the transfer day, a notice of assessment to which s.177 of the ITAA 1936 applies—

I assume that is the Income Tax Assessment Act —

had been received by a liquidator of a WA Bell Company that notice is conclusive evidence of the making of the assessment and, except in proceedings under Part IVC of the TAA on a review or appeal relating to the assessment, the amount and all particulars of the assessment are correct and that the amount is a liability of the WA Bell Company or WA Bell Companies to which it relates.

I refer to that because the Treasurer is seeking a very strong request that the High Court read down the Bell act in a particular way. What concerns me, which I have pointed out to the house and to the Treasurer many times, is that as opposition members in this situation, we are immediately at a massive informational disadvantage. We do not have the access to the constitutional or taxation experts who can tell me whether it is a realistic assumption that the High Court will read down the Bell act so substantially and still find it constitutionally valid. I assume that is what we are doing here, and Mr Evans perhaps can clarify that when we get to that. The point I am making is that at every point along the way, with great apprehension, the opposition has cooperated with the

government on this bill, but simply on the advice of the government that this will survive a constitutional challenge. The transitional provisions were discussed very briefly in the upper house and focused on the issue of inconsistency. I referred to this issue during debate in this place when the bill came back with a raft of amendments. Attached to the upper house's Standing Committee on Legislation report on this bill was an opinion provided by Mr Pettit, SC, that he had looked at this issue around inconsistencies but, ultimately, did not address the specific arguments that have been now put out by the ATO. Mr Pettit makes the point in his advice —

In the time available, and in the absence of any specific contention, I have not been able to identify any inconsistency with Commonwealth taxation law.

Effectively, Mr Pettit was countering the argument put by the ATO but he was careful to make the point “in the absence of any specific contention”. The upper house put Mr Pettit's particular arguments along with the potential section 109 inconsistencies and therefore invalidities. Again, Treasurer, I am relying on the fact that Mr Evans, a lawyer of some note, has done that work and it will indeed survive the challenge in the High Court. I dare say that this will delay the hearing of this bill from 5 to 7 April. I am not a High Court practitioner, but certainly as a lawyer representing anybody, including the ATO, when making submissions on the law as it stands and a Parliament is seeking to amend that law, the High Court would be inclined to be receptive to an argument about delay, adjourning from 5 to 7 April to a further date once there is clarity around what the law is that is then being argued. Again, Treasurer, that may be something for Mr Evans to answer. He is a much more experienced lawyer than I will ever be and hopefully he will be able to clarify that point.

I do not intend to speak much longer on this point, as I want to get into consideration in detail. The opposition's position after consideration in detail will depend on the answers we are given and the clarity we are given in respect of what these amendments will do. In particular, by way of interjection, can the Treasurer advise whether the explanatory memorandum he gave me yesterday is the same as that which has been introduced today, because I have not had a chance to prepare?

Dr M.D. Nahan: I cannot answer that because there have been a number of versions. I gave you the latest one yesterday, or my staff did, so I cannot answer that 100 per cent. A version was provided to me early this morning and that is the same one here. When did you receive it?

Mr B.S. WYATT: I have the one the Treasurer gave me when I was sitting outside.

Dr M.D. Nahan: I can't verify it, but there hasn't been a substantial change to it.

The SPEAKER: Just remember Hansard is trying to take notes.

Mr B.S. WYATT: I think that the Treasurer is being very clear and I am sure Hansard had no trouble picking that up.

One final point I want to make relates to the advice I was given by Mr Evans, which I found quite interesting. Corporations law is based on referral of powers. That referral and the capacity to withdraw from those referrals is the reason that other states have intervened on that; they are not intervening in the specific legislation but are arguing around the capacity of the states to exempt themselves from these national regimes that involve referral of powers. Mr Evans' advice to me is that this is done every five years, and that that referral is up this year. This perhaps increases the weight given in any High Court decision around the capacity of states to withdraw from national regimes, including in the example the Treasurer gave of James Hardie and the Corporations Act. I do not imagine why there would be any great appetite for a state to withdraw from a national regime on something like the corporations law for which we want a consistent regime. No doubt any decision from the High Court on this will be of some significance.

I do not intend to add any more to this issue. I have raised the concerns I have on this issue simply because we in the opposition are moving blindly through a very complicated area of constitutional taxation law without access to the sort of expertise that one can normally get. When legislation is introduced by the government, we can speak to third parties and stakeholders. This is not really a stakeholder issue about which we can speak to a third party. This is specifically focused on areas of law in very small areas of high expertise on which we are very reliant on advice from the government, which naturally makes me nervous, as we are reliant on those who advise government. My concern is that, regarding an already complicated document subject to significant challenge, we are creating potentially more areas for challenge. The more words we put into this, Treasurer, inevitably the more doubt might be picked up by those who seek to challenge. I think, ultimately, the three substantive issues are the three points of weakness and if it is going to get knocked out, it will be because of one of those. Someone will be held to account if that is the case, because that will have simply delayed things further and added further to the costs for something that has been, as we know, in play for a long time. I look forward to the answer the Treasurer gives in respect of each of those amendments we will be debating.

MR J.R. QUIGLEY (Butler) [3.02 pm]: The lead speaker for the opposition on this Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Bill 2016, the member for Victoria Park, has

traversed most of the issues concerning the bill before the chamber that I would have wished to address, but I rise to put a couple of things in context. In the Treasurer's remarks both prior to and during the passage of the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015 and perhaps to a slightly lesser extent on this bill, he has sought to cast some aspersions on the litigants themselves—that is, the creditors—casting the issue as a fight for money at the taxpayers' expense. He has recently gone a little stage further and said that the protracted nature of these proceedings is an occasion taken by lawyers seeking to generate more income. During an earlier presentation to this chamber, I quipped that that sentiment somewhat reflected the soliloquy by Dick the Butcher in *Henry VI* when he said, “the first thing we do, let's kill all the lawyers”. He was seeking to blame the lawyers for the extension and the protracted nature of these proceedings. I just remind the chamber that the Bell bill itself was introduced into this Parliament when the parties were on the eve of travelling to Singapore to enter into, as I understood, five days of mediation to try to resolve all the issues outside the court and bring the matter to final conclusion. It was at that point that the Treasurer brought in this unique piece of legislation that operated to sequester the assets of the liquidator and put them in the hands of the authority to disburse as it saw fit. That bill, that enactment, passed in this chamber in, I think, September last year. It then went to the Legislative Council, went before the Standing Committee on Legislation and was considered in detail, as my learned friend from Victoria Park said. That committee sought opinion from Mr Ken Pettit, SC, who did not really touch upon the issue of section 109 of the Constitution of Australia in any detail. But, as the member for Victoria Park said during the second reading debate and consideration in detail in this chamber, it was touched upon when the Treasurer, as I recall, said that the taxation department wants its money but is not otherwise that concerned with the bill. I will go to *Hansard* of 25 November when the shadow Treasurer, the member for Victoria Park, said the following —

So the ATO may indeed challenge the bill.

To which the Treasurer replied —

I do not think there is any indication from the Australian Taxation Office that it plans to do so. Its focus so far has been to get what it perceives as its fair share, to use its powers and also to maintain its pecking order in terms of creditors. The ATO has not said anything about a constitutional challenge or otherwise. As the member knows, one cannot preclude anything in this game.

As recently as 8 March this year, Mr Justin Gleeson, SC, on behalf of the ATO, concluded in the penultimate paragraph of his submission in paragraph 54 the following —

The basic problem is that the drafter of the Bell Act has either forgotten the existence of the Tax Legislation, or decided to proceed blithely in disregard of its existence. No mechanism has been provided for in the Bell Act to allow for the continued operation or paramountcy of the Tax Legislation.

So there could not have been a stronger challenge. I have received texts today from senior counsel and they are much esteemed. I shall not name the people from whom I got the texts in the chamber. They took umbrage and offence at the notion that they were stringing out these proceedings to increase their incomes. They were very concerned that such a thing should be said by a senior minister of the state. I know some of the people involved and I know that the State Solicitor, Mr Paul Evans, will be at the ministerial table to advise the Treasurer during consideration in detail. I note that one of his friends, Mr Steven Penglis, was admitted to partnership at Freehills on the same day as Mr Evans. I think he retired on the same day as Mr Evans—Mr Penglis going to chambers and Mr Evans going to the State Solicitor's Office. I cannot imagine that Mr Evans would share such a view of Mr Penglis. I do not think anyone in this chamber would share such a view, for example, of our former Governor the Honourable Mr Malcolm McCusker, QC, who is also leading in this case. No-one, I am sure, would have any basis to advance that view against the Solicitor-General for the commonwealth, Mr Justin Gleeson, who himself says that this is a substantial constitutional challenge. This is what concerns me with the conduct of model litigants. This is without speaking to the actual clauses of the bill, because we will come to those in consideration in detail. What concerns me is this: it appears a bit like amateur hour in the sense that the original bill was introduced and was passed in this chamber. It went to the Legislative Council, where it was examined in detail. A report of some 140-odd pages was prepared. Amendments were then drawn. It came back to this chamber. The opposition did not offer substantial opposition to those amendments and they passed through this chamber. The matter was then set down for hearing in the High Court between 5 and 7 April. All parties got ready for this hearing, and this is a substantial hearing. This is not just two hours or half a day in the High Court; this is a substantial matter involving meaty constitutional questions. This was set down. I do not have the dates of all the submissions, but I note that the ATO's submission, as presented by Mr Gleeson, SC, was signed off on 8 March.

Subsequent to that, with people doing substantial work on this in the final stages of preparation for the hearing, this bill was quickly brought before the Parliament. I do not understand the bill, in view of the explanatory memorandum that I have read and the bill itself, but we are told by the Treasurer today that this bill deals only with ancillary matters and is brought forward only to facilitate the High Court concentrating on the meaty matters. I take up the point that the shadow Treasurer, the member for Victoria Park, raised—that the matters

brought before the Parliament today are of such substance that it may involve the further delay of all these proceedings and the resolution. The government's response to that is that this is the lawyers trying to generate more money. It is shocking. In this regard, I quote from a letter from the State Solicitor's Office dated 24 March 2016, distributed to all parties. The letter notes that a notice of motion was tabled by the Treasurer yesterday for standing orders to be suspended so that this matter could be dealt with as a matter of urgency and for the matter to then proceed for debate in this house. It advises the parties that after today the next scheduled sitting days for both the Legislative Assembly and the Legislative Council are 5 to 7 April. It concludes with this paragraph —

Unless and until the Bill in its present or any amended form is passed by the Western Australian Parliament, it will not affect the issues which are required to be determined in these proceedings. The State does not wish any party to be prejudiced and, in the circumstances, should a party request that the proceedings be adjourned, the State would not object and would be available whenever the proceedings were re-listed. An alternative course, should the Bill in due course be passed, is for programming orders to be made at that time to accommodate consequential directions that may be required such as in relation to the filing of supplementary submissions about the effect of the Bill.

The state itself envisages that if this bill is passed, a party might now wish to apply for an adjournment and the state's position is that it will not object to any such adjournment, so the matter will drag on further. I want to put this in context because the picture that has been painted so far is that the litigants themselves—the creditors, at least—are causing the delay and driving up the costs, and this tactic is also being driven by the legal practitioners who then derive more fees. If the scheduled hearing dates have to be abandoned because of the passage of this legislation, because one of them may wish it—I note that this letter goes to four parties—and then has to be brought back on, massive further costs will be involved.

This has nothing to do with the litigants themselves; this has to do with the way the state has run this matter and presented these bills to the Parliament so late in the day. We are deep into the fourth quarter and now we are going to move the goalposts. But we are only changing them in an inconsequential manner to assist the High Court in focusing on the several matters that are of more consequence. It is hard to imagine that the state would say that it will not oppose any application for an objection, if this bill deals only with a very inconsequential matter. I just wanted to put those matters on the record in terms of the context in which this matter comes before the Parliament. I do not want to take up any further time because the actual debate should take place in the course of consideration in detail. I thank the Parliament for its time.

