

Legislative Council

Tuesday, 18 October 2011

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

BILLS

Assent

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

1. Child Care Services Amendment Bill 2011.
2. Trustee Companies (Commonwealth Regulation) Amendment Bill 2010.
3. Retail Trading Hours Amendment Bill 2011.
4. Personal Property Securities (Commonwealth Laws) Bill 2011.
5. Personal Property Securities (Consequential Repeals and Amendments) Bill 2011.
6. Fish Resources Management Amendment Bill 2011.
7. Professional Combat Sports Amendment Bill 2009.
8. Metropolitan Redevelopment Authority Bill 2011.

MENTAL HEALTH 2020 STRATEGIC PLAN

Statement by Minister for Mental Health

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [3.03 pm]: It is with pleasure that I rise to talk about the launch of the state government's 10-year strategic plan "Mental Health 2020: Making it personal and everybody's business". The strategy provides a roadmap for Western Australia to achieve a contemporary and effective mental health system, with increased services and support for prevention, early intervention, treatment and recovery. The aim of the strategic policy is to promote recovery. Most people with a mental illness go on to recover fully, living at home with their family, having a responsible job and making a wonderful contribution to their community. For some with an enduring and serious mental illness this is also possible provided that they are given the appropriate supports. So the vision is about respect, participation, engagement and recovery.

"Mental Health 2020" sets out three key directions that will drive all decisions relating to the future of mental health policy, planning and funding—namely, person-centred supports and services, connected approaches and balanced investment. Person-centred supports and services will help give people with mental health problems and/or mental illness more choice, flexibility and control of the services they receive. Better connections between public and private mental health services and community organisations will promote collaboration and ensure better support is provided for people with mental illness. A balanced investment across the mental health system will provide a full range of support and services from promotion, prevention and early intervention to treatment and recovery.

The strategic policy highlights nine areas of action to further improve mental health—namely, planning, services working together, a good home, getting help early, specific at-risk populations, justice, preventing suicide, maintaining a sustainable workforce and a high-quality mental health system.

I congratulate Mental Health Commissioner Eddie Bartnik and the staff of the commission for their excellent work. I am also pleased to inform the house that a statewide community consultation program was conducted and formed the basis for the strategic policy. The consultation highlighted important issues relating to mental health within Western Australia, as well as the views and aspirations of people with a mental illness and their families and friends. I hereby table the strategy document.

[See paper 3960.]

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

METROPOLITAN REGION SCHEME AMENDMENT 1203/41 — PERTH WATERFRONT PROJECT

Statement by Minister for Mental Health

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [3.06 pm]: I present today for tabling metropolitan region scheme amendment 1203/41, which will facilitate development of the Perth Waterfront project. The amendment reclassifies 19.75 hectares of land subject to the Perth Waterfront project from waterways, parks and recreation and regional road reservations to a single public purpose special use reserve.

Comprising mostly undeveloped Crown land between the Swan River and the city centre, the amendment area focuses on The Esplanade Reserve, Riverside Drive, the Swan River foreshore between Barrack and William Streets and a small portion of the Swan River. It is a logical location for the city to extend to embrace the river, given the unparalleled access to public transport, its position as the southern anchor of the William and Barrack Street spines and the site's historical role as a major hub for commerce, transport and leisure.

As members would be aware, the amendment has its foundations in many years of debate about how the city should address and interrelate with the Swan River. Major transport infrastructure and expansive open space areas have contributed to the segregation of the CBD from the river and the isolation of the foreshore. This debate has resulted in many design concepts for Perth's foreshore, culminating in the Perth Waterfront master plan, prepared by the Department of Planning and the Western Australian Planning Commission and released in February 2011.

The master plan proposes a diverse mix of uses focused on a high-quality public domain, a new inlet and a major new civic facility in the Indigenous cultural centre. Importantly, this master plan is about not only providing opportunities for commercial or residential growth, but also investing in the city's communal spaces and culture. The waterfront will be a key destination for the community to enjoy and engage with the Swan River in an urban setting which is not currently available along the length of the CBD foreshore.

Perth Waterfront is part of a transformational shift for the city; a shift that recognises that designing spaces for people is of paramount importance. It is therefore necessary that the planning framework reflects the importance of public use of the site and the vision that has been set for Perth Waterfront through the master planning process. This amendment achieves these objectives in advance of the Metropolitan Redevelopment Authority assuming responsibility for the project, and provides an appropriate reserve for the Perth Waterfront project to progress.

In accordance with the statutory provisions for region scheme amendments, this amendment was advertised for three months in 2011. Fifty-six submissions were received that contained 26 submissions of support subject to conditions, 20 objections to the amendment and 10 general comments. Copies of the submissions and the WA Planning Commission's report on submissions are also tabled today. The consultation process associated with the MRS amendment process is in addition to an extensive program of community awareness raising and consultation accompanying previous master planning exercises in which strong support for development of the foreshore was demonstrated. I am pleased to table the documentation for the metropolitan region scheme amendment 1203/41, and I commend it to the house.

[See papers 3961 to 3964.]

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

PAPERS TABLED

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

PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 2011

Notice of Motion to Introduce

Notice of motion given by **Hon Norman Moore (Minister for Mines and Petroleum)**.

CAT BILL 2011

Second Reading

Resumed from 29 September.

HON ED DERMER (North Metropolitan) [3.14 pm]: I am pleased that my comments on this bill were interrupted when we last sat on 29 September, because in the intervening period I have had an opportunity to look through the *Hansard* and I noticed that I had made an error, which I would like to clarify; I apologise to the house for that error. I was commenting on the cost of complying with the provisions of the bill, and I referred to estimates that were given at the briefing I attended on 27 September. When I last spoke, I said that I had been given the figure of \$45 as the cost of microchipping a cat; the actual costs that were given at the briefing ranged from \$45 to \$70, rather than a figure of \$45. When I last spoke, I said that, in adding up the maximum figures within the ranges given, there was a range offered of \$45 plus \$130 plus \$20, and I said that that came to \$220. Obviously it does not; I should have said that the maximum offered was \$70 plus \$130 plus \$20, which does, in fact, come to \$220. I am glad I have had the opportunity to pick up on the error I made. It was suggested at the briefing that the cost of microchipping would range between \$45 and \$70, which means that the total, added to the other costs, was \$70 plus \$130 plus \$20 which, at the maximum level, comes to \$220.

I think that is very important, because one of the many concerns I raised about the bill when we last debated it was the very significant cost and the fact that people who have cats are often people on very limited incomes. It

is quite common for people to have more than one cat, so that \$220 maximum, based on the briefing I received, could be a very significant cost for someone on a limited income who has two or three cats.

I remind members that I explained that I did not intend to oppose this bill, but that I wanted to highlight in the house, and seek the representative minister's comments on, a number of concerns, with a view to ensuring that these concerns are examined by the Minister for Local Government and the Department of Local Government, if the bill is enacted. I want to ensure that the provisions of the bill will be implemented with caution and careful monitoring. I also want to make sure that the review of the bill will take into account these concerns which, I feel, will become more than obvious once the bill is enacted.

I talked about the costs and my concerns about the capacity of local governments to set the maximum number of cats a household can have, and how it would be particularly unfair on people who may currently have a potentially greater number of cats than that maximum number, and will face a situation in which their local authority will set a maximum number of cats at a lower level.

I also talked about my concerns with the requirement for cats to wear collars, the possible dangers to the cat and the fact that collars can come off. It may be that even in the brief duration of time between a cat losing its collar and its owner replacing the collar, a local government authority ranger may think that the cat is not owned or registered, and problems could flow from that as a consequence.

I would also like to share with the house my concerns about other aspects of the bill. I draw members' attention to clause 27, "Cats may be seized", on page 15 of the bill. It reads —

An authorised person may —

- (a) in any public place, seize any cat that the authorised person believes, or suspects, on reasonable grounds is the subject of an offence against this Act; or
- (b) in any premises lawfully entered by the authorised person, seize any cat —
 - (i) at the request, or with the consent, of the person who is, or appears to be, the owner or occupier of the premises; or
 - (ii) under a warrant issued under Part 4 Division 3 Subdivision 3.

It appears to me that under this clause, a local government ranger, who will probably be the authorised person, will be able to enter my house if he believes that I have a cat that somehow does not comply with the conditions of the legislation. I am looking to the minister as I say this, because obviously the minister will correct my understanding in any way if it is not accurate. I understood that if I, say, were operating a drug laboratory in my back room and a police officer, who is a sworn officer with all the authority and responsibility that goes with being a sworn officer, wanted to inspect my premises to see what nefarious activity I might be operating in the back room, the police officer would need a warrant. It seems to me that this particular clause of the bill entails an extraordinary power for a local government ranger to enter premises, yet a sworn police officer does not have parallel powers to investigate a far more serious offence than one that may be an offence under the provisions of this bill. It seems to be incredibly heavy-handed. I am reminded of the comments of the honourable Leader of the Opposition when addressing this bill. She talked about the provisions in the bill that give extraordinary power to authorised persons to enter premises and investigate, which power is parallel to the powers in other legislation designed to protect endangered animals. This clause is of very serious concern and appears to provide extraordinary power for a local government ranger to intrude into the home of a Western Australian that is out of all proportion with the types of offences that could possibly be being investigated.

I want to raise another concern, and that is with clause 30, particularly clause 30(2). Clause 30 is part of division 3, "Dealing with cats at cat management facilities". Clause 30, "Obligation to identify a cat's owner", states —

- (1) If the identity of the owner of a cat entering a cat management facility is unknown to the operator of the facility, then, as soon as practicable after the cat enters the facility the operator must make every reasonable attempt to identify the owner of the cat including, where possible, by scanning the cat.

It then refers to a penalty of a fine of \$5 000 for noncompliance. It continues —

- (2) Despite subsection (1), a person does not have to scan a cat if —
 - (a) the cat behaves aggressively towards the person or any other person; and
 - (b) the person believes on reasonable grounds that there is a danger to the health or safety of any person in attempting to scan the cat.

The calmest, most serene, well-looked after cat is unlikely to be overly impressed about being grabbed by a stranger and taken to a strange facility to be examined. What would concern me is a scenario in which a cat under those very stressful conditions were to give the person at the facility some impression that it may not be

fully relaxed and compliant about being scanned. That could be interpreted by the person at the facility as behaving aggressively towards them and may give the person an excuse to claim that they did not take proper measures to identify the owner of the cat because they believed there was a danger to their health or safety, because a quite distressed and frightened cat is likely to behave in a mildly aggressive manner under those circumstances. I am not saying that most people in a facility would take unfair advantage of that clause to neglect their duty to identify the owner of a cat, but I believe it is possible that that could arise. When we try to consider the provisions of the bill and how they will apply in effect, we can understand that a cat that has been grabbed by a stranger and taken to a strange place is likely to be distressed. A normally placid and friendly animal could well behave in a manner that someone might interpret as aggressive. If that then became, in effect, an excuse for the person at the facility not to fulfil their obligation to do their best to identify the owner of a cat, that would be a cause of very serious concern.

The other clause of the bill that I would like to draw to the attention of the house is clause 34 on page 18 of the bill. To put that in context, clause 34, “Dealing with unidentified and unclaimed cats”, states —

- (2) Despite subsection (1), the operator of a cat management facility may cause any cat kept at the facility to be destroyed in a humane manner immediately —
 - (a) if the operator believes on reasonable grounds that the cat —
 - (i) is feral, diseased or dangerous; and
 - (ii) has caused or given, or is likely to cause or give, serious injury, or serious illness, to a person, another animal or itself; or
 - (b) in the circumstances, if any, prescribed.

I have a concern that these types of provisions in the bill open an opportunity for cats to be arbitrarily destroyed, because I do not believe it would be realistically possible for an aggrieved owner to claim that their animal had been destroyed without reasonable steps being taken or to demonstrate that the cat’s destruction had not been justified under subclause (2)(a). It would be very difficult for a cat owner to prove that the person making the decision to destroy the cat did not have reasonable grounds to do so. I can see all sorts of abuses arising, and then excuses for those abuses arising on the basis of reasonable grounds. I cannot imagine how it would be possible for an aggrieved owner whose cat had been euthanased to prove that there was no justification when clause 34(2)(a) could be used to justify the arbitrary destruction of the owner’s companion animal. I note the active interest of the minister representing the Minister for Local Government in my comments, and I look forward to hearing the representative minister’s response in due course. I hope that, in the likely event that the bill becomes an act and is implemented, all those concerned approach with the utmost care and caution the implementation of the provisions of the bill, and that when the bill is ultimately reviewed, the concerns that I have raised, which I think are likely to arise in practice once the bill is implemented, and other concerns, are very carefully considered. I also hope that the review has a serious intent to make changes when the need becomes apparent, rather than just the government going through the process of a review, which I think often happens when serious intent to change legislation is not part of the review process.

Since last I spoke on the Cat Bill 2011, I received two interesting emails from Ms Linda Horton explaining her interest in cats. I think I have time to share the essence of her emails with the house. In her email of 9 October, Ms Horton explains that she is —

... a member of Governing Council for the Feline Control Council of Western Australia (FCCWA) which is a registering body for pedigreed cats in WA and is focused on promoting excellence in the standard, breeding and exhibition of cats. The activities of the organisation can be described by the term “Cat Fancy” which is a hobby involving the appreciation, promotion of responsible pet ownership, and/or breeding of cats.

I do not know Ms Horton—I received one email from her, sent a reply, and then received a second—but I get the very clear impression that Ms Horton is a particularly enthusiastic cat owner who is into pedigree cats and appreciates the finer points of the different cat breeds. She goes on to explain that she has six cats, and I expect, from my reading of Ms Horton’s emails, that those six cats receive particular care and attention. She is particularly concerned that people who share her interest will be affected by this bill, and probably in a way that was the furthest thought from the minister’s mind when he framed and presented the bill. I will quote further from Ms Horton’s email. She states —

I am concerned about how I and my fellow members will be recognised so that we can continue with our hobby. I currently have 6 cats. They are desexed, microchipped, are confined to either the house or an outdoor enclosure and are registered with my governing body. One of my cats is quite elderly. The Minister for Local Government has advised that clause 36(5) will provide some protection, but this clause specifically relates to breeders. I am yet to see how I, as a non-breeding multiple cat owner will be protected. I will be at the mercy of my local government (City of Joondalup). Although local

government always had the power to bring in restrictions on numbers I had hoped that this legislation would afford some protection. The Minister for Local Government has stated in parliament that Councils will not be able to force people to get rid of existing cats.

I was very pleased to see that. I had not spotted that, but Ms Horton's email states that it appears at page 7287 of the Legislative Assembly *Hansard* of 20 September 2011. Her email continues —

However, if my elderly cat passes on and I want to get another show cat, will I be recognised as a registered cat enthusiast, or will I be simply be seen as someone who has too many cats and so prevented from continuing my hobby?

That is a very important question. Having stated that she is a registered cat enthusiast, elsewhere in her email she explains —

Organisations such as the Feline Control of Council WA already have a code of ethics which governs the behaviour of breeders and show enthusiasts.

Obviously, given that Ms Horton's cats are desexed, she regards herself as a show enthusiast, I think, rather than a breeder. Her email continues —

Most breeders advocate early desexing, microchipping and will ask kitten buyers to ensure that the cats they purchase are kept as indoor cats ...

Ms Horton's email goes on to state —

... in general, members of the Cat Fancy community are already complying with the aims of the Cat Bill. However, if the Cat Bill does not have flexibility for members of registering organisations to be able to continue their hobby, the number of registered breeders will drop and as will the availability of pedigree kittens.

I would ask the minister to look very seriously at the issue raised by Ms Horton. If I have not had an opportunity to quote sufficiently from her email, I will be happy to provide that at the minister's request.

Hon Norman Moore: You can have an extension if you like!

Hon ED DERMER: No, I think I have covered everything, but it is very kind of Hon Norman Moore to offer!

HON HELEN BULLOCK (Mining and Pastoral) [3.35 pm]: How can I not support the Cat Bill 2011 after all these passionate speeches on cats? I am truly surprised at the passion this bill has evoked in members; I would have thought it was a simple bill. Its essence is to ensure that cat owners take responsibility for caring for their cats. After listening to all these passionate speeches, I thought I might have missed something—something of great importance to our society or something of great importance to this state—so on the Friday of the last sitting week I found myself in a coffee shop with two pink copies of *Hansard*, the bill and the explanatory memorandum, trying to understand the origin of this passion for cats.

Hon Robyn McSweeney: Have you got a cat?

Hon HELEN BULLOCK: I will come to that.

Hon Robyn McSweeney: Oh, right! Oh, you have got a cat. I was just wondering.

Hon Ken Travers: Just wait!

Hon Robyn McSweeney: I can't—it's the Cat Bill!

Hon HELEN BULLOCK: I have told the minister that so many times—she just never listens!

Hon Robyn McSweeney: What; that you've got a cat? You've never told me you've got a pussy!

Hon Sue Ellery: All right; let's not go down this path again.

Hon Robyn McSweeney: Well, a cat.

Hon HELEN BULLOCK: From reading Hon Giz Watson's speech, during which she enlightened us on the history of this bill and her long association with it, I can understand her excitement about this bill. Her feeling of "I told you so" should not be suppressed, and she should be allowed to say that. Once again, Hon Lynn MacLaren spoke of her deep passion for animals in her speech, so much so that she made me feel me that life as a human is not really worth living.

I was surprised by Hon Michael Mischin's contribution; I did not think this was his type of topic.

Hon Helen Morton: Yes, he's a softie at heart!

Hon HELEN BULLOCK: Ah!

Nevertheless, I enjoyed his speech—as always—but not necessarily for its content; it was the style of his speech. It reminded me of the style of *Gulliver's Travels*, which I am reading to my nephew as a bedtime story. It is a

sort of autobiographical novel of a heavy-hearted and lonely bachelor who is very well educated and very intelligent, but not very well understood. He has gone through so much in his life and borne so many burdens that he has lost his enthusiasm and passion for life, and is faced with the prospect of going through the rest of his life without any excitement.

My close scrutiny of this bill and the explanatory memorandum has reinforced my view that this is a simple bill. The first speaker on this bill, Hon Ljiljana Ravlich, quite eloquently covered most of the concerns that a reasonable person ought to have. Some of those points have been regurgitated during the debate and some new points have been added. This is a true example of exhaustive and extensive debate. In this case, it happens to be on cat-related issues. Having said that, I would like to emphasise and focus on one aspect of this bill. I am sure that the point has been mentioned and has been regurgitated, but I feel that this point is so important that it cannot be emphasised enough; that is, the bill is designed to force cat owners to meet all the responsibilities that are involved in owning a cat. These days “responsibility” is a foreign word to some and the concept of it is overshadowed by “right”. It is good to see that this bill tries to restore some of the balance, but I must say that it is sad to see that we have to legislate commonsense to force people to take responsibility.

The Minister for Child Protection asked me whether I have ever owned a cat. I must confess that I never felt any urge to own a cat. However, I have owned other animals, including birds, fish, chicks, and a dog. The experience of owning those animals made me very aware that from the minute that I assume the ownership of any kind of animal I also assume a great responsibility and incur any associated costs. I remember that many years ago I was given four little budgies. They were very beautiful and very colourful creatures. I accepted the budgies because I had romantic thoughts that they would wake me up in the morning with their beautiful songs and would keep me relaxed just by looking at them when I was under stress. However, the budgies sang to me only when they were hungry and I had to clean their cage two or three times a week.

Hon Robyn McSweeney: It is more responsibility.

Hon HELEN BULLOCK: That is exactly my point. I am talking about cleaning the huge steel cage that was put outside our door for those four birds. At one stage I was very busy with my work and I neglected the budgies a bit. I was told by the lady who helped me out domestically that she saw mice and a snake around the cage. However, that did not trigger my decision to give away those birds, because, as I said, I understood that when I took on those birds I also assumed a great responsibility for those four tiny creatures. Later, one of the budgies got sick and I had to book an appointment with a vet, take a half-day off from work and then spend \$120 on an injection and a further \$40 to \$50 on some kind of tablets that the vet told me to get. Only then did I realise that the responsibility was far, far beyond the level that I was prepared to take. I am very ashamed to admit that in the end I shied away from those responsibilities and decided to give away the budgies. I suppose I could, like some, push for the government to take some of the responsibilities off my shoulders and ask the government to provide some kind of subsidy for the medical costs for my pets or, perhaps, for registration or caring costs. You see, Mr President, luckily, I still have my commonsense.

I have been on my feet for almost 10 minutes. I start to feel a sense of uneasiness creeping up on me. I start to feel that by continuing to talk on this bill, I will display my insensitivity and lack of judgement on what is important. I feel that I am far away from the reality. The reality is that the world outside this chamber is facing great uncertainty right at this moment. The sky is falling on the ancient countries of Greece and Italy.

Hon Robyn McSweeney: There are cats in Greece and Italy, but I do not know where you are going.

Hon HELEN BULLOCK: I do not expect Hon Robyn McSweeney to understand.

Hon Robyn McSweeney: It is difficult for me to understand where you are coming from at the moment, but I will listen.

Hon Sue Ellery: She is saying that broader economic issues happening in the world make this bill seem a little less, perhaps, relevant than it otherwise might be. That is why she is talking about the economic circumstances in Italy and Greece.

Hon Robyn McSweeney: Thank you. Well, you are sitting closer.

Hon HELEN BULLOCK: I thank the Leader of the Opposition very much. Some people just do not understand!

Hon Robyn McSweeney: No, I am having trouble —

The PRESIDENT: Order! Members know a relevance aspect has to be adhered to. I am carefully listening to the member to allow her to draw those threads of relevance back to the Cat Bill.

Hon HELEN BULLOCK: Thank you, Mr President. You can rely on me to do that; I never stand in this place and talk nonsense.

The reality is that while we talk on the Cat Bill, the world outside this chamber faces great uncertainty. The sky is falling on the ancient countries of Greece and Italy. Major banks in those two countries need to be bailed out. In those two countries, big financial institutions have had their credit ratings downgraded and unemployment has reached more than 10 per cent. The governments of Italy and Greece are facing bankruptcy. The political unrest and uncertainty in North Africa has reached a historical peak. In some African countries millions of children, men and women are starving to death. The world's biggest economy shows no sign of recovery. Domestically, we face soft but aggressive financial economic invasion. The manufacturing sector is dying out and jobs are going overseas. Agricultural land has the potential to be sold for short-term financial benefit without people realising that we are not self-sufficient and we are facing a food shortage. Population growth in this country has reached an unsustainable level, yet we sell our energy resources without any long-term plan for future energy supply. I have longed for an opportunity to discuss all these topics, but, strangely, I find that I am stuck with talking about cats. Moments like this, involving exhaustive and extensive debate on the Cat Bill, cast doubt in my mind over our governing system. Coming from a country that has a completely different political and social system, subconsciously I cannot help but constantly compare the two systems, especially in the past two years. As members know, I am a great defender of the Westminster system. I believe it is a very well-structured political system. I also believe it is the best system our civilisation has ever created. Democracy works better, or perhaps only works, under the Westminster system. However, such extensive debate on cats can only happen in democratic countries. That is because we give cats and dogs, and birds and bees, equal rights as a human being—well, almost! We devote so many resources to make people aware of their responsibilities. In other societies, under different political structures, to assume one's responsibility is just commonsense and natural instinct—no-one needs to be told what to do.

HON KEN TRAVERS (North Metropolitan) [3.51 pm]: When I arrived in this place I remember talking to Hon Kim Chance. He noted that one of the great debates he had been involved in in the Legislative Council, in which everyone got involved, was the Dog Act. I think it is appropriate, now that we have moved on after all of those years, that we are now dealing with the Cat Bill. Clearly, as one looks around the chamber, there is as much interest in the Cat Bill as there was in the Dog Act. Interestingly, one of the things Hon Kim Chance used to talk about when dealing with the Dog Act was that everyone wanted to get up and tell stories about their various dogs. Members may recall that Kim's dog story became quite renowned. It was about how Kim's dog was not particularly keen about his future wife and proceeded to continually try to push her out of the car, often when the car was being driven at high speed! That is as I recall the story.

Hon Michael Mischin: That is his alibi!

Hon KEN TRAVERS: That is right. Anyone who has met Sue would realise that ultimately it was a case of the dog getting to know her. The dog would have realised it could love Sue even more than it could love Kim Chance! The issue obviously is that a bill such as the Cat Bill provokes great passion in our community. According to the short title of the bill, it states that it is —

An Act to —

- **provide for the control and management of cats; and**
 - **promote and encourage the responsible ownership of cats,**
- and for related matters.**

I do not think anybody in this place would doubt for a second that they are very noble causes. In fact the Minister for Child Protection, when she was giving her second reading speech on the bill, reiterated those same points in the opening paragraph of her speech but also went a bit further to say —

This legislation has been developed with a view to reducing the number of stray cats being euthanased each year, to encourage responsible cat ownership, and to provide for better management of the unwanted impacts of cats on the community and environment.

Again, I do not think anybody would disagree with that issue.

I want to get on the record very early on that I have had dogs and cats live with me during my life. I do not know that one can ever own pets. In fact they often own you, is probably a better way to put it! I have had many dogs and I have also had a number of cats in my life. At the moment I do not have any cats in my life other than the one that comes into our backyard on a fairly regular basis. It lives on our property but has no relationship to our family in any way, shape or form. That cat has since disappeared from the backyard in recent times as my partner's daughter brought home a puppy that is progressively growing into something a little bit larger than a puppy. It is very hard to say no when one arrives home from Parliament at 10 o'clock at night and your partner's daughter is standing at the front door, on her twenty-first birthday, holding a very cute looking puppy, and asking, "Is it all right if I have a dog?" As I say, that dog has proceeded to keep the cat that used to patrol our backyard out of our backyard to some degree. When I was a young fellow growing up the family cat was a Siamese that had been rescued. It was born with a full pedigree but it did not meet the criteria. It had little

mittens on its paws which meant that it was not able to be given the papers, and so it was to be put down. We thought that was cruel and unfair, so we took that cat. It certainly impressed us the very first day when it managed to get trapped under the seat of the car. We got it home from having picked it up and then proceeded to spend the next three hours trying to extract it from underneath the seat of the car! But Jellico, as its name was, went on to be a wonderful Siamese cat, as most Siamese are—very aloof. When those cats want affection is when you get affection, and you have to wait in the meantime! That was a longstanding cat from my childhood.

At a later stage in my life we had a lovely cat called Muffins. She had a litter of cats. I must say I suspect that, unfortunately, my then partner and I were there to see the conception of that litter as we came home one night and found our cat being marauded in the front yard by a big Burmese cat! The litter the cat produced was an interesting one. As I was researching this bill one thing I found out is that often with cats, the litters can come from different fathers within the one litter. We ended up with very much a fluffy cat that was not dissimilar to a Burmese —

Hon Robyn McSweeney: Too much information!

Hon KEN TRAVERS: As I go through this, the minister will understand the reason I am making these points is not just to be frivolous but there are some very serious issues about how we manage and deal with cats. I am putting it in an entertaining way, hopefully to maintain the minister's attention and enjoyment, and, with a bit of luck, might even be able to encourage the Leader of the House to give me an extension if I need it!

Muffins had the litter. It was clear that Bruiser, as we called him, was a kitten of the big, fluffy Burmese that we encountered one night in our front yard with our lovely young Muffins. It also produced a number of other kittens that we gave away. I have always felt sorry for this cat. We could never even give it a name so it became Gray One, which, in modern terms, gave it an odd spelling. Gray One was not just "Grey 1", we changed the name to be modern in its spelling. Gray One never really fitted in and, unfortunately, it disappeared one day and we never found it. We are not sure what happened. That was a beautiful grey cat, as members can imagine from the name.

Over the years cats have cost us a vast sum of money. Bruiser in fact became our bionic cat. On a number of occasions we had to take that cat to the vet. We made some vets very wealthy! Cats, if given the right treatment, are amazingly resilient animals. Bruiser's hip was broken in a traffic accident. The hip was reinserted and it regrew. They do not put in an artificial hip. Because of what happened, it enabled it to regrow. It managed to get itself run over yet another time. At one point we considered whether to have the cat euthanased but, again, my then partner, whilst sitting in the vet's rooms and trying to make that decision, felt Bruiser's little paw wrap around her finger and squeeze it tightly. At that point my wallet came out, the cat was saved and \$1 000 and a couple of weeks later the cat came home to us—all to much relief.

Several members interjected.

Hon KEN TRAVERS: I can say it gave us more than \$1 000 worth of enjoyment; it was a beautiful cat. Ultimately, Bruiser did not get nine lives. The third time he ran in front of a car, it was too late and we lost Bruiser, but we did have many years with him. Again, when we shifted to a new house, as much as we tried to get Muffins to stay for a while—I think the big tom cat out the back had a lot to do with it—we never saw Muffins again. I tell those stories because they go clearly to the issue in the bill; that is, the problem of stray cats in our community. I suspect—it saddens me to think about it—that most of our cats probably had a sad ending and not a beautiful ending as I would have liked for each of them, unlike the dogs I have had whose lives I was able to see through until natural causes took them from us.

Hon Michael Mischin: Generally, though, natural causes are the end of events, because out of nature of course they get too old to feed themselves or they come to some misadventure or they are the prey of something else. We expect our pets to live longer than animals would normally.

Hon KEN TRAVERS: The member is absolutely right. In fact, one issue I will get onto is what happens to feral cats in the wild. I have talked about the lives of domesticated cats in my life. As I said, Jellico lived for probably 15 or 20 years—I cannot remember—but I remember that cat being around for the whole of my childhood. Unfortunate circumstances occurred to the others. However, the member is right: all those cats, including the mysterious grey one that always had a complex because we never gave him a proper name, lived far longer than the expected life for a cat in a feral colony. That is one of the points I will make in my speech this afternoon.

Before I do that, I want to say that this is a longstanding issue that our community has sought to grapple with. Although attempts have been made to deal with this issue—Hon Giz Watson and others have tried to deal with it in the past—it is one issue that Parliament has been slow to deal with, but it is an issue that the community was ready to deal with some considerable time ago. For a range of reasons, it has taken us a lot longer than it should have, but that is unfortunately often the case with legislation and this is not the only piece of legislation for which one could argue that.

Members may remember a debate in this chamber about a decision of the City of Joondalup in my electorate. The City of Joondalup went through an extensive consultation period and created an enormous amount of angst within the Joondalup community on what to do about cats. It ultimately came down with a local law to deal with cats. We in this place disallowed it on the basis that it was beyond the powers in the Local Government Act for the City of Joondalup to deal with legislation of that nature. The City of Joondalup tried to take leadership on the issue and we as a Parliament took that away—correctly so because at the time we took that power away from the city, it was not about the substance of the debate but about whether a local government had the power to take leadership. I agree that a local government should not be allowed to do that, although we think it is a noble thing for it to do. It is fair to say that it was a good example of very good information provided by the Joint Standing Committee on Delegated Legislation, as it allowed us to be informed on those issues to make the determination on the local laws that the City of Joondalup had made. The committee provided a very comprehensive report that outlined the issues in detail. Members may remember that the report then led to an issue about privileges, which I think led to a slight change in the making of local laws. I do not believe the City of Joondalup had done anything wrong. It was asked by us to remove that local law and it went back and told the local community that that was what it had been told, although it had in effect breached the act. I understand now that the process has been changed so that that will not occur in the future. I understand that a lot of other local government authorities have attempted to make a similar local law. However, I give credit to the City of Joondalup, as it is probably the local government which took leadership on this issue and which caused this bill to finally arrive in this place some considerable time after the community was ready to deal with it.

