Legislative Assembly

Thursday, 22 September 2011

THE SPEAKER (Mr G.A. Woodhams) took the chair at 9.00 am, and read prayers.

CONTAINER DEPOSIT SCHEME

Petition

MR P.B. WATSON (Albany) [9.01 am]: I have a petition that contains 35, um, signatures —

Mr D.A. Templeman: It was a long night last night. I haven't been home; I've been here all night!

Mr P.B. WATSON: Can I seek protection from the member for Mandurah, Mr Speaker?

The petition reads —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, say it is time to address the number of beverage containers recycled in Western Australia and assist in improving the ongoing litter problem we have in our state. Discussion about the introduction of such a scheme for Western Australia has been ongoing for too long and it is now time the Government took action.
>
> Now we ask that the Legislative Assembly call upon the Barnett Government to immediately introduce a Western Australian Container Deposit Scheme, similar to the system that operates in South Australia.

[See petition 468.]

WEST AUSTRALIAN FOOTBALL LEAGUE — LIVE TELECASTS

Petition

MR P.B. WATSON (Albany) [9.02 am]: I have a second petition, which reads —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, say that live WAFL matches should continue to be broadcast on ABC TV, as it has long been a part of regional WA where it has a strong following.
>
> Now we ask that the Legislative Assembly call upon the Minister for Sport & Recreation to urge the ABC to continue provide coverage.

The petition has eight signatures.

Several members interjected.

Mr P.B. WATSON: It follows on from the petition I tabled last time with 120 signatures.

[See petition 469.]

PAPERS TABLED

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

WESTERN AUSTRALIAN BUSINESS WOMAN OF THE YEAR — CATHERINE STODDART

Statement by Minister for Health

DR K.D. HAMES (Dawesville — Minister for Health) [9.03 am]: I take this opportunity to acknowledge Catherine Stoddart winning the Telstra WA Business Woman of the Year Award. Cath Stoddart, the chief nurse and midwifery officer with the Department of Health, won firstly in her category of White Pages Community and Government Award and then took out the top award as WA Business Woman of the Year. She will now compete in the national awards on 18 November.

Being the wonderful advocate of her profession that Cath Stoddart is, it was no surprise that yesterday's *The West Australian* quoted her as saying that running a nursing ward is like running a small business. Ward managers have 30 to 50 staff, have a budget of $2 million to $3 million, they see 2 000 to 5 000 patients as clients per year, and they need to make time-critical decisions for a multidisciplinary team. Cath Stoddart clearly made the point that nurses and midwives who run wards have all the equivalent skills of a small business owner. In using the award to highlight the professionalism of nursing, she explained that 50 per cent of ward managers

have a masters or post-graduate qualification in business. Catherine is currently doing a PhD in corporate responsibility.

For members who did not read the newspaper yesterday, I note that the award judges recognised Cath Stoddart's success in attracting more nurses to WA for career development and for increasing the credibility and up-skilling of nurses.

Cath Stoddart was part of a small team of health professionals who travelled with me to Tanzania two years ago. Tanzania has the sixth highest maternal death rate in the world, and we went to see if there were ways in which Australia, and in particular Western Australia, could assist Tanzania in the area of maternal and child health. Cath has been to Tanzania on three occasions for this purpose. Within a year of our trip to Tanzania, Cath had initiated the Global Health Alliance WA to allow WA nurses and midwives to work in the developing world. She had also arranged for 20 student nurses from WA to complete their clinical placements in Tanzania to broaden their experience and to share their own skills and knowledge with local nurses and midwives.

I congratulate Cath Stoddart on her award and wish her well in the national awards in November. She is a great ambassador for Western Australia.

WATER LICENSING — FIRST IN, FIRST SERVED POLICY REVIEW

Statement by Minister for Water

MR W.R. MARMION (Nedlands — Minister for Water) [9.06 am]: I am pleased to provide an update to the Parliament on the review of the first in, first served policy of water licensing. As I announced on Monday, this review is part of the government's commitment to a broader water reform agenda, and looks at alternatives to the current policy where water is licensed and allocated on a first in, first served basis. In particular, the review focuses on how the government prioritises access to unallocated water.

The Department of Water has prepared a discussion paper outlining the issues surrounding the current policy and options for future policy change. I have requested that the discussion paper be released for public comment. It is available online on the Department of Water's website for a period of six weeks to ensure that there is sufficient time for all those concerned about this policy to make a submission.

The current first in, first served policy processes licence applications in the order in which they are received. The policy has operated for over 20 years. It should be noted that even under the previous state government, all water licences for approved applications would have been granted, consistent with this policy framework. Unlike our predecessors, we recognise that more of our groundwater and surface water areas are under pressure, and that competition for water is increasing.

Mr J.C. Kobelke: That is absolute nonsense!

Mr W.R. MARMION: We recognise that this policy requires reviewing to ensure we balance the needs of the community with the agricultural and industry sectors while encouraging regional and economic development.

The discussion paper proposes several alternatives to the current approach, and I encourage the community and water-use sectors to make an active contribution to the development of recommendations for the review of this policy. One possible approach that is discussed is the retention of the first in, first served approach until 70 per cent of the water is allocated. Once this cap is reached, it proposes that market mechanisms could be employed by approved applicants to determine access to the remaining allocation. The merits of such an approach are that it is open and transparent and ensures that anyone with an interest in the use of the available water is able to register their interest. There is no proposal to change the policy to allow for water speculators. Allocations would be made only to those water users who could meet the conditions of the current licensing process. A speculator would not be able to buy and hold water without a legitimate purpose for that water.

I encourage members of this place to advise their constituents of the Liberal–National government's review of this policy and our interest in listening to their views. The period for public comment will close on Friday, 28 October, and I look forward to considering the final recommendations.

AUSTRALIAN CURRICULUM, ASSESSMENT AND REPORTING AUTHORITY REPORT— NATIONAL ASSESSMENT PROGRAM – LITERACY AND NUMERACY 2011

Statement by Minister for Education

DR E. CONSTABLE (Churchlands — Minister for Education) [9.08 am]: Every year since 2008 Western Australian students in years 3, 5, 7 and 9 have been assessed on the same days using national tests in reading, writing, spelling, grammar and punctuation, and numeracy. The results from the National Assessment Program – Literacy and Numeracy, or NAPLAN, allow governments to put resources where they are most needed, allow teachers to monitor the development of individual students and therefore tailor learning programs to their needs, and enable parents to keep track of their child's progress.

Last week the Australian Curriculum, Assessment and Reporting Authority released a summary report into this year's results, and I am happy to report to the house that Western Australian students are continuing to improve their achievements in numeracy and literacy. It is pleasing to look at our performance compared to that of other states. We continue to build on the gains made in Western Australia since the inception of NAPLAN in 2008. Our students are continually improving, and while there is still some work to be done to ensure that all Western Australian students perform at the level they need to in order to be successful at school, this year's achievements are worth highlighting.

This year Western Australian school students recorded their highest ever rankings in the NAPLAN tests. Western Australia was ranked fourth in the country in 12 of the 20 assessments, fifth in six assessments and sixth in two. This is a pleasing result, considering the challenges that we face in education in this vast state.

There have been significant improvements in Western Australian students' literacy and numeracy scores this year. In fact, our students made the biggest improvements in the nation. I would like to congratulate students and teachers on their efforts in concentrating on the education staples of literacy and numeracy and ensuring that students' skills in these areas meet the standards that are necessary for success at school and later into adult life.

Western Australia's ranking improved in 12 of the assessments and remained constant in the other eight. We rank only behind New South Wales, Victoria and the Australian Capital Territory in the majority of tests, which demonstrates the quality of the education that Western Australian students receive. The percentage of WA students in the highest band of scores at each year level continues to increase in every test, and for the first time, the means and percentages of Western Australian students at or above the national minimum standards were higher than the all-Australian results for three of the assessments of year 7 reading, writing and numeracy. This is a key indicator of our progress. This government will continue to oversee key education reforms and prioritise resourcing where needed in order to support continued improvements in the most vital education areas of literacy and numeracy.

MOTOR INDUSTRY TRAINING ASSOCIATION OF WESTERN AUSTRALIA — CITY OF JOONDALUP RATES

Grievance

MR A.P. O'GORMAN (Joondalup) [9.11 pm]: My grievance this morning is to the Minister for Local Government. I would like to go through some of the history of the Motor Industry Training Association of Western Australia, which is now located in Joondalup. It was set up in 1990 as an industry body to train apprentices. From 1990 to 1992, it trained 65 apprentices and was located in Cohn Street in Carlisle. By 1993, it had outgrown those premises and moved to new premises in Fremantle. By 1998, MITA had outgrown the premises in Fremantle and moved to Balcatta into a 1 200-square-metre training workshop with some training and administration rooms. The demand was so great on MITA that by 1998, additional training rooms had to be created in Balcatta, and it purchased or leased the adjoining property. Late in 1999, MITA acquired a whole lot of the adjoining property so that it could have 2 400 square metres of training space. At that point, MITA trained over 200 apprentices.

Earlier this year, Hon Peter Collier, along with federal Minister for Tertiary Education, Skills, Jobs and Workplace Relations, opened MITA's new training centre in Joondalup. There are now 300 apprentices training at that centre in Joondalup. It is a great asset for the Joondalup electorate and for the Joondalup area. Joondalup is a city that is proud to say that it promotes education and training. We have Edith Cowan University, West Coast TAFE and the Police Academy. The Joondalup Health Campus is strongly working towards becoming a tertiary hospital. None of those organisations has an obligation to pay rents to the local council.

MITA is a not-for-profit organisation that provides training to apprentices for the motor industry. It has applied to the City of Joondalup for a rates exemption on the basis that it is a charitable organisation. It is well recognised as being a charitable organisation by the Office of State Revenue, and back in 1998–99, it was granted land tax exemption because it was an educational institution. Further, when MITA acquired the land in Joondalup to build its current facility, it was also granted a stamp duty exemption by the state government, again recognising MITA as a charitable organisation. MITA is also recognised by the Australian government as a charitable organisation. I will read a notice of endorsement for charity tax concessions from the Australian Taxation Office so it is very clear what MITA is allowed to be exempted from. The notice states —

> **MOTOR INDUSTRY TRAINING ASSN OF WESTERN AUSTRALIA INC**, a **charitable institution**, is endorsed to access the following tax concessions from the dates shown:
>
> - **Income tax exemption** from **5 March 2004** under Subdivision 50-B of the *Income Tax Assessment Act 1997*.
> - **GST concession**s from **1 July 2005** under Division 176 of *A New Tax System (Goods and Services Tax) Act 1999*.

- **FBT rebate** from **1 July 2005** under section 123E of the *Fringe Benefits Tax Assessment Act 1988*.

Your organisation's endorsement to access charity tax concessions, together with the date or period of effect, is entered in the public register maintained by the Australian Business Registrar …

It is quite clear that both levels of government, state and federal, recognise the Motor Industry Training Association as an important provider of training Western Australia—not only in the northern suburbs, but right across Western Australia—for the motor industry. It is shameful that the City of Joondalup insists on charging this institution $48 000 a year—this year—in local council rates. The City of Joondalup refuses to accept this association as a charitable organisation despite the fact that the state government and the federal government fully accept it as such. Currently MITA is being quoted rates as a commercial organisation; it is not. As members can see, the state and federal governments have accepted that MITA is not a commercial organisation. It is an educational institution; it competes with other organisations in the Joondalup area, and this approach by the City of Joondalup sets a bad precedent for training organisations. Another training organisation, the National Electrical Engineering Communications Association, also wants to locate to Joondalup and has already purchased land, but it is in a position in which it must now consider whether it will be able to move to Joondalup if it is to be hit with the sorts of rates the City of Joondalup has imposed on the Motor Industry Training Association.

We want to be a city that is proud of delivering education and training. We have the training precinct; the City of Joondalup has endorsed that, yet it refuses to accept these charitable organisations. I ask the minister to intervene and look at the City of Joondalup's obligations to consider charitable organisations, particularly education and training organisations, within the City of Joondalup. If we want to expand this education and training precinct, we need to be able to attract organisations such as the Motor Industry Training Association and National Electrical Engineering Communications Association group training scheme to Joondalup. NEECA already has facilities in Jandakot and Balcatta, and it has no local government rates to pay in Jandakot. Could the minister please intervene? I know that the Motor Industry Training Association has written to the minister previously, and I know that it has written to the Minister for Training and Workforce Development in the other place. My understanding is that the Minister for Training and Workforce Development has flipped it off—it is not his issue; it is a local government issue. Therefore, I bring this grievance to the minister this morning in the hope that he will give us some hope that we can maintain this Motor Industry Training Association in Joondalup without putting excessive costs or extra costs of $50 000 a year onto the organisation. That is taking $50 000 out of the training of apprentices in our state.

MR G.M. CASTRILLI (Bunbury — Minister for Local Government) [9.08 am]: I thank the member for Joondalup for bringing his grievance to me this morning. I understand that the Motor Industry Training Association applied for exemption from the City of Joondalup on the basis of, I think, section 6.26 of the Local Government Act, which provides that land used exclusively for charitable purposes is exempt from rates. MITA also requested a concession on rates imposed under section 6.47 of the act. The report on the request to councils noted that, as I think the member mentioned this before, MITA moved to the City of Joondalup but operated in Balcatta. I think the member said that MITA moved to Balcatta in 1998. From what I understand, MITA did not receive any exemption of rates from the City of Stirling, and I am not sure whether it applied for exemption from the City of Stirling. Obviously, MITA was there until 1998 until early this year, as I think the member said; therefore, I presume it has been paying rates to the City of Stirling for all this time. I am not sure whether the City of Stirling knocked MITA back or whatever—I am not sure of the circumstances—but I think the City of Joondalup refused MITA's request in August. MITA has written to me. I have a copy of the letter I received from it on the thirteenth of this month. Section 6.26(4) of the Local Government Act applies to this matter, which gives me as minister the power to declare land exempt from rates. As I said, I got a letter from the Motor Industry Training Association on 13 September seeking exemption. My department is going through that application now, and I hope to get back a report on it from my department next week. I will therefore give the matter very due and fair consideration.

The member for Joondalup also mentioned that the Australian Taxation Office had endorsed MITA as an income tax–exempt charity entity. I also have a copy of a letter from the Water Corporation to MITA, which advises that MITA now receives reduced service charges up to a certain amount, and the member for Joondalup mentioned other tax exemptions and GST benefits. The issue of rate exemptions generally has always been a very contentious one for local governments throughout Western Australia because, as they keep telling me, they directly miss out on rates. They also tell me that there are some grey areas in the issue of exemptions. However, I understand that bodies such as MITA and others have applied for exemptions. A few organisations that were knocked back for exemptions by councils in the past, such as Retirees WA, went to the State Administrative Tribunal for a determination under the act. There is therefore another avenue that they can explore in the meantime if they want to, and that avenue would be available eventually down the track, if circumstances permit. However, as I said, I will certainly look at the matter for the member for Joondalup.

I have to tell the member that the issue of rate exemptions is very complicated. There are some grey areas between the commonwealth government and the state government about the definition of a "charitable purpose". I sympathise with local governments to some degree about the amount of money they are missing out on; however, the act is the act and any determination must be determined appropriately. Local governments are saying that when a rate exemption is given to an entity—the member for Joondalup said MITA's rates are $48 000—the rest of the community has to pick up the tab for the cost of infrastructure and whatever else that goes on within that locality. However, that matter is being determined and, as I said, the act is the act. I cannot remember the exact figure that local governments throughout Western Australia are giving up in rates, but I believe it is several millions of dollars. However, the act is the act and exemptions must be determined according to the act. In the past when organisations were knocked back by local government because the exemption was in a grey area, I encouraged them to work together. Local governments can negotiate and say, "Okay, there's the amount of rates. We'll charge you the rates but we might give it back to you in the form of a grant." That is one way they can do it. They are seen to be charging rates but are then giving them back in the form of a grant or an ex gratia payment. That is how some people have been negotiating with their local governments.

I thank the member for Joondalup for bringing the grievance to me. I did receive it, my department is certainly looking at it and I give him my assurance that I will give it the proper and full consideration. I forget the number of trainees MITA has; is it 400?

Mr A.P. O'Gorman: Three hundred.

Mr G.M. CASTRILLI: Three hundred trainees. I really appreciate and value the work that organisations such as MITA do, as people in such education facilities are all working in the same direction. I am not sure whether MITA is in a specific education precinct in the City of Joondalup, but I really appreciate and value the work and training it does for our young people—and for the not so young. I therefore give MITA my full assurance that I will look at the matter in a full way.

COCKBURN CEMENT — LICENCE APPEALS

Grievance

MR F.M. LOGAN (Cockburn) [9.24 am]: My grievance is to the Minister for Environment. It goes to the issue of the recent action by Cockburn Cement to appeal the minister's amendments to the licence in May and the quashing of the most important part of those amendments. As the minister knows, his amendments in May to Cockburn Cement's operating licence were roundly approved and supported by the residents of Cockburn; they were supported by the local government of Cockburn, the City of Cockburn; and, as the minister knows, I congratulated him on many occasions in this house for the leadership that he took on the matter. It was a reflection of the minister, as the Minister for Environment, putting the environment and people's health first. That is the reason we all supported the actions the minister took.

The reason the residents and I now feel very betrayed about the recent appeal is the way in which the events that have occurred were handled. An appeal was made to the Supreme Court by Cockburn Cement, and that appeal was made in a very underhanded, secretive way because the company did not tell anybody about the appeal. Only as late as the week before the order was issued by the Supreme Court, the company was telling people in community meetings that the baghouse filter for kiln 5, which was the key component of the amendments made by the minister back in May, was going ahead. The residents were in that meeting a week before the Supreme Court order was issued and asked specifically about the timing for the construction and installation of that kiln 5 baghouse filter. They were told by engineers and management representatives of Cockburn Cement that it was all on track.

The other reason the residents and I feel betrayed is that the minister would have known about that appeal; his department would have told him as soon as the company lodged those appeal papers in the Supreme Court. He would have known about it. He had plenty of opportunity to come into this house and tell the house and the people of Western Australia what Cockburn Cement had done. The minister would have had opposition support for whatever action he intended to take to defend his decision. That is why I feel disappointed about what the minister has done and the way in which he, his department and Cockburn Cement have gone about this matter in what has been a really secretive manner.

What is worse about this order from the Supreme Court, which came out on 12 September, is the way in which the minister's media release appears to show that the appeal was an argued position and that it was a quashing by the Supreme Court of the minister's decision requiring the company to put a baghouse filter on kiln 5. There was no argued case. This order was issued from the chambers of Justice Edelman with no member of the public present—and it was a consent order. This was a consent order! Counsel representing the minister put to Justice Edelman that the minister had got his decision wrong. The minister's release does not highlight that. That is why I feel this is a shameful case. The minister should have been up-front and told people he had got the amendments to the licence wrong and that they may well have been illegal. He should have been up-front and told people that

he got it wrong and how he would fix it, rather than have that amendment quashed by agreement. It was quashed by agreement. Counsel representing the government, the minister and the Environmental Protection Authority agreed with the company's arguments that the minister had got it wrong and the decision should be quashed. People feel betrayed because nobody knew about it. The overturning of the amendment was done in chambers and nobody was told about it. If the minister goes back to why he made the decision to amend Cockburn Cement's licence in the first place, he will remember that he based his amending decision on the advice from the Department of Health. The Department of Health highlighted concerns for the health of residents in the suburbs around the Cockburn Cement plant, particularly elderly residents, people with breathing difficulties and young children, but all those issues remain.

I would like to lay on the table some pictures of fallout from Cockburn Cement just last Sunday. These photos were taken by residents, who are in the public gallery, of chairs and outdoor settings in their backyards. These images show how much lime dust comes out of kiln 5. The licence amendment concerning kiln 5 has been quashed by the Supreme Court. These pictures were taken last Sunday and show what people have to breathe in; this is what goes up kids' noses. The minister knows how bad it is because he has been out there, and he knows that Cockburn Cement denies that this is happening. I ask the minister: where does this go now? We will do everything to help. The opposition will help the minister. If it requires legislative amendments to the act to allow the minister to enforce that original decision he made, we will help him do that. However, we want to know how the minister will force this company to put a baghouse filter on kiln 5 in the same terms that he set out for the company in May this year.

[The photographs were tabled for the information of members.]

MR W.R. MARMION (Nedlands — Minister for Environment) [9.31 am]: I acknowledge that the member for Cockburn gave me notice of this grievance yesterday. I also acknowledge some of the residents in the public gallery, whom I have met. As those residents and the member for Cockburn know, I understand their community concerns. That is why, when I amended the licence earlier this year, I put the absolute toughest conditions ever put on Cockburn Cement. Unfortunately, as the member mentioned, although a lot of tough conditions were put on the licence, the one that residents and the City of Cockburn were looking most forward to was the condition to place a baghouse filter on kiln 5. It became clear that Cockburn Cement was not too happy with that condition, obviously, and it unfortunately chose to take the matter to the Supreme Court. As the member correctly said, we decided to challenge that. We received advice that because the licence for Cockburn Cement ran out before the date on which the baghouse filter was required to be placed on Cockburn Cement's kiln 5, we would lose the case on that technicality.

Mr F.M. Logan: The reason it was quashed was that the date on which you required Cockburn Cement to put on the baghouse filter was after the date on which the licence ran out. Who gave you that date?

Mr W.R. MARMION: That is the advice I received from the Appeals Convenor and everyone.

Mr F.M. Logan: Do you feel that you were misled by the department?

Mr W.R. MARMION: It is disappointing it has ended this way and that condition is not on the licence. However, in moving forward, the licence is due for renewal in March. I will not rule out putting the condition straight back on; it may be even tougher. I will not rule out any condition at all. Cockburn Cement has chosen this course. The company knows that I have checked out its premises. It knows that I have visited the residents. I guess Cockburn Cement knows my view is that the health and safety of residents is paramount. Therefore, when the licence is due for renewal in March, I have the power to do whatever I like. This recent advice will be quite useful in knowing, if I put time limits on things, how we deal with those time limits. We should not be waiting until March. I have instructed my department to work with Cockburn Cement. I want to see what we can do to speed up the process. That is perhaps why I am disappointed that Cockburn Cement was carrying on regardless. It may be that Cockburn Cement, on its legal advice, was not very confident that it would win. At the end of the day, it is —

Mr F.M. Logan: I do not think that the company cares; it is so arrogant that it does not care about you or this Parliament.

Mr W.R. MARMION: I am hoping that the advice I get from this department in liaising with Cockburn Cement is that it is still working towards a baghouse filter on kiln 5.

Mr F.M. Logan: They have gone back to their original position and said, "We will do kiln 6, because that was our decision, and then if it works, we might do kiln 5." They are not making any promises.

Mr W.R. MARMION: March is not that far away, member for Cockburn. Cockburn Cement would be smart to learn from what it is doing with kiln 6 because there may be some benefits. One of Cockburn Cement's points is worth acknowledging; that is, the baghouse filter for kiln 6 is a one-off. It is not an off-the-shelf baghouse filter; it is a new baghouse filter. It is the same with kiln 5; the baghouse will not be off the shelf. Technology could be

influenced by the work on the baghouse filter for kiln 6. Work on the baghouse filter for kiln 6 could produce benefits in the design of the baghouse filter that could eventually go on kiln 5.

Mr F.M. Logan: They did not want to do the baghouse for kiln 5 because it is an older kiln and, therefore, more expensive to do the design. That is the reason.

Mr W.R. MARMION: That may be the case. I should get to that incident mentioned by the member for Cockburn, but I remind the house that we still have some fairly strong conditions on the Cockburn Cement licence; for example, if it has an incident, we can shut down the plant until it gets approval from the Department of Environment and Conservation to start up again.

The member raised an incident that occurred on the weekend. I can advise that two complaints were left on DEC's Pollution Watch line on Sunday morning. DEC officers spoke to the complainant at 10.30 that morning. The complainant also contacted Cockburn Cement. The DEC officer called Cockburn Cement and was told that there was a problem with the cold fuel. I understand that the complainant felt she was not treated appropriately by Cockburn Cement. The company has advised DEC that, as a result, internal procedures for dealing with complaints have been addressed following this weekend's incident.

Mr F.M. Logan: The company has rung round and apologised to people because it was being rude to people. The issue is that the department is still not active. When DEC gets warned and told about these things, it does not do anything. Then on Monday it says, "What do you want us to do?"

Mr W.R. MARMION: This is what I have been advised: On Monday, 19 September, DEC viewed film from Cockburn Cement's monitoring camera and I am told that the plume appeared dark during certain periods, but was wafting and did not appear to disperse. On the information available, this event was not considered a specific event, as defined in the licence conditions, which would require closing the kiln in that instance. However, DEC has requested that Cockburn Cement investigate that complaint and report back to the department.

SOUTHERN METROPOLITAN REGIONAL COUNCIL — COMPOSTING PLANT

Grievance

DR M.D. NAHAN (Riverton) [9.38 am]: My grievance is to the Minister for Environment. As the minister is aware, the Southern Metropolitan Regional Council's composting plant has a long history of emitting odour pollution to the local communities of Willetton and Leeming and Canning Vale's industrial area. Despite many promises and attempts over the past eight years to fix the problem, the SMRC has failed to do so. As the minister will recognise from his trips to the plant, the odours are from rotting and fermenting garbage and other waste, primarily from this composting plant. It is almost impossible to get the odours out of people's clothes and home furnishings. People cannot use their houses and air conditioning during peak times. Because of the stench, people cannot have barbecues outside and elderly people and families with young children who live near the plant have lost amenity of their own homes. Importantly, housing values in the area have collapsed and people are finding it difficult to sell their houses; it is even worse than in the general area. This cannot be allowed to continue. When the plant was proposed around a decade ago, it was realised that similar plants around the world had odour emission problems. The SMRC committed to avoiding these odour problems at its plant. I need to mention that most similar plants around the world have closed because of odour and other issues. Despite these commitments, the plant has emitted excessive odour pollution from the start. Moreover, it has proved to be very, very difficult for the affected community to seek redress and hold the SMRC to account.

The plant's problems start from its location. It was built downwind easterly and within 450 metres of existing suburbs. The second problem relates to the technology it uses, which has failed here and elsewhere. In December 1996 the then Minister for Environment closed the composting plant because of excessive odours—right before Christmas, thankfully.

The SMRC at the time denied that the plant was emitting pollution but has subsequently admitted that it knew that one of its biofilters had stopped working and was emitting stench into the community. The plant was allowed to reopen in January or February 2007. The SMRC then closed down the plant itself again in March 2007 when it was threatened with another forced closure by DEC. It was allowed to reopen the plant after a short time and after it promised to have permanently solved the problem. Soon after reopening in March 2007, the plant began to emit odour pollution in the community. It took the community over a year of lobbying to get DEC to undertake a systematic testing of odour in the area. This was done during the first quarter of 2008. The results took six months to process. In the meantime, the community was subjected to over a year of pollution. During this time the SMRC again denied that the plant was emitting the pollution. DEC released the odour report in October 2008 and issued an environmental protection notice on the SMRC under section 65 of the Environmental Protection Act. Under this environmental protection notice, DEC required the SMRC to produce an odour abatement plan. DEC engaged consultant engineers to undertake peer review work of SMRC's consultants. This was promised by DEC and the SMRC to solve the problem.

Later that year, 2009, the Department of Health issued a report on the SMRC composting plant. The report identified that a large range of volatile organic compounds were being released from the facility at the time of testing. Estimates of odour concentration were made at the boundary of the SMRC plant and with different areas. They found all sorts of significant trace elements related to odour in the area. At the same time the odour surveyors reported that odour was being readily detected up to 1 000 metres from the plant. Chemical sampling found excessive concentration levels of compounds related to odours. The Department of Health's report went on to say that approximately 93 per cent of the residents within 600 metres of the plant reported odours, and only 12 per cent believed the upgrades to the plant to combat the odours were successful. The SMRC denied all these.

Three years later, nothing has changed. DEC is undertaking yet another odour survey, and the results again are unequivocal. The SMRC plant is the source of odour, and the odours are serious and widespread. DEC staff told me that a review of the 300 or so valid odour logs during the latest test reveal that 193 relate to the plant. These results have been cross-referenced and verified by DEC's own results and complaints from the community.

It is of enormous concern that the SMRC's chairman, Tony Romano, and the chief executive, Stuart McAll, are still saying in the media that they are waiting to meet with DEC over the results of these recent odours. They are saying that DEC has not talked to them. In a briefing that I received from DEC's officers on 4 September 2011, I was informed that both these men from the SMRC, along with their technical staff, had attended a briefing in the days prior to my briefing—that is, they had a meeting on 3 September—but Mr Romano and Mr McAll had chosen to leave that meeting and not be briefed. Surely, as directors of the SMRC, they have a duty of care to ensure they are fully informed about important surveys and damaging results from their operations.

This is a long, sorry saga. We have problems with trying to detect odour pollution and to enforce commitments to avoid odour pollution. I readily admit it is not an easy area. But it is time to draw a line in the sand. The technology, the location and the management of this plant are not up to par, and it has seriously affected people in my electorate and the electorate of Jandakot for too long. It is time to put an end to it. I welcomed the minister's recent statements on this, particularly to give a six-month deadline for the SMRC to fix the problems, but I also emphasise that the licence for the plant comes up for renewal on 22 October. I urge the minister to not renew that licence so that it overrides the six-month deadline to fix this problem.

MR W.R. MARMION (Nedlands — Minister for Environment) [9.45 am]: I thank the member for Riverton for raising this grievance with me and also for his continuous involvement in this issue over many months. I also acknowledge that he knows that I understand the community's concerns, because I have toured the plant with the member. I think it was almost an hour-and-a-half tour. I also note that I lasted longer than the member for Riverton; the member for Riverton left early. I acknowledge that there are odours, particularly on site, but I understand, if something is going wrong with the plant, that periodically the odours, because of the wind direction, could obviously affect residents.

I also acknowledge that this has been an extremely long-running issue. I did not realise how long it was until I heard the member's grievance. Clearly, there is still an odour problem. Odour pollution is a complex problem to solve. The member has highlighted the fact that over many years, it seems, despite what they have done, they have not been able to control the problem.

