Legislative Assembly

Thursday, 17 May 2012

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

BUSINESS OF THE HOUSE — BUDGET PRESENTATION

Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): I have remained on my feet to remind members that the budget will be presented at two o'clock this afternoon. Members' 90-second statements will occur at 12.20 pm, while questions without notice will be at 12.30 this afternoon, after which I will leave the chair at 1.00 pm for the lunchbreak.

ARMADALE COURTHOUSE AND POLICE STATION

Petition

DR A.D. BUTI (Armadale) [9.02 am]: I have a petition with 1 822 signatures. The petition is in accordance with standing orders, and reads —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, request the Barnett Government provide a new courthouse and a 24 hour/7 day a week public access police station in the City of Armadale.
>
> The Armadale Courthouse services a large section of the south-east metropolitan region. The current court house is overcrowded and lacks the proper facilities to provided appropriate security and privacy for those attending. It does not have the capacity to cope with the current demand for services. The current courthouse is well past its used by date and there is an urgent need for a new courthouse to be built.
>
> The Cannington Police Station which is the police hub for Armadale on weekends and after hours is too far away from the Armadale region to provide adequate services for the residents of the City of Armadale. The presence of a 24 hour/7 day a week public access police station within the City of Armadale will better connect the police force with the community and assist in the prevention of crime in the Armadale region.

[See petition 592.]

ARMADALE POLICE STATION

Petition

MR A.J. SIMPSON (Darling Range) [9.04 am]: I have a petition with 10 152 signatures, 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, the Police Station in Armadale must become a 24 Hour manned Police Station.
>
> Now we ask the Legislative Assembly to implement this request with utmost urgency in light of the increased incidence of unprovoked violent personal attacks in the City of Armadale.

[See petition 593.]

HAMMOND PARK — HIGH SCHOOL

Petition

MR F.M. LOGAN (Cockburn) [9.04 am]: I have a petition with 249 signatures that has been stamped as conforming to the standing orders of the Legislative Assembly. It reads —

> We, the undersigned, say that plans for a High School in Hammond Park must be brought forward as a matter of urgency. The suburbs of Success, Franklin Springs, Hammond Park, Aubin Grove, and Honeywood are developing rapidly with significant numbers of primary school age children. Atwell College is unable to cope with current demand and is extremely overcrowded. It is absolutely necessary that the designated public High School site at Hammond Park be developed to meet current and future needs of residents and their children. Now we ask the Legislative Assembly, to call on the Minister for

Education to immediately bring forward the development and construction of a High School at Hammond Park.

[See petition 594.]

PAPERS TABLED

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

INDEPENDENT PUBLIC SCHOOLS — EXPRESSIONS OF INTEREST

Statement by Minister for Education

DR E. CONSTABLE (Churchlands — Minister for Education) [9.05 am]: The interest in the independent public schools initiative is well established. Currently, 171 schools are operating as IPSs, with a total of 207 schools already selected to become IPSs by 2013. More are set to join their ranks upon the conclusion of this year's selection process.

This year 141 school communities across Western Australia have applied to have a greater say in the operation of their schools. Expressions of interest for the fourth intake closed on Thursday, 10 May 2012. The Department of Education received applications from 55 schools in country areas and 86 schools in the metropolitan area. Those numbers include 91 primary schools, 25 senior high schools, one senior college, 11 education support centres, six district high schools, two high schools and two agricultural colleges. Schools from across the state and a range of socioeconomic communities, from Broome in the north to Esperance and Albany in the south, have applied. These include six schools in the goldfields, four in the Kimberley, two in the midwest, six in the Pilbara, 22 in the south west, seven in the wheatbelt, 43 in the north metropolitan region and 51 in the south metropolitan region. Of the 141 expressions of interest received, 136 schools expressed an interest individually; five schools expressed an interest to operate only in cluster; and eight schools expressed an interest to operate either individually or as part of a cluster. There are five cluster applications.

An independent selection panel, consisting of former principals and senior educators from across all education sectors, brings a wealth of experience to the selection process. The panel will now assess the expressions of interest to make recommendations to the Director General of the Department of Education. Schools will know the outcome of the panel's decisions in July 2012 when the successful schools are announced.

One of the key contributors to the success of a school's application is that it has the full support of its staff, families and local community to embrace the flexibilities and opportunities available to benefit its students. Throughout the remainder of the year an extensive training program will help the new independent public schools transition to their new status. This significant interest builds on the success of the initiative to date. Twenty-seven per cent of all public schools, which involves about 40 per cent of all students and teachers, are now seeing the benefits of being involved.

Since the start of the initiative in 2009, 389 schools have expressed interest in becoming independent public schools. That is more than half of all our public schools. I thank those school communities that have embraced this exciting initiative in public education in Western Australia.

NATIONAL VOLUNTEER WEEK

Statement by Minister for Emergency Services

MR T.R. BUSWELL (Vasse — Minister for Emergency Services) [9.07 am]: I take this opportunity to inform members that this week is National Volunteer Week, and ask them to reflect on the critical role played by more than 32 000 emergency services volunteers in Western Australia. Despite the extreme conditions we face from destructive bushfires, cyclones and storms, our communities and state are well served and carefully watched over by these dedicated volunteers. The volunteer fire, emergency and marine rescue services continue to be there time and again to support people in the wake of natural disasters and emergencies.

During recent months parts of our state have been burnt, damaged and swamped by challenging bushfires, storms and cyclones. Volunteer firefighters have been pushed to their limits as pastoral leases, reserves and communities have been impacted by fire.

Emergency service volunteers in the north have also been working hard to protect their local communities during the wet season in the wake of tropical cyclones, damaging winds and flooded rivers. State Emergency Service volunteers have removed debris, made sure affected properties are safe and supplied isolated communities surrounded by floodwaters with essential goods. These are just some of the incidents our volunteers have been called upon to respond to. Around the coast and on Christmas Island, volunteer marine rescue groups continue to be on guard to save lives.

Western Australia's emergency service volunteers devote hours of their own time to helping others. These dedicated people are our neighbours, colleagues, family members and friends. We are extremely fortunate to

have more than 32 000 of them registered as members of the brigades, units and groups managed by the Fire and Emergency Services Authority and local government.

On behalf of the people of Western Australia, I thank the men and women who volunteer their time to emergency services and assure them that they have the state government's ongoing support for the critical role they play. In acknowledging our volunteers, I also recognise the support and tolerance of their families and employers for the time they are allowed to be away helping others. There is no rest for our volunteers. As the bushfire and cyclone seasons come to a close, the storm season begins. During last year's storm season volunteers responded to more than 100 instances and committed nearly 7 000 hours of their own time to protect local Western Australian communities.

National Volunteer Week is a time for the community to reflect on the work of those who volunteer to help the community, and not just emergency service volunteers. As the Minister for Emergency Services, I want to remind Western Australians that our community would not be as safe as it is nor as able to respond as well as it does every day of the year without the hard work and commitment shown by emergency service volunteers.

MINISTER FOR ENVIRONMENT — KIMBERLEY VISIT

Statement by Minister for Environment

MR W.R. MARMION (Nedlands — Minister for Environment) [9.10 am]: I advise the house that between 25 and 27 April I visited the Kimberley to inspect a range of activities that the Department of Environment and Conservation, the Water Corporation and the Department of Water have been undertaking. I was pleased to announce the creation of the Purnululu World Heritage Area Advisory Committee. Members will be aware that the area commonly known as the Bungle Bungles is a world heritage–listed area, ranking it alongside some of the planet's greatest natural and manmade attractions. The advisory committee includes representatives from a broad spectrum of the community, including Indigenous Australians. It is chaired by Chris Done, a former Kimberley regional manager with the then Department of Conservation and Land Management, who is highly regarded throughout the Kimberley. While I was at Purnululu I also had the opportunity to open upgrades to day-use areas and roads. Although the park was closed to vehicles at the time of my visit due to rain, DEC is upgrading the Spring Creek Track access road with funding from royalties for regions. I acknowledge the cooperation DEC is receiving from the owner of Spring Creek station, Jack Burton.

I also took the opportunity to visit Lake Argyle diamond mine and inspect Rio Tinto's conservation initiatives for the Gouldian finch and fire management, which complemented the government's $63 million Kimberley science and conservation strategy. In Kununurra I received a briefing from the Department of Water and the Water Corporation on environmental water flows, in particular the allocation planned for the extension for the Ord River irrigation area. The extension is another Liberal–National government initiative to bolster development in the Kimberley. I also inspected the Water Corporation's maintenance works on the Ord diversion dam. I was particularly pleased to join with the Miriuwung–Gajerrong people, who are the traditional owners in the Kununurra area, in launching a new DEC vessel, the *Joowinyin*, which will assist in implementing the Kimberley science and conservation strategy. I was also able to view DEC's Miriuwung–Gajerrong rangers, the construction of visitor facilities and prescribed burning in Mirima National Park on Kununurra's doorstep. DEC and the traditional owners are working in close collaboration on a range of initiatives that are not only creating employment opportunities for local Aboriginal people, but also improving facilities for Kimberley residents and people who are visiting the region.

CLARKSON POLICE STATION

Grievance

MR J.R. QUIGLEY (Mindarie) [9.12 am]: I rise to grieve about the manning levels at the Clarkson Police Station. Clarkson is situated 33.5 kilometres north of Perth and has what is called a 24-hour police station, although the counter is open only between 8.00 am and 4.00 pm and thereafter some vans patrol the area. Some time ago I raised in this chamber the dire circumstances that we have in Clarkson, highlighted by the case of Mrs Denice Donners' son, a university student working at the Whale and Ale tavern. One night he heard a commotion in the car park and went out to investigate. He saw a youth being set upon by a gang of dark-skinned youths so went over to intercede. He was hit in the head with a large limestone boulder by this gang and suffered a very bad injury to his eye—they thought he was going to lose his eye—while the victim, whom he was helping, suffered a haematoma to the brain. The tavern called the police and the boy's mother. His mother came from Quinns Rocks. The police took over an hour to arrive. When questioned as to where they had been, they said, "We were doing a job in Hillarys." That just happens to be the electorate, of course, of the Minister for Police. Just on that note, we note that whilst we are being denied sufficient police resources out in Clarkson, that nice, safe, leafy suburb of Hillarys has got its own police station. I note an article on page 6 of the paper this morning headed "Top cop wants fewer stations, more police". The Commissioner of Police is saying that he will be closing down police stations and having regional hubs. There is no talk of closing the Hillarys Police Station

in the minister's own electorate. I noticed with concern this morning that when the member for Armadale brought a petition into this chamber signed by nearly 2 000 people praying for 24-hour policing in Armadale, supported by the Liberal member for Darling Range who brought in a petition of 10 000 signatures seeking 24-hour policing in Armadale, the Minister for Police deliberately got up and left the chamber. He did not even remain to hear the petitions being read. My constituent, Mrs Denice Donners, said, "We gathered 2 000 signatures about this inadequate policing in Clarkson. What is going to happen now?" I had to sadly report to her what I had witnessed this morning—that when some members got up to read their petitions about inadequate policing, the Minister for Police left the chamber; he was not interested.

The Minister for Police has no authority over the police commissioner at all. He holds no sway with him. When the Commissioner of Police was summoned to the Liberal Party room earlier in the week to explain the outrageous decision to withdraw all police from police and community youth centres, the Commissioner of Police said that he was not going to have them there. What did the Minister for Police do? He came out of the Liberal Party room completely endorsing this awful decision of the Commissioner of Police, just mouthing and echoing what the commissioner had to say. He was behaving no more than like the commissioner's poodle. It took the Premier to intercede and say, "This is not good enough, commissioner. It is not acceptable to the community that you withdraw all the police. Put them back!" The Premier exercised authority that the Minister for Police did not have and has restored police to the PCYCs, as noted on page 13 of this morning's *The West Australian*. We are now pleading in this Parliament for the Premier to go over the minister's head and exercise some authority and get some proper policing out in Clarkson. They say that if the station is open 24 hours a day, it will take two vans off the road, as four policemen would be needed to keep this place open 24 hours. What did we see? We saw a company of police, not a platoon—150 police—designated to go to Broome to keep a gravel road open.

It is accurately reported today in the local newspaper, the *North Coast Times*, that police crime statistics show that domestic violence has risen by 55 per cent in my area. This is a fly in, fly out dormitory. There are quite a few social problems with so many husbands going away for a week and then re-entering their homes. We have so much domestic violence there that it is a great big social problem. What is the advantage of having a 24-hour police station? The women would have somewhere to go. There would be a visible police presence all night, where people could go to a safe haven. I remind members that Joondalup, which has a 24-hour station, is 25 kilometres from the CBD of Perth, but in between Joondalup and Perth there is another 24-hour station at Warwick. Travel another 16.5 kilometres north of Joondalup to Clarkson and there is not a 24-hour police station. That police station after hours is responsible for policing all the way up to Two Rocks and through the boom suburbs of Butler, Jindalee and Alkimos—suburbs that members have seldom heard of in this chamber; they have sprung up overnight. It is 69 kilometres from the CBD to Two Rocks and 36 kilometres from Clarkson to Two Rocks. If the police make an arrest up in Two Rocks or Butler, that person has to be transported not back to the cells in Clarkson, because there is nobody there, but to Joondalup. These vans are off the road for an hour and a half. If we had four extra policemen to keep this station open 24 hours a day, there would be some comfort and some belief that the minister was at least half as good as his word when he promised the community 500 extra police when he was in opposition. He has failed to deliver that. If there was just a portion of the ones he has been short on to deliver to this community, there would be clearly adequate police to keep Clarkson station open.

MR R.F. JOHNSON (Hillarys — Minister for Police) [9.20 am]: I would love to say thank you to the member for Mindarie for the grievance, but that would be a little hypocritical of me as I was told the grievance would be purely about Butler, but the member has strayed into all sorts of areas, including police and community youth centres. That gives me a little bit of range to respond to the member. Let me say to the member that the Commissioner of Police and I have never said that we intend to take all police officers out of PCYCs. If members look at the various media outlets, including *The West Australian*—I have the stuff that was sent through to *The West Australian* and others, including Albany—they will see that I have stated quite clearly, and the commissioner has stated quite clearly, that that has never been the intention and that police will remain at PCYCs but they will not be doing administration work; they will not be running the centres, they will not be organising Gymboree or Zumba classes and they will not be going out fundraising. We want them to concentrate on interaction with youth at risk and prolific and priority offenders. That is what the commissioner wants, that is what I want, and that is what the Premier wants. We are not taking police officers out of PCYCs, but we do not want them sitting in those PCYCs —

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro, it is not your grievance and I do not expect to hear from you. I formally call you to order for the first time today.

Mr R.F. JOHNSON: Obviously, the grievance strayed into other police stations. The member was referring to what was said at the Rockingham forum that was organised by the Commissioner of Police, who went down there. There were one or two opposition members there and all they wanted to talk about was the Secret Harbour police station that was never built. I remind members that the commissioner never, ever instigated that

conversation or that proposal. That was done by the Labor Party during a by-election to try to assist the Labor candidate in that area. I am informed that that is not the sort of police station that would actually do a great job down there. The commissioner is moving to more of a hub situation, but we are not closing down police stations —

Ms R. Saffioti: Yes, you are!

Mr R.F. JOHNSON: — other than in the western suburbs. We are not closing down police stations —

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan, you probably heard what I said to the member for Warnbro. It is not your grievance. I formally call you to order for the first time.

Point of Order

Mr P. PAPALIA: I am not sure whether you are paying close attention to the minister's response, but just prior to the interjection from the member for West Swan, in a response to the grievance regarding Clarkson, the minister made a direct attack on me in respect of the police station for Secret Harbour. It was provocation inviting an interjection. I restrained myself —

The SPEAKER: Take a seat, member.

Mr P. PAPALIA: I understand the member for West Swan not being able to —

The SPEAKER: Take a seat, member!

Grievance Resumed

Mr R.F. JOHNSON: The simple fact is that the only police stations we are looking at closing at some stage will be in the western suburbs, and that is only once the new police hub is built in Claremont. We have some very dilapidated old police stations that our officers have to work out of at the moment. Until the new hub is built, we have to spend some funds to try to keep them in a reasonable condition in accordance with occupational health guidelines for the officers who work from those stations. They are the ones that we propose to close. Let me make it quite clear: there are no proposals to close any other police stations—none whatsoever—so we can put that to bed.

The opposition will always try to hype up a story. It makes things up. We had that with the member for Midland during the week in relation to the road trauma trust account fund, and I will come back to her on another occasion. Let me make it quite clear: there is no proposal to close any police station, other than those in the western suburbs, and that is once the new hub is built.

The member for Mindarie was going on about the Clarkson Police Station. He thinks it should be open 24 hours a day. Let me make it quite clear that that police station is operational 24 hours a day, but it is not open to members of the public to go and renew gun licences, report lost goods or whatever. They can do that during daylight hours, but we do not want to take police officers who are on patrol off the road to put them in a police station, behind desks, to do paperwork. We have the same situation in Armadale. There is no good purpose in locking police officers away in a police station having to do that administrative work. In much the same situation as with PCYCs, we want police officers concentrating on the community. In the case of the PCYCs, although we want police officers dealing with youth at risk and prolific and priority offenders in all the programs in the PCYCs, and police officers will remain club-based to do that program, we also want them, when they are not doing that in the PCYCs, to go out into the community and to work with youth at risk and the prolific and priority offenders. That is what members of the public want. They want to see as many police officers as possible out there in the community on the streets patrolling. Quite frankly, we have never seen so many police officers patrolling as we do today. That is because we have more police. This government has increased the number of police officers, and they are out and about and they are patrolling. Every police vehicle is a mobile police station now. If anybody is in distress, they can call the police hotline. If there is a life and death situation they call 000, or they can call the others numbers, which are pretty well known, and they will get a response. The response times are pretty good.

Mr J.R. Quigley: It was over an hour, they said, down in Hillarys.

Mr R.F. JOHNSON: That is the member's interpretation, and I do not always believe what the member for Mindarie says —

Mr J.R. Quigley: It is not me; it is Denice Donners.

Mr R.F. JOHNSON: — because he has made up things in the past and we know of his disdain —

Mr J.R. Quigley interjected.

Mr R.F. JOHNSON: Mr Speaker, I did not interrupt that member when he was speaking—not one word did I use when he spoke, and I ask for the same courtesy. I probably will not get it from him! We know that the

member for Mindarie has on many occasions defamed our police officers, including our commissioner. He has been forced to get up in this Parliament and apologise for that.

Point of Order

Mr M.P. WHITELY: The minister has got up and accused the member for Mindarie of defamation. You have given strict instructions not to invite interjections, and the minister has gone ahead and said he wants protection from you and then in the next breath accuses the member for Mindarie of defamation. This is unacceptable behaviour. If he is going to do that he is inviting interjections.

The SPEAKER: A grievance is an opportunity for a member in this place to express a grievance to a minister and expect a response. It is my interpretation that I will give some leniency to the person making the grievance to interject if he or she feels that they are not getting an appropriate response. I acknowledge that the minister sat silent during the grievance by the member for Mindarie and that there is a reasonable expectation that he might get the same in return. That is why, members, that I have called the member for Warnbro and also the member for West Swan; it is not their grievance. I am prepared to take some interjections from the person making the grievance, but not continually interjecting. I am going to sit down and enable the minister to conclude his response to the grievance.

Grievance Resumed

Mr R.F. JOHNSON: It is a fact, and *Hansard* records it; the member for Mindarie did apologise in this house for the defamatory comments he made about the police commissioner and other officers.

I have some facts. The north west metropolitan police district is at the moment 19 FTEs over authorised strength, so there are adequate resources out there. I am assured by the commissioner that that is the case. We are increasing our police numbers all the time and we are maintaining our election promise.

I can also tell members that during the summer crime reduction strategy, there was a reduction in that area in burglaries and stolen motor vehicles. We have seen a reduction because of the summer crime reduction strategy at a time when traditionally in the summer months we always see an increase in crime because of more daylight hours, the heat, more alcohol being consumed and people staying out later at night and the sort of problems we have seen with antisocial behaviour. That is traditional and is not something new; that has been going on for years and years.

KEWDALE–FREMANTLE RAIL FREIGHT LINE

Grievance

MR J.M. FRANCIS (Jandakot) [9.30 am]: My grievance is to the Minister for Transport. As the minister knows, a freight line runs from the Kewdale area through the member for Southern River's electorate, my electorate of Jandakot and the member for Cockburn's electorate. It then splits and goes out towards the port of Fremantle and further south out to the Kwinana grain terminal. Of particular concern to the residents in my electorate is the impact on their lifestyle, not so much from the noise but more so the vibrations from trains running on this train line.

The residents around the suburb of Glen Iris and further west towards North Lake Road—previously, I understand, the member for Southern River's electorate—have experienced interference in their lives for some time through the vibrations and noise coming from the trains running on this line. Lately—I guess in the past 12 months—the residents around Glen Iris have contacted me to say that there has been a noticeable increase in the vibrations coming from trains on the line and a noticeable increase in the frequency of trains. I suspect part of that is because of the time of year; the fact that after the grain harvest a lot more heavy grain trains run out towards the grain terminal at Kwinana. The issue is not so much the time or even the frequency of the trains, it is the vibrations through the houses, partly because of the speed at which the trains travel. I know that trains have to slow down at level crossings. The nearest crossing from that Glen Iris part of the world is North Lake Road, which is just over two kilometres away. By law, the trains have to slow down eventually to cross North Lake Road, where there is a plain level crossing. The trains travel east–west in both directions and carry goods. The trains carrying grain are hauling fully loaded grain trailers heading west and are empty heading back east, because we do not import grain. I have visited homes to speak to many affected residents in Glen Iris Drive. Although the noise itself is an issue that affects their outdoor lifestyle, of particular concern is the damage being done by the vibrations. I note that the members for Southern River and Cockburn have pointed out to me that similar concerns have been raised with them.

I understand the freight rail line is operated by Brookfield Rail, formerly called WestNet Rail, so basically it is privately operated. The maximum speed that the trains are supposed to travel at is 80 kilometres an hour—I may stand corrected on that. In 2009, the minister would be aware that the Department of Planning conducted a state review of planning policy on road and rail transport noise and freight considerations in land use planning, with the aim of establishing a standardised set of criteria. My understanding, however, is that the proposals would not

be retrospective and would only relate to future land use planning. Although this will prevent further urban encroachment, it will not help the constituents who live behind and beside this freight line as it stands. I know that the residents of Glen Iris Drive and other affected areas are fairly well aware of the principles of buyer beware. Most residents were well aware of the presence of a freight line running behind their back fences when they purchased their houses. However, some of these people have been living there for years and this is an increasing problem. Whether it is a technical problem or an operational problem, I am not exactly sure. The member for Southern River told me that some problems have been cured in the past by machining the wheels of the trains, or an engineering or operational solution such as slowing the trains down a little. I am not sure; I am not an expert on driving trains—they are somewhat different to submarines! Legally, the trains have to slow down eventually when they pass level crossings. No doubt there is a lot of pressure on train drivers to keep to a certain timetable and move as much freight as possible in the hours they work.

I have stood at the back of some of the affected houses. I have stood in the bedrooms of these houses. It can be best described as a small earthquake when these trains go past. The houses shake, the pictures move, and the glass in the windows rattles. Some of these residents are elderly. It ruins their lives—they cannot sleep at night. I have taken a couple of pictures of some cracks in the walls associated with this rail line. Clearly, they are not small cracks in plaster. I am particularly concerned also that a weakened wall could cause an unfortunate accident as, clearly, foundations have moved. Rather than seeking leave to lay the photos on the table of the house, I will pass them to the minister when I have finished. This photo shows a crack in the wall of a house. These are cracks in walls. They are obviously quite thick brick walls between neighbours' back fences. My concern is that this could result in an unfortunate accident. I am hesitant to guess who would actually be liable if a wall is cracking to that degree because of vibrations from a train. That is a fairly serious concern. I do not know who would be culpable in the event of an accident. I hope the residents are not left to pool together in some kind of class action to find a solution to these issues. It is a principle that they knew there was a train line there, but I do not think anyone, when they bought their rather substantial houses there, ever signed up for this kind of interference in their lives. I ask the minister if he can give some guidance about what options are open to the residents affected by this rail line and its operation, and if we can look into what we can do to help them out.