The issue then became one of the community wanting to better deal with the cats in our society. As I mentioned earlier, the intention of the bill is to reduce the number of stray cats euthanased each year, to encourage responsible cat ownership and to provide for better management of the impact of unwanted cats on the community and on the environment. That is an absolutely noble cause. However, when dealing with legislation such as this, we must also be careful in seeking that noble cause that we do not create other adverse impacts that are not intended by the legislation. My colleagues have already spoken to the bill. I listened to Hon Ed Dermer in part of his contribution outline in clear detail the additional costs that this legislation could inflict on many members of the community. To many people their pets are a very important part of their life. There is no doubt that pets play a very important role in the health and wellbeing of the community. My parents have had dogs for the whole of my life and, as I said, at various times I have had cats. My father to this day goes daily for either a bike ride or a walk with his dog. I have no doubt that for a person of his age that plays a very important part in his health. I do not know whether he would go for those walks if he did not have his dog to go with. In fact, we recently bought him a fantastic new tricycle so that he can take the dog to run alongside his bike because at age 87 years he was finding it a bit harder to ride the bicycle and keep control of the dog. He now has a trike, which also has an electric motor, so that if the dog wants to go further than he wants to go, he can come home using the electric motor.

A pet is therefore a very important part of people's health and wellbeing. Many people who rely on pets are senior members of the community. They are not necessarily on the highest of incomes and we therefore need to be very careful about implementing legislation that would impose another impost on them, considering the already extensive imposts that have been imposed upon members of the community in the current term of this government. When we get legislation such as this to consider, we need to ensure that the cost of implementing the legislation is minimised and that we do not impose excessive costs on people. One element of this legislation, of course, is the requirement on people to microchip their cats and to pay an annual registration fee. Why is that necessary? Why do both those imposts need to be put on people? Surely one or the other would suffice. I would argue that it would be sufficient to go down the path of microchipping as there would be a database. It has been put to me—it is not a view that I subscribe to—that, rather than a microchip, we could put a little bit of lead into the head of some of these cats.

Hon Robyn McSweeney: What did you say?

Hon KEN TRAVERS: I just wanted to see whether members opposite were awake! I said it is not a view that I subscribe to, but it has been put.

Hon Robyn McSweeney: Did you say you wanted to shoot pussy cats?

Hon KEN TRAVERS: No. If the minister was listening—this is her problem—she would know that it is not a view I subscribe to, but that the view has been put that that is the answer. If the minister had listened to what I said —

Hon Robyn McSweeney: I am very pleased to hear that.

Hon KEN TRAVERS: What?

Hon Robyn McSweeney: And I was listening, thank you very much.

Hon KEN TRAVERS: If the minister had been listening properly, she would not have misheard what I said.

Hon Robyn McSweeney: I wanted it in *Hansard*.

Hon KEN TRAVERS: It was very clear; it would have been in *Hansard* the first time.

Hon Robyn McSweeney: Now they've got my comment.

Hon KEN TRAVERS: It is not a view I subscribe to. It is a view that that is one way of dealing with it. But we are suggesting the microchipping path. That is the path that I support. The interesting thing about this is that it creates immense debate in our community. It is fascinating. I do not know whether my staff would want me to out them in this case—I will not say which ones. They have an agreement. When people who are pro the Cat Bill ring up, one staff member will talk to them and be very sympathetic to what they say. When people who are anti cats ring up, the other staff member will take those calls and be very sympathetic to what those people say. It is quite useful having the two quite different views in the office about the role of cats in our community. That little microcosm of my electorate office highlights the debate that is occurring in the community. However, as I said, if we are to put microchips under the skins of cats, I do not see why we need to put a further impost on the community, which is really about cost shifting by this government.

The other question that we also have to look at is: what will be the answer to the cat problem in our community? I think we all accept that cats can have a negative impact in our community. Again, interestingly, when I went away and did a bit of research on this issue, I found that often one of the areas that is regularly referred to is the role of cats in killing native bird life. Interestingly, cats have a very important role in maintaining and controlling the rodent population. In fact, as I understand from the research I have done—I am happy to be corrected; I do not profess to be an expert in this—cats are more likely to go for rodents than to go for bird life, if they get an opportunity. I do not know the exact statistics, but, as I understand it, it is one of those classic statistics to this effect: anywhere people are in Perth at any given time, they are only so many metres from a rat. Members in the other chamber know about that on a daily basis, but for those of us in this chamber, it may be in the kitchen or out in the garden, but rats will be living in very close proximity to us.

The same goes for feral cats and, for that matter, foxes. I was at Lake Joondalup during the non-sitting period. Just recently, a trapping program has been done around Lake Joondalup and 13 foxes were found. I do not know that many people in our community would be aware that just around the Lake Joondalup area there were 13 foxes. There is a view, as we speak today, that foxes live throughout our urban communities, as do feral cats. The interesting thing is that in America, there is a very strong argument at the moment by a number of groups that, rather than euthanasing cats, people should go down a path of what they call track, neuter and release, and that people should be encouraged to become caretakers of cat colonies. Part of their argument for this is that if people do not do that, the reason that a feral cat colony will establish itself is that there is plentiful food, water, shelter and the things that make life liveable. They say that if an attempt is made to remove that first cat colony and not every cat is removed, the remaining cats will very quickly repopulate, and the survival of those cats is very much dependent upon the number of other cats living in and around that area. If male cats are not neutered, they will fight, and it is as a result of that fighting that they die, but there is then a rapid reproduction of kittens that simply replace that cat population. From the research I have done, if anyone thinks that this bill will work miracles in addressing all the problems with cats, they are a bit fanciful. We will constantly find that the current generation of cats will be replaced by the next generation of cats. The best way of managing and containing the number of cats is to have people try to track, neuter and then return the cats to the area in which they were found, and then try to find people to maintain and look after those cats so that they live relatively comfortable and long lives in the areas in which they are located.

The life of a feral cat is not a particularly pleasant one. Obviously, they are subjected to all the weather extremes. Many of them die from diseases, parasites and exposure. In fact, I understand that the estimate is that about half of all kittens born into feral cat colonies die within the first year. That just gives us a bit of a perspective of the real nature of the problem with cats. There are no real, simplistic solutions. I do not believe for a moment that this bill will provide the panacea for solving all the problems with cats in our community. In 20 years, we will still have a problem with feral cats and stray cats in our society, no matter what we do with this legislation. Again, that is an argument for us to be careful and to moderate what we are seeking to achieve.

One of the other complaints of those on this side is about the excessive powers provided in this bill—excessive powers provided under the guise of saying that we have to do something about this horrendous cat problem, yet when we look at the facts, even with this bill, we are still not going to ultimately achieve the eradication of cats. I am not saying that the bill will not do some good things, but it will not result in the wholesale removal of stray and feral cats from our community. In any set time after the passage and the proclamation of this bill, it is not as though we will wake up one morning and see native birds tweeting in our front yards again because the cats have been removed from our community. Anyone who thinks that that is what this bill will do is kidding themselves. Although this bill may have some good measures in it, do we then need to start applying the most excessive of powers—powers that I suspect many people involved in protecting our national security would dream about? Certainly, many of our police would dream about the powers being prescribed for officers operating under this bill.

Even if this bill does not achieve the noble causes that we hope it will achieve, it will achieve something, but it will not fix the problem of feral and stray cats. So why are we imposing these massively excessive powers on our community for a problem that will not be solved by this bill? It will have appeal. It will start to bring about what the government calls responsible cat ownership. I guess the question that one has to ask in those circumstances is: at what point does a bill become legislation to encourage responsible cat ownership, and at what point does a bill become a nanny-state bill that commands and dictates what should happen with cats? I know that members on the other side have always railed against nanny-state legislation, and I would certainly love to hear their explanation of why they believe this legislation, and the excessive powers contained in it, is not nanny-state legislation, in light of their longstanding opposition to that and the longstanding comments that we used to hear on a daily basis from members of the then opposition and now government. There is an interesting analogy to be had in all that; that is, when feral cats are hungry, they will be out there and they will be ferocious and hunting, gathering and collecting; and when their tummies are full and they are contented, whether they are domesticated or looked after by a caretaker of the stray colonies, they will suddenly become less aggressive and far more compliant. It is not necessarily the case that a person can go up to and pat a stray cat, but it becomes far more compliant in its activities. Maybe that is what we are seeing from government members in the way they deal with legislation that comes through this place. One of the interesting things in all of that is that for the 12 years that I have sat in this place we have seen legislation subjected to scrutiny by the hungry cats, the stray and feral cats on this side of the chamber, as against the comfortable, well-contented, overfed cats on the other side of the chamber. As a result of that arrangement, to be honest, we often ended up with better legislation. Because legislation was subjected to scrutiny and rigorous analysis in this place, we got good outcomes. Now we see 20 members on the other side who are doing the same thing. They may be two separate colonies, but they are both fed in the same way. They are kept comfortable and given their feeds, so they are contented and as happy as Larry.

I was fascinated last week when I heard that the National Party still saw itself as an independent party and it expected to go to the next election in some way as an independent party separate from the rest of the government. Yet when we watch National Party members in this house—this bill will be an interesting test—what do we see? We see them as part of the contented mass on the other side. The government knows it has its 20 votes, and a bunch of well-fed, tame cats on the other side of the chamber who will not subject legislation to any real scrutiny. They will come in and they will be fed by the colony caretaker, and they will not go hunting to see whether this legislation actually needs to be addressed and controlled in any way. We have not seen National Party members break out of the colony of cats on the other side of this chamber in legislation. We have not seen any attempt by the different components of this coalition government—I say coalition government because under the Westminster system, however they like to define it, they are a coalition government —

Hon Wendy Duncan: What about stop-and-search and retail tenancies?

Hon KEN TRAVERS: Where has Hon Wendy Duncan been in those debates? That is an internal spat. I can talk about the Cat Bill, because one of the interesting things about cats is that neutered males do not fight as much.

Several members interjected.

Hon KEN TRAVERS: It is true! If members do not believe me, I can quote from the American Society for the Prevention of Cruelty to Animals or the Humane Society of the United States. I can provide members with all the quotes they want, if they do not believe me that that is what happens in colonies.

Hon Lynn MacLaren: What is the analogy you are making?

Hon KEN TRAVERS: The analogy I am trying to make that is pertinent to this bill we are dealing with today is that basically we see —

Hon Wendy Duncan: What you see is a commitment to stable government.

Hon KEN TRAVERS: That is exactly my point. I agree with Hon Wendy Duncan: it is a commitment to stable government in which members opposite have all come together as one big happy colony of cats. If we use the cat analogy I was talking about earlier, we have that one big colony of cats living in a stable community and they are not putting anyone within that community under any pressure.

It is an interesting issue. People say that cats are not sociable beings, yet when one looks into that, it is clear that it is now accepted that cats are sociable. Whether they are in the wild or in a domestic situation, cats are very much social beings and they do live in colonies and they do interact with each other. The perception that somehow cats are not sociable animals —

Hon Wendy Duncan: I can't see cats in mobs. You see dogs in mobs, but not cats! You don't see feral cats in mobs.

Hon KEN TRAVERS: If Hon Wendy Duncan goes into a house that has more than one cat, she will see them sleeping together in a bundle. Has the member ever been into a house with more than one or two cats?

Hon Wendy Duncan: Feral cats don't run in packs.

Hon KEN TRAVERS: They do, which is an interesting thing. They run in a pack. Hon Wendy Duncan probably cannot understand my analogy about what is happening to this government because she does not see the way in which cats operate as a colony in the real world.

Hon Michael Mischin interjected.

Hon KEN TRAVERS: No, I am not! I am more than happy to go through with members the articles I have sourced as part of my research. I may need to get the extension that the Leader of the House was offering to Hon Ed Dermer a little earlier to talk about the way in which animals socialise; there were many articles that referred to this. The old way of looking at cats was that they were unsociable animals, yet the research now suggests that they do live in a community. I want to quote from this internet article, "The Unsociable Cat — Are Cats Really Unsociable?"

Hon Michael Mischin: That is different from hunting in packs.

Hon KEN TRAVERS: Let me just finish this. The article reads —

Are cats really as unsociable as we think? Studies over the last thirty years suggest that cats develop complex and fluid —

The Leader of the Opposition will like the next line —

matriarchal hierarchies —

Hon Sue Ellery: There are not enough of those matriarchal hierarchies!

Hon KEN TRAVERS: To continue —

and that they have preferred buddies.

I would have thought, in all of the circumstances of this house, if we were to get a matriarchal hierarchy we would have the Leader of the Opposition, the leader of the Greens and the Leader of the National Party forming a hierarchical structure, which would put the Leader of the House at a great disadvantage to that complex and fluid matriarchal hierarchy. But, in fact, the second part of that article is the key statement —

and that they have preferred buddies.

That is referring, obviously, to the way in which they interact with males. We see that National Party members on the other side have now got their preferred buddies in the Liberal Party. They have made that very clear. To suggest that they are still part of a roaming pack and still part of that fluid matriarchal hierarchy is just nonsense. They have formed an arrangement with members on the other side, just as cats do. What we are seeing here today is that life in this chamber is an absolute reflection of what happens with cats in the wild.

Hon Norman Moore: If this is meant to be funny, you are not achieving your purpose, Mr Travers.

Hon KEN TRAVERS: No; it is not about being funny. I can assure Hon Norman Moore that never do I come into this chamber expecting to get a smile out of him!

Hon Norman Moore: If you were funny, we would be laughing our heads off; you are just pathetic.

Hon KEN TRAVERS: When Hon Kim Chance told me about the debate on the Dog Act, he told me about the Leader of the Opposition's renowned sense of humour—or lack thereof! I am a quick learner, and I learnt there was no point in trying to seek to amuse Hon Norman Moore. I am making serious political points, using cat analogies, about the way this bill, and legislation in general, is passed, and pointing to the fact that this bill needs to be modified; and that I do not think it will be modified, because we will see the government, with its weight of numbers—it knows it has its 20 votes and it can rely on that—bring in legislation and push it through this place. That is despite the fact that there are areas in this legislation that deal with imposts on pet owners in our community, particularly those who are on low incomes, and the excessive powers in this bill to try to deal with a problem that ultimately is going to be—pardon the pun—scratching the surface. This bill is not going to make wholesale changes. I have no doubt that it will reduce the number of stray cats—I hope that it will! I cannot make the claim that "I have no doubt", but I certainly hope, based on what we have been told, that this bill will lead to a reduction in the number of stray cats being taken to places like the Cat Haven, and turning up around Perth. It is not going to make a wholesale change to the ways in which feral cats behave in the broader community or to the damage they are doing. I think there is a perception in this debate that somehow this bill will actually solve the problem of the feral cats in our community that are causing massive problems for native wildlife.

Debate interrupted, pursuant to temporary orders.

[Continued on page 8106.]

QUESTIONS WITHOUT NOTICE**DEPARTMENT FOR CHILD PROTECTION — ANNUAL REPORT —
RESPONSIBLE PARENTING ORDERS****873. Hon SUE ELLERY to the Minister for Child Protection:**

I refer to the responsible parenting orders report in the 2010–11 annual report of the Department for Child Protection, and the failure of any of the three relevant agencies—Department for Child Protection, Department of Education and Department of Corrective Services—to apply for court orders, and note that the report found that departments had reported that in most cases in which these conditions are met, it would be likely that an application to the court would be made under other legislation relevant to that department. Which legislation did the relevant departments refer to, and what orders could applications under the “other legislation” seek?

Hon ROBYN McSWEENEY replied:

I thank the honourable member for her question.

This is an opposition that pretends to care for disadvantaged people, and I think the member has a short memory on parental orders. I was here when the responsible parenting agreements and orders went through. Firstly, the previous government was going to fine people \$2 000 if they did not agree with an order or go through with it; then it was going to take \$2 000 worth of household goods off them if they did not agree. The Greens (WA) did not agree with that —

Hon Sue Ellery: It was not if they didn't agree, it was if they breached it.

Hon ROBYN McSWEENEY: Yes, and then it went to a committee. There was a report this thick that said that part 5, which dealt with parenting orders, should be removed completely. However, we did not do that. We got the fine down to \$200, but the legislation was so botched that no-one wants to have anything to do with a parenting order. Let me go back to the act.

Hon Sue Ellery: The people on your side did not agree to take that section out! You agreed to the legislation, despite what the committee said.

Hon ROBYN McSWEENEY: Mr President, I think I have the floor.

The act is to acknowledge and support the primary role of parents in safeguarding and promoting the wellbeing of children. It works very well with parental agreements, which provide that the parent can attend parental guidance counselling, or that the parent ensures taking all reasonable steps to ensure that the child attends school, or the parent ensures taking all reasonable steps to ensure that the child avoids a particular place or places. An agreement is reached in writing, specified by a period covering that agreement, and it is signed by the parents and the officers who are doing the parenting agreement. Then we come over to responsible parenting orders, and this is why it does not work and would never, ever work.

Hon Sue Ellery: Well, why did you vote for it?

Hon ROBYN McSWEENEY: The court must not make a responsible parenting order unless satisfied that the child has been found guilty of an offence, and a matter in respect of an offence has been referred to a juvenile justice team under the Young Offenders Act, and it keeps going on and on.

Hon Sue Ellery: So it's so terrible you voted for it and haven't repealed it in three years.

Hon ROBYN McSWEENEY: It was the previous government's legislation; it was proclaimed in 2008, and I will be looking at reworking that act because the parenting orders were totally unworkable. It was the previous government's legislation; it was botched legislation.

Hon Sue Ellery: Which you voted for.

Hon ROBYN McSWEENEY: The minister was Hon Sue Ellery.

Hon Sue Ellery: You voted for it!

Hon ROBYN McSWEENEY: The member knows the reason we voted for it. It was the previous government's legislation, and we did not have the right to hold up government legislation.

Hon Sue Ellery: What a load of rubbish!

Hon ROBYN McSWEENEY: They do not work; the orders were hopeless. It was the previous government's totally botched legislation.

Hon Sue Ellery: Why did you not vote the way the committee asked you to, then?

Hon ROBYN McSWEENEY: I do not even know how the member can go out to the media and say that those parenting orders need to be in place, because it was the previous government's botched, stupid legislation.

Hon Sue Ellery: It's the law, and you voted for it! So you voted for stupid legislation, did you? What does that say about you?

Hon ROBYN McSWEENEY: It is stupid legislation that we will rework. The Labor Party is absolutely hopeless. It is botched legislation and it was never going to work, and that is why it has never worked. The public service thinks the Labor Party is a joke.

Hon Sue Ellery: Are you going to answer the question?

The PRESIDENT: Leader of the Opposition!

Hon Sue Ellery: Which legislation did the relevant departments refer to?

Hon ROBYN McSWEENEY: I got so excited, Mr President —

The PRESIDENT: Order! Let us just get the structures right here. Was that your second question, Leader of the Opposition?

Hon Sue Ellery: No, it's the first question.

The PRESIDENT: Has the minister finished her answer or not?

Hon ROBYN McSWEENEY: No, Mr President.

The PRESIDENT: Continue your answer.

Hon ROBYN McSWEENEY: The Department for Child Protection's principal legislative base is the Children and Community Services Act 2004. The Department of Education operates under the School Education Act 1999, and the Department of Corrective Services administers, and operates under, the Young Offenders Act 1994. Under the Children and Community Services Act 2004, the Department for Child Protection can make an application to the Children's Court of Western Australia for a range of protection orders to safeguard and/or promote the child's safety and wellbeing.

DISABILITY SERVICES COMMISSION — BANKSIA HILL DETENTION CENTRE DETAINEE

874. **Hon SUE ELLERY to the Minister for Disability Services:**

I refer to the case of a 17-year-old intellectually disabled boy from Collie who was on bail in the care of a funded service provider until it withdrew its service, and who is now in Banksia Hill Detention Centre.

- (1) What steps has the Disability Services Commission taken to find an alternative service provider to care for this boy so he is not held in a corrective services facility that does not have the support programs designed to address his specific disability?
- (2) Does the minister agree that a juvenile corrective services facility is not the best place for this intellectually disabled boy to receive supervised therapeutic care, given that the court was satisfied that his bail conditions did not require that he be held in a prison?

Hon HELEN MORTON replied:

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

As I have already indicated to the Leader of the Opposition, the information that I am providing has been given to me by the State Solicitor's Office.

- (1) The Disability Services Commission has not taken steps to identify an alternative service provider. It would be inappropriate to do so while the matter is before the court.
- (2) Police services brought the 17-year-old back to court on the basis of his behaviour while on bail.

I do not propose to comment further on a matter that is before the court.

“GREAT COCKY COUNT”

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

I refer to the survey, jointly organised by Birds Australia's Carnaby's Black Cockatoo Recovery Project and the Department of Environment and Conservation, known as the “Great Cocky Count”.

- (1) On what date did the Great Cocky Count take place in 2011?
- (2) How many volunteers participated in the count?
- (3) What areas were monitored?
- (4) Has DEC provided any advice or information to the minister about the results of the count?
- (5) Why have the results of the count not been released?

Hon HELEN MORTON replied:

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

- (1) It took place on 7 April 2011.
- (2) There were 564 volunteers recorded as having registered an interest in participating in the count, and 264 volunteers are recorded as having participated on the day.
- (3) There were 187 sites in the Department of Environment and Conservation's Swan region, which extends from just north of Lancelin, south to Yalgorup and inland to the western edge of the Wheatbelt, and a further 19 sites outside this area.
- (4)–(5) Preliminary results have been provided to the minister, together with advice that the results required analysis, interpretation and review prior to release of a report. The report will be posted on the DEC and Birds Australia websites.

SPORTS STADIUM — BURSWOOD

876. Hon KEN TRAVERS to the Leader of the House representing the Minister for Sport and Recreation:

- (1) Has any preliminary work been undertaken to identify the road infrastructure that will be required to support the proposed new stadium at Burswood?
- (2) If yes to (1) —
 - (a) what is the nature and scope of the work; and
 - (b) what is the estimated cost of the proposed infrastructure?
- (3) Has any preliminary work been undertaken to identify pedestrian infrastructure, including a bridge across the Swan River, which will be required to support the proposed new stadium at Burswood?
- (4) If yes to (3) —
 - (a) what is the nature and scope of the work; and
 - (b) what is the estimated cost of the proposed infrastructure?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

- (1) Preliminary work has been undertaken by Main Roads WA with the indicative cost based on preliminary concept plans of \$120 million for road and pedestrian infrastructure, including the bridge across the river.
- (2)
 - (a) There have been various road network access improvements, plus a pedestrian bridge to improve capacity.
 - (b) See answer to (1).
- (3) Yes.
- (4) See answer to (1).

POLITICAL LOBBYISTS — REGISTER

877. Hon GIZ WATSON to the parliamentary secretary representing the Premier:

I refer to the "Liberal Plan for the First 100 Days of Government", whereby, under the heading "Accountability", it undertook to legislate for a proper register to monitor the activities of political lobbyists.

- (1) When will the government introduce this legislation into Parliament?
- (2) Why has the government said that it will not support recommendation 3 of the tenth report of the Legislative Assembly Education and Health Standing Committee entitled "Alcohol: Reducing the Harm and Curbing the Culture of Excess", which recommendation states —

By December 2011, the Premier should require all industry associations, such as the Australian Hotels Association, to be registered on the State's lobbyist register.

Hon DONNA FARAGHER replied:

I thank the member for some notice of this question. On behalf of the Premier, I advise —

- (1) The government intends to introduce legislation to regulate the activities of lobbyists by the end of this year.

- (2) Such industry associations do not fall within the definition of “lobbyist” as defined in the Contact with Lobbyists Code.

RESOURCE PROJECTS — LOCAL CONTENT

878. Hon JON FORD to the Minister for Commerce:

I refer the minister to the document entitled “Local Content Report: May 2011”, which he tabled in this place on 18 May 2011.

- (1) For any of the major resource project proponents identified in the report, has the minister been notified in advance of the project proponent’s intention to award fabrication or engineering contracts to overseas suppliers?
- (2) If yes —
- (a) which proponents provided this advice;
 - (b) for which contracts was this advice provided;
 - (c) for each contract, what actions did the minister take to explore whether the work could be performed in Australia and to ensure work for local suppliers;
 - (d) for which contracts was the minister successful in preventing the work being awarded to overseas suppliers, with the work instead being awarded to Western Australian suppliers; and
 - (e) for which contracts was the minister unsuccessful in preventing the work being awarded to overseas suppliers?

Hon SIMON O’BRIEN replied:

I thank the honourable member for notice of his question.

- (1)–(2) The “Local Content Report: May 2011” contained details of many projects, some of which date back over decades. I find it hard to believe that the member would frame his question in the manner he has. However, if he requires specific information relating to a specific contract or proponent, he may like to frame a future question accordingly.

I also thank the member for raising this matter because it gives me an opportunity to update him and the house on how things work on local content matters under this government. The previous government might have been asleep at the wheel, to use a term that is popular with members opposite, but we are not. Since I became minister with responsibility for local industry participation in January this year, I have held many discussions with project proponents, supplier organisations and individual companies on issues of engineering or fabrication contracts, among others. I want the member to know that I have done that with the purpose of getting ahead of the game so that we deliver the outcomes that Western Australian industry needs. What we have not been doing is what the member’s question seems to predispose. Maybe this is what happened under the previous government, whereby it waited until the horse had bolted before it started doing something to try to retrieve the situation. The member asks me questions about when I get notified that someone has awarded a contract to somewhere overseas and what I am going to do about it. If that is the way the member would go about it, it is in stark contrast to what this government is doing and what I am doing as the responsible minister. I will give the member an example. Let us look at the Wheatstone project. It is a massive project. Quite some time ago, we set up a Wheatstone local content steering committee. That was done long ahead of the recent announcement that Wheatstone was formally going ahead. One of the purposes of a local content steering committee such as the Wheatstone committee is to identify the prospects for Western Australian and Australian contractors and to actively get notice out to them that opportunities are coming up in which they might like to participate. There are a number of examples of that happening. When I last looked—there are probably more now—423 contracts were already up on the ProjectConnect website for Wheatstone. At the time of the announcement of the go-ahead of the project, about 32 of those contracts had been awarded. One of the purposes of a local content committee is to alert local providers in advance to jobs that they potentially may be able to gain access to so that they can work up their proposals, they can make sure that they have prequalification, they have forewarning and they have the opportunity to form partnerships, or even consortia, with other proponents so that they can bid for work. In some cases that is successful, and in other cases it is not. There is a bit of a beat-up by some of the member’s colleagues. I would not apply this to the member, because I do not think Hon Jon Ford is a purveyor of untruths, nonsense or bulldust.

Hon Ken Travers: That’s not the word you used on the Howard Sattler show. The word you used was very rude.

Hon Ljiljanna Ravlich: And you shouldn’t swear anyway in this place. It’s very unparliamentary.

Hon SIMON O'BRIEN: When have I sworn in this place?

Hon Ljiljanna Ravlich: That last word was very unparliamentary.

Hon Ken Travers: It was on radio. I was horrified and shocked.

Hon SIMON O'BRIEN: Hon Jon Ford is getting embarrassed by the inane interjections of some of his oh so twee colleagues! I have some concerns on his behalf for some of the people he might be influenced by.

Hon Jon Ford: I'm being embarrassed by the answer to this.

Hon SIMON O'BRIEN: I suspect that the member is, but it will be good medicine and he will come out of it at the end in a better frame of mind. I say this because I think the member is receptive to the truth, unlike some of the characters, such as the member for Cockburn, who are running around and peddling some nonsense south of the river. The truth is rather different. The member for Cockburn has, in his day, been a minister with responsibility in this area. I think we had better look at his record on this, and I will come back to this on another occasion. I know that Hon Jon Ford would not want to take his lead from anyone who is exposed as a phoney and a fraud, so we had better check out the member for Cockburn's bona fides before we allow Hon Jon Ford to take too much rope.

I will provide Parliament and the public with details of project performance on local content on a regular basis. Indeed, I already am. There is a media statement to come out with a whole lot of more really good news, and I will make sure that Hon Jon Ford gets one of the first copies.

In relation to suppliers who miss out on the sorts of contracts that they may aspire to, I have invited all suppliers to come forward with any examples whereby they believe they were not provided with full, fair and reasonable opportunity to participate from the project proponents. This is an agreement I have with the Australian Steel Institute, and we will investigate any such incidents that are brought to light. I will conclude on that point, but I hope Hon Jon Ford has learnt something about where Western Australian industry is being positioned so that it can participate. It is not about crying foul after the horse has bolted; it is about putting us in a better position to take advantage of the undoubted advantages that Western Australia now enjoys with its resource projects.

GRAYLANDS HOSPITAL — SMOKE-FREE POLICY

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

I refer to a recent survey of Graylands staff by United Voice that found that nearly 60 per cent of staff reported that they had been threatened with, or subject to, physical assault when enforcing the smoke-free policy at the hospital.

- (1) Will the minister commit to lifting the smoking bans for involuntary patients at Graylands Hospital, and having a designated smoking place set aside?
- (2) If no to (1), why not?
- (3) If no to (1), has the minister informed the Council of Official Visitors that she does not intend to act on the recommendation of its previous two annual reports that the smoking ban be lifted for locked wards; and, if so, how and when did the minister inform it of this?
- (4) If yes to (3), and the advice to the council was in writing, will the minister table that document; and, if not, why not?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

- (1)–(4) Just to sort of put this in the picture, this is the fantastic proposal or regulation that was put out by former Minister McGinty. Is that the one the member is referring to—the one that Minister McGinty applied across all health services, including mental health services?

Hon Ljiljanna Ravlich: I'm asking you what you're going to do about it.

Hon HELEN MORTON: Can I make an assumption from what the member is saying that she would be supportive of repealing it? Could she just indicate that she would be?

Hon Ljiljanna Ravlich: I would.

Hon HELEN MORTON: That is very interesting.

I am really aware of these challenges. I have certainly had a lot to do with the issue of the smoking regulation during my time in opposition through to more recently, and I have done quite a lot of work on it. The people who have been bringing the issues around the smoking problems to me include the clinicians, the patients and their families, the Council of Official Visitors, and the union—what is the name of that union?

Hon Ljiljanna Ravlich: United Voice.

Hon HELEN MORTON: There has been quite a groundswell of concern around it that has been ongoing for a while.

In that process, I have raised the matter with the Director General of the Department of Health, the Mental Health Commission, and, of course, the Council of Official Visitors. One of the other people who have been quite involved in this is Professor Mike Daube from Curtin University; he has had a fair bit of involvement in the very successful antismoking campaigns that have been applied across the state of Western Australia. I have asked those groups to form a small intensive working party, and they have done that and started to look into how we can make some changes or improve the situation. One of the things that the Council of Official Visitors did at my request was conduct an informal review of each of the facilities and how that smoking regulation is being implemented at particular facilities. Except for one or two places, it is, basically, not being applied. The issues around smoking now are probably a bit worse than they were when there were designated places because secondary smoking is rampant. I am now waiting for that small intensive working party to get back to me with its recommendations.

Over and above that, we have also improved or intensified the Quit program specifically designated for people with a mental illness in hospital and the follow-up programs once they leave hospital. I am very conscious and very aware that people with a mental illness have significantly greater levels of smoking-related illnesses. The overall objective for everybody, I am absolutely clear, is to try to reduce smoking or quit smoking and reduce that level of illness. So, I am looking at not only what we can do for people in involuntary care, but also what we can do actually to reduce that smoking as well.