DR M.D. NAHAN (Riverton — Treasurer) [3.16 pm] — in reply: I thank members opposite for their comments on the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Bill 2016. I will not go through the history of this. I will not use the word “debacle”, but the history of this is, firstly, how it was created in the first place in the 1980s and, secondly, when the groups decided to contest the banks, which I think started in 1993 or 1994. The Insurance Commission of Western Australia spent in the vicinity of \$235 million contesting the litigation against the banks. For a time the Australian Taxation Office supported that action, and so did one of the major litigants, BGNV. BGNV and the ATO dropped out early on, at different times, and left it all to ICWA. This is a special case in Western Australian and, indeed, probably Australian history—the longest running and one of the most complicated cases.

The scheme of this operation shows that Holmes à Court had a reputation for creating very complex organisations. This is the outline of the Bell Group, and this is the outline of Bell Group (UK) Holdings Ltd, as of 1990. I counted 129 different entities involved in this. They all had interrelationships; they all had subordinate and priority debt. They go all around the world, and this goes from 1989 or thereabouts to 2014, when it was shut off. It is large in time, geography and complexity, and the fact that many of the decisions made were so long ago that the records are poor and many of the parties who made them have passed away. Just as a little snippet, one of the records won an award for being the first time everything was put into electronic format. One of the reasons for this was that it was run out of a lawyer's office in the QV1 building, on one of the higher floors. There was so much paper on that floor that it was making the building unstable, so it was converted to electronic format! My point here is that this case has a long history and it is hellishly complex. It has consumed huge amounts of not only state money, but also other money. It is highly complex and needs to be resolved.

The result was that after a range of litigation, \$1.7 billion was set aside by the liquidator to be distributed. The hope of all parties, including ICWA, was that this would finally stop all the litigation and move to a distribution based on agreements that were pretty well understood at that time. That did not come to pass. After the cessation of the monumental case, parties started litigating, going back to the original one, and this was an open field day for endless litigation, because of the complexity of the case. Parties, led by ICWA and others, were trying to get resolution. All those resolutions had to go overseas because some of the parties either did not want to come to Australia or might have been endangered for side actions if they did come to Australia. ICWA tried to negotiate settlements with relevant parties. That was not going to happen. They started litigating all sorts of issues and it was clear-cut that the parties involved, though not all of them, were going to use the complexities to stretch out,

through litigation and through disputes around the world, to dissipate the action and put off the final distribution to maximise their share. The number of shares involved is astronomical. The claim from BGC is over \$600 million. The claim from one of the local companies that initially paid about \$125 million for the subordinated debt or the asset that it is trading—I have to be careful with these terms—is over \$200 million. Litigation pays and postponing pays because the payoffs are huge—more than winning the lottery. We could have sat there and just let this go by—let it litigate and dissipate—and not get a return on the \$235 million that the state invested. To some extent, that sunk. Should we have done that? I do not know. If I had to do it over again, I do not think I would.

Mr B.S. Wyatt: I think you would have locked away the priorities.

Dr M.D. NAHAN: That is what they thought they did. Neither the member for Victoria Park nor I were there. A lot of money was spent under the Liberal government on a lot of the early ones and a lot was spent by the Labor government. They made the decisions at the time. I am not going to argue. That is history; it is done. The clear view of our experts, whom we sought for advice, was that this would go on and on. We came up with the bill to settle it. We used unusual legislation—the Corporations Act, the power of the state—to bring it back. It has been done before, though not regularly. We would not do this regularly but this is an unusual case. We used it. We knew that it would be constitutionally challenged. Of course, it is up to the people. People have big pockets, and they will go to the High Court. They told us during this debate that they would go to the High Court. That is where we are. There are three substantial issues before the High Court. We are not altering those. They will be debated. I will not give our position on them because I do not know. There is one at least—the rights of the states within the Corporations Act. We have opened up a potential Pandora’s box in the sense that the states periodically have to hand over their powers to the commonwealth. It is up for renewal. The Attorney General is in debate with the other Attorneys General. It is a controversial issue. I understand that the commonwealth is asking for 10 years’ referral powers. If this issue fails, it will bring into question all sorts of issues. That is why the other states are making submissions on that aspect. We are not attempting to alter that issue in this amendment bill. We are not altering the rights of the commonwealth under the Constitution or the taxation powers of the ATO.

Let me make some comments about what we did before we agreed to introduce the bill. First, we contacted the commonwealth government and informed it. We contacted the then Assistant Minister to the Prime Minister, Hon Christian Porter, who knows a lot about this issue. He is a former Attorney General and Treasurer of Western Australia. We put together the draft bill. We showed it to him and we showed it to the commonwealth. We got a letter from the commonwealth saying that it supported the action. We would not have proceeded without that support. We knew that once we did that, the commonwealth, particularly the ATO, would have to become involved with any High Court issue because of the nature of it. I have been told that any case of this sort will allow the commonwealth, in layman’s terms, to have a watching brief, or be an advisory to the court. We knew that. We proceeded and we got its support. There is some strong disagreement within all these parties as to the rights of the ATO. The liquidator maintains that the ATO is owed very little money. He is adamant about that. We had tight negotiations with the ATO, which was arguing for \$430 million. I referred to that indicative sum in my speech on the third reading to try to give some support to the ATO. That is what it asked us to do, so we agreed. Unfortunately for us, the ATO, contrary to the direction or advice of the Assistant Treasurer, Kelly O’Dwyer, who has responsibility delegated through from the Treasurer for the ATO —

Mr B.S. Wyatt: They can’t direct the ATO.

Dr M.D. NAHAN: That is right. The ATO is independent, and it exerted its independence in this case. That is where it is at. It could do so for many reasons. I am not party to the rationale. All I can say is that I have been advised that we still have strong grounds on three others.

The reason we are making these amendments and the reason we are doing it late is that our advisers—the Solicitor-General and the State Solicitor—waited for the various parties to the High Court action to express their arguments. Lawyers are very creative. We did not know whether they would go wide or narrow—stick to the three substantive issues or go wide. I understand that some have gone very wide. It is to our advantage that they went out wide right away. One of the concerns was that by going wide and dealing with collateral issues, the High Court would have to deal with these collateral issues before it got to the substantial issues, therefore dragging out the process. I would never accuse lawyers of dragging out the process unnecessarily. That may be a purpose but that would have been the result. That is all I can say. Since they are not substantial issues, the Solicitor-General and the State Solicitor advised us that we would maybe not strengthen our case but get clarity and a result earlier and deal with the substantial issues if we put this case through. As soon as I got that report, I did not like it.

We have a lot of work to do in this Parliament. Sometimes advisers do not understand the political process and the pain we have to go through, such as we are going through today, and make requests. I will not refer to anything in particular. I thought about the report. I did not like it. As soon as I got it, I gave it to the member for Victoria Park and said, “Here is the issue.” I described my understanding of it in very simplistic terms; I think

I used the word “gobbledegook”. I have disentangled the gobbledegook since then. I cannot say that I am an expert on it. I understand it more clearly. I would not want to be in consideration in detail by myself; I could not do that. I gave it to the member for Victoria Park out of respect. He looked at it. He has never practised in this area of the law so, quite rightly, he needed to get advice. I gave him access to the State Solicitor immediately, and I am sure he has taken advantage of that. We are faced with a situation in which we want to resolve that issue. We have to get a resolution through the High Court. I will not make comments about the High Court’s decision. All I can say is that I got advice from the state’s key legal advisers—the State Solicitor and the Solicitor-General—that this amendment bill will not enhance our chances in the substantive issues but hone the debate, the discussion in the High Court, on the substantive issues, and stop it from dragging out further. That is the whole purpose of the act and therefore the bill—to stop it from dragging out longer. In the meantime, we have exerted a great deal of effort to try to get the ATO to negotiate but we have not done that. The ATO is a power unto itself, and it is continuing that. It has pursued it in a very forceful manner, though lawyers are very often forceful in stating their case.

The member for Victoria Park said that this is not unprecedented. It has been done before, through similar things in both Western Australia and New South Wales. However, it is an unusual act; it is because this is an unusual case and it warrants it. The member also referred to reading down the act. I will leave that issue to the consideration in detail stage as I really do not understand it. The member for Victoria Park referred to an informational disadvantage. Yes, he is at an informational disadvantage, and so am I to some extent. I have to rely on my advice. If I did not have confidence in the State Solicitor and the Solicitor-General I would never have gone down this path, but I do. I am following the path that they have pointed out. The member said that the action will result in delay. The member can ask the State Solicitor. That may or may not be the case. The High Court acts in the way it does but we do not think it will result in delay, but we will clarify that. Maybe some more information has come to pass. The Corporations Act has opened a Pandora’s box, and I can tell members that the commonwealth—not the Australian Taxation Office but the rest of them—was very worried about opening that up because that is a really big issue. If the member wanted to, he could read the submissions from the other states on that.

I think the member for Butler indicated that just before the Bell act was brought to this house, there was a chance of a resolution. I can assure the member that if there was any chance of a resolution, we would not have put through the Bell act. I do not participate in all the negotiations, but all my advice was that this is staged to go on and on for another decade or more. Looking at the evidence, that was indeed the case.

Again, the second reading speech outlined the purposes of the legislation. I will just explain our rationale for it. We are seeking to hone down the issue in the High Court so we get an outcome, and then we can get on to distributing the funds. I am confident that down the track the ATO will come on board, if we get it through the High Court challenge and start negotiating an outcome. I am sure the administrator set up under the act —

Mr B.S. Wyatt: If it survives the High Court challenge, it is done. Then your process is valid.

Dr M.D. NAHAN: Yes, probably. Then the administrator, shortly after the hearing period of 5 to 7 April, will come up with a preliminary distribution. If the High Court case is postponed beyond that, the ATO might look at that and be unhappy or more aggressive; I do not know. Anyway, the bill is as we described it. I expect to go into consideration in detail now and I will be Mr Evans’ puppet on this case and the member can ask all the questions that he wants.

Question put and passed.

Bill read a second time.

Consideration in Detail

Clause 1: Short title —

Mr B.S. WYATT: The member for Butler referred to a letter from the State Solicitor that I think was sent to the parties involved. I am not sure who it was sent to, but it relates to my question about what has happened at today’s hearing, which would be over by now in Canberra. What has happened there and does it have any impact on the timing of the litigation?

Dr M.D. NAHAN: In short, no. The hearing was about the form of the submissions that had already been lodged.

Mr B.S. Wyatt: So there was no-one asking for adjournments or the like?

Dr M.D. NAHAN: The matter was mentioned, but no application was made.

Mr B.S. WYATT: Again, I have a question about the hearing dates of 5 to 7 April. Is that the final hearing when the three issues will be dealt with, assuming this is passed in time, and then a judgement will be handed down at some point in the future? Are we expecting another hearing date or is this it?

Dr M.D. NAHAN: At this stage, no.

Clause put and passed.

Clause 2: Commencement —

Mr B.S. WYATT: Clause 2 provides, in part —

sections 4 to 10 are deemed to have come into operation on 27 November 2015;

I note in the minister's second reading speech he said —

In particular, the legislation is intended to continue in operation from any date on which it is constitutionally valid, and upon any basis upon which it is constitutionally valid.

Can the minister just explain to me how these two interact? We are obviously concerned that there may be a period of constitutional validity at a date other than 27 November.

Dr M.D. Nahan: That is correct.

Mr B.S. WYATT: If the minister could just explain it. Does that mean that perhaps if these amendments make it constitutionally valid, it comes into operation from the passage of this bill through Parliament?