As members are aware, an odour study was undertaken. It was an extensive study that involved the community. It also involved 120 hours of DEC time outside hours, so it was a very comprehensive study. I have not received the final study, because it is up to the peer review, but the study appears to confirm that there are obviously still odour problems. Despite $2 million being spent on work at the plant a year ago and some tweaking—we understand, obviously, that when we tweak it there could be start-up problems—the odour problems do not seem to have gone away. In terms of this recent study, 330 observations were taken. According to 130 of the observations, the odours were related to the facility. There has to be a proper scientific basis before we do anything. One could argue that perhaps we now have that. Next week or the week after when I receive and look at the final report, perhaps we will have some scientific basis for saying that there is an odour problem, and asking whether it has been fixed and what we should do.

The member has raised an issue with me before. The SMRC waste facility is quite a complex, expensive facility that has been put in place. The member has suggested that the technology may not be right. I am not the expert in that area. These things require a scientific basis for their operation. It appears that the odours are not being addressed.

The licence is coming up for renewal again. One of my agencies, the Waste Authority, actually makes grants to organisations to get rid of waste. The SMRC waste recovery facility does get grants. I understand the member's concern: why are we giving the facility money? "Are we throwing good money after bad?" is one of the comments the member has made to me in the past. I have written to the Minister for Local Government, seeking his advice on the financial solvency of the Southern Metropolitan Regional Council.

The member also raised in his grievance an issue close to my heart—that is, buffers. People may suggest that it is an asset for a community to have a facility that gets rid of waste, but if the odours or whatever from such a

facility impact on the surrounding area, obviously the solution is to have a reasonable buffer. The member mentioned that when the facility was first put in place, houses were within 450 metres. I understand that in some instances houses are closer than that now.

Dr M.D. Nahan: The plant is within 450 metres, but the headquarters of the SMRC is within 150 metres.

Mr W.R. MARMION: I know of licences in other industries that require much larger buffers, and one could argue that those industries have fewer odour problems than a waste facility. The counterargument is that perhaps a well-run waste facility without odour emissions may need smaller buffers.

Dr M.D. Nahan interjected.

Mr W.R. MARMION: Correct.

Dr M.D. Nahan: The real issue is the easterly.

Mr W.R. MARMION: Buffers should always take into account wind direction. I know that certainly with noise studies—it should also relate to odour—wind plume analyses need to be done to show where the buffers should be. Perhaps in the past buffers were not done on a scientific basis, but that is another issue.

Where to now? That is really what the member wants to know. Certainly, a lot has been done in the past. I will soon have an odour study to look at that will have a comprehensive set of information. As the member has said, the licence is up for renewal. If we are to renew this licence, I expect the facility to address the community's concerns about the odour. I expect that the information I will get from the Minister for Local Government about the solvency of the SMRC will be another factor. Unless I am comfortable that the odour can be controlled, and the next step may be to have very strong conditions for the SMRC to control the odour at the facility, which, if it does not meet —

Dr M.D. Nahan: The problem with the odour is that it takes about nine months to a year to do a survey and get results back.

Mr W.R. MARMION: There will be no more surveys. As far as I am concerned, that is the end of it. We have the data. Enough studies have been done on this facility. That is it. It now has to perform. That is what I will be looking for. If it does not perform, it might be in trouble.

DISTRICT LICENCE NUMBERPLATES

Grievance

MR M.J. COWPER (Murray–Wellington — Parliamentary Secretary) [9.52 am]: My grievance is to the Minister for Transport. I would like in advance to thank him for his indulgence on what may be regarded as a small or trivial issue. However, as a fellow country member, I am sure that he will appreciate the sensitivities attached to and the sentimental value of district licence plates that appear on vehicles throughout regional Western Australia. Mr Murray Piggott is a fine upstanding constituent who lives on Inkerman Road, Brunswick Junction. The Piggott family have been farming in the Brunswick district for many, many years and are highly regarded. In a previous life, I had quite a bit to do with Murray through his support for very worthy causes such as the Royal Agricultural Society of WA, the local community and the Lions. Mr Piggott owns a Massey Ferguson 135 tractor as part of his business. He runs tractors around his properties and cuts hay and the like. Of course, the tractor is a very valuable part of his machinery. The tractor is licensed in the Harvey shire and bears the numberplate H 379. As the minister will appreciate, these people are very parochial about where they come from, and they display their numberplates with great pride. I am sure that the minister will also be familiar with Busselton numberplates. I know a mutual friend of ours, Mr Michael Power, who has BSN 88 on his Buick, a wonderful old car that is seen around from time to time. It is renown throughout the south as an iconic vehicle. That is the depth of passion that these people have for district plates.

Over the years, the tractor used by Mr Piggott has lost its front numberplate. At this time, we do not know where that plate is; it is assumed to have been ploughed back into the beautiful soils of the Brunswick area. That has been the situation for a number of years. A little while ago, Mr Piggott decided that he would go to the Australind office of the Harvey shire and apply for a remake of the district plate. Hence, a duplicate copy of the numberplates was manufactured for Mr Piggott. He was contacted and asked to present again at the Harvey shire offices. When he got there, he was told that before the plates could be issued, he needed to fill out a statutory declaration. He went away and dutifully filled out a statutory declaration claiming that the plate had been lost, presumably somewhere on the farm, and was buried under mud or whatever. He then presented back at the licensing centre. When he got back to the licensing centre on the second occasion, the plates were ready for the swap. When he handed over the old Harvey numberplate, he was asked where the other one was. He said that that was the reason he wanted the new plates. It was decided that because they were district plates, they did not fall within the provisions of regulation 23 of the Road Traffic (Licensing) Regulations, which deals with lost plates. That regulation states —

> (1) Where a number plate or number plates issued in respect of a vehicle are lost as a result of being stolen or any other cause, a responsible person for the vehicle shall, forthwith, send to the Director General notice in writing of that happening and the Director General shall, on proof, by statutory declaration of the loss, and on production of the licence or certificate of registration, issue another set of number plates in respect of the vehicle but where the lost number plate is —
>
> (a) a special plate;
>
> (b) a name plate; or
>
> (c) a personalised plate,
>
> the Director General shall issue a number plate in substitution for that number plate …

Unfortunately, district numberplates, which we are all very fond of, do not fall within that meaning. Mr Piggott was in an extraordinary situation. He was standing at the Harvey shire council desk, with the plates before him. He thought he was going to do a clean swap—two for one—but, unfortunately, the regulations did not provide for that to occur. Mr Piggott was somewhat miffed by this and he took steps to go to the licensing division further up the food chain. As the minister will appreciate, the Harvey shire office is just an agency of the licensing centre. However, Mr Piggott met with the same response. He then came to me and I wrote to the Director General of the Department of Transport. Of course, I have also written to the minister. The response has been that this is the current situation. In fairness to the minister and his department, the response indicates that there is likely to be a review of this situation in the near future and district plates may or may not be included in regulation 23 of the Road Traffic (Licensing) Regulations 1975.

I am not sure whether regulations have to be amended by way of statute or an amendment in this place or whether it can be done through an amendment by the minister. I am simply seeking for the minister to examine this situation on behalf of Mr Piggott and all the lovers of district plates. Perhaps a paragraph (d) with the words "district plate" could be inserted in the regulation. I am sure that would satisfy Mr Piggott and other people who are very keen to retain the parochial identity of their local areas. At this time, there is in existence a set of plates that could easily replace those on Mr Piggott's Massey Ferguson 135. He would be very happy ploughing his fields during the upcoming hay season and baling hay in the full knowledge that his beloved numberplates are being displayed on his tractor with great pride. As I said at the outset, this is only a minor issue, but these are the sorts of issues that are presented to local members. With a little effort, I think these sorts of matters can be ironed out. We should not underestimate the value of addressing such small matters that are of importance to local citizens.

MR T.R. BUSWELL (Vasse — Minister for Transport) [10.00 am]: I thank the member for Murray–Wellington for raising this issue. I previously had a district numberplate; I was BSN 1 when I was the shire president of Busselton. On occasion, it was a curse. I remember accidentally driving through a red light. There were four other cars at the intersection at the time. By the time I returned from Smiths Beach after a bit of brisk early morning bodyboarding with my son, my phone rang and it was the local constabulary informing me that each of the four cars at the intersection had rung to report my indiscretion, which, of course, I was about to do voluntarily once I had returned within phone range. I am a big fan of district plates. As an aside, with some local governments deciding to amalgamate—the City of Geraldton–Greenough and the Shire of Mullewa —

Mr I.C. Blayney: It's the City of Greater Geraldton.

Mr T.R. BUSWELL: — we could not issue district plates when the district no longer existed. As I recall, the real issue was around the Mullewa plates—the MW plates. We have decided to change the regulations to allow district plates to be issued when the district no longer exists. I have done a little bit of work around district plates.

I have had a look at the case of the member for Murray–Wellington's constituent Mr Piggott and his Massey Ferguson 135 numberplate, H 379. I had a look at the letter we sent to the member a little while ago. The member is right that the current regulations basically provide for a personalised plate, a name plate or a special plate. In the member's case, he might have "Handsome".

Mr J.M. Francis: Or "Jandakot" on your ute.

Mr T.R. BUSWELL: Yes, or "Jandakot" or something along those lines. At the moment, district plates are clumped with all other plates. I can understand the argument that we need some pretty tight controls around the reissuing of numberplates, especially the vast majority of numberplates, which would be "all other" plates. I think the member's argument that district plates should be treated in a similar way to personalised plates, special plates, custom plates and the like is valid. I cannot imagine that there would be a large number of district plates around. I imagine they would generally be pretty tightly held by a relatively small group of people.

Mr M.P. Murray: Some change upon death.

Mr T.R. BUSWELL: They may well become part of the inheritance, and let us hope that is not something that Mr Piggott tests in the not-too-distant future.

I will have a discussion with the department again about the steps we can take to move district plates into the same category as personalised and special plates. I think that makes a lot of sense.

I make one proviso; that is, we will have to get some feedback from the police, the member's former colleagues, on their view on that. Obviously, the Department of Transport looks after licensing and they look after enforcement, but I cannot imagine that there will be a significant issue.

I appreciate the member bringing this issue to my attention. I must admit that I had written to the member, explaining the reasons that we could not do it. But, on reflection, there are plenty of reasons we should do it, so I will advance that argument with the department. Hopefully, in the not-too-distant future, we will be in a position whereby Mr Piggott will be able to have his H 379 plates reissued. I cannot give the member an undertaking on how long that process will take. The member has raised a valid issue and has highlighted something that we can deal with, and we will.

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

Nineteenth Report — "Annual Report 2010–2011 — Tabling"

MR J.N. HYDE (Perth) [10.03 am]: I present for tabling the nineteenth report of the Joint Standing Committee on the Corruption and Crime Commission titled "Annual Report 2010–2011".

[See paper 3906.]

Mr J.N. HYDE: The Joint Standing Committee on the Corruption and Crime Commission has completed a very productive 12 months. This is a period in which we have provided a total of five reports to Parliament. In doing so, we believe that we have provided the Parliament of Western Australia with a wealth of information pertaining to the very important areas of anti-corruption and corruption oversight in Western Australia.

Having spent the majority of the last calendar year engaged in our inquiry into how the Corruption and Crime Commission can best work together with the Western Australian police force to combat organised crime, the committee tabled the report pertaining to those matters on 9 September last year. In that report, the committee recommended that the CCC's jurisdiction should not be increased to allow it to directly investigate organised crime, as any such extension of its jurisdiction would compromise the authentic independence of the CCC with respect to WA Police, and therefore the CCC's important police oversight role. I note that in the debate we had in this chamber on Tuesday, the Attorney General stated for the first time that he and the Premier would now be considering the reports of our committee in light of the report that we tabled last week regarding the allegations of police use of excessive force, and that the Attorney General would be seriously re-examining the future role of the CCC. I am quite amazed that this has not received more attention in not only Parliament, but also the media. I congratulate the Attorney; I am not going to verbal him and say that he is coming round to the committee's view. It needs to be stated again and again that our committee is bipartisan, with two Labor members and two Liberal members. The committee unanimously and strongly agreed, as does the Parliamentary Inspector of the Corruption and Crime Commission, Hon Chris Steytler, that the CCC should not have a more active role in directly combating organised crime with WA Police. I again urge the government to seriously consider this important issue as we examine the changes that are needed in the CCC legislation. I understand that that may not be discussed by this Parliament this year, but will be discussed, hopefully, next year.

Among other findings and recommendations, our conclusion in that report was reasserted by the committee in two further reports that were tabled in the first half of 2011; namely, the committee's analysis of recommended reforms to the Corruption and Crime Commission Act 2003 and the committee's report on the corruption risks of controlled operations and informants. The first of these reports represented the culmination of a sustained effort by our committee chair —

The ACTING SPEAKER (Mr P.B. Watson): Member for Kalgoorlie, we have a member on his feet trying to speak. If you want to have a meeting, go outside. Thank you.

Mr J.N. HYDE: The report represents the culmination of a sustained effort by the committee to analyse each of the 58 recommendations for reform to the CCC act contained in a report prepared by Ms Gail Archer, SC, that was tabled in Parliament in March 2008 following the statutory review of the act. The committee is hopeful that its analysis of the recommendations made by Ms Archer, SC, will prove a very useful aid to Parliament if and when the government seeks to amend the act.

The committee's report on the corruption risks of controlled operations informants arose out of the committee's earlier inquiry into how the Corruption and Crime Commission can best work together with the WA police force to combat organised crime. In the course of conducting the earlier inquiry, the committee learned that the investigation of organised crime necessitates the use of controlled operations and informants—practices for

which there exist significant inherent corruption risks and risks to public safety. Accordingly, and under the assumption —

The ACTING SPEAKER (Mr P.B. Watson): Members, when you get to your feet, you want everyone to hear what you are saying. The member for Perth has had to look around at three people on his own side and people on the other side while he has been trying to get a very important message across. If anybody wants to talk to someone, go outside; if you do not, I will call you to order.

Mr J.N. HYDE: Accordingly, with the Joint Standing Committee on the Corruption and Crime Commission working under the assumption that the government still intended to pursue a significant change in the focus of the Corruption and Crime Commission, the committee has set out to familiarise itself with the best practices for managing the risks inherent in the use of informants and controlled operations.

The work of this committee is, I think, among the most important work that is being done in the Parliament. Some people may hold the view that the committee works as a filter between the CCC, the parliamentary inspector and Parliament; it is certainly my view that it does, and it is a most effective and needed filter. I remind members of the sheer volume of annual reports that have been tabled in this house this week, and they have barely had a look-in. The Parliament as a whole does not have the time, ability or, I would argue, the knowledge base for every member to be on top of every area of government oversight, so the work of this committee is very important in this complex and ever-changing world of anti-corruption.

I look back to 10 years ago when I was involved in drafting the Corruption and Crime Commission Act. I have the benefit of hindsight in looking at the changes in thinking towards anti-corruption and changes in the effectiveness of achieving excellent anti-corruption outcomes. People forget that the CCC was set up because we had a royal commission into the activities of the police service. Again, if we fast forward 10 years to the report the committee tabled last week, it showed that of 381 serious allegations of misuse of police force, only one had been investigated by the CCC. That was a very important issue that needed to be brought to the attention of Parliament. Importantly, because our legislation provides for the position of Parliamentary Inspector of the Corruption and Crime Commission, we actually have an expert—in this case, Hon Chris Steytler—to do the important confidential work associated with the CCC. The work of the committee has enabled the CCC to come back and explain exactly the complexity and depth to which it is oversighting the police.

I hope the following information will be included when the CCC annual report is tabled; and, if not, it is something that we should discuss at a future opportunity. I bring to the attention of the house that over the past calendar year, the CCC undertook 73 formal investigations and 15 of them were associated with the police service. To put that into context, the police service makes up only four per cent of the public service, while 21 per cent of the formal investigations were conducted in areas associated with the police service. As we know, of those 15 formal investigations, only one was to do with an allegation of the use of excessive force, but I think that is an indication from the CCC that it is oversighting the operations of the police service. I am sure the CCC is able to speak on its own behalf, but it is important that the committee puts issues in context. By having a parliamentary committee and a parliamentary inspector, we are actually able to examine the depth and the extent of that oversight. It is important that we look into this issue in the full context of the operations of the organisation.

On a number of occasions, the committee and the parliamentary inspector have reported to Parliament on the many, many successes of the CCC. One of the most recent ones was the corruption exposed in the misuse of IELTS examinations—a very, very important operation within the public service in which at-risk people, international students and people who do not have residency in this state became victims of extortion and threats of being kicked out of the country. The CCC did a terrific job in its investigations, working with the police service, exposing the corruption that was occurring in that very important area of the public service, and there are other areas.

Of course, members of Parliament may sometimes not be aware of the extent of this committee's oversight and the amount of good work the CCC is doing. We quite openly state areas where we believe the CCC should be working on a more concentrated level, a different level, or where it may have got issues wrong. That is a very important reason for us being in a democracy and having both a parliamentary inspector and a parliamentary oversight committee.

I draw members' attention to a visitor in the house today, Mr Kuban Omuraliev, who is the executive director of the Public Association Kyrgyz Parliamentary Group against Corruption, which is a national chapter of the Global Organization of Parliamentarians against Corruption. Mr Omuraliev is visiting for three days from Kyrgyzstan to meet with members of our committee and visit the Corruption and Crime Commission to see the operation of the anti-corruption measures in Western Australia.

As I have previously stated in this house, when we first set up the CCC, we took a lot of models from two of the most effective organisations in the world, which were Hong Kong's Independent Commission Against Corruption and Australia's then first anti-corruption body, the Criminal Justice Commission, which became the

Crime and Misconduct Commission, in Queensland. I still maintain that we got the legislation right and we got the model right, but over those 10 years there have been many changes, and we need to look again at the act to ensure that our CCC body and our oversight, through the inspector and the committee, is the most effective in Australasia and, hopefully, the world.

In the context of the knowledge base that is required by members of Parliament to be aware of what is happening in anti-corruption, one of the benefits of having a small, hardworking parliamentary committee is in the provision of that knowledge base. I urge members, when we look at the CCC act review, that we do not change the model we have. We have two options. In the original Queensland model, the parliamentary committee is bigger and remains bipartisan, decisions can be made only by an absolute majority, and there must be support from committee members of both sides of the chamber. This is a very important role in the appointment of the commissioners and also of the parliamentary inspectors. We have spoken previously about how the Corruption and Crime Commission has not had a full-time commissioner for some time. I am pleased, but perhaps a bit disappointed, that I had to read in *The West Australian* yesterday that the government has been given the names of three candidates for that position. No appointment of a person to the position of commissioner of the CCC can be made until the parliamentary committee has been consulted. As we have shown with previous appointments, our committee can meet with half a day's notice, can undertake its legal right to interview the government's preferred candidate, and can have the appointment approved within two days. So I would certainly urge the government to get the name of its preferred candidate to the committee very quickly.

I want to thank very much my fellow committee members for the incredible workload that they have put into the committee during the past year. I thank our chairman, Nick Goiran, in the upper house, who is an exceptionally talented and hardworking member of Parliament. I also praise the contribution of Hon Matt Benson-Lidholm in the upper house. I also acknowledge the very hard work of Frank Alban, MLA. We have a very strong spread of knowledge and experience on this committee.

Most importantly, I need to acknowledge the hard work of our staff on the committee. As all parliamentarians on committees know, the bulk of the very, very hard research work is done by the excellent staff that we have in this Parliament. The committee has had some staff changes during the year. Our one constant has been our research officer, Michael Burton, who has a wealth of information, not only in the area of anti-corruption, but also from other work that he has done around the world. We also had our principal research officer, Scott Nalder, and then the Clerk of the Legislative Assembly snared him and demoted him to work for him! Of course that was an ironic statement; and, as I have learnt in this house, irony does not work in the Parliament, so when I said "demotion", that was an irony. But we wish Scott very well. We now have our new principal research officer, John King, who is proving to be a valuable addition to the team. He took over from Dawn Dickinson, who worked with the committee for a period of three months during this year. We have also been fortunate to have on secondment from WA Police, Emma Clegg, who is proving to be a valuable addition to our research team.

I also inform the house, in closing, that I am particularly pleased that a number of parliamentarians, not only members of the committee, but also others, such as the member for Southern River, Hon Peter Abetz, and the member for Girrawheen, Hon Margaret Quirk, have expressed an interest in being involved with the Global Organization of Parliamentarians Against Corruption. Today we will be having the inaugural meeting here in Perth to establish the Australian chapter of the Global Organization of Parliamentarians Against Corruption. It is pleasing that those members whom I have mentioned, and other members of Parliament who have or have not been members of the anti-corruption committee, are seeking to improve their knowledge base of this important area. It is also fitting that, later this year, the Australian Public Sector Anti-corruption Conference will be held in Fremantle, and delegates and experts from around Australia and many places in the world who work in the field of anti-corruption will be coming here to discuss anti-corruption measures.

I commend this report to the house.

MISUSE OF DRUGS AMENDMENT BILL 2011

Third Reading

MR R.F. JOHNSON (Hillarys — Minister for Police) [10.24 am]: I move —

That the bill be now read a third time

DR J.M. WOOLLARD (Alfred Cove) [10.24 am]: I want to say how pleased I am to see this bill go through this house. Illicit drug use is a serious problem in the community. As you would know, Mr Acting Speaker (Mr P.B. Watson), because you are a member of the Education and Health Standing Committee, illicit drug use is an issue that the committee looked at in its last inquiry. It is very sad to hear the stories associated with illicit drug use, and particularly how illicit drug use affects children.

As I pointed out during the second reading debate, this bill aims to do three things. The first aim of the bill is to crack down on drug dealers who sell or supply illicit drugs to children. I believe that once a few people have been convicted for selling drugs to children, the message will get out to the community that that is an offence.

Hopefully, that will reduce the problem that we have now with people approaching children on their way home and trying to sell them illicit drugs. Children may have had a bad day at school and be tempted to buy those drugs, and there is then a very good chance that they will become dependent on those drugs. Therefore I think this is a great initiative. I am very pleased that the government is trying to stop people in the community from preying on children to try get them to become dependent on drugs; and, as we know, along with that dependency on drugs comes all the problems associated with drug use, such as criminal behaviour. So I congratulate the minister for introducing this legislation, and I hope that we will get some statistics at some point so that the minister will be able to come to this house and say how effective this legislation has been, because I am sure it will be very effective.

The second aim of the bill is to protect children from endangerment by tightening the sentences for exposing children to harm or the danger of serious harm as a result of the manufacture of prohibited drugs and the cultivation of prohibited plants. During the second reading debate I asked the minister about the chemicals that are used in clandestine laboratories. As I mentioned during that debate, research from America has shown that in one state, when pseudoephedrine was taken off the pharmacy shelves, the number of clandestine drug laboratories decreased from 400 to approximately 20 within just a few years. I am very pleased that the minister has assured me that the department and the police are looking into the types of drugs used in clandestine drug labs to determine whether the compounds being used are purchased at pharmacies, with a view to maybe making them available only by way of a script, rather than by general purchase.

The third aim of the bill is to ban the sale of illicit drug–use paraphernalia, such as cocaine snorting kits. This is another area in which anything that can be done to cut back on children—anyone—using illicit drugs is a good initiative. Therefore, I congratulate the government on bringing this bill to the house and I hope that in 12 months and in two years we will have the evidence to show how effective this legislation has been and will be.

MS M.M. QUIRK (Girrawheen) [10.31 am]: Before I talk briefly about the Misuse of Drugs Amendment Bill 2011, I want to make the point for the benefit of the member for Alfred Cove, who was not here last night, that it is very easy to take the moral high ground when a person has had eight hours' sleep. If the member were really committed to this bill, she would, like the rest of us, have been here. It is very unfortunate that the member chose to be elsewhere.

As the member for Alfred Cove stated, this bill contains three elements, two of which were Liberal Party election commitments. The first is the banning of the sale of drugs to children. The sale of drugs to children was effectively already an offence under the offence of the supply of unlawful drugs, albeit not one articulated with specific penalties attached in the case of children. The second is the widening of the ban on the sale of drug paraphernalia. Part of the debate last night that the member for Alfred Cove was not privy to related to some uncertainty and some grey areas about what constitutes drug paraphernalia and the exemptions to the prohibition on selling drug paraphernalia, for example, Fitpacks, needles, as part of a needle-exchange program and devices such as hookahs or shishas used by particular cultural groups to ingest tobacco, which is of course a legal drug. All those things were discussed in the context of being a Liberal Party commitment. The third aim was not a Liberal Party election commitment. However, over the past three years it has become increasingly clear that the clandestine drug lab problem has completely blown out of control under this government. The numbers have, I think, more than tripled. Because of the very nature of the volatility of the substances involved in the production of these drugs, these labs pose a danger to not only those directly on site manufacturing the drugs, but also their neighbours. That is the problem. The issue was very much brought to the fore when the Commissioner of Police's son was in one such lab when it exploded. He ended up in the burns ward at Royal Perth Hospital along with many other people who were involved in the same activity at other clan labs. It is a sad fact that our first-rate medical services in the burns unit at Royal Perth Hospital are increasingly being used to look after those who are involved in this dangerous and illicit trade. The police have had a lot of success identifying clan labs and I commend them for it. However, I think we need to know that it is the tip of the iceberg only; that is, if the number of labs discovered today is triple the number discovered three years ago, a lot more are not being discovered, and that is a matter for concern.

Because of the major problem of children being discovered on site at about 30 per cent of these clan labs, for some time Labor has called for government to do something to specifically deter people minded to let kids be around the particularly dangerous activity of manufacturing amphetamines. I say "the dangerous activity of manufacturing amphetamines" in reference to one of the issues the opposition has with the bill.

The minister has, of course, moved with his usual glacial speed and some three years later we finally see some legislation. However, it is not in a form that we think is preferable or effective, or that will act as a specific deterrent. And there definitely will be unintended consequences. That brings me to the second issue we have with this bill; namely, people this bill does not target will be unwittingly caught by it because of the breadth of the laws thanks to the minister's reasonably—how can I put this kindly—unsophisticated view that all drugs are bad, without necessarily looking at the harm we are trying to reduce with this legislation. The opposition's view was that if one were caught manufacturing amphetamines and children were found on site, it should be a certain

starter pack of aggravation for a sentencing judge to take into account. Unfortunately, this is not the track the government has taken; it has gone down the track whereby not only the manufacture of methamphetamine and clan lab activities are covered, but also the cultivation of an unlawful plant is covered. If this legislation were restricted to the commercial cultivation of plants with a specific number of plants or more, or restricted to circumstances in which plants were cultivated hydroponically and the electricity and lighting set up posed a danger or where, as mentioned by the member for Murray–Wellington, there were booby traps—I understand the hydroponic set-up raided in Geraldton last night was surrounded by booby traps—the opposition would have agreed that it was arguable that the activity of cultivating an unlawful plant in such cases created a nexus between that activity and the prospect or possibility of causing harm to a child, and would have copped it. However, the minister was very uncritical in his approach to this legislation, and we found during debate last night—which I know the member for Alfred Cove will be very sorry she missed—that the growing of a single plant in circumstances that pose no greater threat than the photosynthesis of that plant is an offence. This seems to be a yellow Lamborghini waiting to happen. The problem we have is that the consequences of being found guilty of an offence under this legislation is that it may well attract a mandatory term of imprisonment.

We say that hard cases make bad law. Not giving the sentencer the capacity to distinguish between a case in which someone grows one marijuana plant in a pot in their backyard, and maybe the pot falls over and hurts a child, is a far cry from a case in which someone manufactures amphetamines in dangerous circumstances in a makeshift lab at home and lots of noxious chemicals are released, exposing a child to physical harm and possibly brain damage. Yet the minister seeks to cover this range of behaviour in a way that gives the sentencer very little discretion. We do not think that is good law. We think that law should be about deterring conduct that the community regards with great opprobrium. We believe the law should be about attacking something that has a worrying prevalence, and we want to deter people from committing similar acts in the future.

Last night the minister and his advisers were unable to provide evidence of any cases in which children had come to direct harm during the cultivation of cannabis. As I said, we accept that there may be circumstances in which there can be a nexus but the mischief that this legislation should have squarely been about is manufacturing amphetamines in premises in which kids are present. We have heard examples of police raids being conducted and a child's cot being used to store chemicals. Everyone in the community regards that as absolutely horrible and it should send a very strong message when it comes to sentencing. I think it should be regarded as being at the higher level of culpability when sentences are imposed. We say that the end does not justify the means. In the future there will be cases with the sorts of examples we raised as being atypical of the conduct that should be controlled by this legislation, which will mean that significant injustice is caused.

It is also very important to note—I think the member for Alfred Cove will be interested in this—that during the debate last night the advisers advised the minister, who told this Parliament, that the vast majority, almost 100 per cent, of those who were caught with clan labs were addicts. The minister was further advised that 90 per cent of them were producing solely for their own use and only 10 per cent were supplying the drugs for other than their own use. That brings up a whole lot of other issues; for example, if a sentencer has discretion in sentencing, they can, for example, make the suspension of a term of imprisonment conditional on the offender completing a drug addiction program.

Dr J.M. Woollard: Would you agree that we need to know where they're getting those chemicals from?

Ms M.M. QUIRK: By and large, we know that. In terms of precursors, some very good laws were introduced by the former Labor government. In terms of licit drugs that are purchased from pharmacies, Project Stop has been very effective in deterring pharmacist shopping and the banking of large quantities of pseudoephedrine needed for drug production. However, Western Australia is a large state. It is very easy to import the stuff from interstate in a way that does not attract attention. I do not think a lot more can be done about that at this stage. It is important to know that this component of addiction is very important in the sentencing process because we need to break the cycle. Everyone in this room would know that the program availability in Western Australian prisons is not as universal as it should be. If someone goes to prison, there is no guarantee that they will be able to get on the drug addiction program that they so sorely need to get on.