In addition, annual funding of up to \$200 000 has been allocated from the Mental Health Commission to help people with a mental illness who reside in licensed psychiatric hostels to quit smoking. That is another area of particular concern, because people in psychiatric hostels have a significant amount of time on their hands and smoking is a real difficulty for them. Across the board it is an issue that I am very concerned about, and I can assure the member that I am progressing matters.

MARLON NOBLE — IMPRISONMENT

880. Hon ALISON XAMON to the parliamentary secretary representing the Attorney General:

I refer to the ongoing incarceration and subsequent withdrawal of charges against Mr Marlon Noble.

- (1) Is the Attorney General prepared to request a report from the Mentally Impaired Accused Review Board regarding the release of Mr Noble?
- (2) If the Attorney General has already done so, will he table the report?
- (3) If no to (1) or (2), why not?
- (4) Is the Attorney General prepared to recommend to the Governor that Mr Marlon Noble be released?
- (5) If no to (4), why not?

Hon MICHAEL MISCHIN replied:

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

- (1) The Attorney General requested a report from the Mentally Impaired Accused Review Board concerning Mr Marlon Noble on 28 March 2011. That report was provided on 10 May 2011. The Attorney General expects a further report concerning Mr Marlon Noble as soon as the board is made aware of a material change in the release considerations with respect to Mr Noble.
- (2) No.
- (3) Reports to the Attorney General deal with the release conditions of mentally impaired accused. They may contain a variety of sensitive information, including details of the accused's impairment, their alleged offending, and the alleged victim. When reports are made to the Attorney General under the Criminal Law (Mentally Impaired Accused) Act 1996, they are provided to the accused and their lawyer or guardian. Consequently, the Attorney General does not consider that it would be responsible to make them publicly available.
- (4)–(5) The Attorney General would consider any recommendation made by the board. At the time of the most recent report, the principal obstacle the board identified to Mr Noble being released was his need for continuous round-the-clock supervision to allow him to be safely released. Following provision of that report, the Attorney General and the Minister for Disability Services collectively agreed to fund such care, and a non-governmental organisation has worked to produce a plan for such care. That plan was completed and provided to the Department of Corrective Services for review on 12 October 2011. It will be submitted to the board shortly, and it will then make a report to the Attorney General for him to consider. I think that probably answers (5) as well.

WEST METROPOLITAN POLICE DISTRICT — POLICE OFFICERS

881. Hon ED DERMER to the minister representing the Minister for Police:

Some notice has been given of the question.

I refer to the west metropolitan police district.

- (1) How many police officers are allocated to this district?
- (2) How many police officers are actually stationed in the district?
- (3) Of the officers stationed in the district, how many are available for operational duties?
- (4) For each shift on each day of October to date, how many police vehicles were on the road for patrols?

Hon PETER COLLIER replied:

I thank the member for some notice of this question.

- (1) There are 290.5.
- (2) There are 294.4.
- (3) There are 270.9 available.
- (4) Due to operational sensitivities, Western Australia Police cannot disclose this information.

CHILD HEALTH NURSES

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

I refer to the report by Courtney Trenwith of 6 October on WAtoday.com.au titled “Political parties in race to boost early childhood services”, and the government’s advice in June 2011 that there was a shortfall of 106.4 full-time equivalent child health nurse positions.

- (1) How many of the 106.4 child health nurse positions will be filled between now and March 2013?
- (2) If the government does not intend to fill all 106.4 FTE positions before March 2013, how many additional positions does it intend to fill?
- (3) If it does not intend to fill all 106.4 positions between now and March 2013, what are the reasons that will prevent it from doing so?

Hon HELEN MORTON replied:

I thank the member for some notice of this question.

- (1)–(3) The government recognises the need to strengthen community child health services. The Minister for Health is committed to addressing the issue in this term of government.

COCKBURN CEMENT WORKS — EMISSIONS PLUME

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

I refer to the emissions plume near the Cockburn Cement factory in Munster on 2 October 2011.

- (1) Is the Minister for Environment aware of the cause of the emission?
- (2) If no to (1), will the minister act expeditiously to ascertain the cause?
- (3) What steps have been taken to investigate the pollution incident?
- (4) What steps have been taken to ensure that it does not recur?
- (5) Was the plume analysed to ascertain its content?
- (6) If no to (5), why not?
- (7) If yes to (5), what was the content of the plume?
- (8) Has the minister acknowledged the impacts of the plume on the local community in terms of health, loss of amenity and inconvenience?

Hon HELEN MORTON replied:

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

- (1)–(2) Yes. The Department of Environment and Conservation has advised that there was a blockage of the coal fuel feed on Cockburn Cement Limited’s kiln 4 on 2 October 2011, which caused a safety system to shut down the pollution abatement system on this kiln.

- (3) The Department of Environment and Conservation is conducting an investigation to determine whether Cockburn Cement Limited's licence conditions have been breached.
- (4) Once DEC's investigation is complete, it will determine what steps Cockburn Cement Limited will need to take to ensure that the shutdown of the pollution abatement system is minimised.
- (5)–(7) No, it is not normal practice for DEC to analyse the content of a plume. Cockburn Cement Limited provides regular stack sampling results to DEC to indicate what emissions come from the stacks.
- (8) DEC received several complaints about this incident and is contacting residents who submitted a complaint.

DISABLED ACCESS — BROOME PUBLIC SCHOOLS

884. Hon HELEN BULLOCK to the minister representing the Minister for Education:

- (1) How many students with identified disabilities are enrolled at each of Broome's public schools?
- (2) Can the minister confirm that a transportable disabled toilet will be installed on the grounds of Broome Primary School; and, if so, when will it be fully operational?
- (3) Do other facilities, such as ramps, still need to be installed at Broome Primary School before the school is fully accessible for students with disabilities; and, if so, what are those facilities and when will they be installed?
- (4) Which other Broome public schools have full disabled access and toilet facilities?
- (5) Will the minister consider the establishment of a dedicated education support facility in Broome; if not, why not; and, if so, when is such a facility likely to be built?

Hon PETER COLLIER replied:

I thank the honourable member for some notice of this question. I am advised by the Department of Education as follows —

- (1) Broome Primary School, 12 students; Cable Beach Primary School, 15 students; Roebuck Primary School, 14 students; Broome Senior High School, 20 students.
- (2) A transportable universal access toilet is scheduled for delivery to Broome Primary School by 31 October 2011. The toilet is expected to be operational by 7 November 2011.
- (3) Universal access works have been completed at Broome Primary School and include access ramps, hazard marking and handrails, removal of trip hazards, installation of universal access drinking fountains, curtain and rail to universal access toilet, and change table and hoist relocation.
- (4) Cable Beach Primary School has a ramp to the administration area and a purpose-built universal access toilet. Roebuck Primary School has universal access toilets in each teaching block and adjacent to administration.
- (5) In September I requested the Department of Education to examine current provisions for students with identified disabilities in Broome and to investigate whether additional facilities or programs are required.

POLICE RAIL UNIT — ROCKINGHAM

885. Hon SUE ELLERY to the minister representing the Minister for Police:

On behalf of Hon Matt Benson-Lidholm, who is out of the chamber on urgent parliamentary business, I refer to the police rail unit based in Rockingham —

- (1) When will this station close and why?
- (2) How many staff will leave and where will they be moved to?
- (3) Who made this decision?
- (4) Why did the minister claim on 2 December 2009 that the unit would improve overall safety in the area if he then intended to close it?

Hon PETER COLLIER replied:

I thank the honourable member for the question.

- (1) The facility at Rockingham will remain an operational police building and will be occupied by an as yet to be decided police business unit. This decision was based on the recommendation of an independent review by KPMG. The review outlined potential improvements to the delivery of public transport security across the metropolitan transport network, specifically the centralisation of the two police

business units to be located in Perth at the centre of the network, deployed across the network pursuant to the intelligence led roster, without the commute time from Rockingham—KPMG 2011.43.

- (2) There are currently 41 sworn full-time equivalent positions at police transport southern. All those full-time equivalent positions will be consolidated into a single police transport division location.
- (3) The decision was made by the Commissioner of Police, the Minister for Police and the Minister for Transport.
- (4) Public transport safety will be enhanced on the public transport system with the amalgamation of the two business units.

WATER SERVICES — PROGRAMMED MAINTENANCE SERVICES

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

I refer to Programmed Maintenance Services replacing the Thiess and United KG contracts to provide operational and maintenance services in Perth and Peel.

- (1) Is it anticipated that any current workers on these contracts will lose their jobs when Programmed Maintenance takes over?
- (2) If yes to (1), how many workers are likely to lose their jobs; and from what areas will those jobs be lost?

Hon HELEN MORTON replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.

ABORIGINAL HERITAGE ACT 1972 — STATE ADMINISTRATIVE TRIBUNAL APPEALS

Question without Notice 868 — Answer Advice

HON PETER COLLIER (North Metropolitan — Minister for Indigenous Affairs) [5.05 pm]: I have an answer to Hon Sally Talbot's question without notice 868 asked on 29 September 2011. I seek leave to table the response and have it incorporated in *Hansard*.

Leave granted. [See paper 3965.]

The following material was incorporated —

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

- (1)
 - (a) 2007-0
 - (b) 2008-2
 - (c) 2009-1
 - (d) 2010-3
 - (e) 2011-6 to date
- (2) One was approved by the Minister for Indigenous Affairs on 14 December 2010, and orders were made in the SAT on 14 September 2011. One was approved by the minister on 7 January 2011, and orders were made in the SAT on 8 August 2011. The other four applications are currently listed to be heard by the state Administrative Tribunal ("SAT").
- (3) No.

BIOTECHNOLOGY INDUSTRY DEVELOPMENT STRATEGY

Question without Notice 668 — Supplementary Information

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [5.06 pm]: I have additional clarification to question without notice 668. I do not know whether I should table that and seek to have it incorporated in *Hansard* or whether I should read it.

The PRESIDENT: It is your choice.

Hon HELEN MORTON: I do not know who asked the question, but I refer to the answer I provided on behalf of the Minister for Science and Innovation to question without notice 668 on 31 August 2011 regarding the Western Australian biotechnology industry development strategy 2006–2010. I would like to provide additional information to support the answer provided.

In 2007–08, \$4.17 million over three years was allocated to the implementation of the Western Australian biotechnology industry development strategy. An amount of \$1 million of the Western Australian biotechnology industry development strategy implementation funding was reallocated in May to the Square Kilometre Array project. Therefore, the revised total Western Australian biotechnology industry development strategy implementation budget was \$3.17 million.

In December 2009, as part of the midyear review, \$724 000 of the unspent and uncommitted budget from the biotechnology industry development strategy was returned to Treasury. The department inadvertently omitted this amount when answering parliamentary question 668 and thus this figure was not included in the original answer. Therefore, the revised total Western Australian biotechnology industry development strategy implementation budget was \$2.446 million. Of this budget, \$1 994 720 was expended in implementing the strategy in previous financial years. The remaining \$451 280 is allocated to the continuation of the medical research commercialisation fund and finalisation of the current round of the BioGENEius Challenge.

The PRESIDENT: I think that question was asked by Hon Kate Doust.

QUESTION ON NOTICE 4592

Paper Tabled

A paper relating to question on notice 4592 was tabled by **Hon Helen Morton (Minister for Mental Health)**.

[See paper 3966.]

CAT BILL 2011

Second Reading

Resumed from an earlier stage of the sitting.

HON KEN TRAVERS (North Metropolitan) [5.08 pm]: As I was saying before question time, I support the Cat Bill 2011. In doing so, I believe we need to be realistic about the likely impacts of this bill. In considering this bill we need to put into context the costs that we will impose on people and the excessive powers that will come into operation as a result of its passage. I will complete my comments by putting on the record some comments I found on the website of the American Society for the Prevention of Cruelty to Animals, which is the American equivalent to our RSPCA. The article states —

Does Eradication Work?

Eradication, the deliberate and systematic destruction of a feral cat colony, by whatever method, almost always leads to the “vacuum effect”—either new cats flock to the vacated area to exploit whatever food source attracted the original inhabitants, or survivors breed and their descendants are more cautious around threats. Simply put, eradication is only a temporary fix that sacrifices animals’ lives unnecessarily, yet yields no positive or beneficial return.

What Is Relocation and Why Doesn’t It Work?

Many communities have rounded up colonies of feral cats either for euthanasia or to relocate them to another area. This never works. Feral cats are very connected with their territory. They are familiar with its food sources, places that offer—shelter, resident wildlife, other cats in the area and potential threats to their safety—all things that help them survive. “Relocation of feral cat colonies is difficult to orchestrate and not 100-percent successful even if done correctly. It is also usually impossible to catch all of the cats, and it only takes one male and one female to begin reproducing the colony,” Oldham states. “Even when rounding up is diligently performed and all ferals are removed, new cats will soon move in and set up camp.”

Although this bill will deal with the number of unwanted cats to be euthanased every year, it will not deal with the broader problems of feral cats and their impact on our community.

I want to finish by reiterating the comment I made earlier. I again refer to the article on the website —

Don’t Feral Cats Kill Birds?

While feral cats do kill some birds, they prefer to kill rodents. Other issues, such as the decline of natural habitat and use of pesticides, have a greater negative impact on bird populations.

I should say what is not mentioned there, but is clearly the case, is that introduced species also have a dramatic impact. I remember many years ago hearing there were a couple of breeding pairs of eastern rosellas in Perth and that one day they would take over and dominate the bird life in and around Perth. We used to see a couple of them around Parliament House. Now when members go outside they will see from time to time whole colonies of eastern rosellas as they have taken over and driven out the native habitat. Nobody should seek to suggest this bill will solve the feral cat problem in any way, shape or form, or be the saviour of our native wildlife such as

birds. There is probably an argument that cats maintain a balance in keeping introduced rodent species down. That is not to say there are not some merits in it, but again I make the point that we have to do that from a position of balance with regard to the impact it has on the community, particularly those who can least afford it, and we do not need to have the excessive powers that this bill contains. We can talk about that in more detail when we get to that clause.

HON SIMON O'BRIEN (South Metropolitan — Minister for Finance) [5.12 pm]: Mr Deputy President, I am speaking as a private member, obviously.

Hon Ken Travers interjected.

Hon SIMON O'BRIEN: You have just sat down, so you have had your say.

I wanted to offer some personal observations about the Cat Bill that are not inconsistent with some of the observations that Hon Ken Travers has just made. It is important that members understand the proposed law—about what it is and what it is not. I have noticed opposition members not only in this chamber but more so outside this chamber, whether it is another place or the general public domain, wrestling with their party position that they support this bill and then telling us all the things that are wrong with it. I notice that the member for Warnbro was particularly vociferous about it and yet the official opposition tell us they support this bill. Nonetheless, Hon Ken Travers is right when he talks about feral cats. This is not a bill about feral cats, it is a bill about domestic cats that are kept as part of households, and nurtured and loved by their owners. I have not heard it said for many years of the household cat that Tiddles is a good “mouser”. I used to hear that term all the time. People would see the cat and say, “This cat is a good ‘mouser’.” They would talk about cats that present their mouse “kill”. The last cat we had that used to do that was named Jason. It was a bit of a psycho. I remember Jason once presented me with a live mouse at the back door. It was presumably some present I could play with and do whatever cats do with it! It was quite a gesture to present me with this live, if somewhat traumatised, mouse. So I took said rodent, because I like all sorts of God’s creatures—I do not play favourites—and said, “Thank you very much, Jason.” I took the mouse out the front of the house and released it. The cat was quite outraged and darted around the front of the house to retrieve this awful incident. I do not know if the poor old mouse got away but at least he was in a little bit of a trance and had a bit of a head-start. On another occasion when Jason presented me his —

Hon Robyn McSweeney: A cat called Jason!

Hon SIMON O'BRIEN: I did not name it, actually; this cat adopted us.

Jason presented me with another gift, again of the mouse variety, except this time he had made sure it was not going anywhere and it was actually only the back half of the mouse with its innards steaming out onto the back mat as it meowed to announce its gift had been presented! We do not hear about cats being good “mousers” any more. Someone else recently commented that cats may have the effect of keeping down the vermin problem in a particular place. Of course the stereotype of cats hunting and catching mice gives way to the reality that they also hunt other small fauna that may not be seen as vermin, such as small native animals and birds. Most responsible cat owners mitigate this in a number of ways. Firstly, many owners apply a bell to a cat’s collar in the belief-I think it works to some extent—that a cat, no matter how stealthy, will allow its bell to sound when it is sneaking up on its prospective prey. But the more substantial thing that responsible cat owners do is not allow their cats to be abroad at night hunting, and do all they can to dissuade the animals by containing them to ensure —

Hon Ken Travers: This bill does not by right automatically require cats to be kept in at night.

Hon SIMON O'BRIEN: No. My contribution to this debate, which will be brief, is really about contemplating the situation that already exists and how it might be augmented by this bill. Hon Ken Travers helps bring me to my point, which is this: most responsible cat owners—which most cat owners are—already do the sorts of things that this bill intends to achieve. I do not know what the percentage is offhand, I believe it is something like 93 or 97 per cent; whatever it is, the minister might know. But a very high percentage of cat owners already have their cats sterilised so that they are not breeding at random and producing feral offspring or other unwanted offspring that may be put down; offspring that may go out and attack native fauna and so on. Almost the totality of cat owners in Western Australia already do that.

Microchipping, which will be made compulsory by this bill, is also a useful tool for identifying cats. It will be welcomed probably by many cat owners as a protection in case Tiddles gets lost or is hit by a car and injured or whatever. I do not know how widespread microchipping is now; perhaps we will find out in the course of debate on this bill. The bill contemplates that all cats, with some limited exceptions, will be microchipped in future. The point is that most cat owners are responsible and are in large part already doing the things in spirit that are contemplated by the bill. The passage of the bill will therefore prompt questions such as: why have this if we are already doing it, and why give us an additional impost, perhaps microchipping, when we are already doing all the other things that we do?

Hon Ken Travers: I think the significant cost is actually the licensing if you've already microchipped. Once you put a microchip in the head of a cat, which identifies it to anyone who finds it, as it is on a database, why do you also need to register it and pay an annual fee on top of that?

Hon SIMON O'BRIEN: That is a very good point that the member raised: is it a doubling up?

Hon Ken Travers: Yes. Do you need both or is one sufficient?

Hon SIMON O'BRIEN: Do we need both or would one suffice? That is an interesting question. Again, I am a minister but I am not the minister with responsibility—beyond the cabinet process—for this operational matter; therefore, I do not know the answer to a question that I have not explored. However, it is something worth considering and worth discussing at this time.

Hon Ken Travers: Your opening comments were that our members in the other place oppose this bill. We don't oppose the bill in this place or in the other place. Our concerns are around that very matter of why we need both.

Hon SIMON O'BRIEN: I simply say that the functions of opposition were taken up with a great deal of enthusiasm by one or two members of another place in a way that was not necessarily consistent with supporting the bill. However, that is sometimes the nature of opposition.

Hon Ken Travers: If we were an irresponsible opposition, we'd just oppose it and appeal to those people that are opposed to this legislation—and there's plenty of them.

Hon SIMON O'BRIEN: That is a valid point and I acknowledge that. One of the reasons I am standing is to get on the record an understanding so that members know when they pass this law that not everyone will be happy about it. Although members might support the principles and the end results that the bill is seeking, there will be some short-term pain. That includes short-term pain for those who support this bill from people who object by perhaps saying, "We are responsible cat owners. Why should we have to have this extra impost upon us?" There is likely to be, in the short term, a rise in the number of cats abandoned. There will be individuals or families who decide that they are not prepared to participate in this regime and, therefore, when their kitten gets to six months, they will dispose of it rather than have it registered, microchipped, sterilised and whatnot. Ultimately, all that will militate in favour of achieving some of the other stated aims of the proponents of this course of action. I agree also with Hon Ken Travers that this bill is not about controlling feral cats; there will still be feral cats. This bill is about domestic cats, not feral cats. This is about capturing those cats which are in the domestic environment and which actually have owners who have commonsense, goodwill and environmental awareness.

An operation carried out by government for restraining the predations of feral animals on our native wildlife that most impressed me was an operation that commenced some years ago called Western Shield. I became aware of it during the time of the Court government. From memory, it was an operation that dealt specifically with feral foxes and cats. I believe that it was very effective in the south west land division. If members cast their minds back 10 to 15 years, they would recall that they did not see the native birds of Western Australia that they used to see; there seemed to be an absence of them. That to a large extent has been corrected. These are the sorts of outcomes that need to be obtained when feral animal eradication is contemplated. I am not saying that this directly is what the bill is about. In due course, I believe the regime proposed in this bill will have a depressive effect on the number of cats that become feral. In the meantime, there might be an increase in the number of cats that are allowed to run unrestrained. Members therefore need to understand that there will be opposition to some of the measures in the bill. That is often the case with laws that are passed. We may find that people will take exception to some part of the bill, but that does not necessarily mean that we should not proceed with it.

I have been a cat owner. I am not a cat owner at the moment, because all our cats have passed on. I will not, like some members, go through the names of all the cats I have had, because I am also the minister with responsibility for consumer protection and one of the problems with various types of fraud is identity protection. One of the frequent ways for financial institutions to protect the identity of a customer is to record something that should be known only to the customer, such as the name of the first pet or something like that. I have therefore been appalled at the laxness with which some members of this place have given away the important information that the name of their first cat was Tiddles or Pussy.

Hon Max Trenorden: Or Diva or Shiva.

Hon SIMON O'BRIEN: Yes.

Hon Ken Travers: I think you are breaking the tradition and custom of the house here by not naming your cat's name.

Hon SIMON O'BRIEN: I will not tell the house the name of the first one, then. The more recent ones were Roxanne, Rhonda, Jason, Christopher and Priscilla. There have been a few, and they were obtained from —

Hon Ken Travers: They're very boring cat names. Did they get upset with you?

Hon SIMON O'BRIEN: No, these are pretty exciting cat names actually. They had many adventures but I will not seek to regale the house with them. I just mention them, as many other members have, to reinforce the fact that this bill and the behaviours it seeks to govern are not only about cats but also about people. People own cats as part of their household and indeed as part of their family. The value of animal companions to humans and the special relationship they have with humans is recognised by all of us. This bill, therefore, will be keenly observed and in some cases will be received with alarm by some members of the community. It is important that the safeguards of transition be included, which I believe are exhibited in the bill. A spirit of transition also needs to be exercised when the provisions of the legislation are placed in the hands of local government to administer. I offer those observations on the value of animal companions because, as many other members have said, they touch us personally and we feel constrained to comment on them.

HON JON FORD (Mining and Pastoral) [5.28 pm]: For the record, my first three cats were Tiger, Buster and Bunt. In particular, Tiger's regular gifts to the household were red-bellied black snakes.

Hon Ken Travers: They are the characters of children really!

Hon JON FORD: I had nothing to do with the naming of them; I was too young.

Interestingly, when I was Minister for Local Government and Regional Development, I had responsibility for animal welfare, including responsibility for the Dog Act. It was brought to my attention from time to time that a similar bill should be brought to the house to deal with the issues of cats. I can remember all my advisers, departmental and political, would use the words often used in *Yes Minister* of, "That would be courageous." As we have watched the passage of this bill through the other place and now in this place, we can see perhaps why. Minister O'Brien has just said that there will be people who will not be happy with this bill, and that is too right. But, then again, I always had thrown in my face this disparity: why was there provision for rules and regulations to deal with dogs and not for cats? That is an equity issue, and I think that is true also.

As the explanatory memorandum states —

The key features of the Cat Bill are:

- a) Providing for all cats that have reached 6 months of age to be microchipped, sterilised and registered with the local government where they are usually kept;
- b) Providing for all cats to also be microchipped and sterilised prior to transfer;

Then the last three, which I am particularly interested in, are —

- c) Providing for local governments to administer and enforce the provisions of the Bill;
- d) Providing for local governments to be able to seize cats; and
- e) Providing for local governments to create local laws for the control of cats within their district.

I will deal with some practical issues, and perhaps the minister might be able to explain to me in the second reading response, or at the table later in committee, how we are going to deal with some of these issues. I want to talk about remote and isolated communities. If I talk about a remote community, I will be talking about perhaps Jigalong, which is an Aboriginal community, or Punmu; and an isolated community would be any one of the many communities and towns in my region, such as Newman, Tom Price or Paraburdoo. They are isolated in that they are like a metropolitan suburb, but they are just plonked out in the countryside, surrounded by either mining tenements, which is something I would like to touch on, or allocated crown land or pastoral leases. We heard Hon Simon O'Brien say that this bill deals specifically with domestic cats and not with feral cats, but, unfortunately, in my region, those lines are blurred and there is ongoing interaction. So I might just talk about that first.

Some time ago, a vet from Newman came to see me and told me about a specific issue that he was concerned about, and that was that unowned cats, either feral or within the community, were causing an outbreak of feline chlamydia in the Newman town cat population. His suggestion was very similar to this: that we create a scheme—he asked me where to go to make it happen, and I advised him that it was the local government—whereby, upon identifying that a cat was unowned, he could euthanase it. There were costs associated with that. I cannot remember the actual cost, but I think it was about \$170 a unit. That was for the chemical used to euthanase the cat and the vet's services. He was offering his services for free, but it was the cost associated with euthanasing a cat. If the cat was identified, it would be inoculated against chlamydia. He got absolutely no support from the majority of the shire. One shire councillor has tried to raise this issue with him now. I have some empathy for both parties in this issue. I have some empathy for the vet and what he was trying to achieve, and some empathy for the local government, because it is the Shire of East Pilbara, which is the largest shire in the state and covers vast areas.

I want to raise some practical issues about that. One is how we deal with domestic cats that go out onto mining tenements. A lot of those animals are kept as pets in workshops. Hopefully, everyone has seen that fantastic film *Red Dog*.

Hon Wendy Duncan: Supported by royalties for regions.

Hon JON FORD: If only royalties for regions and similar schemes had been around in *Red Dog*'s time. Anyway, I should not be distracted.

That animal was not only welcomed into and around those workshops, but also given honorary membership of the Transport Workers Union; it was made a union member. I have seen similar animals within the mining tenements and in the workshops—indeed, just recently—that are fed and encouraged by the workers in those workshops. Therefore, to all intents and purposes, those animals are pets. The minister might tell me what authority this bill gives local government to go onto tenements and deal with that situation and whether some of the more draconian powers, in particular, cover that. That is important because, with these cats, it is all care and no responsibility. So the cat gets fed, but nobody takes the cat to get it spayed, and nobody gives it inoculations. If it survives, it survives. If a cat gets pregnant and multiplies, or if it is a tomcat and it is interacting with other cats—Newman is a good example because the tenement, which is large, abuts the town, and there would be an interaction between them—how is that dealt with under this bill? Does the bill give the local government the ability to go into those areas and deal with those animals?

The other example I will talk about is remote communities, and I will go into some of the clauses in detail. However, in a remote community such as Jigalong, there are lots of dogs, and there are lots of cats. Currently, one of the problems in dealing with the dogs is that it causes a great deal of emotional grief for the people in that community to have the health surveyor—to them, the dog catcher—come into town and grab a whole lot of dogs that, honestly, really need to be put down because they are sunburnt and carry disease. A lot of these dogs are struggling, and they transfer disease to other dogs, and in fact contribute to disease within the general community when they reach large numbers. The way in which the health surveyors cope with that is that they often wait until the majority of the community is involved in a cultural event, or a wedding or a funeral, and they gather up the excess animals, take them away and euthanase them out of sight. When the people come back, they know what has gone on, but they have not been affronted by it. I am worried about whether the shire will still have the discretion to take that sort of approach in dealing with cats, or whether it has to be a bit more heavy handed in dealing with those issues.

There are also some provisions in this bill that I want to deal with. Perhaps I will just go by clause and I will get through it quicker. I refer to clause 18, "Cats to be sterilised". The explanatory memorandum states —

Subclause (1) requires a cat owner to ensure the cat is sterilised by a veterinarian, by 6 months of age. This will reduce the number of unwanted cats entering the cat population.

In a practical sense, if one is living in the Shire of East Pilbara and resident in Nullagine, where there is no vet, given that there is a maximum penalty of \$5 000 for failure to comply with this requirement, how does one deal with the need to have a domestic cat sterilised when there is no vet available to do that? It is particularly compounded for people who want to do the right thing but who are living in poverty and do not have a car. Nullagine is a good example, because there are a lot of people like that there. Interestingly enough, there are a lot of old bushies who have cats as pets as they become less and less mobile in the autumn years of their lives. It seems to me that the responsibility of local government in such situations is to deal with the issue of making a vet available, or some service available. But that would result in extraordinary costs to local governments. There is an issue for local government, in complying with the bill, in how it can recoup those costs unless there is a funding source from royalties for regions or some other source that local governments in such situations can apply for, to overcome those sorts of problems.

Clause 26 allows local governments to issue a cat control notice, which will enable them to provide a formal notice to cat owners to direct them to comply with a particular provision under this bill, regulations or local law. If a cat owner is noncompliant with a cat control notice, local governments can then refer to the particular provisions being breached—clauses 5, 14 or 18—and consider issuing an infringement notice or proceeding with a court action. This gets back to the example I just gave of a person or a cohort of persons living in Nullagine, of limited means and owning a cat or cats. Another example is Jigalong, where there is a double-whammy effect, because for many of those people, English is not their first language, and they do not understand current road regulations and constantly find themselves in trouble with the law because they do not actually understand that they have lost their licence. How could a notice be given to people in communities where there are multiple people living in a house and cats are obviously part of the domestic household? What sort of education would be needed, what costs would be associated with providing that education, and how would it be dealt with in a practical sense; or has that not been envisaged? If the minister could give the house some advice on that, I would be particularly thankful.

Clause 42 provides that a local government is to administer its local laws and all other things necessary to perform the functions of the bill. It is intended that the executive function of the Local Government Act will apply to local governments in administering this bill. That is a clause that I am particularly concerned about because, as I said before, there is an obligation on local government to deal with those animals. Local governments in my region have large mine sites, tenements and work camps, and the question is how they can practically administer that. It is a simple issue of whether they have right of access; I would think that they have right of access into an accommodation work camp, because they actually carry out health surveying issues. It is when we get to actual mining tenements and the workshops that there is a problem. There are also practical issues with sending someone out 140 or 200 kilometres to visit a remote community and deal with the issue of cats and the administration of this law.

I suspect that, unfortunately, the same thing will happen as happens in a lot of these communities. I gave the example of Jigalong in respect of the dog population. When the dog population gets too large, it is dealt with there. But that is not the case in places like Kiwirrkurra, Punmu or Well 33 because they are very, very remote. We could also go through a lot of communities down through the eastern Goldfields; local governments are going to have this impost put on them, but how practical will it be for them to apply this legislation? Will any assistance be made available to them, either through government agencies like the Department of Agriculture and Food, or specifically through cash grants in situations in which they can demonstrate a case? I think what will happen is that the law just will not be applied; it will be ignored. Some people might ask why that matters; well, it gets back to a number of the issues that members have talked about. I support this legislation because there is an equity issue. Responsible dog owners are required to keep their animals in check and make sure they are kept healthy and well looked after, and this legislation will just apply the same rules to cats. There are particular practical issues in my region in respect of the interface between feral animals and domestic animals. I therefore actually think this bill is a good thing, because if we do not make a start, we are just admitting defeat.

That brings me onto another point, which is: where there are practical lessons to be learnt through regulation, will there be a program of reviews to see how the administration of the legislation is working in practice? It would be nice for the minister to respond to the house and let us know how that is going to go. Will local governments have regulatory powers to deal with those matters individually, or will they need to provide feedback to the state government, if the state government needs to make changes so that the practical outcomes are easier to deal with?