Dr M.D. NAHAN: If our arguments hold and it is constitutionally valid, it will be deemed to have come into operation back on 27 November when the bill was passed. Otherwise, it will come into operation on the passage of this bill or when, in the future, it is determined to be constitutionally valid.

Clause put and passed.**Clause 3: Act amended —**

Mr B.S. WYATT: I just want the minister to put something on the record. I had a briefing with the State Solicitor, but I would like the minister to again explain something to me. I am looking back at my notes from my meeting with the State Solicitor around the transitional provisions and I am not entirely sure I had the proper understanding. My notes say that it matters that the key companies involved were liquidated prior to 1993 when the law around liquidation changed. Is it the 1993 transition to the national scheme that has caused the problems that we are trying to resolve with this bill? If so, can the minister explain, in layman's terms, the evil that this is trying to resolve?

Dr M.D. NAHAN: The amendment applies to only section 25 of the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Act. It is a response to an argument made by one of the parties that the old liquidation provisions still apply in a way that the Bell act did not address.

Mr B.S. Wyatt: The act itself created a fairly authoritative regime. What is the fear about possibly pre-1993 applying? What is the weakness?

Dr M.D. NAHAN: The argument—we do not accept it—is that under the way the act is being interpreted, the key creditors could not claim.

Mr B.S. Wyatt: Under the regime that is created by the Bell act?

Dr M.D. NAHAN: Yes. We do not accept that but that is not the purpose. The whole purpose is for them to have claims and be distributed accordingly.

Clause put and passed.**Clause 4: Section 3 amended —**

Mr B.S. WYATT: I will ask similar questions on some of these clauses. Why was Maranoa Transport, which I think is one of the plaintiffs in one of the cases, missed? Remember, quite an extensive list of companies was caught up as the Bell companies so defined in the act. Why was this missed and how has this been identified simply because of the litigation?

Dr M.D. NAHAN: First, we pulled together the Western Australian Bell Group. The focus was on Western Australian firms, operations and liabilities. Notionally, Maranoa is in Queensland, although most of its activities are Western Australian.

Mr B.S. Wyatt: Who was Maranoa; what was its connections?

Dr M.D. NAHAN: It is a subsidiary of the Bell Group. Remember, I told you that the complex of subsidiaries looked like spider webs everywhere.

Mr B.S. Wyatt: Is the reason it was listed as a plaintiff simply because it was not listed in the Bell act?

Dr M.D. NAHAN: Yes. The liquidator is acting through that company. The liquidator is acting on behalf of Maranoa Transport. The liquidator probably had coverage of them all, including Maranoa. It is not included in our act, so we are pulling it in.

Mr B.S. Wyatt: Once that happens, will Maranoa fall off?

Dr M.D. NAHAN: It will, but arguably, by the time this bill is passed, it probably will have done so already.

Mr B.S. Wyatt: The argument had been run.

Dr M.D. NAHAN: Yes.

Clause put and passed.

Clause 5: Part 3 Division 1A inserted —

Mr B.S. WYATT: This will insert proposed section 21A in part 3. Can the minister explain the purpose of this amendment and what the argument is that has created this amendment?

Dr M.D. NAHAN: It addresses an issue that no-one has raised yet but one that the High Court might raise: what is the nature of these companies under the act?

Mr B.S. Wyatt: Nature in what way?

Dr M.D. NAHAN: As continuing corporations.

Mr B.S. Wyatt: This then says what, about the nature of those corporations?

Dr M.D. NAHAN: It says they are continuing corporations under the act.

Mr B.S. Wyatt: Under the current Corporations Act?

Dr M.D. NAHAN: Under the Bell act.

Mr B.S. Wyatt: Under the Bell act?

Dr M.D. NAHAN: Yes. The Bell act had to keep these things alive, if you wish, to have a distribution.

Mr B.S. Wyatt: You say it has not been raised yet; it is an issue that has come up. Is this simply saying, effectively, something that we all implied in the bill, to clarify that point?

Dr M.D. NAHAN: Yes; it is to make it clear so we do not have disputation on something that could be interpreted as not clear in the act. We put that in to make sure we are purposely keeping these things alive, and under the act they are alive. The act intends to keep them alive and does keep them alive.

Dr A.D. BUTI: The minister said it keeps them alive. It keeps what alive?

Dr M.D. NAHAN: It will keep each of the corporations mentioned in the act alive as continuing body corporates.

Dr A.D. BUTI: When the Bell act was passed last year, I assume that was not an issue that the minister had put his head to because it has come up since. Reading from the memorandum of understanding and the second reading speech, this is included because the minister mentioned the need for its continuing existence. Presumably the companies were de-registered when the Bell act was passed last year. How can the minister now bring them back alive? They now have a legal status and people have shares. Surely that was concluded when the Bell act was passed last year. Maybe it was not addressed. Is it the minister's argument that because it was not addressed last year, the status of these companies was ambiguous and now he is trying to clarify the situation or will this have retrospective effect?

Dr M.D. NAHAN: It is strictly meant as clarification. The State Solicitor is confident that the intent is clear enough in the act, but from reading various submissions, he came to the conclusion that some of the submissions could be interpreted as leading down this path, so we are making it clear.

Mr B.S. WYATT: Can the minister remind me—I am sure we have dealt with this once; effectively the assets are transferred—whether the Bell companies will then be dissolved under this regime or will they fall back under the Corporations Act when they are dissolved?

Dr M.D. NAHAN: At first go they will dissolve under this act but we had to keep them going for tax purposes. In future, it will depend on the resolution of the High Court issue. They will dissolve under this act or the Corporations Act, depending, I suppose, on the High Court's decision and which of those acts is relevant.

Mr B.S. WYATT: Because I can, I will ask the minister and the State Solicitor: the ATO's argument, as I understand it—I think the State Solicitor is sitting up the back—to simplify it, is to say that we are trying to deal with money that is otherwise subject to a federal process, therefore, there is a conflict, to summarise it. I understand that triggering the ATO's argument is that we cannot take these Bell companies out of the Corporations Act because the federal corporations law is governing how that money is distributed, therefore, there is a clash. Have I got that understanding right at this point?

Dr M.D. NAHAN: The Australian Taxation Office has not started proceedings to challenge the act; it is seeking to intervene in other proceedings.

Mr B.S. Wyatt: But it is clearly challenging the validity of this act.

Dr M.D. NAHAN: Its argument is that there are some provisions that protect its position. It is intervening on the other arguments. Some provisions of the tax office give powers that are not adequately recognised in the tax act.

Mr B.S. WYATT: So this amendment is not seeking to deal with the substantive issue around section 109 of the Constitution.

Dr M.D. NAHAN: No. But just to clarify it, nothing in this bill attempts to deal with any of the ATO's tax issues.

Clause put and passed.

Clause 6: Section 25 amended —

Mr B.S. WYATT: This clause seeks to amend section 25 of the act. The Treasurer might give a similar answer to the one he just gave on clause 5. Section 25(1) will state —

If, immediately before the transfer day, a liability of a WA Bell Company was admissible to proof against the company in the winding up of the company ...

It will no longer refer to “company under the Corporations Act”. What is the point of this amendment and what argument has been raised that has clearly triggered this amendment?

Dr M.D. NAHAN: It deletes a reference to a proof under a specific provision of the Corporations Act because of an argument from one of the parties that the old debts are permissible under a different provision.

Dr A.D. BUTI: Going by the Treasurer's answers, as relayed to him by the State Solicitor, this seems to be a purely reactive piece of legislation in response to submissions made in the High Court. I find it a bit disconcerting that Parliament is reacting in this manner to submissions that have already been made in the High Court. What will happen when there is oral argument in the hearings and other arguments are raised that have not been referred to or canvassed in the written submission? Will the government then rush back here with further amendments that it wants to be passed before the High Court makes its decision? I find this really disconcerting. Why did the government not get it right last year? It is absurd that every time a party makes a submission that the government has not thought about, it brings new legislation into Parliament.

Dr M.D. NAHAN: The member is right. This amendment bill is a response to arguments made in the High Court—not substantive arguments but peripherals. The whole objective is to home in on these issues. I have been advised that this is not as unusual as it appears to the member—it does not appear to be unusual to me because I have not thought about this. Something similar happened last year in the case of the waste management company Eclipse Resources Pty Ltd. The arguments at the oral stage usually flesh out all the issues and new ones are seldom introduced after that stage.

Dr A.D. BUTI: As a member of the Liberal Party, the Treasurer is a strong believer in the rule of law and the certainty of law. People start litigation based on the law; they will not start litigation if they do not think they will be successful. Expensive litigation has been started before the High Court based on the law at the time. The Treasurer has said that it is not unusual. It is not that usual. The waste management case is one example that he has raised. This is unusual and it is a worrying situation. Our rule of law is based on certainty, yet the government is changing the goalposts as it goes along. I find that very troubling, especially from a Liberal Party that believes in the rule of law and also the preservation and protection of property rights.

Dr M.D. NAHAN: The member is right. Substantive issues need to be resolved in the High Court. We are not attempting to change those. Again, we are trying to look at the arguments that have been made. In these cases, there is a history of wideranging issues, often of a procedural nature or not related to the main issue. If the High Court makes the decision on the basis of those, we are trying to clarify it so that the High Court sticks to the main issues rather than going on to collateral issues that would just require us to get clarification and go back to the High Court.

Dr A.D. BUTI: Is it correct to label it as a procedural issue? It may be a collateral issue, but it is not a procedural issue. The continuing legal status of a company is not a procedural issue; that is a substantive issue. I agree that it may not be the main game, but it is more than a procedural issue.

Dr M.D. NAHAN: The member is right.

Mr B.S. WYATT: I want to clarify one point on that matter. Just so I understand it, this amendment to section 25 will mean that the treatment of liabilities will still stand, regardless of what the court finds in respect of whichever regime those claims arise under.

Dr M.D. Nahan: Yes.

Clause put and passed.

Clause 7: Section 30 amended —

Mr B.S. WYATT: This clause will insert proposed subsection (1A) into section 30, “Dissolution of companies”. The explanatory memorandum indicates that it is proposed to insert subsection (1A) to clarify that if the WA Bell companies have a continued corporate existence under the Corporations Act, section 30(2), which permits dissolution of the WA Bell companies as opposed to deregistration as contemplated by the Corporations Act, will not have effect. Why are we worried about that particular scenario?

Dr M.D. NAHAN: This technical amendment addresses a possible inconsistency if the proper constitutional basis for the continuation of WA Bell companies is not as the state contends under the Bell act. In that case, those companies must continue under the Corporations Act and probably will be extinguished by deregistration under the corporations act; and the provision for WA Bell companies to cease to exist upon dissolution under the Bell act is accordingly repealed. This is a direct consequence of the insertion of proposed new section 21A.

Mr B.S. WYATT: So, it allows for corporations law to deal with finalisation of some companies?

Dr M.D. NAHAN: If the Bell act does not dissolve it, then the Corporations Act does. If they are not dissolved under the Bell act, then it fills a hole, for whatever reason, for them to be dissolved under the Corporations Act.

Mr B.S. Wyatt: If in the end the court makes a decision around the scheme for a dissolution, the corporations law then captures that.

Clause put and passed.**Clause 8: Section 50 amended —**

Mr B.S. WYATT: A couple of amendments here insert the definition of “matter” as the meaning given in section 55F(6) of the Corporations Act. I will deal with this before I get to the other one, which is a typographical error by the look of it. What is “matter” as defined in section 5F(6) of the Corporations Act and why do we need to introduce it into this bill?

Dr M.D. NAHAN: Under corporations legislation “matter” includes an act, omission, body, person or thing.

Mr B.S. WYATT: It seems that the definition of “matter” in the Corporations Act is the same as in in any other act. Why are we introducing it here? What has triggered this particular problem that needs it to be introduced?