MR T.R. BUSWELL (Vasse — Minister for Transport) [9.37 am]: I thank the member for Jandakot for raising a difficult issue. I also thank him for the photos. As the member rightly points out, if this land were to be subdivided now, with a rail corridor through the middle, there would be a much more significant degree of physical separation between the railway line and the residents. There may also be other treatments along the edge of the railway line to deal with amenity issues such as noise. That is the way it is now. We are doing a lot of work to protect our rail and transport corridors for that very reason, so that as rail use grows we do not get these sorts of conflicts. The problem is, as the member pointed out, those planning policies are in place in "State Planning Policy 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning". It would be physically impossible to apply those retrospectively, particularly in this case where people live very close to the railway line.

The other factor that complicates matters—really, from Midland right through to the coast—is the increased use of the railway line. That is driven by a number of factors. I have been out with the member for Southern River and stood on the railway line—not on it, because a train came and we got off, but near the railway line in his electorate, where there are some noise amenity issues as well. The increased use has been driven by increased container trade through the port of Fremantle. The port of Fremantle's current container movements are around 600 000 twenty-foot equivalent units a year. That will grow to about 1.2 million, so there will be continued growth. There has been a big jump in bulk cargoes freighted out of Fremantle in particular. I think that is having a big impact. It is not just the grain the member referred to; iron ore and coal are also now going out through the outer Fremantle harbour at Kwinana. A range of other commodities now go through Fremantle. Inevitably, there will be more bulk commodity exports out of Kwinana as we resolve issues around additional bulk ports. I suspect this may well become a bigger rather than a smaller issue simply because of the growth.

When I am next down in the member for Jandakot's electorate, which happens quite frequently now, as we tour around in his ute and I bring my AC/DC music on my new iPod Nano—whatever it is; a little one—perhaps a good course of action would be to meet these folk. I would not mind having a look and having a chat with them to get an understanding of how they are physically located relative to the railway line. Then I will sit down with Brookfield Rail to understand what we can do. It may well be that the solution is engineering related, as the member previously alluded. It may well be that the solution will involve changes to speed. I do not know, but it is important to initiate the process to understand what we can do to help these people, because everybody knows that the volume of rail traffic will only increase and therefore we need to do something to try to resolve the issue not only for today but in the future. My concern is that if we do not do anything, firstly the vibration problem is obviously impacting residents' amenity now, and secondly there will come a time, down the track, when these people want to sell their homes and they will have to deal with not only the issues of being located next to a railway line—which everybody understands when they buy a property—but also these unintended consequences of living near a railway line. I think the member for Jandakot makes a good point; namely, these people

understood that they were buying next to a railway line and would have anticipated that trains use the line. But they probably did not anticipate—I do not think that it would be reasonable to anticipate—that the vibrations from those trains would have the capacity to cause structural damage to their homes. We need to work through a bit of a process. The problem will not be solved within a couple of weeks, but by bringing this grievance and drawing the matter to my attention today, the member for Jandakot has kick-started a process that will now follow through. Again, to clarify, I would like to visit when I am next in the electorate. I think that I have to come down to have a look at a couple of roads in the not-too-distant future and —

Dr A.D. Buti: Are you coming before or after you visit Armadale?

Mr T.R. BUSWELL: I am out and about a lot nowadays.

Dr A.D. Buti: Yes, I know; you are coming out my way.

Mr T.R. BUSWELL: The staff in my ministerial office think that is great.

Several members interjected.

Mr T.R. BUSWELL: We will meet the people and it will be good to have a firsthand look. Then I will meet with the Department of Transport about what we can do to engage with Brookfield. I am not going to speculate on what the solution could be—it may be engineering; it may be speed related.

Mr P. Abetz: The trains should not cause any vibration. The vibrations are actually caused by the wheels being out-of-round, that is, getting flat spots, and it is simply a matter of machining them regularly. I raised the matter with the train operators because we had a major problem at Nicholson Road. The operator machined the wheels and it reduced the problem, but it seems to be coming back again.

Mr T.R. BUSWELL: Interestingly, member, if it has reduced the problem on your bit of track why has it not —

Mr P. Abetz: It is coming back again. They need to do it again.

Mr T.R. BUSWELL: Maybe it is a localised wobbly wheel issue!

Mr P. Abetz: And rail conditions.

Mr J.M. Francis interjected.

Mr T.R. BUSWELL: Whatever the issue is—I am sorry, Mr Speaker; I wobbled off a bit there!—we will try to identify it and work forward. It may well be engineering. It could be speed related. I do not know. But if we all expect that the use of that rail line will increase, and it will, we are going to need some solutions because we cannot have a significant negative impact on people who live along the railway line.

IMPORTED GRAPES

Grievance

MS R. SAFFIOTI (West Swan) [9.42 am]: My grievance is to the Minister for Agriculture and Food and relates specifically to an issue that I raised with him last year about allowing the importation of foreign grapes to Western Australia.

I will quickly outline the importance of the Swan Valley to both the business sector and the agricultural economy in WA. In a submission to the review of the Swan Valley Planning Act, the Swan Valley and Regional Winemakers Association estimated that there are currently 40 wineries in the valley crushing 3 300 tonnes of locally grown wine grapes and almost 6 000 tonnes of grapes grown outside the Swan Valley. The annual value of Swan Valley–grown grapes is estimated to be $3.3 million with wine production valued at $32 million, and the total value of income for Swan Valley wineries at $92 million. It is also estimated that table grapes and other horticultural products contribute a further $20 million to the Swan Valley's economy. The total value of grapes, wine and visitor services generated in the Swan Valley is in the order of $187 million. I think everyone agrees that the Swan Valley plays an important role. Located in the metropolitan area and very close to the central business district, it plays an enormous role in both the agricultural and tourism industries of Western Australia.

Last year, the threat of foreign grapes entering the valley was raised with me and I wrote to the minister on 6 October 2011 to ask for the government's view on the importation of grapes into Western Australia. The minister wrote back in October stating —

> … Western Australian legislation prohibits the entry of grape fruit, seed and plant material from all sources. I assure you that grapes entering WA from any source in breach of the legislation would be seized and action taken if necessary.

The letter continues —

> The existing prohibition on the entry of fresh … grapes has been in place for many years and pre-dates … current international and national agreements, …

It then states that a draft "pest risk analysis" will be prepared by the Department of Agriculture and Food and will be made available for consultation and comment, and the minister then writes —

> I encourage the Western Australian grape industries to take the opportunity to closely consider the draft pest risk analysis and provide submissions to DAFWA for consideration.

There is a lot of uncertainty in the valley around a number of issues and one is the importation of grapes. Today, I want the minister to update the house about government policy on the importation of grapes to Western Australia; and I am asking the minister today to rule out the importation of grapes into the Swan Valley. I repeat: I am asking the Minister for Agriculture and Food to rule out the importation of grapes.

I want to talk about the future of the Swan Valley—an issue that I have raised with the Minister for Planning. However, I believe that it is very important that the Minister for Agriculture and Food has a view and actively presents agriculture's views on the Swan Valley. We hear a lot about the Ord being the food bowl of the nation, which we all know is not turning out as planned. Nearly $300 million of taxpayer funding is going to that project. Yet on the doorstep of the CBD in the metropolitan area we have the Swan Valley—a very productive, fertile and valuable agricultural resource to Western Australia and, in particular, to the metropolitan area. As families become more conscious of placing fresh food on their table, places like the valley will, in the future, play a vital role in feeding Western Australian families.

I have been surprised by the lack of action taken by this minister. Out of interest, I did a search of *Hansard* to determine how many times the Minister for Agriculture and Food has mentioned the words "Swan Valley" in this chamber since he became a minister. The result is none. None! The Minister for Agriculture and Food has failed to talk about or be involved in Swan Valley issues since becoming a minister.

I am also particularly interested in looking at the Swan Valley planning review. As we know, the government has embarked on a bizarre review of the Swan Valley Planning Act, and no-one knows where that review is going. However, the Minister for Planning has embarked on a review. A key objective of the Swan Valley Planning Act is to retain and preserve viticulture in the valley. In March this year the member for Perth asked the Minister for Planning who was being consulted about the review of the Swan Valley Planning Act and the minister named the Swan Valley Planning Committee, the City of Swan, the Western Australian Planning Commission and the Department of Planning. The Department of Agriculture and Food and the Minister for Agriculture and Food are providing no input to or have no views on the future of the valley. Given the Swan Valley is essentially about viticulture, I would expect that the Minister for Agriculture and Food would contribute to the government vision for the Swan Valley in the decades to come.

I have been very disappointed at what appears to be absolutely no involvement in and no vision for the Swan Valley by the Minister for Agriculture and Food. It is a very, very important component of the agricultural industry in WA. The planning and water access issues are enormous and I have never heard the Minister for Agriculture and Food address these issues in any way. If the minister wants to stand and talk about market economics and grapes, I ask why we are subsidising one part of WA by $300 million but cannot look at —

Mr D.T. Redman: Subsidising? Subsidising the Ord—is that what you call building infrastructure?

Ms R. SAFFIOTI: Yes; I do. Is it full cost recovery?

Mr D.T. Redman: It is building infrastructure.

Ms R. SAFFIOTI: Is it full cost recovery? Are you going to —

Mr D.T. Redman: It is building infrastructure.

The SPEAKER: Order, thank you, members!

MR D.T. REDMAN (Blackwood–Stirling — Minister for Agriculture and Food) [9.51 am]: I thank the member for West Swan for her grievance this morning. She raised a number of issues well outside of where I thought her initial grievance was going. We may have some time to address those. I want to highlight the fact that the good member for Swan Hills also raised this matter with me in October last year. A number of people have raised this issue with me.

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro, you were in here before. I formally call you to order for the second time today.

Mr D.T. REDMAN: The member for Swan Hills, quite rightly, made a fierce representation on behalf of his community. I absolutely agree with the premise of the points the member for West Swan made about the value of the wine industry in Western Australia. There are a number of wine regions in WA; the Swan Valley wine region was the first, and its history speaks for itself. It makes a significant contribution to the economy. The other point the member made related to the value-add that wine has for tourism and other things such as gourmet

food and so on that attract people to that region; it is certainly a huge asset to the state. I do not sell short in any way the role that the Swan Valley plays in its contribution to the economy of the state. In recent times we have been reasonably successful in increasing exports to other countries. Because of our geographic position in Western Australia, the wine sector has a huge opportunity to export, particularly into the Asian markets.

We currently have in place the Plant Diseases Act 1914. This legislation effectively prohibits entry into the state of grapefruit, seed and plant material from all sources. We are very lucky in WA to be free of a range of diseases. I want to keep it that way. If we are going to put a dollar into biosecurity, the areas where we will get best bang for our buck is in ensuring that we do not get those bugs that we presently do not have. One of those bugs, *Phomopsis viticola*, relates to the grape industry. It is a fungus that stunts the growth of vines and causes grapes to rot. It also leads to lower quality fruit and reduces yields. The federal Department of Agriculture, Fisheries and Forestry has a different position from us. It believes that the importation of grapes does not pose a risk to WA. The Department of Agriculture and Food in Western Australia does not agree with that. It believes that the importation of grapes does pose a biosecurity risk. I am sure that the member will highlight the fact that the ultimate authority in determining what can happen in Western Australia is the federal government through the department —

Ms R. Saffioti: Is it state legislation?

Mr D.T. REDMAN: Can the member please let me answer? The legislative position that we hold is based on science and on demonstrating that we are free of these diseases. Therefore, we can run a sound biosecurity argument that says that because we are free of these diseases, we do not want to import these products. If we do, we need to put in place a range of mitigation processes. For example, some vineyards bring in root stock and so on from other states. That needs to go through a quarantine process. That product can come into the state but it has to go through a very rigorous process to ensure that diseases do not come here with it.

The conclusion that the Department of Agriculture and Food has come to is based on sound science and a study in 2005. We reviewed that in 2011. We will be taking up that position; in fact, that position has been released to the federal authorities. Their assessment, which they have undertaken to do now, of the risk analysis of importing something into Western Australia has been triggered by a local importer in Western Australia wanting to challenge it. He does not believe that we should be restricting what comes into Western Australia. Perhaps he wants to get a cheaper source of grapes to sell to our domestic market. He will challenge that assessment. The federal government, through the Department of Agriculture, Fisheries and Forestry, will be doing that risk analysis.

Ms R. Saffioti: Is that the report that you've given to the federal government publicly available?

Mr D.T. REDMAN: I can look at that. If there are no issues with releasing it, I am happy to make it available to the member. I need to get formal advice on that. I do not have an issue with that. Our position as a state government is consistent with the view of the opposition; we want to use good, sound science to restrict any potential disease that may come into the state. The member for West Swan has raised a valid argument, but it does need to stack up against science. If we do not use science as a sound argument, we can be challenged by the World Trade Organization on the position of importation into Australia and ultimately into Western Australia. It needs to stack up. We are putting resources into a submission to make our case to that analysis. When that is worked through and the report is produced and made public, we will no doubt see the submissions from producers and all those people who have an interest in this, the stakeholders, who have made their views known. I would like to think that the member for West Swan would take up the issue with the federal government. Has she done that?

Ms R. Saffioti: You basically told me that they were —

Mr D.T. REDMAN: The member has not done that.

Ms R. Saffioti: Sorry, minister; you wrote back in October saying that the state government was doing the review. That's all you told me. So before being smart —

Mr D.T. REDMAN: The state government reviewed its position that it assessed back in 2005.

Ms R. Saffioti: You were still doing a review, and you never made it public.

The SPEAKER: Member for West Swan, you have made a grievance. I think the minister has acknowledged a lot of what you said in the grievance. If you interject and expect a response from the minister, and you are able to do that, I would ask you to hear the minister's answer before you interject again, and not to continually interject.

Mr D.T. REDMAN: The original assessment was done by DAFWA in 2005. It came to the conclusion that it did not support the biosecurity issues within the risk analysis as they pertain to importation of such material into Western Australia. We did a review of that analysis in 2011 and we came to the same conclusion. That is being made available to Biosecurity Australia, which comes under the federal government —

Ms R. Saffioti: You said it would be made available for consultation and comment. Did I ever see it?

Mr D.T. REDMAN: No; I was talking about the federal government doing its risk analysis —

Ms R. Saffioti: No, no. I am reading your letter.

Mr D.T. REDMAN: Please, member. I have 30 seconds left in which to respond.

The SPEAKER: Member for West Swan, you have made a grievance. You expect an answer. You are not going to get any answers if you continue to interject. This is the second time I have stood and told you this, member.

Mr D.T. REDMAN: I have only a short time left in which to finish. The point is that the federal government will be doing a formal risk analysis. We are making a submission to that. I understand that that will be made available publicly before the end of the year. Everyone will have a chance to comment on that. I support maintaining strong biosecurity at our borders in Western Australia to stop diseases that are not here. We will be doing whatever we can to support a scientific outcome and come to a good scientific conclusion to protect our crops in Western Australia.

SOUTH PERTH FORESHORE — RIVER WALLS

Grievance

MR J.E. McGRATH (South Perth — Parliamentary Secretary) [9.58 am]: I rise to make a grievance to the Minister for Environment. The minister is aware of what I am going to talk about. I would like to thank him for coming to my electorate on Monday morning and looking at the area of concern that I had raised with him. The City of South Perth has grave concerns about the unsatisfactory condition of the South Perth foreshore river walls and the council's inability to attract funding to enable it to undertake urgent restoration work on that essential infrastructure. As the minister will vouch, on Monday morning we saw some serious deterioration of the river walls. I have some photos here, which I will ask to lay on the table later for members to look at. These river walls were probably constructed 50-odd years ago when the Public Works Department was responsible for such projects. We no longer have a department of works, so the restoration and maintenance of the river walls come under the Swan River Trust through the Department of Environment and Conservation. We all understand that the Swan River Trust has limited resources and that it has to fund a lot of other areas in and around the Swan and Canning Rivers. The area around the Mends Street jetty is used by hundreds of thousands of Western Australians every year. The Mends Street ferry is one of the most popular forms of transport in the inner city. I am told by the Public Transport Authority that it is the one form of transport that covers its costs. Each year some 600 000 people go to Perth Zoo, many of whom would travel by ferry. A lot of people are now walking or running around the bridges and using the Sir James Mitchell Park for recreation. The Million Paws Walk will be held at the park this Sunday. Many people visit this part of Perth. The area comes under the authority of the City of South Perth, but it is used by many Western Australians. Although the City of South Perth is prepared to make a contribution towards the maintenance of these river walls, the council should be given some support by the state government because the Swan River is the great icon of Western Australia. We see swans on the stained-glass windows in this chamber. The government has a responsibility to look at these things. Historically, not only this government, but also previous governments have not spent enough money on the Swan River, and this particular area has been neglected over many years.

The Minister for Environment will obviously talk about what he thought of the condition of the area of which we speak when we saw it. Some quite serious damage has been done to the river walls from the Mends Street jetty heading towards Burswood for a couple of hundred metres. The minister is an engineer and can probably explain it better than me, but erosion occurs when there are high tides or rough weather and water goes over the top of the wall and is then sucked back through. There is no doubt that the river wall has sunk considerably and is not as high as it used to be. We talk about climate change and the rising sea and river levels. I think we will face this type of problem in the future in a lot of other parts of the Swan River, but it is particularly the case in this part of the river.

I understand that some work has been done on the river walls in my electorate along the Kwinana Freeway. That problem was raised a couple of years ago because during bad winters, the prevailing winds would wash water from the river over the wall and onto the Kwinana Freeway. The Kwinana Freeway is the main access route for motor vehicles from the southern suburbs into the city, and it was therefore a dangerous situation. The Department of Environment and Conservation and the City of South Perth invested quite a bit of money fixing those river walls and are to be commended for that.

The City of South Perth is concerned because it does not have the money to spend on fixing the retaining walls. It has been given a quote of $6 000 per metre for an area of 330 metres. My math was never that good at school, but I calculate that it would cost about $2 million to fix this problem. That is a big amount but it is not an insurmountable amount. I would have thought we could do something to fix the walls for the next 50 years. The council also hopes to get some federal funding. I think that the federal government should provide some funding through one of it programs because of the iconic nature of the Swan River. The federal member for Swan, Steve Irons, visited the site last January. The City of South Perth has asked the member for Swan whether he can seek

federal funding from Canberra. As the city points out, this is an area of great cultural, historical, economic and recreational significance, and this amenity is in desperate need of improvement for the benefit of the Western Australian community.

In closing, in the not-too-distant future, Perth will have a new waterfront development. Across the other side of that great development is the City of South Perth. It would be a great shame if, while doing that waterfront development in Perth, we did not also consider making sure that the entrance to the City of South Perth on the other side of the river was in just as good condition.

MR W.R. MARMION (Nedlands — Minister for Environment) [10.05 am]: I thank the member for South Perth for raising his grievance with me and giving me some time to gather some notes on it, and also for meeting me on-site with the Mayor and chief executive officer of the City of South Perth. We visited two areas that are of concern to the City of South Perth. One is an area around Mends Street jetty and the other is near the Narrows Bridge. Today the member for South Perth has focussed on the Mends Street jetty area in particular. As he pointed out, being an engineer, not only do I have some knowledge about river walls, but also I lived on an estuary in Bunbury that had a river wall that was not in as good condition as the river walls in Perth that were constructed by the then Public Works Department some 50 years ago. The walls along the Swan River are not too bad. The types of river walls built along the Swan River are gravity retaining walls. As the member for South Perth said, when water rushes over the top of them or the wash of boats hits the wall, over time, the foundations move and the wall gradually sinks into the river. The particular area near the Mends Street jetty that we visited certainly shows grave signs of erosion at certain points. From an aesthetic point of view, it certainly would be a high priority for repair.

As I pointed out to the member when I was on site, the Swan River Trust is responsible for the foreshore along the Swan Canning Riverpark and has a responsibility to make sure that it is in reasonably good shape. As the member also mentioned, it is very expensive to repair retaining walls. The member said that it would cost $6 000 per metre. There are about 30 kilometres of walls along the Swan River, so members can work out how much it would cost to replace. The Swan River Trust provides an arrangement whereby it will fund walls on a 50–50 basis with local authorities. There are 21 local authorities that front the Swan and Canning Rivers. Over time, many of the walls have gradually been fixed, but there is not an endless supply of funds and so areas have to be prioritised. Since 2007, the Swan River Trust has worked with foreshore land managers to implement projects worth about $5.67 million in high-priority sites. One of those projects that the member for South Perth mentioned was in his electorate to repair the wall along the Kwinana Freeway. Another area where work was done in the member for Perth's electorate was along Mounts Bay Road near the old Swan Brewery. Those two areas are key to retaining valuable road infrastructure for the state.

The Swan River Trust has developed a foreshore assessment and management strategy that identifies the condition of the riverpark along the Swan and Canning River foreshores. A system is in place to assess areas of high priority and councils such as the City of South Perth can apply for joint funding with the Swan River Trust. The member mentioned that the City of South Perth is also seeking commonwealth funding in this case. The Swan River Trust can fund those types of arrangements, too. There is a high demand for funding from other councils as well. I recognise that the Mends Street area is an entry statement to South Perth and that it will be opposite the new foreshore development. In addition, a lot of commuters use the ferry. The Zoo attracts 600 000 visitors, most of whom, the member for South Perth suggests, travel by ferry. There is not a bad car park across the road from the Zoo that seems to be full on most weekends when I drive past it. Nevertheless, the Mends Street area of the South Perth foreshore, I agree, is the entry statement to South Perth. It will face the new foreshore and it is important that it has very good aesthetic appeal.

Another thing, which I mentioned when I was on-site with the member for South Perth, is that we are looking for areas in the Swan Canning Riverpark that perhaps do not need retaining walls. We can turn areas where historically there may have been retaining walls but which do not need retaining walls into beaches because that will provide greater amenity for people who go to the Riverpark and have a picnic on the bank with their kids. Basically, walls along the river are a barrier to kids having fun by going into the water; therefore, part of our plan moving forward is to look at those areas. We need retaining walls, obviously, in some areas, such as Mends Street jetty where ferries come in and there is wash from the boats. I agree that area requires retention of the river wall, but in some other areas, particularly Bicton and Point Walter, we are looking at perhaps not putting in retaining walls and restoring some of the beach.

The state government has committed more than $942 000 to the City of South Perth for river walls over the past few years, including $510 000 for the Sir James Mitchell Park beaches project, which has been a great success. I have raised with my officers the importance of the member's grievance about Mends Street jetty, and we will have a —

Mr B.S. Wyatt: There's got to be an announcement for the member for South Perth!

Mr W.R. MARMION: We will have a very, very close look at it, member!

Several members interjected.

The ACTING SPEAKER (Mr J.M. Francis): Thank you, members on my left!

Mr W.R. MARMION: Certainly, it is something we will put a high priority on.

Tabling of Paper

Mr J.E. McGRATH: During my grievance, I mentioned that I would seek approval to lay the photographs on the table for the remainder of the day.

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

LEARN FOUNDATION FOR AUTISM CENTRE — CLOSURE

Standing Orders Suspension — Motion

MR M. McGOWAN (Rockingham — Leader of the Opposition) [10.12 am] — without notice: I move —

> That so much of standing orders be suspended so far as to allow the following motion to be moved forthwith —
>
> > That this house —
> >
> > (a) condemns the Barnett government for its failure to fund the LEARN Foundation for Autism centre in Fremantle;
> >
> > (b) condemns the Premier for misleading the house in relation to the government's knowledge and awareness of the funding request; and
> >
> > (c) calls on the Barnett government to today provide the necessary funding for the centre to continue to operate.

As members would know, the suspension of standing orders is an extraordinary step to take, but we are keen to take up an important issue on behalf of families in Western Australia, in particular needy families, many of whom are in the gallery in Parliament today, who would like to see some action by the government. We are taking this issue up on behalf of these families and we feel that it deserves proper consideration in an appropriate debate in this house. I am advised by the manager of opposition business that each side will be able to spend half an hour debating this issue; in other words, matter of public interest rules will apply. If I get an assurance of that nature from across the chamber, I will sit and allow the debate to begin.