I read through some of the more strident parts of the legislation, which includes compliance. Persons found committing a breach of the legislation are to give their name on demand. The legislation also provides power to enter premises. There are also the general powers of authorised persons. It seemed to me that there is potential here for a lot of misunderstandings in communities where, again, people are less educated, English is not their first language, they are getting on in years, they will not even be aware that this legislation has been passed, and they will not understand why somebody is knocking on their door. I am sure, in a practical sense, nobody in the first instance is going to charge into somebody's house to seize a cat; we would hope not! However, misunderstandings can occur. I talked about sensitivities in Aboriginal communities when somebody says, "Look, you have to get these cats fixed or I'll be back next week. We'll bring a vet in next week and we'll have all these cats fixed, so we will make the service available to you." It may be that those people will not even turn up, probably because they do not understand anything that has been said to them. How, then, can officers practically exert this?

We have talked about the maximum penalty of \$5 000 for failing to comply with this requirement. That penalty is for persons in breach of the legislation. What discretion can be applied in that defence?

Hon Robyn McSweeney: They'll know the vet is in their community. It's a very small community, so when the vet comes, they will know. They would organise for a vet to be there because it is so small. They would go through a corporation, and the corporation chair would tell them that the vet was there.

Hon JON FORD: I understand what the minister is saying, but currently Aboriginal people are being taken long distances to deal with fairly common driving issues, such as driving without a licence or driving an unregistered car. They lose their licence and they repeat it, and they are carted into town to the Magistrates Court and either have a fine whacked on them or end up being incarcerated. I am just wondering how we can ensure that there are no unintended circumstances in the communities that have those issues. We have to pace ourselves in those areas. I do not think anyone in this house can argue that we do not have problems with people who should not go to jail.

It was never the intention of this house for them to go to jail. Those people might have found themselves in jail as a result of misunderstanding the requirements of the legislation. I would not mind understanding what checks and balances will be put in place to ensure that those problems do not arise under this legislation.

That is really the end of my commentary. I have finished with my biggest concern, because that is what I can see happening. We do it time and again in this house—I have been at fault in the past—when we do not bring to the

house these concerns about remote Indigenous communities and older people in isolated communities. We do it all the time, particularly on licensing issues. We talk about dealing with a specific problem in populated areas such as Perth, Bunbury and Albany with all the right intentions in the world, but we give scant thought to the practical outcomes that might occur in remote areas. As a consequence, we end up with a whole bunch of people fronting up in the Magistrates Court basically through a misunderstanding. They need the opportunity to have an interpreter explain why they are standing before a judge in a court. I can remember when I was empanelled on a jury in Karratha years ago and seeing the look of bewilderment on this fellow in the court who had been charged with driving offences; he did not understand why he was there. I have raised that point to seek the minister's response. I imagine that there will be some form of defence or discretion, given that someone can seize an animal. I would rather an animal be seized and have that misunderstanding than for a fine to be imposed that someone will never pay. They will not even understand that they have been given a fine. With those comments, I, along with my colleagues in the opposition, support the bill. We just need those issues clarified.

HON SALLY TALBOT (South West) [5.54 pm]: Obviously, cat owners should take responsibility for both looking after their animals and ensuring that their animals do not impinge on the wellbeing of their neighbours or the environment and the creatures that inhabit that environment. I have certainly put that into practice for many, many years. We have a very chequered history of owning domestic cats. We decided to acquire a cat first of all when my son was about four years of age. We lived on a fairly busy road in the hills, and the first couple of animals we got met a very sticky and unpleasant end thanks to the traffic outside. At first my son was quite sanguine about it. I will never forget the day when the first cat was run over. A friend rang me at work and said, "I've just found your squashed cat outside. Would you like me to get rid of it before your son comes home?" I said, "Yes, that would be fantastic." I got home with my son and told him the bad news and he said that he would like to see the body. So I then had to exhume the cat, at least as far as we could see that it was his cat and the cat was no longer breathing, and I then filled in the hole. I thought it was going to be much more complicated than I had ever envisaged. The second cat came to a similar end, by which stage my son was a little older and was well and truly upset by what had happened. We then got two cats at once, thinking that if we lost one, at least we would have one left. What happened then, of course, was that one of the cats ran off with a workman who was doing some work on the house and the other cat virtually pined to death. I do not know which was worse—trying to deal with my son's anguish at losing cat 1 or with the grief because cat 2 turned out to be quite neurotic and wrought her own particular feline form of destruction on the household.

Hon Robyn McSweeney: What were their names? Everyone else has given me names. You're just saying cat 1 and cat 2.

Hon SALLY TALBOT: A friend at that stage remarked that if we stopped naming the cats after breakfast cereals, we might have a bit more luck. We had Toasty and Munchie and all that sort of thing. By the time we got the fifth or sixth cat, we were well and truly thinking that we needed to do something a bit more responsible, not so much, I must say, at that initial stage to protect the environment, but mainly to protect the household from this constant emotional roller-coaster of losing these animals. At that stage, we built a small enclosure and we had a cat flap so that they could go in and out. However, I will never forget the day when there was a knock at the door and the neighbour, who I think was probably slightly demented in both the literal and the metaphorical sense, said that she had a large collection of prescription drugs, I assumed in her house, and that if we did not control the behaviour of this one particular cat in destroying the wattlebirds, she was going to lace some food with all the drugs she had in the cupboard and that would be the end of the cat. By that stage, my son was absolutely 100 per cent in love with this particular cat. The cat was called Claudius. I worked out that if the neighbour went ahead with this threat, it really would cause significant emotional turmoil in the household. So I bit the bullet and built a proper cat cage. I will not go into all the details of that. Suffice it to say that if anyone has ever had the experience of building a cat cage, they will know that it is by no means a straightforward process. Cats are born Houdinis. It does not matter how small the gap is, the cat will find it.

After many weeks of being absolutely certain that the cat was enclosed in this cage, I would find it at the back door outside the cage. After many weeks of this, I stationed the family around the cat cage and we were on shifts to watch for where this cat was getting out of the cage. In the end we won, because there were more of us than the cat, and we safely enclosed this animal. We then moved house and had to do the whole thing again! This still causes some considerable amount of amusement among the family and very traumatic memories among the rest of us. In the end, we got ourselves to a point at which we successfully enclosed our cats, and that was a pretty good outcome for everybody concerned.

During the time either when the cats were fighting their confinement or before we built the first cat cage, we certainly had our share of the products of the destruction of wildlife that many honourable members have talked about in connection with this bill. I note that Hon Max Trenorden referred to, I think, the 200 million animals a year that are destroyed by cats in the wild. We certainly had our share of those 200 million animals. The cat used to bring them in and lay them very delicately on our beautiful Turkish rug, where they blended perfectly with the pattern, until we trod on them and then we knew what we were involved in. To this day, every time my son sees

a red Turkish rug, he walks around the edge of it. I think it is so ingrained in his head that he does not want to step on anything yucky.

Sitting suspended from 6.00 to 7.30 pm

Hon SALLY TALBOT: Before the dinner break I was pointing out that we on this side of the house agree with the government that people who own a cat should be responsible for their cat's wellbeing and for controlling their cat's behaviour. I was giving the house a little flavour of the fact that I have bent over backwards over many years to ensure that that is what happened with our cats. Therefore, we ended up with all our cats being enclosed, and with an end to mangled wildlife being brought into the house, and that was without doubt a very good thing.

I would now like to talk about a couple of points that occurred to me when I was reading the details of this bill. I am not sure that this bill will work quite as smoothly as the government imagines it will work. In the case of my family and I, we were highly motivated, by things such as crazed neighbours and by the traumatic experience of losing some of Claudius's predecessors, to keep our cats enclosed, and that had the happy effect of protecting the local wildlife. But I must say that it was a great surprise to me to find that sterilising a cat does not necessarily modify its behaviour, certainly not in the short term. I want to share with the house one more anecdote before I go on to make some more substantive points about this bill. My family experienced a curious instance of mistaken identity. A cat walked into our house that was the spitting image of Claudius, and he was duly given the care and attention that Claudius was always accorded, until, after a period of several days, someone noticed that we were dealing with two cats named Claudius, one at each end of the house. So we then worked out that Claudius mark 2 was actually an interloper. We did not know where he had come from. He had the tiniest little white moustache that distinguished him from Claudius mark 1, the real Claudius. I subsequently noticed, on much closer inspection, that there was another very conspicuous difference between Claudius mark 1 and Claudius mark 2, and that was that Claudius mark 2 had not been sterilised and was indeed sporting very generous evidence of not having been sterilised.

Hon Sue Ellery interjected.

Hon SALLY TALBOT: I would point out, Hon Sue Ellery, that this is absolutely true!

Because I was a responsible member of the community, I then did my best to find out where Claudius mark 2 had come from, and, when I drew a blank, I duly took him to the vet and had the deed done, at my own expense. I then took the cat home, only to find as the days went by that he was becoming more and more aggressive, until he ended up attacking me and sinking his fangs into my forearm, which then cost me another inordinate amount of money to have a tetanus injection. I then had to put the cat back into the vet, not for the ultimate solution, I might say—I still maintained a modicum of feeling for him—but until I was able to post pictures of him all around the neighbourhood. At that point his owners actually 'fessed up to the fact that they had lost such a cat, and it was with a certain amount of trepidation that I had to give them back a bit less of their cat than I had actually taken into my house. That is an absolutely true story. So let us not assume that if we get a cat sterilised, we automatically can predict its behaviour from that moment on. This was one wild beast, perhaps because he was suffering a grave sense of injustice about having chosen to make his second home with us!

There is one other aspect of the bill that slightly concerns me, and that is clause 6, which provides that cats must wear a tag. I guess we can go into this more at the committee stage. Having gone through the saga of my family's history with cats, alive and dead, and vicious, I have always been a bit apprehensive about putting a collar on a cat, knowing that cats can get their collars caught on trees and other things and then hang themselves. I have always imagined that one of the worst experiences a small child could have would be to find a cat hanging from a tree outside their back door. So I am not sure how this clause is going to work. The simple fact is that a cat is not a dog. We can put a collar on a dog and it is perfectly happy. If we put a collar on a cat, it will either get very adept at removing the collar, or it will be in quite a degree of danger if the collar does not fit properly.

This is a complete change of subject, but one further point is that I noticed during question time that Hon Robyn McSweeney was expressing grave concern about the penalties that are associated with parenting orders. Those penalties are nothing, even in the original draft of that bill, when compared with the penalties that are contained in this bill, which seem to be —

Hon Robyn McSweeney: Those penalties are for disadvantaged parents. These are for cat owners. You are drawing a long bow.

Hon SALLY TALBOT: I am sorry, Hon Robyn McSweeney, but what are we saying now? Are we saying that disadvantaged families cannot have cats? That is absolutely ridiculous. Cats are one of the easiest domestic animals to own, because they essentially look after their own hygiene and their own exercise routine and all that sort of thing. I would imagine that a family that was not well off and that wanted to have a pet would look at getting a cat before they would look at getting anything else. If local government employees, rangers or whoever they are going to be, will be able to go around and slap \$5 000 fines on people, I think that will be a big problem.

What will happen in the case of an unpaid fine? Will this be yet another instance in which low-income and disadvantaged people will find that they have contravened the law in a much more substantial and serious way, because, unbeknown to them, their driver's licence has been taken off them and they have been driving without a licence? We need to get some clarification of that matter, perhaps when we get into the committee stage.

The explanatory memorandum states that 93 per cent of cats have already been sterilised. I wonder what the government is aiming at here. As with all statistics, surely we get to a point of no return. What are we aiming for here? Are we aiming for 100 per cent of cats to be sterilised? Clearly not, because that would be the end of the cat population. I was actually very surprised to read that. I would think that 93 per cent means that we were doing quite well. So I would like to know what the government's target is there.

The substantive point I want to make on this bill is to put on the record the opinions of the very well-motivated and effective group of people in the Urban Bushland Council. The Urban Bushland Council has written to me, first of all to ascertain whether Labor will be supporting the bill, and I was able to tell it that, yes, we will be, which it is very pleased about. But the council made some other very important points, and I want to put these points on the record. It says that the mandatory registration, microchipping and sterilisation of cats will be a good thing. It expresses its hope and its expectation that local governments will employ some degree of flexibility in getting all these measures implemented in their jurisdictions. The council also points out that their support for the legislation is based on the fact that it will result in a fall in what they call cat predation of native animals, and that will bring about substantial long-term benefits for all wildlife in Western Australia. The Urban Bushland Council also said that the Cat Bill will reduce the number of domestic cats that become feral.

I was interested in the points Hon Ljiljanna Ravlich raised in her speech about the link between domestic and feral cats. Clearly this has been well canvassed in the debate. A lot of cats become feral because their owners simply abandon them or, for some reason, are unable to care for them. This measure will obviously result in a reduction of the number of domestic cats that become feral.

The Urban Bushland Council also points out that because feral cats will become less of a problem, more resources will be freed for government to put towards other important conservation management needs. The council also points out that domestic cats will be better cared for. I guess, all in all, the bill is most definitely a good move for wildlife in Western Australia and, hopefully, for the care of domestic cats. The Urban Bushland Council finishes its message to me by stating —

It has been almost 20 years since WA legislation to control cats was first intended. Feral cats in bushland continues to be a major threatening process to native animals in natural areas and we —

That is the Urban Bushland Council —

support responsible cat ownership with the measures proposed.

Labor adds its support for this measure.

HON ROBYN McSWEENEY (South West — Minister for Child Protection) [7.47 pm] — in reply: I thank all members for their contributions to the Cat Bill. Seventeen members spoke: Hon Ljiljanna Ravlich, Hon Max Trenorden, Hon Lynn MacLaren, Hon Matt Benson-Lidholm, Hon Linda Savage, Hon Giz Watson, Hon Michael Mischin, Hon Alyssa Hayden, Hon Kate Doust, Hon Alison Xamon, Hon Ed Dermer, Hon Sue Ellery, Hon Helen Bullock, Hon Ken Travers, Hon Simon O'Brien, Hon Jon Ford and Hon Sally Talbot. In the 10 years I have been a member of this place I do not know of any other bill on which there have been so many speakers.

Hon Donna Faragher interjected.

Hon ROBYN McSWEENEY: I think my memory might be dimming, but yes, there have been a few bills on which many people have spoken.

Hon Sue Ellery: Do you remember the debate in which you told us the story about your dog?

Hon ROBYN McSWEENEY: Yes; I do. I did not expect that 17 people would speak on the Cat Bill. Some of the cats' names have been very interesting, to say the least. Hon Ljiljanna Ravlich just had plain old Pussy.

Hon Peter Collier: Puss Puss Puss.

Hon ROBYN McSWEENEY: That is right, Puss Puss Puss; there was also Mr T, Cleo, Tiger, Bunty, Malcolm—who calls their cat Malcolm?—Pandora, Jellico, Priscilla and Jason. Jason is the name of my son. Jason for a cat; I do not know!

Hon Simon O'Brien: A pretty virile and active cat he was too!

Hon ROBYN McSWEENEY: There was also Rudolph, Roy, Muffins. Oh, my goodness, here we go. Others were called Rosie and Millie.

Hon Peter Collier: That's my new cat—both my cats.

Hon ROBYN McSWEENEY: Your new cat! Then there was Bruiser, Gray One, Lovey—I think that was Michael’s cat—Dory, Shoki, Noam, Lulu.

I thought I had better tell members about my old cats. I have two cats; one is called Mimi and the other is called Mow—mow—very original to say the least!

Hon Simon O’Brien: Mimi is a Kiwi word isn’t it?

Hon ROBYN McSWEENEY: I do not know. I suppose it got that name because one of the little ones could not say pussy cat and starting calling it Mimi. I forgot Claudius. Hon Simon O’Brien said how he used to hear how cats were called “good mousers”. Mine was a good old ratter in his younger days. He is 16 now and has even been known to bring a rabbit to the backdoor. He had an unusual habit of bringing a rat or a mouse to the backdoor and meowing like mad, as cats do to show their mothers what they have brought home. He used to flay the mouse, but he would leave the head, the skin and the tail, and he must have not liked eating the kidneys, because that is all he would leave at my backdoor, so I used to scream for someone else to pick up the mess.

I think cats are very important to people’s mental wellbeing. It has been recorded over many, many years that owning a cat can help lower our blood pressure. It is good for people who live alone to own a cat because it means they have something to come home to and look after. A cat is just there unconditionally, very much like a dog, except probably a bit quieter. We do not have to put a collar on a cat and take it for a walk, although some people do. I have seen cats being walked, but I find that very unusual. Unfortunately, there are people who are very nasty to domestic cats that are not their own cat that come into their yards and do their business and a lot of people get very angry with cats that do that. They put out a saucer of milk with a certain analgesic in it—I will not name the analgesic because someone might copy it—and if the cat drinks that milk, it cuts its stomach to shreds and it dies a horrible death. That happens in country areas and I have heard of it happening in the city. I strongly condemn those people.

I thank members for their support of the bill. As I said, most members said that they own a cat and therefore certainly had an interest in the Cat Bill. Hon Ljiljanna Ravlich indicated her support for the bill and said she certainly encouraged responsible ownership. She talked about the penalties being in the upper limit of \$5 000. The maximum is \$5 000 but the court will determine the appropriate level of penalty. Under clause 63(3) of the bill local government can impose a fine of only a maximum of 10 per cent of this, but regulations will cover maximum penalties that are likely to be less than that. The maximum of \$5 000 will allow bill penalties to remain applicable over a number of years without the legislation needing to be amended. Clause 63 provides that a modified penalty for an offence must not exceed 10 per cent of the maximum penalty for that offence.

Hon Ljiljanna Ravlich asked why both registration and microchipping should apply. They form two different, although related, functions. Microchipping is a means of electronically identifying animals through the insertion of a grain of rice-sized microchip into the scruff of a cat’s neck. It is wisely considered to be a foolproof method of identifying the owner of microchipped animals. It will, however, require the cat to be caught and scanned to determine its ownership status. Registration will provide a visible means of determining whether the cat is owned, as cats will be required to wear a collar and registration tag similar to that required for dogs. This means that authorised officers—rangers—will be able to more effectively use their time by focusing on cats that are likely to be unowned or stray. Another key benefit of registration is that it provides a checking method to ensure owners are complying with the microchipping and sterilisation requirement. The legislation proposes that at the time of registration, cat owners must provide proof that both microchipping and sterilisation have been done. Additionally, the payment of a registration fee to local governments will provide a source of revenue to at least partly offset the cost of managing and enforcing cat control. It is considered desirable that cat owners contribute to the cost of cat management. This position is supported by cat owners themselves.

Two hundred and thirty-five cat owners responded to the public consultation paper on the proposed cat legislation, with 97.9 per cent supporting microchipping and 98.8 per cent supporting registration.

The member asked about powers to enter premises. Clause 52 of the Cat Bill allows a ranger to enter the property with the permission of the owner or with a warrant, and only when it is necessary for the ranger to investigate an offence. Then, only when the ranger is lawfully on the property can the ranger examine or copy documents if they are relevant, for example, registration papers; take photographs or video relevant to the offence, such as the living conditions of a caged cat; direct a person to answer questions, for example, ask whether the cat is sterilised and registered; or take other necessary actions such as seizing a diseased cat. Similar provisions—power to enter, videotape, collect evidence or require answers—exist in the Food Act 2008, the Building Act 2011 and other bills currently before Parliament. There are other acts with similar or greater powers: the First Home Owner Grant Act 2000, which is much more onerous; the Health Act 1911, which gives powers to local governments; and the Welfare Act 2002.

The member asked about funding and the Minister for Local Government stated in the other place that the state government would be assisting with the capital costs of the introduction of this legislation and a lot of members

have spoken about the costs. Over the next few months, once this bill is passed, there will be extensive consultation about implementation. Part of this will lead to an assessment of the cost and the minister will then be seeking an allocation in the budget. He is looking at assistance for lower income earners, which many members asked me about, towards the cost of the sterilisation, as well as financial assistance to local governments. There will also be an education and awareness raising campaign so that cat owners are aware of their responsibilities. Cat owners are likely to be charged between \$45 and \$70 for microchipping, with the Australian Veterinary Association advising that the average price charged by a vet is about \$56 in the metropolitan area. If local government offices become authorised implanters, this cost may fall. The cost of the materials to the vet for the implant is approximately \$30, including the initial registration on the database. This will impact most on low income earners, particularly those with multiple cats, but as I said, we are looking at making that cheaper. Cat owners will be required to pay for a collar and tag and they will cost approximately \$15. Just as a guide, the following fees are of relevance when considering the impact of registration on cat owners, and I will use the current dog registration fees. For an unsterilised dog, a one-year registration is \$30; a three-year registration is \$75. For a sterilised dog, a one-year registration is \$10 and a three-year registration is \$18. The City of Joondalup, with its proposed local cat laws, will charge \$10 a year and \$25 for three years for the registration for a sterilised cat. Those costs are not particularly onerous.

Hon Max Trenorden talked about the size and ferocity of feral cats. I just recently went up to Warburton and I visited a playgroup with the Aboriginal women—they wanted to show me where the kids go to playgroup. They have written a book about hunting for rabbits, cats and foxes and how it helps take the pressure off bilbies. There are pictures in this book—if members want to look at them they are quite welcome to—of some Aboriginal ladies and men who had been out hunting these feral cats, and the cats are huge. I asked them what they did with the feral cats and they replied that they ate them. I said I hoped I had not eaten any, because I would not like to eat cats, but they said that they tasted like rabbits. The Aboriginal people do not touch the domestic cats, but they certainly go out hunting. As I said, if anyone wants to have a look at this book, I will pass it around, because I will go and give the book back. Hon Max Trenorden talked about the feral cats and the cats I saw in those photos were absolutely huge; they were more like little tigers than cats. The member talked about cats on farms. Some farms have shed cats because they kill the mice in the haystacks. Most farm owners are pretty responsible; they do not have hundreds of cats running around. They have a few cats on their properties though. The member said that desexing cats was important and he certainly supported the bill.

Hon Lynn MacLaren asked a few questions. I think she had Cleo and Mr T. Regarding the need for a tattoo, if the cat has no collar, the ranger needs to catch the cat. Instead of looking at the ear for a tattoo, the ranger will scan the cat and the microchipping database will give information on sterilisation. I know that the member was particularly concerned about that, as she was about the age of desexing. According to my notes, when there are inadvertent pregnancies before 12 weeks, the owners can get the cat sterilised earlier and it is in their interests. Cats have to be sterilised by six months of age, but they can be sterilised earlier if their owners want them to be; that is what it says in the bill. If the cat is pregnant before 12 weeks, it will become evident when the owner takes the cat into the vet to be sterilised. The owner can then apply for a breeding permit for that cat. The member asked about retrospectivity; there is none. She also asked about foster cat owners. Clause 5(2)(c) provides for cats with organisations such as the RSPCA and the Cat Haven to be exempt from registration. This could possibly be extended to cats under foster care. If they were sponsored by one of the above organisations, no change would be needed to the bill. Cats will be microchipped and sterilised by the time they are six months old and this is fully supported by the RSPCA and the Cat Haven. If a cat is too ill or frail, a vet can provide an exemption certificate. People who adopt stray cats, but who are unwilling to take responsibility for them as far as sterilising and microchipping them, are just the people that this legislation is intended to deal with. Although well-intentioned, those people do not act in the best interests of the cat or other wildlife. If people cannot afford or do not wish to take on more responsibility for the cats, they should relinquish them to a cat welfare organisation or to the local government, who will attempt to re-home them. The member asked about the measures of success of the Cat Bill. The measure is the improvement in responsible ownership as measured by the number of cats and kittens that have been dumped and the increased awareness of responsible ownership as measured by community demand for additional controls over cats and the number of councils with local cat laws. I have just been through the fees and charges. I found the member's speech very interesting.

Hon Matt Benson-Lidholm had a cat called Malcolm. He was also concerned about feral cats and he wanted to see that a culture of responsible cat ownership is developed. He spoke about the social and economic impacts and he said something I did not know; namely, that 5 000 cats were euthanased each year. I know about the dumping, but do not think I had ever heard a figure of 5 000 cats being euthanased each year. He had concerns about providing local government with the ability to go onto properties. Rangers and fisheries officers certainly do that now. He was asking about business premises, catteries and breeders. There is no distinction in this bill between commercial and domestic cat breeders. Commercial cat breeders and catteries may be subject to planning controls under town planning schemes, and all breeders need to apply for a permit to have an unsterilised cat.

Hon Jon Ford also talked about remote communities. A mobile service will visit remote communities and offer low-cost sterilisation and deal with any health issues. I do not know whether Hon Jon Ford was in the house when I said I had recently been to Warburton. I saw the size of the feral cats out there. They said that they ate the feral cats; they hunted them down. When I was in Warburton, I saw one or two domestic cats, but the domestic cats are not a problem. Then I went out to Ngaanyatjarra. There were a lot of dogs out there, but I did not see too many cats. That is a very small community. I would hope that people would be very respectful if we had a vet go out there. I assume that they would be. I cannot imagine any vet not being respectful; vets are not cruel people in general.

Hon Jon Ford: I was more concerned about a misunderstanding.

Hon ROBYN McSWEENEY: Yes. If members go out to remote communities, they will really understand about the misunderstanding, because English is definitely these people's second language. They do not speak English; they speak their language. It is really nice to sit back and listen and talk to them. I spoke to some women who understood what I was saying, but they did not have the language to speak back to me; they spoke in their own dialects. I can see that misunderstandings could happen, but I think that the communities are small enough to not have a misunderstanding. I think they would go to the Aboriginal corporation head before the vets came into the community and speak to them and then go about their business, because that is what everyone does. Everyone goes and speaks to the head of the Aboriginal corporation who runs that community.

I return to Hon Matt Benson-Lidholm's queries on catteries. Clause 29 exempts catteries in which the cat is held temporarily at the request of the owner. Clause 33 outlines the microchipping and sterilisation obligations of catteries. He was concerned about names and addresses on the register, as it was a public document. They have been removed.

Hon Linda Savage also supported the Cat Bill and encouraged cat ownership. She talked about children bringing cats home. I, too, had a daughter who used to appear very regularly with a little kitten under her arm, saying, "Mum, can we keep this? I found it." I did not have the heart to say no, so we kept the cat. I do not know whether the country is a bit different from the city, but I have never, ever paid money for a cat in my life. None of my cats has ever seemed to need a vet.

Hon Ljiljanna Ravlich: Did you steal them?

Hon ROBYN McSWEENEY: No, the kids would just bring them home or the cats would find me. I do not know anybody who has actually bought a cat, except Hon Peter Collier; he goes out and buys cats. I have never paid money for a cat. I have never taken my cats to the vet, because my father was a dab farm hand. All the farmers sterilise their own animals, and cats just got done as a matter of course. Many farmers are the same; there is no need for a vet. However, dogs are different. Like Hon Linda Savage, I found that cats just used to appear at my door.

A member asked a question about limits on the numbers of cats.

Hon Ed Dermer: I certainly did.

Hon ROBYN McSWEENEY: Okay, I will certainly answer that. When a limit on cat numbers has been introduced under current local cat laws, a permit system is put in place for cats owned at the time of the local law coming into effect. These permits are automatically granted and cease to apply as the cats die or are otherwise permanently removed from the premises. Any attempt to apply limits retrospectively—that is, to require cats over the limit to be dealt with—would almost certainly be disallowed by the joint standing committee. Regulations developed under the Cat Act will set out transitional matters in relation to existing local laws if necessary—for example, to prevent retrospectivity.

Hon Ed Dermer: Can the minister specify what she is quoting from?

Hon ROBYN McSWEENEY: As a minister, I do not have to.

Hon Ljiljanna Ravlich: Don't be difficult.

Hon ROBYN McSWEENEY: I am not being difficult. It is just a piece of paper. It is nothing I am quoting from. Obviously I am quoting from a piece of paper, but it is out of its cover. I am not being obtuse or difficult. It was given to me by the Minister for Local Government. It was in a file previously, and I have taken it out of the file.

Hon Ed Dermer: I am just trying to establish whether that is an official position that the minister has just shared with the house.

Hon ROBYN McSWEENEY: I hope so, because it came out of all the notes I have on local government. It is an official position.

Hon Ed Dermer: So it is not stated in the bill.

Hon ROBYN McSWEENEY: They are notes that I have been given by Hon John Castrilli. They do not have a clause number on them. Perhaps when we go through the bill in committee, I can give the member a bit more of an explanation.

Hon Ed Dermer: I am just trying to establish the authority of what the minister is saying, because it is very important.

Hon ROBYN McSWEENEY: It comes from the local government minister.

Hon Ljiljanna Ravlich: That is why we're trying to establish it!

Hon ROBYN McSWEENEY: You used to be the local government minister.

Hon Ed Dermer: I am not at all reflecting on the local government minister.

Hon ROBYN McSWEENEY: And I am not trying to be difficult, but I pulled it out of the local government file. I will certainly get the advisers to go into it further, if the member would like me to.

Hon Ed Dermer: I would appreciate that, minister.

Hon ROBYN McSWEENEY: Hon Linda Savage asked about feral cats. The Department of Environment and Conservation has feral cat eradication programs. This bill will hopefully result in fewer cats joining feral cat populations.

Confining cats in backyards will be up to local governments, if this is the wish of their communities. They can make local laws for this under clause 79 of the bill, especially clause 79(3)(g). There are powers there for them to do that.

Hon Giz Watson tried previously to get a Cat Bill in the eight years of the Labor government and was unsuccessful. Her bill was similar to this bill. It must have been Hon Ljiljanna Ravlich or Hon Jon Ford who would not bring in the Cat Bill; they were both local government ministers. Now they have both seen the light, I am very pleased to hear.

Hon Giz Watson once again raised the issue of feral cats. She told us about a feral cat on a farm that she was looking after. She talked about the sales of kittens from pet shops, which I will have to answer when the bill goes into committee stage. Local government can make local laws that include no cats in particular areas, such as near national parks, A-class reserves, and new subdivisions near bushland. Some areas have this now. If a local government has those laws in operation, the cats in that jurisdiction must be fully confined. That is up to the local government. The minimum purchase price of cats will be the cost of the microchipping and sterilisation that local governments and organisations such as the Cat Haven and the RSPCA offer. Cat breeders will charge more. It will be up to local governments to decide whether to set a curfew for cats, taking into consideration the community's wishes.

We saw a soft side to Hon Michael Mischin, just like we saw for Hon Ken Travers. I think there was a competition between them to see who had the softer side! That is what I like about these types of bills; members tell stories about their pets, which makes for very good listening.

Hon Ljiljanna Ravlich: We listened to them only because we had to!

Hon ROBYN McSWEENEY: Hon Ljiljanna Ravlich walked out; I had to listen to 17 members talk about their cats, and very enlightening it was too!

Hon Ljiljanna Ravlich: What number are we up to now?

Hon ROBYN McSWEENEY: I do not know. Hon Ljiljanna Ravlich's cat was called just plain old Puss. The member did not have much of an imagination, I must say! Hon Michael Mischin talked about the risk to native wildlife and feral animals, and about a group that provides subsidised vet fees. He also said that cats play an important role in society, which they certainly do. The member was worried about someone losing a domestic cat altogether. A cat breeder permit will be available for domestic and commercial breeders. Ordinary breeds and special breeds will be bred. The Cat Owners' Association of WA has members who own moggies as well as special breeds. There will continue to be a strong demand for and availability of the humble moggy. If a cat does not have a tag, under clause 30 its microchip must be scanned. The microchip will identify the owner. A cat will not be destroyed just because it has lost its collar.