Dr M.D. NAHAN: It has become apparent in the course of the development of the arguments in the High Court that the state may have adopted too conservative a position in relation to the exclusion of the provisions of the act from the operations of the Corporations Act, in doing so by reference to the companies that are the subject of the act rather than those companies in the matters with respect to those companies. Amendments to section 50 simply adopt the definition of “matter” in section 5F of the Corporations Act as the basis for prescription of the exclusion of those matters from the ambit of sections 51 and 52 of the Corporations Act.

Mr B.S. Wyatt: And then that comes into play under the next section of those amendments; is that right?

Dr M.D. NAHAN: Yes.

Clause put and passed.**Clause 9: Section 51 amended —**

Mr B.S. WYATT: This provides a more substantial amendment to section 51 of the act. The draft explanatory memorandum provided to me states —

This amendment ... clarifies the number and scope of matters —

There is that word —

excluded from the operation of the Corporations Act for the purposes of the Act, and that these include not only the WA Bell Companies, but also acts done and things affected by the Act which relates to those companies.

That is, companies being excluded from the operations of the Corporations Act. Has this come out of a review of the act as a result of those arguments, and what is the weakness we are trying to protect ourselves from here? It obviously flows from the definition of “matter” and I assume it is to broaden “company” to include companies’ activities. Perhaps the Treasurer can explain that to me.

Dr M.D. NAHAN: The member is right. It is things that are done under the act rather than just the companies themselves.

Mr B.S. Wyatt: Is this a weakness that has been raised by anyone in particular?

Dr M.D. NAHAN: There are elements of the issue pregnant in the arguments raised.

Mr B.S. WYATT: It will be a very interesting High Court hearing, regardless of the outcome I think.

Clause put and passed.

Clause 10: Section 52 amended —

Mr B.S. WYATT: This is the displacement provision; that is, displacement of certain provisions of the corporations legislation. This section has effect if and to the extent that an excluded corporations legislation provision has any application as a law of the commonwealth in relation to a WA Bell company. It strikes me that is something that we would still want included. I am a bit uncertain why that is being deleted and perhaps the Treasurer could clarify that for me.

Dr M.D. NAHAN: It arises because of the change in definition of scope and matter in sections 50 and 51. That limitation is no longer relevant.

Mr B.S. WYATT: I will be very frank. I do not understand what the Treasurer said to me. Could he explain the link between that deletion in section 52 back to sections 50 and 51? This section has effect to the extent an excluded corporations legislation has any application as a law of the commonwealth in relation to WA Bell Companies. If it is redundant, I can understand why it has been deleted, but I need to understand what has made it redundant.

Dr M.D. NAHAN: We made the changes at section 51 that expanded the definition of “matter”.

Mr B.S. WYATT: I think I may have twigged to it. I refer to the inclusion under clause 9 of proposed section 51(1A) —

Each other matter the subject of this Act is declared to be an excluded matter for the purposes of the Corporations Act ...”

By broadening proposed section 51(1A), should proposed section 52 not react to that broadening?

Dr M.D. NAHAN: This is a corresponding provision. Proposed section 52 broadens the provisions of the act as well as the matter. In proposed section 51 we dealt with the matter and in proposed section 52 we will deal with all the provisions in relation to the matter.

Mr B.S. WYATT: I will pretend I understand that for the minute. Just in respect of that, further, proposed section 52(2) will refer to “provisions of this Act other than this Part” to replace “provisions of Parts 3, 4 and 5 and sections 55 and 56(3)” of the corporations legislation displacement provisions. Is this simply to create a number of amendments to create flexibility in the event that it is not corporations legislation that applies? Is that what is being done there?

Dr M.D. NAHAN: Proposed section 51 relates to section 5F on the Corporations Act. Proposed section 52 relates to section 5G of the Corporations Act. We are opening up the liquidation to all the provisions of the act to rely on section 5G.

Clause put and passed.**Clause 11: Section 53 amended —**

Mr B.S. WYATT: Again, my understanding of this is that some specific provisions are being made for regulations. Again, the draft explanatory memorandum states —

The Government proposes this sub-section be amended to permit regulations to be made in relation to WA Bell Companies which have effect from the transfer day or a later date to ensure that any continuity or transitional issues that arise can be effectively addressed to avoid uncertainty.

That is, as the applicable regime. Obviously, now it is thought there will be a requirement for regulations. Is this again as a result of something that has been identified or simply to allow the government the flexibility to create a regulatory regime post passage of the bill? Why was this not included originally?

Dr M.D. NAHAN: Because these amendments bring into question the operative date of the amendments, so we might have to go forward or backwards from these amendments. Remember that the issue is when we start on 27 November —

Mr B.S. Wyatt: Or at a point when it has been deemed to be constitutionally valid?

Dr M.D. NAHAN: Yes.

Clause put and passed.**Clause 12: Section 53A inserted —**

Mr B.S. WYATT: Presumably, this clause deals with the issue around validity, on the basis that the High Court finds that constitutional validity comes at a different point from 27 November. The explanatory memorandum states —

This clause is intended to provide the Act with continued existence in the face of any inconsistency with Commonwealth law leading to the invalidity of the inconsistent provision pursuant to section 109 ... on the basis that, upon any inconsistency ceasing ... the Act continues in force.

I understand that. In the event of the reading down of the Bell act to a point at which it still survives in some form, this clause will just confirm that validity. Is this really just protection in the event that if there is a finding under section 109 of the commonwealth Constitution, it does not knock out the act completely, it is just simply read down to exclude other provisions?

Dr M.D. NAHAN: The member's arguments are correct. It also provides that if we find another means of ensuring the constitutional validity of the act, we can avail ourselves of it.

Mr B.S. Wyatt: So if there is any form of constitutional invalidity under section 109?

Dr M.D. NAHAN: Yes, any form of validity.

Mr B.S. Wyatt: Invalidity?

Dr M.D. NAHAN: Any form of validity that overcomes invalidity.

Dr A.D. BUTI: The member for Victoria Park is a much better man than I, because I do not understand this at all. I have read and reread proposed section 53A. It states —

... section 12 comes into operation section 22 is not valid because of section 109 of the Constitution of the Commonwealth but, afterwards becomes valid ...

That is what I do not understand. If it is invalid on constitutional grounds under section 109, how can it become valid?

Dr M.D. NAHAN: There is a possibility that the basis for invalidity might change due to changes to this act or the commonwealth act.

Mr B.S. Wyatt: So our changes may invalidate this?

Dr M.D. NAHAN: For instance, we might change our act to take away the conflicting provisions, and there might be changes to the commonwealth law. The act does not disappear and when confronting inconsistency, it remains dormant until that inconsistency is taken away and then it comes back to life. There are options under sections 5F, 5G or 5I of the Corporations Act that might be pursued to overcome inconsistency.

Dr A.D. BUTI: I must say this is a new constitutional lesson if the Treasurer is saying that something invalid under section 109 of the Constitution still remains in existence and just becomes dormant. No, it is invalid. Of course, it does not invalidate the whole act; it severs the inconsistency so the remainder of the act may be valid. It is only invalid to the extent of the inconsistency, but it does not make it dormant. It is invalid—end of story.

Dr M.D. NAHAN: While the inconsistency remains valid, so the act is there —

Dr A.D. Buti: Invalid?

Dr M.D. NAHAN: I am trying to interpret this. The act is there if there is an invalidity. That act remains there, but if the invalidity is taken off, it becomes valid again.

Dr A.D. BUTI: I can see the remaining parts of the act remaining valid—I get that—but a section that is invalid on constitutional grounds is invalid—end of story. It does not then miraculously become valid. There has to be a new section that might be consistent with the Corporations Act or any other commonwealth act. It cannot become dormant. I think the Treasurer also mentioned that it remained valid until it was determined constitutionally not to be valid, but actually that is not correct. It was always constitutionally invalid, it just had not been determined by the court. If the High Court decides that something is constitutionally invalid, it has always been invalid, it is just that the High Court has decided on that day that that is the law.

Dr M.D. NAHAN: The member's argument is right but the commonwealth cannot repeal the laws of the state. These laws remain on the statute book of the state.

Dr A.D. Buti: But they do not have operational effect.

Dr M.D. NAHAN: Whilst there is an inconsistency or invalidity.

Dr A.D. BUTI: Yes, I understand that. A classic example of this is the native title legislation and the Racial Discrimination Act, whereby the constitutional invalidity was always there; it just had not been determined. If we say that something is invalid and the act is operational but it is decided by the High Court that it is unconstitutional, we run the risk of anything done under that provision being constitutionally invalid and therefore we bear whatever consequences arise from that.

Dr M.D. NAHAN: We accept that, and we will do everything in our powers for it to come into effect on the day it is validated, to the extent that we can.

Mr B.S. WYATT: That is the inherent limitation on this. We are validating to the extent that the state can validate, which of course cannot be to override the High Court decision. I think we have finally got there.

Clause put and passed.

Clause 13: Section 83 amended —

Mr B.S. WYATT: The explanatory memorandum that the Treasurer gave me is the last one but I dare say the new explanatory memorandum might have some more information dealing with regulations. Proposed section 83(2)(g) states —

matters of a transitional, application or savings nature, including matters relating to the coming into operation of a provision of the *Bell ... Act*

What has triggered this amendment and why was it not included in the original act? Again, that relates to a conversation we just had with the member for Armadale. Subsection 83(2) states —

Without limiting subsection (1), regulations may be made as to the following —

Proposed subparagraph (h) states —

matters relating to a provision of this Act that is partly or wholly invalid because of section 109 of the Constitution of the Commonwealth ceasing to be invalid, partly or wholly, including matters of a transitional, application or savings nature.

I hope the member for Armadale is listening. He can ask questions about what that sentence may mean.

Dr M.D. NAHAN: In part, this is because we made amendments to the act that may affect the date that it comes into effect. It also picks up the Corporations (Ancillary Provisions) Act 2001. These are the sorts of provisions that are in that act.

Mr B.S. WYATT: Has this arisen because of a weakness identified or simply because of amendments made already?

Dr M.D. NAHAN: It is just because of the amendments already made.

Clause put and passed.**Clause 14: Section 85 inserted —**

Mr B.S. WYATT: This is a substantial amendment. Somewhere in my notes is the explanatory memorandum that the Treasurer tabled today. I cannot find it but I will ask the Treasurer to take me through it. This is probably the most substantial amendment that we are making. I would like an explanation of the intent of this amendment and why it has been brought on.

Dr M.D. NAHAN: This provision is inserted to ensure that if the amendments effected by this bill are not effective from the transfer date under the original Bell act, they are effective from the commencement of the amendments effected by this bill. A protective provision is inserted in subsection (3) to ensure that the liquidator, Maranoa Transport Pty Ltd, and those who assist the company do not commit an offence under part 7 of the Bell act because of any retrospective operation brought about by the commencement of these amendments with the effect from the transfer date. I suppose—I am freelancing here, which is dangerous—because we have widened the scope to include Maranoa Transport, we have to make sure that it is brought into the coverage of the act with no penalty.

Mr B.S. Wyatt: And obviously looking at that, to validate any activity that took place in between that time.

Dr M.D. NAHAN: Yes.

Clause put and passed.**Title put and passed.**

Leave granted to proceed forthwith to third reading.

Third Reading

DR M.D. NAHAN (Riverton — Treasurer) [4.27 pm]: I move —

That the bill be now read a third time.

MR B.S. WYATT (Victoria Park) [4.27 pm]: I think I speak for all of us in this place when I say that I hope this bill does not come back to the house. This has been a matter of some controversy, as was explained by me and the members for Armadale and Butler today. The members for Butler and Armadale went through some of the reasons. The member for Armadale made the point that it is more unusual for a Liberal Party to introduce legislation that seeks to effectively determine a judicial outcome of what is effectively a commercial dispute between parties currently litigating through a process that is well established and well known and has been around in its current form with various amendments since 2001. It is a well-established regime. This is unusual. I outlined in the second reading debate the fact that it is not so much a precedent that we are creating but we are certainly reliving a precedent.