Mr R.F. Johnson: Yes.

Mr M. McGOWAN: The Leader of the House is giving that assurance, so I will sit and allow him to move an amendment to the motion.

Standing Orders Suspension — Amendment to Motion

MR R.F. JOHNSON (Hillarys — Leader of the House) [10.14 am]: The government has agreed to the motion to suspend standing orders but I need to amend the motion. I move —

> To insert after "forthwith" —
>
> > , and that the debate be conducted according to the time limits that apply for a matter of public interest

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

Question put and passed with an absolute majority.

Motion

MR M. McGOWAN (Rockingham — Leader of the Opposition) [10.15 am]: I thank the government for allowing appropriate time to debate this matter. I move —

> That this house —
>
> (a) condemns the Barnett government for its failure to fund the LEARN Foundation for Autism centre in Fremantle;
>
> (b) condemns the Premier for misleading the house in relation to the government's knowledge and awareness of the funding request; and
>
> (c) calls on the Barnett government to today provide the necessary funding for the centre to continue to operate.

Today we are going to plead the case on behalf of a large number of Western Australian families whose children have autism. Many of these families are present in the gallery with their children. We have seen imagery on the television and in the newspaper of what confronts these families on a daily basis and the fact that they are very keen for a service that provides appropriate care, attention and therapy for their children to be able to continue.

Autism is Australia's fastest growing disability. It particularly impacts young boys, but of course girls can also be susceptible to this disability. It is a developmental disorder that impacts on young people's communication skills, social interaction and capacity to learn. It is apparent from all the research that to manage this disability and give these young people an opportunity to lead fulfilling productive lives, intervention is needed at an early age. There needs to be intervention and assistance for these children at an early age. That is what all the evidence states. A scheme run by the LEARN Foundation for Autism in East Fremantle services the needs of 35 families. It provides for this early intervention and puts in place an intervention model—a therapy known as acquired behaviour analysis. It has to be recalled that these children have been engaged in this acquired behaviour analysis for some time and that children with autism, in order to grow, learn and develop, do not like change. They do not like change; therefore, if they can continue in an environment not only with therapies that they are used but also surrounded by people and other children they know, their performance, growth and development will be enhanced. That is what this centre does for these children.

The parents involved fund this centre. I heard some of them on the radio this morning. They are not highly paid people, but people who care for their children and who want to see the best for their children. Therefore, they fund this centre from their own pockets to the tune of tens of thousands of dollars. People come to this state from elsewhere so that their children can attend the centre and hopefully develop and grow into productive and fulfilling lives as they get older. These parents spend their own money; they fund this centre and it provides these services for these children. Of course, they are terribly upset that this centre may close, which is where the government comes in, because they would like some assistance for their centre in the same way that other autism centres have assistance from state government funding. They would love to see a little help from the government. They want to know: Why does the Premier make it so hard for them? Why is the government so caught in bureaucracy and red tape that it will not assist these families and these children? Why is everything so hard for these people? This organisation does not employ expensive accountants, consultants, lobbyists and corporate affairs advisers; it is a little organisation providing intensive therapy for children. The government should be able to intervene and help it ensure that it can receive state government funding. This organisation does not have the resources of other organisations in order to do that, so why does the government not roll up its sleeves and help this group? That is all we are asking the government to do here today.

I will go over the history of this matter because it is quiet enlightening. In September 2010, the former chair of the LEARN Foundation for Autism, Dr Andrew Mason, got in contact with the Premier's office. I think he is a constituent of the Premier. He ended up getting an appointment with the Premier in his office in Cottesloe in October 2010. He met with the Premier and put the case to him personally. He wrote an email of what transpired at that meeting; I will read it to the house —

> I believe I spoke with him for about 45 minutes as I went … over the time I had been allotted. I described ABA, —

Applied behaviour analysis —

> the costs involved, evidence backing, the results and the lack of evidence based practice by the autism association. I stressed emphatically the difficult financial position LEARN was in and our need for emergency funding. He —

The Premier —

> was very sympathetic but urged me to go through the channels with DSC. Problem was that DSC was not planning on opening tenders … for about 2 years …

He basically hit a brick wall with the commission, just as has happened recently. Dr Mason had an appointment with the Premier and he was urged to go off to the Disability Services Commission; he was given the bureaucratic run-around.

What happened then? In 2011 there was a discussion between Mandy Mason, who runs the centre, and the Disability Services Commission about the pre-qualification process. No dates were given to indicate when it would open. On 29 September 2011 —

Mr C.J. Barnett: Who met me in my electorate?

Mr M. McGOWAN: The Premier should have listened—Dr Andrew Mason.

Mr C.J. Barnett: Andrew Mason, and the organisation is run by Mandy Mason.

Mr M. McGOWAN: That is right. He is the chair of the board.

On 29 September 2011, Mandy Mason wrote to Helen Morton's office to ask how the LEARN Foundation could apply for funding ahead of the pre-qualification process and whether she could have a meeting. That meeting never took place until a further three requests were made by Mandy Mason to Minister Morton's office. The meeting was organised only after the *Subiaco Post* called Minister Morton's office. Mandy got to have a meeting with Minister Morton after the press became involved in the issue. She received a letter from the Disability Services Commission consequent to her meeting with Minister Morton. I will quote from the letter, which is dated 17 April 2012 —

> It is likely that the Disability Services Commission will conduct another prequalification process during the 2012/13 financial year. The precise timing of this process will be dependent upon the Commission's assessment of the need for additional service provider capacity.

In other words, wait. In other words, LEARN has a significant wait ahead of it before it is able to access any of the state government funding that these organisations are ordinarily able to access. This is another example of a bureaucratic run-around by the government. The Premier prides himself on being "Can-do Colin". I think he is "Can't-do Colin". These parents and children are in need. When they go to see the Premier, they are fobbed off in a bureaucratic way. When they go to see the minister, they are fobbed off in a bureaucratic way. What happens then? They are told that at some point in time LEARN may be able to apply for funding. In the meantime, the foundation is closing and all these children will be sent elsewhere.

This morning we heard Minister Morton discussing these issues on the radio. According to my notes, she said this in relation to Mandy Mason, who runs the LEARN foundation —

> Mandy Mason has a simplistic view that she can come into my office and then walk away with a cheque.

How insulting! Is that the way the minister treats members of the community on radio for the entire state to hear? Is that how the minister abuses ordinary members of the community who are trying to help autistic children? The letter from the Disability Services Commission shows us that Mandy Mason cannot get the money because she cannot apply because the pre-qualification process is not on offer. The Premier's minister gets on the radio, abuses a worthwhile contributing member of the community for wanting to walk away with a cheque, but we learn from the correspondence sent by the department that she cannot apply for the funding that she has been abused for not applying for. How shameful of the Premier and his minister. The Premier is "Can't-do" Colin. He will not help these people. He ought to roll up his sleeves, fix this problem and help this organisation.

According to my notes, later in the interview—again, I wrote it down because I was so shocked she was saying it—Minister Morton said about the issue of whether this organisation gets funding, "I am not sure whether the issues are real or not." Who would be sure? She is only the minister! Then we get to the Premier. I have quite deliberately incorporated into the motion some criticism of the Premier for misleading the house about the government's knowledge and awareness of the funding request. Yesterday, the Premier said in the house —

> To this day, despite repeated efforts by the Disability Services Commission, the LEARN Foundation has not gone through a pre-qualification process. In fact, it has refused to do so and to this day has not applied for or received state government funding for that reason alone.
>
> ... despite several approaches by the Disability Services Commission, it has refused to do this and to this day it has not applied for government funding. I do not know why—I cannot answer that—but that is the truth.

Mr C.J. Barnett: That is the truth.

Mr M. McGOWAN: I have a letter here in which LEARN has been told that it cannot apply until some point in the future. The Premier was very misleading in his answer. What is more, the Premier met with this organisation in 2010. He spent 45 minutes with the person who —

Mr C.J. Barnett interjected.

Mr M. McGOWAN: Did the Premier say he has not?

Dr K.D. Hames: No, he didn't.

Mr M. McGOWAN: The Premier spent 45 minutes with Dr Andrew Mason, who used to run this organisation. Did the Premier reveal that in the house? The issue was of some moment before we had question time. Did the Premier reveal that he met with this organisation and heard its concerns? The Premier does not even reveal that he knows about the case and the circumstances that this organisation has been in for a considerable time. The Premier comes into the house and basically fobs off this organisation, the minister abuses the people who run this organisation and then the Premier does not reveal all the facts within his personal knowledge and that this organisation is not even able to apply through the process through which it is required to, yet he says that it has not applied.

I will tell the members of the public gallery one thing the Premier can do; since this matter has been going on, he has approved, he has planned and he has commenced construction of his own new office complex.

Several members interjected.

The ACTING SPEAKER: Member for Riverton! Members, there is a very nice and very, very welcome sound coming from the public gallery today, but I ask members nicely to keep that in mind and keep their interjections to a minimum. I do not need to hear that kind of roar across the chamber.

Mr M. McGOWAN: Thank you, Mr Acting Speaker; I appreciate your advice.

There are some things the Premier treats as priority and some things he does not. His office complex is his number one priority. It will be the one project started, commenced and completed on his watch—his own office complex. Everyone else can wait. Those families in the public gallery have to get the bureaucratic run-around; they get fobbed off, misled, lied to, abused —

Withdrawal of Remark

Mr C.J. BARNETT: The Leader of the Opposition made an accusation that they were lied to. I assume he meant that I or the minister had lied to them. I would ask him to withdraw that.

Mrs M.H. ROBERTS: The Premier interjected across the chamber that the Leader of the Opposition is shallow and dishonest. I request that he withdraw that.

The ACTING SPEAKER (Mr J.M. Francis): There is a precedent for what can and cannot be said in this chamber. My understanding of that is that a member cannot reflect that another member lied. Leader of the Opposition, if you did, I ask you to withdraw. If you did not, I ask you to carry on.

Debate Resumed

Mr M. McGOWAN: These people have been lied to. I did not allege by whom, but I said that they had been lied to, and that is true. The Premier has come into this place and not revealed the full extent of what he knows. The time has come. He needs to intervene and sort this out. We raised the issue of PCYCs around Western Australia; we forced an outcome there. We have now raised this issue, and on behalf of those families in the gallery today, we ask that the Premier intervene once again and resolve this issue on behalf of those families.

DR A.D. BUTI (Armadale) [10.31 am]: I rise to support this motion before the house. There are really two main issues we are looking at today. One is the Premier misleading Parliament yesterday and the second issue, the more important issue, is why this government treats people with disabilities and their families with such contempt and insensitivity. The Premier's response to the Leader of the Opposition, in his usual little chitchat voice that we can just hear, was disgraceful. I will go on to why that was disgraceful. As the Leader of the Opposition mentioned yesterday in answer to a question about this issue, the Premier stated that the LEARN Foundation for Autism had not applied; it had not engaged in a pre-qualification process to be funded. Premier, when someone misleads, they mislead by either stating something or omitting something. In his answer to a question yesterday, the Premier stated —

> Each and every one of those organisations is required to go through a proper process of qualification—if you like, accreditation effectively—through a due diligence process. The LEARN Foundation has been advised since 2010 that that is what is required. To this day, despite repeated efforts by the Disability Services Commission, the LEARN Foundation has not gone through a pre-qualification process.

When the Leader of the Opposition said something about that to the Premier not so long ago, the Premier said under his breath, but loud enough for someone to hear, "No; they haven't; they haven't applied." How could the organisation apply when the pre-qualification process has not commenced? It was told in 2010 that the new process had not commenced as well as in a letter that it was maybe sent in July this year, but we are not sure. For the Premier to be so pedantic and insensitive to people who need help—the most vulnerable part of this society—is an absolute disgrace. In the two years that I have been in this place, I have never seen the Premier display such insensitivity. He can weasel his way out by saying that it has not applied, but how can an organisation apply when the pre-qualification process has not been opened? The Premier then misled Parliament by omitting to say that he had actually met with the organisation; he had met with Dr Mason.

Mr C.J. Barnett: I never denied meeting with my constituents.

Dr A.D. BUTI: But he omitted it —

Mr C.J. Barnett interjected.

Dr A.D. BUTI: As the Premier would very well know—he has been here long enough—a person can mislead by omitting something and the Premier omitted to say that he had met Dr Mason. Then when the Leader of the Opposition mentioned it today, the Premier showed insensitivity by asking, "Is he in my electorate?" If someone

came to me in my electorate about an issue of such importance, I would not worry about the geographical boundaries; I would deal with the issue, especially if I was Premier. What an absolute disgrace the Premier is on this matter. This is reflective of the intolerance that the Premier has for anyone who does not agree with him. The Premier just does not get it when it comes to people with disabilities; he just does not know how hard it is. He just does not know how hard —

Mr C.J. Barnett: How would you know?

Dr A.D. BUTI: How would I know?

Mr C.J. Barnett: How would you know that I don't know?

Dr A.D. BUTI: I will tell you how I know. I have an 18-year-old daughter with a disability. She has cri du chat —

Mr C.J. Barnett: You are not the only member of this house who has a child with a disability.

Dr A.D. BUTI: I did not say that, did I? You asked me a question.

Dr K.D. Hames: He didn't ask how you knew; he asked how you know he didn't.

The ACTING SPEAKER (**Mr J.M. Francis**): Members, I do not want to repeat my comments.

Dr A.D. BUTI: The Premier asked me how I would know.

Dr K.D. Hames: How do you know that he doesn't know? That is what he asked you.

Dr A.D. BUTI: The Premier asked me a question: How would I know? And the answer is I know because I have a personal experience of it.

Several members interjected.

Dr A.D. BUTI: I did not ask that question. I said that the Premier is insensitive to this issue with his actions over this. An organisation that has been doing unbelievable work came to him. As I hope the Minister for Health would know, early intervention is the key when it comes to disabilities. Early intervention is what is critical. LEARN is an organisation with runs on the board. The Premier himself even admitted, I think yesterday, that this organisation, by all accounts, is providing a good service. What can it do? It cannot actually apply for funding because the pre-qualification period has not opened. What option does it have? The only option available is to close. But the government had an option; the government could have provided some bridging funding. The government could have provided funding to allow this organisation to remain operating until it could have applied in the pre-qualification period. But no, the inability to show sympathy and empathy to this organisation was absolutely disgraceful. Yesterday in his answer to the supplementary question from the Leader of the Opposition about what he would be doing, the Premier said, "Oh well, we'll try to find alternative services for them." As was pointed out by the Leader of the Opposition, people with disabilities, children with disabilities, do not necessarily adapt well to change. They need to follow the same routine day in, day out. They need to be able to trust the people providing the services. Therefore, just to say that alternative facilities will be provided—I would like to know what those alternative facilities are for a start—is not the answer. All the government needed to do was provide bridging funding until this organisation could apply in the pre-qualification period. It is absurd to say the organisation has not engaged in the process of funding, when it is not possible to apply to the process of funding because the pre-qualification period has not commenced. The Premier omitted to say that yesterday; that is misleading this house.

What did we have this morning? As the Leader of the Opposition mentioned this morning, Hon Helen Morton, the Minister for Disability Services, was on radio. How insulting could she be? What the Premier has to understand is that parents of people with disabilities are exhausted. They are exhausted because they have to engage in going from one bureaucrat to another. They have to engage in going from one politician to another. Hopefully when they do go to a politician, he does not ask them, "Do you live in my electorate?". Hopefully, he deals with the matter. Whether they lived in East Fremantle or Cottesloe would be irrelevant, especially for the Premier. The point is that families with people who have disabilities have an incredible economic impost on their services. The time factor in trying to raise a child with a disability is phenomenal and we have a heartless, insensitive Premier and Minister for Disability Services confronting them as they try to survive, and as they try to keep open an organisation such as LEARN that has the runs on the board. All they needed to do was to provide funding until the organisation could put in an application. But no, they would not do that. And this morning Hon Helen Morton basically said that Mandy Mason thought she could just come in and get some funding. If she had read the correspondence from Mandy Mason through which she has been trying to engage with the bureaucrats and the politicians, Hon Helen Morton would not have made that statement. What an insult. Mandy Mason and the other parents are beside themselves about having to close the LEARN Foundation. And what did she receive from Hon Helen Morton this morning by way of 720 ABC radio? A comment that Mandy Mason thought she could just come in and get a cheque from her. I am led to believe that the minister then said

words to the effect that Mandy Mason thought she could walk into her office and walk away with a cheque. It is just absurd.

Besides the Premier misleading the house yesterday and being heartless about this matter, he also needs to sack his minister. His minister has been proven to be incompetent. She is not on top of her brief. She is insensitive, she has no understanding of the issue and she has no understanding of disability services. The Premier today has gone back to type. Whenever he is under pressure, he becomes more and more arrogant. He talks about us playing the man, but no-one plays the man more than the Premier; he is incredible. As soon as we seek to play the man, he then cries crocodile tears. I will tell the Premier one thing: the parents up in the public gallery and the other parents are not crying crocodile tears; they are just in despair. They are wondering when this government is going to listen to their concerns. It is just one organisation in the disability service industry that is concerned about this government. The Premier may say he has increased funding to NGOs in the last budget, but just increasing funding to NGOs is not the end of the story. He has to ensure that the proper services are being provided. The Premier can frown and he can look at his friend next door, the Minister for Education, but the fact is the people up in the gallery are not frowning; they are in absolute despair that this government, which is going to lord its great budget today, cannot find in its heart to provide some funding so this organisation, which has the runs on the board, can continue.

Dr M.D. Nahan interjected.

Dr A.D. BUTI: When we talk about being heartless, it is great that the member for Riverton intervenes. There is the poster boy for heartlessness.

The ACTING SPEAKER (Mr J.M. Francis): I am going to remind members of standing order 92. I have provided a fairly long bow in this debate. I appreciate members trying to refrain from interjecting too much, but standing order 92 reads —

> Imputations of improper motives and personal reflections on the Sovereign, the Governor, a judicial officer or members of the Assembly or the Council are disorderly other than by substantive motion.

I have twice read the motion moved by the Leader of the Opposition. I am going to remind members who will take part in this debate of that particular standing order. I am going to ask the member for Armadale to stick to the motion in front of him.

Dr A.D. BUTI: We condemn the Barnett government for its failure to fund the LEARN autism centre in East Fremantle. We want to hear today an apology from the Premier for misleading the Parliament and an apology to the families of the children in the public gallery and others who are involved with the centre. We want to know what he is going to do. The Premier can quite easily say today that he will provide funding or he will bring forward the pre-qualification process. The Premier stands condemned.

MR C.J. BARNETT (Cottesloe — Premier) [10.43 am]: I will address the issues raised, and I will also give some background to what this government is doing in the area of disability. I would find it difficult to understand or fully appreciate the stress that families and their children would have had yesterday when they turned up to LEARN centre, having paid fees, having confidence in the program that was being delivered, to find that the doors were basically shut in their face. That should never, ever have happened. I ask the question: why were parents not advised in advance, and why was the government and Disability Services Commission not advised in advance? I can think of very few things more distressful for a parent with a child with a severe disability who is in a program to turn up and find the door shut in their face.

It is a significant issue. I am disappointed but not surprised that the Labor Party members would simply try to use it once again to their political advantage, as they have done. For the Leader of the Opposition to get up and talk about the Premier's office and everything else—what else was that if it was not about political advantage? That is what he did. However, out of respect for the parents and care for the children, I will forget about that, and I will deal with the issue.

Several members interjected.

The ACTING SPEAKER: I really do not want to start calling people to order.

Mr C.J. BARNETT: Before I come to LEARN itself and the families and children affected, I am going to again place on the record very briefly what this government is doing in this area. I remind members it is budget day today. In last year's budget, this government allocated $604 million to provide a 15 per cent plus 10 per cent increase—a 25 per cent increase in funding for over 500 organisations covering over 1 000 contracts for support for not-for-profit organisations. Included in that were 115 organisations that have contracts with the Disability Services Commission. No other government in this state or this country's history has ever made such a significant one-off commitment to not-for-profit organisations, including 150 working in the disability area. That is a matter of fact. For members opposite to say that this government does not care or act on disability is a lie. That is the lie of this chamber.

I also want to remind members that only a few weeks ago, along with the Minister for Education, this government announced the first 10 new child and parent centres with child health nurses, with early examination and diagnosis and testing, for preschool children on school sites. It is 10 of probably what will eventually be around 40 child and parent centres. Again it is a demonstration of our financial commitment and our personal commitment and this government's commitment to caring.

Mr B.S. Wyatt interjected.

Mr C.J. BARNETT: The member for Victoria Park laughs for what may well prove to be the most significant policy on addressing early identification, diagnosis, intervention and help for children in some of the poorest and most disadvantaged communities in our state.

Several members interjected.

The ACTING SPEAKER: The Premier, to continue.

Mr C.J. BARNETT: Within the space of 12 months there has been an extraordinary commitment by this state government to those in need in our community. Later on today the Treasurer will present the budget and there will be further evidence of the compassion, caring and commitment of the Liberal–National government—something the Labor Party in government failed to do. The Labor Party was approached by the Western Australian Council of Social Service and ignored it. It failed to do what this government, the Liberal–National government, has actually done and will continue to do. That is a fact.

I now move on to the LEARN Foundation for Autism—the purpose of this debate.

Mr A.P. O'Gorman: You never learn!

Mr C.J. BARNETT: How witty. I have the greatest sympathy and concern, as does the Minister for Disability Services, for those parents and children who arrived for their program yesterday and found the doors locked.

Several members interjected.

The ACTING SPEAKER: Members!

Mr C.J. BARNETT: I am trying to address the issue. I think everyone in Western Australia is sympathetic to those parents and children. Parents have paid a large amount of money out of their own pockets for this program. They also receive government support; nevertheless, they have paid probably the bulk of this out of their own pockets. Now they find the program terminated, and I am sure the children are distressed.

Ms M.M. Quirk interjected.

Mr C.J. BARNETT: For goodness sake!

The ACTING SPEAKER: Member for Girrawheen, I am going to call you for the first time.

Mr C.J. BARNETT: Let me again say, as I did yesterday, the LEARN centre is operated by the LEARN Foundation for Autism Ltd. It is a not-for-profit company limited by guarantee. It is not a government agency; it is a private organisation that provides services on a private basis to children and families. That needs to be understood for a start. Again, as I said yesterday, the organisation does not receive and has not received government funding which would come normally through the Disability Services Commission on a contract for service. As I said yesterday, it has not applied. There may be some mitigating circumstances, but up to this point, it has not put in an application. It has been offered assistance at least twice to do so; it has been offered an alternative way through the system, effectively, but it has chosen to not pursue that. That has been that organisation's choice, despite some repeated efforts on behalf of the Minister for Disability Services and the government to assist it.

In early September 2010, LEARN was advised that pre-qualification was a necessary requirement for contracting with the commission—as it should be; we are talking about taxpayer funds, and every organisation that receives taxpayer funding, all 115 organisations that receive funding through the Disability Services Commission, accepts that. They accept opening their books, they accept an examination of their programs and they accept meeting the requirements to qualify for state government funding, which is massive funding in this state. This organisation, for whatever reason—it is its choice—chose to not go down that path. It was offered the opportunity to do so in 2010. Despite that, the minister's office and the commission informed LEARN in 2010 and 2011—we are going back two years and one year—on its need to engage in pre-qualification. Again, LEARN did not engage and take part in the process. I do not know why; maybe it does not like dealing with government, but it did not proceed with it.

Mr M. McGowan: How were they advised?

Mr C.J. BARNETT: The Leader of the Opposition has spoken, now I am speaking; I am going through it and I want to make my speech. We listened to the opposition.