I will provide answers to Hon Kate Doust's questions, even though she is away today. The member spoke about council pounds and the recovery of costs. In reference to clause 31(1), the member stated that it was a significant oversight for a local authority to not be able to hold a cat until outstanding penalties and costs are paid. She said that the longer a local government holds the cat, the more the cost will mount and the more burdensome it will be to the owner. However, clause 34 of the bill enables local governments to deal with an owned cat if it has not been reclaimed within seven days or the date specified as the end of the holding period if that is later. The regulations will be prepared over the coming year in consultation with stakeholder groups, including local

governments, cat organisations, vets, the RSPCA and the Cat Haven. The regulations will be in place for the commencement of the first phase of the legislation on 1 November 2012.

Hon Sue Ellery referred to the requirements for cat registration to be prescribed. She described this as being within the local law of a particular local government authority. “Prescribed” means prescribed within the regulations made under the act. The regulations are developed by the government in consultation with key stakeholders and are laid out in the subsidiary legislation. “Prescribed” in the regulations does not mean that the regulations are up to individual local governments. The explanatory memorandum states that under clause 12, prescribed information on the register will include the cat owner’s name and address, and the cat’s breed, colour and sex. A microchip does not have all this information. The microchip has an identifier that links to the database holding that information.

Hon Kate Doust certainly supported the Cat Bill, as did Hon Alison Xamon. Hon Alison Xamon talked about responsible pet ownership and, like most members, referred to the Cat Haven and told us about her cats and the impact that domestic cats can have on their neighbours, which sometimes can be particularly annoying.

Hon Alyssa Hayden has an indoor cat that does not go exploring outside. I think three out of the 17 members who spoke on the debate have indoor cats. Does Hon Michael Mischin have an indoor cat?

The DEPUTY PRESIDENT (Hon Michael Mischin): No; he goes roaming, but he always comes home.

Hon ROBYN McSWEENEY: Hon Michael Mischin lets his cat outside. Like most members, Hon Alyssa Hayden talked about her cats and dumped cats. As I said earlier, I was not aware previously how many cats were euthanased and how many cats are dumped.

I have some more information for Hon Ed Dermer. The member asked whether the act would be reviewed. Under clause 86 a review will be carried out as soon as practicable after 1 November 2018—I do not think he and I will be here then!—five years after the main provisions of the act come into force. The review will assess the effectiveness of the act in meeting its objectives and whether there have been any unforeseen consequences. I think Hon Ed Dermer and Hon Jon Ford suggested that there might be. The review will determine whether changes will need to be made to the proposed act, especially to cater for any changes in community attitudes. There will be a review.

I have talked about costs. The Minister for Local Government recognises the important role cats play in the life and health of many in our community and he stated in the other house that he will be seeking support for low-income earners to assist with the cost of the sterilisation of their cats to enable them to comply with the provisions of the bill. If I have missed anything, we can go through it in committee.

Hon Ed Dermer: I raised concerns about dealing with cats in a holding facility and the potential for the cats to be distressed when someone tries to check their microchip.

Hon ROBYN McSWEENEY: I think they wait until the cat calms down. Most rangers and people are sensible. Cats get upset when they are shifted from place to place but after a while they calm down. I envisage that if a cat is in a cage, a machine can scan the cat and it will pick up the information on the microchip.

Hon Ed Dermer: From outside the cage?

Hon ROBYN McSWEENEY: Yes. I will check on that because it is an interesting point.

Hon Ed Dermer: If everyone was sensible, we would not need to legislate.

Hon ROBYN McSWEENEY: That is true. Hon Ed Dermer also talked about a lady who wrote to him.

Hon Ed Dermer: That is right; the cat fancier.

Hon ROBYN McSWEENEY: I got an answer back from the Minister for Local Government. Minister Castrilli has been attentive to the needs and concerns of cat fanciers in the development of the Cat Bill. Specifically, organisations such as the Cat Owners’ Association of WA and the Feline Control Council of Western Australia encourage responsible cat ownership and have codes of ethics for their members. This has been recognised in clause 37(5), which prevents a local government from refusing to grant or renew an approval to breed cats if the applicant belongs to an organisation prescribed in the regulations. Similarly, the FCCWA’s concern about public access to the cat register was addressed by the minister, who removed the provision from the Cat Bill. Nothing in the bill would lead to a drop in the number of breeders of pedigree cats. Consequently, the fears about the impact on cat shows seem to be unfounded.

Hon Ed Dermer: I think there was a distinct concern about possible local government restrictions on the number of cats, hence the importance of your earlier comments, I think, minister.

Hon ROBYN McSWEENEY: Yes, and that lady wrote to Hon Michael Mischin, who went to the Minister for Local Government, and I think her concerns were allayed. They said they were reasonably satisfied that there will be some protection afforded to breeders.

Hon Ed Dermer: The lady was particularly concerned that she would be allowed to continue to keep the six cats that she made clear she was looking after very well. She was concerned that if her elderly cat was to pass away, she would like to still acquire a sixth cat. She saw the association that she belonged to with the appropriate registration and code of ethics as being one where they could quite responsibly look after six cats or a multiple number of cats, and I think she was seeking a degree of exemption from the imposition of what she would regard as an inappropriate maximum number of cats on people such as herself who are linked to her association. That's my endeavour to try to put her argument in a nutshell.

Hon ROBYN McSWEENEY: I think that she would still have to get a breeder's licence. As we go along in the Cat Bill —

Hon Ed Dermer: The concern with the breeding licence is that she was talking about sterilised pedigree cats, rather than breeding cats.

Hon ROBYN McSWEENEY: I think that I said there is an exemption in the bill.

Hon Ed Dermer: If that exemption could be spelled out, I think it would bring comfort to the lady and other people in her circumstances.

Hon ROBYN McSWEENEY: I think that will be dealt with in the regulations, but I will put it aside and when we come to that in committee, if the member asks me that question when the advisers are with me, I will be able to answer that.

Hon Ed Dermer: Okay, thank you. The other concern I have was about collars and the potential danger to cats.

Hon ROBYN McSWEENEY: Yes, and I understand where the member is coming from because I have had cats with collars and they certainly do not like them. They can get their paw caught in the collars or they can get collars caught on other things.

Hon Ed Dermer: I think it is more than a matter of just not liking the collars; they actually can be lethal to cats.

Hon ROBYN McSWEENEY: True, they do not, but they are going to have to learn to like them, I think, under this legislation.

Hon Ed Dermer: It's very unfortunate, and I don't think cats are open to changing millennia of how they've come to live.

Hon ROBYN McSWEENEY: Yes, true. If there is anything that I have not addressed, we will do so in committee. I am very happy to go further into that.

Hon Ed Dermer: If you want to complete the list, the other concern was about the capacity of rangers to enter a person's home. It seemed excessive, particularly in comparison to the powers of a sworn police officer.

Hon ROBYN McSWEENEY: Yes, I read out what other acts they could do that under. When we make legislation, I think we make it for those people who have 67 cats in their home and are not looking after them. Most people will just go about their business, but for the ones who really are not looking after the welfare of the animals and somebody has told the local government, the rangers will go in and do that. I do not envisage rangers knocking on every house saying, "I'm going to come in and photograph what you've got". That is not what the provision is for; we make it only for those people who are cruel to and neglectful of their animals.

Hon Ed Dermer: The difficulty, of course, is that once you legislate to allow it and you're giving the rangers that power, they may not always be responsible.

Hon ROBYN McSWEENEY: I understand where the member is coming from but I do not think that that will happen in reality.

Hon Ed Dermer: I certainly hope not.

Hon ROBYN McSWEENEY: I certainly hope not, too.

Hon Jon Ford talked about the authority to go on to tenements and the right of access. Clause 27 deals with the seizure of cats. Clause 27(a) provides that a ranger can deal with cats in a public place. A ranger can deal with cats with the consent of the owner of the premises, which is provided for in clause 27(b)(i), or with a warrant as provided by clause 27(b)(ii). Clause 3 defines "premises" as including vacant land. Local government has the right of access to carry out its lawful duties. Therefore, I guess it raises the point of the moggy in the shed, does it not? Once again, although rangers will, in fact, have right of access, I do not envisage they will be very heavy-handed with one moggy that is in a mining tenement that everyone is looking after.

Hon Jon Ford: In the early 1980s at Hamersley Iron, they used to close the mine site on a Saturday once a year and let the local gun club in. I don't know what the gun club was supposed to be doing, but there were far less cats on the Sunday.

Hon ROBYN McSWEENEY: One of my mob says that that is what should be done with cats, but I will not say their name! I am not looking at anyone. I guess we have covered dealing with cats in remote communities. Local governments currently have environmental health services and responsibility in these remote communities to deal with dog population problems, so they will be able to deal with cats at the same time. From what I can see with the feral cats, I do not think there are too many domestic cats around either, or is the member saying that there are? I did not see a lot of them; I never see a lot of domestic cats when I go to remote areas. Is the member saying that he does?

Hon Jon Ford: It depends on the community. In a lot of Pilbara communities there seems to be lots of dogs, but if you go up in the northern Kimberley communities, there are no dogs and lots of cats.

Hon ROBYN McSWEENEY: They must have different tastes according to different areas, do they? I was surprised about the feral cats and the eating of them; I had never ever thought of that.

Hon Jon Ford: I find it awkward—uncomfortable—using the word “taste” and “cats” in the same sentence!

Hon ROBYN McSWEENEY: I felt very uncomfortable when I saw these huge cats, so I will show Hon Norman Moore.

Hon Norman Moore: I saw them!

Hon ROBYN McSWEENEY: He saw them. I will pass it around.

Hon Helen Morton: You might not even be able to taste the difference.

Hon Ljiljanna Ravlich: How many more people have you got to go?

Hon ROBYN McSWEENEY: How much have I got to go? If I had to listen to it, the member can listen to me! That is the member’s punishment; I had to listen to her, she can listen to me.

Hon Jon Ford: Have consideration for the staff!

Hon ROBYN McSWEENEY: I am trying! There are just a few more bits and pieces. The local government register is not a public document; that has been removed from the bill. Lifetime registration is possible and will be canvassed with stakeholders during the development of regulations. I have gone through the costs and the education program. Local governments can use the same database that they use for dogs. Regulations are to be developed once the bill is there. The explanatory memorandum clearly sets out what the regulations will cover. Regulations will be ready prior to 1 November 2012 when the first provisions come into effect.

Clause 41 is about cats as a gift. I certainly wondered about that myself. We do not usually give cats as gifts. It is part of responsible ownership, as a prize does not take into account whether the winner wants the cat or whether they will be a responsible owner. It is an animal welfare issue. It was just part of responsible ownership, saying that one cannot give a cat as a prize.

Turning to clauses 51 and 52, documents must be relevant to the offence, as set out in clause 52(c)(ii).

I think I have covered most things. If not, I will cover them during the committee stage. I ask that the bill be read a second time.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Michael Mischin) in the chair; Hon Robyn McSweeney (Minister for Child Protection) in charge of the bill.

Clause 1: Short title —

Hon LYNN MacLAREN: I wanted to make some comments on the short title to give members some idea of my proposed amendments and also to indicate that I have no intention of moving all the amendments following the very comprehensive second reading debate and the minister’s response to the issues that have been raised. I wish to flag a few of the clauses that I have amendments to and the reasons for those amendments. I will go into more detail when we debate those particular clauses.

Members would be aware that I have a point of view that the age at which cats are sterilised is too high. Requiring sterilisation at six months is not the best way to initiate any kind of legislation that will be effective in controlling cat numbers. I draw the minister’s attention to the Gold Coast City Council, which mandated sterilisation at 10 weeks. Further, Victorian local government requires desexing of cats at three months. I am aware that this government tried to start with sterilisation at three months and lost ground and is now at the age of six months. I would be interested to hear the minister’s defence or explanation as to why that six-month period was chosen when we know that cats can be pregnant at 10 weeks and that is the most sensible time to require sterilisation.

The amendments that I have flagged to clauses 14 and 18 are interconnected because clause 14 deals with microchipping and clause 18 deals with sterilisation. I would like the minister to consider amendments that seek to move those time periods to 10 weeks. When somebody gets a young kitten from a breeder, they most often get that kitten at 10 weeks. It is appropriate that we require both microchipping and sterilisation at the point of transfer from the breeder to the new owner. This has been proven to be the time when it is most effective to get registration as a complete package. Somebody will not go back to the vet a couple of months later to ensure that sterilisation is done at the right time. If they are going to see a vet at all, it will be at that one point in time. That is the time that we need to capture the microchipping, registration and sterilisation. I have not proposed an amendment to change the registration to 10 weeks. The minister may wish to consider that if she is compelled by the arguments that I intend to make on those clauses.

The minister will be making some amendments that are pursuant to some of the changes that I saw were required in the bill. I will be supporting the amendments relating to giving reasons for not sterilising a cat and the vet providing a certificate. We felt that reasons needed to be provided for that. The minister has proposed some amendments, which I will support. The amendments that I do not intend to move are to clauses 23 and 24 because they are to do with the purchaser of a cat. The definition of a purchaser includes things such as gifts and transferring so there is no need for me to move those amendments. I do not intend to do that during the committee stage.

I remain concerned about the issue of keeping multiple cats. Under division 4, a couple of clauses have been mentioned that deal with the issues raised by the Feline Control Council of Western Australia, which is the registering body for pedigree cats. The minister went some way towards acknowledging that that is an issue. The issue is that these people are not breeders; they are showers of fancy cats. They do not seem to strictly fall into the clause that the minister has pointed to—clause 37, I believe—which deals with the breeding of cats. We need a bit more clarification on people who have hobby cats who may have more than two cats and who might be required to limit those by local laws, and who may not be breeding them. There is this unusual category. It would be interesting to see whether there is a permit system or something in the bill that deals with that unusual category in which someone is clearly managing and looking after the welfare of those animals but not haphazardly breeding them or abandoning them. It would be interesting to see whether the bill has the capacity or whether the minister anticipates that there may be capacity through the regulations to enable people who look after their cats as hobby cats to be accommodated.

I further ask that the minister canvass the notion of amendments to subdivision 2 of division 3, “Particular powers of authorised persons”. This has come up time and again in this debate. When looking at the powers that are given in this act, I was advised by the minister’s adviser that similar provisions exist in the Food Act 2008, the Building Act 2011 and other bills currently before Parliament. There are other acts with similar or greater powers such as the First Home Owner Grant Act 2000 and the Health Act 1911 and, even more relevant to this issue, the Animal Welfare Act 2002. In reviewing those powers of authorised persons, which in this bill are under subdivision 2, it appears to me that the powers of those other acts are quite similar to those in the bill before us. It will be good to hear the minister’s view when we come to that. Although I do not have an amendment for that at this stage, the minister may wish to consider one.

When we look, for instance, at the relevant provisions of the Food Act 2008, we see that the powers of entry, inspection and seizure are quite considerable. Section 38(1) states —

For the purposes of this Act, an authorised officer may, at any reasonable time, do any one or more of the following —

- (a) alone, or with the police officers or other persons the authorised officer considers necessary, enter and inspect any premises that the authorised officer reasonably believes are used in connection with the handling of any food intended for sale or the sale of food, or any food transport vehicle;

It goes on to say that an authorised officer can look at documents used for that purpose, can examine or open any package, and can examine equipment. Basically, the powers of search, inspection and seizure contained in this bill seem to be similar to those in other acts, and there are many examples of that, including, for instance, entering premises and an application for warrant to enter premises in section 41 of the Food Act. It strikes me—I will be interested to hear the minister’s views on this—that when we assess and compare the powers contained in this act to those contained in other acts, what we have heard might be a little extreme. If indeed this bill is conferring extraordinary powers, it would be good to look at some potential amendments. As I said, the powers that I investigated that are contained in the Health Act and the Food Act seem to be incredibly similar to the powers we are considering in this bill.

Finally, in part 5, clause 79, “Local laws”, and perhaps I was not paying enough attention to the minister’s second reading speech, but I do not believe that I heard how existing local laws will be taken into account once this new statewide system is in place. In particular, I draw the minister’s attention to the City of Albany’s local

laws. The Greens were contacted way back when the City of Albany put in place cat management laws. I will conclude my remarks very shortly. The Sporting Shooters' Association of Australia has a branch in Albany called hunting and conservation. The chap down there was very concerned because when the local laws controlling cats went through, he found that there was an increase in the number of abandoned cats in the area in which he normally hunted foxes. At that point, in January 2010, there was not really any empirical evidence of the increase in abandoned cats, but people were finding it very difficult because they could no longer deal with the cats. The City of Albany would no longer take them and there was an issue, and people were noticing the number of cats seen in bushland over a three or four month period; huge numbers of cats were being dumped. I wonder, particularly because the minister is from that area, whether she would be able to update the house about what is happening in Albany because that local law has been in place for over 12 months now. Has the number of abandoned cats gone down? Once this new law is put in place, will the people of Albany be in a stronger position to manage abandoned cats?

With those comments, I welcome further debate in the committee stage.

Hon ED DERMER: I was interested to hear Hon Lynn MacLaren's most recent comment, which was a matter that I raised during my contribution to the second reading debate that was connected to the difficulty and most particularly to the cost of complying with this bill and the fear that some people may respond by dumping cats. It had an interesting resonance with the suggestion that a local requirement in Albany may have led to an increase in the dumping of cats there. I would be very interested to hear the minister's response in dealing with the probability that people who have difficulty with or who choose not to comply with the provisions of the bill may respond by dumping cats.

Hon ROBYN McSWEENEY: Clearly, if they are dumping cats, they are not responsible cat owners. I hope that people will not dump their cats. If people have a cat and their children love the cat, the cat is a part of the household. It would be only those very, very irresponsible people who would dump a cat.

Hon Ed Dermer: Or very, very poor people.

Hon ROBYN McSWEENEY: The member heard me say that the minister was going to look at the cost with a view to keeping it very low. I did read out the figures of \$18 for three years to register a sterilised dog, and in Joondalup I think it was \$10 a year for a sterilised cat. That is three cans of Coke.

Hon Ed Dermer: That is registration.

Hon ROBYN McSWEENEY: If we look at it in that context —

Hon Ed Dermer: There is also the sterilisation at the moment.

Hon ROBYN McSWEENEY: Yes; there is also the cost of sterilisation, but as I said the minister was looking to keep those costs down and at ways of doing that. That is what we will be doing, because we do not want to see cats dumped. I cannot stand here in all honesty and look at the member and say that will not happen, because some people may just do that.

Hon ED DERMER: I have heard the minister's response, and I think that it was very important to hear the minister's response. It is an area in which we need generosity of assistance in meeting the costs, of which the registration is probably the lowest of the major cost components; and other costs include sterilisation and microchipping. There may also be costs entailed if there are local requirements to constrain a cat to the yard. That could be at considerable cost to people. However, we are yet to see what the level of financial support will be, and what the level of a person's income would need to be before they qualified for that assistance. If we take into account providing support for people who may not be at a very low income but at a reasonably low income and for people who are on a modest but not exceptionally low income, both those factors would mitigate the likelihood of people responding to the cost burden by dumping their cats. Again, I encourage the minister and the government to be generous in that support.

Hon LINDA SAVAGE: I would like to use the opportunity allowed in clause 1 to make a more general comment because, on the evening this bill was debated and after I had finished my contribution to the second reading debate and left the chamber, at 10.22 pm, I received an email from someone who had been listening to the debate. It says something that at that time of the night people are listening to us as we debate. The email was from Linda Horton, and Hon Ed Dermer referred in part to what she wrote in her email. I want to take this opportunity to make a few comments about what she wrote, because I think it admirable that someone was still listening to the debate at 10.22 in the evening. I will not speak to all the issues she raised, because Hon Ed Dermer has already raised some. The email that I received was about the comments I made about the term "cat fancy". That was a term that I had certainly not heard of until I read the debate in the lower house about this bill and I did some research and referred to a magazine by that name. I found the way that term is used quite interesting. I want to refer to just part of what Linda Horton said in her email, because I think it is very relevant to this debate. She said —

The Cat Fancy knows that to achieve real cat control, any laws must include the following provisions to be successful:

- Cats and kittens not in registered breeding programs must be sterilised.
- Pet shops should not be allowed to sell un-desexed cats and kittens as this adds to the problem of unwanted animals. Efforts must be made to prevent the sale of cats by impulse.
- Cats must be confined to their owners' property, identified via microchip and not allowed to roam. For the general community this is a significant cultural shift and would need to be phased in over a number of years.
- Education in responsible pet ownership must be provided to change the cultural acceptance to roaming cats.

I know that a number of these issues have already been raised; I raised a couple myself during the second reading debate, and other members did, too. But I wanted to put those comments on the record, and no doubt some of the issues that were raised in that email will come up during the course of the committee stage of the bill.

Hon LJILJANNA RAVLICH: Although we have indicated that we will be supporting this legislation, I want to take this opportunity to once again put on the public record our main concerns about this legislation. I had not intended to get up at this time. However, the minister said a number of times, in response to the comments of Hon Ed Dermer, that the government is trying to keep down the cost to families in respect of this legislation, and that it will cost only \$40 for registration. That is not a lot of money. However, I want to take this opportunity to remind the minister that this will be an additional cost to families. It will be on top of the very significant cost-of-living imposts that the Barnett government has put on families in Western Australia. This is yet another example of the lack of sensitivity about what Western Australian families have had to bear under the Barnett government. The key issues for us in respect of this legislation are costs to families, and right of entry.

The minister has also said that the register will not be a public register. I seek some assurances from the minister in relation to this issue, because the other day I received an email from a person who does not want her name to be put in the public arena but who says —

I would like to express my concern regarding the new legislation in the local councils that require cat owners to have their names held on a publicly accessible register. Has the issue of victims of domestic violence been considered? Some women have gone to great lengths to conceal their whereabouts from the perpetrators of violence, only to be thwarted by an unnecessary local government requirement. Unless the councils can guarantee that there will be provision for “unlisted” owners, then they will be adding to the already overwhelming stress experienced by these victims.

I would like some assurance from the minister so that there can be no misinterpretation about the requirement for local governments to ensure that that information in relation to individuals is kept private.

Hon ROBYN McSWEENEY: I need to answer that, because the opposition has a way of twisting words. Hon Ljiljanna Ravlich said that I said only \$40. I did not mention a figure of \$40. I actually said, “Like in Joondalup, where they have a fee of \$10 for a sterilised cat a year, which would be equivalent to a couple of cans of Coke.” I certainly was not dismissive about charges for desexing or charges for registration. What I said was that the minister will take that into account. I said that very clearly.

The second issue that the member mentioned has gone. It is not in the bill any more. There will be no public names and addresses. That has gone.

Hon LJILJANNA RAVLICH: Can I just quickly pick up this point, because we have only the minister's word about what these costs might be. At the end of the day, all of this will be done via regulation. Parts of this legislation will not be enacted until 1 November 2013, because the drafting of the regulations will be a huge job. The minister said that the City of Wanneroo has a fee of \$10, equivalent to a couple of cans of Coke —

Hon Robyn McSweeney: It was Joondalup. You weren't listening.

Hon LJILJANNA RAVLICH: Joondalup—sorry—it was equivalent to a couple of cans of Coke; and so on and so forth. But what I am asking from the minister is an assurance that this is the sort of cost that we are talking about, and that cat owners will not be hit with fees that are 10 times as much. The minister has given us no idea of what the regulations will look like in terms of fees and charges. The only thing we have to go on is the minister's say-so. The minister does not seem to have any indication of what realistically might be some of the fees and charges that will be imposed on Western Australian families. All we ask for is a bit of certainty around that. I do not think that is too much to ask.

Hon ROBYN McSWEENEY: Hon Ljiljanna Ravlich is very good at twisting. I think I made it very clear that people would be charged between \$45 and \$70 for the microchipping. The Australian Veterinary Association

advised that the average price charged by a veterinarian is about \$56 in the metropolitan area. I have said that before. If local government officers—rangers—become authorised implanters, this cost may fall. The cost of the materials to the vet or implanter is approximately \$30, including the initial registration on the database. This will impact most low-income earners, particularly those who have multiple cats. But I also put a qualifier on that; namely, that the minister is looking at those low-income families as to how he can make it cheaper for them. I have said that before.

Hon Ljiljanna Ravlich: Could the minister just provide us with that information about these costs?

Hon ROBYN McSWEENEY: It is actually in *Hansard*. Can the member remember \$45 and \$70?

Hon Ljiljanna Ravlich: Yes, but it would be helpful for us, minister, so that I am not getting it wrong all the time, if we could have this information at hand so that we could look at these costs, because there seems to be quite a significant variance in some of these categories between the lower end and the higher end of the potential costs that will need to be paid. If the minister could provide that information, she could stop me from making silly mistakes and we could speak with some certainty in relation to the sums of money that we are talking about. So, could the minister please provide that information to us?

Hon ROBYN McSWEENEY: I am quite happy for the member to have what I have just read out and what has been recorded in *Hansard*, if the member would like it. It refers to the City of Joondalup's proposed cat law, \$10 per annum or \$25 for three years for a sterilised cat, and it is also talks about the costs of sterilisation. I am happy for the member to have a copy of that.

The DEPUTY CHAIRMAN (Hon Col Holt): The minister can either give a copy to the member, or seek leave to table it.

Hon ROBYN McSWEENEY: I seek leave to table it.

Leave granted. [See paper 3967.]

Hon JON FORD: During the second reading debate, I talked about discretion in regard to penalties and infringements. I am raising this issue during the debate on clause 1 because it goes over a number of clauses and parts of the bill. According to clause 45, "Delegation by CEO of local government", with the exception of sections 63, 64 and 65, the CEO of the local government has discretion about whether an infringement payment can be extended or, indeed, wiped out. Will the delegated officer have discretion? If a ranger is faced with a cat owner who fails to comply for whatever reason—the owner cannot hear what the officer is saying or misunderstands what is said—will the ranger be obligated to issue an infringement notice? Is \$5 000, as stated in some of the clauses, a maximum, a minimum or part thereof, or will it be up to the discretion of the officer, or will only the CEO have the discretion?

Hon ROBYN McSWEENEY: The ranger can decide whether it is an offence, so it will be up to his discretion.

Hon JON FORD: I thank the minister for the answer. What redress does a person have if they receive an infringement notice? Will they have recourse to the Magistrates Court?

Hon ROBYN McSWEENEY: Yes, they will.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Terms used —

Hon LJILJANNA RAVLICH: Given an authorised person will possibly be a police officer, has any additional funding been given for police officers to undertake this function?

Hon ROBYN McSWEENEY: Not that I know of.

Clause put and passed.

Clauses 4 to 8 put and passed.

Clause 9: Registration —

Hon ROBYN McSWEENEY: I move —

Page 8, line 9 — To delete "an offence against" and substitute —

2 or more offences against any of the following

The amendment is to make it consistent with clause 10, so it is a tidy-up.

Hon Ljiljanna Ravlich: A technical tidy-up.

Hon ROBYN McSWEENEY: Yes, a technical tidy-up.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10: Cancellation of registration —**Hon ROBYN McSWEENEY:** I move —

Page 9, lines 9 to 11 — To delete “of 2 or more offences against this Act in the period of 12 months before the cancellation” and substitute —

within the period of 12 months before the cancellation of 2 or more offences against any of the following —

- (a) this Act;
- (b) the *Dog Act 1976*;
- (c) the *Animal Welfare Act 2002*.

This is to provide consistency.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 11 to 13 put and passed.

Clause 14: Cats to be microchipped —

Hon LYNN MacLAREN: Before I move my amendment on the supplementary notice paper, I will give the minister an opportunity to discuss why the age of six months was chosen as the time when microchipping was required.

Hon ROBYN McSWEENEY: As I explained in my reply to the second reading debate, it is because the vets suggested six months. That does not mean it cannot be done a little earlier, but if a cat is very young, most vets would not sterilise it. The appropriate age for desexing varies with individual cases and the age of desexing cannot be specified for all dogs and cats collectively. I guess up to six months was the time arrived at as a result of talking to a lot of vets. People can make up their minds whether they want it earlier, but that is what vets said they will accept. The legislation must be practical. Cat owners must have a reasonable chance of complying with it, no matter where they live, without having to resort to exemption certificates. For that reason, it was decided to make sterilisation mandatory by the age of six months. That is not the same as saying it cannot be done before six months of age. Responsible cat owners should have their cats desexed as soon as they are mature enough, or when a vet is willing to undertake the operation. That will be a focus of the education and awareness campaign. I think most people would be happy with up to six months.

Hon LYNN MacLAREN: Thank you, minister; I appreciate that. I move —

Page 10, line 22 — To delete “6 months” and substitute —

10 weeks

I have not seen anything from the Australian Veterinary Association that says that six months is the perfect time for microchipping or sterilisation; in fact, quite the opposite. The research I have seen shows that at 10 weeks, animals are young enough to develop post-sterilisation. It eliminates problems for cats that mature early and get into the terrible fighting stage in the case of male cats. In fact, female cats can have litters well before they are six months old. Therefore, I would like to ask that the minister and members in this chamber consider moving the age of microchipping in this clause to 10 weeks, because it is the most likely time of the transfer of ownership of the cat from the breeder to the next owner, and the cat will therefore be at the vet or there will be an opportunity to have the young kitten sterilised, and I will just flag a subsequent amendment to the sterilisation point. That is why this amendment is proposed for microchipping at 10 weeks.

Hon LJILJANNA RAVLICH: The Labor Party will not support this amendment. Our local government spokesperson has had the same advice and that is that most vets will not microchip prior to six months. We will just go with that and because of the advice we have received, we will not support this amendment.

Hon ROBYN McSWEENEY: The government will not support this Greens (WA) amendment. We think 10 weeks is far too young for a cat to be microchipped and it is much better to have the age of six months in the legislation. Cat owners can have their cats microchipped before six months of age if they can find a vet that will do it, but six months is what we have in the legislation.

Amendment put and negatived.

Hon LYNN MacLAREN: I move —

Page 10, line 27 — To insert after “stating” —

(with reasons)

Clause 14(2) deals with exemptions from microchipping and a veterinarian is empowered to exempt a cat from microchipping, but the drafting of the clause does not allow an opportunity for the veterinarian to explain why

they have chosen not to microchip a cat. At this point we are talking about a cat that is six months of age and microchipping must be done by that time, even if it is done earlier. Therefore, if for some reason a veterinarian has chosen not to microchip a cat, the Greens (WA) think that it is fair enough to get the reasons for the exemption.

Hon ROBYN McSWEENEY: The government will not accept the amendment, because just by a veterinarian stating that he is exempting a cat, he is giving his reasons. If someone is stating something, they are certainly arguing their reasons, therefore there is no real need for Hon Lynn MacLaren's amendment.

Hon LJILJANNA RAVLICH: The Labor Party will not support this amendment either. In fact, we think it adds ambiguity to something that seems more straightforward without the amendment. We do not think inserting the words "with reasons" adds any clarity to the clause.

Amendment put and negatived.

Hon ROBYN McSWEENEY: I move —

Page 10, after line 29 — To insert —

- (3) A certificate referred to in subsection (2) cannot apply in respect of a cat that is under 6 months of age.

The DEPUTY CHAIRMAN (Hon Col Holt): Would the minister like to give some reasons for that amendment?

Hon ROBYN McSWEENEY: The reason for the amendment is so that cats are not given the certificate just because they are too young. Therefore, the amendment states —

A certificate referred to in subsection (2) cannot apply in respect of a cat that is under 6 months of age.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 15 to 17 put and passed.