The Treasurer referred to the case involving waste, which I think was the waste levy decision. In terms of the law in Western Australia, it was set in a decision I referred to during the second reading debate involving

Nicholas v the State of Western Australia and Hancock Prospecting back in 1972, which confirmed that even though it is controversial, what the state is doing is not illegal. The Western Australian Parliament has plenary power to do these things, regardless of what parties outside may think. My questions just focused on getting the Treasurer to explain what each amendment was about because unless one has a thorough understanding of the matter, not so much the history, which has been fleshed out in some detail, not just in this Parliament but in dozens of different books written at that time, known as WA Inc, I understand that the purpose of this is simply to try to remove other areas of debates or argument in the High Court to ensure that the High Court discussions focus on the three substantive constitutional issues, some of which we have gone through today—for example, section 109 of the Constitution.

I note the point made by the Treasurer that the Australian Taxation Office is not a party yet but it is seeking to intervene and, without pre-empting the High Court, no doubt will be given leave to intervene. It involves a process that is seeking to take money out of a federal process. No doubt the ATO will be given a fair hearing in that respect. Regardless of the outcome of the validity of this act, whether it is held to be entirely invalid and knocked out or invalid in part, that has been the purpose, I think, of most of these more substantial amendments—to try to protect against partial invalidity and then try to make other parts work in a way that then protects the regime that is effectively being created under the Bell act. If it is knocked out in its entirety, the court has made a very definitive decision around the capacity to try to remove from a federal legal process, being corporations law, the transfer and allocation of moneys by way of that process. There has been some disgruntlement—again, we have all gone through this during the debate on the substantive legislation—around the other parties involved. Clearly, there was some expectation at some point along the way, from advice given by federal parliamentarians, about what the Australian Taxation Office may or may not do. As we know, the ATO is an independent body that tends to act very strongly in protecting its interests and the interests around moneys it sees as outstanding to the Australian Taxation Office. I went through, in a bit of detail, as the minister knows, the submissions filed on behalf of the federal Commissioner of Taxation. They purport to take a very strong view, and once the ATO is given leave to intervene, as I am sure it will be, it has made a very strong point. The member for Butler quoted, in his second reading contribution, the final paragraph of the submission from Mr Gleason, SC, which reads —

The basic problem is that the drafter of the Bell Act has either forgotten the existence of the Tax Legislation, or decided to proceed blithely in disregard of its existence. No mechanism has been provided for in the Bell Act to allow for the continued operation or paramountcy of the Tax Legislation.

No doubt that will be a stand-off between the Solicitor General of the commonwealth and the State Solicitor of Western Australia that will be resolved in the High Court between 5 and 7 April. Regardless of that, that judgement will be of significant interest, regardless of the outcome, for the reasons outlined, I think around the fact that a five-year referral to create the national corporations regime is now up. I am not surprised that the commonwealth is pushing for 10 years. Five year strikes me as quite a short period in the way that these things play out, but no doubt every state, including Western Australia, is keen to keep the national corporations regime working. It is actually very important that we keep it working, because I do not think anyone really wants to go back to a state-by-state regime such as existing prior to the referral of those powers.

The Treasurer did his best to explain to me what the difference is, but I still do not fully understand it. I think that is probably an issue for the Attorney General to resolve. But clearly there is some concern if all the states are intervening to be heard on that point. For that very reason alone, the decision of the High Court will be one of some note when the judgement is finally given.

I do not intend to speak for long. This is, as I said, controversial legislation that revisits a precedent that we last dealt with, according to research that I have done, back in 1972, involving the Minister for Mines and some very familiar names that we see in the iron ore sector today. I hope that we do not see this again. As I said, the original bill was heavily amended in the upper house and we then had to deal with the amendments back here, and now we are amending it again. I dare say that with each amendment we are probably creating more complexity in an area that is already complicated and controversial enough, and the decision will be a decision by the High Court around what it views as the power of the executive and the Parliament of Western Australia to do these things regardless of the fact that a federal scheme is operating. I guess the validity of exempting ourselves, to pull ourselves out of that federal process to create our own, will be the decision on which this piece of legislation will either rise or fall.

I thank the State Solicitor for his briefing on Monday. I will not say that I understood the briefing in its entirety but, as I said before, this is an extraordinarily complicated and very specific area of law, and one needs to have spent many years deep within it to have a thorough understanding of what we are doing. I am very much reliant, as the Treasurer is, on the advice of the State Solicitor and I hope, in that hearing on 5 to 7 April, or whenever it is held, subject to any adjournments, that the rigour of this legislation is upheld so that ultimately those moneys can be distributed accordingly, and we do not have to deal with legislation, or this issue, in this house again.

DR A.D. BUTI (Armadale) [4.35 pm]: I will just make some very brief comments on the third reading of the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Bill 2016. This is a very complex area. I am sure that the Treasurer's wife, who used to be a work colleague of mine at the University of Western Australia law school, will be judging his performance in the legal answers to the member for Victoria Park.

Dr M.D. Nahan: I am sure she will.

Dr A.D. BUTI: She may have done a better job on the legal issues.

I raised in consideration in detail that it is disturbing that this bill has come before the house while we have ongoing litigation in the High Court. The oral hearings are only two weeks away, and submissions have already been made by the parties. I refer to a 2009 decision in the case of AON Risk Services Australia Ltd v the Australian National University. It dealt with the issue of case management. The High Court had a clear message that case management principles are very important to ensure that the interests of justice are served in minimising costs and delay for parties involved with litigation. The costs are not such a big issue for the parties to this dispute, but it is an important issue for the process of litigation and the court trying to manage the caseload before it.

If we are going to have a situation in which the executive and then the Parliament in many respects intervenes through a legislative process, interrupting litigation that has commenced, that is a worrying sign. The Treasurer mentioned that that is not unusual, but I think it is unusual, and I hope it is unusual, because I do not think anyone really wants a situation in which, after litigation has commenced and submissions have been made, the goalposts are moved. In the ANU decision, it was an issue about one party being able to lodge a late amendment to its pleadings. The court did not look at that favourably. Here, we are going beyond that. We are going beyond that situation to where, while the state government is an intervening party, as all the states are for the various constitutional or other issues, it is not actually a party germane to the substantive issues of the litigation. Here, the government is trying to move the goalposts. I understand that there may be arguments for it, but I think it is something that we have to be careful about.

Let us hope that this is the end of the matter and that we are not back here, after the oral hearings in the High Court between 5 and 7 April, to try to fix up another issue that was brought to the minds of the High Court justices. It would be interesting to see whether the High Court makes any comment on the process that is being followed here. It may remain silent.

Mr B.S. Wyatt: I am sure it will.

Dr A.D. BUTI: That is right—it may remain silent. It will be interesting to see how the barristers who appear in the case handle the matter. Let us hope that this brings the bell down on the Bell litigation legislation.

DR M.D. NAHAN (Riverton — Treasurer) [4.38 pm] — in reply: I want first to thank everybody for their expeditious and enlightening discussion on the Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Amendment Bill 2016. As I said, my problem was communicating the complexity while not even trying to understand some of it as it flowed out of my mouth. This is important legislation. I share the members' view. I hope we do not see this legislation, or any other subsequent legislation relating to amending it, in this house again. We hope that this sees the end of the Bell litigation, and we get to a point of equitable and quick distribution of money set aside to be distributed to the claimants. Again, I thank everybody for their contribution to this debate, and we will pass the matter on to the upper house.

Question put and passed.

Bill read a third time and transmitted to the Council.

ADJOURNMENT OF THE HOUSE

Special

On motion without notice by **Mr J.H.D. Day (Leader of the House)**, resolved —

That the house at its rising adjourn until Tuesday, 5 April 2016, at 2.00 pm.

House adjourned at 4.39 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

PERTH FREIGHT LINK — MODELLING

5034. Mr W.J. Johnston to the Minister for Transport:

I refer to your answer to Question on Notice of 4849 and ask:

- (a) are you aware that you quoted from modelling during the Matter of Public Interest (MPI) on 24 November 2015;
- (b) how many sets of modelling did you quote from during this debate;
- (c) were these sets of modelling contained in written reports or other written documents:
 - (i) if yes, what was the name of these reports or other written documents, and who were the authors; and
 - (ii) if yes, did you read these reports prior to referring to them in the MPI on 24 November 2015; and
- (d) when you quoted from this modeling during the debate on 24 November 2015 did you have them in your possession, or were you quoting from summaries:
 - (i) if you were quoting from a summary was the summary in writing, and if so, did this document have a title, and who was its author; and
 - (ii) if you did not have the reports in your possession and did not have summaries prepared from these reports, what were you quoting from during the MPI of 24 November 2015?

Mr D.C. Nalder replied:

- (a) A set of discussion points were used for reference as well as from memory.
- (b) Various dates were mentioned including rail freight movements, environmental emissions and road traffic volume predictions for various routes.
- (c) The information is either publicly available or derived from various sources from a number of internal Main Roads documents, City of Cockburn District Traffic Study 2006 and 2013 City of Cockburn District Traffic Study.
 - (i)–(ii) Refer to (c).
- (d) (i)–(ii) Refer to (a).

MINISTER FOR TRANSPORT — MINISTERIAL OFFICE —
 AVESTRA ASSET MANAGEMENT, BRIDGE GLOBAL CMC AND ZENITH CITY INVESTMENTS

5040. Mr W.J. Johnston to the Minister for Transport:

- (1) Since 1 July 2014, has the Minister, and/or any staff member or placement within the Minister's Office, had contact with representatives of the companies Avestra Asset Management, Bridge Global CMC or Zenith City Investments?
- (2) If yes to (1):
 - (a) what were the dates of the contact(s);
 - (b) did the contact(s) occur by telephone, email, meeting or other means;
 - (c) what was the nature or subject of the contact;
 - (d) where the contact was by phone or email, who within the Minister's office participated in the contact; and
 - (e) where the contact was by email, what are the names of all persons present at the meeting?

Mr D.C. Nalder replied:

- (1) No.
- (2) (a)–(e) Not applicable

MINISTER FOR EDUCATION — PORTFOLIOS — MINISTERIAL OFFICE —
 AVESTRA ASSET MANAGEMENT, BRIDGE GLOBAL CMC AND ZENITH CITY INVESTMENTS

5051. Mr W.J. Johnston to the Minister representing the Minister for Education; Aboriginal Affairs; Electoral Affairs:

- (1) Since 1 July 2014, has the Minister, and/or any staff member or placement within the Minister's Office, had contact with representatives of the companies Avestra Asset Management, Bridge Global CMC or Zenith City Investments?
- (2) If yes to (1):
 - (a) what were the dates of the contact(s);
 - (b) did the contact(s) occur by telephone, email, meeting or other means;
 - (c) what was the nature or subject of the contact;
 - (d) where the contact was by phone or email, who within the Minister's office participated in the contact; and
 - (e) where the contact was by email, what are the names of all persons present at the meeting?

Mr J.H.D. Day replied:

- (1) No.
- (2) (a)–(e) Not applicable.

DEPARTMENT OF EDUCATION — ANNUAL NEW BORROWINGS

5057. Mr B.S. Wyatt to the Minister representing the Minister for Education:

What have been the annual new borrowings for each financial year from 2008–09 to 2014–15 for the Department of Education?

Mr J.H.D. Day replied:

Financial Year	Annual New Borrowings (\$'000)
2008–09	19,007
2009–10	10,814
2010–11	11,649
2011–12	19,464
2012–13	15,119
2013–14	13,213
2014–15	14,371

This data is consistent with, but differs from, the finance lease information provided in Legislative Assembly Question on Notice 5062 (using information sourced from Treasury), which is highlighted in the introduction that only net movements in leases are held in Treasury systems.