I stress that the Disability Services Commission funds 115 organisations in little old Western Australia. All those organisations, across the full range of disability, including several involved with autism, have met and engaged in the process to qualify for government funding. LEARN was offered that opportunity at least twice, and chose to not do it. The Disability Services Commission has consistently dealt with LEARN since 2010. The commission has repeatedly provided advice and guidance on how to engage with government and how to seek pre-qualification. On the advice I have, that has been repeatedly on offer and maintained, and LEARN has not taken it up. I do not know why; members will need to ask LEARN. Maybe the parents need to ask LEARN why it did not take up the opportunity to be in the system. Why does the government have that process? It is a process of due diligence that looks at the quality of services, safety and financial matters. LEARN has never followed up on this advice; nor has it ever formally applied for funding. I will come back to that.

Mr J.N. Hyde: Did you make Woodside apply for free police in Broome? No.

The ACTING SPEAKER (Mr J.M. Francis): Member for Perth, I call you to order for the first time today.

Mr C.J. BARNETT: Four weeks ago, LEARN met with me in my electorate office; there is no secret about that. Why would I be secretive about that?

Mrs M.H. Roberts: You tell us.

Mr C.J. BARNETT: I certainly did not conceal it. I am proud to meet with people in my constituency.

Representatives from LEARN met four weeks ago with the Minister for Disability Services and the Director General of the Disability Services Commission, and were given the same advice about needing to go through a quality assessment, and so it goes on. The minister also met with Andrew Mason, the chair, and Mandy Mason, who runs the program. I will add to that that on two separate occasions, LEARN has been invited to discuss and engage, on a personal one-on-one basis, the process for pre-qualification outside of the normal process. Members opposite have been going on about LEARN being locked out of the system; no. On two occasions it was invited to come in on a one-on-one basis with the Disability Services Commission outside the normal pre-qualification basis to give it extra assistance and extra encouragement to actually be part of the system. It has been given, if you like, almost a privileged position in terms of getting into the pre-qualification so that those parents and children could be assisted.

The most recent meeting was followed up with a reply from the Director General of the Disability Services Commission. I want to read from one paragraph of what he wrote in that reply, following a meeting with the minister and the Disability Services Commission. Dr Ron Chalmers, Director General of the Disability Services Commission, concludes the letter with this paragraph, and members opposite should listen to this paragraph. This came after two attempts to help LEARN get pre-qualification in an abnormal process, it having rejected the normal process on two previous occasions. Dr Chalmers wrote —

> During the meeting with the Minister questions were raised about the capacity of Government, via the Disability Services Commission, to allocate funds to LEARN to address accumulated debt. Unfortunately, it is not possible for funds to be made available for this purpose.

LEARN's application was to address accumulated debt, which I understand to be in the order of $300 000. I do not know the exact figure; it is a private company. Issues have also been raised with the government by people who have worked for LEARN. They may or may not come forward publicly, but issues have been raised with respect to —

Mr P.B. Watson interjected.

Point of Order

Mrs M.H. ROBERTS: Point of order.

The ACTING SPEAKER (Mr J.M. Francis): Take a seat, member for Midland. I will give you the opportunity to make your point of order in silence. Member for Albany, unacceptable—I am going to call you to order for the first time. I want to hear the member for Midland in silence.

Mrs M.H. ROBERTS: The Premier quoted from a letter from Ron Chalmers, the director general of the department, and he had the document in his hand. He directly quoted from it, and I ask that he table that official document.

Mr C.J. BARNETT: I am happy to give a copy of that letter to the member when I have finished reading it. I am using it at the moment.

The ACTING SPEAKER: Members, this is very easy. The Premier will continue to refer to the letter and at the end of this debate, I will seek advice from the Speaker and ask him to use his discretion.

Debate Resumed

Mr C.J. BARNETT: I am quite happy to make that letter available. To the best of my understanding, the most recent approach by LEARN for financial assistance from the state government was not about services; it was

about paying or helping to pay off a debt of around $300 000. I also understand that there are tax issues relating to the LEARN Foundation for Autism. Indeed, I will paraphrase part of some correspondence that was received some time ago. I do not know the date, but it is from a former employee of LEARN. I am not going to identify that employee, and I do not know whether it is right or wrong, but this is —

Mr B.S. Wyatt: Well, why read it out, then?

Mr C.J. BARNETT: Because this is correspondence to the government that the government has to recognise.

Several members interjected.

The ACTING SPEAKER: I want to hear the Premier in silence!

Mr C.J. BARNETT: Members opposite actually need to do their homework.

Dr A.D. Buti: Unbelievable! What are you going to do for the kids?

The ACTING SPEAKER: Member for Armadale, unacceptable. I call you to order for the first time.

Mr C.J. BARNETT: We know that the LEARN Foundation has a debt issue of around $300 000. We know there have been some issues relating to tax, and the Disability Services Commission has had some issues with LEARN about governance and the operation of this foundation. Indeed, some people might even have some views about the programs, but I am not —

Dr A.D. Buti interjected.

The SPEAKER: Member for Armadale, when you stood in this house previously you made some excellent points; I think all members in this house would acknowledge that. If you are going to interject, member for Armadale, you had better make an excellent point when you do so. I understand where you are coming from; I understand entirely.

Mr C.J. BARNETT: The correspondence from a former staff member, I understand—the person may still work there; I do not know—refers to previous examples of financial trouble, refers to thousands of dollars of superannuation not being paid to staff, refers to staff not receiving their salary or receiving it late, talks about a parent who had bailed out the organisation and perhaps was not fully aware of the circumstances in doing so, and so it goes on. The government cannot ignore the fact that no matter how good these services might be, the organisation clearly has financial difficulties, it clearly has management issues, and it has, despite the encouragement of the Disability Services Commission, on at least two occasions failed to even engage in the pre-qualification process. Even when it was offered almost a fast-track process, it again rejected it. When LEARN came to government and the minister most recently, it sought financial assistance to deal with the debt.

Mr M. McGowan: Where is your evidence of that? Where is the correspondence?

Mr C.J. BARNETT: I am going to give it in a moment.

Mr M. McGowan interjected.

The SPEAKER: Leader of the Opposition!

Mr C.J. BARNETT: Yes, everyone is concerned for the children and the parents, including the minister and me, but do not jump to the conclusion that everything is perfect with this organisation. Some serious questions have been asked about its management and financial accountability. I do not think it is acceptable to come to the government and expect taxpayer funds to be used to pay off past debts; that is not an acceptable use of taxpayer money. It is quite right and proper for the Disability Services Commission to question that.

With respect to the children, to this date some 15 parents have contacted the minister or the Disability Services Commission about alternative programs or places for their children. The minister has undertaken to do that and is providing some additional funding to provide some transition so that the children and families can be cared for to the best possible level by the government.

I will conclude with this: it is not the government that runs LEARN, it is not the government that has funded LEARN and it certainly was not the government that closed the doors on a private organisation. The questions that might really be asked are: why were the doors closed? Who really closed the doors? I suspect it may have something to do with the debt or perhaps tax issues—I do not know—but it was not the government that closed the doors, yet the Labor Party came in here today and tried to put all the blame for the stress of these parents and children on the government. It sought to put the full blame for these problems on the government when this is a private organisation that is not funded by government and that has twice declined assistance when it was offered, and when it did come to the government, it sought financial assistance to pay off its debt. That is the reality. If members opposite were genuine about this issue, and maybe some of them are, their motivation today for coming into this Parliament would have been different, but it has been all about politics and very little about the children and their families.

[See paper 4825.]

MS A.S. CARLES (Fremantle) [11.00 am]: I rise today in support of the motion moved by the opposition. I say to the Premier that if we really are all concerned about the children today, as he just said, then let us put the politics to one side, let us put the children at the centre of this debate and let us sort out the bureaucratic issues at a more appropriate time.

Very serious allegations have been made against this company today. Very serious allegations were made by the minister on an ABC 720 radio program today. I was listening, absolutely horrified that a minister would use the power of government to make unsubstantiated allegations about this company without any right of reply. The Premier has just repeated those allegations. People are sitting up in the gallery. They do not have the right to speak here today. They do not have the right to talk about wages or superannuation or any of those other issues. That is an issue to be resolved behind doors with auditors. They want to show the books and get that sorted out. To raise that in Parliament today when they have no right of reply is completely inappropriate and completely embarrassing. I am embarrassed that these people from my community have been subjected to that in our Parliament today. It is absolutely embarrassing.

Let us look at the work that this place does. Mandy Mason has been a tireless advocate for the rights to evidence-based treatment for all children with autism. She has used her own money to establish this not-for-profit organisation in East Fremantle. This centre has been a vital resource in my community, servicing 200 families in the past three and a half years. And, yes, they have not got government handouts—they have been too busy trying to help the children with autism. They do not have specialist accountants and everything, but, my God, they need some help, and they need it right now! This Parliament better start getting a bit generous. LEARN has been a vital resource for these families. We all know that if we do not help these children, there will be so many problems down the track when they go to school. It is just unbelievable that we have to have this debate. Thirty families are currently receiving therapy in LEARN's program. If this program shuts its doors today, 13 staff will be on the unemployment list. How is that a win for this community? There is also a significant waitlist. All morning, people have been ringing in to talkback radio to say how fantastic this service is. Just as I was parking my car a grandmother was talking on the radio. She said that her little two-year-old grandson had been to LEARN and there was an extraordinary benefit to him. She had worked as a teacher and she could not believe the standard of care her grandson had received and how he was progressing. I urge the government to just open its heart and stop with the bureaucratic nonsense. That can be resolved next week or next month, but these children need access to this service today. I urge the government to do what is right.

MS R. SAFFIOTI (West Swan) [11.07 am]: Let us get down to this issue. This issue is about real people, real families and real hardship. We are calling on the government today to act to solve this problem. We have heard the Premier make some very serious allegations and make this a political issue. Let us bring it back to what it really is: it is real families going through real hardship. It is a proven program that works. What are we calling on the government to do? It is to put in some finance, even if it is bridging finance, to allow the doors to remain open, and then for the Disability Services Commission to sit down with Mandy Mason. Let us get this program back on track. What we have seen is a program that works. It is a program that works that has not been funded by the government. That is a good thing—a program that works that has not been funded by the government. This issue has been in front of government since September 2010; more than 20 months. It is not entirely the responsibility of LEARN or individuals, it is also up to the government to actually sit down and make this happen.

Mr C.J. Barnett: They refused to.

Ms R. SAFFIOTI: The Premier has not provided any evidence to show that. He said that LEARN was offered assistance in 2010 and 2011. He did not quote any letter or document. He has provided no evidence. The Premier quoted a 2012 letter, which I have seen. That letter says that LEARN could go through a process but that the process had not commenced. So LEARN could go to this door, but the door is locked. How does the Premier expect anyone to get through the door if the door is locked? This is truly an issue about helping families in the community. As a Parliament, if we cannot do these basic things, it does not matter what the budget delivers today. These are real people—real children—who need assistance. It is a program that works. We are calling for the government to allow the centre to keep running and to sort out those problems. That is all it takes. The minister and the department need to sit down with them and make it happen.

Mr C.J. Barnett: They were offered it on two occasions and refused.

Ms R. SAFFIOTI: The Premier has provided no evidence. I have seen evidence to the contrary. I have seen referrals to federal departments. I have seen a letter that says that LEARN can go through a process in 2012–13 but that the government could not tell it when that process would commence. That is what I have seen. If the Premier has evidence, he should show it. The Premier spoke about the opposition making this a political issue. He made it political. He politicised the centre. He talked about individuals in the centre who do a lot of work. He cast aspersions on those people. He attacked people who work hard to help the community. It is an absolute disgrace. The Premier spoke about other centres. We all know there is a waitlist for those other centres. The

government is taking these children out of an environment they are comfortable in. All I know about autism is people —

Mr C.J. Barnett: We are not doing it—the centre closed!

Ms R. SAFFIOTI: You are!

Mr C.J. Barnett: We did not close it.

Ms R. SAFFIOTI: They came to you, and you are the government! Take some responsibility.

Several members interjected.

The SPEAKER: Member for Mindarie, I formally call you to order for the first time today. I do not think anybody in this place resolves any of the issues that we confront by continually yelling at each other.

Ms R. SAFFIOTI: We have a government that believes the Minister for Disability Services' role is not to help people with disabilities. What is her role if she cannot come in and sort this problem out? That is why she is a minister. The alternative that the Premier put forward is: go to other centres. We know the enormous waitlists. We know that this centre is working. We know that all it would take is for the government to sit down and sort this problem out. The government can say what it likes in today's budget, it can talk about the non-government sector all it likes, but here is a practical example of something that has been in front of this government for 20 months. This government has done a lot of things in 20 months, as the Leader of the Opposition outlined. It has made other things its priorities—we all know what they are—but these are people who want some assistance, who are going through hardship, who have a program to help their children, for goodness sake! It is their children, for goodness sake! The Premier stands up trying to cast aspersions on someone running it. These are their children, for goodness sake—put them first!

DR K.D. HAMES (Dawesville — Deputy Premier) [11.12 am]: Through the Department of Health, I fund a large number of non-government organisations requiring assistance. I do not know the exact number, but it is in the order of 600. That includes some of the bigger organisations such as St John Ambulance. There are approximately 600 NGOs that I fund through the Department of Health—disabilities support groups such as cystic fibrosis, muscular dystrophy and motor neurone disease. A range of service organisations for adults and children receive funding from this government to provide assistance. What every single one of them has to do in order to get that funding is open their books to government so that we can see how the operation is working and so that government can make sure it is a legitimate business offering a legitimate service and there is proper governance and accountability behind it.

At present a parliamentary committee is looking at the operations of Tourism WA, which provided sponsorship to an organisation. It is alleged that Tourism WA did not do enough detailed work around the running of that organisation before providing the funds. Here we have an organisation that allegedly, since late 2010, has been in financial difficulty —

Mrs M.H. Roberts: What has the government been doing?

Dr K.D. HAMES: I will get to that.

Allegedly, since late 2010, it has had financial difficulty. If that organisation came to my office to talk with me about what it needed to do, I would have said—I am sure the Premier did the same—"It is absolutely critical, if you want to get funding from a government organisation, to open up your books. You have to show the service you provide is a good one." I make no reflection on the service, good or bad, because I do not know, but certainly the parents who go there are of the belief that it is a good service. If that private organisation is having difficulty getting money from parents to make it able to pay its way, it is quite entitled to come to government, as very many others come to me, to seek funding. It is quite a legitimate process. When that occurs, they get information on the sort of information they have to provide. They present that to the Disability Services Commission to be assessed. If it is appropriate, that funding is provided.

I got involved, in the changeover between ministers, in the riding school for people with disabilities located near McGillivray Oval. The riding school was having problems with not doing its proper paperwork. Part of the reason was that people there were under a lot of pressure as well. They were looking after riding lessons for children with disabilities, which is what I am talking about—a fantastic service for children with disabilities. They were having problems. The people from disability services came to the school and provided the assistance we are talking about to help the school get its paperwork in order to ensure it was being run legitimately. In fact it changed some personnel to make sure it could do it. We have never had an opportunity to do that.

The member for Armadale talked about people on this side not knowing or not caring about disabilities. I sympathise with the fact that he has a child with a disability, but so do I and so do other members —

Dr A.D. Buti: I only responded to the Premier's question: how would I know?

Mr C.J. Barnett: I did not say that at all.

Dr K.D. HAMES: We pointed out that the member for Armadale got it wrong.

Several members interjected.

The SPEAKER: Thank you, members! I suggest to members in this place that to give reasonable credit to this motion—it is an important motion for everybody in this place and for some other people who have joined us today—we stick with the substantive motion and do not enter into any personal conflicts as this house attempts to resolve the outcome of this motion.

Dr K.D. HAMES: I want to clarify the point that the member for Armadale raised about what he said the Premier said. I listened quite clearly to what happened. The member said —

Several members interjected.

The SPEAKER: I do not think the minister on his feet needs any assistance. I stood before and asked that members cease interjecting, and that they respect the absolute substance of this motion and the importance of it for all of us in this place.

Dr K.D. HAMES: The member for Armadale said to the Premier: how would the Premier know about people with disabilities?

Several members interjected.

The SPEAKER: The entire 58 members are not in the chamber, but the number is pretty close to that. No doubt all members have a different interpretation around questions that might be asked in this place. There is only one person from whom I expect an interpretation at this point; it is the Minister for Health.

Dr K.D. HAMES: Members will be able to read *Hansard* tomorrow and judge for themselves whether what I am saying is accurate or not. I can tell members my interpretation, or my hearing of what was said —

Mr T.G. Stephens: You're wrong!

Dr K.D. HAMES: I am not wrong. I expect you to apologise to me tomorrow when I prove it to you.

This is what was said. The member for —

Several members interjected.

The SPEAKER: Member for Girrawheen, I formally call you to order for the first time. Member for Warnbro, I formally call you to order for the third time. Member for Pilbara, I formally call you to order for the first time. If members want to take this particular motion seriously, I suggest to members that they stop interjecting, which will enable members, and the minister in this instance, to put their perspective. I will say it again: you all have different interpretations—you are entitled to that—but at the moment the only person speaking in this place who I want to hear from is the Minister for Health.

Dr K.D. HAMES: It is important to get this point on the record because the member reflected adversely on the Premier's attitude towards people with disabilities. It is absolutely critical that this point be clarified. The member said to the Premier words to the effect—I am paraphrasing—"How would you know about people with disabilities? What do you know about people with disabilities?" The Premier replied, "How would you know that that is the case?" In other words, how would the member for Armadale know that the Premier does not know! That is what he asked: how would the member know that the Premier does not know? That is the point I am making.

Several members interjected.

The SPEAKER: Premier, I formally call you to order for the first time today. Member for Victoria Park, I formally call you to order for the first time today. Everybody in this place is interested in their own particular answer. Members are not helping progress this subject whatsoever. I do not think they are demonstrating to those people in the gallery the ability that they all have to resolve issues in this place. Continual interjecting does nobody in this place any credit whatsoever.

Dr K.D. HAMES: The reality is that some members on this side are in a similar situation to the member for Armadale, including members other than myself who are ministers in this government. We do have an understanding of those difficulties. In fact, my wife's best friend has a child with autism. I have grown up with the issues that that child has. At the end of the day there are processes to go through. The member for Armadale continues to say that LEARN is not able to put in a request for funding as it is too late. I will read from the letter to Ms Mason again. It is not too late for LEARN to request funding. The letter specifically states —

> It is likely that the Disability Services Commission will conduct another prequalification process during the 2012/13 financial year.

The precise timing has not been determined. When does the 2012–13 year start?

Mr W.J. Johnston interjected.

Dr K.D. HAMES: How far away is the 2012–13 financial year? It is six weeks away.

Ms R. Saffioti interjected.

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

Dr K.D. HAMES: That process starts in six weeks.

Ms R. Saffioti: You're misleading the house.

Dr A.D. Buti: It doesn't say that.

Dr K.D. HAMES: It does not say what month that is. The 2012–13 financial year starts on 1 July.

Dr A.D. Buti: Read the next paragraph.

Dr K.D. HAMES: So what if the precise timing has not been determined? There is a huge difference between providing the information that is needed to pre-qualify and putting in an application and getting funding.

Dr A.D. Buti: The next paragraph says to apply at the appropriate time.

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

Dr A.D. Buti: Read the next paragraph.

Dr K.D. HAMES: The next paragraph does not stop LEARN from doing anything.

Dr A.D. Buti interjected.

The SPEAKER: Member for Armadale, I formally call you to order for the third time today. I think you would like to see a resolution to this motion. I am endeavouring to help in that respect but your interjections are not, member for Armadale.

Dr K.D. HAMES: The member for Armadale's constant interjections are stopping me from putting forward a proposal that might assist the group. I do not know why he insists on saying that and that a determination has not been made at this time.

Since 2010, LEARN has had the option of doing the prerequisite work; that is, opening up its books, showing the department its funding level and showing it what services it provides and how it carries those out so it qualifies so it can put in an application to seek funding. Nothing stopped it from doing that in 2010. The letter stated that another process will be starting in six weeks. There is nothing to stop it —

Dr A.D. Buti interjected.

Dr K.D. HAMES: I will read it out again, to save the interjections of the member for Armadale. This letter is quite clear. It states —

> It is likely that the Disability Services Commission will conduct another prequalification process during the 2012/13 financial year. The precise timing of this process will be dependent upon the Commission's assessment of the need for additional service …

Where does that take away from the first sentence? Where does that say that the first sentence does not work? What a load of nonsense. There is an opportunity for the group to open up its books to the department, and to put its processes before government as quickly as it can to seek funding. It has yet to seek funding. I suggest that it takes its books and sits down with the department, shows it what its finances are, shows it what the issues are with the debt, shows it what sort of services it provides and puts in an application for funding. We never know what might happen. As with any other organisation that seeks funding from the government, it needs to show that it has the capacity to run a business that is sustainable and provides a quality service to patients. The parents think so, so why on earth would it refuse to show anybody else?

DR J.M. WOOLLARD (Alfred Cove) [11.27 am]: It is very sad that this debate is occurring today. We all feel for the parents and children who turned up to the LEARN Foundation for Autism centre yesterday to find the doors closed on them. Families struggle very hard to care for children with autism. I have helped care for autistic children. As a result of the short time that I spent doing that, I know how difficult it is for those families. I am very pleased that the Premier said in his speech that these families can notify the Minister for Disability Services and that placements will be found for them so that they can still receive some help. It will not be the same as if they were receiving help from LEARN because continuity is important. This debate has brought forward to this house the fact that we need more services. Children who have autism need more support from the community. Families who have children who are autistic need that support. Whilst the Education and Health Standing Committee does not have time during its current inquiry to look at this area, I would hope that in the future this issue is looked at carefully. Maybe we should look at disability services as a whole to ensure that support is given to children, young people and adults. We all feel for those parents and children.

Question put and a division taken with the following result —

Ayes (26)

Ms L.L. Baker	Mr J.C. Kobelke	Mr J.R. Quigley	Mr A.J. Waddell
Dr A.D. Buti	Mr F.M. Logan	Ms M.M. Quirk	Mr P.B. Watson
Ms A.S. Carles	Mrs C.A. Martin	Mr E.S. Ripper	Mr M.P. Whitely
Mr R.H. Cook	Mr M. McGowan	Mrs M.H. Roberts	Mr B.S. Wyatt
Ms J.M. Freeman	Mr M.P. Murray	Mr T.G. Stephens	Ms R. Saffioti *(Teller)*
Mr J.N. Hyde	Mr A.P. O'Gorman	Mr C.J. Tallentire	
Mr W.J. Johnston	Mr P. Papalia	Mr P.C. Tinley	

Noes (29)

Mr P. Abetz	Mr V.A. Catania	Dr G.G. Jacobs	Mr D.T. Redman
Mr F.A. Alban	Dr E. Constable	Mr R.F. Johnson	Mr M.W. Sutherland
Mr C.J. Barnett	Mr M.J. Cowper	Mr A. Krsticevic	Mr T.K. Waldron
Mr I.C. Blayney	Mr J.H.D. Day	Mr W.R. Marmion	Dr J.M. Woollard
Mr J.J.M. Bowler	Mr J.M. Francis	Mr J.E. McGrath	Mr A.J. Simpson *(Teller)*
Mr I.M. Britza	Dr K.D. Hames	Mr P.T. Miles	
Mr T.R. Buswell	Mrs L.M. Harvey	Ms A.R. Mitchell	
Mr G.M. Castrilli	Mr A.P. Jacob	Dr M.D. Nahan	

Pair

Mr D.A. Templeman	Mr C.C. Porter

Question thus negatived.

FIRE AND EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2012

Introduction and First Reading

Bill introduced, on motion by **Mr T.R. Buswell (Minister for Emergency Services)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR T.R. BUSWELL (Vasse — Minister for Emergency Services) [11.35 am]: I move —

That the bill be now read a second time.

I am pleased to introduce the Fire and Emergency Services Legislation Amendment Bill 2012. This bill is an important part of the government's response to the report of the special inquiry titled "A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review", which was conducted by Mr Mick Keelty, AO, APM. That inquiry was established by this government to examine all aspects of bushfire risk management in the Perth hills area after the bushfire that destroyed 71 homes and damaged a further 39 in the Roleystone–Kelmscott area on 6 February 2011. The inquiry had specific terms of reference and ultimately made 55 recommendations. Recommendation 46 was —

The State Government restructure the Fire and Emergency Services Authority as a Department.