Clause 18: Cats to be sterilised —

Hon LYNN MacLAREN: I move —

Page 11, line 19 — To delete "6 months" and insert —

10 weeks

This amendment requires cats that are fertile to be sterilised. Part of the intent of this bill is to reduce the population of unwanted and abandoned cats and to reduce the number of cats that are euthanased because they have been left to fend for themselves or because no-one is looking after them properly. By enabling a cat to not be sterilised up to 6 months of age, we are perpetuating the problem that we are trying to eliminate through this legislation, which is unwanted cats and a huge population of them.

Kittens that are healthy can be desexed at one kilogram and even at 800 grams. It is my understanding, from the research I have done, that sterilising a cat at 10 weeks is acceptable. In fact, in other jurisdictions in Australia it is required. I mentioned in my earlier comments the Gold Coast council local law that requires a cat to be sterilised at 10 weeks. The Gold Coast is one of those places where the Australian Veterinary Association exists; as we know, it exists throughout the country. The information I have from the submission of the Australian Veterinary Association during the consultation on this bill is that at no time does it specify that six months is the preferred age for sterilisation. We want to see this bill succeed and see the number of cats being euthanased fall. It is worth reminding members at this point, when we are talking about the sterilisation of cats, that vets in Western Australia quite often sterilise cats younger than six months of age and, in fact, the Cat Haven—which is one of the places where many cats are euthanased—finds itself in the position of sterilising cats much younger than six months; we know that vets do it.

One of the concerns that I have about trying to reduce the number of cats being euthanased is reducing the stress on those vets, because they fall into a very high suicide risk demographic. Vets in Australia have an extremely stressful job. I cannot imagine how it would be for a volunteer at the Cat Haven or one of the other benevolent veterinary institutions to have to put down thousands of animals, week after week. I am sure these vets would be much happier operating on a young kitten that is going to survive and go on to live a long and very healthy life as a cared-for kitten, than to see thousands of animals being euthanased because of the overpopulation of cats. I urge the minister and members of the government to reconsider their earlier position of not supporting early sterilisation of cats, and to think about the number of cats that can be born during the first six-month period, and the number of cats, especially male cats, that will go out to mate during that time, causing unwanted litters. Those are the reasons for this amendment, and I urge the minister to accept it.

Hon ROBYN McSWEENEY: We will not be accepting this amendment for the reasons I have explained. However, for the member's information, I indicate that the first draft of the bill had three months of age and the vets would not accept it. So it is much better to leave it at six months, and then the sterilisation can be done earlier than six months if someone wants to do so, but six months is the cut-off.

Hon LYNN MacLAREN: I have not seen the vets' submission that says they would not accept three months. I wonder how extensive the consultation was. Was a particular vet spoken to? The vets to whom I have spoken have certainly supported earlier sterilisation. For the record, if we could get some indication of the opposition to the original age of three months, that would be good.

Hon ROBYN McSWEENEY: It was the Australian Veterinary Association, and it was verbal. As we do, we go out and talk to the associations. We are very firm on six months. We are not changing it, and we will not accept this amendment.

Hon LYNN MacLAREN: What about the Cat Haven? Did the government ask the Cat Haven about its views on the age of sterilisation?

Hon ROBYN McSWEENEY: Yes, we did. The Cat Haven sterilises its cats when they are younger than six months. But that is the Cat Haven; this is for the general population.

Hon LJILJANNA RAVLICH: We will not accept the amendment. From my experience as a former local government minister, I know that there are also veterinarians in the Department of Local Government, and I am sure that their advice would have been sought too. I do not see any reason why we would not support the provisions that are already in the bill.

Hon LYNN MacLAREN: What did the Royal Society for the Prevention of Cruelty to Animals say about the age of sterilisation?

Hon ROBYN McSWEENEY: I think the RSPCA is quite happy with this bill, so, overall, I suggest that it was happy with the six months also.

Hon LYNN MacLAREN: I want to put on the record that many animal welfare organisations around Australia support a lower sterilisation age. I look forward to the time when the vets who currently have the minister's ear think about perhaps lowering this age from six months.

Amendment put and negatived.

Hon LYNN MacLAREN: I move —

Page 11, line 25 — To insert after “stating” —

(with reasons)

The reasons for this amendment are the same as for the previous amendment moved. A vet who provides a certificate of exemption should also indicate the reasons. I know that some of the amendments on the supplementary notice paper may address the issue that I have highlighted here, which is that we should have a bit more information other than the fact that sterilisation may adversely affect the health and welfare of the cat. The minister has gone some way to identify the age. This certificate cannot apply to a cat that is younger than six months. However, at this point we do not know that those amendments would be accepted.

Hon ROBYN McSWEENEY: No. We do not accept inserting “with reasons” after “stating”, because, as stated before, if one states something, one is putting one's reasons.

Amendment put and negatived.

Hon ROBYN McSWEENEY: I move—

Page 12, after line 2 — To insert —

(3) A certificate referred to in subsection (2)(a) cannot apply in respect of a cat that is under 6 months of age.

This amendment is to make it consistent with the microchipping.

Amendment put and passed.

Clause, as amended, put and passed

The DEPUTY CHAIRMAN (Hon Col Holt): Hon Lynn MacLaren, would you like to speak to any other clauses?

Hon LYNN MacLAREN: I just wanted to indicate at this point that I have no further clauses that I wish to speak to. I will not be moving any of the other amendments on the supplementary notice paper.

Clauses 19 to 29 put and passed.

Clause 30: Obligation to identify a cat's owner —

Hon ED DERMER: I would like to again refer to a matter that I raised in the second reading debate. If I remember correctly, I raised it again with the minister by way of interjection during her response to the second reading debate. I refer to clause 30(2) under division 3, “Dealing with cats at cat management facilities”. It states —

- (2) Despite subsection (1), a person does not have to scan a cat if —
 - (a) the cat behaves aggressively towards the person or any other person; and
 - (b) the person believes on reasonable grounds that there is a danger to the health or safety of any person in attempting to scan the cat.

The concern I have raised and I would like to raise again is that a cat that has been removed from its normal environment by a stranger and taken to a facility that it is unfamiliar with is likely to behave in a manner that could be interpreted by some as being aggressive. The cat is likely to be in a highly stressed state. My concern is that that is quite natural. Many cats would be in a stressed state in such an environment. I would not like clause 30(2) to become an excuse—that is, for a person in the facility to use clause 30(2) as an excuse to set aside their obligation to endeavour to identify the cat by scanning its microchip. I recollect that the minister said earlier this evening that she believed that it is possible to scan the microchip of the cat by running a scanner past the cage in which a cat is located. Now that the minister has the ability to seek assistance from her advisors, I would like her to confirm whether that is the case and whether she can give me any further details to reassure me that a person in such a facility with responsibility to microchip a cat would be unlikely to use clause 30(2) as an excuse for not microchipping a cat.

Hon ROBYN McSWEENEY: I have checked whether an agitated cat can be scanned. If a person brings in a cat in a cage that is angry, clearly no-one would go near it. The bill provides that as soon as practicable the person responsible would scan the cat after making sure that the cat was in a calm state. A cat's microchip can be scanned from outside the cage. A cat in a cage can get out a little bit, but the scanning can be done while the cat is in the cage. That is the safest option. It is not a tiger and it will not get out of the cage —

Hon Jon Ford: You haven't met some of the cats I've dealt with!

Hon ROBYN McSWEENEY: There is a big difference between feral cats and domestic cats. Hon Ed Dermer is talking about a domestic cat, of course. A domestic cat that is brought into a facility in a cage might be very angry when it gets there. If that were the case, it would be left alone and, as soon as practicable, it would be scanned to see who owns it. Like Hon Ed Dermer, I am very fond of cats and certainly would not like anyone to use that clause as an excuse to get rid of a cat. That is not the intention of the clause.

Hon ED DERMER: I think I understand from the minister two points. Firstly, the minister believes that over time an aggravated cat would become calmer. That is a point on which I am not at all sure I agree with the minister. The minister's second point, if I understood her correctly, is that she is assuring me a scanner can operate from outside the cat's cage. I take more comfort from the minister's second point than I do from the minister's first point that a cat will calm down over time, because I am not at all sure whether that would be the case.

Hon ROBYN McSWEENEY: I understand what the member is saying. Whether the cat calms down would depend on the cat. The member can be assured that the scanner can be used from outside the cage.

Hon ED DERMER: Would a scanner work outside the cage if the cat was moving around or would the cat need to be still?

Hon ROBYN McSWEENEY: Not having a cat in a cage in front of me, it is pretty hard to tell. There are small cats and big cats and big cages and small cages. There are also tranquilisers.

Hon Ljiljana Ravlich: We don't like the way you said that; you had a glint in your eye!

Hon ROBYN McSWEENEY: A cat can be calmed down by leaving in the cage a bit of mince with something in it. If it did not calm down, I presume that a vet could do that. I cannot answer the member's question because I do not know whether it depends on the size of the cat or the cage the cat is in. Presuming that it is a normal sized cat cage, the cat could be scanned.

Hon ED DERMER: I took comfort from the minister's confidence when she told me that she had received advice that a cat in a cage could be scanned from outside. I think that is quite a sensible solution. Given her confidence in giving that advice, I thought that it was quite reasonable to ask whether a cat needed to be still or whether a cat in an aggravated state could be similarly scanned from outside the cage. That is why I asked the question. I would appreciate the minister consulting further with her advisers and having another go at answering the question.

Hon ROBYN McSWEENEY: I certainly was not dismissing what Hon Ed Dermer said. I could not say exactly because I do not have the dimensions of either the cat or the cage. I was hypothesising about a cage that one ordinarily sees at a vet and I presume that if the cat was moving around, the scanner would pick up the microchip. My advisers are telling me that that would be the case. Even if the cat was moving, the scanner could be moved with it. I certainly was not being dismissive of what the member was saying.

Hon ED DERMER: I am very pleased to hear that a moving cat inside a cage could be scanned from outside the cage. I think it is a very important point, minister, and I hope that my concern will be made clear to those at the Department of Local Government who will be dealing with these matters to make sure that this clause is never used as an excuse for not appropriately scanning a cat for its microchip information.

Clause put and passed.

Clauses 31 to 34 put and passed.

Clause 35: Only approved cat breeders may breed cats —

Hon ED DERMER: I referred in my contribution to the second reading debate to an email that I received from Ms Linda Horton. I was talking about the cat fancy. I actually received two emails from Ms Horton, both of which I referred to earlier. To remind members, Ms Horton introduced herself as a member of the governing council of the Feline Control Council of Western Australia. In her second email, she referred to the exemptions on the restricted number of cats for registered cat breeders. She described her circumstances as a lady who owns six cats and who has an interest in pedigree cats and the showing of those pedigree cats. She referred to the structure whereby people are registered with associations such as the Feline Control Council of Western Australia. She stated that the organisations with which they register cats have very strict codes of ethics and directions for people on the responsible care of cats. In fact, from reading this email, in many ways it comes home as a model cat-owning level of care, so obviously she is very enthusiastic. In her first email, she raised the fact that she owns six cats and she stated that if her elderly cat were to pass away, she would be interested in acquiring another sixth cat, in addition to the five she would have once the elderly cat had passed away. In her second email to me, Ms Horton stated —

Fundamentally, I and my fellow Governing Council members agree with the intent of the bill. We've also been pleased with the amendments that were made in the Legislative Assembly and at this stage, we are reasonably satisfied that there will be some protection afforded to breeders, but it is not clear as to whether sterilised registered cats belonging to non-breeding cat enthusiasts will be included or how non-breeding cats owned by breeders will be dealt with. The issue of numbers is also of concern, and while I realise that this is local government business, it would be nice if the legislation provided some governing principles. Hopefully they will be included in the regulations, but it is too important for us to not at least raise it in case the issue arises during the passage of the bill.

My understanding is that Ms Horton is writing about her own circumstances whereby she owns pedigree cats that are sterilised. She is seeking, probably through regulations, a mechanism whereby people in that registered, tightly controlled situation can be effectively exempted from the maximum number set by a local government authority. Elsewhere in her email she makes the point that she has six cats that are very closely controlled and cared for and will create less havoc for the environment around them, perhaps, than a smaller number of cats that are less carefully cared for. I tried to spell out Ms Horton's concern by reading that part of the email and I invite the minister to comment on the possibility of a form of registration being available to cat owners such as Ms Horton that would allow them to have a similar exemption to local government restrictions on the number of cats that cat breeders have.

Hon ROBYN McSWEENEY: I did not quite get the member's concern before in the second reading debate. I have since checked and the Cat Bill does not set a limit on the number of cats a person can own. Some local government authorities have a limit on the number of cats a person can own and they have permit systems to allow people to have additional cats. Some of the local authorities that do that are Albany, Ashburton, Bridgetown–Greenbushes, Busselton, Capel, Donnybrook–Balingup, Kalamunda, Mundaring, Northam, Stirling and Swan. I said before that people need a breeder's licence but they do not because it works on a permit system. Therefore, if Ms Horton wants six cats, she can get a permit to have her six cats. Local government laws allow that permit system, so there is no problem there. If the state government becomes concerned about local government becoming unreasonable about limiting the number of cats, it can introduce regulations under clause 77 that will override the local laws. Therefore, Ms Horton is quite within her rights to get a permit.

Hon ED DERMER: If I correctly understand what the minister said in response to Ms Horton's request for clarification, if I wanted to have more cats than the regular maximum set by my local government authority, I could go to my local government authority and ask for a permit. The local government authority may grant me the permit or it may decide not to grant me the permit. That is the situation that I think the minister has suggested people such as Ms Horton would be in.

Hon ROBYN McSWEENEY: Yes. If an owner, such as Ms Horton, has a reason for having more than the set number of cats, they can apply for a permit for additional cats, even on death and replacement of a cat. Therefore, Ms Horton can do that and I just told the member the local governments that have a limit on the number of cats a person can own. I do not know what the limit is in those local governments, but certainly at the moment, Ms Horton could get a permit to have her six cats.

Hon ED DERMER: If I understand correctly, Ms Horton, who lives in the City of Joondalup, could go to the City of Joondalup and ask for a permit. There is, of course, no guarantee that the City of Joondalup would grant that permit, if I understand the minister correctly.

Hon ROBYN McSWEENEY: The City of Joondalup does not have a limit on the number of cats, so she can have six cats. The local governments that I read out have a permit system. Some local governments do not have a permit system because they do not have a set limit on the number of cats. Therefore, if Ms Horton is in the City of Joondalup area, she can have her six cats because it does not set a limit.

Hon ED DERMER: I think that what would concern Ms Horton would be if the City of Joondalup at some future date was to decide to set a limit. If this bill is enacted, if I understand correctly, it will empower the City of Joondalup to set a limit on the number of cats at any time through its own decision-making process.

Hon ROBYN McSWEENEY: Yes, it can do that; it can have a permit system like the other local governments. If the state government becomes concerned about the local government being unreasonable, it can make a law under clause 77 that will override those local laws. At the moment, Ms Horton can be assured that she can have her six cats and presumably if the City of Joondalup goes down the route of having a permit system, she can apply to have her six cats.

Hon ED DERMER: If I continue to understand the minister correctly, in the event that the local government authority was to decide that —

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

TRANSPORT POLICY — COMMENTS BY MINISTER

Statement

HON KEN TRAVERS (North Metropolitan) [9.45 pm]: Before the Parliament was rudely interrupted by the parliamentary break, during members' statements I had been making some comments about the continuing hysterical attacks on me by the Minister for Transport. It has become almost a daily occurrence that when the Parliament is sitting, the minister comes out and claims some outrageous new thing that I have said and done. Although I am more than happy for the attention of the Minister for Transport and to engage in a debate, I think some issues need to be put on the record to make my position very clear. Often, what we find with the Minister for Transport is that he will seek to twist words to present a picture different from what I have actually said.

The first one I wanted to talk about was an issue that occurred during the break with respect to the government's so-called proposal for a light rail route into the northern suburbs. Having been out into the area that is likely to be serviced by this line, I suspect most of the community is very sceptical about whether the government will ever deliver on it. I share that scepticism, because the Liberal Party has a 30-year history of making huge promises when it comes to public transport but never delivering on them.

During the break, it came to my attention that the government was looking at a proposal and had a concept plan developed for a light rail system that would include a bus–light rail interchange on the corner of Alexander Drive and Grand Promenade that would require houses to be resumed. Having discovered that, I thought it was really quite interesting that, firstly, the government had not been out there and open in telling the people of Western Australia about the implications of the routes it was considering, which I think is very important if we are going to have public support for light rail proposals. But, secondly, it surprised me that the government had not ever told anyone or said anything, even though its public comment period ended last Friday. I would have thought the government would have been open and honest about that. Having sat, along with members of this house, on a committee that looked at the erosion of private property rights, I know the strong position Liberal Party members have taken in the past on the erosion of private property rights. I accept that, from time to time, public works require property to be resumed, but we should be open and honest with people when that is the option, and look at whether there are better alternatives that do not require land to be resumed. That is the first thing.

I think there are many, many other alternatives that could be looked at to achieve a light rail system through that corridor without resuming the houses that are proposed to be demolished under the Liberal Party's plan. In fact, in the past couple of weeks I attended a feedback session after a masterclass that was run by the Planning Institute of Australia and the Australian Council for New Urbanism that looked at a whole range of proposals for light rail in the northern corridor. These were planning experts who came up with a lot of very good proposals that did not see the need for any properties to be resumed. There are alternatives. That is the debate that should have been had as part of the public comment period for the master plan.

The third thing that surprised me was the lack of understanding of the Liberal government about how light rail operates. It is very different from the heavy or urban rail that we have in Perth. The Minister for Finance would not know. He opposed the northern suburbs line. His government did nothing on the Mandurah railway line. We know that he will groan and moan about this because the Liberal Party is opposed to it.

The railway stations in Perth are about three kilometres apart. We aggregate people by them walking, riding, catching buses, parking their private cars at those railway stations or using the Kiss 'n' Ride drop-off areas. That is the modern urban railway system that we have in Perth.

Light rail is very different. It is about stimulating and renewing our urban communities. It is about generating walkable catchments around stations—very similar to how some of the old railway stations in Perth were designed. If anything was to be done to the houses around the light rail route, they should be changed to higher density uses for the urban population. We should not build car parks or light rail–bus interchanges. If we want to have a bus–rail interchange, we should take it to a heavy rail network. That is where we should be doing it, not at a light rail network. That was the third concern I had.

The final thing that I found absolutely extraordinary was that when the minister was confronted with the work that had been done, he claimed to have no idea about it. That just sums up the level of priority that the Liberal Party ministers give to developing public transport. Once again, it highlights the fact that it is about a glossy bit of paper to try to delude the people of Western Australia. After 30 years of broken promises, they will not be taken for a ride yet again by a promise of the Liberal Party. Over the next couple of nights I hope to outline the many broken promises of the Liberal Party when it comes to public transport.

Hon Simon O'Brien: That gives us something to look forward to, doesn't it? I can hardly wait.

Hon KEN TRAVERS: One of the interesting things I have noticed since the new minister has taken over the transport portfolio is that he is rewriting the election commitments, ditching the commitments of the former minister, who was then the shadow minister who wrote the election policies. Day after day I pick up a new announcement from the government that completely turns on its head the previous commitments of the government, breaking election promises in the process. When challenged about it, the minister's response to why he is breaking the policy is because it was a silly policy. That is effectively what he is saying.

The government is trying to use light rail as a cheap way of providing heavy rail. The people of Western Australia deserve faster, better options—the sort of options that Labor has built for them in the past. We are the party of public transport. On the front page of tomorrow's *The West Australian* that we are lucky enough to get an early edition of here people will see yet another example of where the government does not take public transport seriously. On Monday we discovered that even with the additional rail carriages that have been ordered by the Barnett government, in 2016 the crowding on our public transport will be worse than it was in March this year. We are going backwards. What was the minister's response? *The West Australian* reported —

But Transport Minister Troy Buswell said the increasing patronage on Perth trains was a vote of confidence in the Barnett Government's investment in public transport.

What investment? Labor built the Mandurah line. Labor built the northern suburbs line. This Liberal government has not built a centimetre of railway track. I think this is the first lot of trains it has ordered. When we look at the total fleet of railway carriages and how many were ordered under Labor, we find that this government ordered the bare minimum because it hated it. The government has an open hostility towards rail. It has never built it, it does not like it and it will continue to fight it every step of the way by doing the bare minimum. It is not good enough to say that it can order more trains as time goes on. It should have ordered the trains that it was told by the Public Transport Authority to order two years ago and it did not. It should have ordered more trains again this year when the results of its failure two years ago came to public attention. It now needs to order more trains and speed up the delivery of those trains over the next couple of years.

I will continue to hammer this issue. One thing I learned in primary school is that there is always a smart kid who wants to be the class clown, and he always gets beaten by a kid who might not be as smart as he is but who works hard. That is what I think we have here. We have a Minister for Transport who seems to be more interested in writing bawdy jokes and pretending he is Benny Hill when he makes a public appearance than he is in doing the real, hard work—and hoping that his intelligence will let him get away with it. He is a bright bloke but that will not defeat hard work. There are many issues on public transport that this government is neglecting. Perth is a transforming city. We need light rail but we need to do it properly. We need more rail and more heavy rail built quickly.

Hon Max Trenorden interjected.

Hon KEN TRAVERS: One issue the public transport master plan does not address, which Hon Max Trenorden should be interested in, is intercity connections into Perth. There is not a single word in that track plan about how trains will get from Bunbury or the Avon Valley into the Perth metropolitan area as Perth and those areas grow and more intercity trains are needed. This government is completely failing the people on public transport.

Several members interjected.

The PRESIDENT: Order! This is when members' statements become difficult. I have the names of four people who have indicated they want to speak. However, one member has made some direct points, which a minister wants to respond to. I therefore feel obliged to give that minister the opportunity to speak, and I hope that everybody else also gets the opportunity.

TRANSPORT POLICY — COMMENTS BY MINISTER

Statement

HON SIMON O'BRIEN (South Metropolitan — Minister for Finance) [9.56 pm]: I will be brief, Mr President, because there is not much to respond to but the previous statement does require a response. The bitterness of Hon Ken Travers is on display. He does not have a constructive thing to say. The fact of the matter is that this government has been doing a great deal with public transport—things that did not happen under the previous government.

Hon Ken Travers: Ha, ha!

Hon SIMON O'BRIEN: Hon Ken Travers should go and suck a lemon for a little while—it might improve his demeanour—and he should keep his mouth shut while he listens to some facts!

Hon Ken Travers: Stop making me laugh!

Hon SIMON O'BRIEN: That is what Hon Ken Travers needs to do.

The Mandurah rail line was a project conceived and implemented by the Court government. The changes introduced by the Labor government that followed were about the route at the northern end of the line. I will acknowledge that they were significant changes. However, members opposite should bear in mind, while they are peddling their untruths about the Liberal Party never showing any interest at all in railways, what the actual record is. The truth speaks for itself. I also remind members opposite that the first several hundred million dollars —

Hon Norman Moore: Three hundred million.

Hon SIMON O'BRIEN: At least \$300 million was provided for that project—not in some sort of forward estimates or anything remotely like that, but in cash from the sale of the Dampier to Bunbury natural gas pipeline, if memory serves me correctly.

Hon Norman Moore: That is absolutely correct.

Hon SIMON O'BRIEN: That is the first thing. The second thing is that this government—I know as I was the minister who put the enabling bill through this very house—is doing some serious extensions right now to the northern suburbs rail line. Those extensions are different from the ones proposed on the run by the previous government—a government that also claimed it would build a railway to Ellenbrook. We should have worked out then that that claim was based on nothing.

Hon Ken Travers: You promised it as well, minister.

Hon SIMON O'BRIEN: When the then Hon Graham Giffard with the then Premier Carpenter by his side was out there in Ellenbrook banging in a star picket with a sign on it, one person was conspicuous by her absence; that was Hon Alannah MacTiernan, the then Minister for Planning and Infrastructure. She knew that that was an exercise in —

Hon Ken Travers: So why did you promise it then?

Hon SIMON O'BRIEN: It is because we were silly enough to believe the then government's Premier when he said that they had done their homework and knew what the cost would be. That was simply not the case. We got in and found that none of the work had been done. We set about doing it. Mr President, it was I, as Minister for Transport, who initiated the process of providing this city with its first public transport master plan to guide the massive investment needed in the future. Hon Ken Travers does not even understand what this plan is intended to do. Perhaps he ought to seek a briefing —

Hon Ken Travers: I did, and you know what? The minister was too embarrassed to give me one. He wouldn't give me one because he was too embarrassed about the plan.

The PRESIDENT: Order! Order! We have a few microphone problems in the chamber, but certainly not in the case of the desk in front of Hon Ken Travers.

Hon Ken Travers: Now you tell me!

Hon SIMON O'BRIEN: Finally, Mr President, the honourable member was purporting to complain about not liking the way in which the now Minister for Transport has responded to the public allegations of Hon Ken Travers. Well, boohoo! The member should not throw stones if he cannot take a dose of his own medicine.

Hon Ken Travers: I will debate him anywhere, any time! I am happy to debate him anywhere, any time!

Hon SIMON O'BRIEN: Oh, are you just! Well go out there and do it instead of wasting our time with your nonsense!

The PRESIDENT: Order! Let us stick with the issues and not the personal comments or finger-pointing.

Hon SIMON O'BRIEN: Mr President, if the honourable member is so upset that he wants to detain the house's adjournment in order to grizzle, so be it. The point is, when Hon Ken Travers goes out on the attack, he has to expect a response. The specific that I think he was referring to was when he went out and, with very little basis, tried to start a scare campaign, saying that people's homes will be resumed and demolished. And of course there have been no such decisions about that.

Hon Ken Travers interjected.

The PRESIDENT: Order!

Hon SIMON O'BRIEN: If Hon Ken Travers understood what the public transport master plan process was all about, which he clearly does not —

Hon Ken Travers interjected.

Hon SIMON O'BRIEN: We see how much gall he has. However, Hon Ken Travers does not like it when he is subjected to the same levels of accountability that he claims to demand of others. How do we know that he does not accept the same level of accountability? Because if anyone wants to query his outlandish statements, be they made in the house or in another place, we get nothing from him but squeal, squeal, squeal!

Hon Ken Travers: I welcome it and I am happy to have the debate.

Hon SIMON O'BRIEN: You just keep squealing!

Hon Ken Travers: I am not squealing; I am happy to have the debate.

Hon SIMON O'BRIEN: The member can keep squealing, but should try to get his facts straight, because he otherwise does not have any credibility.

SAORI JONES

Statement

HON ALISON XAMON (East Metropolitan) [10.02 pm]: I rise tonight to speak about the case of Saori Jones. A story that is both tragic and horrific, it is, however, important that it is told in this place.

Saori Jones mattered. Her life was important. And she was killed in horrific circumstances of domestic violence, by a brutal and violent man—her estranged husband. Saori Jones was the mother of two small children—a four-year-old daughter and a 10-month-old son. She was a loving mother who was still breastfeeding her son at the time of her death.

Saori endured a number of years of horrific domestic violence, since at least as far back as 2007 when she stayed at the Koolkuna Women's Refuge. Saori sought refuge on two occasions that we know of. And in 2008 her husband received a community-based order for a serious assault against her. In December last year, she was punched in the head by her estranged husband in front of their two children and her body left to rot in his apartment for almost two weeks before police found it following a search of the house. A post-mortem examination of Saori showed she had sustained a fracture to the left side of her skull, but her body was so badly decomposed the cause of death could not be determined.

It is an enormously upsetting case. What happened to Saori was horrific. The fact that her young children were in the house, and living with her decomposing body, is horrific. These two young children will now not only grow up without their mother but also with the knowledge of the circumstances of her death, which have been made public. To make matters so much worse, the fact that Saori may have lived if her husband had shown any concern for her welfare at any stage after the violent, drunken assault, instead of showing completely callous disregard for her, is gut wrenching. On 21 September Ms Jones' estranged husband was jailed for five years after pleading guilty to assault resulting in death. With parole, that means he could be out as early as December 2013.

The Women's Council for Domestic and Family Violence Services, specifically the staff at the Koolkuna Women's Refuge, have understandably been not only outraged but also devastated by Saori's case. Saori Jones was well known to them. Some members have received a copy of a letter from Angela Hartwig, CEO of the women's council, to the Attorney General expressing the council's outrage and disappointment at the lenient sentence given to Saori's killer. In her letter, Angela raises a number of other specific concerns the council has with this tragic case. Angela notes that refuge staff had assisted Saori and her two children in the six months prior to her death. When Saori missed an appointment, refuge staff alerted police to conduct a welfare check.

When police attended Mr Jones' home, he told them that Saori had "run off with the best man". Despite these experts in domestic violence advising police that they considered this was extremely unlikely and pleading with them to investigate further, police chose to accept the lies of Mr Jones. It took continued efforts by refuge staff and two subsequent visits by police to search the house and finally find Saori's body. Angela writes in her letter that this blatant act of violence was not an assault but a vicious and horrendous act of violence that was followed by the deliberate concealment of the killing, as he left his wife to die. Mr Jones did not seek any medical treatment for his wife either that night or the following day.

The women's council understands that original charges against Mr Jones were upgraded to manslaughter. This is also borne out by newspaper reports at the time. But then, for some reason, the charges were later downgraded to assault causing death. The reason I am standing here talking about this tonight is simply that the charges and eventual sentence do not reflect the seriousness of what was a brutal crime; a crime that was not a one-off assault but was the culmination of years of abuse and violence. Many people have contacted the women's council expressing outrage about this case. There are also hundreds of online comments in response to the articles. Our community clearly expects better when it comes to cases like this. In its letter, the women's council calls on the Attorney General to consider appealing the sentence Mr Jones received and upgrading the charges against him to reflect the severity of this crime. Attempted murder carries a maximum penalty of life imprisonment and manslaughter a maximum of 20 years, while the maximum for assault causing death is only 10 years' jail. I understand that the Director of Public Prosecutions has decided not to appeal as it does not believe there is enough evidence to support the higher charge.

I think the outcome of Saori's case is terribly unjust. What message are we sending to victims, their loved ones and families? Equally disturbing: what message are we sending to perpetrators? Are we saying if a man kills his wife, just make sure her body is left long enough for the evidence to decompose? I am asking how this can happen within our community. There seems no question that Mr Jones was a violent man. The fact that he was charged comparable to a one punch momentary loss of control, when we know he had a history of violence, seems terribly unjust. That is not to take away the seriousness of assaults which cause death from one punch, but this was a situation in which a man had a known and ongoing history of deliberate and serious violence.

It is also of grave concern that in this case the police appeared not to take seriously the concerns of refuge staff, who are professionals. It was not until the third visit that police finally entered the premises and found Saori's body. The women's council has also expressed concern that Saori's case is not isolated. For example, there is the case of Lincoln Warra, a Kununurra man, who, in February this year, was also sentenced to five years' prison after pleading guilty to unlawful assault causing death. His 37-year-old partner was found dead in their Kununurra home in November 2009 following a series of violent and vicious attacks against her. A five-year sentence for these two cases seems such a pitifully small price to pay. In both cases there was a history of domestic violence for which these two women paid the ultimate price. These women should not be just statistics. It is imperative that we get clear and unequivocal messages from our judiciary, from our government, and from all government departments, including the police department, that domestic violence is taken seriously, and that the perpetrators of domestic violence will be investigated with rigour when concerns are raised, and will be held accountable for their crimes. The government's clear commitment to its tough-on-crime message must not have an addendum that says, "Except for victims of domestic violence". Saori Jones mattered. Her life mattered. She deserved to live, and her children deserved to have a mother. Her death is a tragedy, and her case is a stark and tragic reminder that we still have a long way to go to address the serious issue of domestic violence. No-one in this place can feel confident that we have done all we can, because particularly when we look at cases like Saori's, it is too obvious that there were too many times and points at which the system and the law failed her.