DEPARTMENT OF HEALTH — ANNUAL NEW BORROWINGS

5058. Mr B.S. Wyatt to the Minister for Health:

What have been the annual new borrowings for each financial year from 2008–09 to 2014–15 for the Department of Health?

Dr K.D. Hames replied:

Table 1 below provides details of new borrowing obligations recognised by WA Health in the period from 2011–12 to 2014–15. As noted below no new borrowings were incurred by WA Health in the period from 2008–09 to 2010–11.

This data is consistent with, but differs from, the finance lease information provided in Legislative Assembly Question on Notice 5062 (using information sourced from Treasury), which is highlighted in the introduction that only net movements in leases are held in Treasury systems.

The values include new borrowings adjusted for repayments, detailing the balance required to discharge the obligation owed to the finance provider at a point in time. The balances owed by WA Health at the end of the period are as presented within the audited financial statements.

Table 1

Period Ending Balance (Non-Current Liabilities – Borrowings)	Finance Lease Liability – Fiona Stanley Hospital	*Finance Lease Liabilities – Data Centres
30/06/2012 (\$Million)	16.513	N/A
30/06/2013 (\$Million)	122.436	N/A
30/06/2014 (\$Million)	219.261	7.800
30/06/2015 (\$Million)	296.712	6.069

**The agreement for the borrowing for the Data Centre was entered in to during 2012/13 financial year, however it was not classified as a borrowing in the financial statement for the 2012/13 and 2013/14 years nor the associated Annual Reports.*

The liability was first recognised in the financial statements during 2014/15 and therefore was first recorded in the Annual Report for 2014/15. This was due to advice being sought on appropriate accounting treatments.

As the 2014/15 Annual Report also includes a column showing the 2013/14 numbers next to the 2014/15 column for comparative reasons, the 2013/14 column was restated to show the liability.

WESTERN POWER — ANNUAL NEW BORROWINGS

5060. Mr B.S. Wyatt to the Minister for Energy:

What have been the annual new borrowings for each financial year from 2008–09 to 2014–15 for Western Power?

Dr M.D. Nahan replied:

Financial year end	Year end borrowings per Annual Report [1] \$000	Increase in borrowings during financial year \$000
30/06/2008	3,118	
30/06/2009	3,927	809
30/06/2010	4,681	753
30/06/2011	5,017	337
30/06/2012	5,475	458
30/06/2013	6,188	713
30/06/2014	6,833	645
30/06/2015	7,220	387
Total: 2008–09 to 2014–15	4,102	

[1] Inclusive of accrued interest

This data is consistent with, but differs from, the new borrowing information provided in the response to Legislative Assembly Question on Notice 5062 (using information sourced from Treasury), as the Corporation includes accrued interest costs as part of the indicated borrowings.

DEPARTMENT OF TRANSPORT — ANNUAL NEW BORROWINGS

5061. Mr B.S. Wyatt to the Minister for Transport:

What have been the annual new borrowings for each financial year from 2008–09 to 2014–15 for the following agencies:

- (a) Public Transport Authority; and
- (b) Main Roads Department?

Mr D.C. Nalder replied:

(a)

Year	Net New Borrowings
2008–09	\$173 533 968
2009–10	\$84 701 170
2010–11	\$74 647 101
2011–12	\$83 726 606
2012–13	\$221 970 786
2013–14	\$199 326 016
2014–15	\$128 652 843

(b) Nil

GOVERNMENT DEPARTMENTS AND AGENCIES — ANNUAL NEW BORROWINGS

5062. Mr B.S. Wyatt to the Treasurer:

What have been the annual new borrowings for each financial year from 2008–09 to 2014–15 for the following agencies:

- (a) Public Transport Authority;
- (b) Main Roads Department;
- (c) Western Power;
- (d) Water Corporation;
- (e) Health Departments;
- (f) Department of Education; and
- (g) Department of Sport and Recreation?

Dr M.D. Nahan replied:

In line with year end balance sheet liabilities shown in agency annual reports, the following information excludes new borrowings solely undertaken within each year for the purposes of refinancing and liquidity usage (where maturing debt is repaid and replaced with new term borrowings in the same year).

Central borrowings (raised against the Consolidated Account under the authority of Loan Acts) are not allocated by project or agency. Consolidated Account cash payments are funded from the pool of total receipts from operating, investment and financing activities (including receipts from borrowings). New borrowings by the Consolidated Account as a whole are shown in Public Ledger disclosures in the Annual Report on State Finances and in Quarterly Financial Results Reports.

Whole of government balance sheet disclosures also include finance leases as borrowings. The finance lease disclosures below reflect the net finance lease movements by the specified agencies and is based on agency balances shown in Treasury's Budget system (i.e. the movements include new leases net of any net reductions in finance leases).

- (a) New borrowings by the Western Australian Treasury Corporation on behalf of the Public Transport Authority are shown in Table 1a. [See tabled paper no 4037.]
- (b) Nil.
- (c) New borrowings by the Western Australian Treasury Corporation on behalf of Western Power are shown in Table 1c. [See tabled paper no 4037.]
- (d) New borrowings by the Western Australian Treasury Corporation on behalf of the Water Corporation are shown in Table 1d. [See tabled paper no 4037.]

The Corporation booked finance lease obligations of \$263.5 million at 30 June 2014, reflecting recognition of arrangements for the Mundaring Water Treatment Plant Public Private Partnership.

- (e) WA Health has committed to various finance leases over time with net movements are shown in Table 1e. [See tabled paper no 4037.]
- (f) The Department of Education has a number of finance lease obligations, mainly for laptop computers, with net movements in total leases Table 1f. [See tabled paper no 4037.]
- (g) Nil.

TREASURY AND FINANCE — FUTURE FUND —
WESTERN AUSTRALIAN TREASURY CORPORATION BONDS

5063. Mr B.S. Wyatt to the Minister for Finance:

What are the transaction costs associated with the Western Australian Future Fund's purchase of Western Australian Treasury Corporation bonds?

Mr W.R. Marmion replied:

Please refer to Legislative Assembly Question on Notice 5080.

TREASURY AND FINANCE — FUTURE FUND — QUARTERLY REPORT

5064. Mr B.S. Wyatt to the Minister for Finance:

I refer to the removal of the line item in the Western Australian Future Fund's quarterly report showing Western Australian Treasury Corporation (WATC) bonds held by the Fund for the June, September and

December 2014 reports, after the Fund first began purchasing WATC bonds, and the Government's attribution of this line item's removal to "human error", and I ask:

- (a) was there an investigation into the decision to remove the line item;
- (b) if yes to (a), when will a full report into this investigation be provided;
- (c) if no to (a), why not; and
- (d) does the government accept that the removal of this line item appears to have been done to avoid embarrassment to both itself and the Western Australian Future Fund's administrators?

Mr W.R. Marmion replied:

Please refer to Legislative Assembly Question on Notice 5082.

TREASURY AND FINANCE — FUTURE FUND — TOTAL PUBLIC SECTOR BALANCE SHEET

5065. Mr B.S. Wyatt to the Minister for Finance:

In the context of the Total Public Sector Balance Sheet, does the Minister consider the continued investment on new capital into the Western Australian Future Fund, and the increased borrowing entailed in financing this investment, preferable to reducing state debt?

Mr W.R. Marmion replied:

Please refer to Legislative Assembly Question on Notice 5083.

TREASURY AND FINANCE — FUTURE FUND — INVESTMENT MANDATE

5066. Mr B.S. Wyatt to the Minister for Finance:

Given the low return produced by the fund, has the Minister considered alterations to the investment mandate of the Western Australian Future Fund, and:

- (a) if not, why not; and
- (b) if so, when will the Government seek to make these changes?

Mr W.R. Marmion replied:

Please refer to Legislative Assembly Question on Notice 5084.

TREASURY AND FINANCE — FUTURE FUND — CAPITAL INVESTMENT

5067. Mr B.S. Wyatt to the Minister for Finance:

Given the opportunity costs entailed in making investments into the Western Australian Future Fund, will the Minister commit to continuing the investment of new capital into the fund as per the *Western Australian Future Fund Act 2012*, or will the Government seek to put this capital towards either debt reduction or investments into ventures offering better returns than what has been realised by the Western Australian Future Fund?

Mr W.R. Marmion replied:

Please refer to Legislative Assembly Question on Notice 5085.

TREASURY AND FINANCE — FUTURE FUND — RETURN

5068. Mr B.S. Wyatt to the Minister for Finance:

Does the Minister consider, in the context of the average risk free rate since the Western Australian Future Fund's inception, the 0.4 per cent return to the Fund over its life competitive return, and how does this return compare to the Western Australian Government's average cost of (borrowed) funds?

Mr W.R. Marmion replied:

Please refer to Legislative Assembly Question on Notice 5086.

TREASURY AND FINANCE — FUTURE FUND — WESTERN AUSTRALIAN CREDIT RATING

5069. Mr B.S. Wyatt to the Minister for Finance:

I refer to the recent downgrading of WA's credit rating to AA2 and ask:

- (a) will this mean that the only Australian semi-government bonds that can be purchased in the future by the Western Australian Future Fund are those issued by WA Treasury Corporation; and
- (b) if no to (1), what other State Government bonds does the Treasurer expect will provide a higher yield than WA bonds and why?

Mr W.R. Marmion replied:

Please refer to Legislative Assembly Question on Notice 5087.

TREASURY AND FINANCE — FUTURE FUND — TOTAL RETURN

5071. Mr B.S. Wyatt to the Minister for Finance:

Has the Western Australian Future Fund's total return outperformed the cost of State debt over the following timelines, and:

- (a) since the Fund's inception;
- (b) financial Year 2013;
- (c) financial Year 2014;
- (d) financial Year 2015; and
- (e) six months to January 2016?

Mr W.R. Marmion replied:

Please refer to Legislative Assembly Question on Notice 5070.

TREASURY AND FINANCE — FUTURE FUND — FORECAST

5073. Mr B.S. Wyatt to the Minister for Finance:

Will the State Government provide a forecast as to when the Western Australian Future Fund is likely to outperform the cost of State debt, and:

- (a) if not, why not;
- (b) if so, when and how will this forecast be made available to the public;
- (c) if so, when does the Government expect the fund to outperform the cost of State debt; and
- (d) has the assumption of further credit downgrades been built into forecasts, given the impact this has on borrowing costs, into their outlook for the Fund's performance?

Mr W.R. Marmion replied:

Please refer to Legislative Assembly Question on Notice 5072.

TREASURY AND FINANCE — FUTURE FUND — INCOME RETURN

5075. Mr B.S. Wyatt to the Minister for Finance:

Has the Western Australian Future Fund's income return outperformed the cost of State debt over the following timelines:

- (a) since the Fund's inception;
- (b) financial Year 2013;
- (c) financial Year 2014;
- (d) financial Year 2015; and
- (e) six months to January 2016?

Mr W.R. Marmion replied:

Please refer to Legislative Assembly Question on Notice 5074.

TREASURY AND FINANCE — FUTURE FUND — TOTAL RETURN

5077. Mr B.S. Wyatt to the Minister for Finance:

Has the Western Australian Future Fund's total return outperformed the cost of State debt over the following timelines:

- (a) since the Fund's inception;
- (b) financial year 2013;
- (c) financial 2014;
- (d) financial year 2015; and
- (e) six months to January 2016?

Mr W.R. Marmion replied:

Please refer to Legislative Assembly Question on Notice 5076.

TREASURY AND FINANCE — FUTURE FUND —
WESTERN AUSTRALIAN TREASURY CORPORATION BONDS — OPERATING COSTS

5079. Mr B.S. Wyatt to the Minister for Finance:

What are the operating costs specifically associated with the management of Western Australian Treasury Corporation bonds held by the Western Australian Future Fund?

Mr W.R. Marmion replied:

Please refer to Legislative Assembly Question on Notice 5078.