We are in a situation in which addicts with children may well be sentenced to prison under these laws. We are not quite sure what will happen to the children. Addicts will come out of prison without having gone through the necessary program. We are using a sledgehammer to crack a nut. I am not saying that this issue is not incredibly serious. The community and the opposition have expressed the view that this is heinous behaviour and should be treated as such. The approach that the minister has taken is pretty unsophisticated. It has dragged in a whole lot of peripheral offending, which should not be what this legislation is about.

To conclude, we moved amendments to the bill, which were unsuccessful, that would have ameliorated our concerns. We welcome the fact that the minister agreed to review the legislation after three years. Time will tell whether our concerns are borne out. We are certainly hopeful that, however inelegant these laws are, they will act as a deterrent for people conducting activities in clandestine labs in the presence of children. It is unacceptable and abhorrent and should not occur. We are hopeful but we are not optimistic.

DR A.D. BUTI (Armadale) [10.46 am]: In the Minister for Police's second reading speech introducing the Misuse of Drugs Amendment Bill 2011, he stated —

> During the 2008 election campaign, the Liberal Party released a policy document titled "Tackling Illicit Drugs in our Community: Law Enforcement". The document outlined four law enforcement initiatives to tackle illicit drugs in WA. The first of the initiatives has been addressed by the Cannabis Law Reform Act 2010, which came into effect on 1 August 2011.
>
> The three remaining initiatives to be addressed by the Misuse of Drugs Amendment Bill 2011 will crack down on drug dealers who sell or supply illicit drugs to children; protect children from endangerment by tightening sentencing for exposing children to harm or the danger of serious harm as a result of the manufacturing of prohibited drugs and the cultivation of prohibited plants; and ban the sale of all illicit drug use paraphernalia in Western Australia, such as cocaine-snorting kits.

I have no idea what they are. I do not think anyone would disagree that the minister has the right to bring in legislation to tackle those issues. No-one from our side of the house would argue against the fact that we need to do what we can to reduce the use of illicit drugs, by children in particular. I gather that much of the minister's motivation stems from the recent increase in clandestine labs, for which we do not have the statistics but, as the minister said last night, there is a possibility that children are being housed in these homes that contain clandestine labs. That is a very serious issue that needs to be addressed by legislation, but not just by legislation itself. It would have been better if the minister and the government had come to this chamber with a more tightly structured and better drafted bill that tackles clandestine labs and the endangerment of children. Our concern, which was expressed last night, is the breadth of clause 9 of the bill. There is a problem with the breadth of that clause. That problem is magnified by the mandatory sentencing provisions that are attached to offences under that clause. As a lawyer, I have a problem with mandatory sentencing. There is a long-held view in the common law system that was developed in England that the judiciary should have discretion because they are at the coalface in the sense that they obtain all the evidence in cases before them.

It is easy enough for the legislature to pass laws and to say if X happens, Y will be the consequence. But often something happens between X and Y, and unless we know the full circumstances behind X, we may actually cause an injustice. Reading this bill, and particularly clause 9, brings me to a quote from the United States musician Frank Zappa, who stated —

> The United States is a nation of laws: badly written and randomly enforced.

I am not so sure about the randomly enforced aspect, but I think we could change that quote to say that under the Barnett Liberal–National government, Western Australia is a state of laws that are very badly written. This bill, particularly clause 9, is badly written. The breadth of it is amazing, and our numerous questions to the minister last night about the breadth of it and the causal link between the cultivation of a prohibited plant and endangering the life, health or safety of a child under 16 years were never properly addressed or answered. I am in complete agreement with the minister that the use of drugs in our society is a major problem, particularly when children are at stake, but when a problem is identified, a sledgehammer should not be used to correct that problem. When a sledgehammer is used to try to correct the problem, a greater problem may actually be caused and we may not know of the collateral damage that may be caused by the use of that sledgehammer. When we are in this place trying to enforce or draft and pass laws, we should do what is necessary to address the particular problem that the law has been enacted to address. We should be addressing just that problem, not trying to remove that problem from existence. I am sure that the minister would agree that no piece of legislation, unfortunately, will ever get rid of drugs in WA, but I know that he is trying to reduce the illicit use of drugs. However, the use of a sledgehammer approach may actually cause greater problems. I do not say that people who commit drug offences should never be in prison, but, as has been mentioned by other people, prisons are unfortunately a haven for drugs. The breadth of this bill means that there may be people who end up in jail who should not be in jail. One has to be concerned about what happens once those people enter jail. Last night, the member for Balcatta mentioned that, in addition to this legislation, the government needs to be thinking about non-legislative means to address the drug problem in WA, and I think that goes without saying. The member for Warnbro has of course talked many a time about the justice reinvestment strategy. I think that if we coupled tightly structured legislation with a policy and non-legislative development that highlighted the justice reinvestment approach that has been articulated by the member for Warnbro, we would have a greater chance as a Parliament to minimise the use of illicit drugs, and particularly the problem that this legislation seeks to address, which is the endangering of children and the selling of drugs to children. Although I applaud the minister's motivation in trying to tackle the problem of illicit drugs and children, I do not applaud him for the bill before us, because it has a far greater breadth than is necessary. It is a sledgehammer approach and we are unaware of the collateral damage that may be caused to people who are innocent. Yes, minister, bring in laws that seek to reduce drug use in Western Australia, but bring in appropriate, tightly structured laws that particularly address that problem, coupled with a proper policy formation that does not have to be legislative.

MR M.P. WHITELY (Bassendean) [10.55 am]: I will make a very brief contribution, and I will not go back over the issue of the title of the Misuse of Drugs Amendment Bill and how I think that this bill does not deal with the huge problem of the abuse of licit drugs. However, I want to make a few brief comments. I did not participate in last night's debate, but I listened to the debate about equating the harm that can be caused to children through clandestine drug labs with the potential effects of the growing of cannabis plants in the backyard, and I was incredibly concerned to hear the minister's response. I think it is an issue that needs to be revisited in the other place, because clearly, the imposition of mandatory sentences along the lines of what was described by the minister last night for the growing of a single cannabis plant, and the equating of the potential effects of the growth of cannabis plants with the harm that could obviously occur to children through clandestine drug labs, is just emblematic of the problems that the minister brings to the approach of dealing with drug abuse. Unfortunately, the minister brings a bumper sticker–type approach to the problem. It is all about slogans; it is all about portraying the image that Labor is soft on drugs. For all the reasons that I outlined in my contribution to the second reading debate, and I will not go over them again, we need to bring some intellect to bear on the issue of drug abuse. It is a very complex issue and the things we do in trying to stamp out the abuse of drugs such as cannabis, for instance, may have unintended consequences that are in fact far more harmful. I want to make the point that every time we tighten the legal consequences of using drugs such as cannabis, there is a natural incentive created for people to abuse other drugs that are legally safer in the sense that users can identify —

The ACTING SPEAKER (Mr P.B. Watson): Member, this is the third reading debate of the bill, therefore you have to —

Mr M.P. WHITELY: These are issues that were raised in the second reading debate.

The ACTING SPEAKER: Yes, I know, but we have to get on to the actual bill.

Mr M.P. WHITELY: Yes, and I am getting on to the bill.

One of the unintended consequences of this legislation in introducing things such as mandatory sentencing for the cultivation of cannabis plants may be that people will avoid the use of cannabis and will use other drugs that are legally safer in the sense that a person may be able to make a plausible excuse to police about why they are carrying prescription amphetamines or prescription sleeping tablets or opioids. The subtleties of that impact are lost in the bumper-sticker approach; this slogan-driven approach that the minister brings to this debate. There are good elements to this bill. We need to be concerned about the growing problems of clandestine drug labs, amphetamine labs, and the dangers they pose to children. That intention at the heart of the bill is excellent, but when we lose focus on the bigger picture by having a disproportionate response through a mandatory approach to sentencing that reduces the capacity of the judiciary to consider the individual circumstances of a particular situation, we are immediately saying that this Parliament and this minister—right here, right now—are better able than the judiciary to judge the circumstances confronting a magistrate in an individual case, when the magistrate is in full knowledge of those circumstances and the minister and the Parliament are in complete ignorance of those circumstances. I want to use this opportunity to encourage the Parliament to address the issues of the misuse of drugs in a broader context. I do not think enough intellect has been brought to bear on this problem. It is a complex situation and, clearly, some elements of this legislation have the potential for unintended consequences that could in fact make the problems of licit drug abuse worse elsewhere. Pushing down on the cultivation of cannabis and increasing criminal penalties may encourage people to go to legally safer drugs, but they may be more dangerous alternatives in terms of health and addiction and abuse.

MR W.J. JOHNSTON (Cannington) [11.00 am]: I do not intend to speak terribly long in my contribution to this third reading debate on the Misuse of Drugs Amendment Bill 2011, but I want to make a couple of points. The first point regards the proposed amendments to section 34 contained in clause 9 of the bill. Proposed section 34(4) reads —

> (b) an offence under section 7(1)(a) that involved cultivating a prohibited plant.
>
> ...
>
> committed in circumstances where the acts constituting the offence endangered the life, health or safety of a child under 16 years of age ...

The point I want to make here is that we asked the minister some questions about that during consideration in detail and the minister said that the cultivation of the plant leads to the endangerment, based on the fact that a child aged under 16 years might smoke the plant after it is harvested. That is a very different issue to the issue of a clandestine drug lab, which might explode and kill people or burn the neighbours or cause destruction. I do not understand why the minister thinks that the cultivation of the plant is the cause of the endangerment. Cultivating the plant is clearly illegal; we all know that. This is not about the cultivation of illegal drugs being okay; it is about the inclusion of that offence with what I think my constituents see as a much more severe offence—that is, running clan labs in the suburbs. I am not like the member for Victoria Park; I have not had the large number of clan labs going off in my electorate that he has been suffering, but it is an issue for people in my electorate.

People have come into my office to talk about these issues. The problem I have with the provision is that rather than making it clear that Parliament has a problem, we are denigrating the issue. We are saying that growing two plants in a backyard is just as dangerous as running a clan lab in an apartment block. Clearly, that is not right. That is one of the mistakes made by the minister.

Another thing that happens in these debates is that, as the member for Bassendean quite rightly said, we get a bumper-sticker attitude. Last night, there were calls across the chamber such as "You're soft on drugs" and that sort of thing. I will not labour the point, but members on this side of the chamber have a deep and demonstrated commitment to fighting drug abuse. I am not going to make cheap points, such as "In the latest surveys, drug use in Western Australia has increased since the Labor Party lost power", because that is the sort of cheap politicking that we see from the other side of the house. However, I will say that the member for Girrawheen was a crime fighter in her previous life. She was the Senior Counsel for the National Crime Authority, which at that time was the senior government instrument to fight organised crime in Australia. She has a demonstrated commitment to tracking down and fighting organised crime and drug trafficking. Quite frankly, the Minister for Police's greatest contribution to fighting the illicit drug trade in Western Australia will be when he retires from his portfolio. That is the situation. Let us not have ridiculous commentary from the other side of the chamber that denigrates the deep commitment to fighting crime that the Labor Party and individual members of Parliament have shown over a long time.

MR M. McGOWAN (Rockingham) [11.04 am]: I also want to speak briefly on the Misuse of Drugs Amendment Bill 2011. I have not contributed to this debate thus far, but I want to say a few things about this legislation. I care about whether people abuse drugs, but it is something quite outside my personal experience. I heard the member for Cannington talk about people's past involvement with fighting crime and he mentioned the member for Girrawheen. When I was a naval officer, considerable effort was made to ensure that military personnel did not have any involvement with the use or distribution of drugs. I suppose that was the extent of my personal experience with these issues. As a member of Parliament, of course, we see and hear of cases in which people are involved with drugs in our own communities, but I must say that I do not see much of it. Although we hear about it, in the lives we lead we do not see a great deal of it in our communities. Drug use is not particularly obvious unless we really look for it or move in a social circle in which it is prevalent.

I have a few views on this bill. My first point relates to the mandatory sentencing aspects of the legislation. I have some difficulties philosophically with mandatory sentencing, because it removes the discretion of a judge who hears all the facts and circumstances of the case to decide the most appropriate penalty for the individual who has allegedly committed the offence. When we remove that discretion, we express a lack of confidence in the judiciary and say that we do not have confidence in the judiciary's ability to decide the right course of action. We are also, potentially, making the court make a decision that might not be in the best interests of everybody involved and of the entire community. Therefore, before we implement something with some sort of mandatory sentencing component, we need firm evidence that what we are trying to address is not already being appropriately addressed by the courts.

Is there evidence that the massive increase in the number of these drug laboratories in our community is caused by the sentencing decisions of judges? Are people setting up these laboratories in their houses and garages because of the behaviour of the courts? I do not know whether that evidence is there. After reading the second reading speech and listening to the debate, I do not think there is evidence that people are undertaking that behaviour and setting up those laboratories because of the decisions of the courts. The only case that I can recall in recent days of someone being sentenced in relation to one of these unlawful drug labs is the well-known case of the Commissioner of Police's son and, as I recall, he went to jail for an extended time. Where is the evidence that the courts are failing? If there is no evidence that the courts are failing or are making mistakes, why do we go down the course of action of telling the courts what they have to do? We are telling all those eminent judges in our community—I have a lot of respect for judges—that they are doing something wrong.

The second point I want to make is about these clauses relating to children being put in danger. The bill provides that if children were put in danger, the people who set up the drug laboratories must go to jail for six months. I want to comment on that particular point. The perpetrators must go to jail for six months if children were placed in any danger. Of course, we are all appalled if kids are placed in danger as a consequence of irresponsible people manufacturing drugs. Judges are appalled. Anyone who finds out about a circumstance of that nature is appalled by it.

However, I want to just tell members about a little visit I made recently to an office of the Department for Child Protection. I sat with a group of social workers who deal with kids all the time from that strata of society where life is hard. The kids have a lot of problems in their lives; their parents have problems. There are all sorts of substance and alcohol abuse and domestic violence issues. It was only last week that I visited. Every one of the child protection workers I spoke to, to a person, said that in except the most extreme of cases, the parents were better at taking care of the children than they were. That is what they said to me.

Domestic violence and those sorts of issues might be involved. They said that as soon as kids are taken away from their parents and placed in a family that they are not familiar with, they inevitably will get moved between other families. The child protection workers said to me that, except in incredibly extreme cases, the kids are better off being left with their parents, because the kids want to go back to their parents. In most cases they cause trouble in the family they are allocated to, and then they get moved to another family and the problem is made worse. Therefore, unless it is absolutely necessary, kids should not be taken away from their parents. This was a group of child protection workers telling me this; they know the situation. Under these laws, if mum and dad, on a second occasion, are cooking some drugs for their own use and are caught, they both go to jail. The kids then go somewhere where they may well be worse off. The child protection workers I was talking to were saying that the kids will be worse off in virtually every case. There are obviously some examples where they will not.

Mr P. Abetz: The latest evidence from the UK shows otherwise where drugs are involved.

Mr M. McGOWAN: I am sorry; is the member a child protection worker? Thank you. I know the member has some expertise in a whole range of areas, but I know now that he is not a child protection worker. All I am saying to the house is: why do we not leave it to the court? The court hears all the evidence and can actually decide in the interests of everyone involved, in particular the kids who might be removed from their family, whether or not it is better that the kids have that happen. Why do we not just leave it to the court, rather than us—not knowing the circumstances of the family and not knowing the circumstances of the case in which mum and dad will both go to jail—deciding the matter for the court? The court will actually have the people before them and can decide what is in everyone's best interests. Otherwise, we are making a judgement that may well condemn children to a worse outcome than the one they were already in.

I am not saying that in some circumstances the parents should not go to jail—I am not saying that at all. I am saying that we should let the people who hear the case decide whether it is in the interests of those kids that jail is a better outcome for their parents, and that separation from their parents is a better outcome than some other outcome that the court has, as a whole range of sentencing discretions that the court has available to it. I do not think that is soft on drugs; I just think that it is reasonable and in the interests of children.

Dr A.D. Buti: In regards to the judiciary, a study was done in Melbourne and Tasmania where they asked the jury after hearing the trial what sentence they would impose. All of them said they would have imposed a lighter sentence than what the judge proposed. This whole idea that judges are soft in sentencing is completely debunked.

Mr W.J. Johnston: That was reported by the Australian Institute of Criminology. I actually wrote to the author and asked further questions about this. It is a very interesting study.

Mr M. McGOWAN: It is an interesting study. I think it bears out the point I am making, but I reiterate that I am not saying that the parents should not go to jail. I am just saying that sometimes the situation might be made worse for the kids we are trying to protect if we do not let the judge make that decision based upon the circumstances involved. That was certainly the evidence provided to me by a bunch of child protection workers who deal with this every day, one of whom, amazingly enough, was a former merchant banker who decided to go back and do something, as he put it, decent with his life. He just said, "We're bad parents."

MR B.S. WYATT (Victoria Park) [11.15 am]: I want to make a short contribution to this third reading debate on the Misuse of Drugs Amendment Bill 2011. I want to emphasise the points that were just made by the member for Rockingham and the member for Bassendean. Most Labor members of Parliament have a philosophical objection to mandatory sentencing, and certainly, as a lawyer, I do. The points made by the member for Rockingham were very pertinent. Ultimately, when a case gets to court, we have a system that is able to consider the individual facts of a case. The Parliament can only ever be a sledgehammer, providing a broader legal context in which our society and our justice system will operate. As any person who goes through first year law school in legal process is told that laws made by the Parliament are the skeleton. The rest of the body is made up by regulations, common law, court opinion and court judgement. The comments just made by the member for Rockingham are bang on.

Mr W.J. Johnston: Is that a technical term?

Mr B.S. WYATT: They are absolutely correct. Why, with all we know about child protection and all we know about prioritising children, would we here deem to assume that laws passed by this place can deal with each individual circumstance faced in our community? It is arrogant to assume that we can do so. One example that is taking place in my electorate has recognised those practices as wrong. A huge success story now is taking place trying to reverse that within the current criminal justice system. That is taking place at the Boronia Pre-release Centre.

Ms M.M. Quirk: A wonderful Labor achievement.

Mr B.S. WYATT: It is a wonderful Labor achievement that the Premier was desperate to close. I remember that he and his former friend and former shadow Attorney General, the former member for Nedlands, Ms Sue

Walker, were at the gates saying how terrible this institution will be for the community in Victoria Park. There will be criminals running rampant through the senior centre next door. It was going to be awful. What have we seen since? Boronia has been a great example of how to go about reducing recidivism. What are they doing at Boronia with those women? They are bringing their families into them to enable those women to be mums to the children that they have had to leave behind when they have gone to jail to enable those women to forge relationships with their children that they have not been able to do in the normal prison process. That is why Boronia has been successful. That is why people from the criminal justice system and corrective services in other parts of the world are coming out and having a look at what happens at Boronia. The recidivism rate for women who have gone through Boronia is hugely less than those in the criminal justice system who go through mainstream prisons.

Mr P. Abetz: How does that relate to the bill?

Mr B.S. WYATT: The member for Southern River has not been listening. I know the member has a strong faith, but he actually has to look at what is going on with this legislation. I do not view it as particularly Christian to have the view that we here can look at every single family circumstance and come to an opinion while we are sitting in the luxurious confines of the parliamentary chamber; I do not. As the member for Rockingham has pointed out, the member for Southern River is clearly a self-appointed expert in child protection now. That is interesting. I will get onto the website of Parliament and have a look at the member's background to see what the member's views are and his experience in making those assertions.

When we are talking about the removal of children from their families, considering what we know happens and considering our own experience in Western Australia, to assume that our legislation can deal with all of those circumstances is absolutely absurd, and I think we all know that. The member for Rockingham and many members have made the point. Clearly, the conservative side of politics, the Liberal–National government, has a deep suspicion of and hostility towards the judiciary. When they put in mandatory sentencing, members opposite say: we do not trust the judges. It is interesting that the member for Armadale referred to research that suggests that members of a jury would demand a lesser sentence than is the case with judges. I do not hear the Minister for Police accusing jury members of being soft on crime. Ultimately, the member for Bassendean is right in asking: is it beyond us as a Parliament to have these discussions on crime with the intellectual capacity that the community deserves? Maybe it is. Maybe there will always be one dimwit who wants to reduce it to a simple line with the bumper sticker line referred to by the member for Bassendean—"Tough on Crime". As soon as that happens, we all tend to rush to the bottom of debate, as we see being played out in the federal Parliament at the moment. As soon as one MP is willing to go down that path of debate, we all tend to do so.

I have not lost faith in the judiciary. I think our Chief Justice, Wayne Martin, is a great example of why these debates need to take place at a more sophisticated level than occurs in this place. The member for Southern River may want to arrange a meeting with the Chief Justice and have a conversation with him about some of the member's comments on this bill, and certainly those in his exchanges across the chamber.

As I began my short contribution, again I highlight my suspicions about and hostility towards mandatory sentencing, because Parliament can never truly understand the individual circumstances of every single case in the courts. To assume that we can do so and deal with the unique factors of those individual cases here in legislation is arrogant and absurd. This is another example of legislation that seems to be there to force the by-line of "Tough on Crime" rather than to reduce crime, the number of victims of crime and the impact of crime on the broader community. With that approach, this is the sort of legislation that we will continue to debate.

MR P. ABETZ (Southern River) [11.21 am]: I want to make a very brief contribution to the Misuse of Drugs Amendment Bill 2011. I fully support the Misuse of Drugs Amendment Bill. One thing raised about cannabis plants has been: what is the danger of growing a cannabis plant? Please, members, use a bit of intelligence. If a person grows a cannabis plant, they do not grow it as a pot plant to admire; they grow it to smoke it. When we realise the damage that cannabis smoke causes to people's mental health, we will realise that if children are present in a home where cannabis is smoked, the passive smoking damage to children's mental development is very serious.

Several members interjected.

Mr P. ABETZ: That is a very serious issue. We have passed legislation in this Parliament to protect children.

Several members interjected.

The ACTING SPEAKER: This is the first one for the day, member for Armadale.

Mr P. ABETZ: In this very Parliament we have passed legislation to ban smoking in cars when children are present. Why? It is because of the danger of the smoking.

Several members interjected.

Mr P. ABETZ: Mr Acting Speaker, I seek your protection.

The ACTING SPEAKER: Member for Rockingham, I call you for the first time today also. I will ask members on my left to show the member for Southern River the same respect that other members showed when the opposition member spoke, when there was pretty much silence.

Mr P. ABETZ: No attempt should be made to suggest that children passively ingesting smoke from cannabis is not a serious health issue; it is a criminal thing to do to children as far as I am concerned.

Several members interjected.

Point of Order

Mr P.T. MILES: You just made a ruling about the interjections from the opposite side of the chamber.

Several members interjected.

The ACTING SPEAKER (Mr J.M. Francis): That will do! I want to hear the member for Wanneroo in silence.

Mr P.T. MILES: You made a ruling a short time ago, Mr Acting Speaker. We listened quite respectfully to those speeches from members opposite all morning. One of our members gets up and puts his point of view, and all of a sudden we get this barrage of thuggery and abuse across the chamber. I ask you to call them to order.

Several members interjected.

The ACTING SPEAKER: Thank you, members! I thought I made myself perfectly clear. I will stand here for however long it takes to call you people to order. I just want to hear the member for Southern River.

Debate Resumed

Mr P. ABETZ: The other point I want to briefly raise is that, having worked with drug addicts, I perhaps have more experience than many in this house in helping people overcome their drug addictions. Undoubtedly, sometimes their first encounter with the law is a wake-up call for people to seek rehabilitation and so on. I note that, according to the bill, for a second or subsequent offence, the court is required to impose a term of imprisonment, and, for a first offence, a suspended sentence is an option to a judge. The clear message that sends to the community and to those who dabble in drugs is that this is a serious offence. If there is a particular family circumstance or whatever that the judge takes into consideration, and believes that imprisonment would not be in the best interests of the person concerned, the judge has the option of imposing a suspended sentence. Those issues that were raised as negative things about this bill simply do not stand up to scrutiny.

MR P. PAPALIA (Warnbro) [11.26 am]: I was not going to contribute to this part of the debate on the Misuse of Drugs Amendment Bill 2011, but I feel the urge now—particularly following the previous speaker. The problem with mandatory sentencing has been outlined by a number of speakers on this side of the house. It assumes and presumes that we sitting here today have more knowledge of every single case of this nature that will come before the courts from here on into eternity than a judge who sits and listens to all the circumstances of any case; that judge is deemed to know less about it, to be less capable of determining an appropriate sentence, than we are today. It is an outrageous assumption, and it tends to be one that is championed by incompetent governments. Individuals within an incompetent government, particularly those who are inept and incapable of putting a good argument for their case, defer and default to the bumper sticker level of debate. They fall back on the easiest option. The easiest option when dealing with a very difficult and challenging subject such as drug use and how to do something about it is to claim that they are tougher than everybody else and that their option will be harder and tougher than anything else that might be suggested. That completely ignores the real question. The real question that should be posed when drafting any legislation to attempt to try to divert people from a behaviour we do not want them to engage in is: is what is proposed likely to work? Another serious question that needs to be asked is: what damage might be done in imposing this solution? The first question to be asked—is what is being proposed likely to work?—is not being asked by the minister. He does not look beyond the day he announces that he has introduced mandatory sentencing for people growing a marijuana plant in the backyard. The minister is not looking beyond that outcome. Someone goes to prison, they are removed from their child and the child is then left without a parent. What will that child do? What will their outcome be? What will be the outcome for the individual who goes to prison? They clearly have a problem with drugs, because, as the member for Southern River indicated, they have already failed to take heed of the first warning—this legislation gives judges the option of warning them once. They have failed to do that, so they obviously have a problem. They are incapable of exercising the self-control and discipline necessary to change their behaviour.

What are we assuming by throwing them into prison? We are assuming that they will be deterred from wrongdoing by the pain of going to prison. That may be the case; the Attorney General claims it is, and he presents all manner of interesting statistics in the form of very uninteresting graphs during question time to try to support his side of the argument, but I have read a lot of research and information on this subject and I would suggest that the comprehensive and definitive evidence from around the world is that deterrence, in these cases, is not very effective. An individual who is drug addicted and engaging in criminal behaviour as a result of their

addiction is unlikely to stop and think, "I'd better not do this because when I'm caught, rather than get a warning from the judge, I will get a mandatory sentence from the judge, and I'll go to jail, and that will be bad, so I don't want to do what I'm doing."

If they were capable of pursuing that logical path, might they not have already undertaken a little thought before they engaged in criminal activity? Do members not think that if those people were capable of stopping themselves because they were afraid of going to prison, as opposed to some other sentence, they might have already made that decision? Is it not clear that they are incapable of pursuing the logical thought necessary to apprehend that they might get caught? They all assume they are not going to get caught; otherwise they would not do it. Secondly, if those people had the capacity to follow that path and weigh up the likelihood of getting a sentence that will not result in incarceration, do members not think they would already have engaged that logic and changed their behaviour? If they had the self-discipline, mental capacity and cognitive skills to pursue the logic required for them to fear the punishment and therefore change their behaviour, do members not think they would have already changed their behaviour? Is it not illogical to assume that if we make the punishment tougher and remove judges' ability to exercise discretion, individuals who are so addicted that they are going to pursue this stupid path anyway, to the point of getting caught and being sent to prison, are going to somehow see the light? Are they going to see the light because the Liberal Party of Western Australia has decided that there is going to be mandatory sentencing in this particular case? It is ridiculous.

The first question that needs to be asked is: will it be effective? We can see whether it will be effective, but not from some claim by the Attorney General that crime has been solved over the past three years as a result of his campaign. That is not the proof. The measure of whether legislation for this type of offence is effective is how many times those people reoffend. If the government wants to determine whether it is taking the path towards a positive outcome for the people of Western Australia and making a positive impact on society, it needs to look at whether it is reducing the reoffending rate of the small group of people in Western Australia who commit crimes. The government knows as well as I do that the recidivism rate has not changed. The reoffending rate remains unchanged, regardless of the fact that Christian Porter is the caped crusader and —

The ACTING SPEAKER (Mr J.M. Francis): Member for Warnbro!

Mr P. PAPALIA: I withdraw; I beg your pardon.

The Attorney General is the caped crusader, who has proven himself to be tougher than anyone else in history, according to him—even though he is only a lawyer and has never done anything except study law, work in the law, and sit in this place. But apart from that, he is tough!

The government claims that its motivation is to change the behaviour of these drug-addicted individuals. If the government is telling the truth and being honest with itself, it will not assess its effectiveness through a bunch of crime statistics and the prison population rate. It will assess its effectiveness through the rate of reoffending of the people who commit those crimes. The government knows that in Western Australia, 40 per cent of the adult prison population reoffends within two years of being sent to prison in the first place. The government also knows that the recidivism rate for Aboriginal people is 70 per cent. That suggests that, on average, about half of all cases are back in prison within two years. The concept that the deterrence of the prison environment is working to reduce the impact of crime on society is not borne out by the results or by any logical assessment of what the government should be looking at.

Dr M.D. Nahan: What about the victims?

Mr P. PAPALIA: That is exactly what I am talking about—the victims of crime. Because these people keep reoffending, there are more victims of crime. If we could reduce the reoffending rate, we would reduce the number of victims of crime in society.

Mr P. Abetz: Will you take an interjection?

Mr P. PAPALIA: No, I do not want to take an interjection, because I want to be listened to in silence and with the respect that was demanded of this side of the house when the member was speaking.

The ACTING SPEAKER: Thank you, members. I am going to ask for the same respect back.

Mr P. PAPALIA: Thank you for your protection, Mr Acting Speaker.

The point is that the government is measuring the wrong things. Members opposite, who profess to care about these matters, also know that the only thing the Minister for Police measures is his ability to get on TV or be reported in the newspapers on his latest efforts—anything to distract the media from his incompetence and his latest failures. That is how he measures his outcomes.

Mr F.A. Alban: So what's your great achievement?

Mr P. PAPALIA: I do beg your pardon, Mr Acting Speaker. I would appreciate your protection, because I understand that you asked the other side to remain silent and listen with respect to the member for Southern River; I would appreciate being given the same respect.