This bill will amend the Fire and Emergency Services Authority of Western Australia Act 1998 by abolishing the authority and removing its board of management. A department will be established, pursuant to section 35 of the Public Sector Management Act 1994. Once the authority is abolished, the amended act will be called the Fire and Emergency Services Act 1998—the FES act. A ministerial body corporate will be established and have the role of providing a body corporate through which the minister can perform any of the minister's functions under the FES act, the Bush Fires Act 1954 and the Fire Brigades Act 1942. These acts are collectively called the emergency services acts. When the authority is abolished, the minister will be able to make a transfer order setting the assets and liabilities that may go to the ministerial body. Any matters not transferred to the ministerial body will become assets or liabilities of the state. The minister responsible for the administration of the emergency services acts will assume the powers that the abolished authority had in relation to acquiring and disposing of property. The minister will also be able to develop technology and hold copyrights and patents related to the purposes of the emergency services acts.

The bill sets out that the department will have a chief executive officer with the title of the Fire and Emergency Services Commissioner, who, subject to the control of the minister, will be responsible for the provision of emergency services in accordance with the functions that position is given under the emergency services acts. The FES commissioner will assume functions under the emergency services acts that are considered to be either operational in nature or are required for the normal running of a department. Previously, the chief executive officer of the authority was not responsible for the immediate order and control of fire brigades; this function was carried out by the person appointed as the director of operations. This position has been abolished and the

FES commissioner will be responsible for the control of all officers and members of fire brigades. This ensures that the FES commissioner is accountable for all operational matters that occur within the department.

The department will have a number of categories of staff who may be employed for the purposes of the emergency services acts. As well as persons employed under the Public Sector Management Act to assist with administrative matters, there is a category for operational staff. This will ensure that the uniformed staff in the department maintain their own unique identity and are recognised for the role that they carry out in assisting the community during emergencies. Staff will be transitioned from the authority to the department by the Public Sector Commissioner using the powers contained in section 22B of the Public Sector Management Act. This ensures that there is independent oversight of this process. Consequential amendments will also ensure that the superannuation entitlements of staff under the Fire and Emergency Services Superannuation Act 1985 are maintained.

The important role of volunteers in responding to emergencies in this state is also recognised by new provisions relating to advisory committees. Whilst the minister may establish advisory committees to advise on issues relevant to the emergency services acts, the minister is required to establish a volunteer advisory committee for each of the volunteer services established under the emergency services acts. Further, the minister must prescribe in regulations the association or body of persons that best represents each of the volunteer services and the majority of the membership of a volunteer advisory committee must consist of persons nominated by the relevant prescribed association. These measures will ensure that volunteers have representation and the means to be heard regarding emergency service matters.

This government will ensure that the integrity of the emergency services levy is maintained by requiring the levy to be credited to the department's operating account, along with any other funds raised through the operation of the emergency services acts. Section 20(1) of the Financial Management Act 2006 allows the Treasurer to credit excess amounts of money in special-purpose accounts to the consolidated account. However, that provision will not apply to money held in the operating accounts of the department, ensuring that any funds not spent at the end of a financial year will remain for the use of the department for emergency service purposes.

The bill amends the Bush Fires Act 1954 and the Emergency Management Act 2005 so that police will have clarity regarding the use of powers already contained in those acts. These powers concern the movement and evacuation of people in and around the vicinity of an emergency and will make sure police are not hampered in their emergency management role by arbitrary divisions on who may exercise powers during an emergency.

The Emergency Management Act 2005 also has been amended so the State Emergency Coordinator can declare an emergency situation as was recommended by Mr Keelty in recommendation 44 of his report. This amendment will ensure that if a hazard management agency has not declared an emergency situation, the State Emergency Coordinator may do so if it is felt it is warranted. Once the State Emergency Coordinator has made such a declaration, the hazard management agency responsible for the incident must act as though it had made the declaration.

The government considers that this bill will improve the ability to respond to emergencies by ensuring there is proper oversight of the new department and that volunteers will be more engaged and able to provide advice through the volunteer advisory committees. The ability to access powers in the amended acts has also been simplified and should ensure a more efficient response to an emergency.

I commend the bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman**.

LOTTERIES COMMISSION AMENDMENT BILL 2011

Third Reading

MR R.F. JOHNSON (Hillarys — Leader of the House) [11.41 am]: On behalf of the Premier, I move —

That the bill be now read a third time.

I do so because after the previous debate we had, the Premier is meeting with some of the people who were in the gallery earlier, which I think is very important. I am sure that the opposition will agree with that. As I understand, the opposition spokesperson on the Lotteries Commission Amendment Bill wants to make a contribution at the third reading stage so that we can pass the bill through the house and get it to the other place as soon as we can.

MR B.S. WYATT (Victoria Park) [11.43 am]: I note the Leader of the House's comments that the Premier is not in the chamber for the third reading because he is meeting parents from the LEARN Foundation for Autism centre. I am very pleased about that; hopefully, it will resolve this very, very unfortunate issue. I want to make the point—as all members of Parliament have—to those parents and families with children with autism about the incredible difficulties that those parents have in seeking government support, and obtaining government support that is consistent and long-term is very difficult, so I do —

Mr R.F. Johnson: I just wanted to give the reason why the Premier is not —

Mr B.S. WYATT: I am just making the point that I hope this issue can be resolved because it is certainly very distressing for those families, as is apparent from the media last night.

The Lotteries Commission Amendment Bill 2011, as pointed out by a number of opposition members in the second reading debate, is supported by the opposition. During consideration in detail, we put a number of questions to the Premier last night, which were answered by him. I thank Lotterywest CEO Jan Stewart for her advice to the Premier last night that enabled the Premier to answer those questions.

I do not think that I have ever purchased a syndicate ticket in lotteries. I have bought lotto of course, but I do not think I have ever participated in a syndicate. However, the purchase of syndicate tickets certainly seems to be growing in popularity. The capacity for smaller agencies to participate in syndicates without having to then wear that risk if shares in the syndicates are not sold does indeed increase the opportunity for smaller agencies to participate in generating that revenue stream. I note the answer provided by the Premier last night that the commissions paid to agencies will not be impacted on by the role of Lotterywest effectively underwriting those syndicate costs.

A number of questions were put to the Premier that I just want to confirm at the third reading. The member for Mandurah in particular made some points in the second reading debate and at the commencement of consideration in detail, but he could not be in the chamber for the duration of consideration in detail. He asked what would happen in the event Lotterywest effectively won money. Is it advertised? Is it publicised? The Premier undertook in answers to me from the CEO that the number of Lotterywest syndicates that have effectively been won by Lotterywest, if any, will be stipulated in the Lotterywest annual report each year. Of course we anticipate that will be a rare occurrence, if at all, but I have no doubt that at some point in the future the Premier of the day will enjoy a week of politics when Lotterywest wins a $20 million jackpot. That will no doubt cause no end of consternation for members of the —

Mr R.F. Johnson: He won't share it with us!

Mr B.S. WYATT: I dare say that the Premier hopes he is not the Premier when that happens! In the event that Lotterywest indeed wins a significant amount of money from a share it holds in a syndicate, it will be a political issue for a future Premier. However, in the event that Lotterywest does win, my understanding is that it is treated under the act as unclaimed money, which then flows from Lotterywest for distribution to community groups as we see every day.

The contributions of all members—not just members of the opposition—emphasised the incredibly high regard for Lotterywest that members of the community have. Indeed, Lotterywest is a uniquely Western Australian institution that other states are envious of. When I meet members from other Parliaments around our Federation, they often look to and comment on Lotterywest as something they envy because of the role it plays in our community. Certainly, in my own electorate a wonderful event, with the Town of Victoria Park, the Western Australian Youth Orchestra and Lotterywest, is held each summer on the lawn at Burswood right near the river. That event is attended by thousands of people from not only my electorate but all over Perth, although they are probably generally from my patch and surrounds. Every member of Parliament has many stories to tell about Lotterywest and the work it does in the community.

That flows on to the second main amendment to the act, which will allow Lotterywest to effectively provide advisory or consulting services to governments or organisations that seek to tap into the professionalism, intellectual property and particular expertise that Lotterywest has. The Premier in consideration in detail, or it might have been in his reply to the second reading debate, gave the example of the Make a Wish television advertisement. It is a very good ad; it is quite an emotive ad. Other lottery organisations around the world may approach, or have approached, Lotterywest to use that particular advertising method, so no doubt Lotterywest is able to effectively sell or give advice on that intellectual property it owns to other organisations around the world, and quite rightly. That is work done here in Western Australia with the expertise generated by Lotterywest. It is a good amendment to allow those professional services to be charged, quite rightly too, whether they are for international organisations or private organisations in Australia that wish to set up foundations and replicate the way that Lotterywest distributes those moneys, or at least seek advice from Lotterywest on how they should go about it. As the Premier pointed out, more often than not, casual advice, happy advice, will still be continued in a goodwill environment and is unlikely to be charged for, but when it becomes a more official seeking of professional advice from Lotterywest, Lotterywest is now able to enter into contractual arrangements to charge a fee for that service. I think that all members will agree that that is a good outcome.

I put to the Premier during consideration in detail that I was a bit curious about the amendment that he moved, because it seemed a bit unwieldy in light of the fact that the bill simply reads that the minister must get the consent of the Treasurer for any of these contracts that are entered into and without that consent any contract is null and void. However, an amendment to the bill has now been moved and passed that means in certain cases

the minister does not have to seek the Treasurer's approval. The Premier pointed out that if small amendments are made to contracts, the minister does not have to keep going to the Treasurer for approval. When amendments to a contract are made, the contract has to be tabled in Parliament within six days. I put this to the Premier and he confirmed that if a contract is not tabled in Parliament within six days, it is indeed void. There is quite stringent control over the process, and Lotterywest is accountable to the government and the Parliament for contracts it enters into. The Premier made the point that ultimately we do not want Lotterywest to effectively go out into the market as a quasi-private operator and try to generate a revenue stream from this activity. That amendment is a good outcome.

I make one final point. These contracts will all be disclosed not only through being tabled in Parliament, but also in the annual reports from Lotterywest. Not only members of Parliament but also all members of the community will see exactly what Lotterywest does in its contracts.

As I said, the opposition supports this bill; it does good things. As every member who spoke during the second reading debate pointed out, Lotterywest is unique to Western Australia and is a great asset in returning a steady, reliable and, it seems, ever-increasing stream of money to community groups. Every MP in this chamber will have many groups—Lotteries Houses, for example—that continue to receive support from Lotterywest.

Question put and passed.

Bill read a third time and transmitted to the Council.

COMMUNITY PROTECTION (OFFENDER REPORTING) AMENDMENT BILL 2011

Consideration in Detail

Clauses 1 to 3 put and passed.

Clause 4: Section 3 amended —

Mrs M.H. ROBERTS: I understand that clause 4 will assist with information sharing between agencies. I wonder whether the Parliament could have some explanation of how this will assist and what agencies are likely to be involved.

Mr R.F. JOHNSON: One of the reasons that the definition has been changed is that the original one did not include the Office of the Public Advocate. Obviously, we believe that the Public Advocate should be involved and be part of the benefits of clause 4. Indeed, that is the public authority to which the bill refers.

Clause put and passed.

Clause 5: Section 7 amended —

Mrs M.H. ROBERTS: Clause 5 inserts "particular period" into section 7 of the act, so that it somehow relates to the reporting period in a foreign jurisdiction. Why is that necessary and what benefits will be accrued here?

Mr R.F. JOHNSON: The definition of "corresponding reportable offenders" was not clear and it resulted in confusion about whether the act would apply to someone whose reporting period in their previous jurisdiction was shorter than that in WA. "Longer" should not be relevant. The approach taken in New South Wales, South Australia and Victoria is for the original reporting period of the corresponding reportable offender to apply despite their residing in a new jurisdiction.

Mrs M.H. Roberts: When you say "foreign", are you talking about other states or internationally?

Mr R.F. JOHNSON: Yes, I mean interstate. It could be overseas—New Zealand, for instance.

Clause put and passed.

Clauses 6 and 7 put and passed.

Clause 8: Section 17 amended —

Mrs M.H. ROBERTS: Clause 8(2) inserts into section 17 of the Community Protection (Offender Reporting) Act 2004 —

> (3) For the purposes of the hearing, the Commissioner is entitled, on request, to inspect or obtain a copy of any document relating to the respondent held by the Children's Court —

This is a new addition by way of amendment to the act. Have there been issues in the past with the Commissioner of Police not having access to those documents when perhaps it might have been helpful? Essentially, national recommendations arose from the review. Is the impetus for this change local or national?

Mr R.F. JOHNSON: The impetus for the change to the section is a local one. I am advised that this clause enables the commissioner, for the purposes of a past offender reporting order application, to inspect or obtain a copy of any document relating to the respondent held by the Children's Court that is part of the court

record or that was received by that court in sentencing proceedings. As it currently stands, section 51A(3) of the Children's Court of Western Australia Act allows access to that court's records only for the purposes of criminal proceedings. A past offender reporting order hearing is a not a criminal proceeding and as such section 51A(3) restricts the commissioner's ability to obtain documents held by the Children's Court for use in a past offender reporting order application.

Mrs M.H. Roberts: Is this about getting access to not only a criminal conviction in the Children's Court, but also other material?

Mr R.F. JOHNSON: I am told that previously the police could not obtain access to the pre-sentence reports and so were unable to get details of a child sex offender.

Mrs M.H. Roberts: Why are they relevant? Why would the commissioner want those?

Mr R.F. JOHNSON: At the moment we cannot access that information. The reason that we want access or the commissioner may need access to that information—other than there being a criminal proceeding against that particular child or juvenile—is that the commissioner needs to seek an order to stop that child from being in a certain place. The past offender reporting order makes them subject to reporting obligations contained within this bill.

Clause put and passed.

Clause 9: Section 19 amended —

Mrs M.H. ROBERTS: Clause 9 amends section 19 of the substantive act. Towards the end of the clause 9(2)(3B) reads —

> The fact that an offence in respect of which a past offender has been found guilty becomes spent does not affect the consideration of the offence as part of the past offender's total criminal record for the purposes of subsection (3A)(g).

I understand that it is new to be able to look at spent convictions. Spent convictions are not normally looked at. I ask for an explanation about why it is considered important to make this amendment to the act so that a spent conviction becomes part of it.

Mr R.F. JOHNSON: This all to do with whether the court needs to have information about the reporting obligations of someone who has been convicted, but who has a spent conviction. The note I have here states that it is proposed that the new section be inserted in part 2, division 2, as to the factors that court may have regard to when determining an application or a past offender reporting order. I think it is basically to do with the seriousness of the past offender's total criminal record, and obviously that has to be taken into account.

Mrs M.H. Roberts: A conviction is obviously spent in one of two ways: it is either spent at the time or it is spent because it is 10 years in the past. Normally, once a conviction is spent, it is spent; it is not relevant.

Mr R.F. JOHNSON: Even when a conviction has been spent, the courts still, it is believed, need to have regard to the seriousness of the offender's convictions and their behaviour. Even though it is important not to allow these details to become public when the commissioner seeks this type of order, it is also important that the court is aware, under this clause, of the seriousness of previous offences, even with a spent conviction.

Clause put and passed.

Clause 10: Section 20A inserted —

Mrs M.H. ROBERTS: Clause 10 inserts proposed section 20A so that past offender reporting orders can be made by the consent of parties without being subject to section 19 of the act. Why is this change being made and who are the parties who would need to consent?

Mr R.F. JOHNSON: I am advised that if the commissioner, in his application, and the past offender are in agreement about the order being made, they need not go through all the factors that the court would normally ask for. If both sides give consent to it happening, the court basically will automatically accept that.

Clause put and passed.

Clause 11: Section 22 amended —

Mrs M.H. ROBERTS: Clause 11 will provide a right of appeal against past offender reporting orders. The explanatory memorandum states —

> This clause clarifies that a person aggrieved by the decision of a Court made under section 19 of the Act may appeal that decision, but that no appeal lies against consent orders made under proposed new section 20A.

Why is it that no appeal is to lie against any consent order made under the new section 20A?

Mr R.F. Johnson: That is because the person has consented to it, so there is no need —

Mrs M.H. ROBERTS: They have no appeal because the person has consented to it. Having given that consent, do they have any capability down the track to withdraw that consent?

Mr R.F. Johnson: I am advised, no.

Mrs M.H. ROBERTS: Therefore, they have the ability neither to withdraw the consent nor to appeal once they have agreed to it.

Mr R.F. Johnson: As I understand it, the court would make that quite clear to —

The ACTING SPEAKER (Ms L.L. Baker): Minister?

Mr R.F. Johnson: I can do it by way of interjection. It saves us getting up.

The ACTING SPEAKER: I need to have someone on their feet.

Mr R.F. Johnson: You did, Madam Acting Speaker; you had the member —

The ACTING SPEAKER: The minister is in response; therefore, I have given him the call.

Mr R.F. Johnson: We often do it by interjection, Madam Acting Speaker. It saves a bit of time sometimes.

The ACTING SPEAKER: Just not this time, sorry.

Mr R.F. JOHNSON: The commissioner would obviously understand that consent issue. The court would make it quite clear to the individual, the past offender, exactly the meaning and interpretation of that part of the legislation and that there would be no avenue later to appeal the consent they are agreeing to in relation to the orders being sought.

Mrs M.H. Roberts: What period is the consent order likely to be in place for? Will it go on for years?

Mr R.F. JOHNSON: The fact that they are consenting means that they are automatically under the act for eight years.

Mrs M.H. Roberts: Is that eight years or up to eight years?

Mr R.F. JOHNSON: It is eight years.

Clause put and passed.

Clause 12 put and passed.

Clause 13: Section 26 amended —

Mrs M.H. ROBERTS: Subclause (2) enables the commissioner to, at the written request of a reportable offender, approve a website used by the offender if the commissioner is satisfied that the website is used by the offender only for lawful purposes in connection with recording financial information or making financial transactions. I seek some clarification on a couple matters. Is it only websites that the offender is using for financial information or making financial transactions that such a request can be made about? There is also other material under clause 13 that requires certain information to be provided about internet access and so forth. What is the penalty for either refusing to provide the information or, if information is provided, the person not providing all of the information—for example, someone might have omitted information when providing information about the websites they were visiting or their internet connections?

Mr R.F. JOHNSON: The reason for this clause is that obviously the commissioner can ask for any username, code, password or other information that the past offender uses to gain access to the internet generally or a website. The bill refers to websites other than a website operated by an authorised deposit-taking institution, as defined in the Banking Act. The commissioner does not need access to an individual's banking website, where they might transact their day-to-day banking.

Mrs M.H. Roberts: Is there a requirement for other websites they might access for other purposes?

Mr R.F. JOHNSON: Yes, obviously we do not want them connecting to websites that might be a pathway to pornography, child photography in particular, or chat sites on which they have an opportunity to communicate with children. What is being proposed here is that if they contravene this part, the penalty will be five years in jail or a $12 000 fine or both.

Mrs M.H. Roberts: That is a maximum penalty.

Mr R.F. JOHNSON: Yes. They already have to give details of their internet use. Under this they have to give details of codenames, passwords and things like that so that police can check if the offenders are accessing websites other than for their personal financial transactions with their bank.

Mrs M.H. ROBERTS: Clause 13(1) proposes to insert section 26(1)(c)(df) to provide that a reportable offender has to provide usernames, codes, passwords and other information that they need to gain access to the internet generally or to websites and so forth. The provision I was referring to is on page 10 of bill. It commences, "After

section 26(1a) insert", and is a requirement for those pass codes for banking and so forth. Is it as part of the uniform legislation that these things have been determined to be necessary? I appreciate that this clause enables the commissioner or someone on his behalf or delegated by him to gain these pass codes to look at the online banking history of the offender. Given that these are sex offenders, what is the relevance of or reasons behind wanting to do this?

Mr R.F. JOHNSON: I think I have already explained that certainly the police are not trying to get passwords or codes for getting into any of the offenders' banking sites, which would be perfectly usual use. Clause 13(2) states that for the purpose of proposed section 26(1)(df)(i), the commissioner may, at the written request of a reportable offender, approve the use of a website by the offender. The commissioner can approve a website.

Mrs M.H. Roberts: I appreciate that he can. I am asking: why would he want or need to approve a website? That is really my question, I suppose.

Mr R.F. JOHNSON: I think it is to ensure that it is not an inappropriate website that the offender might be setting up. The information I am given is that it might not be a website that is authorised under the commonwealth Banking Act. It might not be a deposit-taking institution. It could be a stock account, which just has notes of their stocks and shares.

Mrs M.H. Roberts: It could be for trading shares or something else.

Mr R.F. JOHNSON: Yes.

Mrs M.H. ROBERTS: Clause 13(3) proposes to insert after section 26(2)(c) —

> (db) a child does not generally reside at any premises unless he or she resides at those premises for at least 3 days (whether consecutive or not) in any period of 12 months;

I really commend the initiative there. Previously I think it was seven days instead of three. This really tightens it and, I think, affords greater protection to children. I think that particular amendment is a very good one.

Mr R.F. JOHNSON: I thank the member for her complimentary remarks on this amendment. While I am saying that, I also genuinely compliment the member for her tremendous support for this bill, because I think it is the case that both sides of Parliament are doing everything they can to protect the children in our society. This is a classic case in which although the member and I may have different views about other areas, we have very similar views on this bill. The member has told me that, as I do, she wants to see this go through the Parliament—not just this house but also the other house—as soon as possible so that children can in future be better protected. I just want to say thanks to the member in advance for getting this through this house quickly.

Clause put and passed.

Clause 14: Section 29 amended —

Mrs M.H. ROBERTS: Clause 14 amends section 29 of the act. It states —

> (1) A reportable offender must report to the Commissioner any change in his or her personal details —
>
> > (a) if subsection (2)(a) or (b) applies to the change, within 24 hours after that change occurs; or
> >
> > (b) otherwise, within 7 days after that change occurs.

Again, the time frame for that recording has been tightened. For the record, what does subsection (2)(a) or (b) apply to?

Mr R.F. JOHNSON: The idea is that we want to know earlier than we did in the past exactly when that person spends time with a child or children. That is why the three days is the amount of time that we are looking at. We want to know within 24 hours if any change occurs in relation to access to any of those children.

Mrs M.H. ROBERTS: It is 24 hours for subsection (2)(a) or (b); otherwise, it is seven days. What are the special requirements of subsection (2)(a) or (b)?

Mr R.F. JOHNSON: Subsection (2)(a) or (b) refers to access to children and change of residence. In other words, we want to know within 24 hours about a change of residence in a particular aspect.

Clause put and passed.

Clause 15: Section 37 amended —

Mrs M.H. ROBERTS: Clause 15 amends section 37 of the act. In the explanatory memorandum there is reference to a reportable offender making an agreement on the manner in which acknowledgement is given. This clause does not alter WA Police practices to record and retain all reports made.

Debate interrupted, pursuant to standing orders.

[Continued on page 2829.]

ACADEMIC SELECTIVE ENTRANCE TEST

Statement by Member for Forrestfield

MR A.J. WADDELL (Forrestfield) [12.22 pm]: Next week more than 3 000 Western Australian students will sit the gifted and talented education test, which is the academic selective entrance test that must be taken to apply for entry to Perth Modern School or some of the other academic select courses in our public high schools. These children are aged 10 or 11 and their entire academic futures possibly hinge on how well they perform on this test, as they compete for the woefully inadequate number of academically select places in Western Australia.

I find it barbaric that we place this level of stress on sensitive children of this age. It is absurd that we rely on a single test to determine whether a child is suitable for these programs. We ignore the entire academic history of the child, we ignore IQ testing and we ignore the recommendations of teachers who know these children. The testing mechanism we use is flawed and is aimed at finding high academic achievers who may or may not be gifted. I have no doubt that many gifted children who would benefit from these courses miss out because of the flawed selection process and the general lack of available places.