EARLY CHILDHOOD DEVELOPMENT

Statement

HON LINDA SAVAGE (East Metropolitan) [10.10 pm]: Before I begin to speak about the matter that I want to speak about tonight, I want to add to what Hon Alison Xamon has said about Saori Jones. I also received a copy of that letter, as did Hon Sue Ellery. The circumstances that Hon Alison Xamon has outlined were horrendous and barely bear thinking about. As Hon Alison Xamon has said, too, it does raise the question as to what further responses, with both legislation and policy, need to be considered, because clearly this is an area that policy makers continue to struggle with. That is notwithstanding the fact that it has been nearly 20 years since the Taskforce on Gender Bias, of which I was a member, reported in 1994 on not only restraining orders but also domestic homicide. Just as has been raised tonight by Hon Alison Xamon, there were concerns at that time that we were not addressing this problem as we should, and that we needed to make far greater effort to do so. I feel certain that this remains an area of crime that continues to increase. Every effort should be made by all of us to work out better responses. In particular, every effort should be made by this Parliament, which is in a position to pass legislation, and has not hesitated to do so, to protect certain groups within society with quite specific amendments to the Criminal Code.

Having said that, I want to speak about what I had intended to speak about tonight, and that is to follow on from the comments that I was making on 29 September about the critical significance of the earliest years of a child's life, including in the womb. I was talking in particular about the brain development that occurs in the early years. I would like to quote from the submission by the Royal Australian and New Zealand College of Psychiatrists to the Commissioner for Children and Young People's inquiry into the mental health and wellbeing of young people in Western Australia this year. It said in that submission —

There is now unequivocal evidence that early experiences during the period from birth to five years of age determine brain architecture and that, once formed, this provides the foundation for all future learning, behaviour, and physical and mental health. While genes determine when neural circuits in the brain are formed, early experience shapes how that formation unfolds.

The link between what is experienced in early childhood and mental ill health, which I would like to speak about tonight, is very well understood. There is compelling evidence—such as that in the California Adverse Childhood Experience study, which is one of the most comprehensive investigations into the links between child maltreatment and wellbeing in later life—that adults who had had those adverse childhoods showed high levels of violence, antisocial behaviour, mental health problems, school and economic underperformance, as well as poor physical health. As I said earlier, it is the effect of what a child experiences, not in just their early years but also in the womb. I notice that Hon Helen Morton has had to leave the chamber, but I was with her at the perinatal mental health conference last week. The topic was the mental health of the mother and in particular the effect that the mental health of the mother and other stresses and anxieties have on the developing brain of the child.

We certainly know that different parts of the brain develop during different sensitive windows of time in the womb, and in those early years in particular, when up to about 85 per cent of brain development has occurred by age 3. The estimated prime window for emotional development is up to 18 months. By that time the foundation has been shaped by the way in which the prime carer interacts with the child. That is the attachment theory I spoke about last week. Perhaps I should add that, although I referred to the adverse experience and the effect that has on the child, it is now understood that even if children who are not suffering an adverse situation—children who may be very affluent—are not supported and nurtured in those early years, or not parented well enough, that lack of support and nurturing is now understood to have a later effect on the way they form relationships and on their own mental health.

I think I have quoted this before, but in evidence to the Legislative Assembly's Education and Health Standing Committee in August 2009 Dr Stephen Patchett, the then executive director of mental health, told the inquiry —

There is really good evidence now that we should be concentrating mostly on infants—not even children; on infants. The kinds of traumas they may suffer—broken families, and sexual, physical and emotional abuse—leave a very deep mark on the psyche at an early stage. Increasingly, the world is heading that way.

I would like to talk about the funds that we are investing in this critical area. I have asked a number of questions in Parliament to try to ascertain what is actually spent on children and adolescents in this state. More particularly, I have attempted, through questions and letters to ministers and in estimates hearings, to work out what is spent in the earliest years. I do not have time tonight to go through the responses, but I can tell members that when I asked what percentage of the total health budget of \$6.219 billion was spent on child and adolescent health services the answer was \$345.492 million. That is 5.6 per cent of the total budget on child and adolescent health. When I asked a question in September this year, I was told that the child and adolescent mental health component of that is \$45.877 million. That works out at just 12 per cent of the child and adolescent health services budget. The Mental Health 2020 policy announced last week by the Minister for Mental Health refers at page 20 to the importance of positive mental health and support for infants and children. In a section beneath that entitled “Looking Forward Means” is the dot point, “Improved support for perinatal and early childhood mental health services”.

Obviously the budget that I referred to is quite small: 12 per cent of the child and adolescent health service budget, which itself is very small in comparison with the total health budget. That may no doubt be why the Commissioner for Children and Young People, Michelle Scott, in response to the announcement of the Mental Health 2020 document, said that far more resources were needed, given that it is during childhood and the adolescent years that people are most affected by mental health problems, and children and adolescents are the single biggest group that suffers from mental health problems. I note that I will struggle to finish my speech in the time left. I wanted to refer to an article by Dr Caroline Goossens from June 2011 in *Medical Forum*. She is the chair of the Western Australia Faculty of Child Psychiatry. She made the point that, despite what we know about the early years, the amount of money allocated to child and adolescent mental health services is only 10 per cent of our mental health budget, although adolescents and children make up 25 per cent of the population. I look forward to the Minister for Mental Health matching the 2020 document commitments with far more increased funding.

BILLS

Returned

1. Inheritance (Family and Dependants Provision) Amendment Bill 2011.
2. Electronic Transactions Bill 2011.
3. Statutes (Repeals and Minor Amendments) Bill 2010.

Bills returned from the Assembly without amendment.

House adjourned at 10.22 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

BEN'S ADMINISTRATION COMPANY — EVALUATION CRITERIA

4557. Hon Alison Xamon to the Minister for Disability Services

I refer to the individualised funding pilot program run in conjunction with Ben's Administration Company, and I ask —

- (1) What evaluation criteria were put in place before the pilot was commenced?
- (2) Were criteria or targets for success determined in advance?
- (3) If yes to (2), what were these targets and how were they to be measured?
- (4) Will an evaluation report be written?
- (5) If yes to (4), has the report been completed?
- (6) If yes to (5), please table a copy of the report.
- (7) If no to (5), when will the report be completed?
- (8) How will the findings of the evaluation be used to inform future work in this area?
- (9) What support was offered to Ben's Administration Company to understand and comply with Disability Services Commission's (DSC) requirements of —
 - (a) governance;
 - (b) accountability; and
 - (c) a funding plan as distinct from a budget?
- (10) Has the Commission developed templates or other supporting documents to assist potential future trial participants to comply with DSC requirements referred to in (9)?
- (11) If yes to (10), please table the documents.
- (12) If no to (10), why not?
- (13) What was the public criticism Ben's Administration Company is deemed to have made of the DSC and when and where did it occur?

Hon HELEN MORTON replied:

- (1) No individualised funding pilot program commenced.

Interim support arrangements commenced on 1 July 2010, at which time Ben's Administration Company began managing funding and supports for Ben through a monthly acquittal process. The interim arrangements began while negotiations continued with Ben's Administration Company to establish a personalised service contract for a two year pilot project. The necessary safeguards and governance requirements set out by the Commission were not acceptable to Mr and Mrs Dainton and they withdrew from negotiations with the Disability Services Commission prior to agreement being reached.

- (2)–(8) Not applicable.

- (9) Numerous contacts between Mr and Mrs Dainton and the Commission occurred during negotiations to discuss what needed to be completed in terms of governance, accountability, budget acquittal and the development of a funding plan.

- (10) No templates are available at present. The Disability Services Commission, however, has provided funding to a disability peak body to undertake work with the disability sector to develop self-directed supports and service strategies. The funding is aimed at assisting the disability sector to proactively and innovatively move toward giving people with disability more say in how their support arrangements are delivered.

The self-directed supports and services approach is also a major focus of the Commission's newly established Community and Sector Development Directorate.

As this new initiative develops, individuals with disability, families and carers will be kept fully informed and documents released as the work progresses.

- (11) Not applicable.
- (12) See answer to question 10.
- (13) Mr Dainton was present at the Partnership Forum hosted by WACOSS on 6 October 2010. This forum was attended by a range of people including individuals with disability, families and carers, disability sector service providers and providers from other human service areas and representatives from public sector agencies.

Mr Dainton addressed comments to the Partnership Forum's Chair which were very critical of the bureaucrats who in his view had "buggered" up the BAC concept and who were unsupportive and obstructive at every turn.

LOT 800, ALBANY HIGHWAY — DEVELOPMENT

4559. Hon Alison Xamon to the Leader of the House representing the Premier

I refer to the City of Gosnells plan to develop Lot 800 Albany Highway, close to the Gosnells train station, and I ask —

- (1) Is the Premier aware of the City of Gosnells proposal to Lot 800 Albany Highway, close to Gosnells train station?
- (2) Has the Premier, or any other agencies had any conversations with the City of Gosnells regarding the potential for re-locating a small-to-midsize Government Agency to Gosnells?

Hon NORMAN MOORE replied:

- (1)–(2) The Premier met last year with the City of Gosnells where a range of issues, including use of land next to the Gosnells train station, was raised.

ROCKINGHAM GENERAL HOSPITAL — MENTAL HEALTH UNIT

4569. Hon Ljiljana Ravlich to the Minister for Mental Health

I refer to the 30 beds at the Mental Health Unit at Rockingham General Hospital, and I ask —

- (1) Have the 30 beds at Rockingham General Hospital been authorised?
- (2) If no to (1), why not?
- (3) When will the beds at Rockingham General Hospital be authorised?

Hon HELEN MORTON replied:

- (1) Yes.
- (2)–(3) Not applicable.

MENTAL HEALTH FACILITIES — SUICIDES

4572. Hon Ljiljana Ravlich to the Minister for Mental Health

What is the total number of patient suicides that have occurred at all State run mental health facilities over the following financial years —

- (a) 2008–2009; and
- (b) 2009–2010?

Hon HELEN MORTON replied:

Please refer to Legislative Council Question on Notice 3504.

ROCKINGHAM GENERAL HOSPITAL — MENTAL HEALTH BEDS

4573. Hon Ljiljana Ravlich to the Minister for Mental Health

- (1) Can the Minister confirm that the new mental health unit at Rockingham Hospital remains unauthorised (unable to take involuntary clients), so the beds which have been opened are for voluntary clients only?
- (2) If yes to (1), why have the beds not been authorised and when is it expected that they will be?
- (3) Can the Minister confirm that the shortage of locked beds and the delay in opening the locked beds at Rockingham Hospital is causing major problems in hospital emergency departments?

Hon HELEN MORTON replied:

- (1) No. The Unit has received authorisation.
- (2) Not applicable.

- (3) The 20 newly authorised beds at Rockingham Hospital will increase capacity to manage people with a mental illness in a specialised mental health setting.

SYNTHETIC CANNABIS — BAN

4575. Hon Ljiljana Ravlich to the Minister for Mental Health

I refer to the outlawing of synthetic cannabis, and I ask —

- (1) Given that the Australian Medical Association Western Australia President Dr David Mountain stated that ‘health authorities around the world have identified 200 substances used to create synthetic cannabis’, why have you no way of enforcing a ban on emerging forms of synthetic cannabis?
- (2) Have any additional resources been allocated to identify alternate solutions?
- (3) If yes to (2), what are they?

Hon HELEN MORTON replied:

1. Controlling all synthetic cannabinoids is a complex matter that has challenged jurisdictions internationally to effectively control.
- The Western Australian Government has listed 22 synthetic cannabinoids as Schedule 9 substances and effectively banned their sale, supply and possession in Western Australia.
- National action is the most desired option in regulating these substances. The Australian Therapeutic Goods Administration is currently considering proposed methods by which the 8 recognised classes of synthetic cannabinoids, containing the various individual substances, may be controlled. Western Australia is an active contributor to this process.
2. The Drug and Alcohol Office is funding this activity from within its core budget.
3. Not applicable.

PUBLIC HOUSING — MAINTENANCE PROGRAM

4581. Hon Lynn MacLaren to the Minister for Finance representing the Minister for Housing

I refer to the Barnett Government’s maintenance program for the Department of Housing, and I ask —

- (1) Under the *Residential Tenancies Act 1987* (RTA), section 46 — Owner’s right of entry, subsection 1(1)(e), for the purposes of inspection or maintenance the tenant must be provided with at least 72 hours notice to be given, does this provision apply to Homeswest tenants?
- (2) If no to (1), why not?
- (3) What are the obligations for maintenance services to provide notice to Homeswest tenants?
- (4) How many complaints (written and by phone) has Homeswest received since June 2010 in relation to maintenance workers —
- (a) behaving inappropriately on site;
- (b) entering properties without notice or consent; or
- (c) damaging property?
- (5) How many complaints has Homeswest received about Head Contractor Transfield Services since the Head Contractor Maintenance model was introduced?
- (6) Does the new model include provision for tenant training and education in relation to —
- (a) their rights and obligations; and
- (b) self managing home repairs and maintenance?
- (7) Can the Minister confirm the painting subcontractors for Transfield are based in Sydney and operate on a fly in fly out basis?
- (8) Does the Standard Homeswest Tenancy Obligation—medium density dwelling—include an exemption to the RTA, section 46, in relation to providing 72 hours notice?
- (9) What are the provisions for Homeswest tenants and urgent repairs?
- (10) How many breaches has Homeswest placed against maintenance contractors in —
- (a) 2001–02;
- (b) 2002–03;
- (c) 2003–04;

- (d) 2004–05;
- (e) 2005–06;
- (f) 2006–07;
- (g) 2007–08;
- (h) 2008–09;
- (i) 2009–10; and
- (j) 2010–11?

Hon SIMON O'BRIEN replied:

The Department of Housing advises:

- (1) Yes.
- (2) Not applicable.
- (3) See (1) above.
- (4) The Department does not keep statistics on these types of complaints.
- (5) The Department does not keep statistics on these types of complaints. The Department does maintain statistics on maintenance call backs received by Housing Direct, a measure that indicates what proportion of callers are following up on maintenance requests. As at 30 September 2011 this proportion was 7.32%.
- (6) Tenants are given a copy of the brochure Residential Tenancies Act — 'Tenants Rights and Responsibilities' and a copy of their signed Tenancy Agreement.
 - (a) A new tenant is provided with information on how to report maintenance issues to Housing Direct and the brochures "Know Your Smoke alarm", RCD Fact Sheet and Preventing Dampness and Mould. Regular updates on maintenance safety are included in tenant newsletters.
- (7)–(8) No.
- (9) Tenants are required to report maintenance issues to Housing Direct, where the priority of the repair will be determined. Emergency repairs will be responded to within three hours by the Contractor in the Perth metropolitan area.
- (10)
 - (a) 2001–02: Statistics are not available.
 - (b)–(c) Between 2002 and 2004, no breaches were issued. The Department had a 'three strikes and you are out' process whereby contractors were not given the opportunity to carry out work if they had 'struck out'. 27 First Strikes and three Second Strikes were issued against maintenance contractors during this time.
 - (d)–(h) In the period 2004–2009, the Department issued 68 First Strikes and 24 Second Strikes against maintenance contractors;
 - (i) 2009–10 — One.
 - (j) 2010–11 — Nil.

DRUG AND ALCOHOL ABUSE — PREVENTION FUNDING

4584. Hon Ljiljana Ravlich to the Minister for Mental Health

I refer to the Drug and Alcohol Interagency Strategic Framework for Western Australia 2011–2015, and I ask —

- (1) How much funding has been allocated in this financial year for the expansion of prevention, treatment and support services?
- (2) Which specific services have been funded?
- (3) Have any funds been allocated over the forward estimates for these services?
- (4) If yes to (3), which services and in which financial years?
- (5) Which of these services are available for the consumer?
- (6) Which services are still in the planning and implementation stage?
- (7) Of those listed in (6), how long until these services will be available to the consumer?

Hon HELEN MORTON replied:

- (1)–(7) In the 2011/12 financial year, the Liberal–National Government has allocated over \$10 million for the expansion of prevention, treatment and support services.

\$19.3 million over four years through the Royalties for Regions scheme for the expansion of alcohol and other drug services within the Kimberley and Pilbara Regions and in Carnarvon. \$3.292 million has been allocated for this financial year

The Pilbara and Kimberley funding will be offered for tender and contracting completed this financial year. Pending recruitment and accommodation requirements, a phased roll-out of the Kimberley/Pilbara services is planned with expanded services becoming available from this financial year.

The Carnarvon funding will build an alcohol and other drug facility, which is expected to be operational in 2012/13.

\$1.03 million over four years for the expansion of alcohol and other drug residential services in Kalgoorlie, with \$247,000 been allocated for this financial year. The funds will enable the residential services provided by Prospect Lodge to operate at full capacity.

\$8.5 million for this financial year has been allocated to the Department of Housing to provide 15 transitional accommodation dwellings for high needs clients exiting alcohol and other drug residential treatment. \$1.5 million over four years, of which \$150,000 has been allocated for this financial year, will provide support for the individuals and their families residing in the dwellings. The service providers will be contracted as houses become available over the 2011/12 year.

A total of \$7 million over the next four years, of which \$1.72 million has been allocated in this financial year, will go towards the implementation of the cannabis law reforms. The Department of Health and a range of non-government alcohol and other drug agencies and community controlled health services will provide the cannabis intervention sessions throughout Western Australia.

\$1.89 million has been allocated over the next two years through the COAG Closing the Gap process to strengthen the range of alcohol and other drug service and prevention responses for Aboriginal people, their families and communities in the North and South Metropolitan Area Health regions \$787,000 of this funding has been allocated for the 2011/12 financial year. The Aboriginal Alcohol and Drug Service has been contracted to provide the treatment and support service and the Drug and Alcohol Office will provide extended prevention support.

\$1.77 million has been allocated over the next three years to develop and implement state-wide Aboriginal Foetal Alcohol Spectrum Disorder prevention initiatives under the COAG Closing the Gap Indigenous Early Childhood Development National Partnership. \$489,000 of this funding is allocated for this financial year. The project is being undertaken by the Drug and Alcohol Office.

ALCOHOL MANAGEMENT PLANS — IMPLEMENTATION

4585. Hon Ljiljana Ravlich to the Minister for Mental Health

I refer to the Drug and Alcohol Interagency Strategic Framework for Western Australia 2011–2015, and I ask —

- (1) How many Alcohol Management Plans in high risk regional and remote communities have been implemented since September 2008?
- (2) Where have these Alcohol Management Plans been implemented?
- (3) How much funding has been allocated to each Alcohol Management Plan in each community over the forward estimates?

Hon HELEN MORTON replied:

- (1) Six alcohol management plans have been implemented and four are under development.
- (2) There are existing alcohol management plans in:
 - Halls Creek (Kimberley)
 - West Pilbara (Pilbara)
 - Dongara (Midwest)
 - Morawa (Midwest)
 - Mullewa (Midwest)
 - Albany (Great Southern).

There are alcohol management plans being developed in:

- Fitzroy Crossing (Kimberley)
- Dampier Peninsula (Kimberley)
- Port Hedland (Pilbara)
- Collie (Southwest).

- (3) There is no dedicated funding to alcohol management plans. Implementation of plans is met through the core funding of agencies with support from applications to various funding bodies such as Healthway and Lotterywest.

Royalties for Regions funding has been allocated to increase alcohol and other drug services in the Kimberley and Pilbara regions. This funding will support implementation of alcohol management plans in these regions. This funding is allocated to the Kimberley (\$9,989,500) and Pilbara (\$5,355,000) over four years (2011–2015).

DRUG AND ALCOHOL STRATEGIC FRAMEWORK 2011–2015 — ENDORSEMENT

4586. Hon Ljiljana Ravlich to the Minister for Mental Health

I refer to the Drug and Alcohol Interagency Strategic Framework for Western Australia 2011–2015, and I ask —

- (1) Which State Government Departments have endorsed the framework?
- (2) Who are the members of State Government Departments on the Drug and Alcohol Senior Officers' Group (DASSOG)?
- (3) How often does DASSOG meet?
- (4) What are the agency annual action plans?
- (5) What funding has been allocated to them over the forward estimates?
- (6) How will these agency action plans benefit the consumer?
- (7) How much face time will the consumer have with the agencies that have the action plans?

Hon HELEN MORTON replied:

- (1)–(2) Mental Health Commission

Office of Road Safety
 Department of the Attorney General
 Department for Child Protection
 Department for Communities
 Department of Corrective Services
 Department of Education
 Department of Health
 Department of Housing and Works
 Department of Indigenous Affairs
 Department of Local Government
 Drug and Alcohol Office
 Department of Racing, Gaming and Liquor
 WA Police

- (3) Four times per annum.
- (4) Annual agency action plans more specifically outline the key activities that will be implemented by the respective Drug and Alcohol Strategic Senior Officers' Group (DASSOG) member agencies to support the Interagency Framework.
- (5) The strategic direction of the Drug and Alcohol Office is aligned with the Interagency Framework and respective annual agency action plan. As per the 2011 Government budget papers the forward estimates of the Office are as follows:

2011/12: \$63,038,000
 2012/13: \$66,628,000
 2013/14: \$68,498,000
 2014/15: \$71,286,000

The Mental Health Commission (MHC) allocation of resources for the implementation of their annual agency action plan for 2011/12 is \$67,279.50.

However, it should be noted that many of the programs funded by the MHC across public and non-government mental health services provide assessment, treatment and referral services to people who experience alcohol and other drug problems alongside their mental health related illness. Therefore, it is not possible to accurately quantify the proportion of program funding directed towards drug and alcohol activity.

The annual funding of the other DASSOG member agency action plans is the responsibility of the respective Minister with the corresponding portfolio responsibility.

- (6) The Interagency Framework is an evidence based strategy that aims to prevent and reduce the adverse impacts of alcohol and other drugs in the Western Australian community.
- (7) The level of consumer participation will differ between the various DASSOG member agencies.

DRUG AND ALCOHOL FRAMEWORK 2011–2015 — PROGRAM FUNDING

4587. Hon Ljiljanna Ravlich to the Minister for Mental Health

I refer to the Drug and Alcohol Interagency Strategic Framework for Western Australia 2011–2015, and I ask —

- (1) What are the community awareness and public education programs that are being run?
- (2) How much funding has been allocated to the programs over the forward estimates?
- (3) Where are these programs being run?
- (4) How many programs are in the planning stage or to be implemented?
- (5) What programs are those?
- (6) How much funding has been allocated to these programs?
- (7) Where will these programs being run?

Hon HELEN MORTON replied:

1. There are two programs being conducted in 2011/2012. These are The *Alcohol. Think Again* Campaign and the Drug Aware Campaign.

The *Alcohol. Think Again* Campaign is run by the Drug and Alcohol Office, in partnership with the Injury Control Council of WA. The campaign includes two television advertisements that form the current advertising strategy of the *Alcohol. Think Again* Campaign. The television advertisements focus on preventing and reducing harmful alcohol use.

The Drug Aware Campaign is run by the Drug and Alcohol Office, in partnership with the Western Australian Network of Alcohol and Other Drug Agencies. This campaign targets young people with messages about illegal drug use that focus on the prevention of use and associated harm. In 2011/12 the campaign is focussing on amphetamines, ecstasy, cannabis and related issues.

A campaign was also launched by the Drug and Alcohol office on 9 September 2011 to prevent Foetal Alcohol Spectrum Disorder (FASD). The campaign is one part of a broader project which has come about through the Council of Australian Governments Indigenous Early Childhood Development Partnership Agreement.

In addition to the above-mentioned campaigns, a Drug Aware Drug Driving Prevention Campaign has also been developed. The campaign is funded through the Road Trauma Trust Fund.

2. There are four planned phases of the *Alcohol. Think Again* campaign per year (over the next five years) at a total cost of \$600–800k per annum.

There are four planned campaigns of the *Drug Aware* campaign per year (over the next five years) at a total cost of \$800k–\$1m per annum.

3. The campaigns will be run state-wide and will be complemented by local and regional level community action initiatives.
4. Formative research is currently being conducted to consolidate the strategic directions for the campaigns over the next five years.
5. It is expected that the future directions of the *Alcohol. Think Again* campaign will continue to focus on addressing the health impacts of harmful alcohol use.

It is expected that the future directions of the *Drug Aware* Campaign will continue to focus on preventing and/or delaying the uptake of illegal drug use; reducing the frequency and amount of illegal drug use amongst occasional and frequent users; and increasing access to support services at an early stage by increasing awareness of the potential health, social and legal consequences of illegal drug use and increasing the salience of the potential risks associated with illegal drug use.

6. Please see answer to Question 2.
7. The campaigns will be run state-wide and will be complemented by local and regional level community action initiatives.

DRUG AND ALCOHOL STRATEGIC FRAMEWORK 2011–2015 — ALCOHOL CONTROL

4588. Hon Ljiljana Ravlich to the Minister for Mental Health

I refer to the Drug and Alcohol Interagency Strategic Framework for Western Australia 2011–2015, and I ask —

- (1) What are the other evidence based alcohol strategies that will be implemented and were not mentioned in the document?
- (2) For each strategy listed in (1), how much funding has been allocated over the forward estimates?
- (3) What further strategies are going to be put in place to implement ‘law enforcement of liquor licensing laws’?
- (4) What is the strategy to control access and availability of alcohol?
- (5) What strategy is going to be used to target harmful alcohol use, including binge drinking?

Hon HELEN MORTON replied:

- (1) The Interagency Strategic Framework outlines the planned focus areas of activity for the next five years. The evidence-based alcohol strategies that will be implemented are reflected in each of the key strategic areas of the Framework.
- (2) Allocation of funding for the strategies is the responsibility of each relevant agency. Activities that fall within the responsibility of the Drug and Alcohol Office are part of the agency’s core budget.
- (3) Law enforcement of liquor licensing laws is a matter for the Minister for Racing, Gaming and Liquor.
- (4) The strategy to control access and availability involves a comprehensive range of initiatives including education, policy and enforcement, which aim to support environments that discourage harmful use, discourage inappropriate supply of alcohol, protect and minimise harm for at-risk groups; and reduce levels of alcohol-related harm in the general community.

Examples of initiatives include working with parents, community and young people to reduce underage access to alcohol, monitoring high risk liquor licence applications, developing regional and local alcohol management plans, engagement and partnership with communities to build their capacity and involvement in reducing alcohol problems; and the Night Venues and Entertainment Events Project which includes patron education, risk management monitoring of venues and events, and feedback to industry.

- (5) A range of initiatives will be used to target harmful alcohol use which leads to harm in the short term (e.g. violence) and the long term (chronic disease) which is reflected in the Interagency Framework. Examples include the state-wide Alcohol. Think Again Campaign addressing alcohol use and health related harm, an evidence-based school drug education and school leavers program of initiatives across Western Australia, designed to decrease drinking and related problems associated with end-of-year celebrations by school leavers; provision of education and support to the community and parents through the Alcohol and Drug Information Service and the Parent Drug Information Service; enforcement of the Liquor Control Act by WA Police; mandatory responsible service of alcohol training requirements for bar staff; and ensuring that access to prevention and appropriate treatment services is available throughout the State.

DRUG AND ALCOHOL STRATEGIC FRAMEWORK 2011–2015 —
FOETAL ALCOHOL SPECTRUM DISORDER

4589. Hon Ljiljana Ravlich to the Minister for Mental Health

I refer to the Drug and Alcohol Interagency Strategic Framework for Western Australia 2011–2015, and I ask —

- (1) What strategy will be used to improve knowledge of Foetal Alcohol Spectrum Disorder?
- (2) What strategies are going to be used in the prevention Foetal Alcohol Spectrum Disorder?
- (3) What is the strategy to assist children and their families that are affected by Foetal Alcohol Spectrum Disorder?
- (4) How much funding has been allocated to this initiative over the forward estimates?

Hon HELEN MORTON replied:

- (1) The Drug and Alcohol Office is undertaking public education and workforce development strategies as components of the COAG funded Strong Spirit Strong Future — Promoting Healthy Women and Pregnancies project, which aims to increase community awareness and the awareness of health professionals regarding the impacts of alcohol and pregnancy and Fetal Alcohol Spectrum Disorder

(FASD). The strategies are tailored for Aboriginal communities but are also applicable to non-Aboriginal populations.

Additionally the Drug and Alcohol Office has formed a partnership with the Telethon Institute for Child Health Research to reproduce and distribute Telethon Institute for Child Health Research's Alcohol and Pregnancy Project resources to health professionals.

- (2) The Strong Spirit Strong Future — Promoting Healthy Women and Pregnancies project has three components: a media campaign which was launched on 9 September, 2011 and includes a television commercial and radio advertisements; resource development for health professionals and communities and workforce development initiatives. This prevention focussed project will be delivered on a state-wide basis.
- (3) The Drug and Alcohol Office is collaborating in a Department of Health initiative addressing the implementation of its FASD Model of Care.
- (4) The COAG-funded FASD Strong Spirit, Strong Future Project contract budget is \$489,179 in 2011/12 and 2012/13; and \$511,415 in 2013/14.

DRUG AND ALCOHOL STRATEGIC FRAMEWORK 2011–2015 — BRIEF INTERVENTION

4590. Hon Ljiljana Ravlich to the Minister for Mental Health

I refer to the Drug and Alcohol Interagency Strategic Framework for Western Australia 2011–2015, and I ask —

- (1) What settings other than specialist alcohol and drug services are going to be used to improve access to information, education and brief intervention?
- (2) What is the strategy of brief intervention?
- (3) Which consumers will be targeted for the brief intervention?
- (4) How much funding has been allocated to this overall strategy over the forward estimates?

Hon HELEN MORTON replied:

1. The Drug and Alcohol Office works with the Injury Control Council of WA and the WA Network of Alcohol and Drug Agencies in developing and scheduling public education campaigns about alcohol and other drugs.

Information can be accessed in printed and electronic form through publications, the Drug and Alcohol website and other electronic formats.

The School Drug and Road Aware Program, funded through the Drug and Alcohol office provides free school drug education resources and professional development support for teachers throughout Western Australia in all Government, non-government and independent school systems and sectors.

Funding is also provided to Government and non-government agencies for education in communities throughout Western Australia.

The Drug and Alcohol Office has been working with the WA Country Health Service for several years to ensure that primary health providers are able to deliver brief interventions around tobacco and alcohol use throughout the State. Brief intervention training is also provided by the Drug and Alcohol Office within metropolitan primary health services, mental health services, Communicable Disease Control Directorate and the Department of Corrective Services.

2. Brief intervention refers to a range of strategies that aim to increase a person's awareness of the risks and or harms of their alcohol and other drug use. Opportunistic brief intervention occurs when a person attends for an unrelated issue and their alcohol and other drug use is raised as part of the assessment process. A brief intervention can include using a validated screening tool, providing feedback, brief advice, information around how someone can make changes to their use and referral. Research indicates that brief interventions are time and cost effective and can be a one off session or up to four sessions.
3. Brief interventions can be used with any health service consumer who is using tobacco and/or alcohol. Brief intervention is generally more effective when targeted to people who consume alcohol and other drugs at 'risky-high risk' (hazardous-harmful) levels of use rather than dependent users or drinkers.