The point of my contribution is that this minister is a failure in the eyes of everyone in Western Australia, with the exception of the Premier. In fact, if the Premier were honest with us, he would concede that the Minister for Police is a failure in his eyes also, but he does not want to be seen to be responding to the demands of the opposition. As a consequence, the Premier will get rid of the Minister for Police in a short while, not right now—not while the heat is on about his latest failure. The problem with that, of course, is that there is a constant stream of failures. It is a never-ending story of failures in the case of this minister. Of course, it will be very challenging for the Premier to pick a time to get rid of him; it is not just a matter of waiting until Christmas, because who knows what he is going to do over Christmas?

Point of Order

Mr P. ABETZ: Mr Acting Speaker, what has this got to do with the bill?

The ACTING SPEAKER (Mr J.M. Francis): Member for Southern River, that is not a point of order. I will be the judge of how far he can go.

Debate Resumed

Mr P. PAPALIA: I concede, member for Southern River; I was probably straying a little! It is relevant in so much as it is the Minister for Police who has introduced this bill, and he is not motivated by trying to make things better for Western Australians or by trying to reduce the number of victims of crime; he is motivated by trying to divert the attention of the people of Western Australia from his abject failure as a minister. That was the connection I was trying to make, albeit a tenuous one!

Before these extreme measures of imposing mandatory sentencing and restricting the ability of the judiciary to exercise discretion are introduced into Western Australian law, they should be measured by their likelihood of reducing reoffending rates. That measure is the best measure that we can use. If we want to be really accurate and really scientific about this, we should look at the likelihood that mandatory sentencing and reducing the discretion of the judiciary will reduce reoffending rates for this type of crime by these types of individuals. These are individuals who are so addicted and so constrained by their addiction that they will engage in behaviour that is dangerous and that will possibly inflict injury, or even death, on their own children. Individuals who are behaving in that fashion are unlikely in my view to respond to the deterrence stick. Even if these individuals are likely to respond to that, once they get into the prison system, what is the likelihood that their behaviour will be changed by that experience? If we set aside the deterrence factor, what is the likelihood that they will receive treatment for their addiction inside the prison system?

Mr A.J. Waddell: Zero!

Mr P. PAPALIA: It is not zero. I admire the scepticism of the member for Forrestfield, but the prisons are not that bad. There is a small likelihood that they will receive treatment, depending on the nature of their addiction and the extent of their need. But the fact is that fewer than 50 per cent of the individuals who require treatment for their addiction get that treatment. So, if deterrence is not going to work in changing their behaviour, they are also not going to get any change in their behaviour from any intervention that they might get when they are in prison.

What will happen to these people once they are in prison? We know that what will happen to them for sure is that they will encounter other criminals. In all likelihood they will encounter drug suppliers and drug pushers, who, like them—like the addicted individual who has gone into prison—will shortly be returning to society. The fact is that despite the outrageous claims by the Minister for Police, the vast majority of offenders who enter the prison system in Western Australia will, because of the nature of the crimes they commit and the terms of imprisonment they receive as a result, enter prison for a short period and then return to society. These individuals, having made those connections with the serious criminals who are in the prison system and the drug pushers who are in the prison system, and having networked and received instruction in how to become more criminal in their behaviour, are then returning to society at this incredible rate that we have identified. What then happens is that within two years, they are returning to the prison system at this incredible rate that we have also identified.

So we are measuring the wrong thing, minister. The minister is justifying his actions purely on the basis of being able to come out with a bumper sticker policy that might divert people's attention from his latest failure. It is sad to see that so many individuals on the other side of the house fail to even analyse the actions of the minister when he proposes these sorts of laws. It is sad to see them just accept the minister's statements at that superficial level with just that veneer of analysis.

I want to place on the record that I believe the judiciary is best placed to determine punishments, and it should be given the discretion to do so. That is particularly important when we are talking about addicted individuals who are pursuing this path and endangering children. I would suggest that in the vast majority of cases, these people will be the parents or carers of the children involved; although the children involved may also be somebody else's children. It has been pointed out by the member for Rockingham, quite rightly, that with the exception of

the most extreme cases, those parents, flawed as they are, damaged as they are and engaged in as sad a path as they are, are still the best people in the eyes of the professionals—the child protection workers—to look after these children.

I will finish with this. It is a little unrelated, but it will get there. It is about an interesting discussion that I heard on Radio National about how a criminal case in the United Kingdom had been solved through the use of the DNA database in the UK. There are so many people on that database that it is massive. They were trying to isolate a murder suspect. They had no real clues. But in trying to work out how to identify this vicious murderer, they had to try to reduce the tens of thousands of DNA samples on that database to a number that they could work with. What really struck me is that the investigator said that one of the first steps that they took was to look at the DNA of those people on the database who had been in the prison system. That is because, sadly, the key indicator of whether a person is likely to engage in criminal behaviour is if the person has already served a sentence of imprisonment. So, the first thing they did was look at the DNA of the people who had been in prison.

Mr J.E. McGrath: Quite a logical conclusion!

Mr P. PAPALIA: Yes. When they reduced it and went further down that path, they found that their prime suspect was already dead. He had been in prison. So, what did they do then? They then looked at the DNA samples of people whose father had been in prison. That was the way they isolated it further. They looked at the individuals whose father had been in prison, because that is a prime indicator of the likelihood that those persons will engage in a path of crime in the future. They eventually found the murderer. It was a person who had never been in the prison system and had never been caught for a crime to that date. But his father had been in the prison system. It struck me as worthy of note that one of the tools that they used in trying to isolate from a large group of people a person who might have engaged in a crime but had not yet been caught for that crime was to look at those persons whose father had been in prison.

What we are proposing in this legislation is to take away from a judge the discretion to determine whether a parent of a child—a father or a mother—or a carer will be sent to prison and have to leave their child without anyone to look after them. We need to consider the consequences for those children and whether that will have a positive effect. I do not expect the Minister for Police to do that, because it is beyond his ken to even think beyond the next five minutes, let alone to think about what might happen to a child's future development as a consequence of their parent being sent to prison because of the imposition of mandatory sentencing. But I would ask that some of the other members on the government side of the house consider that. I say that because we are all, sadly, part of supporting this move towards removing discretion from judges and imposing mandatory sentencing, and that is a bad move.

MR R.F. JOHNSON (Hillarys — Minister for Police) [11.48 am]: If ever there was a just reason to invoke the gag, we have just had it. We have just had a classic example from the member for Warnbro. The member for Warnbro must be the lead speaker on the Misuse of Drugs Amendment Bill for the other side, because he has been given more time to speak on it than any other member—certainly far more than the shadow minister, which I would find insulting if I were in her position. I would not have minded that if the member had talked about the bill, but he did not. It was a classic case of filibustering. I always say that when somebody delivers a speech in this house and spends most of their time using that as an excuse to insult and make slimy and snide comments about another member in this house, they have lost all credibility in their argument. We have just seen that from the member for Warnbro.

I want to pay a compliment to the member for Armadale. I did say to the member for Armadale earlier that he and I have different views on this bill. We have different views on law and order issues, and we probably will continue to have different views. But the member for Armadale is able to deliver a speech without the vitriol and the snide and insulting comments that we have heard from one or two members on the other side. In all my years in this Parliament I have never heard such nasty remarks from members, attributed to a member on the other side and —

A member: Take a look in the mirror!

Mr R.F. JOHNSON: No. I find the personal attacks that I have had to suffer from some members opposite quite extraordinary. I do not include the member for Girrawheen. Although she has a go at me from time to time, and that is fine, she does not sink to the personal level of one or two members opposite.

During the relevant comments that a couple of members opposite made—I include the members for Girrawheen and Armadale—questions were asked about the statistics and about the number of people not going to jail; about why this bill has a mandatory sentencing aspect for a second or subsequent offence by somebody who endangers a child in relation to clandestine drug labs or the cultivation of certain plants; and, of course, about why this legislation has a mandatory minimum sentence for anyone who causes a child bodily harm. I will tell the members why it is needed. The statistics are quite clear. I refer members to the article by Nicole Cox that appeared in *The Sunday Times* of 14 August 2011. It is headed "Clandestine cooks avoid sentences" and states quite clearly —

> Last year, 46 per cent of those found guilty of manufacturing drugs went to jail and four in 10 convicted drug cooks received suspended jail terms.

Ms M.M. Quirk: So you rely on *The Sunday Times*!

Mr R.F. JOHNSON: Nicole Cox took the details from the statistics that we gave her.

Ms M.M. Quirk: All right.

Mr R.F. JOHNSON: I am telling members in text how the statistics were reported. I think that it was good because members of the public actually read the papers. They do not read *Hansard*, but they do read the papers. It is quite clear that lots of people were avoiding jail despite having set up a clandestine drug lab. The member for Girrawheen mentioned earlier that at one clandestine drug lab chemicals for the purpose of making illegal drugs were stored above a child's cot. I find that deplorable. All members in the house —

Ms M.M. Quirk: As do we.

Mr M. McGowan: So does everyone.

Mr R.F. JOHNSON: Members opposite seem to be very keen on trying to keep cannabis out of the equation. Last night they wanted to delete from the bill the cultivation of cannabis. Cannabis is a very serious issue. We know that Labor softened on that. I am not trying to score a political point. When Labor came to government in 2001, it decriminalised the sale of cannabis when it was less than 30 grams, which is a huge amount, and allowed people caught growing two cannabis plants—per person, per household—to avoid any sort of criminal conviction; all they had to pay was the equivalent of a speeding fine. We find that intolerable. Even the Attorney General of the day, Hon Jim McGinty, acknowledged the problem in 2006 and said that he was going to look at making the laws tougher because he could see they had been an abject failure. Yet last night, once again, we saw the Labor Party trying to extricate the cannabis cultivation parts of this very important legislation.

I am not going to spend any more time on this bill. I listened to members' comments and I have responded to the comments that were relevant to the bill. Other members just used the debate for personal vitriol, and I have to say that I find it appalling when those members revert to that level.

Question put and passed.

Bill read a third time and transmitted to the Council.

COMMERCIAL ARBITRATION BILL 2011

Third Reading

MR C.J. BARNETT (Cottesloe — Premier) [11.54 am]: I move —

> That the bill be now read a third time.

MR B.S. WYATT (Victoria Park) [11.55 am]: I am delighted to speak on the third reading of the Commercial Arbitration Bill 2011, which is a very important bill and one that the opposition supports. The shadow Attorney General has already outlined very articulately the reasons the opposition supports this bill. In his second reading speech, the Attorney General outlines the merits of the legislation, stating in the final paragraph of his speech —

> The Commercial Arbitration Bill 2011 will ensure that Western Australian domestic arbitration laws reflect accepted international practice for resolving commercial disputes, and it will provide businesses with a cost-effective and efficient alternative to litigation.

That is worthy of some reflection. Certainly lawyers in Western Australia and, I dare say, public servants and members of Parliament have been very aware over the years of the Bell litigation, an extraordinarily large—I think the largest in Australia—piece of litigation. It is one of the most expensive pieces of litigation, and has cost the government and the taxpayer a significant amount of money. It has cost all participants tens of millions of dollars. It might now have kicked over into the hundreds of millions in cost, and that litigation is ongoing. Certainly, the now-retired judge, Justice Owen, made the point a number of times during his hearing of the action that he would much prefer to see the matter negotiated to settlement outside the official court process because he could see only an outcome in which the legal costs exceeded levels far beyond anything anyone could consider reasonable. Given that litigation is about circumstances that took place a long time ago in the 1980s and early 1990s, I am not surprised that Justice Owen was of that view.

Certainly, the Attorney General outlined in his second reading speech, and the shadow Attorney General outlined in his contribution to the second reading debate, the reasons to support this legislation. Indeed, one reason it has been introduced is to ensure that we in the west can effectively compete in the business of commercial arbitration. New South Wales has, in particular, been very effective in this area and the Attorney General and the shadow Attorney General made the point that the first dedicated international dispute resolution centre has been opened in the Sydney central business district. This is an area that links international business and as our corporates tend to have more involvements in other parts of the world, it will allow the business of domestic and

international commercial arbitration to become a more lucrative part of our economy. There is a much stronger desire now for corporations to resolve their disputes outside the formal court process simply because it is no longer practical or commercial to pursue resolutions through the courts. It is incredibly expensive. Certainly, I found as a junior lawyer doing my articles in Perth and then working as a restricted practitioner in Sydney, that when lawyers from large law firms in Australia, the United States and the United Kingdom travel the world virtually non-stop over some years to manage litigation, those costs become a big part of the clients' expense base. In Australia we are very familiar with some of those. I have referred to the Bell litigation that continues. I think it will continue for a while yet. We are familiar with Mr Stokes and some of the litigation costs that he bore over the past few years with his Channel Seven interests, primarily based in the eastern states. It seems to me that commercial arbitration is the obvious course for the future. I dare say that we will see corporate entities more willing to sign up to the sort of conditions contained in this legislation introduced by the Attorney General. He made that point quite clearly in his second reading speech, stating —

> Arbitral tribunals are granted the flexibility, unless the parties otherwise agree, to conduct an arbitration on a "stop-clock" basis in which the time allocated to each party in the hearing is recorded progressively and strictly enforced. This can enable arbitral tribunals to conduct arbitrations in a manner that is proportionate to the amount of money involved and the complexity of the issues in the matter. Similarly, clause 33B, contained in part 6 of the bill, enables an arbitral tribunal to limit the costs of arbitration, or any part of the arbitral proceedings, to a specified amount unless otherwise agreed by the parties.

That is an interesting development. I think it is something that corporations will take up with great interest. I would like to think that they will take it up with great interest simply because it enables the arbitral process to have a time and cost allocation, depending on the complexity of the particular dispute. Neither of the law firms I worked at were involved in the Bell litigation. I do not think the law firm that the Attorney General worked at was either.

Mr C.C. Porter: We must have worked for the only two law firms that weren't.

Mr B.S. WYATT: Unfortunately, the only lawyers in Western Australia to not make a fortune out of the Bell litigation were the lawyers working at the two firms that the Attorney General and I worked at when we left law school. Indeed, the Bell litigation constructed legal empires that continue to this day, based around the legal fees still flowing from that dispute. Many a law partner in Western Australia has built reputations, finances and fortunes on the Bell litigation. Unfortunately, I am not one of those to have built such a fortune off the back of that litigation.

Large commercial litigation through the court process has a limited future because the costs are simply prohibitive, regardless of the size of the corporation. As the disputes get more international and more complicated and the number of lawyers used on those disputes inevitably increases, regardless of whether there is a massive revenue base or not, a bigger proportion of the revenue base will go towards managing the legal costs of those disputes. Hopefully, the Attorney General's legislation will set up a process and also set up, to be perfectly frank, an industry within which those disputes can be managed, dealt with and, importantly, resolved with costs that no doubt will be much less significant than the traditional process through the Supreme, Federal or High Courts—the superior courts of Australia. We are already seeing this in large firms in particular in Western Australia. We have a bevy of smaller boutique law firms now pursuing the arbitration expertise in a much more concerted way. Law firms are recognising the fact that when it comes to high-end, high-fee, complicated commercial disputes, a traditional commercial litigation practice with a traditional commercial partner can offer its clients a better service by going down the process that the Attorney General is establishing through this legislation. The Attorney General made the point that this fell out of the Standing Committee of Attorneys-General meeting in May 2010. New South Wales effectively passed the first legislation. Attorney, how many other states still have to implement this legislation?

Mr C.C. Porter: Almost all of them have, I think.

Mr B.S. WYATT: Are we one of the last to do it?

Mr C.C. Porter: I can get you that information. I think Tasmania, South Australia and Victoria all have. I think Queensland is also at about the same stage we're at, which leaves South Australia, from memory.

Mr B.S. WYATT: Slowly but surely, it is setting a domestic arbitration process to match the international arbitration process that is based upon the United Nations Commission on International Trade Model Law on International Commercial Arbitration.

I want to spend a short time focusing on another aspect of why this legislation is good and timely. To quote the Attorney's second reading speech —

> … the bill should give effect to the overriding purpose of commercial arbitration—namely, to provide a quicker, cheaper and less formal method of finally resolving disputes than litigation—and that the bill

should deliver a nationally harmonised system for international and domestic arbitration, noting the commonwealth's review of the International Arbitration Act 1974.

A less formal process will ensure that we will have a cheaper and quicker process to manage these disputes. As I said, much is made of the fact that the Western Australian economy effectively doubled in size between 2001 and 2008. That shows that the nature of commercial disputes is likely to increase in complexity, size and cost. Establishing this domestic arbitration system is important to hopefully create a quicker, cheaper and, as the Attorney General said, less formal method of resolving those disputes than litigation. From my experience with three large commercial law firms in Perth and Sydney and a short spell at a large law firm in London, commercial litigation has generated huge fees for legal firms over the years, and no doubt will continue to do so. The executives on the boards of large corporations involved in some of these disputes are finding it is getting harder to justify the sort of expense for the outcome that they are attempting to achieve through the litigation process. Having a nationally harmonised system for both international and domestic arbitration, which is what this bill will do, will provide a reliable and effective alternative to litigation through the superior courts within Australia.

As the shadow Attorney already pointed out in his reply to the second reading debate, we support this legislation. It will be interesting to see whether, like in Sydney, a dedicated international dispute resolution centre springs up here in Western Australia. I think it will, because, as the Premier likes to point out, we are now focused much more on the north—and, indeed, the west—than we are on the east. I think Perth is a logical base for the creation of an international dispute resolution centre. The nature of our economy, I dare say, means that disputes will be incredibly complex and will involve more than one jurisdiction. I do not mean domestically but internationally. Our deep wealth of legal talent and the sort of expert advice and opinion that is needed in complicated dispute resolution, whether it is litigation or not, resides here in Western Australia. I would like to see, and very quickly, such a centre established and operating here in Western Australia. I think the nature of our economy and the focus of our political and economic system into that part of the globe which is growing and which will lead growth in the world for the rest of my lifetime, means that Perth is ideally placed to take advantage of the benefits that will hopefully be established through the Commercial Arbitration Bill 2011.

With those few remarks I look forward to hearing the Attorney General's reflections, perhaps, on some of my hopes about what this legislation will provide. No doubt he has already provided some commentary about the shadow Attorney General's comments on this legislation. I think we live in a federal structure and we are competitive system. We compete not just with other parts of the world, but also within our state and amongst states, therefore having this legislation passed and implemented puts us in a very good competitive position to hopefully compete with Sydney and its international dispute arbitration system, and I think we have much more to offer here in the west than Sydney's arbitration system. With that short contribution, I emphasise that the opposition will support this legislation.

MR C.C. PORTER (Bateman — Attorney General) [12.11 pm] — in reply: I thank the member for Victoria Park for his contribution to the Commercial Arbitration Bill 2011. Getting to speak with the member Victoria Park about commercial litigation is just like old times, and it is very pleasant.

Mr B.S. Wyatt: They were happy days!

Mr C.C. PORTER: Indeed. And all of the comments —

Mr C.J. Barnett: Both part of the club were you?

Mr B.S. Wyatt: Yes; the club that did not make any money out of Bell!

Mr C.C. PORTER: No, working in large corporate law firms is an experience that is sometimes pleasant and sometimes difficult.

Mr B.S. Wyatt: We had fun socialising!

Mr C.C. PORTER: Indeed, there are some social benefits for large corporate firms as well.

Mr M. McGowan: It must have been a lot of fun hanging around with you!

Mr C.C. PORTER: There were not too many people hanging around with us and maybe that was a measure of what was going on!

All the comments the member for Victoria Park makes echoing those of the shadow Attorney General are quite correct. In fact, there was recently a do, a court hearing if we like, for the 150th anniversary of the Supreme Court, and the chair of the Western Australian Bar Association Grant Donaldson, SC, gave a speech. One of the things he noted in that speech as a matter of looking to the future of litigation, was that in the year preceding his speech only three civil matters went to trial in the Supreme Court of Western Australia. I have not subsequently checked that figure, but I am sure it is largely correct. Yet, we have in excess of 20 Supreme Court judges, masters and registrars—what Treasury would call the stranded asset in a court, because it is only used between

9.00 am and 5.00 pm—and it begs the question: what is everyone doing? I am certainly not suggesting all Supreme Court judges, masters and registrars are idle; far from it, but leaving aside the criminal trials, of which there are a number, what is basically happening is that all commercial litigation is predominantly occurring at the interlocutory stage. That may be with or without court mediation or court-ordered mediation, but there will be a whole range of matters. The overwhelming percentage of all of the litigation commenced in the Supreme Court will be finalised before the point of trial, sometimes on the day of the trial and at the trial door, sometimes earlier than that and sometimes because the parties will look at the costs that they have racked up in the interlocutory stage and just say that it makes no sense to them in the cost–benefit analysis, which will force them to settle—sometimes court mediation will bring about that settlement. But, as the member for Victoria Park points out, interlocutory litigious proceedings are incredibly expensive.

The second thing is that a court mediating a settlement is maybe not the quickest way to achieve a settlement, and it is a very expensive way for the taxpayer to be paying for judges and the asset of a court, to in effect mediate and cause the settlement of commercial litigious matters. I think we might find, to a moderate extent at least, that, when this legislation is passed and it enhances the ability of arbitral proceedings to provide a cost-effective outcome in this jurisdiction, matters that had previously gone through that interlocutory process and then been finalised before a court avoid that interlocutory process by contracting onto an arbitral process and when things go astray between parties, as sometimes they do, that process occurs. It would hopefully have the effect of taking away work from the court system and putting it in an arbitral context. That is work that already occurs in this jurisdiction.

The other potential benefit is that we have a huge amount of pipeline investment in construction and mining projects and, as I indicated yesterday, if we had a joint venture say between three parties, and one of them was a domestic organisation like Woodside or Atlas Iron and the other two parties were Singaporean or Canadian, we would hope that in making the contractual arrangements, which may lead to arbitral proceedings, those parties would agree that the arbitral proceedings would occur in Perth. If the existing legislation were to remain and our arbitral processes were different from those that occurred in Singapore or Canada, and the Canadian and Singaporean arbitral systems were closely aligned because they were working off modelled legislation, it may well be that even if the domestic partner, the Atlas Iron or the Woodside, was the larger commercial partner in the joint venture, the agreement in the contract would be to conduct the arbitral proceedings in Singapore, or indeed Sydney, if Sydney had a similar regime to Singapore and Canada. That is what we are trying to avoid with this legislation. As I indicated yesterday, the second step to try to enhance the attractiveness of this jurisdiction for arbitral proceedings is to, in conjunction with the bar, develop some kind of arbitral rooms. It may be, as the member indicates, that for instance Francis Burt Chambers determines that, on a cost–benefit analysis, it is worth hiring out and maintaining rooms for arbitral proceedings, or it may be more of a public good, and that does not arise naturally. My view is that, as a government, we should be looking into some modest contribution to such arbitral rooms. They would be user-pays, and we would rent them out at market rates. Attracting arbitral proceedings into this jurisdiction means that we grow the size and strength of the legal profession, but we would literally have 10, 20 or 30 lawyers at a time, silks from other jurisdictions, flying into town, and they come here and they spend a —

Mr M. McGowan: Is that a good thing?

Mr C.C. PORTER: Absolutely.

Mr B.S. Wyatt: It's a wonderful thing.

Mr C.C. PORTER: They stay in hotels, they dine at Balthazar, amongst other places.

Mr B.S. Wyatt: The restaurants will enjoy it the most.

Mr C.C. PORTER: Indeed, but there is a very strong multiplier effect to that sort of economic activity here, and that is one way in which can dovetail off the growing mining resources industry to enhance service provision in the jurisdiction. This is definitely the first stage to ensure that we are procedurally an attractive jurisdiction for arbitral proceedings and the next stage is trying to work out a way that we, as a government, contribute to the establishment of arbitral rooms. We are coming very close to finalising the plan for the new Supreme Court, and I think during that process, it may be that we have a slight surplus of space in the old building or maybe even in a new building. I think if we could try through that process to have rooms set aside as arbitral rooms that the government is in effect is contributing to, it would give a great kickstart to this jurisdiction in terms of its attractiveness for arbitral proceedings. The Australian branch of the Chartered Institute of Arbitrators and its rooms in Sydney are doing very well. Members of the organisation responsible for those rooms have come to Western Australia and met with us, even before we had this bill passed or even before we had dedicated arbitral rooms for us to be in partnership with that organisation.

Mr B.S. Wyatt: That's a good sign.

Mr C.C. PORTER: Indeed. It indicates to me that perhaps that organisation sees that this jurisdiction, should we get arbitral rooms, would be a natural place for a joint venture that had encountered some difficulties to want

to hold its arbitral proceedings. I think, in some ways, a cooperative approach with the Sydney-based institute and rooms is a good one, because it sees us as an advantage for it, and it is already a little bit more advanced than we are.

Mr C.J. Barnett: Or Singapore?

Mr C.C. PORTER: Or indeed Singapore. At the moment, Singapore is the arbitral capital of the world and it has made a great amount of that multiplier effect in business by having arbitrations conducted there. Again, that is a place we can look to for some kind of cooperative arrangement. The thing is that an arbitral proceeding need not have 100 per cent of its processes in one jurisdiction. It may be that certain parts of it are between jurisdictions, depending on where the companies find it most convenient and cost-effective to operate. This is a growth area. This is a good piece of legislation in one of those areas in which harmonisation makes a great deal of sense. Without saying we are well advanced with the idea of setting up arbitral rooms here, we have some ideas about how it might happen in a way that is cost-effective for the taxpayer but grows the local economy, and we are looking at it very carefully. That brings my contribution to the third reading debate to an end and I believe I can now seek to have the bill read a third time.

Mr M. McGowan: The Premier has got something to say to it!

Mr C.J. Barnett: I was going to speak, but all my points have been taken!

Question put and passed.

Bill read a third time and transmitted to the Council.

TRUSTEE COMPANIES (COMMONWEALTH REGULATION) AMENDMENT BILL 2010

Council's Amendments — Consideration in Detail

The following amendments made by the Council now considered —

No 1

Page 5, lines 1 to 3 — To delete "applies when a certificate of transfer issued by ASIC under the Corporations Act section 601WBG comes into force." and insert —

applies if —

(a) ASIC cancels the licence of a trustee company (the ***transferring company***) and makes a determination under the Corporations Act section 601WBA that there is to be a transfer of estate assets and liabilities from the transferring company to another licensed trustee company (the ***receiving company***); and

(b) ASIC issues a certificate of transfer under the Corporations Act section 601WBG for the transfer; and

(c) either or both of the transferring company or the receiving company are registered in Western Australia.

No 2

Page 5, line 4 — To delete "The" and insert —

When the certificate of transfer comes into force, the

No 3

Page 8, after line 8 — To insert —

(k) provide for and give effect to the transfer of duties, obligations, immunities, rights and privileges of the transferring company from the transferring company to the receiving company.

Mr C.C. PORTER: I move —

That amendment 1 made by the Council be agreed to.

I am looking forward to the member for Victoria Park's contribution on this because I have read it in detail and it is rather opaque.

The Trustee Companies (Commonwealth Regulation) Amendment Bill 2010 arose from a 2008 Council of Australian Governments in-principle agreement that the Australian federal government would assume responsibility for regulating mortgage, credit and advice, margin loans and trustee companies. In 2008, COAG agreed that legislation giving effect to the commonwealth regulation of trustee companies would be introduced into the commonwealth Parliament, and it was so introduced. Each state and territory was then to amend their state trustee companies acts to facilitate the commonwealth legislation. The new regulatory regime was not to include the Public Trustee, and this bill does not include the Public Trustee. This bill gives effect to those amendments.

In the Legislative Council, two amendments were moved by the government and one amendment was moved after committee consideration of the bill. The first two amendments are of a procedural nature and are proposed to bring into play a new section 29. That is a new section because former section 29 is deleted by clause 9 of the bill. That has become necessary because whilst this bill was being considered in this Parliament, changes were made to the commonwealth Corporations Act—it happens with great regularity—and section 601WBA of the Corporations Act was amended by the Corporations and Other Legislation Amendment (Trustee Companies and Other Measures) Act 2011. That section enables the Australian Securities and Investments Commission to make a determination that there will be a transfer of state assets and liabilities from a trustee company to another licensed company in certain circumstances. As a result of that change to ASIC's powers, all the states and territories have to make changes to what were otherwise the model bills in those states and territories. As a result of new section 601WGB of the Corporations Act, we had to make two minor amendments to this bill. One might think that the commonwealth Corporations Act, which contains sections 601WBA and 601WGB, is complicated and dense legislation that could do with some tidying up, but that is a point for another time.

Mr M. McGowan: You keep saying WGB, but it is BG.

Mr C.C. PORTER: I have WGB on my briefing note.

Mr M. McGowan: It is BG, as in the band.

Mr C.C. PORTER: Thank you. As in the band—got you.

The first two amendments go to that point. I have described the first amendment.

The amendment moved in consequence to the consideration of this bill by the Legislative Council Standing Committee on Uniform Legislation and Statutes Review proposes new section 33(2). Section 33(2) lists the matters that may be included in regulations that facilitate a voluntary transfer. The committee recommended the deletion of the existing full stop and the insertion of an additional paragraph. The additional paragraph, proposed section 33(2)(k), reads —

> (k) provide for and give effect to the transfer of duties, obligations, immunities, rights and privileges of the transferring company from the transferring company to the receiving company.

The view was that that amendment was necessary to make it quite clear that if regulations are made under this act as amended, those regulations can include the matters listed in proposed section 33(2)(k). Those matters are "obligations, immunities, rights and privileges of the transferring company". The government had originally taken the view that those matters were probably already covered in proposed section 33(2)(b) and 33(2)(e). However, based on advice by the drafters, accepting the Legislative Council's amendment does no harm and makes the position somewhat clearer. That is as brief an explanation of those three changes to the bill as I can give.

Mr B.S. WYATT: I thank the Attorney General for clarifying those changes. That has made crystal clear to the opposition why the Legislative Council felt it necessary to make these changes to the Trustee Companies (Commonwealth Regulation) Amendment Bill 2010. I have a question about section 601WBG, as opposed to section 601WGB, of the Corporations Act: has that section been removed from the Corporations Act and replaced with section 601WBA?