I am particularly concerned for the children who come from low socioeconomic families that simply do not have the resources to send their kids to the preparatory courses that prepare their child for this ordeal we put them through. Trust me, these children know that a lot is at stake, they know they have special needs and they know that a very limited number of places are available. They are under considerable pressure to perform, because they see that their best chances of getting an appropriate education are limited to this one shot, on one day. I hope they are not unwell on that day, and I hope they pass the test, because I believe our selection process is failing.

ALVA KELWAY COURTIS

Statement by Member for Eyre

DR G.G. JACOBS (Eyre) [12.23 pm]: My statement is about a great community minded woman, Alva Kelway Courtis, who was born in South Melbourne in Victoria in 1918; she is 94 years of age. Alva recently revisited Darwin with her daughter Ellen during the emotional seventieth anniversary of the bombing of Darwin. Some say that that was our nation's gravest hour. On the morning of 19 February 1942, the first Japanese bomb hit Darwin. This was the first and largest single attack mounted by a foreign power against Australia. Some 242 Japanese aircraft attacked ships in the harbour and the town's two airfields.

Alva was a nurse during this time and trained at the then Prince Henry's Hospital in Melbourne. When Darwin was attacked, she enlisted in the Australian Army. She was posted to Adelaide River, 113 kilometres south of Darwin, and nursed wounded and sick soldiers in the army field hospital there. At the height of hostilities, 30 000 Australian and US soldiers were based near the town. Adelaide River Hospital stabilised injured soldiers; some were transferred on a train to Katherine. On one of her return trips, she was attacked by Japanese daisy-cutter bombs and ended up hitting the trenches. In 1943, Adelaide River Hospital was bombed but was narrowly missed.

The house commends Alva for her role in this theatre. Later, after five years in the Army, she went on to train in midwifery and child health.

NATIONAL VOLUNTEER WEEK

Statement by Member for Girrawheen

MS M.M. QUIRK (Girrawheen) [12.25 pm]: This week is National Volunteer Week, and we all appreciate the excellent endeavours of volunteers. More than 600 000 volunteers in Western Australia provide 288 million hours of work, annually valued at $9.4 million. I particularly acknowledge the 32 000 emergency service volunteers—their work throughout WA is exemplary—such as the members of the Wanneroo Central Bush Fire Brigade, which recently celebrated its fiftieth anniversary. They have a proud history of service to the community. They cover an area of 685 square kilometres. I congratulate and thank Captain Nick Panagopoulos, life members Jeff Smith, Mick Hayes and Roger Pedrick, and all of their colleagues both past and present.

In this week I want to thank employers of emergency volunteers. Many volunteers like Nick are self-employed and give generously of their time, but for others who are employed the consent of their employers to be released to attend emergencies is vital. In times of tight labour conditions this support is even more commendable. I think we need to examine ways we can publicise more widely the goodwill and corporate responsibility of these employers.

In this context and in Law Week I congratulate law firm Freehills, which last night won the corporate category of the WA Volunteering Awards. Freehills provided 3 800 hours of volunteer work through both pro bono legal services and staff working with various voluntary organisations. This translates into an impressive 38 000 billable units.

WANNEROO AREA BUS SERVICES

Statement by Member for Wanneroo

MR P.T. MILES (Wanneroo) [12.25 pm]: Last year the state government acted on residents' concerns about the need for improved bus services by introducing new services in some suburbs and ramping up bus frequencies in others. Improvements to the 467 and 468 routes from Whitfords station to Joondalup station via Wanneroo, Ashby and Tapping are proving very popular, with patronage increasing every month. The patronage on routes 467 and 468 went from just under 5 000 boardings per month in March 2011 to approximately 22 000 boardings in August 2011 following the introduction of the new service. Figures for March 2012 show that the number of boardings on the same route has now reached more than 35 000 and is still rising, which is an excellent result. Patronage on route 391 from Joondalup station to Banksia Grove has also increased from 17 500 in March 2011 to 23 500 in March 2012.

I am delighted that residents of Ashby and Tapping now have a regular bus service for the very first time, enabling them to connect to the trains and buses at both the Joondalup and Whitfords interchange stations, as well as shopping and community facilities in Wanneroo town centre and Joondalup city centre. Residents in Pearsall, Hocking and Wanneroo also now enjoy easier access to facilities in Joondalup.

KYRA YUILL

Statement by Member for Collie–Preston

MR M.P. MURRAY (Collie–Preston) [12.27 pm]: It gives me great pleasure as shadow Minister for Racing and Gaming to bring to the notice of the house a young female jockey from Dardanup. Kyra Yuill made racing history earlier this year when she rode the Perth Cup winner, Western Jewel. She was the first female jockey to do so in the 125-year history of the race. This was a great achievement for a rider, but even more so for an apprentice. Kyra has become only the third apprentice to win the event. Kyra has gone on to win a double at the recent 2012 Bunbury Turf Club awards. She easily won the WA Bookmakers Association apprentice of the year award, nine points clear of her nearest rival. She also won the Bunbury Turf Club award for rider of the year, beating riders who were older and more experienced than her. This was a culmination of a fine season for Kyra in the third year of her apprenticeship. The Western Australian Jockeys Association said she has shown great grace and dignity throughout her apprenticeship, describing her as one of WA's role models for all apprentice jockeys. The association highlighted her diligence and application towards her apprenticeship, making the most of her opportunities at a time when others are easily distracted by social activities.

Kyra is the daughter of trainer Graham Yuill and grew up with horses. She had concentrated on show jumping until the speed of racing attracted her. Kyra has impressed all those in the racing fraternity with whom she has come into contact with her great attitude and hard work. They say she is the first to arrive at the track and the last to leave. On the morning of the Perth Cup she was up at 4.00 am to ride track work on 15 horses. She is headed for a great future in the racing industry. I congratulate her and wish her all the best in the future.

HAMERSLEY ROVERS SOCCER CLUB

Statement by Member for Carine

MR A. KRSTICEVIC (Carine) [12.28 pm]: Today I ask the house to recognise a noteworthy association in my electorate, the Hamersley Rovers Soccer Club. Hamersley Rovers Soccer Club is a sporting association run by a large number of volunteers. The club prides itself on community involvement by developing youth with a healthy attitude towards sports and providing overall fun for all. The club was founded in 1982 by a handful of men wanting to kick a ball around. Hamersley Rovers Soccer Club can be proud of its service to the community for the past 30 years. President Carol Marinkovich, vice-president Peter Smith, treasurer Jon Lochead, secretary Joe Wright and storeman Graeme Marinkovich, alongside other committee members, parents and friends, work incredibly hard to make this club run to a superior standard.

The club has grown in size over the past 30 years and now comprises 11 senior sides and approximately 35 junior teams. Hamersley Rovers Soccer Club is currently one of the largest football clubs within the Perth metropolitan area. The seniors have men's teams in the amateur premier league, a development team in the amateur league to encourage the juniors to make the step to seniors, three social teams, and two masters teams to cater for people over 35 years of age. The club also has two senior ladies teams. The club's home ground is at Carine Open Space. The club utilises the grounds from March through to October each year. Over the years, the club has been extremely successful with the seniors, being the only club in Western Australia to win the premier league for three years running.

I wish to congratulate the Hamersley Rovers Soccer Club on its support and assistance to the Carine community by promoting healthy lifestyle choices.

LEGISLATIVE ASSEMBLY CHAMBER — TELEVISION CAMERAS AND PHOTOGRAPHERS

Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): Members, I rise ahead of question time to inform you that I have approved the presence of a television camera at the north door of the chamber, and photographers in the public and press galleries, from 2.00 pm today for a period of time not extending beyond 10 minutes to allow for the coverage of the handing down of the state budget.

QUESTIONS WITHOUT NOTICE

LEARN FOUNDATION FOR AUTISM CENTRE — CLOSURE

230. Mr M. McGOWAN to the Premier:

I refer to the closure today of the LEARN Foundation for Autism, a centre for high-needs children with autism. Will the Premier now put the children first and help this organisation to prevent it closing today; and, if so, what will he do?

Mr C.J. BARNETT replied:

I have just met with the person who runs LEARN, with several —

Mr M. McGowan: Mandy.

Mr C.J. BARNETT: Yes, I know—Mandy. I was not going to name her, but you did.

I met with her; in fact I invited some parents to come and meet me, which they did. She also came along. I very much understand the distress of the parents and what it means for their individual sons and daughters. I talked to them, together with the Minister for Disability Services, Hon Helen Morton, and also the member for Alfred Cove. We discussed some of the children's needs. The member for Alfred Cove is still with them. There are no cameras, no press secretaries and no media. It is a proper meeting to talk about their personal situations. That is what we did.

Mrs M.H. Roberts: You were pressured into it, though, weren't you?

Mr C.J. BARNETT: I wonder whether the Leader of the Opposition knows why they closed their doors yesterday. Does he know?

Mr M. McGowan: Are you going to abuse them again?

Mr C.J. BARNETT: Does any member opposite know the reason? They were told by the liquidator that they needed to close their doors because of a problem with pay-as-you-go tax; in other words, tax paid on the salaries of employees. That is the seriousness of the issue. Related to that is a debt, which I believe is around $300 000. Does the opposition think that the state government—while it is large, it is nevertheless a limited disability services budget—should pay unpaid tax and should pay accumulated debt? I do not think it should. What we are now doing as a government, through the Minister for Disability Services, Hon Helen Morton, is trying to see what we can do to assist those families. Fifteen families have already come forward to try to find another placement. That work is happening right now. We are also having discussions on how we might help to maintain some of those services. I do not believe that it is the role of government or of the taxpayer to pay tax that should have been paid by a private entity, nor is it the role of the taxpayer or the government to pay debt that has been accumulated by a private entity. A bit less theatrics in here, Leader of the Opposition, and a little more genuine concern for the children and the organisation would have done the opposition a lot better.

LEARN FOUNDATION FOR AUTISM CENTRE — CLOSURE

231. Mr M. McGOWAN to the Premier:

I have a supplementary question. As a result of the Premier's meeting, will the centre stay open—yes or no?

Mr C.J. BARNETT replied:

It is a private centre, closed by the liquidator. That is a fact. It is not a government centre; it is not a government-funded centre —

Mr M. McGowan: Say no!

Mr C.J. BARNETT: That is a very smart little stunt by the Leader of the Opposition! He should do what I and the minister, and the member for Alfred Cove have done—we have actually sat down to try to work out a solution the best we can.

Several members interjected.

The SPEAKER: We have spent a considerable amount of time on this issue today. A lot of people have had a chance to put their positions. I do not think interjecting at this stage is going to develop any further resolution.

Mr C.J. BARNETT: The parents I met with were quite emphatic about how the program had helped their individual children. I do not doubt that at all. I do not question the program. I think it is probably true that in an area like autism some programs work for some children and other programs work for other children. Autism is a complex condition. In our schools, there are 2 700 children with autism who receive additional support. These parents choose, or are able to provide, support beyond what is funded through the school system in terms of education assistants. Indeed, one of the women I spoke to has an education assistant in the school for her child at very substantial, but worthy, expenditure to the state government. I congratulate these parents who somehow find additional money to provide additional sessions and programs for their children beyond what is funded through government, both state and commonwealth.

Mr M. McGowan: They are not school aged.

Mr C.J. BARNETT: Some of them are. The one I was just speaking to is.

Mr M. McGowan: A great many are not.

Mr C.J. BARNETT: Indeed, there are intervention schools. Are members opposite suggesting that we provide a different level of government subsidy for some, as distinct from the vast majority; for example the 2 700 children and all the other children who are preschool age who may also have autism? Are members opposite suggesting a discriminatory level of funding simply because a group came to the Labor Party?

REGIONAL HOSPITALS — EMERGENCY CARE

232. Mr V.A. CATANIA to the Minister for Regional Development:

A recent announcement was made by the Minister for Health and the Minister for Regional Development that the southern inland health initiative will now provide funding for 24/7 emergency care in four regional hospitals. Can the minister outline the details of the scheme and the communities it will benefit?

Mr B.J. GRYLLS replied:

I thank the member for North West for his great interest in this issue. I think it is absolutely remarkable that we can now give a degree of confidence to people who live in regional areas that their regional hospital will have a doctor. The angst about access to educational outcomes for families with disabilities was discussed in Parliament today. What about regional families who could not access a doctor in their regional hospital?

Several members interjected.

The SPEAKER: We do not have a lot of time in question time today. I do not want to be on my feet taking up more of question time today. I think members can understand what I am saying.

Mr B.J. GRYLLS: Country communities would have loved some outrage by the previous government when there was no doctor on call at Esperance, Northam, Merredin, Narrogin, Manjimup, Collie and Katanning. Where was the outrage then? There was no outrage then! Because of the excellent work of the Minister for Health, we can now offer 24/7 guaranteed coverage to all of those hospitals so that the community knows there will always be a doctor there. This is a remarkable outcome that has taken years and years to deliver. It was comprehensively ignored by previous state governments who thought it was just too hard, and it has been comprehensively ignored by the commonwealth government. The commonwealth government, in charge of providing primary health, does nothing. It has taken the southern inland health initiative under the leadership of the Minister for Health to actually offer that certainty to those communities at last. In Esperance, Northam, Merredin and Narrogin there is now a guaranteed doctor on the floor 24/7. In Manjimup, Bridgetown, Collie and Katanning there is now either a doctor on the floor or a doctor guaranteed to be on close call—within 10 minutes of the hospital. The communities of not just those towns, but the region —

Mr M.P. Murray interjected.

Mr B.J. GRYLLS: The member for Collie–Preston was not that concerned when he was in government about this because he never actually recognised it! He did not actually do anything about it. The southern inland health initiative is delivering a fundamental boost —

Mr M.P. Murray interjected.

The SPEAKER: I presume you want to have question time today. All we have left is 22 minutes.

Mr B.J. GRYLLS: The southern inland health initiative is a $565 million investment over the out years of the budget. The amount of $240 million is being invested in the health workforce and $300 million invested in capital works. The member for Eyre tells me this actually means that there will be two extra doctors in Esperance under the southern inland health initiative providing that vital primary care. A very important question to ask the commonwealth government is why it is happy for state taxpayers to pay for primary health in an area it is absolutely responsible for. The commonwealth does not need to take over primary health care; it already has it. We are very happy that at long last—after years of underinvestment in country health—we can now provide

certainty to all people in regional areas, through the southern inland health initiative, that that regional hospital will be covered by a doctor 24/7. It is about time. The opposition should reflect on exactly what led to the circumstance that that certainty could not be guaranteed when it held the Treasury benches.

COMMISSIONER OF POLICE — CONFIDENCE OF PREMIER AND MINISTER

233. Mr J.R. QUIGLEY to the Minister for Police:

I note that the government has again overruled the Commissioner of Police and ordered not only that the school crossing guards not be removed, but also more recently has prevented the removal of officers from police and community youth centres.

(1) Does the minister still have confidence in the Commissioner of Police?

(2) Did the minister consult either the Premier or the Corruption and Crime Commission as to whether Commissioner O'Callaghan should stand aside until the current CCC inquiries into him are completed?

(3) If yes to (2), what was that advice; and, if the minister did not seek that advice, why not?

Mr R.F. JOHNSON replied:

(1)–(3) The member has asked a very varied question. He is dragging in the Corruption and Crime Commission. He would know what the CCC does because the previous Labor government investigated ministers almost on a daily basis. Let me try to answer the question in the form that the member asked it. First, he referred to the PCYCs and asked whether I or the Premier or anybody else overruled the commissioner. The answer to that is no. The commissioner, the Premier and I are of one mind in that we do not want —

Several members interjected.

The SPEAKER: Thank you, members.

Mr R.F. JOHNSON: They obviously do not want an answer to the question. They will not like the answers because they are true.

I have press cuttings of comments that I have made to the media, including *The West Australian* and other local newspapers, over the past few months indicating that there is no intention to extract police officers from PCYCs.

Mrs M.H. Roberts: What!

Mr R.F. JOHNSON: I will show the member the press clippings if she would like—the statements that the commissioner and I have made. The simple fact is that the commissioner, the Premier and I and, indeed, I think most people—anybody with any common sense—would not want police officers doing administration duties, doing the books for PCYCs —

Mr B.S. Wyatt interjected.

Mr R.F. JOHNSON: I am answering the question. We would not want the PCYCs running Zumba or Gymbaroo classes or fundraising. That is not the job of police officers. We want to see the police officers literally physically involved with the youth-at-risk programs. That does not take all their time at the moment.

Mrs M.H. Roberts: They're not going to be based there?

Mr R.F. JOHNSON: They are going to be based there. It depends on what is meant by "based". We want to try to increase the number of PCYC programs. Many of my colleagues who do not have a PCYC in their electorate want the benefits of the PCYC programs and officers who are running those programs coming out into the community and working in their areas. They do not want these police officers stuck in a building during all of their working day, five days a week. They want them in the building if they are working on the programs but if they are not, they want them in the community the rest of the time.

Mr M.P. Murray interjected.

Mr R.F. JOHNSON: The member for Collie–Preston does not have a clue. He is a marron smuggler.

The SPEAKER: I can stay here until one o'clock if you would like me to, members. I presume you want some more questions answered. Member for Collie–Preston, I formally call you to order for the first time. Minister for Police, I have indicated in this place previously today that we are not advantaged at all by making personal references to other members. I formally call you to order for the first time today as well.

Mr R.F. JOHNSON: I had better watch myself now.

All that has changed is that the process is being delayed slightly so that we can ensure we get the right people at the PCYCs because they are separate organisations. They are not government owned; they are not police owned.

Mr M. McGowan: Do you have confidence in the police commissioner? That was the question.

Mr R.F. JOHNSON: Yes, of course I do. I said I do.

Mr M. McGowan: Part (2): did you consult with the Premier or the CCC as to whether Commissioner O'Callaghan should stand aside?

Mr R.F. JOHNSON: I certainly do not intend to answer that question. That is a legal question.

Mr M. McGowan: Did you consult with the Premier?

Mr R.F. JOHNSON: I consult with the Premier all the time. It is inappropriate for the Leader of the Opposition to ask questions about an investigation that is going on with the CCC. They are the standards that he sets because many of his former colleagues were in front of the CCC on an almost daily basis.

Mr J.R. Quigley: And you called for them to be stood aside. What's different here?

Mr R.F. JOHNSON: Let me just conclude because we have only limited time. The member for Mindarie is wrong in his assumption that there is any difference of opinion among the Premier, myself and the commissioner. We are working in the same direction to try to ensure that we get to as many of our youth at risk and our priority and prolific offenders who are causing problems in society as possible. We want to try to rehabilitate them and get them into programs. If they are not in programs that PCYCs are conducting or able to conduct, we want to try to get those youngsters into other organisations in areas where there are no PCYCs. We do not want police officers sitting in a building for their whole working lives and not getting out into the community. That is not the best way to get to those youth.

In relation to the children's crossings, yes, I have stopped any children's crossings being abandoned by crosswalk attendants because I take the safety of our children very seriously. The criteria have been altered for any new crossings. Unless I decide otherwise, those traffic wardens will stay in place. If the member objects to that, I am sorry, but it seems that he does not take children's safety into serious consideration.

I think I have answered all the questions now. I have confidence in the police commissioner and we are working in the same direction on PCYCs. I am more than happy to elaborate on that at a later date as I do not want to take up all of question time. The questions usually asked by the member for Mindarie normally attack our police officers, not praise them for the wonderful work they do.

COMMISSIONER OF POLICE — CONFIDENCE OF PREMIER AND MINISTER

234. Mr J.R. QUIGLEY to the Minister for Police:

I ask a supplementary question relating to the past practice involving assistant commissioners of police who have had to stand aside during current Corruption and Crime Commission inquiries. What is the government's policy on senior police officers being required to stand aside from operational duties during a CCC inquiry into them?

Mr R.F. JOHNSON replied:

That is a totally inappropriate question. It is not a supplementary question anyway.

Mr J.R. Quigley: What's the problem?

The SPEAKER: I have enabled the supplementary question to be asked. I have made a decision about that. The minister is responding. The minister does not need assistance from anybody while he is doing this.

Mr R.F. JOHNSON: The member for Mindarie has a history of making derogatory and defamatory comments about serving police officers. He has been forced to make an apology in this house on at least two occasions.

Mr J.R. Quigley: It's wrong.

Mr R.F. JOHNSON: No, I am not wrong.

Mr J.R. Quigley: Yes, it is.

Mr R.F. JOHNSON: The member has abused parliamentary privilege time and again. He is a serial offender when it comes to abusing parliamentary privilege. He is making a slur against our police officers at the moment and, indeed, our senior police officers. I will not stand in this place and put up with him making these comments again. I do not want him to have to apologise to Parliament again, as I am sure he may have to.

BERKSHIRE ROAD–ROE HIGHWAY INTERSECTION

235. Mr F.A. ALBAN to the Minister for Transport:

I note the recent surge in interest from the ALP member for Forrestfield about the intersection of Berkshire Road and Roe Highway. Can the minister please advise the house of the status of this intersection and the accuracy of the opposition's commentary?

Mr T.R. BUSWELL replied:

Yes, I can. I thank the member for Swan Hills for asking that very interesting question. The ALP is suddenly very interested in that intersection, and rightly so; it is a dangerous intersection. It is an offset T-junction with a

set of lights on one side and a Stop sign on the other side. I noticed that the Leader of the Opposition was out there the other week. He was that excited, he produced a press release about it.

Mr A.J. Waddell: You found that, did you?

Mr T.R. BUSWELL: Yes, but, funnily enough, there is no mention in that press release that one cent will be funded towards it. I think the Leader of the Opposition had better understand this because he is out there saying that it will be funded to the amount of $14 million. He said that if Labor is elected, it will incorporate this intersection into the Gateway WA project. The problem with that is that the Gateway project is funded and all that money is allocated. The opposition cannot just get a $15 million project, stick it onto another big project and say that it will pay for it out of the bigger project because it has some loose change lying around. The opposition is going to have to do a bit better than that. The second thing the Leader of the Opposition said is this —

> "It is a logical extension … and would make sense to include the intersection as one of the projects, as it would make the cost of works significantly cheaper.

How? It is realigning an offset intersection and putting in traffic lights. How does incorporating it into a project that has no money for it make it any cheaper? There is not one shred of engineering advice to suggest that that statement is correct.

I am sincerely sorry that the Member for Forrestfield's motor vehicle has been damaged three times. I think that is a serious issue. If an MP badges up his car, he should not expect someone to break the window or try to vandalise it. I am not being critical of that at all—well, I am being critical, but I am not reflecting poorly on the member. A decal on the member for Forrestfield's car says "Andrew Waddell, member for Forrestfield—getting things done". It is false advertising! What has the member done?

Mr A.J. Waddell: What have you done? You have done nothing for Forrestfield for three and a half years. Zero. Absolutely nothing. You're a joke. We know you're a joke and that's why Morton's going down!

Mr T.R. BUSWELL: The member for Forrestfield is getting things done? I am not sure that will fly with the residents and certainly not with the shire with which he has not met yet.

Mr A.J. Waddell: Again, another lie. You're such a liar!

Withdrawal of Remark

The SPEAKER: Member for Forrestfield —

Mr A.J. WADDELL: I withdraw it, despite the fact that yesterday it was clearly in *Hansard* and he is now misleading this house.

The SPEAKER: Member for Forrestfield, you certainly recognised that you needed to make a withdrawal, and you have done that. I do not think there is any need for you to add any further commentary to that, although I understand your emotion about this. Minister for Transport, I have said to two other members previously in this place today, if you are going to reflect upon members personally, you might expect something to come back. At this point, Minister for Transport, I formally call you to order for the first time today.

Questions without Notice Resumed

Mr T.R. BUSWELL: Getting back to the likely cause of the action—the burst of activity—I think it has to do with our very good candidate in that area, Mr Nathan Morton. He is a fantastic person.

Mr A.J. Waddell: Why don't you talk about the lies he tells people? Why don't you talk about the fact that he claims he is a local when he teaches in Armadale? Why don't you talk about his lying about his marital status?