MENTAL HEALTH COMMISSION — SERVICES AND PROGRAMS — PRENATAL AND JUVENILES

5092. Ms L.L. Baker to the Parliamentary Secretary representing the Minister for Mental Health:

- (1) For the following years, what was the allocation in the Mental Health Commission budget for mental health services for the prenatal period and to infants, children and adolescents, respectively:
 - (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?
- (2) For the following years, what was the allocation in the Mental Health Commission budget for mental health services for the prenatal period and to infants, children and adolescents respectively, not including services and funds in the Child and Adolescent Mental Health budget:
 - (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?
- (3) For the following years, which programs have been funded wholly by the Mental Health Commission budget for the prenatal period and for zero to three-year-olds, respectively:
 - (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?
- (4) For the following years, which programs and services have been funded wholly or in part by the Mental Health Commission budget for the prenatal period and for zero to three-year-olds, respectively:
 - (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?

Ms A.R. Mitchell replied:

- (1)
 - (a) \$63,076,448.
 - (b) \$72,909,593.
 - (c) \$75,441,615.
 - (d) \$76,984,769.
- (2)
 - (a) \$7,910,448.
 - (b) \$11,898,593.
 - (c) \$13,528,615.
 - (d) \$14,021,200.
- (3) The Mental Health Commission is unable to verify which services also receive funding from other sources.
- (4) The Mental Health Commission is not able to disaggregate budget settings to this level of specificity.

DEPARTMENT OF ABORIGINAL AFFAIRS — SERVICES AND PROGRAMS —
 PRENATAL AND ZERO TO THREE-YEAR-OLDS

5095. Ms L.L. Baker to the Minister representing the Minister for Aboriginal Affairs:

- (1) For the following years, what was the total amount spent in the State Aboriginal Affairs budget, excluding any Commonwealth funding or funded programs, on programs and delivery of services for the prenatal period and for children in Western Australia from birth to age three, respectively:
 - (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?
- (2) For the following years, what percentage of the State Aboriginal Affairs budget, excluding any Commonwealth funding or funded programs, was spent on programs and delivery of services for the prenatal period, and for children in Western Australia from birth to age three, respectively:
 - (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?
- (3) For the following years, which programs have been funded wholly by the State Aboriginal Affairs budget for the prenatal period and for zero to three-year-olds, respectively:
 - (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?
- (4) For the following years, which programs and services have been funded wholly or in part by the State Aboriginal Affairs budget for the prenatal period and for zero to three-year-olds, respectively:
 - (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?

Dr K.D. Hames replied:

- (1)–(4) It is not the role of the Department of Aboriginal Affairs to fund programs and/or deliver services specifically for children or expectant mothers. This is more appropriately managed by other government agencies. From time to time the Department of Aboriginal Affairs provides sponsorships or grants for specific purposes as a result of applications by external organisations. Two examples over the period 2012–2016 are:

One-off grant to the Telethon Kids Institute to employ staff, support Aboriginal research students and for developing prevention strategies associated with the Marulu Strategy Foetal Alcohol Spectrum Disorder for the Fitzroy Valley in the Kimberley.

One off sponsorship to the SIDS & Kids WA Yummy to be a Mummy project for running workshops for pregnant Aboriginal women and young Aboriginal mothers to provide skills and knowledge in order to have a healthy pregnancy and child.

Both the grant and sponsorship were funded in 2013–2014 with a total cost of \$236,500 (incl. GST).

DEPARTMENT OF EDUCATION — SERVICES AND PROGRAMS —
 PRENATAL AND ZERO TO THREE-YEAR-OLDS

5096. Ms L.L. Baker to the Minister representing the Minister for Education:

- (1) For the following years, what was the total amount spent in the State Education budget, excluding any Commonwealth funding or funded programs, on programs and delivery of services for the prenatal period and for children in Western Australia from birth to age three, respectively:
 - (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?

- (2) For the following years, what percentage of the State Education budget, excluding any Commonwealth funding or funded programs, was spent on programs and delivery of services for the prenatal period, and for children in Western Australia from birth to age three, respectively:
- (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?
- (3) For the following years, which programs have been funded wholly by the State Education budget for the prenatal period and for zero to three-year-olds, respectively:
- (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?
- (4) For the following years, which programs and services have been funded wholly or in part by the State Education budget for the prenatal period and for zero to three-year-olds, respectively:
- (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?

Mr J.H.D. Day replied:

- (1)–(4) [See tabled paper no 4038.]

DISABILITY SERVICES — SERVICES AND PROGRAMS —
PRENATAL AND ZERO TO THREE-YEAR-OLDS

5097. Ms L.L. Baker to the Parliamentary Secretary representing the Minister for Disability Services:

- (1) For the following years, what was the total amount spent in the State Disability Services budget, excluding any Commonwealth funding or funded programs, on programs and delivery of services for the prenatal period and for children in Western Australia from birth to age three, respectively:
- (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?
- (2) For the following years, what percentage of the State Disability Services budget, excluding any Commonwealth funding or funded programs, was spent on programs and delivery of services for the prenatal period, and for children in Western Australia from birth to age three, respectively:
- (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?
- (3) For the following years, which programs have been funded wholly by the State Disability Services budget for the prenatal period and for zero to three-year-olds, respectively:
- (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?
- (4) For the following years, which programs and services have been funded wholly or in part by the State Disability Services budget for the prenatal period and for zero to three-year-olds, respectively:
- (a) 2012–2013;
 - (b) 2013–2014;
 - (c) 2014–2015; and
 - (d) 2015–2016?

Ms A.R. Mitchell replied:

- (1) (a)–(d) This data is unable to be extracted from the Disability Services Commission’s data system.
- (2) (a)–(d) This data is unable to be extracted from the Disability Services Commission’s data system.
- (3) (a)–(d) The State Government, via the Disability Services Commission does not fund programs or services specifically for this age group. While the Commission funds and/or provides early intervention services for children from birth to eight years of age, the data for the birth to 3 years age group is unable to be extracted from the Commission’s data system.
- (4) (a)–(d) The State Government, via the Disability Services Commission does not fund programs or services specifically for this age group. While the Commission funds and/or provides early intervention services for children from birth to eight years of age, the data for the birth to 3 years age group is unable to be extracted from the Commission’s data system.

MINISTER FOR TRANSPORT — COMMUNICATIONS EMPLOYEES

5102. Mr M. McGowan to the Minister for Transport:

I refer to each department, agency and Government Trading Enterprise under the Minister’s control, and ask:

- (a) what is the total number of employees engaged in:
 - (i) media relations;
 - (ii) publicity;
 - (iii) public relations;
 - (iv) communications;
 - (v) strategic communications;
 - (vi) marketing;
 - (vii) corporate affairs; and
 - (viii) speechwriting;
- (b) what is the job title for each of these positions; and
- (c) what is the salary range or level of each position?

Mr D.C. Nalder replied:

Please refer to the response to Question on Notice No. 5117

MINISTER FOR EMERGENCY SERVICES — PORTFOLIOS — COMMUNICATIONS EMPLOYEES

5104. Mr M. McGowan to the Minister for Emergency Services; Corrective Services; Small Business; Veterans:

I refer to each department, agency and Government Trading Enterprise under the Minister’s control, and ask:

- (a) what is the total number of employees engaged in:
 - (i) media relations;
 - (ii) publicity;
 - (iii) public relations;
 - (iv) communications;
 - (v) strategic communications;
 - (vi) marketing;
 - (vii) corporate affairs; and
 - (viii) speechwriting;
- (b) what is the job title for each of these positions; and
- (c) what is the salary range or level of each position?

Mr J.M. Francis replied:

- (a)–(c) Please refer to the response to Question on Notice No. 5117

MINISTER FOR FINANCE — PORTFOLIOS — COMMUNICATIONS EMPLOYEES

5109. Mr M. McGowan to the Minister for Finance; Mines and Petroleum:

I refer to each department, agency and Government Trading Enterprise under the Minister's control, and ask:

- (a) what is the total number of employees engaged in:
 - (i) media relations;
 - (ii) publicity;
 - (iii) public relations;
 - (iv) communications;
 - (v) strategic communications;
 - (vi) marketing;
 - (vii) corporate affairs; and
 - (viii) speechwriting;
- (b) what is the job title for each of these positions; and
- (c) what is the salary range or level of each position?

Mr W.R. Marmion replied:

Please refer to the response to Question on Notice No. 5117.

MINISTER FOR MENTAL HEALTH — PORTFOLIOS — COMMUNICATIONS EMPLOYEES

5111. Mr M. McGowan to the Minister representing the Minister for Mental Health; Disability Services; Child Protection:

I refer to each department, agency and Government Trading Enterprise under the Minister's control, and ask:

- (a) what is the total number of employees engaged in:
 - (i) media relations;
 - (ii) publicity;
 - (iii) public relations;
 - (iv) communications;
 - (v) strategic communications;
 - (vi) marketing;
 - (vii) corporate affairs; and
 - (viii) speechwriting;
- (b) what is the job title for each of these positions; and
- (c) what is the salary range or level of each position?

Ms A.R. Mitchell replied:

Please refer to the response to Question on Notice No. 5117

MINISTER FOR PLANNING — PORTFOLIOS — COMMUNICATIONS EMPLOYEES

5113. Mr M. McGowan to the Minister representing the Minister for Education; Aboriginal Affairs; Electoral Affairs:

I refer to each department, agency and Government Trading Enterprise under the Minister's control, and ask:

- (a) what is the total number of employees engaged in:
 - (i) media relations;
 - (ii) publicity;
 - (iii) public relations;
 - (iv) communications;
 - (v) strategic communications;
 - (vi) marketing;
 - (vii) corporate affairs; and
 - (viii) speechwriting;
- (b) what is the job title for each of these positions; and
- (c) what is the salary range or level of each position?

Mr J.H.D. Day replied:

Please refer to the response to Question on Notice No. 5117.

MINISTER FOR EMERGENCY SERVICES — PORTFOLIOS — MEDIA MONITORING

5121. Mr M. McGowan to the Minister for Emergency Services; Corrective Services; Small Business; Veterans:

I refer to each agency, department and Government Trading Enterprise (GTE) within the Minister's portfolio of responsibilities, and I ask:

- (a) does the agency, department or GTE use the services of the Media Monitoring Unit based at Dumas House;
- (b) does the agency, department or GTE use media monitoring services other than those provided by the Media Monitoring Unit;
- (c) if yes to (b), which company or companies provides the media monitoring service; and
- (d) if yes to (b), what was the cost of the media monitoring service for the financial year 2014–15, and 2015 to date for each company?

Mr J.M. Francis replied:

The Department of Corrective Services (DCS) advises:

- (a) Yes
- (b) Yes
- (c) iSentia Pty Ltd
- (d) \$23,706.42 for 2014–15
\$26,754.78 for 2015 year to date

The Department of Fire and Emergency Services (DFES) advises:

- (a) Yes
- (b) Yes
- (c) iSentia
- (d) Financial year 2014–15: \$60,602.62 (ex GST)
Financial year 2015–16 to date (to 29 February 2016): \$44,368.82 (ex GST)

The State Emergency Management Committee (SEMC) Secretariat advises:

- (a)–(d) No, not applicable.

Small Business Development Corporation (SBDC) advises:

- (a) The Small Business Development Corporation (SBDC) receives, on a daily basis, media monitoring summaries covering local print, radio and television stories from the Department of Premier and Cabinet's Media Monitoring Unit at no cost to the SBDC. This service is of a general nature, not specifically small business focussed.
- (b) The SBDC has a daily monitoring service of print, radio and television news, specific to the SBDC and small business news items.
- (c) The service mentioned in (b) above is provided by iSentia (formerly Media Monitors)
- (d) In the period 2014–15, the amount of \$12,631.71 (ex GST) was paid to iSentia. For July 2015–15 February 2016 inclusive, the amount of \$9,359.19 (ex GST) was paid to iSentia.