Mr C.C. Porter: That is my understanding

Mr B.S. WYATT: Is this the only state bill that will be impacted by the removal of section 601WBG?

Mr C.C. Porter: I could not be definitive on that point, but my understanding is that a range of changes were made and the insertion of new section 601WBA is the only part of the cluster of changes that affects this particular bill. I am not sure whether some of those other changes affect other bills, but I can certainly find out.

Mr B.S. WYATT: Is it the Attorney General's view that the changes to section 601WBG and his insertions through amendment have a substantial impact on the rest of this bill and the intent of this legislation?

Mr C.C. Porter: No. As far as I can see, the commonwealth changes to the Corporations Act are making the power that ASIC already had clearer, rather than more expansive. The federal government requires a consequential amendment in our legislation.

Mr B.S. WYATT: Can the Attorney General see the need for any other amendments to be made in this Parliament as a fallout of that amendment to section 601WBG of the Corporations Act?

Mr C.C. Porter: No.

Question put and passed; the Council's amendment agreed to.

Mr C.C. PORTER: I move —

That amendment 2 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr C.C. PORTER: I move —

That amendment 3 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The Council acquainted accordingly.

CHILD CARE SERVICES AMENDMENT BILL 2011

Second Reading

Resumed from 10 August.

MS L.L. BAKER (Maylands) [12.29 pm]: We support the Child Care Services Amendment Bill 2011. The bill has its roots back in 2006–07 when the minister of the day, Hon Sue Ellery, presided over the beginning of these reforms. At that time David Templeman, the member for Mandurah, was chairing a committee on childcare regulations consultations. Kate Doust was involved on that committee as well. There is a lot of work and a lot of history in these changes. I do not want to drag out this debate; I just want to run through the changes so that members of this house have some understanding of the reforms in the childcare sector. They come from the need to nationally standardise child care so that people moving from state to state across Australia can be assured that the same standards of services are provided. There are some very good aspects to this. I know that a lot of work has gone on. When consultations started all those years ago, more than 1 100 responses were received from the call for submissions, including 350 submissions from parents and 35 from children. Over 300 service care providers and staff participated in metropolitan, rural and remote videoconferences. The 2008 committee report had 28 majority recommendations.

The amendments in this bill clarify things such as the definition of a managerial officer. They also reduce the regulatory burden for services; broaden the jurisdiction of the State Administrative Tribunal so that it can look at childcare issues as they arise rather than when they reach the courts; update and broaden the range of compliance measures available to the chief executive officer; enhance authorised officers' investigative powers to better allow investigation into allegations of concern about licensed childcare services; and amend the connection between the application and the assessment process for a childcare licence and the regulatory requirements for the assessment of a supervising officer. That is basically what these amendments will do. They will start the process of reforms around child care for this state so that we can continue to participate in the federal reforms that have been started.

Members would probably understand that in Western Australia about 80 000 parents and 40 000 children are involved in the childcare system. There are about 1 500 licensed childcare centres in WA. Of these, 500 are long-day care facilities, 700 are day care facilities and 200 provide out-of-school care. There are between 5 800 and 6 000 workers in the industry. I want to make my contribution this afternoon about the value of child care to our community and the value of these workers. Child care, as an industry, is integral to the health and wellbeing of our community in so very many ways. It is an industry in which workers have had very poor salaries for a long time. They are paid very poorly for what is arguably one of the most valuable jobs that anyone can be involved in. I want to talk a bit about the value of that role.

I will start by talking about affordability of child care in this state. We always have to be very careful when we increase the standards and services that are being provided to ensure that parents can actually afford to pay those bills. The cost of living is a point that I want to note in this house. We understand that cost-of-living pressures on parents are coming from many directions at the moment. That includes the price of childcare services, and it certainly includes being able to balance the daily budget. We have heard on many occasions that pressures are coming from increases in the cost of things such as gas and water, food, rent or the purchase of a home; there is a raft of different increases. Whether they are state or federal responsibilities is not the point of my debate this afternoon. I think there are pressures coming from both places, but I certainly know that nothing is comparable to the increases in the cost of utilities that Western Australian families have been suffering under the current government.

When parents are making decisions about putting their children into child care, they are in the unfortunate position of sometimes having to make decisions about where they can afford to send their children. The first decision they make should be about where is the best and most convenient childcare centre. It should not be about where the cheapest one is or where they can afford to send their children. I start by saying that the cost of child care needs to be watched carefully and balanced in the light of what is happening with the cost of living. These are pressures that families cannot afford. Child care is an essential facilitator in enabling women to contribute to our economic development. It is no longer a luxury for a woman to have a job in this country; it is an essential part of the dual-income living standards that have developed in this country. It is vital that women

are able to participate in the workforce. More than ever we are seeing the impacts of cost-of-living pressures, which makes it absolutely essential that women can have access to child care and that families are able to have both incomes to meet the increased cost of living.

Problems around workforces are emerging because of the labour market pressures being applied in Australia, particularly in Western Australia. I said at the beginning of my presentation that the childcare industry is one that is experiencing strong workforce pressures. That is not changing; it is on the increase as more and more employees are being looked for. We are looking for more and more workers in this industry. I quote from a report by Big Steps in Childcare, which focuses on the childcare workforce in this country —

> The greatest challenge facing the Early Childhood Education and Care … sector today is the struggle to get and keep passionate, committed, quality staff.
>
> A staggering 15 000 childcare educators —

That is across Australia, which extrapolates to 1 500 in Western Australia—

> are estimated to leave the long day care sector each year.

Across the sector, Australia wide, employers and centre directors are reporting that attracting and retaining qualified staff in this situation is very challenging. It is predicted that if these trends continue, by 2013 Australia will have at least 6 500 fewer educators than are actually needed. The shortfall occurs at precisely the moment that the Council of Australian Governments—the state, working with the commonwealth—is trying to implement reforms to improve staffing ratios and increase the numbers of qualified staff.

I might also say that one of the grave concerns about these reforms is that Western Australia previously had one of the best staff-to-child ratios in this industry in Australia. It would not be productive for any of these reforms to lower that standard and take away our lead in this area, not that it is a race. However, it is a race in terms of providing the very best standards in child care that we possibly can. All the childcare licensing conditions need to support the Western Australian community to have the best childcare systems in the country, not to detract from it.

We know that those who work in the childcare sector are passionate about the work they do. They would have to be, because they do not do it for money; they do it for love. They do it for care and concern for our children. The passion is pretty hard to sustain when childcare educators face such negative factors as pay levels barely above minimum wage, a lack of recognition, limited career paths and difficulties in gaining access to training. Those things are all worth mentioning, because some of the reforms that have been looked at by COAG go directly to those issues. While educators continue to give what they can to our children, they do so under very difficult circumstances. The professionalism and stability of the childcare educators are of paramount importance in achieving quality outcomes for all children, yet child care as a profession remains underpaid and socially undervalued. It is a sad reality of this crisis that many educators cannot aspire to the same standard of living as the parents whose children they educate and care for. Earning just $17.46 an hour, a certificate III–qualified educator in the sector earns $10 less than a similarly qualified worker in a comparable male-dominated industry.

All workers within the sector experience low pay, including centre directors, despite them carrying out similar duties and managing similar numbers of staff as principals of small primary schools. Centre directors' pay is half that of their equivalents in the school education sector. One of the stories that I thought was relevant to this is by a gentleman in this industry whose name is Adam. I will quote directly from this information —

> Like many of his peers, Adam is entering the stage of his life where he has to consider his future in childcare, despite his love of the job. 'If something doesn't change with wages in the next couple of years, I will have to think about leaving the sector. I don't want to, I love my job. I'm one of those very lucky people who come to work every morning with a smile, safe in the knowledge that I truly love the work I do. But something has to change; I can't continue to live on these wages.'
>
> He goes on to say 'I'm not looking for a massive wage, just to be paid a wage commensurate with the work I do. We educate and care for people's children. I currently have to pack shelves at Coles four nights a week to help make ends meet. As bad as this is, what makes it even more frustrating is I get nearly the same wage for packing shelves as I do for running a childcare centre. How is this right?'

That point goes directly to the heart of my contribution in this debate. What I would really like to leave on the public record is that the commitment that the people in this industry offer to families in our state is immense, and that we undervalue that in monetary terms. I want to reinforce the fact that I do not think that anyone in this house would not see the value of all the individuals in this sector and what they bring to the education of children. There is an undeniably important link between children from the ages of zero to three being given the correct education and the correct enriched environment by educated professionals and them hitting the ground running when they enter school because they have the skills and the tools that they need to grow and develop as young people.

I will conclude my statements by saying that the future of the childcare sector is incredibly important in developing our state. As we try to attract and bring workers to this state from other states and as we try to train our own workforce and encourage families to move to rural and remote communities, in particular, to take advantage of employment opportunities, there has to be sufficient additional funding to make sure that we can roll out all the reforms through the Council of Australian Governments changes, as well as the reforms in our own state, so that we can continue to lead the field in child care and the provision of quality child care. Without the right funding and support, these reforms will not succeed. The current workforce crisis is only going to get bigger if the demand for qualified workers goes unmet due to these continued labour shortages. Finally, the ongoing problems with low retention rates of staff will undermine the goals of training and upskilling greater numbers of qualified workers.

I believe that childcare educators have waited long enough to see genuine, high-quality child care in their sector and to see themselves as professionals and to be publicly recognised as professionals. Remuneration is part of that; it goes alongside the professional qualifications. The upskilling of staff and the development of national standards will hinge on the quality of the workforce and on being able to retain good people in these jobs. We must acknowledge that these are good jobs. In fact, one could argue that they are the most vital jobs that we will ever come into contact with in our lives. What could be more important than the welfare and wellbeing of our children between the ages of zero and three?

MS J.M. FREEMAN (Nollamara) [12.45 pm]: I rise to support the Child Care Services Amendment Bill 2011. I thank the member for Maylands for her comments. I also thank the advisers who gave us a briefing on this bill, and all the people who worked on the report on the children's services regulations review 2006–07. As I understand it, this bill reduces the regulatory burden on childcare service providers. Obviously, there will be some issues with the regulations around this bill that will do that, but I understand that that will be done through the insertion into the act of the changes in new section 5A, which is about supervision and cross-supervision. I would appreciate it if the minister—I am not entirely sure which minister is dealing with this bill—would clarify whether that is the case. I understand that the regulations will contain provisions to reduce the regulatory burden on the childcare industry.

I understand that the bill broadens the scope of matters to be taken to the State Administrative Tribunal in preference to matters going to the Magistrates Court. These matters will be able to be looked at on the basis of merit and not purely on the basis of evidence. I believe that that is to give effect to the new penalty regime, which deals with reprimands, fines, suspension of licence and cancellation of licence. This is put into effect by clause 20 of the bill, which inserts a new section 29 into the act. Because we will probably not go into consideration in detail, I seek clarification of proposed section 29(4)(b)(ii), which provides for a refund. I ask the minister to expand on whether that includes a refund to parents under the penalty regime. What does that provision mean? I understand that the enhancing of investigative powers is included in the powers set out in proposed section 43A, "Powers after entering place". Given our debate on the Cat Bill, people may want to avail themselves of the opportunity of looking at proposed section 43A.

I want to quickly say that I understand there are about 1 500 childcare services and about 70 000 children in child care in Western Australia. The Australian Bureau of Statistics figures for June 2010 show that, in the zero to four age group, about 149 000 children are in child care. Five-year-olds, who perhaps also tend to stay in child care, account for about 27 000. Therefore, about 177 000 children under the age of five are in child care. When we look at that figure of 70 000, if we accept that out-of-school care makes it an imperfect science in counting how many children are in child care, about 40 per cent of Western Australian children have access to or go into child care. We are talking about a significant number of children who have access to early education, and we need to accept the importance of that early education. I am of the view that, increasingly, we need to have the debate in this place, and in the broader community, about how that fits in with, and transitions into, our schools. I think that we need to establish that these people are early educators and that zero to four years is an important time in a child's development. These are the critical periods in a child's understanding of their emotional contacts and those sorts of things. If as a state we do not put a contribution into those areas, we are lacking.

In terms of what the member for Maylands pointed out about minimum wages, I will just say in closing that when a qualified childcare worker has been on the highest level of pay for two years, they can get only $45 000 a year. These are the people who are responsible for the early childhood education of, let us say, 40 per cent of our children, and what are we paying them—$45 000. I would like to put on record that I agree with the Big Steps in Childcare campaign. These people need to be paid more and to be recognised for their contribution to the community. We certainly need to ensure that we recognise the vital role that they play in early childhood education in Western Australia and in Australia broadly. The history in Western Australia is that we have the best staffing ratios, but we also have a terrible situation in which we allow regulations to change so the competition destroys childcare standards.

Debate interrupted, pursuant to standing orders.

[Continued on page 7681.]

ACADEMY OF HOSPITALITY AND TOURISM

Statement by Member for Joondalup

MR A.P. O'GORMAN (Joondalup) [12.50 pm]: The West Coast Institute of Training has exceeded expectations since it opened its doors to students in 2005. We had a vision for the centre to become WA's premier training facility back in 2002. I would like to congratulate the Academy of Hospitality and Tourism for receiving a World Association of Chefs Societies recognition of quality culinary education award. Patrick O'Brien has been a strong driver of the academy, which has won numerous awards since opening its doors in 2005. We wanted to establish a world-class facility that provided training to our young people during the resources boom. We saw that it was important to use the boom to develop a skilled workforce that would create new industries and jobs for the future. I am pleased to have been behind the push for the institute to be relocated from Carine to Joondalup and see it transformed into a world-class leader in the provision of culinary training. This is a remarkable achievement and makes the academy one of only four "centres of excellence" worldwide. As the only training provider in Australia to be recognised by the World Association of Chefs Societies, it has the opportunity to attract the best students from across the globe. The academy has engaged with and continues to work in collaboration with industry to ensure that its training is industry led and relevant to individuals, enterprises and the community. On top of the World Associations of Chefs award, the academy also took out the Dilmah professional high tea challenge in Melbourne with Chad Tilbury and Daniel Moore from the academy.

GWEN ATKINSON — 100TH BIRTHDAY

Statement by Member for Morley

MR I.M. BRITZA (Morley) [12.51 pm]: Morley resident Gwen Atkinson reached a major milestone recently by celebrating her 100th birthday on 29 August. Mrs Atkinson was born in Cornwall, England and arrived in Australia at just 13 weeks of age in 1911. She lived with her family on a farm in Nokanning until leaving school at the age of 13 to work in Wilson's Drapers in Merredin. More than 40 family and friends, including her three daughters, eight grandchildren and 16 great-grandchildren, attended a private luncheon to celebrate Mrs Atkinson's centenary. Mrs Atkinson has lived in her Morley residence since 1975. She lives there independently, with the help of her family, and is still actively involved in the community, attending the City of Bayswater's Olive Tree House regularly to participate in a variety of senior events. The staff at Olive Tree House honoured Mrs Atkinson with a luncheon on her birthday, attended by City of Bayswater Mayor Terry Kenyon. Mrs Atkinson was thrilled to receive a special birthday message from Her Majesty Queen Elizabeth II, congratulating her and acknowledging her milestone birthday. It is a wonderful landmark to achieve, and I offer my congratulations to Mrs Atkinson on this outstanding achievement, noting that without a deep and burning desire of her own, she might have been ruled by the desires of others.

BRENDAN HART — RETIRED EDUCATOR

Statement by Member for Victoria Park

MR B.S. WYATT (Victoria Park) [12.53 pm]: I rise today to make some comments about a man who has made a huge contribution to the education of thousands of children in Western Australia. Just recently, Mr Brendan Hart, Principal of Millen Primary School, retired, and I would like to reflect on Mr Hart. He started teaching in 1966 when he was posted to Quairading. Most of his early career was spent in regional Western Australia. From Quairading he went to Coolbinia, Koolyanobbing, Yarloop and Brunswick, before coming to Millen Primary School in 1992, where he spent the better part of the last 20 years teaching. Brendan was an exceptional principal who, up until the day he retired, continued to teach small groups of children and always considered himself to be, first and foremost, a teacher. Upon retirement he had an extraordinary 500 sick days owing to him, which is a good sign of the amount of effort he went to in keeping his fitness up! I will quote Eirlys Ingram, the deputy regional executive director of the Department of Education, who said, "Brendan never considered his students and colleagues as just that; he and his wife Trish have maintained lifelong friendships." He continues to follow and support students who have gone through Millen Primary School over the last 20 years. I wish Brendan, his wife, Trish, his children Darren and Marree and their partners, Alicia and Bruce, and his adored grandchildren, Amberley and Lachlan, all the very best for the future.

NATIONAL HISTORIC MACHINERY ASSOCIATION RALLY — FAIRBRIDGE VILLAGE

Statement by Member for Southern River

MR P. ABETZ (Southern River) [12.55 pm]: I take this opportunity to commend the Machinery Preservation Club of Western Australia for hosting the Thirteenth National Historic Machinery Association Rally held at Fairbridge Village near Pinjarra on 2 to 4 September 2011. This event, supported by Eventscorp, royalties for regions and the Peel Development Corporation, drew over 13 000 daytrippers, plus over 1 000 exhibitors, half of whom travelled from the eastern states. One exhibitor came from the United States and even shipped his tractor across for the event. Fairbridge Village was filled to capacity, with 400 people, and another 640 stayed in a

specially-constructed temporary powered caravan park on site. In addition, the tourist accommodation for miles around was fully booked, and that proved a boon to the local economy. Overseas visitors came from Cornwall and elsewhere in England, Wales, Ireland and New Zealand. A number of semi-trailers laden with vintage machinery were driven across the Nullarbor for this event. But the most outstanding effort was from two exhibitors who drove their tractors across Australia to attend, with one couple driving their tractor from Ballarat, via Darwin, to Fairbridge Village, leaving in May and arriving at the end of August! I want to commend the organisers: Wayne Edmunds, chairman; Bob Wallis, secretary; Elwyn Harries, treasurer; Les Jones, registrar; Keith Chappell, IT technician; Bob Lukins, tractors; Lil Combes, ladies' interests; and Wendy and Ralph Thomas, publicity and webmasters. I also want to thank the staff at Fairbridge Village, whose cooperative spirit in the lead-up to, and during, the rally was without doubt a key factor to the success of the weekend.

COMMONWEALTH WOMEN PARLIAMENTARIANS COMMITTEE — YOUNG WOMEN'S ENGAGEMENT WITH POLITICAL PROCESS FORUM

Statement by Member for Maylands

MS L.L. BAKER (Maylands) [12.57 pm]: Despite the fact that we now have several women in senior political positions across the country, our Parliaments are still made up of only about 30 per cent women. The Commonwealth Women Parliamentarians Committee, of which I am the chair, has committed to increasing this number. We started to do some work on this by putting together a program for young women in the community to find out what they are thinking and how to engage them in the political process. To do this, we hosted a forum in Canberra. We invited 10 young women between 18 and 25 years of age to take part in that forum. These remarkable young women came from all over Australia and spent two days at Parliament House in Canberra. This was about three weeks ago. They were keen to learn what it takes to become a member of Parliament and what it takes to be part of the commonwealth political system. They also wanted to change the status quo. We learnt from them how Parliaments can better relate to young women and be more relevant and accessible. The discussions were wide-ranging and included debates on affirmative action, the treatment of female politicians by the media, and how to break down barriers that prevent more women from taking up politics as a career. The group met with many federal members of Parliament during their time in Canberra. That included the Minister for the Status of Women, Kate Ellis; Greens Senator Sarah Hanson-Young; and the Deputy Leader of the Liberal Party, Julie Bishop. These young women were inspired by, first, the knowledge that they got from everyone who spoke, and secondly, being able to question all those women about why Parliament can be a fulfilling career, and where they can make a difference; and we were inspired by their enthusiasm.

GERALDTON SURF LIFE SAVING CLUB

Statement by Member for Geraldton

MR I.C. BLAYNEY (Geraldton) [12.57 pm]: Geraldton Surf Life Saving Club, which has been in existence since 1930, has just had its eightieth season. Geraldton had a fatality-free year and provided a safe back-beach environment over the summer. I would like to pay tribute to the following board members who have retired: Alyson Cantrall, Gary Clark, Luke Murphy, Leanne Coverley-Brandis, and Jason Joyner. I would also like to pay tribute to the incoming board members: Grant Rosman, Mandy Riley, Gary Williamson, Coby Rowcroft, Peter Murphy, and Shahid Jefcoate, and wish them all the best. Finally, I would like to thank the carry-over board members: President Tony Carmichael, Mike Francis, Rob Walker, and Judy Heylen.

Across all membership categories, the club has nearly 400 members. Over the year, the beach was patrolled for some 1 941 hours, and individual hours on the beach totalled 10 582. The patrol captains were Jason Joyner, Mike Francis, Paul McKenzie, George Guidice, Geoff Innes, Hugh and Linda Stott, and Tony Carmichael. Twenty-nine people received first aid, there were 151 preventions, and there were 23 rescues. The club has worked with the City of Greater Geraldton in the planning for the back-beach precinct. It is also working to refurbish the old clubrooms, and to maintain its new facilities. I would like to pay credit to the club's sponsors: the City of Geraldton–Greenough, Geraldton Newspapers, the Mid West Development Commission, the regional partnership program, Sun City Plumbing, the Department of Sport and Recreation, Galvin, Young Motors, Haines Signs, Surf Life Saving WA, and Iluka. Geraldton Surf Life Saving Club is one of our community's wonderful assets, and as a beachgoer and the club's patron, I would like to thank all members of the club for their work.

Sitting suspended from 12.58 to 2.00 pm

QUESTIONS WITHOUT NOTICE

WHEATSTONE LIQUEFIED NATURAL GAS PROJECT — LOCAL FRONT-END ENGINEERING AND DESIGN WORK

615. Mr E.S. RIPPER to the Premier:

I note that the final investment decision for the $25 billion Wheatstone project is imminent.

(1) What proportion of the front-end engineering and design for the Wheatstone project is being undertaken or has been undertaken in Western Australia?

(2) How many tonnes of the fabricated steel required by the Wheatstone project will be produced in Western Australian workshops?

Mr C.J. BARNETT replied:

(1)–(2) As if I would know the answer to that! If Wheatstone has finished its front-end engineering and design—its FEED—and is about to go into final investment decision, the question by definition is redundant because it has already happened.

I will just stress that while the project is nearing the completion of FEED and is very close to a final investment decision, as far as the state government is concerned —

Mr E.S. Ripper: Do you know anything about the FEED at all?

Mr C.J. BARNETT: No; I am answering the question.

The state government negotiations have been concluded in, I think, a very satisfactory way, but a final investment decision has not yet been made.

Mr E.S. Ripper: But FEED has occurred.

Mr C.J. BARNETT: A final investment —

Mr E.S. Ripper: How much of it has occurred in Western Australia?

The SPEAKER: Leader of the Opposition!

Mr C.J. BARNETT: It has not happened yet—a final investment decision is yet to be made. I hope a decision will be made; and if it is, I expect it to be not too far away. However, that is up to Chevron and its joint venture partners. The last thing I am going to do is pre-empt their commercial decision making and, indeed, pre-empt any announcement that they might make to the American stock exchange.

WHEATSTONE LIQUEFIED NATURAL GAS PROJECT — LOCAL FRONT-END ENGINEERING AND DESIGN WORK

616. Mr E.S. RIPPER to the Premier:

I have a supplementary question. What undertakings on local content has the Premier secured from the proponents of the Wheatstone project, and is he prepared to make those undertakings public?

Mr C.J. BARNETT replied:

A development agreement was signed for the Wheatstone project some time ago, and as part of that, we are now progressing with the drafting of a state agreement act.

Mr E.S. Ripper: Will you table that development agreement?

Mr C.J. BARNETT: No, I will not. But I will, quite properly, bring into Parliament an agreement act for the Wheatstone project if and when the final investment decision is made.

2010–11 ANNUAL REPORT ON STATE FINANCES — GOVERNMENT EXPENDITURE CONTROL

617. Mr M.W. SUTHERLAND to the Treasurer:

I refer to today's release of the *2010–11 Annual Report on State Finances*. Will the Treasurer please inform this house how this government has reined in expenditure through disciplined financial management?

Mr C.C. PORTER replied:

I thank the member for his question.

There is some very, very good news on the issue of expenses growth in the *2010–11 Annual Report on State Finances* tabled today. Why is the issue so critical? It has been an issue that many members opposite have made some comment on. Indeed, I recall in the second reading speech responses to the budget some quite critical comments made by some members opposite about what this government had managed to do to restrain expenditure growth. The reason this matter is so critical is, I think, understood and agreed upon by everyone in the house; namely, revenue minus recurrent expenditure is in effect the surplus available to spend on infrastructure and other government programs and policy. The simple structural reality, which is a brutal one for any Treasurer, is that the higher the recurrent expenditure, the less money there is to spend on infrastructure. That fact is inescapable. In reference to higher recurrent expenditure, 40 per cent of recurrent expenditure is in effect the wages expenditure of government.

This government did four key things. Whilst I am on my feet, I wanted to personally congratulate the Minister for Transport because these four things were policy instituted by the transport minister when he was the Treasurer, and they are now starting to bear fruit. Those four things were, firstly, a clear, unambiguous wages policy that was neither lead nor lag. No-one knows what that means! The State Solicitor's Office cannot tell me what that means. Our wages policy has been, and has been very clear, that we will pay above the consumer price index to a capped limit of the wage price index, but that anything above CPI and necessarily below WPI has to be justified by productivity gains. The second thing that we have done is to reach an agreed upon measure between Treasury and the Public Sector Commissioner of how we count full-time employees and how we calculate yearly averages. We then placed a ceiling on the yearly average FTE across the entire public sector by agency and department. In 2010–11, the ceiling was 106 604 FTEs. The actual number for the average over the year was 105 383—that is 1 200-odd below the ceiling. We have also had three rounds of voluntary separations, with 802 voluntary separations in rounds 1 and 2, and we expect 400 voluntary separations in round 3. That embeds $57 million per annum worth of saving to the WA taxpayer in the budget.

What has the result been as displayed in the report we released today? There are three measures. The first is the expense growth of general government; this is expense growth overall taking out the government trading enterprises. On this chart, members can see the figure is 5.2 per cent. There are not as many laughs opposite now. The average over 10 years was 8.1 per cent, and over the past financial year we have achieved 5.2 per cent.

The second standard measure is own-purpose expenses and targets, which looks at taking out commonwealth money that comes in and goes out of the system. A target has been set—a target that was last met in, I think, 2001–02. The target is that our own-purpose expenses in government are not supposed to grow faster than the population and WPI. The idea is that the government should not be spending more each year than the increase in population and a reasonable increase in wages. From this chart members will see that in the last financial year the actual growth on this measure was 6.5 and the target was 6.2. That is unbelievably close to the target. People in Treasury were crying to have gone so close, but not quite get there. The last time that target was met was 2001–02 when the WA economy was in something of a doldrums compared to where it is now. That is a much easier target to meet when things are not steadily growing as they are now. That is a quite remarkable achievement.

The third measure is salaries growth in general government. As I have already said, recurrent expenditure growth is fuelled by salaries growth. In the past two years, salaries growth has been 6.6 per cent.

Several members interjected.

Mr C.C. PORTER: Is it that every time members opposite do not like something, they just shout out the word "pensioners" randomly—and that is an argument? Is that how it works?

What that shows and why that is very good news —

Several members interjected.

The SPEAKER: Thank you, members. Member for Joondalup, I know that you would like to ask a question and I look forward to giving you the call—if I have that opportunity. That is my advice to you at the moment.

Mr C.C. PORTER: This shows that there were two very bad years in 2007–08 and 2008–09. We had some shared responsibility for 2008–09, but 2007–08 was all the responsibility of members opposite. In 2007–08, there was about an 11.6 per cent growth in public sector wages. Based on that level of growth, Labor would have doubled the state's wages bill every eight and a half years. I can tell members that the population of WA is not doubling every eight and a half years. That would have been absolutely unsustainable for the state. One of the most important things that has come out of these results and one of the most important things that this government can do for the taxpayers of Western Australia is to ensure that the wages bill of the state does not double every eight and a half years. These are, therefore, some very good results today. We had a few laughs at the beginning from the opposition, but not too many at the end!

STATE FINANCES — ELECTRICITY PRICES

618. Mrs M.H. ROBERTS to the Treasurer:

I refer to the Treasurer's boast about the strength of the state's finances.

(1) Will the Treasurer use this claimed financial strength to help WA families struggling with his savage increases in household bills?

(2) Will the Treasurer commit to freezing electricity prices in the next state budget?

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

Mr C.C. PORTER replied:

(1)–(3) Part of the good result that we were able to deliver in last year's budget cycle was taking sensible, straightforward, sound decisions.

Mrs M.H. Roberts: Like a 57 per cent hike in electricity!

Mr C.C. PORTER: Freezing electricity prices, which is what occurred with business tariffs in 1992 and residential tariffs in 1997, is precisely what got this state into the mess that we inherited when we took over from the previous government.

Several members interjected.

The SPEAKER: Members!

Mr F.M. Logan interjected.

The SPEAKER: Member for Cockburn, I formally call you to order for the first time today. Member for Midland, you asked the question; I do not think unnecessary loud interjections are going to assist in getting the answers.

Mr C.C. PORTER: Freezing electricity prices is not the answer. In the following two years electricity prices are estimated to increase at the level of five per cent. That is a fair and modest increase in all the circumstances, given the fact that the costs of generating and transmitting electricity are increasing year on year.

Mr E.S. Ripper: Where are you going after that, if you get the chance?

Mr C.C. PORTER: The point about estimates is that they are estimates and, of course, the budget —

Several members interjected.

The SPEAKER: Thank you, members!

Mr M.P. Murray: Don't believe the estimates; they're not worth the paper they're written on.

Mr C.J. Barnett: You live in the airy-fairy land of forward estimates!

Mr E.S. Ripper: Your debt figures are airy-fairy too.

Mr C.J. Barnett: No. Our debt figures are very good.