The SPEAKER: Member for Forrestfield, I do not know whether you were referred to in that respect, but I formally call you to order for the second time today.

Mr T.R. BUSWELL: I have been out there with the candidate, Nathan Morton. He has been on the front page of the local paper a few times talking about this issue.

Mr W.J. Johnston: He's the guy who lost the last election.

Mr T.R. BUSWELL: What was that, member for Cannington—he lost the election? What about you? What about your role in the last election? Every now and then I still thank you, member for Cannington!

The other thing Mr Nathan Morton has done is letterbox-drop the entire electorate talking about Roe Highway and Berkshire Road. What happened after that? The Leader of the Opposition visited the area and at long last the member for Forrestfield corresponded with his constituents about it in his letter, which I have here and will quickly talk about.

Mr A.J. Waddell: We were on the front page last year on the same topic. You can't help but mislead this place, can you? You're a sleaze!

Withdrawal of Remarks

The SPEAKER: Member for Forrestfield, I ask you to withdraw that comment as well.

Mr A.J. WADDELL: I withdraw.

Mr M. McGOWAN: I heard the Premier say exactly the same thing of the member for Forrestfield.

The SPEAKER: I did not hear that, but I ask the Premier, if indeed he did say that, to withdraw that comment.

Mr C.J. BARNETT: I think I made a general comment about sleaze, but I withdraw.

Questions without Notice Resumed

Mr T.R. BUSWELL: I am not reflecting on anyone; I am simply reading from the letter, which says that to date, the member for Forrestfield has been frustrated in his attempts to get the state government to move on the issue. He has written to me once. In that letter, he says that he wants to know what plans I have for this very important issue to redevelop and redesign this intersection over the next 30 years. The member's number one priority has a 30-year time frame!

Mr C.C. Porter interjected.

Mr T.R. BUSWELL: Getting things done slowly.

Secondly, he goes on to say in the letter of 10 May 2012 —

> Mark immediately saw the problem and agreed with me that the upgrade will be a priority …

It is not funded. How big a priority is it if there is not one cent for it? Finally, the member for Forrestfield said that the government is ignoring congestion everywhere except in the CBD. When the member drives through the member for Belmont's electorate, he will notice $325 million being spent widening Great Eastern Highway. If he goes the other way down Roe Highway, he will notice $112 million being spent on the grade-separating interchange between Roe Highway and Great Eastern Highway, and pretty soon when the member for Forrestfield drives to the city with all those other people from Forrestfield, he will see $1 billion being spent on the upgrade and the Gateway project. When the police are looking for the culprit who put the hole in the member's window, tell them to look for the guy walking around Forrestfield dressed as Han Solo looking for Princess Leia!

MARGARET RIVER BUSHFIRES — GOVERNMENT AGENCY REVIEW

236. Ms M.M. QUIRK to the Premier:

I refer the Premier to the answer he gave to a question asked by Hon Ed Dermer dated 7 March 2012 that the Premier anticipated that his government would receive the report of the independent review of the Fire and Emergency Services Authority's and Department of Environment and Conservation's post-incident analysis, as recommended by the Keelty Margaret River report, by 30 April 2012. Has that report been received by the government, who conducted the review, and when will the Premier table that report?

Mr C.J. BARNETT replied:

I do not have that information to hand. If the member wanted that —

Ms M.M. Quirk: It is your answer.

Mr C.J. BARNETT: If the member wanted a detailed response now: that review, as I understand —

Ms M.M. Quirk interjected.

Mr C.J. BARNETT: The member is asking the wrong person. If the member for Girrawheen wants me to answer it, I will take it on notice and give her a written response; otherwise, she might ask the minister responsible.

WESTERN AUSTRALIAN INSTITUTE OF SPORT — HIGH-PERFORMANCE SERVICE CENTRE

237. Ms A.R. MITCHELL to the Minister for Sport and Recreation:

I was delighted to see Steve Hooker reach the qualifying mark for a position on the Australian team for the 2012 Olympic Games. Can the minister tell us how the state government's recent announcement of funding for the new Western Australian Institute of Sport's high-performance service centre will ensure our emerging athletes have the best opportunity to emulate our current-day champions, such as Lauren Mitchell and Kimberley Mickle?

Mr T.K. WALDRON replied:

I thank the member for Kingsley for the question. It was fantastic to see Steve Hooker reach the qualifying mark on Friday night. He is a great athlete and also a terrific person and a wonderful ambassador for Western

Australia. There is no doubt that Western Australia has a proud record of producing world-class athletes. I have often commented over the years that our elite athletes have punched well above our weight on the world stage. Although that might be the case, it is also true that a modern facility for our elite athletes was well overdue. Nearly two years ago the Premier and I saw the existing facility firsthand and realised that it was not up to standard. It is for that reason I was delighted to announce funding of $31.73 million for a new high-performance service centre for the WA Institute of Sport. That is in addition to the $2 million we announced for planning last year. This capital investment will deliver a world-class facility. It will feature an improved strength and conditioning gymnasium; a multipurpose training area; recovery and rehabilitation area, which was greatly needed; indoor runway and pole vault facilities; office accommodation; and, importantly, sports science laboratories and a high-performance research centre. We are doing a lot of terrific work out there in conjunction with the University of Western Australia and this will enable further improvements to those programs. Crucially, this investment resolves the access issues for disabled athletes. We had a terrible situation in which there was no wheelchair access to the main gymnasium. This new centre looks after our disabled athletes as well, which is really important. The funding enables our home-grown athletes to stay in WA and train in an environment that I believe will be equal to, or better than, any facility anywhere else in the country. It is a terrific message to deliver during the Olympic year. WAIS will now have the resources and the facilities to nurture and develop emerging talents in our state, of which there are many. Construction is due to commence on AK Reserve at Challenge Stadium in July 2013 and be completed in the last quarter of 2014, which works well with the Olympic time frame.

We can be extremely proud of what we are doing. Along with the completed basketball and rugby facilities, and Barbagallo Raceway, the work that is starting on nib Stadium in July and the state netball centre at the end of the year, plus the new Perth stadium, I think we are doing a terrific job for sport in this state.

Sitting suspended from 1.00 to 2.00 pm

APPROPRIATION (CONSOLIDATED ACCOUNT) RECURRENT 2012–13 BILL 2012

Introduction and First Reading

Bill introduced, on motion by **Mr C.C. Porter (Treasurer)**, and read a first time.

Explanatory memorandum presented by the Treasurer.

Second Reading

MR C.C. PORTER (Bateman — Treasurer) [2.01 pm]: I move —

That the bill be now read a second time.

[The Treasurer read the following speech.]

1. INTRODUCTION

Mr Speaker, today the Liberal–National Government delivers its fourth and final Budget before the State election of March 2013.

I am proud to announce another projected surplus of $196million in 2012–13 (the Government's fourth consecutive surplus). However, this Budget has been produced in a political and economic climate presenting a serious structural problem to the Western Australian economy.

The structural problem can be simply put.

WA's economy and population are growing at historically high rates.

With this growth, the demand for government services and infrastructure is growing faster year on year. Unfortunately however, State revenues are growing at below-average rates and not keeping pace with industries' demand for services and infrastructure.

While revenue is growing year on year, as it generally does; the rate of growth is, sadly, short of remarkable.

Looking back a decade illustrates the point.

In 2005–06, revenue grew by an extraordinary 16.3 per cent. That was off previous growth of 11.5 per cent, in turn off 8.3 per cent. The result, with compounding, was that revenue growth between 2002–03 and 2005–06 was an astonishing 40.4 per cent over three years, with year on year growth of 12 per cent per annum.

After the Global Financial Crisis (GFC), revenue growth for this Government was 0.5 per cent in 2008–09. In the Government's first three years, total revenue growth, with compounding, was 23.6 per cent (an average of 7.5 per cent per year). Between 2002–03 and 2005–06 there was no GFC and no depressed housing market (transfer duty forecasts in this Budget have been revised down by

$836million, reflecting ongoing weakness in the housing market). Most critically, in 2003 the taking of WA's royalty revenue through decreasing GST payments had not yet become the catastrophe it is now.

Between 2002–03 and 2005–06 WA got back an average of 100 per cent of its GST.

The key difference between 2003 and 2013, is GST revenue is now being taken away at unprecedented rates; when our population growth and demand for infrastructure and services is considerably higher than it was in 2003.

About 1,000 people are coming to live in Perth every week and this figure excludes the large number coming in and out of the State for shift periods of employment. These citizens all demand services and social infrastructure and the projects they come to work on themselves create huge demands for economic infrastructure.

As one example, this Budget approves the Mid West Energy Project.

With investment of $176million in 2012–13 and $443million in total, this is the most significant electricity transmission project in Western Australia. It will benefit the entire nation by unlocking significant investment in the Mid West region, including the Karara magnetite mine. This is precisely the type of massive infrastructure expenditure undertaken by the WA State Government of which no consideration is given in the GST carve up.

The State's primary growth revenue to cope with these demands should be royalty revenue.

But while successive WA Governments have spent 50 years planning and investing to generate this revenue, it now fails to properly reach the Budget because of massive reductions in GST.

2. THE NATIONAL IMPORTANCE OF THE WESTERN AUSTRALIAN ECONOMY AND THREATS TO ITS FUTURE

One year on from the 2011–12 Budget two things are notable.

FIRST, the situation regarding WA's share of GST has deteriorated beyond the Government's worst case scenario.

SECOND, WA's role in supporting the entire Australian economy with growth, jobs and investment (in construction, manufacturing, technology and services); has gone from important to critical. The great irony is; that at the critical moment of the modern restructure of the Australian economy—when WA is pivotal to the nation's economic future—WA is being financially punished in a way unprecedented in the Australian Federation's one hundred year history.

No mistake should be made about it—Western Australia is driving the national economy.

Seventy per cent of all new jobs in the last year were created in WA. Australian domestic demand is only above 4 per cent because it is 11 per cent in Western Australia and 10 per cent in Queensland. The national economy is driven by WA resources and construction, and over the year to February 2012, the only place where manufacturing employment has grown is WA, where an extraordinary 7,000 manufacturing jobs were created in the last quarter alone.

With just over 10 per cent of the nation's population, WA will contribute 20 per cent of all company tax take, about 60 per cent of the Minerals Resource Rent Tax (MRRT), 40 per cent of Australia's total exports, and 45 per cent of Australia's total merchandise trade.

In an economically sane world the best Federal policies would be those that allowed for the most productive State in the Federation to get at least its population share of revenue, of Commonwealth infrastructure spending and proper resourcing on key policy issues, such as training and labour shortages and Native Title compensation. Unfortunately, the opposite is true.

The prevailing Federal policy, is to penalise the WA economy. The MRRT, the GST distribution, the terrible breach of the Native Title agreement, and the carbon tax all disproportionately hurt Western Australia: and notwithstanding its crucial role in the nation's future prosperity, WA gets less than our population share of Commonwealth infrastructure investment.

Enormous thought is being given by the Federal Labor Government as to how to move wealth from Western Australia to Eastern Australia, but no thought is given to how to move people and adequate infrastructure funds into the economy that generates the wealth in the first place.

3. LEADERSHIP AND SOUND FINANCIAL MANAGEMENT

WA's GST will now drop to 55 per cent of our population share; a loss of $662million from our bottom line overnight.

Previously a $12.3billion loss was a worst case scenario. Now we forecast a loss of more than $15billion to 2015–16, with our GST share expected to fall as low as 25 per cent.

That is, over the out years —

> WA now has the lowest share of GST of any State ever; having suffered the largest one year drop in GST in the history of the process.
>
> Losing $662million in one year constrains our capacity to keep growing the nation's most successful economy and also means that efforts must be made to find savings in the Budget.
>
> The Government has a strong track record of targeting wasteful spending. In our first term, we have achieved:
>
> - $524million in savings between 2011–12 to 2014–15 from a 5 per cent efficiency dividend on GTEs;
> - 1,138 voluntary separations – saving $54million per annum;
> - a targeted savings program, freeing up $324million between 2011–12 and 2014–15; and
> - an Economic Audit resulting in savings of $979million over 2009–10 to 2012–13, including reductions in procurement spending of $239million over that period.
>
> All of this started with an efficiency dividend policy in 2008–09.
>
> The efficiency divided was a stated policy position of both sides of politics before the 2008 election.
>
> In August of 2008, the then Labor Government considered the 3 per cent efficiency dividend process to be a critical part of sound economic management. By 2009 it became heresy.
>
> While savings measures are rarely 100 per cent successful, the 3 per cent process undertaken by this Government achieved about 90 per cent of its target and saved $1.46billion, with what were in practice minimal disruptions to frontline service delivery.
>
> Savings processes combined with a clear wages policy have seen public sector wages growth reduced to a 6.7 per cent average (compared to an average of 8.8 per cent under the previous Government). With salaries expenditure projected to reach $10billion in 2012–13, this two percentage point difference equates to annual savings of about $200million per year.
>
> Wages are the significant subset of the other indicator of fiscal restraint, being total recurrent expense growth.
>
> In 2010–11, the Government achieved expense growth of 5.2 per cent, the lowest outcome since 2003–04. Expense growth in 2011–12 was projected at the time of the Mid-Year Review to be 11.6 per cent. While this includes a $675million lower than expected spend for 2010–11, it is still too high and the Government is working hard to bring the 2011–12 expenditure growth in as an actual under 9 per cent to achieve an average two year total of around 7 per cent.
>
> The new savings initiatives set out in this Budget are now well known, having been previously announced.
>
> A two year FTE cap, whereby public service FTEs will be maintained at approved 2011–12 levels (excluding operational staff in Health, Education, and Police). This will restrain expenditure growth and aim to save $526million between 2012–13 to 2015–16.
>
> A 2 per cent efficiency dividend across general government (Education at 1 per cent) and a 2.5 per cent efficiency dividend for GTEs will aim to save, respectively, $244million and $49million in 2012–13.
>
> Whatever view is expressed on the ease or otherwise of achieving savings of this type, two things are certain.
>
> First, without real efforts to find waste and savings, expenditure will exceed the 10 per cent mark and should this occur regularly it is unsustainable. To complain that recurrent expense growth is too high and at the same time oppose an efficiency dividend is to ignore economic reality.
>
> Second, a failure to act immediately to find savings would inevitably result in a deficit.
>
> Governments like business and households must live within their means.
>
> When losing $662million in expected revenue, no matter how unfair the circumstances, just like a household or business faced with decreased incomings, there are only two choices. Do nothing and deliver a deficit; or embark on a process of finding ways to save on your outgoings and stay in surplus. The Liberal–National Government has chosen the latter.
>
> It is on this basis that we also have had to make the difficult decision to defer targeted infrastructure projects into the outyears.

Mr Speaker —

To put this simply —

> if the Federal Labor Government continues to withhold this State's fair share of the GST, there soon will be nothing left to take. Confirmed by the recent review; before too long, WA could receive nothing from the GST pool and the Australian economy will be the ultimate loser.

4. BUILDING THE STATE

Mr Speaker, with a $26.4billion investment program, the Liberal–National Government will continue to close the infrastructure deficit left from years of underinvestment.

As well as huge economic infrastructure investment in water, electricity and roads; health and education facilities throughout WA are being rebuilt from the ground up and families are the beneficiaries.

Health Infrastructure

The New Children's Hospital has started, with the $1.2billion project already half paid for and to be complete by late 2015.

The $2billion Fiona Stanley Hospital, only a poster in bushland when we came to Government, is on-time and on-budget for its scheduled opening in 2014.

Education Infrastructure

This Budget also includes the construction of five new primary schools at Hammond Park, North Butler, North Yanchep, Treendale and Wandina (K–3) totalling $78million. Construction will also commence on Stage One of the new Byford Senior High School ($30million); Stage Two of Dalyellup College ($30million); and the staged replacement of Willetton Senior High School ($32million).

In addition to these schools, the State Government will invest a further $204million to 2015–16 to build further new schools, improve capacity at existing schools and fund maintenance to address forecast enrolment growth of 26 per cent over the next 10 years.

To address enrolment growth and ongoing cost pressures, the Government is also providing $384.5million to education in additional recurrent funding.

Transport Infrastructure

Mr Speaker, part of the unprecedented growth in demand for infrastructure appears in transport.

The Government is aware of the congestion constraints currently being experienced on our metropolitan main arteries.

This Budget will deliver major new additions with:

- $105million for a third lane in the Graham Farmer Freeway tunnel, increased capacity on the Mitchell Freeway to Hutton Street, new Green CAT services to Leederville, more red CAT buses, new cycle paths and bus lanes;
- $20million to improve cycling infrastructure;
- $35million for the Safer Roads and Bridges program, $20million for the State Black Spot Program, and $41.7million for safety improvements to crash sites around the State; and
- a total of $317.5million in State funding for the Gateway WA project, including:
  - — Perth Airport and Freight Access; and
  - — Tonkin Highway / Abernethy Road On-Ramps.

Perth City Infrastructure

The Government has so far invested an average of $6.7billion per annum —

This is across the board —

> to re-build the State; the previous Government's average spend was $3.5billion.
>
> Very significantly, the transformation of our capital city will take shape this year.
>
> Those that did not spend the money to close the infrastructure deficit during their own time now casually dismiss the massive investment of this Government as 'pet projects'.
>
> The only thing petty about the construction now underway in this State is the criticism of it and this type of criticism reveals a terrible lack of ambition for our State.
>
> This Government will achieve a profound transformation of Perth city.

- $744million on City Link will connect the city and Northbridge with vibrant public space for the first time in one hundred years.
- $94million will be spent on the Riverside project.
- $375million is now allocated toward the Perth Major Stadium.
- $270million to the Perth Waterfront.

These projects will transform Perth into a modern, vibrant and graceful capital city.

In the Asian century, Perth can not only become Asia's gateway to the nation but the most beautiful city on the continent.

What is now underway is the creation of greatest physical gift to future generations of Western Australians since 1871, when Surveyor General Fraser persuaded Governor Weld to set aside 1.75 km² as Kings Park. Later enlarged by Sir John Forrest, Kings Park has been the defining physical drawcard of the city for families and tourists alike, serving us brilliantly for over a hundred years.

But Mr Speaker, if we are genuine about providing more and better options for modern families and greater diversity and livelihood for a competitive international tourist market, then we cannot rely on Kings Park by itself forever.

There are critics of the city's transformation, as there are on any visionary project.

The naysayers of the Waterfront are a particularly interesting mix of voices from the left of the Labor Party and the right of the Western Suburbs.

At the heart of their objections is a lament of lost public open space.

Well Mr Speaker, surely enough flat grassed open space for one aircraft landing strip in front of the city is enough?

Surely there is also room for the water to lap the city's edge, for restaurants and cafes, and desperately needed hotels, and wonderful creative public spaces for people to fill and enjoy.

Some people may be content to tell arrivals from Asia or Europe to visit Kings Park and take a photo of London Court.

However, this Government knows that it is impossible to talk sensibly about a world-class city for residents and a future tourism industry; and not support the transformation of the city at the heart of this great State.

To fulfil this vision an additional project is now announced in this Budget; being the new Museum. The Liberal–National Government will commit $428.3million to a new Museum in the Perth Cultural Centre. This Budget includes initial funding of $70.5million from 2013–14 to 2015–16 to commence construction and the new Museum is scheduled for completion in 2019–20.

The Budget Aggregates

Mr Speaker, the Liberal–National Government's strong financial leadership has created a vibrant business environment in which to invest and employ.

Amidst international instability, our State remains secure and safe with our triple-A credit rating underpinning investor confidence.

We boast a pipeline of investment in construction projects which has been described by Deloitte Access Economics as "awe-inspiring". Our projections for growth are strong, our unemployment at 3.8 per cent is the lowest of all the States. The Budget projects four consecutive surpluses. Net debt at 30 June 2012 is estimated at $15.2billion, which is significantly lower than forecast in the Mid-Year Review and the last Budget. This Budget also shows net debt peaking in 2014–15, again at a level below previous estimates; and shows debt commencing its reduction in the final outyear 2015–16.

Fees and Charges

Mr Speaker the yearly budget changes to fees and charges have long been measured using a household model.

This year the average household will experience an increase in line with inflation at 3.56 per cent. An increase of $3.14 per week in government fees and charges.

The State Government will also keep electricity price increases down to the bare minimum—a 3.5 per cent increase—directly in line with the predicted CPI in 2012–13.

The decision to freeze electricity prices between 2001 and 2009 simply meant prices did not evenly and smoothly keep pace with the costs of providing electricity. That was always going to have to end no matter who was elected in 2008.

Some people say that the State Government makes money out of electricity.

That simply is not the truth.

The facts are these.

Each year money flows to the Government from the electricity utilities in the form of tax equivalent payments and dividends. Money goes out in a wide range of subsidies. Take one from the other and this is the result:

- a loss of $105million in 2009–10;
- $109million in 2010–11;
- $118million in 2011–12; and
- in 2012–13, a loss of $44million.

Properly conceived, these are simply losses to the taxpayers of their tax dollars, which could alternatively be spent on schools and roads and hospitals.

Less pain for the consumer on the bill is more pain for the taxpayer in lost roads and schools; the catch being the consumer and the taxpayer are largely the same people.

The tough decisions however, were made early by the Government and even with recent increases, WA has among the lowest electricity prices in Australia.

This year the Liberal–National Government will increase the price only by the projected CPI at 3.5 per cent. Unfortunately, outside this Budget looms the reality that the carbon tax will increase electricity prices by a larger amount.

The major difference is this—the State Government increased electricity prices because it considered to guarantee a functional electricity sector and responsibly secure supply to households it had no choice. The Federal Government will increase the price for Western Australians because it wants to and considers the increase, in policy terms, to be a good idea.

Mr Speaker in 2012–13, above this Budget's small increase for CPI; every cent, of every price increase, on every bill for every Western Australian family will be an increase enforced by policy choice of the Australian Labor Party.

Cost of Living Assistance Payment

It is in recognition of the difficulties experienced by households, that the Liberal–National Government will introduce a new Cost of Living Assistance (CoLA) payment, worth $286million over the next four years.

From 1 October 2012, about 348,000 households with a relevant concession card will be eligible for a payment of $200 off their electricity bill.

By way of example —

- An eligible family with no dependent children would previously receive the Supply Charge Rebate (SCR) of $147 a year; they will now receive the new CoLA payment of $200 a year—an increase of over 35 per cent in the rebates received on the cost of electricity.
- An eligible family with two dependent children would previously receive the base SCR of $147 a year—they will now receive the new CoLA payment of $200 a year AND then receive the Dependent Child Rebate (for two children) of $307, taking the total annual rebate payments to $507. This means that for an eligible family with two children they will now receive a yearly rebate equalling approximately one third of the average household's spending on electricity per annum.

The funding for the CoLA sees existing rebate funding supplemented by new funding of $24.7million and the addition of $52.5million in funding redirected from the Hardship Efficiency Program, which had been largely unsuccessful in substantially mitigating against the effects of electricity price increases.

Seniors Cost of Living Rebate

The Government will also spend an additional $5.7million over four years on the Seniors Cost of Living Rebate. Under this Government, the Seniors Cost of Living Rebate has now increased from $100 for

singles to $155.25 and from $150 for couples to $232.90, and the eligibility criteria for the Seniors Card were also expanded.

Seniors Security Rebate

The State Government will also spend an additional $2.8million in 2012–13 to extend the Seniors Security Rebate program.

Small Businesses

The Liberal–National Government aims to provide an environment in which business can invest, expand, employ and innovate.

As part of the 2008 election the State Government committed to allocating $250million in tax relief during its first term. In 2009–10 we provided a one-off payroll tax rebate for small and medium-sized businesses worth $100million, and we have also delivered further tax relief measures worth $25million.

In this Budget, the Government will allocate more than the final $125million in tax relief, fulfilling our election commitment.

Small Business Payroll Tax Rebate

Small businesses with a payroll up to $1.5million for the 2012–13 financial year, will receive a full rebate of all payroll tax paid in 2012–13. Small businesses with a payroll of between $1.5million and $3million, will receive a partial rebate. This measure will cost about $128million and will benefit an estimated 6,700 businesses.