Veterans advises:

- (a)–(d) No, not applicable.

MINISTER FOR FINANCE — PORTFOLIOS — MEDIA MONITORING

5126. Mr M. McGowan to the Minister for Finance; Mines and Petroleum:

I refer to each agency, department and Government Trading Enterprise (GTE) within the Minister's portfolio of responsibilities, and I ask:

- (a) does the agency, department or GTE use the services of the Media Monitoring Unit based at Dumas House;
- (b) does the agency, department or GTE use media monitoring services other than those provided by the Media Monitoring Unit;

- (c) if yes to (b), which company or companies provides the media monitoring service; and
- (d) if yes to (b), what was the cost of the media monitoring service for the financial year 2014–15, and 2015 to date for each company?

Mr W.R. Marmion replied:

The Department of Finance advises:

- (a) No.
- (b) Yes.
- (c) iSentia.
- (d) The cost of the Department of Finance's media monitoring service was: financial year 2014–15 – \$26, 827, and 1 July to 24 February 2016 – \$14, 088.

Please note the Department of Finance's media monitoring services includes monitoring for the Public Utilities Office which reports to the Minister for Energy. It is not possible to determine separate costs.

The Office of the Government Chief Information Officer advises:

- (a) No.
- (b)–(d) Not applicable.

The Department of Mines and Petroleum advises:

- (a) Yes.
- (b) Yes.
- (c) Isentia Pty Ltd.
- (d) \$36 668 for 2014/15 and \$22 585 for July 2015 to date.

The Minerals Research Institute of Western Australia advises:

- (a) No.
- (b)–(d) Not applicable.

MINISTER FOR MENTAL HEALTH — PORTFOLIOS — MEDIA MONITORING

5128. Mr M. McGowan to the Minister representing the Minister for Mental Health; Disability Services; Child Protection:

I refer to each agency, department and Government Trading Enterprise (GTE) within the Minister's portfolio of responsibilities, and I ask:

- (a) Does the agency, department or GTE use the services of the Media Monitoring Unit based at Dumas House;
- (b) Does the agency, department or GTE use media monitoring services other than those provided by the Media Monitoring Unit;
- (c) If yes to (b), which company or companies provides the media monitoring service; and
- (d) If yes to (b), what was the cost of the media monitoring service for the financial year 2014–15, and 2015 to date for each company?

Ms A.R. Mitchell replied:

Disability Services Commission

- (a) Yes
- (b) Yes
- (c) iSentia
- (d) The cost of the media monitoring service for the financial year 2014–2015 was \$11,176.67 (excluding GST).

The cost of the media monitoring service from 1 July 2015 to 24 February 2016 was \$8,181.27 (excluding GST).

Department for Child Protection and Family Support

- (a) No.
- (b) Yes.
- (c) iSentia Pty Ltd.
- (d) 2014/15 – \$38,875.86
2015/16 (to date) – \$27,880.62

Mental Health Commission

- (a) Yes.
- (b) Yes.
- (c) iSENTIA Group Limited (formally known as Media Monitors Australia Pty Ltd).
- (d) The cost of this media monitoring service for the financial year 2014–15 and 2015 to date was Nil. (This service is accessed through the Department of Health Contract with iSENTIA Group Limited.)

MINISTER FOR EDUCATION — PORTFOLIOS — MEDIA MONITORING

5130. Mr M. McGowan to the Minister representing the Minister for Education; Aboriginal Affairs; Electoral Affairs:

I refer to each agency, department and Government Trading Enterprise (GTE) within the Minister's portfolio of responsibilities, and I ask:

- (a) does the agency, department or GTE use the services of the Media Monitoring Unit based at Dumas House;
- (b) does the agency, department or GTE use media monitoring services other than those provided by the Media Monitoring Unit;
- (c) if yes to (b), which company or companies provides the media monitoring service; and
- (d) if yes to (b), what was the cost of the media monitoring service for the financial year 2014–15, and 2015 to date for each company?

Mr J.H.D. Day replied:

Department of Aboriginal Affairs

- (a) Yes.
- (b) Yes.
- (c) iSentia Pty Ltd and MyMedia Intelligence Pty Ltd.
- (d)

Company	2014–15	1 July 2015 – 2 March 2016	Total cost per service
iSentia P/L	\$75,899	\$16,763	\$92,662
MyMedia Intelligence P/L		\$12,894	\$12,894
Total cost per year	\$75,899	\$29,657	\$105,556

Department of Education Services

- (a) No.
- (b) No.
- (c)–(d) Not applicable.

Department of Education

- (a) No.
- (b) Yes.
- (c) iSentia Pty Ltd and MyMedia Intelligence Pty Ltd.
- d.

Period	Cost
1 July 2014 to 30 June 2015	\$33,251.29
1 July 2015 to 31 January 2016*	\$18,382.42

*(Last invoice received)

Country High School Hostels Authority

- (a) No.
- (b) No.
- (c)–(d) Not applicable.

School Curriculum and Standards Authority

- (a) Yes.
- (b) No.
- (c)–(d) Not applicable.

Western Australian Electoral Commission

- (a) Yes.
- (b) No.
- (c)–(d) Not applicable.

DEPUTY PREMIER — PORTFOLIOS — MEDIA MONITORING

5133. Mr M. McGowan to the Deputy Premier; Minister for Police; Road Safety; Training and Workforce Development; Women's Interests:

I refer to each agency, department and Government Trading Enterprise (GTE) within the Minister's portfolio of responsibilities, and I ask:

- (a) does the agency, department or GTE use the services of the Media Monitoring Unit based at Dumas House;
- (b) does the agency, department or GTE use media monitoring services other than those provided by the Media Monitoring Unit;
- (c) if yes to (b), which company or companies provides the media monitoring service; and
- (d) if yes to (b), what was the cost of the media monitoring service for the financial year 2014–15, and 2015 to date for each company?

Mrs L.M. Harvey replied:

Western Australia Police

- (a) Yes.
- (b) No.
- (c)–(d) Not applicable.

Road Safety Commission

- (a) No.
- (b) Yes.
- (c) iSentia and Salesforce Radian 6.
- (d) iSentia: 2014 – 2015: \$38 247.18; and
1 July 2015 – 24 February 2016: \$24 109.77.
Salesforce Radian 6: annual fee \$15 600.

Department of Training and Workforce Development

- (a) Yes.
- (b) Yes.
- (c) iSentia.
- (d) 2014 – 15: \$18 554.58; and
1 July 2015 – 24 February 2016: \$10 262.20.

Central Institute of Technology

- (a) No.
- (b) No.
- (c)–(d) Not applicable.

Challenger Institute of Technology

- (a) No.
- (b) Yes.
- (c) iSentia (contract ceased in January 2016).
- (d) 2014 – 15: \$9 404.45; and
1 July 2015 – 24 February 2016: \$3 945.99.

CY O'Connor Institute

- (a) No.
- (b) No.
- (c)–(d) Not applicable.

Durack Institute of Technology

- (a) No.
- (b) No.
- (c)–(d) Not applicable.

Goldfields Institute of Technology

- (a) No.
- (b) No.
- (c)–(d) Not applicable.

Great Southern Institute of Technology

- (a) No.
- (b) No.
- (c)–(d) Not applicable.

Kimberley Training Institute

- (a) No.
- (b) No.
- (c)–(d) Not applicable.

Pilbara Institute

- (a) No.
- (b) No.
- (c)–(d) Not applicable.

Polytechnic West

- (a) No.
- (b) No.
- (c)–(d) Not applicable.

South West Institute of Technology

- (a) No.
- (b) No.
- (c)–(d) Not applicable.

West Coast Institute of Training

- (a) No.
- (b) No.
- (c)–(d) Not applicable.

Department of Education Services

The Department of Education Services is accountable to the Minister for Training and Workforce Development for supporting the Training Accreditation Council. For its other functions the Department is accountable to the Minister for Education. The Department of Education Services is included in the response to the question from the Minister for Education; Aboriginal Affairs; Electoral Affairs.

Building Construction and Industry Training Fund

- (a) No.
- (b) No.
- (c)–(d) Not applicable.

Department of Local Government and Communities

Women's Interests is administratively supported as part of the Department of Local Government and Communities and, as such, the response will be included in the Department of Local Government and Communities' response under the Minister for Local Government; Community Services; Seniors and Volunteering; Youth.

PREMIER — PORTFOLIOS — MEDIA MONITORING

5134. Mr M. McGowan to the Premier; Minister for State Development; Science:

I refer to each agency, department and Government Trading Enterprise (GTE) within the Minister's portfolio of responsibilities, and I ask:

- (a) does the agency, department or GTE use the services of the Media Monitoring Unit based at Dumas House;
- (b) does the agency, department or GTE use media monitoring services other than those provided by the Media Monitoring Unit;
- (c) if yes to (b), which company or companies provides the media monitoring service; and
- (d) if yes to (b), what was the cost of the media monitoring service for the financial year 2014–15, and 2015 to date for each company?

Mr C.J. Barnett replied:

Salaries and Allowances Tribunal advises:

- (a) No.
- (b) No.
- (c)–(d) N/A.

Department of the Premier and Cabinet advises:

- (a) Yes.
- (b) No.
- (c)–(d) N/A.

Public Sector Commission advises:

- (a) Yes.
- (b) No.
- (c)–(d) NA.

Gold Corporation advises:

- (a) No.
- (b) Yes.
- (c) ISentia.
- (d) (i) \$10,189.83 (14/15), (ii) \$11,088.81 (15/16 – year to 29 February)

Lotterywest advises:

- (a) Yes.
- (b) Yes.
- (c) Isentia Media Monitoring & Analysis Tools and Services.
- (d) 2014/15 financial year: \$15,884.10.
2015/16 financial year to date (1 July 2015 to 29 February 2016): \$13,651.97

Department of State Development advises:

- (a) Yes.
- (b) Yes.
- (c) Isentia.
- (d) The Department of State Development shares its media monitoring service with the Department of Mines and Petroleum. The Department of State Development pays \$20,000 per year to the Department of Mines and Petroleum as its contribution to the service.

ChemCentre advises:

- (a) No.
- (b) Yes.
- (c) iSentia ‘Slice’; Meltwater; Sprout Social.
- (d) iSentia 2014–15 \$2 555.00; 2015 to date \$2 317.60.
Meltwater –2014–15 \$4 500.00.
Sprout Social –2015 to date \$822.04.
All costs ex GST.

PERTH FREIGHT LINK — STAGE 2 — CABINET APPROVAL

5135. Mr W.J. Johnston to the Minister for Transport:

I refer to the Minister’s answer to Question on Notice 4844, and ask:

- (a) is the Minister aware that on 24 November 2015 he stated “The modelling suggests that both phases of the Perth Freight Link project will save 450 000 tonnes of carbon emissions through to 2031.”;
- (b) has the Minister received briefings on “both phases of the Perth Freight Link project”, and if so, on what dates, and by whom were these briefings provided;
- (c) has Cabinet approved “both phases of the Perth Freight Link project”:
 - (i) if yes, on what date was this approval given;
 - (ii) if no, can the Minister advise if a project has been approved by Cabinet, if any, in relation to “Perth Freight Link”; and
 - (iii) can the Minister advise what volume of carbon emissions will be saved by a project which has been approved by Cabinet; and
- (d) if “both phases of the Perth Freight Link project” have not been approved, why have you been referring to matters related to a project that has not been approved in debates in the Parliament?

Mr D.C. Nalder replied:

- (a) Yes.
 - (b) Yes.
 - (c)
 - (i) Yes, late 2014.
 - (ii) Not applicable.
 - (iii) The modelling suggests that both phases of the Perth Freight Link project will save 450 000 tonnes of carbon emissions through to 2031.
 - (d) Not applicable.
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