Mr C.C. PORTER: It is interesting to hear members speak about debt and estimates. I cast a quick eye over the Leader of the Opposition's estimates. His estimates of debt were made four years before the debt actually arrived. Not merely did he never get it right—we do not expect him to ever get it right—but also at times he was wrong by 100 per cent. He was 100 per cent wrong.

Mr E.S. Ripper: Your absolute debt is $12 billion. You started with $3.6 billion.

Mr C.C. PORTER: In any event, I have been asked whether the state government will now freeze electricity prices. We will not do that. What we will do is ensure that the sensible economic decisions that we have made give us the capacity to make sure that increases in future are very moderate and very modest.

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland!

Mr C.C. PORTER: One of the benefits of finally managing to restrain expenditure growth in the state is that it allows us the room to not put up prices too quickly to full cost reflectivity.

Several members interjected.

The SPEAKER: Members!

Mr C.C. PORTER: That is what it does; whereas if expenses are growing at 12 per cent year in, year out, we lose the opportunity to protect Western Australian consumers from the true price of electricity.

Mr E.S. Ripper interjected.

Mr C.C. PORTER: The reason that we now have modest increases is that we are managing the economy very soundly.

The SPEAKER: Before I give the call to the member for Kingsley, I am going to formally call the Leader of the Opposition to order for the first time today!

STATE FINANCES — NET DEBT AND OPERATING SURPLUS

619. Ms A.R. MITCHELL to the Treasurer:

Before I ask my question of the Treasurer, I acknowledge in the gallery the students and staff of Katanning Primary School from the member for Wagin's electorate.

I refer the Treasurer to today's release of the *2010–11 Annual Report on State Finances*. Will he please inform the house of the revised actual net debt and operating surplus figures for 2010–11.

Mr C.C. PORTER replied:

Thank you, Mr Speaker —

Mr E.S. Ripper: Debt over $12 billion.

Mr C.C. PORTER: The Leader of the Opposition's description of net debt changes depending on which day it is and which social media site we are looking at.

Mr E.S. Ripper: I just take your budget figures and I talk about what's in your own budget.

Mr C.C. PORTER: No, the Leader of the Opposition does not do that; he is out there in the public telling people that debt is $23 billion.

Mr E.S. Ripper: That your debt projection is $22.4 billion.

Mr C.C. PORTER: No.

Mr E.S. Ripper: You can't own the projects. You can't announce the projects for the future and disown the debt for the future. You want to own the projects and disown the debt!

Mr C.J. Barnett: You're $10 million away from the truth.

Mr E.S. Ripper: A lot closer than you'll ever be.

The SPEAKER: Premier and Leader of the Opposition, I suggest that if you want to have this discussion, there might be another place you might like to have it, not across the chamber at the moment while someone else has the call. Leader of the Opposition, I formally call you to order for the second time today and, Premier, you for the first time today.

Mr C.C. PORTER: What the Leader of the Opposition said by way of interjection was that he is not out there in the marketplace of ideas in the public telling people that debt is $23 billion, but that he is out there telling them it is projected to be $23 billion. But he is not; he is out there telling people that debt is $23 billion.

Mr E.S. Ripper: You're out there talking about your projects for the future but you won't own the debt projections associated with those projects.

Mr C.C. PORTER: Here is a message from the Leader of the Opposition sent out through social media on Twitter —

> … too much focus on Barnett's pet projects and $23b State debt leads to core infrastructure missing out.

Mr E.S. Ripper: You've only got 140 characters!

Mr C.C. PORTER: Ooh!

Mr E.S. Ripper: You can't fit the word "projected" in 140 characters. Give me a break!

Mr C.C. PORTER: The Leader of the Opposition got the word "projects" there, but he could not get the word "projected"! He got the phrase "pet projects" but he could not say "projected $23 billion".

Mr E.S. Ripper: It's very hard to summarise these matters in 140 characters.

Mr C.C. PORTER: There is a view on Twitter that people do not have to be truthful! They just get on a mobile phone and put a message out there.

Several members interjected.

The SPEAKER: I think we have had our moment, members! Let us move on to the next one.

Mr C.C. PORTER: The Leader of the Opposition has many followers on Twitter. In fact I saw a picture of him on Twitter in *STM—The Sunday Times* magazine. It is surprising to note that if he still had that look he would get more followers! He looked like he was preaching from the mouth!

The *Annual Report on State Finances* shows that the actual result of the surplus is $1.6 billion—that is about $820 million higher than was estimated in May this year. Unfortunately, only $145 million of that $820 million increase is made up by increased revenue; $675 million of that $820 million is made up by a decrease in expenses. Some of that is very good news for the taxpayers of Western Australia, because some of that decrease in expenses represents the lower wages bill I was speaking about earlier. For instance, $84 million of that $675 million is lower than expected wages bills across health and education and $25 million less in accommodation costs through the procurement strategy of government.

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan!

Mr C.C. PORTER: Some of the decrease in expenditure is somewhat ambivalent news, because expenditure that did not occur in 2010–11 will get caught up in 2011–12.

Mrs M.H. Roberts interjected.

Mr C.C. PORTER: The decrease did mean that the snapshot at the end of the financial year showed extra cash in the consolidated account to the tune of about $170 million. As the Premier announced this morning, $70 million of that money will go into the special purposes account for the children's hospital. That will now mean that that project is half paid for. That is a very good result for the taxpayers of Western Australia. The extra $100 million will go into what will be a new special purposes account as a down payment on the stadium. There is now, therefore, a very clear choice for the people of Western Australia. The choice is between the government's clear, unequivocal commitment to the construction of a new stadium at Burswood Park and the opposition's position to scrap the stadium.

Mr E.S. Ripper: To scrap the site!

Mr C.C. PORTER: It has gone! The opposition is scrapping the stadium to pay for power poles. That is the opposition's policy. That is a very disappointing policy, I imagine, for the people of Western Australia.

Mr J.N. Hyde: Not a cent for this new museum; shame!

The SPEAKER: Member for Perth, I formally call you to order for the first time today.

Mr E.S. Ripper: Where is the stadium in the $12 billion debt?

Mr C.C. PORTER: It is not built yet.

Mr E.S. Ripper: So it is not built yet!

Mr C.C. PORTER: It takes more —

Mr E.S. Ripper: That's in the forward estimates. It's airy-fairy; don't believe it. It doesn't exist!

Several members interjected.

Mr C.J. Barnett: People will get more than a poster under this government; they will get a stadium.

Mr E.S. Ripper: And the debt!

Mr T.G. Stephens: Chuck him out, Mr Speaker.

The SPEAKER: I might do that, member for Pilbara—perhaps not today, though. I am looking forward to seeing the graph, Treasurer!

Mr C.C. PORTER: With the government, $100 million worth of the stadium will sit in an account ready for the construction of the stadium. With the opposition, the stadium is in the trash bin; that is where it is.

On this graph, we have the actual debt figure. At the time of the 2010–11 budget it was predicted to be about $15.4 billion; at the midyear review the prediction was $14 billion, and the actual debt, as things presently stand, is a very sustainable $12 billion. That is $12 billion—not $15 billion, not $14 billion, not $23 billion, as on Twitter, but $12 billion.

Several members interjected.

The SPEAKER: I need my exercise! Members for West Swan, Midland and Cannington, it is great to have you on the list today, all formally called to order.

Ms R. Saffioti: Great to be on the list!

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

Mr P.B. Watson: She is representing three!

The SPEAKER: Member for Albany, I know you are anxious to be on the list.

SCHOOL CROSSINGS — TYPE A AND TYPE B STATUS

620. Ms M.M. QUIRK to the Minister for Road Safety:

I note the minister's response to Legislative Assembly question on notice 5995 on 16 August regarding children's crossings, and I ask the following questions about the minister's performance on this issue.

(1) Why has the number of type A crossings dropped by 67 from 487 in 2008 to 420 in 2010?

(2) Why has the number of type B crossings dropped from 24 in 2008 to 18 in 2010?

Mr R.F. JOHNSON replied:

(1)–(2) I thank the member for the question. I cannot give her a definitive answer because I do not have that information with me.

Ms M.M. Quirk: You signed a question on notice.

Mr R.F. JOHNSON: I know I did.

Ms M.M. Quirk: And you cannot remember?

Mr R.F. JOHNSON: I can remember quite clearly.

Ms M.M. Quirk: All right; tell us.

Mr R.F. JOHNSON: Okay. I think the problem is that the opposition is in a state of denial at the moment because I actually did something to ensure children's safety came first in all those schools where type A crossings and some type B crossings were going to be —

Ms M.M. Quirk: What did you do?

Several members interjected.

The SPEAKER: Members!

Mr R.F. JOHNSON: Obviously —

Ms M.M. Quirk: There are 67 fewer crossings.

Mr R.F. JOHNSON: Sixty-seven. The member is asking me what exactly in relation to that question? What is the member saying? The member is saying that there was a reduction in those crossings during those years. As the member well knows, it is not the responsibility of the minister normally to decide whether specific school crossings should be taken away from specific schools. That is done by —

Mrs M.H. Roberts: You signed off on the revised criteria, didn't you?

Mr R.F. JOHNSON: The revised criteria were actually enhanced criteria that gave schools a better opportunity to retain their type A crossings.

Mrs M.H. Roberts: Sixty-seven lost them, and then you have a list of another 20.

Mr R.F. JOHNSON: Because that is evolution. Does the member for Midland know how many crossings were lost under her regime?

Mrs M.H. Roberts: Not 67—I guarantee that.

Mr R.F. JOHNSON: The member for Midland lost dozens and dozens when she was minister; dozens and dozens were lost. The reason is that very often the school population goes down, as the member would know, and the conflict ratio with the number of vehicles —

Several members interjected.

Ms M.M. Quirk: I can't hear him.

Mr R.F. JOHNSON: It is because opposition members keep interjecting.

The SPEAKER: We had some technical problems in this place yesterday which resulted in people not being able to hear particular members either asking questions or giving answers. I do not want that situation to re-emerge at this moment. I understand what the member for Girrawheen is saying, and I ask other members in this place to enable the Minister for Road Safety to answer this question. He does not need any assistance from other members to my right or to my left.

Mr R.F. JOHNSON: Over the years, obviously a lot of the type A crossings do get lost to schools because they fail to then meet the criteria that was set —

Mr E.S. Ripper: That wouldn't explain a net drop though, would it?

Mr R.F. JOHNSON: Of course it will. If enough schools do not meet the criteria, we will see a net drop; of course we will. We will see them in type A and type B, but quite frankly —

Ms M.M. Quirk: There are fewer in type B as well.

Mr R.F. JOHNSON: Because some of the type B crossings do not meet —

Mr E.S. Ripper: Aren't we getting more and more schools?

Mr R.F. JOHNSON: We are getting some more schools, but we are also getting some schools that have closed down over the years, we are getting some schools that do not have as many pupils going to them and we are getting areas where schools are not getting the flow of traffic that they used to get. That is all the criteria as to whether or not —

Mr E.S. Ripper: It is news to the people of Perth that traffic is declining!

Mr R.F. JOHNSON: What a stupid comment from the stupid Leader of the Opposition. Honestly! Members opposite know why it is happening.

Ms M.M. Quirk: No, I don't.

Mr R.F. JOHNSON: I will sit down and talk to the member for Girrawheen some time and I will explain it to her with pictures; okay?

SCHOOL CROSSINGS — TYPE A AND TYPE B STATUS

621. Ms M.M. QUIRK to the Minister for Road Safety:

I have a supplementary question. Will the minister now give certainty to the further 15 or so schools with crossings that he left in limbo two weeks ago when he gave them a temporary reprieve?

Mr R.F. JOHNSON replied:

Mr Speaker —

Ms M.M. Quirk: Someone has handed you a note have they?

Mr R.F. JOHNSON: The member for Girrawheen is so perceptive; she really is. I do not need the note anyway, I can tell the member.

Several members interjected.

Mr R.F. JOHNSON: I took a decision. I was not happy at all with the number of children's crossing wardens that were being taken away from the schools. Yes, there were something like about 18 at one point and another 15 possible ones. I took a view that it does not matter whether the crossings meet the criteria or not, at that stage I was concerned about the safety of the children. I had representations from the member for Midland during which she was really concerned about losing one of her school crossings.

Mrs M.H. Roberts: I said about two, actually.

Mr R.F. JOHNSON: I know, but the school crossing. It is not the warden; it is a school crossing. I am talking in general terms. I have had representations from other members of Parliament on both sides of the house. Therefore, there is no favouritism. I took the view that we were looking at a situation in which possibly some of our children could be put at risk, and until we get a proliferation of those flashing red signs and better safety aspects in relation to those schools, I made the decision, and I have directed the committee, that it is not to take any of the type A traffic wardens away until further notice. I will leave them there until I am satisfied —

Ms M.M. Quirk: How long is "until further notice"?

Mr R.F. JOHNSON: The member will get to know that in due course.

CANNABIS CULTIVATION — GOVERNMENT STANCE

622. Mr I.C. BLAYNEY to the Minister for Police:

On behalf of the member for Murray–Wellington, I first acknowledge the students and teacher from Dwellingup Primary School.

I was stunned to hear about the incident in my electorate yesterday when local police uncovered a booby-trapped cannabis set-up in a suburban backyard. Given the opposition's soft approach to cannabis, can the minister outline to the house the National–Liberal government's stance on the issue?

Mr R.F. JOHNSON replied:

Mr Speaker —

Several members interjected.

The SPEAKER: Members!

Mr R.F. JOHNSON: I thank the member for Geraldton for his question. I know that he is really serious and has conviction in his interest in relation to drugs and what they do to children in this state, and the soft approach of members opposite.

Several members interjected.

The SPEAKER: Members!

Mr R.F. JOHNSON: Last night we spent hours on the Misuse of Drugs Amendment Bill and the opposition, the Labor Party, desperately wanted to take out of the bill any penalties for the cultivation of cannabis.

Ms M.M. Quirk: No, we didn't.

Mr R.F. JOHNSON: Yes, you did.

Several members interjected.

The SPEAKER: Members!

Withdrawal of Remark

Mr J.M. FRANCIS: The member for Cannington just called the Minister for Police a liar.

Several members interjected.

Mr W.J. Johnston: I did not.

The SPEAKER: Member for Cannington, I did not hear the comment myself, as there were quite a few interjections, but if you did indeed infer that there was a lie or someone was a liar, I would instruct you to withdraw it.

Mr W.J. JOHNSTON: I withdraw.

Questions without Notice Resumed

Mr R.F. JOHNSON: The comments that —

Several members interjected.

The SPEAKER: Members! Member for Cockburn, I formally call you to order for the second time today. I think some people want an answer to the question; a number might be interested in the answer. I am one of them; I would be interested to hear the answer.

Mr R.F. JOHNSON: The opposition argued that the cultivation of cannabis posed no risk to children.

Several members interjected.

Ms M.M. Quirk: That is not what we said!

The SPEAKER: Member for Girrawheen, I formally call you to order for the first and second times today. Member for Joondalup, I formally call you to order for the first time today. Member for Cannington, I formally call you to order for the second time today. You are all formally called to order.

Point of Order

Mr M. McGOWAN: I want to make the point that members are interjecting and sometimes members go a bit far, but when a minister stands and launches an attack on those members and is, I think, misleading in what he says, perhaps some latitude needs to be given or some direction to the minister to not be so political in his answer.

The SPEAKER: Member for Rockingham, I will not respond to your point of order. It is suffice to say that I will make the determination in this place on how much leniency is given. As the member for Rockingham would know and as most people in this place might acknowledge, I provide a considerable amount of leniency to people on both sides in this place.

Questions without Notice Resumed

Mr R.F. JOHNSON: I think it is important that members know that at the site of the incident in Geraldton yesterday where the police uncovered 12 cannabis plants, they discovered booby traps near the plants consisting of pieces of wood, with four-inch and six-inch nails sticking through, buried in the ground around the plants. That goes to show how far cannabis growers will go to protect their crops. The simple fact is that the cultivation of cannabis is dangerous. We argued for hours last night in this chamber and the opposition said that it did not believe there was enough harm to children to include cannabis —

Point of Order

Mr W.J. JOHNSTON: I rise under standing order 50. The minister—I do not know whether deliberately, but apparently deliberately—is misrepresenting the issues raised by the opposition last night. I would ask you to act, in accordance with the provisions, on the grave disorder that he is bringing to this chamber by making false allegation against this side of the chamber.

The SPEAKER: Thank you, member for Cannington. I note standing order 50.

Questions without Notice Resumed

Mr R.F. JOHNSON: It is interesting that the very member who raised the point of order—which was not a point of order, I hasten to say—is the member who spent an hour last night talking about wanting to bury the legislation in a parliamentary committee for 12 months. He wanted the bill to go to a committee for 12 months. That is the member's commitment and the Labor Party's commitment to protecting our children against illegal drugs and drug labs. That is what he did. Last night, the member for Cannington spent one hour on his motion to refer the bill to a committee. The report-back time —

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen, I formally call you to order for the third time today. Member for Cannington, I formally call you to order for the third time today.

Mrs C.A. Martin interjected.

The SPEAKER: I do not need to hear anything from you, member for Kimberley—not a word. As far as I am concerned, both sides of the house might want to leave this place now. This is providing a marvellous exhibition of democracy.

Mr R.F. JOHNSON: The problem is that some people do not like the truth. There is a definite danger to children on cannabis cultivation sites; there is no doubt about that. For example, around cannabis cultivation sites, apart from booby traps, are fertilisers, nutrients, insecticides in large or concentrated quantities, and unlawful connections to electricity and use of kerosene heaters, which pose a fire hazard. All those things are dangerous to children. The purpose of that clause in the bill is to try to protect the children of WA from being in areas of harm and being harmed. The opposition did everything it could last night to bury that for a year in a parliamentary committee. During that year, we would have seen children harmed, at least in areas where clandestine drug labs are set up.

It is not only me saying these things. Even the alternative Leader of the Opposition, Alannah MacTiernan, gave her two-cents worth on the issue a few weeks ago, which is not remarkable given that she seems to give her opinion on just about everything these days. She tried to say that the Labor Party's cannabis reform had been a success and that its decriminalisation of the drug had not increased cannabis use. However, her argument was shot down in flames by respected drug treatment administrator Dr George O'Neil, who pointed out that a 2010 survey showed a significant rise in cannabis use in WA. He went on to say —

> The new cannabis laws in WA make it absolutely clear that cannabis is illegal. There is a reduction in drug use when young people are informed of what their community has made illegal and disapproves of. Perceptions of safety and acceptability increase drug use. We all need to keep young people aware that suicide —

Several members interjected.

Mr R.F. JOHNSON: Opposition members do not want to hear what Dr George O'Neil says, do they? Opposition members ought to be ashamed of themselves. That is not me saying this; that is Dr George O'Neil, who is an expert on drugs and the damage they do to young people.

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro, I formally call you to order for the first time today. Minister for Police, I hope that you are very close to the end of this answer.

Mr M.P. Whitely interjected.

The SPEAKER: Member for Bassendean, I do not need to hear that and I do not think that you need to say it. I formally call you to order for the first time today.

Mr R.F. JOHNSON: I am going to conclude my remarks now; I take your direction. I want to say one thing to all the drug dealers, drug takers, drug pushers and drug manufacturers in these illegal clandestine labs: if you want a government that is going to do everything you want, vote Labor at the next election!

MANDURAH — DIAGNOSTIC MAMMOGRAM SERVICES

623. Mr D.A. TEMPLEMAN to the Minister for Health:

The Minister for Education thought this question would be to her, but it is not. I refer to the decision by Global Health services in Mandurah to shut down its diagnostic mammogram service at Peel Health Campus due to reduced rebates under the capital sensitivity scheme —

(1) Is it state government policy that Mandurah women should no longer have access to local diagnostic mammograms?

(2) What has the Minister for Health done to rectify this situation so that local women can again access the service in Mandurah?

(3) If Global Health services has done this in Mandurah, does this affect any other public health services in the metropolitan and rural areas of Western Australia?

Dr K.D. HAMES replied:

(1)–(3) A mammogram screening program occurs through a bus in the Peel region. The bus spends approximately one year in Mandurah and then for the next year—given that women have to have routine mammograms approximately every two years—it tours the region and then comes back. It is coming back to Mandurah soon. I wrote to the member for Mandurah in the last few days to give him the date, but I think it is 8 or 10 October.

Mr D.A. Templeman: I am not asking about the BreastScreen bus, I am asking about the diagnostic mammogram service —

Dr K.D. HAMES: An answer is a progressive thing; it starts at the beginning, it has a middle and it ends with a conclusion. I am still at the beginning! The beginning of the answer is that there is a mammography screening program for routine mammography in Mandurah. Starting 8 or 10 October—I forget the exact date—women can go and have their routine mammography screen.

This is the middle. If something is discovered at that mammography screen, they need to go and have further mammography done. In the past a machine at Global Diagnostics in Mandurah has been able to do those mammographies. Alternatively, people have been able to go to Rockingham or Perth, largely Sir Charles Gairdner Hospital, to have that further screening. In recent times Global Diagnostics has formed the view that its machine is getting older, that it is not the latest in technology. It is currently looking at the option of changing it to a modern machine that will be able to do the latest, up-to-date imaging that can possibly be done. It is not at that stage as it is. Global Diagnostics is the organisation that operates in Mandurah. It does contract work for government. Currently, people who have an abnormality diagnosed in Mandurah need to go to Rockingham hospital. As members know, it is only half an hour's drive.

Mr D.A. Templeman: It should be happening in Mandurah.

Dr K.D. HAMES: It should and it will.

Mr D.A. Templeman interjected.

The SPEAKER: The member for Mandurah!

Dr K.D. HAMES: We, as in the Department of Health in discussion with me, have had discussions with Global Diagnostics about when it expects to get the new machine it is talking about so that it will do the tests in Mandurah. Given that this has only occurred in recent weeks, we are not in a position yet to give an answer. My hope is that in the relatively near future that will occur, given that patients now have to travel half an hour to Rockingham, and given that this is a very significant problem. Often someone has been found to have a questionable mammogram during a routine mammography. Sometimes it will turn out to be nothing other than a simple cyst, but other times it is cancer. It is critical that people get first-class, expert care. For anyone living in Mandurah who has a suspicious lump, there is absolutely nothing wrong with a half-hour drive. If they have a suspicion of breast cancer, while we are waiting for the latest and best machine to come to Global Diagnostics —

Mr D.A. Templeman interjected.

Dr K.D. HAMES: It is a private company; it is not government-run.

Mr D.A. Templeman interjected.

Dr K.D. HAMES: It is half an hour away.

Mr D.A. Templeman interjected.

Dr K.D. HAMES: Why does any area that is away —

Mr D.A. Templeman interjected.

Dr K.D. HAMES: When we have to send patients—this is the end —

Mr D.A. Templeman interjected.

The SPEAKER: Member for Mandurah, if you want to ask a supplementary question, that is something I will give you the opportunity to do.

Mr D.A. Templeman: I will.

The SPEAKER: I am glad.

MANDURAH — DIAGNOSTIC MAMMOGRAM SERVICES

624. Mr D.A. TEMPLEMAN to the Minister for Health:

I have a supplementary question. Can the minister inform the house whether it is true that X-ray services currently being delivered through Albany and Busselton public health services are to be privatised with patients no longer being bulk-billed for such service?

Dr K.D. HAMES replied:

The provision of X-ray services in this state has been contracted to the private sector in most of our tertiary hospitals for very many years, in most cases through SKG but also through Perth Radiological Clinic. It was done under the previous government, under the previous health minister; it is exactly the same.

Several members interjected.

The SPEAKER: Member for Mandurah, you know I am on my feet. I formally call you to order for the first time today.

EYE SCREENING — REGIONAL AND REMOTE COMMUNITIES

625. Mr J.J.M. BOWLER to the Minister for Regional Development:

Can I draw the Speaker's attention to the fact that it is now 2.44 pm and this is just the fourth question from this side of the house. Due to both sides of the house, I think question time is becoming a disgrace.

I understand that the program providing eye screening to remote and rural communities has won two national awards. Can the minister inform the house about this program and the benefits to those living in regional Western Australia?

Several members interjected.

The SPEAKER: Member for Cockburn, I formally call you to order for the third time today. Member for Girrawheen, I am going to instruct you to remain silent. That will be my simple instruction. I am not going to call the member for Kalgoorlie to order. I think he has made a very telling and accurate observation. I will now give the call to the Minister for Regional Development.

Mr B.J. GRYLLS replied:

I thank the member for Kalgoorlie for the question and welcome, on his birthday, his ability to give us all a clip under the ear. Happy birthday!

The question is really important. The last question showed the Minister for Health's very strong commitment to mammography in the Peel. He also has a very strong commitment to ophthalmology in the Pilbara region. Two years ago the CSIRO applied to the Pilbara Development Commission for funding for an innovative pilot program using Remote-i, a low-cost, high-quality eye-screening system that is giving people in the Pilbara region easy access to specialist ophthalmology. Remote-i was developed by the Australian e-Health Research Centre and is part of the CSIRO's preventive health flagship. I think it is very important that we look at preventive health in some of our remote parts of the state.

This innovative technology means that eye screening can take place locally and results can be analysed by specialists using telehealth facilities. It is something that the Liberal–National government has made a further commitment to through the Southern Inland Health Initiative.

This program is supported by the royalties for regions program, and $397 000 from the Pilbara Development Commission's regional grant scheme was made available to the program. This grant assisted with the development and delivery of the project, which, really excitingly, is using the 107 community resource centres dotted across the state and in many remote Indigenous communities as well. It is using the technology of the community resource centres in remote areas of the Pilbara to undertake eye screenings for diabetic retinopathy, glaucoma and other vision abnormalities.

There is limited access to eye specialists across regional areas, which makes early detection and treatment of eye disease difficult. This is particularly relevant to the Aboriginal communities in which there is a high incidence of diabetes, which makes them more susceptible to developing eye disease. The Remote-i technology includes a web-based system that captures images from an easy-to-use camera and sends them to a central server. An offline system for data collection, in areas with no immediate internet connection, is available. An automated system analyses captured images and supports decision making by screening staff and medical specialists, and uses security and encryption techniques for transmission of patient data. It is managing eye disease using cutting-edge technology. Using it over the web is a great innovation, bringing preventive eye health care to many people who never would have had that opportunity before.

The CSIRO will also collect blood pressure measurements and information based on a questionnaire for dementia-related symptoms. This data will be combined with retinal image analysis to study changes in the eye due to Alzheimer's disease, stroke and cardiovascular disease. The purpose of this work will be to look for markers that will help in the development of non-invasive screening technology in and around those medical conditions.

Remote-i took out the Victorian government's Inspiration Award and the national e-Health Award at the national iAwards held in Melbourne. This program will now be eligible to compete at the Asia–Pacific regional awards in Thailand in November this year.

This is a major step forward in delivering preventive health into the region, tying up the local drive and delivery of the development commission, using the existing community resource centre networks for some of the access to the technology, and going out to young Aboriginal kids in their communities and screening them for eye problems. I congratulate the CSIRO's ophthalmology technology team, led by Dr Yogi Kanagasingam, and the Pilbara Development Commission for bringing this wonderful, innovative program to the Pilbara.

PARLIAMENTARY INSPECTOR OF THE CORRUPTION AND CRIME COMMISSION — REPORT INTO EXCESSIVE USE OF FORCE BY POLICE

626. Dr A.D. BUTI to the Minister for Police:

(1) Has the minister read the recent parliamentary inspector's report into the Corruption and Crime Commission?

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

(3) Will the police commissioner's referral of the second incident back to the CCC include the claim of a hit-and-run accident by Mr Cunningham's friend?

Mr R.F. JOHNSON replied:

(1)–(3) I have not read the whole report, no; I will be honest with the member. I have not had a chance to. I have been rather busy, but I intend to read it over this weekend.

Dr A.D. Buti interjected.

Mr R.F. JOHNSON: I have answered the first part of the question. The second part was —

Dr A.D. Buti: The second part of the question was: if the minister has not read it, why not?

Mr R.F. JOHNSON: Because I have not had time to.

Dr A.D. Buti: The third part was the allegation by police that Mr Cunningham's friend was involved in a hit-and-run accident.

Mr R.F. JOHNSON: It is not for me to investigate something that the member is suggesting.

Dr A.D. Buti: Has that been referred to the CCC?

Mr R.F. JOHNSON: I explained yesterday, and the day before, that the commissioner has asked the CCC to investigate all the matters that the member is referring to. The letter is dated 9 September or 13 September; I am not sure.

Dr A.D. Buti: The allegation of the hit-and-run accident was not in the report, but it was in the matter of public interest debate on Tuesday.

Mr R.F. JOHNSON: The member is saying that. I do not know whether there is any validity whatsoever in that argument. It is not for me to investigate allegations of that nature. I have spoken to the police commissioner and I have told the member that he has asked the Corruption and Crime Commission to revisit all those allegations and the investigations into those two individuals from Fremantle—Mr Cunningham and the other person.

CHILD CARE SERVICES AMENDMENT BILL 2011

Second Reading

Resumed from an earlier stage of the sitting.

MS J.M. FREEMAN (Nollamara) [2.50 pm]: I was at the end of my very quick five-minute —

The SPEAKER: Members! Some of you may still want to ask questions of each other—ask them outside. We have moved on in the business of this house and I have given the call to the member for Nollamara. I do not want to hear from anybody else. If members need to have other conversations, please take them outside.

Ms J.M. FREEMAN: In ending my very brief contribution to the debate on the Child Care Services Amendment Bill 2011, I want to remind people in this place of the history of this issue. We quite seriously deregulated some of the regulations back in the early 1990s, which led to —

The SPEAKER: Members, you are still having conversations in here. I am struggling to hear the member for Nollamara. Please take them outside. I want to be able to hear the member for Nollamara, and I know that other members in here do also.

Ms J.M. FREEMAN: We have a proud history of childcare services in Western Australia, and we have a very efficient child-to-worker ratio. I noticed on the website of the regulation agency that monitors child care that the largest issue is the supervision of children in terms of the breach of childcare licences. I remind people of the time in the 1990s when the regulations were changed on a state basis, and on a federal basis there were changes to community-based child care. This led to a proliferation of childcare centres quite close to each other. We had a situation in which there was suddenly competition for childcare services, which meant that those services offering really good quality, community-based child care lost out to many of the profit-based childcare centres. Then we went through the ABC period, when a large organisation came into the industry and sought to make a profit out of child care. I think that that history should show us that this is a very important area. Like our

education system, this industry delivers early childhood education and it needs regulations to ensure that it provides effective and quality education at the zero-to-four level.