Whether brief interventions are utilized is dependent upon the individual organization's policies and procedures.

4. Brief intervention training and resource support is an activity funded from within the Drug and Alcohol Office's core budget.

DRUG AND ALCOHOL STRATEGIC FRAMEWORK 2011–2015 — FRONTLINE POLICING

4591. Hon Ljiljana Ravlich to the Minister for Mental Health

I refer to the Drug and Alcohol Interagency Strategic Framework for Western Australia 2011–2015, and I ask —

- (1) Has a review been completed in relation to the number of police needed for the strategy of focusing frontline policing including high visibility in and around licensed outlets?
- (2) How many police will be needed for this exercise?
- (3) How many licensed outlets will be targeted?
- (4) Where are these outlets situated?
- (5) Will the Mental Health Commission be providing extra funding to Western Australia Police for implementation of this strategy?
- (6) How much funding has been allocated to this strategy over the forward estimates?

Hon HELEN MORTON replied:

- (1)–(4) Please refer to the Minister for Police.
- (5) No. The annual funding of the other DASSOG member agency action plans is the responsibility of the respective Minister with the corresponding portfolio responsibility.
- (6) Please refer to the Minister for Police.

DRUG AND ALCOHOL STRATEGIC FRAMEWORK 2011–2015 — HIGH-RISK POPULATIONS

4592. Hon Ljiljana Ravlich to the Minister for Mental Health

I refer to the Drug and Alcohol Interagency Strategic Framework for Western Australia 2011–2015, and I ask —

- (1) What services are included in the range of alcohol and other drug treatment services for high-risk populations?
- (2) How much funding has been allocated to each of these services over the forward estimates?
- (3) How many Government and non-Government providers are going to be engaged to provide these services?
- (4) Who are the Government and non-Government providers?
- (5) How much funding has been allocated to each of the Government and non-Government providers?

Hon HELEN MORTON replied:

- (1) Treatment and support services for high-risk populations are provided by a range of non-government and government providers. Service types include Community Drug Services (metropolitan) and Community Drug Service Teams (regional), residential treatment services, sobering-up centres, The Fresh Start Recovery Program, Aboriginal specific services, outreach services, pharmacotherapy options (including methodone, buprenorphine, naltrexone, acamprosate, and disulfiram) and withdrawal management services (detoxification), inpatient, outpatient, and home-based.
- (2) The figures below represent the proportion of the total budget allocation for the Drug and Alcohol Office to provide, purchase, and support alcohol and other drug treatment and support services. This includes the value of all service agreements and the cost of administering service agreements, a portion of workforce development costs, and a portion of corporate costs. The proportions for workforce development and corporate costs for the 2012/13 year onwards has been calculated using the actual calculated proportion for the 2011/12 year.

2011/12 = \$54.5 million
 2012/13 = \$57.6 million
 2013/14 = \$59.3 million
 2013/14 = \$61.7 million
- (3) Thirty-eight non-government providers and three government providers are currently engaged.
- (4)–(5) The list of service providers engaged by the Drug and Alcohol Office and their funding for the 2011/12 year is provided in the table below. The annual funding of the other DASSOG member agency action plans is the responsibility of the respective Minister with the corresponding portfolio responsibility.

[See paper 3966.]

DRUG AND ALCOHOL STRATEGIC FRAMEWORK 2011–2015 — PRISON PROGRAMS

4595. Hon Ljiljana Ravlich to the Minister for Mental Health

I refer to the Drug and Alcohol Interagency Strategic Framework for Western Australia 2011–2015, and I ask —

- (1) What programs are in place for alcohol and other drug treatment programs in prison and community corrections locations?
- (2) Has extra funding been allocated from the Mental Health Budget to the Department of Corrective Services for these programs?
- (3) How many people have been identified as having high needs or at high risk of reoffending?
- (4) How much per person is the cost of treating these consumers?
- (5) How much funding has been allocated to these services over the forward estimates?

Hon HELEN MORTON replied:

1. Programs provided in prisons are the responsibility of the Minister for Corrective Services, however for clients referred by community corrections, access is provided to the full range of services provided and funded by the Drug and Alcohol Office. These services include Community Drug Services (metropolitan), and Community Drug Service Teams (regional); residential treatment services (metropolitan and regional); and The Drug and Alcohol Office's Next Step Drug and Alcohol Service — including the provision of pharmacotherapy and inpatient detoxification.
2. No. Provision of alcohol and other drug treatment services for offenders in prisons is the responsibility of the Minister for Corrective Services. Responsibility for the provision of alcohol and other drug services for offenders in the community is the responsibility of the Drug and Alcohol Office and the Department of Corrective Services.
3. This question should be directed to the Minister for Corrective Services.
4. The cost of Department of Corrective Services programs is the responsibility of the Minister for Corrective Services. In terms of services provided by the Drug and Alcohol Office, in the 2010/11 financial year, the cost per treatment episode provided for all clients including those referred by the Department of Corrective Services was \$1,512 (for episodes completed as planned or clients still in treatment).
5. Funding allocated by the Department of Corrective Services is the responsibility of the Minister for Corrective Services. Funding allocated to alcohol and other drug treatment service delivery by the Drug and Alcohol Office will be approximately:
 - 2011/12 = \$54.5 million
 - 2012/13 = \$57.6 million
 - 2013/14 = \$59.3 million
 - 2013/14 = \$61.7 million.

These figures represent the proportion of the total budget allocation for the Drug and Alcohol Office allocated to the treatment and support function group. This includes the value of all service agreements and the cost of administering service agreements, a portion of workforce development costs, and a portion of corporate costs. The proportions for workforce development and corporate costs for the 2012/13 year onwards has been calculated using the actual calculated proportion for the 2011/12 year.

DRUG AND ALCOHOL STRATEGIC FRAMEWORK 2011–2015 — SUSTAINABLE WORKFORCE

4596. Hon Ljiljana Ravlich to the Minister for Mental Health

I refer to the Drug and Alcohol Interagency Strategic Framework for Western Australia 2011–2015, and I ask —

- (1) What workforce planning initiatives are being put in place to ensure a sustainable workforce into the future?
- (2) What other Government departments are involved with the workforce planning initiatives?
- (3) How much funding has been allocated for these initiatives over the forward estimates?
- (4) Has funding come from other departments for this initiative?
- (5) If yes to (4), how much funding and from which departments is it coming from?

Hon HELEN MORTON replied:

1. The Drug and Alcohol Office is collaborating with the alcohol and other drug sector peak body, the WA Network of Alcohol and Drug Agencies, in the development of a multi-disciplinary workforce plan for the alcohol and other drug sector.
2. Being multi-disciplinary and involving the alcohol and other drug sector, the workforce planning will require input from Government and non-government stakeholders across the sector. This will include but not be limited to the Drug and Alcohol Office, the Department of Health, Mental Health Commission, professional associations, non-government agencies, tertiary institutions and community-controlled health agencies working in the alcohol and other drug sector.
3. The alcohol and other drug workforce development and planning activity is part of the Drug and Alcohol Office core budget.
4. No.
5. Not applicable.

DRUG AND ALCOHOL STRATEGIC FRAMEWORK 2011–2015 —
ABORIGINAL WORKFORCE PROGRAMS

4597. Hon Ljiljana Ravlich to the Minister for Mental Health

I refer to the Drug and Alcohol Interagency Strategic Framework for Western Australia 2011–2015, and I ask —

- (1) What are the nationally recognised Aboriginal workforce development programs referred to on page 12?
- (2) How many Aboriginal traineeships have been initiated?
- (3) Where are these programs being implemented?
- (4) When are these programs being implemented?
- (5) How much funding has been allocated to this initiative over the forward estimates?

Hon HELEN MORTON replied:

- (1) The Drug and Alcohol Office is a Registered Training Organisation and provides a nationally recognised and accredited Certificate III CHC30108 in Community Services Work, Aboriginal Alcohol and Other Drug Worker Training program for Aboriginal workers throughout the alcohol and other drug sector and broader human services area in Western Australia.

The Drug and Alcohol Office is also in the developmental stage of providing a Certificate IV CHC41702 training program for Aboriginal alcohol and other drug workers throughout Western Australia. This training will be culturally secure and include skills development in the management of co-occurring alcohol and other drug and mental health problems.

- (2) Fifteen Aboriginal traineeships have been initiated.
- (3) This training is provided for Aboriginal alcohol and other drug workers who are employed with services throughout Western Australia and is delivered at the Drug and Alcohol Office in Mount Lawley.
- (4) The nationally recognised Certificate III training program has been delivered through the Drug and Alcohol Office's Registered Training Organisation since 2003, with 11 intakes of training provided over this period. The Drug and Alcohol Office currently has a total of 154 participants enrolled on the training register, with 68 receiving their Certificate III qualification and 80 completing their compulsory 150 hours of training at the Drug and Alcohol Office. It is anticipated that Certificate IV training will commence in 2012.
- (5) The Drug and Alcohol Office has allocated \$394,010 for this initiative in the 2011/ 2012 financial year and will determine future allocations as part of the annual budget process.

RAILCARS — COST ESTIMATE

4609. Hon Ken Travers to the Minister for Finance representing the Minister for Transport

I refer to the Minister for Transport's comments on 24 March 2011, that thirty new railcars would cost \$330 million, and ask —

- (1) How did the Minister determine this figure?
- (2) What was —
 - (a) included in this cost estimate; and
 - (b) the estimated cost for each component?

- (3) Has the estimated cost of rail cars changed?
- (4) If yes to (3), what is the new cost?
- (5) If yes to (3), why does this figure differ from the previous estimate?
- (6) Did the Minister receive any written advice from the Public Transport Authority on this estimated cost?
- (7) If yes to (6), will the Minister table the written advice?
- (8) If no to (7), why not?

Hon SIMON O'BRIEN replied:

The Member would obviously acknowledge that the purchase of the additional rail cars by the Liberal–National Government at \$164 million represents value for taxpayers.

The Liberal–National Government takes a holistic approach to improving transport rather than the 'pet-project' approach adopted by the previous Labor Government. To this end the Liberal–National Government is investing significantly in rail, bus and road infrastructure.

The Public Transport Authority advises:

- (1)–(2) It is assumed that \$330 million was the figure to which the Shadow Transport Minister referred in his media statement on 24 March 2011 to purchase 30 new trains.
- (3) No, the estimated cost per train has not changed and I have approved the purchase of 15 three railcar set trains at a cost of \$164 million.
- (4)–(5) Not applicable
- (6)–(8) Yes. As part of the budget process and deliberations, the estimated cost to purchase 15 three railcar set trains is \$164 million, an obvious calculation would show that 30 trains would cost approximately \$330 million.

KARARA MINING — WATER LICENCE

4610. Hon Alison Xamon to the Minister for Mental Health representing the Minister for Water

I refer to Karara Mining's current water use, and I ask —

- (1) Did Karara Mining hold a pre-existing water licence prior to receiving a licence for 5GL from the Parmelia Aquifer?
- (2) If yes to (1) —
 - (a) how much water were they entitled to use;
 - (b) from what source;
 - (c) for what purpose;
 - (d) how was this to be monitored;
 - (e) what monitoring activities have occurred to date; and
 - (f) what were the findings of the monitoring activities?

Hon HELEN MORTON replied:

Minister for Water provides the following response:

- (1) Yes, a non-renewable licence.
- (2)
 - (a) 90,000 Kilolitres (kL) between 1st of July–30th of September 2011.
 - (b) Parmelia Aquifer.
 - (c) Construction activities.
 - (d) Monitoring included meter readings, water levels in bores and water quality.
 - (e) See (2) (a)
 - (f) No impact to the aquifer, other users or the environment..

WUNGONG CATCHMENT THINNING TRIAL

4611. Hon Alison Xamon to the Minister for Mental Health representing the Minister for Water

I refer to the research projects funded as part of WaterCorp's Wungong Catchment thinning trial, and I ask —

- (1) Please specify the research projects that have received all of their funding?

- (2) Please specify the research projects that are ongoing?
 (3) Please specify the research projects that have yet to commence?

Hon HELEN MORTON replied:

The Minister for Water has provided the following response.

- (1) Research projects that have received all of their funding:
- Sapflow measurement — water use of regrowth and old-growth jarrah forest at Dwellingup (CSIRO).
 - Forest thinning perceptions on forest health and recreational value — Phase One (Murdoch University and Beckwith Consulting).
 - Vegetation dynamics and hydrology (CSIRO).
 - Initial Fungi Assessment (Department of Environment Conservation).
 - Black cockatoo monitoring (WA Museum Foundation)
- (2) Research projects that are ongoing:
- Fauna monitoring (Kabay Consultants Pty Ltd)
 - Flora monitoring (Mattiske Consulting).
 - Aquatic fauna diversity monitoring (University of Western Australia).
 - Dieback monitoring and rate of spread (Department of Environment and Conservation).
 - Hydrologic modelling (Water and Environmental Consultants and Water Corporation).
 - Groundwater monitoring and analysis (Mairin Contracting and Water Corporation).
 - Hydrographic data collection and monitoring (Department of Water, Hydrosmart and Water Corporation).
 - Leaf area index modelling (Water and Environmental Consultants).
 - Nutrient transport and ecosystem response (Murdoch University).
 - Effect of wildfire (Batini and Water Corporation).
 - Remote sensing (Specterra).
 - Demonstration sites (Batini and Water Corporation).
- (3) Research projects that have yet to commence:
- Forest thinning perceptions on forest health and recreational value — Phase Two (Murdoch University and Beckwith Consulting).
 - Fire and water (Department of Environment and Conservation).
 - Fungi Assessment (Department of Environment and Conservation).

WHICHER RANGE WELLS — FRACCING

4612. Hon Alison Xamon to the Minister for Mines and Petroleum

I refer to the Whicher Range wells, which have not previously been identified in Parliament as having been subject to fracking, yet are clearly identified by the company as having been fracked at least 12 times prior to 1999, and I ask —

- (1) Why was the Whicher-Range 4 well not previously identified as having been subject to fracking?
 (2) Can the Minister please identify any and all wells that have been hydraulically fracked, where a medium other than water was used to carry the proppant and specify for each well —
- (a) the name of the well;
 - (b) the location of the well;
 - (c) the liquid medium used to carry the proppant;
 - (d) whether any further chemicals were used;
 - (e) how many times the well was fracked and at what depths;
 - (f) whether a monitoring program was undertaken; and
 - (g) whether the monitoring program has identified any issues, and what those issues might be?

Hon NORMAN MOORE replied:

- (1) The Whicher Range 4 has previously been identified in response to Question on Notice 4510.
- (2) According to records held by the Department of Mines and Petroleum only one well has been hydraulically fractured with a medium other than water.
 - (a) Whicher Range 5.
 - (b) The Whicher Range gas field is located onshore approximately 200 kilometres south of Perth, and 22 kilometres south of Busselton on Exploration Permit EP 408.
 - (c) The liquid medium used was a diesel based fracture fluid.
 - (d) Yes.
 - (e) Multi-zone fracture stimulation started on 17 July 2004. Four sandstone sequences were perforated, from the bottom to the uppermost zone, at depths of between 4259–4262m, 4154–4157m, 4037–4043.5m and 4001–4007m.
 - (f) Yes.
 - (g) Yes. Elevated levels of xylene in samples from three of five monitoring bores were detected. The source was attributed to have been from agricultural activity.

STEPHANIE ALEXANDER KITCHEN GARDEN PROGRAM

4614. Hon Alison Xamon to the Minister for Energy representing the Minister for Education

- (1) Has the Minister been approached by representatives of the Stephanie Alexander Kitchen Garden Program seeking funding for the rollout of programs in schools in Western Australia?
- (2) Would the Minister consider providing funding for this program?
- (3) If no to (2), why not?
- (4) If yes to (2), would the Minister consider providing funding in conjunction with the existing Western Australia Healthy Schools Project?

Hon PETER COLLIER replied:

- (1) While I have met with Stephanie Alexander and a representative from her office regarding the program, no request for funding has been made to date.
- (2)–(4) A significant number of schools already run similar programs effectively. These programs are customised by schools to suit their individual needs. This includes:
 - 61 schools managing livestock;
 - 322 schools cultivating plants including fruit, vegetables, herbs and aquaponics; and
 - 241 schools that have other programs such as:
 - worm farms;
 - fish, yabbies, tadpoles;
 - hydroponics;
 - community gardens;
 - plant nurseries;
 - earth gardens;
 - butterfly gardens;
 - frog gardens;
 - turtle watch;
 - water harvesting;
 - solar energy; and
 - fire brick production.

Given the success of these school activities, devised at the local level, there is no necessity to provide funding to organisations which provide similar programs.

METROPOLITAN HOSPITALS — MENTAL HEALTH PATIENTS

4621. Hon Ljiljana Ravlich to the Minister for Mental Health

For each hospital in the metropolitan area, I ask —

- (1) What is the bed capacity for the admission of mental health patients?
- (2) Have any children under the age of 18 years been admitted as mental health patients since 1 July 2010?

- (3) If yes to (2), how many children and how long was their stay?
 (4) Were these children kept alongside adult patients?

Hon HELEN MORTON replied:

1. Bentley Adolescent Unit — 12
 Princess Margaret Hospital — 8
 Families at Work — 6 beds
 Women's and Newborn Health Service — 8
 Graylands Hospital — 176
 Sir Charles Gairdner Hospital — 36
 Swan District Hospital Campus — 25
 Older Adult Boronia Unit, Swan District Hospital — 16
 Osborne Older Adult, Osborne Park Hospital — 24
 Selby Older Adult — 32 + 8 co-morbidity adult rehabilitation beds
 Armadale Hospital — 41
 Bentley Hospital — 88
 Fremantle Hospital — 64
 Rockingham General Hospital — 20
 Royal Perth Hospital — 20
2. Yes
3. Bentley Adolescent Unit — 299 patients; separated with a total length of stay of 2991 days.
 Princess Margaret Hospital — 262 patients; separated with total length of stay of 1558 days.
 Families at Work — 11 patients; separated with a total length of stay of 366 days.
 Women's and Newborn Health Service — 2 patients; separated with a total length of stay of 13 days.
 Graylands Hospital — 2 patients; separated with total length of stay of 13 days.
 Sir Charles Gairdner Hospital — 12 patients; separated with a total length of stay of 48 days.
 Armadale Hospital — 1 patient; length of stay 2 days.
 Fremantle Hospital — 3 patients; separated with a total length of stay of 11 days.
 Rockingham General Hospital — 2 patients; length of stay both 1 day.
 Royal Perth Hospital — 2 patients; length of stay both 1 day.
4. Yes, excluding Bentley Adolescent Unit, Princess Margaret Hospital and Families at Work.

MENTALLY-IMPAIRED ACCUSED OFFENDERS — “DECLARED PLACE”

4624. Hon Ljiljana Ravlich to the Minister for Disability Services

I refer to the article by Amanda Banks on 11 August, titled 'Justice closer for mentally ill' in which you announce that work on establishing a declared place was 'near finalisation', and I ask —

- (1) Have you, any of your staff or your Director General met or had conversations with representatives of SERCO or any other private provider in respect to the operations of the proposed declared place?
- (2) If yes to (1), can you advise the House when this took place and where?
- (3) If no to (2), why not?

Hon HELEN MORTON replied:

- (1) No.
- (2)–(3) Not applicable.

WALLING ROCK STATION — FIRE LIGHTING PERMIT

4627. Hon Robin Chapple to the Minister for Child Protection representing the Minister for Forestry

With reference to fires on Walling Rock Station on or around Saturday, 4 June 2011, I ask —

- (1) Did the Forest Products Commission issue a permit for the lighting of fires by the Sandalwood contractor?
- (2) If yes to (1), what were the permit conditions?
- (3) If no to (1), does the Minister agree that the contractors are in breach of their contract?
- (4) If yes to (3), what action will the Minister take to ensure compliance of this and other contract conditions?

- (5) Is the Minister aware that the contractors rang the Shire of Menzies on 4 June 2011 seeking assistance with putting out a fire that was reportedly out of control?

Hon ROBYN McSWEENEY replied:

- (1) No. The Forest Products Commission does not have the authority to issue permits for lighting fires.
- (2) Not applicable.
- (3) The contractor is not in breach of contract as the Forest Products Commission does not have any evidence to support the allegation that the contractor ignited the fire.
- (4) Not applicable.
- (5) Yes. The Forest Products Commission has advised that the contractor rang the Shire of Menzies to report the fire.

STATE FORESTS — NATIVE VEGETATION CLEARING

4647. Hon Giz Watson to the Minister for Mines and Petroleum

I refer to the clearing of forest under clearing permits for mineral and petroleum activities granted by the Department of Minerals and Petroleum and its predecessors, and ask —

- (1) How many hectares of forest have been cleared for mineral and petroleum activities in each of the past five years?
- (2) What quantity of forest products (by product type and species) has been generated as a result of this clearing in each of the past 5 years?
- (3) Are the permit holders required by law or any condition of the clearing permit to do anything specific with the forest products from mine site clearing?
- (4) If yes to (3), what are the stipulations?
- (5) If no to (3), why not?
- (6) What amount of forest products from mine sites has been sold in each of the five years, from what companies' operations and to which entities?

Hon NORMAN MOORE replied:

- (1) Since 1 July 2006 the Department of Mines and Petroleum (DMP) has granted Clearing Permits approving the clearing of a total of 113.7 hectares of native vegetation within State Forests. The areas of clearing of native vegetation in State Forest approved each year is:
- | | |
|------------|---------|
| 2006–2007: | 12.4 ha |
| 2007–2008: | 6.6 ha |
| 2008–2009: | 92.4 ha |
| 2009–2010: | 0.6 ha |
| 2010–2011: | 1.7 ha |
- (2) DMP assesses the potential environmental impacts of applications for clearing of native vegetation in accordance with the requirements of the Environmental Protection Act 1986. DMP does not retain records of forest products which may be derived from any approved clearing of native vegetation.
- (3) No. Clearing Permit Conditions do not refer to forest products.
- (4) Not applicable.
- (5) DMP assesses the potential environmental impacts of applications for clearing of native vegetation in accordance with the requirements of the Environmental Protection Act 1986. The Clearing Permit process does not govern forestry harvesting management.
- (6) DMP does not retain records of forest products salvaged or sold.

THE CRIMINAL CODE — AMENDMENTS REVIEW

4695. Hon Alison Xamon to the Parliamentary Secretary representing the Attorney General

I refer to the review of the amendments to sections 297 and 318 of the *Criminal Code* made by the *Criminal Code Amendment Act 2009*, which is due to be undertaken in 2012, and ask —

- (1) Which Department, Agency, individual or other body will be responsible for undertaking the review?
- (2) Which groups and/or individuals will be consulted during the review process?
- (3) Will members of the public be given an opportunity to provide input to the review?
- (4) What is the anticipated timeframe of the review?

Hon MICHAEL MISCHIN replied:

- (1) The Department of the Attorney General.
- (2)–(3) Reviews of legislation undertaken by the Department involve consultation with stakeholders. However, the exact list of stakeholders for this review is yet to be determined.
- (4) The review is expected to be completed in early in 2013.

CORRECTIVE SERVICES PORTFOLIO — AGENCY FEES AND CHARGES

4751. Hon Ken Travers to the Minister for Finance representing the Minister for Corrective Services

For each accountable authority in the Corrective Services portfolio —

- (1) How many reviews of their agencies' fees and charges have been conducted since 23 September 2008?
- (2) Did any of these reviews identify any fee or charge that is above cost recovery?
- (3) If yes to (2), could you please provide —
 - (a) a list of the fees or charges identified;
 - (b) the amount the fee or charge was above cost recovery; and
 - (c) the reason for the fee or charge being above cost recovery?
- (4) Did any of these reviews result in an increase in any fee or charge that was above cost recovery?
- (5) If yes to (4), could you please provide —
 - (a) a list of the fees or charges that were increased;
 - (b) the amount that the fee or charge increased;
 - (c) how much above cost recovery was the new fee or charge; and
 - (d) the reason for the fee or charge being above cost recovery?

Hon SIMON O'BRIEN replied:

- (1) Three.
- (2) No.
- (3) (a)–(c) Not applicable.
- (4) No.
- (5) (a)–(d) Not applicable.

CORRECTIVE SERVICES PORTFOLIO — AGENCY FEES AND CHARGES

4752. Hon Ken Travers to the Minister for Finance representing the Minister for Corrective Services

For each agency in the Corrective Services portfolio since 23 September 2008 —

- (1) Has any tariff, fee or charge increased by an amount greater than the consumer price index for that year?
- (2) If yes to (1) —
 - (a) what was the name and purpose of the tariff, fee or charge;
 - (b) on what date did the increase come into effect;
 - (c) what was the amount of the tariff, fee or charge prior to the increase;
 - (d) what was the amount of the tariff, fee or charge following the increase;
 - (e) what was the amount the tariff, fee or charge was above the consumer price index for that year;
 - (f) why was the increase above the consumer price index; and
 - (g) what is the current amount of the tariff, fee or charge?

Hon SIMON O'BRIEN replied:

- (1) No.
- (2) (a)–(g) Not applicable.

CORRECTIVE SERVICES PORTFOLIO — AGENCY FEES AND CHARGES

4753. Hon Ken Travers to the Minister for Finance representing the Minister for Corrective Services

For each agency in the Corrective Services portfolio since 23 September 2008 —

- (1) Have any new tariffs, fees or charges been implemented?
- (2) If yes to (1) —
 - (a) what is the name and purpose of the tariff, fee or charge;
 - (b) on what date did it come into effect;
 - (c) why was it implemented;
 - (d) what was the amount of the tariff, fee or charge when it was implemented; and
 - (e) what is the current amount of the tariff, fee or charge?

Hon SIMON O'BRIEN replied:

- (1) No.
- (2) (a)–(e) Not applicable.

CHILDREN DETAINED IN ADULT PRISON FACILITIES

4782. Hon Sue Ellery to the Parliamentary Secretary representing the Attorney General

- (1) How many children have been detained in adult facilities in 2011 to date?
- (2) Which facilities were they held in and for how long?
- (3) How many children were held in adult facilities for the same period in 2010?
- (4) Which facilities were they held in and for how long?

Hon MICHAEL MISCHIN replied:

The Member should refer this question to the Minister for Corrective Services.

CHILDREN DETAINED IN ADULT PRISON FACILITIES

4784. Hon Sue Ellery to the Minister for Child Protection

- (1) How many children have been detained in adult facilities in 2011 to date?
- (2) Which facilities were they held in and for how long?
- (3) How many children were held in adult facilities for the same period in 2010?
- (4) Which facilities were they held in and for how long?

Hon ROBYN McSWEENEY replied:

The Member should refer this question to the Minister for Corrective Services.

MINING LICENCES — NEGOTIATIONS WITH TRADITIONAL OWNERS

4795. Hon Robin Chapple to the Minister for Mines and Petroleum

With regard to Mining Licence M37/592 and M37/608 —

- (1) Which company or companies hold these Mining Leases, and when were the leases granted?
- (2) Were negotiations undertaken with the traditional owners in relation to the grant of the mining licence prior to the grant of the licences?
- (3) If yes to (2), what was the result of the negotiations?
- (4) If yes to (2), were negotiations undertaken with the Mantjintjarra Ngalia claim group?
- (5) If no to (2) or (4), why not?

Hon NORMAN MOORE replied:

- (1) Mining Leases 37/592 and 37/608 were originally granted to Sundowner Minerals NL on 6 July 2009. Sundowner then changed its name to Barrick (Darlot) NL on 21 January 2011.
- (2) Yes.
- (3) DMP commenced its negotiation proceedings in accordance with the future act requirements of the (Cth) Native Title Act 1993 with the issue of notice to affected native title parties and the tenement applicant on 12 February 2008. During the course of negotiations two overlapping Native Title Claims (the Koara and Sir Samuel claims) were dismissed by the Federal Court on 13 October 2008 and negotiations were terminated. At the time of grant of the two leases, the Manjintjarra Ngalia Claim (WC96/20) was not registered by the National Native Title Tribunal.

- (4) The Mantjintjarra Ngalia People were included at the commencement of negotiations by notice dated 12 February 2008 as required under the provisions of the Native Title Act 1993. As the claim was not registered, the negotiations were terminated.
- (5) Not applicable.

URANIUM TRANSFER — PARKESTON HUB

4796. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to my previous question on notice No. 4507, and ask —

In regards to an intermodal hub at Parkeston for the transfer of uranium from truck to rail, referred to in four uranium scoping documents submitted by Cameco, BHP Billiton, Mega Uranium and Toro Energy, and more recently in the ERMP for the Wiluna uranium mine by Toro Energy Pty Ltd —

- (1) Who is the proponent for the facility at Parkeston?
- (2) If there is no proponent, what is the State Government's role in advancing the Parkeston facility?
- (3) Is the State Government intending to seek expressions of interest or tenders for the development of the Parkeston facility?
- (4) Is the State Government supportive of the establishment of the facility at Parkeston?
- (5) What is the State Government's preferred process for establishing a facility at Parkeston, and what is the next step in this process?
- (6) What discussions have been had between the State Government and the Kalgoorlie Council about the Parkeston facility?
- (7) What discussions have been had between the State Government and the Federal Government about the Parkeston Facility?
- (8) Based on preliminary discussions, what corporation(s) or government agencies would finance the project?
- (9) Has the State Government or the Kalgoorlie Council had any preliminary consultation with the communities in the North East Suburbs of Kalgoorlie or the Ninga Mina Aboriginal Community about the facility?
- (10) If no to (9), why not?
- (11) Has the State Government, Department of Mines and Petroleum and/or the Radiological Council had discussions about arrangements for uranium shipments before a transfer station has been built?
- (12) If yes to (11), what is the preferred route for trucking uranium?
- (13) If no to (11), why not?

Hon NORMAN MOORE replied:

- (1)–(10) These questions will be answered by the Minister for Regional Development; Lands. The Department of Mines and Petroleum will liaise with the Department of Regional Development and Lands and the companies developing uranium projects in the Eastern Goldfields in relation to the transport of uranium.
- (11) Yes. The Department of Mines and Petroleum has had some preliminary discussions with proponents in relation to the transport of uranium ore. Transport of uranium is regulated by the Radiological Council.
- (12) The preferred route has not yet been determined for most companies. However, in its Environmental Review and Management Plan (ERMP, section 2, page 34), Toro Energy indicates that it plans to transport uranium ore via road to the Port of Adelaide. Toro also states that it would continue to evaluate the potential to transfer product from road to rail near Kalgoorlie, should a proposed intermodal facility at Parkeston be developed during the life of the mine.
- (13) Not applicable.

COAL GASIFICATION — REY RESOURCES LTD

4802. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the Fourth Annual Kimberley Energy and Resources Development Conference held on 9 and 10 May 2011 at the Cable Beach Club Resort, Broome, and answers to question on notice No. 4548 answered on 27 September 2011, and I ask —

- (1) Is the Minister aware that Rey Resources Ltd stated in their reports to the ASX that they are looking at developing a 55 square kilometre Myroodah target for coal gasification?

- (2) If yes to (1), why was this not included in the answer to part (6) of answers to question on notice No. 4548?
- (3) If no to (1), why was the Minister or his department not aware of these investigations by Rey Resources Ltd?

Hon NORMAN MOORE replied:

- (1) No.
 - (2) Not applicable.
 - (3) Rey Resources Ltd has not informed the Department of Mines and Petroleum of these investigations. Rey Resources is only required to inform the Department of their method of mining at the time of submission of their mining proposal and no such proposal has been received.
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