In finalising my remarks, I look forward to seeing what comes forward in the national childcare regulations reforms. I congratulate the government for bringing these amendments before us. However, I think there are some salutary lessons to be learned from our past and that we need to take these into account to ensure that we deliver those quality services on the ground. Part of that also involves recognising the professional quality of the workers in this area, not just with words, but with actions in terms of wages and conditions.

MR W.J. JOHNSTON (Cannington) [2.54 pm]: I am very pleased to speak on the Child Care Services Amendment Bill 2011. The amendments that come before the chamber now relate to an inquiry that was chaired by Hon Kate Doust, who of course is my wife. I lived with the review of the childcare regulations for several years, and I was pleased the other day when I went along to the briefing by the departmental officers to see and read the report that was produced by that committee. It was a very broad committee that brought together all participants in the industry, including investors and the unions involved in the industry. It went through a very detailed process. Although it was not done in a bipartisan way, there was a clear and generous commitment to a proper examination of the regulation of child care. The Child Care Services Amendment Bill 2011 largely flows from the report done by that intensive group. I make the point that although Hon Kate Doust was the chair of that committee, it was obviously driven by the secretariat provided by the public service, which ensured that a proper voice was given to all the participants. Hon Sue Ellery was the minister at the time, and with her very strong background in the area of child care from her professional experience at what was then called the Liquor, Hospitality and Miscellaneous Union, and now called United Voice, the issues of the industry were clearly and carefully considered.

One of the things that I want to raise in this respect is the pressures that parents are under with child care. Often people do not realise the incredible expense that many parents have to go to in order to provide child care. My wife and I were both professional people, even before any involvement in politics. We were both union officials. Later, when my wife was elected to Parliament and when I became secretary of the union, the pressures on child care were enormous. There are often very great difficulties finding quality child care close to people's homes and at an affordable price. One of the problems that I saw as a parent was that when the federal government changed, it changed the funding arrangements for not-for-profit childcare organisations, and it stopped capital grants to not-for-profit childcare organisations. That had a major and negative impact on the industry. Not-for-profit child care is an important contributor to childcare arrangements. As not-for-profit childcare organisations cannot get capital because they do not have investors, the former federal Labor government of the 1990s arranged a system of allowing grants to not-for-profit childcare organisations, and that was removed. That was tragic, because what happened was that the for-profit sector moved in to fill the increasing demand in the area.

For-profit child care is not automatically bad, but a proper balance is needed. The removal of that capital grant arrangement meant that the for-profit sector became inordinately large for the proper balance in that childcare area. We all saw the problems that then resulted when ABC, which was the number one private sector childcare provider in the world, in fact, fell over. In the time that I had been a member, parents in my electorate came to see me at the time of the ABC collapse with serious problems with childcare arrangements. On a number of occasions I talked to the Department for Communities about the assistance it was providing to parents, and all the parents with whom I had contact at that time were able to find alternative arrangements. Of course, many of the ABC sites, such as the Mulberry Tree centre on Albany Highway, Cannington, were taken over by other organisations, but it was a major disruption. The not-for-profit sector does not have that same level of disruption because it is not based on the profit motive; it is based on the quality of care. Personally, when I was a parent with young children who had not started school, I found the use of the not-for-profit sector to be particularly important, and it was particularly good for me and my wife. It is just as expensive to put a child in long-day care as it is to send them to a grammar school. Let us understand that if parents are not in the income bracket that makes them eligible to receive a government rebate, it is a very expensive business. My wife and I both had very busy jobs and had to work until six at night. However, we needed childcare arrangements from the end of school to the time we finished work. I am sure that is the same sort of experience that every busy couple has today. When the parents finally finish work and are the last to pick up their kids from day care—members know how bad that feels when it happens—and they take their kids home, they cannot spend time with the children because they have to cook dinner and do the housework. This is a real major stress in modern society. I do not know whether some people properly understand the enormous pressures placed on working parents. Let us face it, most people need two breadwinners to meet the standard of living expected in modern society. Once upon a time there were not the same pressures. I will give members an example to illustrate the point I am getting to about child care. When I was a child 40 years ago, people would buy a block of land and live in a caravan or a jerry-rigged building on the site while the house was being built. Back then, a family would occupy a house that was only partly built and had just two bedrooms, but it is illegal to do that today. Council approval will not be given to build just part of a house. There are good reasons for having those planning arrangements in place, but let us

understand the consequences of that. Young couples today must borrow 100 per cent of the value of the house in which they want to live in 10 years' time—not just today—so they buy a four-bedroom, two-bathroom house with a family room and a games room on a block for which they must pay all the servicing. Forty years ago many of the service costs were borne by the state governments. I will not go into why it was a good idea to not continue to do that. Nevertheless, it has significantly increased the cost of living for young families. Today, both parents work and people do not have the same opportunity that I had when I was a child and my mother was with me until I started school. I am sure the same was true for almost everyone of my age. The mothers tended to stay at home until we started school. People do not have that opportunity today because of the cost pressures, which is why quality child care is so important.

I experienced having to balance the childcare needs and the needs of my occupation and my career when I brought up my three children, particularly my son. I was very pleased that I was always able to keep my two girls in family day care until they started primary school. I believed that family day care suited me and my family, but I understand that it is not suitable for everyone. Every family must make that decision. It is very important to keep the regulatory framework so that all forms of child care can be made available to people at a standard that we all demand. My son was the last of our kids and was at preschool when my wife was elected to Parliament. We put him into a commercial long-day care program. Although it was a very good provider, some things that happened were not right. My son has always been a huge kid. As a three-year-old he was bigger than most of the four-year-olds and so the day care centre placed him with the four-year-olds. The problem with that was his language skills were not at the same standard as the four-year-olds, which resulted in him becoming aggressive and violent. That was a real problem for my family and it took us years to resolve that issue. They are the sorts of pressures that not only me, but also many other families are faced with today. Child care is a critical issue.

When I was in preschool some 45 years ago, my mum took in kids for what I suppose was family day care. I was too young to know what the particular arrangements were but I did know that it did not work out for our family. Now the problem we have is that everyone is using day care. Every time we read anything about workforce participation, the number one issue for increasing the availability of labour in Australia is about ensuring that quality child care is available so that women can re-enter the workforce. Look at the Chamber of Commerce and Industry of Western Australia's website, any federal government website and the state government's Department of Training and Workforce Development programs and members will see that increasing Australia's participation rate of women in the workforce is one of the major strategies that underpin workforce development. When we talk about the Child Care Services Amendment Bill 2011, we are talking about not only the quality of the service, although that is absolutely essential, but also the economic future of the country. That is what society now needs. This is about the change in the demographics of our community. I am 49 years old and am the youngest of eight children. I do not meet families of eight anymore. Families of three and four are considered large today, so the demographic profile has changed massively. Australia would have negative population growth if it were not for immigration.

Ms R. Saffioti: Or for the member for Mandurah!

Mr W.J. JOHNSTON: Or for the member for Mandurah! Immigration is one of the major underpinnings of Australia's continuing demographic success. Child care is a necessary component of not only our social fabric, but also our economic future. It is important to make sure that we have proper childcare services so that parents can be confident that they can leave their three or four-month-old child—like we had to do—or their four-year-old child in preschool in the morning or, particularly in the case of primary school kids, in after-school care in the afternoon. These are the sorts of incredible worries that are shared by every parent that I have met. These are not trivial matters; they are essential and critical issues.

I want to pay tribute to Hon Sue Ellery for the fabulous work she did as minister that has led to the Child Care Services Amendment Bill 2011. She showed great leadership of the childcare system in this state. I would like also to pay tribute to the public servants involved in this area, including Helen Creed, who has provided leadership in this area for sometime. I am pleased that she is in the chamber today and I look forward to her providing advice to the Minister for Community Services. The appointment of Helen Creed to the public service was criticised by the Liberal Party at the time. The attack the Liberal Party made against that qualified person who received the job through a competitive selection procedure was outrageous. It was not a political appointment; it was a competitive selection procedure, yet the Liberal Party had the audacity to criticise that appointment. I am pleased to see the minister now get advice from Helen Creed, whose appointment the Liberal Party criticised. That is ironic. I do not know whether that is her view, but that is my view, and I think it is quite amusing when I see that happen. Helen Creed's extensive experience as the leader of the then Liquor, Hospitality and Miscellaneous Union gives her an incredibly strong background to provide that advice to government.

I speak on behalf of myself and my own family about the childcare services issues that we have had to deal with. I believe I also speak on behalf of most couples in the modern community, many of whom are struggling. I

happen to be a member of Parliament but there are probably 500 000 couples who both work two jobs just to get by in this modern age. Their problems are just the same as the problems I had as a working parent.

I will finish with one more point. I will not take that much longer. But I want to make the point that, once upon a time, childcare services was considered to be a women's matter. That is no longer the case. I am as proud to be a father as my wife is to be a mother. And I am just as proud to be involved in the raising of my children as I am to have had success in my career. The success of my children is something that I feel very personally motivated to assist with. Childcare services are the basis of that.

Hon Linda Savage has published a very good discussion paper on the need to improve the key services in the zero-to-five age range. I am very proud to be the patron of the Canning Early Years Group that has operated in the City of Canning. A lot of research has been done by committees of this chamber, and elsewhere, that outlines the critical need to get it right in the zero-to-five, zero-to-eight age range. If children arrive at school with difficulties—as I have indicated my son did—it may take years to sort out those difficulties. Therefore, the more we pay attention to childcare services, the better off the community will be, because children will be able to arrive at school adequately prepared for their future education.

I commend the government for bringing in this Child Care Services Amendment Bill, which is based on the childcare review that was led by Hon Kate Doust and implemented by Hon Sue Ellery.

MS R. SAFFIOTI (West Swan) [3.11 pm]: I rise to make some brief comments on the Child Care Services Amendment Bill 2011.

Mr M.P. Whitely: Isn't that a conflict of interest?

Ms R. SAFFIOTI: A conflict of interest, yes!

As indicated by my colleagues, we support this bill. One of the key issues raised by the member for Cannington just now is the role that child care plays in today's society. I think, as has been described, 50 years ago child care was used by a far smaller percentage of people—I do not know the exact statistics—than is the case today. That is because in many families today, both parents are working, maybe not for the first six months of the child's life, but certainly by the time the child reaches one or two years of age, both parents are back at work. Therefore, the issue of childcare regulation and the professionalism of the industry is very, very important. I think we can see that from the massive impact that the collapse of ABC child care had on communities around the suburbs.

Although I support this childcare bill, I also want to talk about the importance of early learning and child care. I believe we still have a long way to go on the broader policy of child care in Western Australia. I know that this bill talks primarily about the regulation of child care. It is very important that we improve the accountability and professionalism of the childcare industry, and that is what this bill is about. But, as I see it, there should be no difference between child care and early learning. They should be one and the same thing. Many childcare centres now offer a three-year-old program, a four-year-old kindy program, and preprimary. I see the many struggles that families have to go through when they have to pick up their children from three-year-old kindy or four-year-old kindy and drop them off at child care. To me, in a perfect world, child care and early learning would be offered at one and the same place. As I have said, many centres in the metropolitan area are moving towards doing that. I believe that is where all centres should be heading. That would need to be a federal government policy, I suppose. But the idea of keeping child care separate from early learning is an outdated, antiquated idea. We need to make sure that our childcare services provide a learning experience that will enable all children to get the best possible start in life. That should be a key policy.

Some members have outlined their personal experiences. Of course I have my own experiences with my daughter, who is aged 20 months. She has not really reached that next stage, although she is always learning, of course. But it is important that we can have confidence that wherever our children may be during the day, they are gaining some real skills that will enable them to start primary school in the best possible way.

I want to talk also about the role that child health nurses play in the issue of early learning. One of the real issues that this state is facing is the lack of child health nurses. The Auditor General's report that was released late last year—I cannot remember exactly when—on universal child health checks outlined the percentage of children who are accessing child health nurses. It should be the case that within 10 days of a child's birth the parents are visited by a child health nurse. As I recall—this is just off the top of my head—only about 40 or 50 percent of newborns are seen by a child health nurse. I had a child health nurse visit me when I got back from hospital after the birth of my child, I think on day 11 or day 12, and I can tell members that that was an essential visit. She picked up a number of things that no-one else had picked up, and we were able to address those so that my child could then go on and sleep a bit more and eat a bit more. So those visits are essential.

I also want to talk about the visits by a child heath nurse at 18 months of age and three years of age. Those visits are also very important. The fact is that only 30 per cent of children have their 18-month check. I have read some comments from the department explaining why that is the case. Two of the reasons put forward are that parents

are confident and they do not believe their children need to be checked; or they think there are no visible problems, so everything is okay. I think one of the reasons is also that there is a lack of access to child health nurses. The fact is that sometimes it is very difficult for parents to get an appointment for the 18-month and the three-year checks because the child health nurses are under so much pressure from having to see the newborns and young babies. This is a key, key problem, because it is not about health; it is also about developmental issues. Again, we always hear about the problem of children rocking up to school and not having the skills and the development that they need to undertake their schooling in those early years. We also hear about the problem that if children start school two or three years behind the eight ball, is takes them years and years to catch up. The key is to try to identify and address the developmental issues early on. We need to have the resources to enable us to do that. As I have said, I believe that a lot of parents do not see the child health nurse for the 18-month and three-year check because of lack of access. I really do believe that is the case. I have some experience of that. They really do not have the access.

This is a very important issue. I am a bit disappointed that the member for Alfred Cove is not here for this debate, because she has raised this issue many times in this Parliament, and she has congratulated the government for its performance in this area. I believe there has been a lack of performance by the government in this area, and that needs to be addressed immediately.

I understand also that some new federal government rules and regulations are being brought in that will require that children be given some health checks before their parents can access family assistance part A payments. That is a positive step. But we need to make sure that we have a sufficient number of child health nurses to undertake those checks, otherwise parents will possibly miss out on their family allowances because they cannot access those checks.

This is an issue of critical need and one that needs to be addressed, because whether we are talking about kids getting behind at school, or whether we are talking about children being out on the streets at the age of nine or 10, a lot of it goes back to the issue of giving all children the basic tools that will enable them to learn in the school system, and to then contribute and actively participate in our society.

I started my comments by talking about child health nurses. In relation to child care, we support this legislation.

I believe that eventually we will see in the not-too-distant future the education and childcare systems as one system. However, whether the childcare centres are located on school grounds is a debate for another time; there should be one entire system with no difference between early learning and child care.

Watching my child develop over the past few months, I have seen that the amount of learning in the early years is incredible. The mimicking of what they see is incredible. Whatever we do as a parent, the child immediately absorbs and mimics. It is incredible how much information the child absorbs during this time. It is said that children absorb the most information between zero and three years of age.

I would like to see one system—one system in which education and child care are the same. Most parents struggle to hold down two jobs. One partner might be working part time, but the balancing of part-time and full-time work with picking up children from the three-year-old program to take them to child care is difficult. Picking up children here and taking them there—it should all be one system in one place. Frankly, I think we would see improved results if it were. The world has moved.

Mr P.T. Miles: Member, do you think all early childhood care activities should be in the school or community centre?

Ms J.M. Freeman: I think we should have that debate.

Ms R. SAFFIOTI: Of course. The ideal scenario in my world—in Rita's world!—would be the baby room next to the two-year-old room next to the three-year-old room with the one-day-a-week three-year-old program. That is how to do it—and then with the four and five–year-old programs, we have the continuum. How much more confidence and security of wellbeing will the entire family feel when parents can drop their two-year-old and their six-year-old at the same place and pick them up from the same place in the evening.

Mr P.T. Miles: I totally agree.

Ms R. SAFFIOTI: Yes. I think that is where we should be going. Some centres provide early learning opportunities. They normally cost a bit more—I have checked out a few things! Indeed, some of them in Perth have great reputations. However, the people who will normally access those centres are often those without the greatest need. I know this will sound very interventionist and very socialist, but it would be good to have a one-stop system that caters for zero to the end of years 6 or 7—whatever the final decision is. That is one system in the one location that will give parents a sense of security, satisfaction and confidence. The less the stress on parents picking up and dropping off kids—often they deal with three or four centres, be they schools or childcare centres—the better it is for the family. That is the where I would like the whole system to move. Some centres are offering such services, but they are high cost and many families are priced out of them. They are often not

located in outer suburban areas. However, this is where the system should be going, whether controlled or not controlled by the Department of Education. I think such a system would give families the most satisfaction and provide better outcomes for our children.

MR P.B. WATSON (Albany) [3.24 pm]: I will say a few words about the Child Care Services Amendment Bill 2011, which I fully support. I am a grandparent whose grandchild goes to day care. I know how much pressure day care takes off a single parent, especially when she has to work long hours. My daughter can very confidently take her child to a day care facility at which she hopes and knows her daughter will be looked after.

To pick up on something the member for West Swan said about having support services at one place: in Mount Barker the primary school and the high school are located on the one site—something I must thank former Premier, Hon Alan Carpenter, for because he organised that. Although not in my electorate, I know the people of Mount Barker think that is a tremendous facility because they drop off their primary and secondary age children at the same time. It will be great if we can get the early childhood, kindergarten and preschool programs together as a one-stop shop, especially in regional areas where people have to travel some distance from farms.

The lack of childcare nurses is a concern of mine. The nurses play a very important part in early childhood years. I am a member of the Education and Health Standing Committee, which has looked at this matter before. I am a little disappointed in the government at the lack of childcare nurses. We lose a great opportunity if we do not pick up difficulties at a young age and get children into a proper facility or learning area, which are great for that. One of my daughters wanted to get her child's 18-month check, and there was a four or six-month wait. That meant those things that should have been picked up at 18 months and dealt with were not done for four or six months.

It is great that the State Administrative Tribunal will look at the provision of child care in regional areas to ensure that small rural services have equity with corporate metropolitan services when issues are brought before SAT rather than a Magistrates Court. The Magistrates Court can be held at any time with people waiting months and months; whereas SAT sits on a more regular basis.

It is important to tighten childcare centre regulations. I remember reports of young people jumping the fence and going walkabout on busy roads and young people being tied up in childcare centres. When people take their child to a day care or childcare centre, they want to feel that their children are in a safe environment.

I applaud the minister for bringing the bill forward. I believe young children are our future and that it is necessary to ensure that those businesses that care for them are the best. We all heard about the issue of the ABC learning centres. We had two in Albany and one had to close down—effectively because of lack of scrutiny and lack of regulations. I fully support the bill. Our children must be safe in these environments. With many families on twin incomes and many single-parent families, more people use these services and I think we need to make sure these centres are very secure and operate in a stable environment with a very good business model that will allow them to continue to operate in a profitable manner.

MR P.T. MILES (Wanneroo) [3.28 pm]: I want to say a few words on the Child Care Services Amendment Bill 2011 and commend the minister for these proposed amendments to the Child Care Services Act. From a two-income family with a child of eight, I acknowledge and totally concur with the member for Cannington's remarks, and with some of the member for West Swan's sentiments.

In my electorate of Wanneroo, we put in place a trial, which I understand is still running, at Spring Hill Primary School in Tapping. Members of this house have often heard me speak about this site because there have been some issues with it along the way and the Minister for Education has had to intervene from time to time. One service that was provided to the school was the 12 demountable buildings that were left over from the former kindergarten and preprimary school on the site. Another service that we have been able to put in there, through the Minister for Health and other agencies, is a childcare nurse. The demountable buildings have a toilet and a small administration area that lend themselves to that style of centre and service.

Ms J.M. Freeman: A child health nurse, not a childcare nurse.

Mr P.T. MILES: Yes, that is right, from the Department of Health. Unfortunately, we do not have the child health nurse for as many hours as we would like; they are a very limited resource in the health department. I do like the fact that those resources come out of Health and go into Education. I therefore support what is being done there. I have not spoken to the Minister for Health or the Minister for Education about this bill, but I know that the Minister for Education is very interested in and appreciates the importance of early childhood learning for zero to three-year-olds. However, this particular school has a child health nurse and also some preschool and after-school care facilities. Those facilities are vital for today's double-income families. Mums, and dads to a lesser degree, have a lot more guilt put on them because they go to work. My wife often finds it a pain when she cannot pick up Jacob in time or when some matter comes up at work for which she has to stay back an extra half hour. Obviously, as members of Parliament, our hours are often 24/7; we get phone calls at the drop of a hat. People get lost, therefore, without decent and proper child care and it is often difficult to find babysitters. I never

went down the path of using friends and family for child care, as I knew the commitment would be too much. We therefore sought and found some people we could trust and pay for child care; after all, our children are the most valuable thing that we have in the world.

The early learning stuff that is happening at Spring Hill Primary School is bringing in all sorts of community events. What I like about basing everything in a school site is that the school becomes a really great part of the community, instead of a building that opens at 8.30 in the morning, closes at four o'clock in the afternoon and is isolated for the rest of the time. State governments all over the country pay a lot of taxpayers' money for these facilities that are very underutilised. The government pays $14 million for a primary school, and I believe schools should be utilised a lot more than they are. I know that some principals allow new-style churches to use parts of their schools on the weekends and so on, which also adds to the passive security of these facilities. However, at the time the Spring Hill site was originally set up with the regional director, we said that one service that must be provided was after-school care. We are now able to utilise part of the building as an after-school area, which is usually the undercover area, and children are walked across from their classrooms to that area. Because the after-school care service in this case is run by a private company, it actually pays a notional rent for that facility. The school therefore gets some valuable support to purchase other items for its curriculum needs.

As I said before, I commend the Child Care Services Amendment Bill. When I read these styles of amendments to acts, whether it be to the Child Care Services Act or to other acts, the first thing that alarms me is putting more red tape in the way of and interfering with such services. As I said before, our children are the most valuable part of us as a nation, as a state and as a family, and we must always remind ourselves of that. Also at the school there were some incidents in the past that we had to take care of. I do not believe that we can prevent all accidents happening, but I do believe that the childcare services that are provided in my electorate are first rate. My son went to an ABC Learning Centre. The reason my wife chose the ABC centre was for the same reason the member for Cannington talked about; it had a very small, basic curriculum. My son knew his colours and his numbers well before he went to the school he attends now. That is a huge advantage for him and his future. He was lucky that we were able to get him into the centre that we did. Some parents, as the member for West Swan said, are not as lucky; they do not have appropriate facilities around them or some mums cannot get to them. I would always recommend that children, wherever possible, go into some form of early learning, as I believe it is very vital, even if it is just to learn social skills and be sociable with other children, and not to be too clingy. I must admit, though, that some mums should stop being helicopter mums hovering around their children. Children do need to eat a bit of sand and —

Ms J.M. Freeman: There are no helicopter dads, are there?

Mr P.T. MILES: Definitely not; I can tell the member!

Ms J.M. Freeman: Let's talk about parents in general, instead of attributing it to mums.

Mr P.T. MILES: The member for Nollamara is probably right there, because we had to ask one of the dads at swimming lessons to get out of the pool. A teacher was in the pool teaching the kids how to swim and the dad was hovering around in there. The member for Nollamara is right.

Ms J.M. Freeman: I'm often right!

Mr P.T. MILES: No, she is not often right, I must say!

I do congratulate every person concerned who has put forward these amendments to the act, from this minister—I do not know who the minister is.

Mr J.H.D. Day: It is Hon Robyn McSweeney.

Mr P.T. MILES: Yes, of course. One of my favourite departments is the child protection area of the government. Thank you to Hon John Day for allowing us time to speak in the house on this bill. I commend the bill to the house.

MR J.H.D. DAY (Kalamunda — Minister for Planning) [3.37 pm] — in reply: I thank members, including you, Madam Acting Speaker (Ms L.L. Baker), for their contributions to the debate on this bill. As the member for Wanneroo has observed, I am representing the Minister for Community Services; Child Protection in the carriage of this bill in this house. All members who spoke in one form or another made reference to the importance of high-quality childcare services, and in some cases to the importance of early learning services, which I believe are being increasingly recognised in the community. I would certainly agree with all the sentiments that have been expressed about the need for childcare services to be well founded and to be of a high quality. Some specific issues were raised, including by you, Madam Acting Speaker, about the affordability of child care in Western Australia. This is an ongoing issue and I am advised that the issue has been raised with the commonwealth government by ministers from this state over quite a period. I suspect that issue has been raised with both the current commonwealth government and the previous one prior to the change of government in 2007. Issues of a workforce shortage have also been raised by both ministers and officers from this state in

various national forums. It is obviously, therefore, an ongoing issue and one that we hope the commonwealth will take on board to address more effectively than appears to be the case at the moment. It seems to be one of those issues on which there are plenty of views about what should be done. However, the funding needs to be provided, and that primarily is the commonwealth's responsibility.

Ms J.M. Freeman: There are things we could do as well.

Mr J.H.D. DAY: Yes. The amendments to the legislation in this bill will go some way to achieving quality child care and protection for children. All members would understand that it is important to note that the amendments in the bill are to the Western Australian Child Care Services Act and do not refer to the proposed national regulatory scheme, which I understand is being developed and will come into this Parliament on a national basis before too long. It is the case that as a state, we do not directly fund any childcare services in Western Australia except for 21 occasional care services that were previously funded jointly by the commonwealth and the state. The commonwealth made a unilateral decision, without any advice to the state, to cease its contribution to the funding of those services from 1 July 2010. The state government therefore has had to pick up all the funding for those occasional childcare services, and this funding comes partly from the Department for Communities and partly from the royalties for regions program.

Ms J.M. Freeman: If the funding comes from royalties for regions, are those occasional childcare places in the regions? Because child care used to be provided in some mental health services and occasional child care was provided in some Department for Child Protection agencies at one stage.

Mr J.H.D. DAY: I am not sure about the location specifically, except that obviously some other places would be in regional areas, but some of the funding is coming from the Department for Communities, so that would allow services in the metropolitan area to be funded as well, I would expect.

The member for Nollamara made a couple of specific points. Firstly, she inquired whether there would be portability for the supervising officers referred to in section 5A. I am advised clearly that is one of the significant aspects of the amendments and is consistent with the proposed national changes. The amendment provides for portability for the supervising officers, rather than for the arrangements to be linked to just one particular service location, as is the case at the moment. There will be portability, presumably across the state. The member also inquired about proposed section 29(4)(b)(ii) and the possibility of a refund being ordered to be provided to parents as a result of a State Administrative Tribunal decision. I can confirm that it is possible for a refund to be made available to, or to be provided to, parents if that is what the SAT decides is appropriate. Presumably, it would be a fairly unusual situation for things to get that far, but the provision is there to enable that to occur should it be appropriate.

The other comments made in the debate were fairly general and about either individual experiences with child care, the importance of child care in the modern society that we have or the importance of providing quality childcare services. As has been pointed out, this bill comes about as a result of the review that was commenced in the time of the previous government. I am not sure whether it was fully completed in the time of the previous government, but it certainly commenced then and the recommendations are now being put into effect through this amendment bill.

Once again, I thank members for their contribution and I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mr J.H.D. Day (Minister for Planning)**, and passed.

RETAIL TRADING HOURS AMENDMENT BILL 2011

Second Reading

Resumed from 17 August.

MR A.P. O'GORMAN (Joondalup) [3.45 pm]: The state opposition will support this bill. This bill amends only one provision of the Retail Trading Hours Act, to raise from 13 to 18 the number of employees who can be employed by a small business. For a business to fit the definition of a small business, it must have fewer than that number of employees on the floor at any one time. This bill is fixing a mistake or an oversight in the last retail hours trading bill that came through this place in that it made no reference to the number of people that the likes of the IGA stores et cetera were allowed to employ. We have seen a number of IGA stores —

Mr C.J. Barnett: It wasn't a mistake.

Mr A.P. O'GORMAN: I said it was an oversight.

Mr C.J. Barnett interjected.

Mr A.P. O'GORMAN: I am giving my speech.

There was a complete overlooking of the fact that there was a 13-person employee limit on small businesses. That is now being raised to 18 people. What happened is that Coles, Woolworths, Big W and Kmart—all of those stores—could operate until 9.00 pm and on Sundays in certain trading precincts with any amount of staff they wanted, but we tied our small businesses to 13 staff. We have seen a number of those small businesses go out of business because they could not compete. That is the reason the representatives from WA IGA stores went to the government and said they needed that regulation fixed. We are moving the number of employees allowed by five, from 13 to 18 people, to give those stores a small bit of a better opportunity to trade in the market place. However, small businesses in this state are still trading with their hands behind their backs because they cannot compete with Coles and Woolies, because the retail trading hours legislation does not give them that opportunity, and many of our smaller retailers are going out of business. We can see that right across the metropolitan area. In my local shopping centre, Lakeside Joondalup Shopping City, I have counted 13 small businesses that have gone to the wall and just packed up and walked out of Lakeside Joondalup Shopping City. The pet shop has gone, the menswear store has gone and card and gift stores have gone. A card and gift store that has been there since Lakeside Joondalup's inception, Cardiology, is closing its doors because of the excessive might of the large landlords over these small businesses.

Mr A.P. Jacob: I think your problem is that your comparison to Lakeside is a bit hard, because Lakeside is doing a roaring trade at the moment; business is booming.

Mr A.P. O'GORMAN: You go through there and you tell me that the small businesses are surviving. Thirteen of them are gone, and Cardiology is going as well.

Mr A.P. Jacob: It is one the most successful shopping centres in the northern suburbs.

Mr A.P. O'GORMAN: And it is because landlords are screwing the small businesses; the member knows it and I know it. When the businesses come up for a renewal of their leases, to extend them for another five years, they are being forced into a refit that is often completely unnecessary. It costs hundreds of thousands of dollars and they have five years to recoup not only the fitting out, but also all the —

Mr T.R. Buswell: That is why we are changing the commercial tenancies legislation framework.

Mr A.P. O'GORMAN: It is still happening. This bill allows most of the small stores to move from 13 employees to 18 employees. That is all it does. It was an oversight in the last bill; it was pointed out in the second reading debate and it was just not put in there. Now the government is coming back with another bill, just to push it into the legislation quickly, because the IGAs, John Cummings and those people, have been to the government to say that they can no longer compete, and for some reason, the Premier has now decided to put away his dispute with IGA. We remember his comments about IGA in this place. We remember the minister's comments in this place when he threw rolls of toilet paper around and accused the IGA store in my electorate of being overpriced, and he knew it was wrong.

Mr T.R. Buswell: It was certainly not wrong.

Mr A.P. O'GORMAN: It certainly was wrong, because I actually went and did it afterwards and the minister was certainly wrong. I said that small businesses had their hands tied behind their backs; this legislation releases one or two fingers to help. It does not really do a whole lot to bring them up to the same type of a market as some of the larger stores.

Until we get proper retail trading hours legislation in this state, our small businesses will go to the wall. As I said, 13 to 15 small businesses in the Lakeside Joondalup shopping centre have gone out of business. The pet shop came to the end of its lease. The owner was quite happy at the end of the lease to accept the terms of the new lease. The only thing he could not meet was the excessive refit costs. The management at Lakeside would not accept that he could just carry on. Nothing was wrong with his shop; it was of a very good standard. The only thing he said was, "I can't cop this" and he packed up and walked away and went back to New South Wales.

The same has happened with Cardiology, a teddy shop at Lakeside Joondalup. That business has been to me a number of times because the shopping centre put very strong restrictions on it and demanded certain things of it that it simply could not do. If I remember correctly, Cardiology has been there since the shopping centre opened; I could be wrong. At the moment, Cardiology has a full sell-out of stock at that shopping centre. I am sure the same thing is happening at many other shopping centres around this state; small businesses are either going to the wall or simply packing up and walking out because they cannot afford to pay the exorbitant rates and they are not able to trade on the same terms as the larger retailers such as Coles and Woolies. We will support this bill. It is a very small bill and really has only one clause, which reads —

4. Section 10 amended

In section 10(3)(bc) delete "13" and insert:

18

That is all this bill will do. Hopefully, some of the smaller IGA stores that are competing with Coles and Woolies will be able to hire those five extra staff and start providing some extra service to compete with the Coles and Woolies stores once more. It is really one of those bills that fix small indiscretions, if we like. Hopefully, we will see that some of our smaller businesses will be able to compete a lot better in the future.

MR F.M. LOGAN (Cockburn) [3.52 pm]: I rise to also add a few words to the debate on the Retail Trading Hours Amendment Bill 2011. I have indicated to the minister that we will support the bill. Because of the huge length of it—four clauses—I do not think we will spend any time in —

Mr T.R. Buswell: Size isn't everything! This has a significant impact.

Mr F.M. LOGAN: I have heard that the member for Vasse regularly argues the case that size is not everything! I do not know why he put that so strongly; only he would know that.

In terms of the length of this bill, it contains only four clauses, so we will not go into consideration in detail and I have given that assurance to the minister. I rise to concur with the member for Joondalup that we will not oppose the bill at all and we acknowledge the changes being made. I will ask something of the minister. I know that the minister is the representing minister, but he has been the minister in this area before. I think that this point with which we are dealing today was also under consideration when he was the Minister for Commerce. I think that is right. The minister was considering increasing the number of staff to 18; I do not know whether he dealt with it.

Mr T.R. Buswell: It was not considered as part of the creation of the special trading precincts. I was considering a range of things in retail trading and my opportunity to carry on those considerations ceased.

Mr F.M. LOGAN: Perhaps the minister will be able to respond anyway, given that he has had experience in the area, about how he sees this bill impacting small businesses in Australia and the likely outcomes for increasing the numbers of persons employed in small trading enterprises from the current level to 18. I believe that number of staff will also be allowed to be employed for those enterprises on Sundays; is that right, minister?

Mr T.R. Buswell: In small retail shops.

Mr F.M. LOGAN: Small retail shops that are allowed to trade on a Sunday will be able to increase their numbers to 18, so it applies across the seven days of the week. How does the minister see that flowing on to the economy here in Western Australia? Obviously, it is a very good outcome if more people are being employed by these enterprises on a seven-days-a-week basis. That is good for employment and the economy. Obviously, there is a downside for other companies. Some companies will complain, and I am sure have complained, to the government about the competitive impacts of this decision. I am thinking, in particular, of some of the larger players in the industry.

Mr T.R. Buswell: As I said, I was not closely involved in this. The only complaint or issue I heard about was from the IGA on Cambridge Street, which is a fantastic shop. When the special trading precinct boundary was expanded, the IGA was outside the special trading precinct and the Coles or Woolies 500 metres up the road was still inside the precinct. The IGA was very keen for some relief so that it could also trade on the Sunday. Unfortunately, that IGA is so successful that its number of staff is also more than 18. That IGA was the only business I spoke to at that time.

Mr F.M. LOGAN: It is also interesting that we can see development in some of those larger companies—in particular, Coles—and they are opening up stores that are smaller than their normal shopping mall operations to gain a foothold in this market. I remember having discussions with Coles and Woolworths and also put that to them because of their complaints about the trading hours. I know that the minister has responded by way of interjection, but I would like to hear what the minister has to say about the impact of this bill on a broader basis.

The other thing I raise is also about the retail trading hours changes that the government has made so far. The minister was the minister responsible at the time for increasing the number of trading precincts and broadening the boundaries of the trading precincts for Sunday trading and extending trading hours to 9.00 pm. Certainly in Cockburn, the response from retail trading businesses is that nine o'clock trading is a complete waste of time. I am positive that the minister has also heard that. Particularly companies that operate within the larger shopping centres in our suburbs say that the traffic is so light that it does not warrant opening their shops.

I remember that before the trading hours were changed, I went out and spoke to nearly 60 businesses in my constituency. It was not a survey, but I simply went out and spoke to them and asked the same types of questions. I spoke to more than 60 businesses, which is quite a lot for the area of Cockburn, and they were all small retail trading companies. They all said the same thing; that is, the nine o'clock trading would not help them. Now that it is in place, they maintain that argument and they get quite angry and worked up over the issue

of the nine o'clock trading. As the minister knows—I know that he will probably fire this back at this side of the house—businesses are calling for Sunday trading as opposed to nine o'clock trading. The minister has heard that. I have to be honest and say that that is exactly what I hear as a local member of Parliament.

Mr T.R. Buswell: I found some that open later in the morning and then shut at 7.00 pm. A lot of people say to me that there is bit of a burst of activity from 5.00 pm and 7.00 pm, maybe 7.30 pm, and then they shut up and go home. I think it is for everyone to decide, basically.

Mr F.M. LOGAN: At least the minister is consistent. That is consistent with his argument all the way through.

One of the other things that came out of those earlier discussions on retail trading hours was the establishment of the Small Business Commissioner for analysing contracts. I believe that position has been advertised. We put forward a proposal for the Small Business Commissioner to look at retail trading.

Mr T.R. Buswell: I am not sure, but I imagine it would, because that bill was passed.

Mr F.M. LOGAN: My understanding is that the position has been advertised. I know many small businesses are looking forward to the time that they will be able to gain access to the jurisdiction of that body, because currently they have no place to go. As the minister knows, the only place they have to go is court. Most small businesses would not go anywhere near court because it is too expensive for them. The impact and repercussions from some of their landlords would be too great for them to bother going to court in the first place over their tenancy contracts. They are certainly looking forward to that body being established.

Mr T.R. Buswell: They can also deal with non-tenancy-related matters that impact on small business. In fact, the Victorian Small Business Commissioner informed me when I went and met with her when I had that portfolio that a bit of that activity is taking action on behalf of small businesses against state entities, which she said caused a bit of angst—that is, electricity and water suppliers et cetera.

Mr F.M. LOGAN: That does not surprise me at all. I imagine they will be taking action in the Victorian Small Business Commissioner's jurisdiction against local councils over rate increases and the way in which those rate increases flow on through their landlord.

Mr T.R. Buswell: Maybe. I do not know.

Mr F.M. LOGAN: One of the major complaints from retail traders who operate within shopping malls is the on-costs that flow on to them. Even though landlords say, "Look, this is an open-book contractual relationship. We show them how much we get charged by utility companies and by local governments, and we then just pass those costs on a per-square-metre basis as per their contract," the retail traders always contest that and always are very angry with their landlords about the way in which those costs flow on.

As I say, that was a good outcome in terms of the discussions between this side of the house and the government over changes to the retail trading hours. The lease register was one that was not introduced; it is being introduced, but not introduced in the same way.

Mr T.R. Buswell: But not ruled out, either.

Mr F.M. LOGAN: I realise it has not been ruled out, but it is not going to be introduced in the same way that we put to government. That is about having open access to the lease register. As the minister knows, that proposal was based on trying to ensure that the real estate market for retail contracts worked in the same way as the housing market works; that is, people can see what sales have taken place and see the tenancies that exist in the real estate market and how much those transactions have cost and for what time. People then have a very good idea of how that market in that area is moving. That simply was the argument we put forward for the lease register in the shopping precinct. Obviously, that is seen as a no-no for the Shopping Council of Australia, as it believes that for its members, who are extremely large shopping centre owners, that exposes information that is detrimental to their competitive position as a shopping precinct owner. Therefore, it bitterly refuses that. I am sure it has put that argument to the minister as well.

It was an irony that the Shopping Council of Australia took that line, given the fact that it is the first to argue the case for competition. When moves are made to ensure competition in its industry, it is the first to oppose it. I notice that the minister has said that the government has not ruled out moving towards the position of a more open and transparent approach to retail tenancy contracts —

Mr T.R. Buswell: Commercial tenancies

Mr F.M. LOGAN: — commercial tenancy contracts for shopping centres. I would appreciate the minister putting a few words on *Hansard* about exactly what the government expects to do.

Those are really the only points that I wish to make about what has happened over the retail trading debate and also the impact of the changes to the retail trading hours. As I said, I would like to hear how the minister believes

these changes will have further impacts on the economy and on small business in Western Australia. I now pass over to my next colleague to speak on this. Nobody else wants to speak on this?

Mr C.J. Barnett: It was such a powerful address that no-one else wants to speak on it.

Mr F.M. LOGAN: It is not surprising it was a powerful address. It is very difficult to talk to four paragraphs, only one of which has anything in it. Does anyone else will wish to speak?

Nobody else wishes to speak on this bill. Obviously, the government has convinced people. It has battered us into submission on the retail trading hours issue to the point that we cannot even contribute to the debate anymore! Not only that, Premier, we do not want to contribute to debate anymore on that! We will leave that to the Premier.

Mr C.J. Barnett interjected.

Mr F.M. LOGAN: With that, I will finish my contribution to the debate.

MR T.R. BUSWELL (Vasse) [4.07 pm] — in reply: I thank the member for Cockburn. That was the longest wind-up I have heard —

Mr F.M. Logan: It sounds like Frank Sinatra's comeback!

Mr T.R. BUSWELL: There were more farewells than Dame Melba.

I make a couple of comments in reply. I acknowledge the concerns relating to the viability of small business made by the member for Joondalup, which I will comment on very briefly, the comments by the member for Cockburn and, more broadly, the support of this bill by the opposition. The legislation is a sensible if not modest change to the retail trading framework in Western Australia. It was done, effectively, following approaches to the government by representative groups of certain independent retail shops, mainly retail grocery shops, which were at or near this 13-employee limit and felt that they needed some more employees to help them to better compete, and, by extension, to better service their customers. We were happy to support that proposition.

I just have a few issues. I say to the member for Joondalup that this was not excluded from the bills in and around the establishment of the special trading precincts. I am moderately familiar with that process. I had carriage of that for a while before having a spell. Those bills were developed to do two things. Firstly, they were to change a tourism precinct to a special trading precinct. Secondly, the creation of the special trading precincts in Joondalup, Midland and Armadale was independent of these considerations. Yes, these considerations were underway, but there was a whole pile of matters that were being considered, including shop numbers. It was not an oversight; they were always intended to be dealt with as two separate issues.

In relation to the change in definition and its potential impacts, as we know, we are talking about small retail shops. At the moment, small retail shops can effectively trade 24/7 in Western Australia. As I recall, three criteria have to be met for a retail shop to be a small retail shop. They are that 13 or fewer staff are employed; ownership is limited to six people; and not more than three shops are owned. There may well be an argument that some of those other matters could have been dealt with as part of this legislation. However, the government has not decided to do that. We are changing the number of persons who can work in a shop from 13 to 18, so we are effectively broadening the number of businesses that will be eligible for definition as a small retail shop.

I think its impact will be at the margin, member for Cockburn. Probably a number of businesses around Perth are at that cap and are being constrained; there are others to which that cap would have been a constraint, so it will help them to more effectively, as they would put it, compete with their larger rivals. However, I think it is always important to acknowledge the flip side of that, which is to more effectively service their customers. I think I provided the member with the example, by way of interjection, of the IGA store on Cambridge Street in Wembley. I went down and met the two owners of that store. They are very proud business owners with a long history in what I would call the grocery business—fantastic—and they run a great store. I am not sure that having 18 persons will enable them to trade. If they make some minor changes, it may. Indeed, it was one of the anomalies of the change in boundaries—which was our first step in retail reform when we increased what was then the Perth and Fremantle tourism precincts—that they were left out. A couple of businesses were impacted like that. There was one in Victoria Park. I cannot remember the name of it. It is the one at the top of the hill, not the one at the bottom of the hill. It may well be called the Park Centre. There was also this one on Cambridge Street. Hopefully, this amendment will enable them to operate. I think that the impact will be at the margin, but for those businesses to which it does apply, the impact will be significant.

The member asked a couple of other questions. One of them, not quite related to this bill, was about the lease register. When we had the debate in and around commercial tenancies, obviously the opposition had a view—it was well put, I think, by the member for Joondalup at the time—about the lease register. We were not at a point at which we could adopt the lease register. I do not have any up-to-date advice on that, other than that I know from the debate that we had here at that time and the advice I received that the Department of Commerce is still considering and engaging in dialogue on the issue of the lease register.

Mr A.P. O'Gorman: Minister, where is that commercial tenancies bill at the moment? It seems to be stuck somewhere at the moment and we have not got it back. Where is it? What is happening with it?

Mr T.R. BUSWELL: I do not have any advice on that, I am sorry. I am hoping, if it is not here, that it is in the upper house. That is a place, the workings of which —

Mr A.P. O'Gorman: But it has passed the upper house. It has been agreed to in the upper house, hasn't it? It has been through the committee stage.

Mr T.R. BUSWELL: I seriously do not know. I just do not follow all the bills that go through the upper house, so I could not advise the member on that—although, with a flash of brilliance, the commercial tenancies information has arrived on my desk. The bill was passed in the Council on 28 June with three amendments. Yes, yes.

Mr F.M. Logan: Can you read the handwriting?

Mr T.R. BUSWELL: It is well-presented information.

Mr A.P. O'Gorman: Does it scare you?

Mr T.R. BUSWELL: No. I am just trying to understand it. I have not seen it. It would appear that some of the amendments passed have caused us to go back and consult further with the people upon whom those amendments would impact. That is happening. Submissions in relation to that closed on 19 August. There were 30 submissions, and the department is currently analysing those submissions. As I think the member probably knew before he asked me the question, that bill has travelled through the upper house with some amendments, which were supported by the majority of members at that time.

Mr F.M. Logan: But not necessarily the government!

Mr T.R. BUSWELL: That bill is currently in transit between the upper house and our house. That period of transit is requiring some additional consultation on those amendments. Effectively, just for the purposes of completion, the amendments deal with changing the definition of "retail shop lease"; deleting the word "comparable" in relation to lease information obtained by valuers conducting a market review; and removing the requirement for valuers to maintain confidentiality in relation to information obtained under the new section. As I said, we are now consulting, as I think is appropriate, before those amendments come back to this house for consideration by the government. No doubt, member for Joondalup, that situation will be resolved in due course.

I will quickly step back, though, and once again reiterate what the government has done in and around retail reform. We made changes to the hours at which shops could open in special trading precincts—or, as they were known then, tourism precincts. We made changes to the boundaries—I might have to get a conveyor belt.

Mr M. McGowan: Just table it.

Mr T.R. BUSWELL: It is a handwritten note, and well written too.

We changed the boundaries for Fremantle and Perth. We then brought legislation into Parliament to change tourism precincts to special trading precincts, because clearly they were not just tourism precincts. We now have special trading precincts for the city, Fremantle, Armadale, Midland and Joondalup. The advice I have had is that the response to those, in particular the Sunday trading aspect, has been very, very positive from a consumer point of view.

The member for Joondalup raised the issue of businesses closing in his electorate, in particular in one shopping centre. I think the unfortunate reality at the moment is that businesses are closing in a lot of electorates. This is a difficult time for small business. It is a difficult time for small business in the retail sector; it is a difficult time for small businesses in my electorate in the tourism sector; it is a difficult time for small manufacturing businesses as well as construction businesses, in particular household construction businesses. I think it would be fair to say in regard to the level of underlying growth in the economy that if we took out those significant investments in the resources industry and the energy sector, it may well be the case that the economy is actually contracting.

Ms J.M. Freeman interjected.

Mr T.R. BUSWELL: No, that is a technical term, but it may well be the case that the economy is contracting; I do not know. I have the capacity to do that analysis; I just do not have the time and access to the data. However, it would be an interesting analysis. Unfortunately, in that sort of environment, often small businesses such as those that the member referred to in his electorate, as well as small businesses in my electorate and in all our electorates, are at the bleeding edge, if I could put it that way, of that circumstance. So, it is a difficult time. The best thing that we can do is manage the aggregate economy so that as it grows, that growth filters through more broadly. Hopefully that, combined with what must inevitably be a change in consumer confidence, will lead to a turnaround. I still maintain that the evaporation of consumer confidence in this country is one of the main

reasons that people are not spending money in the shops, it is one of the main reasons that people are not investing in property, and it is one of the main reasons that people are not taking holidays. It is a big issue. A whole range of factors impact on consumer confidence. I heard the Treasurer say the other day that he listens to —

Mr P. Papalia: The leader of the federal opposition is a big contributor.

Mr T.R. BUSWELL: Maybe, but he is not the one in government steering the country in one of the most erratic ways ever, member for Warnbro. He is not the one who jumps around on public policy and undermines confidence. But I did not really want to talk about that. I wanted to talk about the fact that —

Mr P. Papalia: Are you sure he doesn't jump around on public policy and undermine confidence?

Mr T.R. BUSWELL: The member for Warnbro's perception of his own importance in this place, I think, is somewhat inflated, but I think there is no doubt that the lack of leadership at a federal level is impacting on consumer confidence. I was going to say that there are more broad factors at play, though. If members turn on the breakfast television programs, as the Treasurer admitted to the other day on one of his rare sleep-ins, for the 5.30 news, which I am sure he rarely catches on his way to work early to beat the improving traffic —

Mr A.P. O'Gorman interjected.

Mr T.R. BUSWELL: That was on only one road. What do members see? They see international turmoil.

Mr C.J. Barnett: He jogs in quite often.

Mr T.R. BUSWELL: The Treasurer does jog into Parliament quite often with his briefcase strapped to his back and with his red ministerial bag. Often he carries a trailer containing other important documents that he has slaved over into the wee hours, when he uses off-peak power. That is what this Treasurer does; he works hard. He does not burden the road network or the public transport system when he is out there sprinting in his Nike runners. The member for Rockingham probably would not see him because he moves too quickly in the morning in his lycra running shorts! Anyway, I will move on. The member for Rockingham told us he has a secret route to the city. He comes up—I will not go on!

Mr M. McGowan: It is the third way.

Mr T.R. BUSWELL: It is a rat run.

I had better get back to the bill. There is a significant issue with consumer confidence in the country and the state. I think it is part of a global issue.

I think I have touched on most of the issues the member for Cockburn raised, except for the Small Business Commissioner. The Small Business Commissioner's position will be advertised soon. We are committed to providing that service to small business. I am not sure whether the member for Cockburn has met the Victorian Small Business Commissioner. The Office of the Victorian Small Business Commissioner is a great institution. The Small Business Commissioner has the potential to immediately resolve disputes, whether it be with a landlord or substantive supplier. In Victoria the institution is used to settle disputes for owner contractors in the transport industry.

There is a huge opportunity to significantly advance small business. The Retail Trading Hours Amendment Bill was supported by both sides of this house and it could be said it was conceived by both sides of the house because we all went to Victoria and looked at what happens there.

This legislation will probably be the last step in the retail trading hours reform during this Parliament. I do not see the Premier indicating otherwise. That is my understanding, but it could change. At the next state election, people of this state will have a choice about retail trading. The member for Cockburn hit the nail on the head when he said that when he travels around Cockburn Gateway Shopping City, the people tell him that they want Sunday trading.

Mr F.M. Logan: They don't want 9.00 pm trading; they want Sunday trading.

Mr T.R. BUSWELL: A very clear line has been drawn in the sand from a public policy point of view. I am not here to debate the various merits of that today; I will do that at another time. There is a very clear view on Sunday trading. We will go to the next election with a policy to support the introduction of Sunday trading. My view is that is what Western Australian consumers are after. Ultimately, shop owners—retailers or otherwise—are there to serve their consumers. When they serve their customers, they make a buck. The opposition has stated that it believes that it will continue to protect consumers by not endorsing Sunday trading. I do not know how it can protect consumers by restricting choice. However, we can debate that in the public forum of the next election campaign. I am glad to be sitting as a Liberal in that debate as we tackle the issues of Sunday trading. That is the most significant next big step in retail trading reform.

I thank the two members opposite for their contributions. As they said, it is a small but important bill, particularly for those retailers upon whom this cap impacts and those people who will be employed as a result of the lifting of the cap.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mr T.R. Buswell (Minister for Transport)**, and passed.

House adjourned at 4.25 pm

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QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES — ACT OF GRACE PAYMENTS

5951. Mr M. McGowan to the Minister representing the Minister for Finance; Commerce; Small Business

Will the Minister advise as to any Act of Grace payments made by any agencies or departments under the Minister's portfolio responsibilities between 1 January 2011 and 1 August 2011, including:

(a) the name of the person or company receiving the payment;

(b) the amount of the payment;

(c) the reasons for the payment; and

(d) the processes undertaken between the application, or proposal for such a payment to be made, and the making of that payment?

Mr C.C. PORTER replied:

Department of Commerce

(a) Gadens Lawyers Pty Ltd.

(b) $16 235.62.

(c) Legal services rendered from 4 January 2011 to 29 July 2011 to Mr & Mrs Krygsman.

Mr and Mrs Krysgman were owed a substantial amount of money by the operators of the Karrinyup Lakes Lifestyle Village pursuant to settlement of legal action taken by the Consumer Protection Division of the Department of Commerce to enforce their rights under a retirement village lease. Legal action by Consumer Protection on their behalf to enforce the debt may have created a conflict of interest because such action may have resulted in the winding-up of the operator, and had an adverse effect on the remaining residents' interests.

(d) The then Minister for Commerce wrote to the Treasurer on 26 November 2010 advising of his intention to exercise his delegated authority to approve the Act of Grace payment. Approval for the payment was granted on 29 November 2010 by the Minister in his delegated capacity as Treasurer. On 1 February 2011 further approval was granted by the Minister as the Treasurer's delegate, for the Commissioner for Consumer Protection approval on 29 November 2010 to the wind up application under the Corporations Act 2001 (Cwth) in order for Mr and Mrs Krysgman to enforce the debt.

Department of Finance

(a)–(d) Nil

Department of the Registrar, WA Industrial Relations Commission

(a)–(d) Nil

Small Business Development Corporation

(a)–(d) Nil

Workcover

(a)–(d) Nil

LAND TAX — ASSESSMENT CRITERIA

6008. Mr J.C. Kobelke to the Minister representing the Minister for Finance

(1) What is the tax table used for assessing state land tax in 2011?

(2) When was the last year in which a different tax table was applied?

(3) In which years since 1980 have the land tax tables been changed, and what were the superseded land tax tables prior to each change?

(4) In each year since 1980, what was the total state land tax collection?

Mr C.C. PORTER replied:

(1) [See paper 3907.]

(2) 2007/08

(3)–(4) [See paper 3907.]

DEPARTMENT OF HEALTH — PAYMENTS TO PHARMACEUTICAL COMPANIES

6046. Mr M. McGowan to the Minister for Health

What individual payments have been made by the Department of Health to the following companies for the provision of pharmaceuticals, medical devices or medical equipment since 1 April 2010:

(a) Actelion Pharmaceuticals;
(b) Anadys Pharmaceuticals;
(c) Baxter Healthcare;
(d) Bayer–Schering;
(e) Bayer Healthcare;
(f) Becton Dickinson;
(g) Biopharmaceuticals;
(h) Boehringer Ingelheim;
(i) Boston Scientific;
(j) Bristol–Myers Squibb;
(k) Celgene;
(l) Colopast (HK) Ltd;
(m) Genzyme;
(n) Janssen Cilag;
(o) Eli Lilly Pharmaceuticals;
(p) Johnson & Johnson;
(q) Medtronics;
(r) Novotech;
(s) Paraexel/ZymoGenetics;
(t) Sanofi–Aventis;
(u) Schering Plough;
(v) SonoSite Australasia Pty Ltd;
(w) Synthes Australia;
(x) Thoratec Corporation;
(y) Varian Medical Systems; and
(z) Wyeth?

Dr K.D. HAMES replied:

(a)–(b) Nil.

(c) $16,484,819.48
ABN: 43000392781 Baxter Healthcare Pty Ltd

(d) Nil.

(e) $743,088.11
ABN: 22000138714 Bayer Australia Ltd

(f) $2,744,254.89
ABN: 82005914796 Becton Dickinson Pty Ltd

(g) $7,567.00
ABN: 82061745677 R–Biopharm Australia Pty Ltd

(h) $10,128.00
ABN: 52000452308 Boehringer Ingelheim Pty Ltd

(i) $10,859,822.80
ABN: 45071676063 Boston Scientific Pty Ltd

(j)–(k) Nil.

(l) $251,321.32
ABN: 57054949692 Coloplast Pty Ltd

(m) $34,200.00
ABN: 24083420526 Genzyme Australasia Pty Ltd

(n) $12,869,808.93
ABN: 47000129975 Janssen–Cilag Pty Ltd

(o) $25,224.80
ABN: 39000233992 Eli Lilly Australia Pty Ltd

(p) $27,968,895.18
ABN: 85000160403 Johnson & Johnson Medical Pty Ltd

(q) $21,601,642.55
ABN: 47001162661 Medtronic Australasia Pty Ltd

(r)–(s) Nil.

(t) $3,707,358.54
ABN: 79085258797 Sanofi Pasteur Pty Ltd
ABN: 31008558807 Sanofi–Aventis Australia Pty Ltd
ABN: 43076651959 Sanofi–Aventis Healthcare Pty Ltd

(u) $779,225.57
ABN: 57000235245 Schering–Plough Pty Limited

(v) $1,902,188.96
ABN: 36107365800 Sonosite Australasia Pty Limited

(w) $9,920,267.79
ABN: 40001068739 Synthes Australia Pty Ltd

(x) $290,373.69
ABN: N/A -Foreign Thoratec Corporation

(y) $3,100,906.52
ABN: 67004559540 Varian Australia Pty Ltd
ABN: 53086249630 Varian Medical Systems Australasia Pty Ltd

(z) $1,388,498.38
ABN: 16000296211 Wyeth Australia Pty Limited

In addition many pharmaceutical and medical suppliers do not deal direct with WA Health, but supply their products through third party distributors. The two main distributors for pharmaceutical products in WA are Clifford Hallam Healthcare (CH2) and Symbion Pharmacy Services.

As the suppliers financial relationship is with those distributors, WA Health is unable to provide detail of payment made.

ALBANY REGIONAL HOSPITAL — FLY IN, FLY OUT DOCTOR COST

6067. Mr P.B. Watson to the Minister for Health

(1) What is the total cost of providing fly in fly out doctors to staff the emergency department of Albany Regional Hospital for the 12 months to 31 August 2011?

(2) What was the total cost of providing local doctors to staff the emergency department of Albany Regional Hospital for the last 12 months that they provided the service?

Dr K.D. HAMES replied:

(1) For the 12 months to 31 August 2011 the total cost of staffing the Emergency Department (ED) at Albany Hospital with 'fly in fly out' Senior Medical Officer and ED Specialist services was $3,929,238 (includes remuneration, air fares, accommodation, hire car and agency fees). This cost is expended to provide a 24 hour, 7 days per week on site coverage of the ED and involves having a Consultant Emergency Physician (on site and on call), 3 Senior Medical Practitioners, a local General Practitioner every 24 hours, and a Clinical Director for the ED.

(2) The total cost of using only local General Practitioners to provide on call coverage to the ED at Albany Hospital for the last 12 months that this model of medical service was in place (October 2008 – September 2009) was $991,781. This on call model was based on having 3 General Practitioners (one each from The Surgery, Southern Regional Medical Group and "Solos") on call, for their own patients, with the capacity for call back as requested, per day.

ROYALTIES FOR REGIONS FUNDING — FILM PROJECTS

6105. Mr J.N. Hyde to the Minister for Culture and the Arts

(1) How many, and which, film projects in Western Australia have been funded by Royalties for Regions since the election of the Barnett Government in 2008 and which regional or metropolitan areas if any, have benefited from the funding?

Mr J.H.D. DAY replied:

I am advised ScreenWest is aware of two film projects in Western Australia that have received funding through Royalties for Regions. The Minister for Regional Development is best placed to provide details on projects funded by Royalties for Regions.

Feature film *Red Dog* received funding from Royalties for Regions through the Pilbara Development Commission. The Pilbara region and the entire State is benefiting from the funding. As at 13 September 2011 this film had recorded box offices sales of $14.85 million.

The feature film *Drift*, which recently completed filming in the Margaret River area, received funding from Royalties for Regions through the South West Development Commission. The South West region received economic and social benefits during filming, and further benefits to the region and State are expected in the lead-up to and following the film's theatrical release.

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