A business with a payroll of $1.5million will get back a one-off payment of $41,250; money that can be used to further grow the business.

A further tax relief initiative, never before advanced in this State, is to provide that businesses with a payroll under $15million will receive a full payroll tax rebate on the first two years of wages paid to a new Indigenous employee.

Employment; Training

Mr Speaker, the Liberal–National Government is also committed to ensuring people have skills to gain employment and help our growing industries.

Additional funding of $99million to 2013–14 will continue our contribution to the delivery of training places required to meet industry demand as the State's economy expands. A further $10million will also fund building works at metropolitan training colleges.

Royalties

Unlike the 2011–12 Budget which increased revenue by $2billion to 2014–15 through the negotiated removal of the royalty discount applying to fines iron ore, there are no similarly large revenue measures in this year's Budget. In 2012–13 the Government has committed to a provision for higher rates of return for port authorities, estimated to generate $85million, and an analysis of royalties in consultation with industry to be completed by 1 July 2015.

The analysis will involve a three year period of consultation with potentially affected industries. It is not designed to, nor does it intend to, pursue any thorough going change of all relevant royalty rates to actual royalty rates which would produce revenue to meet the long-standing and still prevailing target of an amount broadly equivalent to one tenth of the total 'mine head' value. This is because the Government's present best estimates are that the actual royalty rates needed to produce that result are presently unlikely to be achievable.

Rather, the analysis is designed over time to achieve a marginally improved revenue return to the Western Australian community from the sale of the mineral products that the community owns.

The 2012–13 Budget includes a provision for estimated maximum additional royalty revenue of $180million in 2015–16 to reflect the financial impact of the outcomes of the process.

5. SUPPORTING OUR FAMILIES AND COMMUNITY

Families

Mr Speaker, since 2008–09, the increase in the budgets of those agencies that directly look after Western Australians and their families has been nothing short of extraordinary.

Child Protection's budget has increased 52.1 per cent over the period 2008–09 to 2012–13, Communities 51 per cent, Corrective Services 33.5 per cent, Health 39.3 per cent, Disability Services 66.5 per cent, Training 28.9 per cent and Education 24.3 per cent.

The Premier said this Government would be compassionate. These figures show that where the Government has spent money to help Western Australian families, it has done so generously and in a way targeted to reach the areas of greatest need.

Last year Mr Speaker, the centrepiece of the last Budget was an unprecedented $604million provided to the not-for-profit sector.

Child and Parent Centres

This year the Government continues its commitment to families with the establishment of 10 Child and Parent Centres at selected government schools in vulnerable communities at a total cost of $29million. These Centres will constitute a one-stop-shop to access support services to improve the developmental, health and learning outcomes of young children.

The Government will also invest $4million to upgrade the 70 family and child care centres it owns and operates throughout the State.

Another critical new initiative is the provision of $58.5million for 100 additional child and school nurses to deliver child health checks, in partnership with the not-for-profit sector. This key initiative has been long talked about, long argued for and now it will become a reality.

Mental Health Bill

A new Mental Health Bill will protect people with mental health problems and ensure they have access to high standards of services. Additional funding of $17million is provided to deliver initiatives associated with the Bill.

Declared Places

This Government will also be the first in WA history to build an alternative to prison for the secure residence of people who are charged with offences but not able to stand trial due to mental impairment. With an $18million commitment, these 'declared places' will finally become a reality.

Disabled Employment

Another new initiative to WA is that there will be payroll tax relief for employers who hire new employees with a disability.

Social Housing Boost

The Government is providing a much needed boost of $130million over two years, which will fund the construction of 433 new homes for vulnerable people in need.

The Housing Authority will also receive an additional $8.7million to provide for an extra 16 homes for Mental Health Commission clients. This is on top of the previous $151million for an additional 284 homes.

Disruptive Behaviour Management and Tenancy Support

The Liberal–National Government will also spend $12million to support our local communities by targeting unacceptable behaviour in public housing, to ensure tenants are held to account for their behaviour.

Other Housing Initiatives

Mr Speaker in 2012–13, the Government will invest a total of $971million in social and affordable housing.

New Initiatives in Health

Since coming to office, the Liberal–National Government has increased the health recurrent budget by 39.3 per cent and its capital budget by a staggering 226 per cent. WA has Australia's largest per capita spend on essential health infrastructure, around five times that of New South Wales and Victoria.

The result has been:

- an additional 123 hospital beds in our public hospitals; and
- huge improvements in our public hospital services; WA now has the second shortest waiting times in Australia for elective surgery, a reduction of more than two months since 2006–07 for 90 per cent of all elective patients.

In this Budget, an additional $809million is now committed to health services and facilities; this is on top of the $1.2billion already provided in previous Budgets.

This includes an additional:

- $151million in ICT infrastructure to enable commissioning of the Fiona Stanley Hospital and Albany Health Campus;
- $40million for medical equipment replacement; and
- $22million in 2014–15 and 2015–16 for Royal Perth Hospital.

The State Government will also spend:

- $474million to 2015–16 to maintain health services and accommodate expected growth in demand; and
- $60million for transition of hospital services to the Fiona Stanley Hospital and the New Children's Hospital.

Education

Since coming to office, the recurrent budget of the Education Department has increased by 24.3 per cent and spending on education services will increase by another $122million in 2012–13. This is on top of the $672million provided in our previous Budgets.

As a specific priority, in this Budget, Year 7s will now be consistently educated in WA's secondary system.

To relocate Year 7 students from 2015, the Government is investing an additional $341million, including $42.6million from *Royalties for Regions*. This funding will upgrade 29 existing secondary schools, retrain up to 525 teachers, and enable the purchase of 46 additional buses.

Community Safety

Mr Speaker, the Liberal–National Government promised a strong response on law and order.

Legislative measures—such as mandatory penalties for those that assault police, rebuilding supervision and completion of community work, stricter policing and enforcement of parole conditions and greater stringency in the release of prisoners to parole—have resulted in a 9.1 per cent decrease in overall reported crime from 203,755 offences in 2008–09 to 185,128 in 2010–11. Part of the success in this area has been a 170 per cent increase in program delivery to prisoners which has been a factor in the figure noted by the ABS that the number of offenders dealt with in our courts has decreased by 17 per cent, the largest decline in Australia.

In a rapidly growing population this is no mean feat, but we recognise also there is continual work to be done in this area.

GPS Offender Tracking of Dangerous Sex Offenders

The State Government will now allocate $6.2million to electronically tag dangerous sex offenders. The technology will provide the ability to locate and track offenders and provide improved responses to breaches of strict release conditions.

Western Australia Police — Chemistry Centre and Pathwest Costs

Additional funding of $30million has also been committed to maintain the police forensic investigation capacity and assist WAPOL in the detection of clandestine drug labs.

Refurbishment of Riverbank and Outcare Live Works Program

$8.7million will be provided over four years to provide greater community work options.

Coroner's Court

An additional $1.5million will be spent to assist the Coroner's Court to address its backlog and workload demands and additional five year funding of $7.7million will also be provided to maintain forensic examination capacity to assist the Coroner's Court in providing timely and efficient coronial services.

Mental Health Court Diversion Program

Another first for this State is $5million over two years from 2012–13 to trial an adult court diversion and support program for people with mental health problems.

$1.7million has also been allocated for a mental health assessment and early intervention pilot program in the Children's Court.

Fire Management

In light of two reviews by former AFP Commissioner Mick Keelty, the Liberal–National Government has allocated an extra $32.9million over four years in recurrent and capital funding to improve the Department of Environment and Conservation's (DEC's) fire preparedness. This is on top of DEC's existing fire management budget of approximately $52million per annum.

A further $40million over four years has also been allocated to the Fire and Emergency Services Authority to establish an Office of Bushfire Risk Management, improve response measures in the South West Cape region, increase the State's commitment to train and support volunteers, and adequately resource the State Emergency Management Committee.

CONCLUSION — FUTURE FUND

Mr Speaker, the Government's massive asset investment program in health; in education; in electricity and water infrastructure; and for Perth city will represent an enduring physical gift to future Western Australians.

But in this Budget we also achieve something no other State in the Federation has managed. A financial gift, a transfer of wealth generated from finite resources, from present Western Australians, to their children.

Mining royalties constitute a significant portion of the State's revenue and while we might expect a generation's prosperity to be underpinned by these royalties, the revenue will no more last forever than the mineral resources themselves.

When the Premier first announced the Western Australian Future Fund policy, speculation was to a modest 200 or 300 million dollar account. The Liberal–National Government's vision to contribute to the financial security for the future of our citizens has always been bigger than this.

In this Budget, the Government will set aside $1billion in seed funding over the forward estimates into a Future Fund—to provide the cornerstone for a safe and secure economy for our future generations.

This seed funding will be sourced from:

- the previous 3 per cent efficiency dividend and other savings applied to the *Royalties for Regions* Fund between 2009–10 and 2013–14 (savings totalling $223million); and
- 25 per cent of the revenue achieved by the Premier's skilfully negotiated removal of royalty discounts on iron ore 'fines'. This 25 per cent will total $820 million by 2015–16 and was previously agreed by the Nationals Leader would be quarantined from the 25 per cent of all other royalty revenue which has been delivered into the Royalties for Regions account.

Once the seed capital is in place in 2016–17; for each of the 16 years thereafter, the Fund will receive at least 1 per cent of the State's royalty revenue for that year. The interest earnings on the principal will also be diverted back into the Future Fund each year. It is very conservatively estimated that in 20 years' time the balance of the Future Fund will be about $4.7billion, and will earn approximately —

Several members interjected.

The SPEAKER: The last thing that I wanted to do was stand. The last thing that I wanted to do was to stand and call someone formally to order, member for Cannington—and that person is you! Each person in this place will have an opportunity to respond to this budget speech. Each person in this place will have an opportunity in the estimates committee hearings as well. I did not want to stand!

Mr C.C. PORTER: Thank you, Mr Speaker. Continuing —

> Once the seed capital is in place in 2016–17; for each of the 16 years thereafter, the Fund will receive at least 1 per cent of the State's royalty revenue for that year. The interest earnings on the principal will also be diverted back into the Future Fund each year. It is very conservatively estimated that in 20 years' time the balance of the Future Fund will be about $4.7billion, and will earn approximately $230 million interest each year from 2031–32.
>
> The legislation to effect the Fund will be introduced in the spring sittings of this Parliament.
>
> It will prevent the principal being spent for 20 years, but allow for the approximately $230 million in interest to be spent on infrastructure by future Governments; once the account reaches maturity in 20 years' time.
>
> In 20 years' time, our State will be able to apply a minimum of $230 million in interest earnings to industrial infrastructure; technology infrastructure; science and education infrastructure; health or research infrastructure—whatever is in the best interests of the State at the time. And in 20 years' time the Governments will be able to do that each year forever, if they so choose.

Mr Speaker, I commend this Budget to the Parliament.

I would now like to proceed with the formal purposes of the two Appropriation Bills, which seek the sums required for services in the coming financial year. Appropriation (Consolidated Account) Recurrent 2012–13 Bill 2012 is for recurrent services, which comprise the delivery of outputs and administered grants, subsidies and other transfer payments.

Appropriation (Consolidated Account) Capital 2012–13 Bill 2012 is for capital purposes, providing for asset purchases and payment of liabilities of agencies.

Recurrent service estimates of $18,914,220,000 include a sum of $2,041,280,000 permanently appropriated under Special Acts, leaving an amount of $16,872,940,000 which is to be appropriated in the manner shown in the Schedule to Appropriation (Consolidated Account) Recurrent 2012–13 Bill 2012.

Capital purposes and financing transactions estimates of $3,059,169,000 comprise a sum of $75,822,000 permanently appropriated under Special Acts and an amount of $2,983,347,000 which is to be appropriated in the manner shown in the Schedule to Appropriation (Consolidated Account) Capital 2012–13 Bill 2012.

Mr Speaker, I commend the Bills to the House and seek leave to table:

- Budget Speech—Budget Paper Number 1;
- Budget Statements—Budget Paper Number 2; and
- Economic and Fiscal Outlook—Budget Paper Number 3.

[See papers 4826 to 4830.]

Debate adjourned, on motion by **Mr D.A. Templeman**.

APPROPRIATION (CONSOLIDATED ACCOUNT) CAPITAL 2012–13 BILL 2012

Introduction and First Reading

Bill introduced, on motion by **Mr C.C. Porter (Treasurer)**, and read a first time.

Explanatory memorandum presented by the Treasurer.

Second Reading

MR C.C. PORTER (Bateman — Treasurer) [2.46 pm]: I move —

That the bill be now read a second time.

The bill seeks supply and appropriation from the consolidated account for capital purposes during the 2012–13 financial year as expressed in the schedule to the bill and as detailed in the agency information in support of the estimates in the 2012–13 *Budget Statements*.

Included in the capital expenditure and financing transactions estimates of $3 059 169 000 is an amount of $75 822 000 authorised by other statutes, leaving an amount of $2 983 347 000, which is to be appropriated in the manner shown in the schedule to Appropriation (Consolidated Account) Capital 2012–13 Bill 2012.

I commend the bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman**.

COMMUNITY PROTECTION (OFFENDER REPORTING) AMENDMENT BILL 2011

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 15: Section 37 amended —

Debate was interrupted after the clause had been partly considered.

The SPEAKER: Before the minister brings his advisers to the floor of the house, I will say to members that we are going into consideration in detail. There may be some other things that members may want to consider at this moment that would be more appropriately considered outside the Assembly chamber. If members are in here, I presume they are here for consideration in detail—not for other business.

Mrs M.H. ROBERTS: As explained in the explanatory memorandum, section 37 of the act "requires the authorised person receiving the report of personal details from the reportable offender", and so forth; and under this clause —

> … the reportable offender may make an agreement as to the manner in which an acknowledgement is given.

What if an agreement is not made?

Mr R.F. JOHNSON: The advice I am given is that offenders sometimes do not want to be given a receipt; they will throw it away or tear it up in front of the police officer who has just prepared and given it to them. The amendment will mean that it will not be mandatory to provide a receipt for any report other than their initial report. Police will give one if asked. Police will also record the form and the report on the information management software, which means there will be a copy of the documents in the system.

Clause put and passed.

Clauses 16 and 17 put and passed.

Clause 18: Section 41 amended —

Mrs M.H. ROBERTS: Section 41 authorises and regulates the use of reasonable force in the exercise of taking photographs and so forth. Can I have an explanation of what "reasonable force" might include?

Mr R.F. JOHNSON: I think it is a sort of a general description and interpretation of reasonable force. I suppose we could use the contrary; we could say they will not be allowed to use excessive force. But by saying "reasonable force" I think that gives the meaning that —

Mrs M.H. Roberts: Sometimes reasonable force takes into account the actions of the offender, so what is reasonable sometimes depends on what the offender is doing. For example, would it be reasonable to handcuff them to something in order to take their photograph?

Mr R.F. JOHNSON: I am advised yes, in very extreme circumstances. As explained, it might mean holding them by the arm and holding them firmly while they are having their photograph taken. To answer the member's question more specifically, I think reasonable force would be reasonable considering the circumstances and the behaviour of the offender, if I could call them that, or the reportable offender. If they are behaving in a violent way, then obviously officers would have to use a little more force than they would normally for somebody who is just sort of perhaps swaying about or whatever else.

Mrs M.H. Roberts: Potentially, they would not have to use any force at all if people are compliant?

Mr R.F. JOHNSON: Absolutely; there would be no force whatsoever. If the individual complies with the request, then there would be no force used whatsoever.

Clause put and passed.

Clause 19: Section 49 amended —

Mrs M.H. ROBERTS: Here again we have this reference to the "foreign reporting period". I am just seeking some clarification on whether this is the reporting period that applies in another state or perhaps New Zealand; or is something more meant by that?

Mr R.F. JOHNSON: I can tell the member the foreign jurisdictions. It is actually more than just New Zealand; it could be the United Kingdom, and other states, of course, are called foreign jurisdictions. In Western Australia we recognise the UK and Canada as corresponding law. So, I think it is predominantly other states, New Zealand, the UK and Canada. There are no others that we would reference.

Mrs M.H. Roberts: Can I just clarify whether the reporting period that would apply in WA for someone—let us call them a "foreign offender"—from another state or jurisdiction is our reporting period or that of the foreign jurisdiction?

Mr R.F. JOHNSON: Whether it is theirs or ours, it would be whichever is the longer.

Clause put and passed.

Clause 20 put and passed.

Clause 21: Section 63 amended —

Mrs M.H. ROBERTS: Section 63 makes it an offence for a reportable offender to fail to comply with their reporting obligations. Currently it is a simple offence and the penalty is two years and a fine of $12 000. Is the only change afforded by this clause an increase in the offence to make it imprisonment for five years or a summary conviction of two years or $12 000?

Mr R.F. JOHNSON: Yes, it could be dealt with as a summary conviction still with a penalty of a fine of $12 000 and imprisonment for two years, but the reason "an offence" is deleted and replaced with "a crime" is because of its seriousness and because the penalty has been increased. At the moment it is two years, and the

imprisonment period will be increased to five years. It was a Ministerial Council for Police and Emergency Management recommendation, not just ours.

Clause put and passed.

Clause 22 put and passed.

Clause 23: Part 4A inserted —

Mrs M.H. ROBERTS: This is clause puts in place some quite substantial and welcome changes and certainly regulates how a person can apply to the commissioner for a change of name application; obviously, the original legislation did not adequately cover those matters. But when I look at proposed section 80E, which refers to the Registrar of Births, Deaths and Marriages—otherwise known as the "WA Registrar"—it provides —

> The WA Registrar must not register a change of name under the Registration Act if —
>
> (a) the WA Registrar knows that the change of name relates to the name of a reportable offender …

I am curious about how the registrar would know that the person was a reportable offender when they made that application?

Mr R.F. JOHNSON: The simplest way to answer the member's query is to refer to 80G "Exchange of information between Commissioner and WA Registrar" which states in part —

> (1) The Commissioner must notify the WA Registrar —
>
> (a) of the name (including any other name by which the reportable offender is or has previously been known of which the Commissioner is aware) and date of birth of every reportable offender;

It continues from there. There is an obligation on the commissioner to notify the WA registrar of a reportable offender and to give the details outlined in proposed section 80G. It is a bit of a chicken and egg situation in my view between proposed sections 80E and 80G. Once the commissioner has done that, obviously, the WA registrar must not register a change of name under the Births, Deaths and Marriages Registration Act if the WA registrar knows the change relates to a reportable offender, which we say they must do because the commissioner would have informed the registrar, "with a copy of the written notice of approval of the Commissioner under section 80D". It is to try to ensure reportable offenders do not change their name and slip through the net and move somewhere with a different name and different details.

Mrs M.H. ROBERTS: Once this legislation is enacted, am I to expect one of the first things the Commissioner of Police or his delegate will do is provide to the WA registrar a full list of all current registered offenders?

Mr R.F. Johnson: The answer is yes.

Mrs M.H. ROBERTS: Every time someone is added to the list by way of a conviction or potentially moves to this jurisdiction from another jurisdiction, is the Commissioner of Police obliged to inform the WA registrar? Is it mandatory whenever any of those persons applies to change a name, for example, for the registrar to inform the Commissioner of Police?

Mr R.F. Johnson: Correct.

Mrs M.H. ROBERTS: Is there a penalty if the registrar fails to do that?

Mr R.F. Johnson: I am told that he will not be able to register a change of name unless he has authorisation from the Commissioner of Police. There is no penalty but he would be in breach of the act if he did that without notification. There is a penalty if the offender applies without approval from the commissioner.

Mrs M.H. ROBERTS: Section 80G(3) and (4) provide that "the WA Registrar must maintain the confidentiality of any information given by the Commissioner". Have any discussions taken place with the WA registrar about how that would be achieved? Will it be only the registrar or designated persons within their office who would have access to that information? What checks and balances are likely to make sure the list is secure within the office of the WA registrar?

Mr R.F. JOHNSON: I am informed that if someone goes to the counter at the registry office and seeks information or wants to change their name, a flag, which the person will not be able to see, will go straight through to the registrar and other delegated persons who would only be allowed access to that information. They will take over the processing and advise someone whether they can or cannot change their name if they are a reportable offender. If they do not have permission from the commissioner to change their name, the registrar will inform the reportable offender who is trying to change their name. If the reportable offender does not have the written authority of the commissioner to do that, he will be committing an offence and that will automatically

flag the WA Police. An MOU is to be set up between the Registrar of Births, Deaths and Marriages and WA Police in relation to this information. They are the only people who will have access to it.

Clause put and passed.

Clauses 24 to 26 put and passed.

Clause 27: Section 86 amended —

Mrs M.H. ROBERTS: Proposed subsection 86(2) refers to an affidavit for use in the hearing and reads —

> An affidavit for use in the hearing must be confined to the evidence the person making it could give orally, except that it may contain statements based on information and belief if the person making the affidavit states the source of the information and the grounds for the belief.

Why is there a requirement that the affidavit must be confined to the evidence that the person making it could give orally?

Mr R.F. JOHNSON: This particular part of the bill is included because it covers psychiatric or psychological reports. The person making the affidavit, in other words the police officer, might be submitting that as part of the affidavit. Obviously, that officer would not have written the report; it would come from a psychiatrist or psychologist. This proposed section has been recommended by the State Solicitor to cover that specific area.

Mrs M.H. Roberts: Is that to save the time of the psychiatrist or psychologist actually appearing in court?

Mr R.F. JOHNSON: I think it is, yes.

Clause put and passed.

Clause 28: Section 87 replaced —

Mrs M.H. ROBERTS: This clause replaces section 87 with a new section 87, "Commissioner may apply for orders". Proposed subclause 87(1)(a) reads —

> The Commissioner may apply to a court for a protection order —
>
> (a) prohibiting a reportable offender from engaging in specified conduct

The clause notes explain that this provision enables the commissioner to apply to the court for an order that prohibits a reportable offender from engaging in certain types of behaviour or from certain lawful activities. What lawful activities would the commissioner want to prevent the offender from engaging in?

Mr R.F. JOHNSON: It says exactly that at the moment. The clause states —

> The Commissioner may apply to a court for a protection order —
>
> (a) prohibiting a reportable offender from engaging in specified conduct;

Then it goes on further under the new clause. There may be an offender who has a propensity for and a history of taking children from public transport—for instance, buses or trains. This order could be put in place to prohibit that person from using those public transport facilities.

Mrs M.H. Roberts: That would have to be justified in the court so there is a protection.

Mr R.F. JOHNSON: Yes, it all has to be justified. That is where the evidence relating to prior convictions and prior behaviour would come into play. Consuming alcohol is another prohibitive action.

Clause put and passed.

Clauses 29 to 31 put and passed.

Clause 32: Section 93 amended —

Mrs M.H. ROBERTS: Clause 32(c) states —

> engaging in other specified behaviour;

I notice that paragraph (cd) states —

> consuming or using alcohol, drugs or other specified substances;

Is the minister's answer to this similar to the last one or is there some other behaviour that is likely to be specified here?

Mr R.F. JOHNSON: The advice I am given is that this clause really just tries to tighten up any errors that may not have been thought of previously. It could relate to GPSs and trying to ensure that an offender does not go outside a certain area or go to a certain area. We are trying to make it a catch-all that may not fit into any of the other specific areas that we have mentioned already such as alcohol or public transport.

Mrs M.H. Roberts: Is that part of the uniform approach or is it something you are just trying to do in WA?

Mr R.F. JOHNSON: The words "engaging in other specified behaviour" are already in the act. It was (e) before but now it is in subclause (c). The act has been changed to make everything simpler and fall in line with the intent of the bill before the house.

Clause put and passed.

Clause 33: Sections 94A, 94B and 94C inserted —

Mrs M.H. ROBERTS: This clause relates to getting offenders to comply with the commissioner's orders to undergo assessments by medical practitioners, psychiatrists, psychologists or social workers, or more than one of them if it is appropriate. Who would choose the medical practitioner, psychiatrist or psychologist? Does the offender choose? The commissioner may say that a person is required to see a certain GP, psychiatrist, psychologist or social worker. Is that practitioner chosen by the commissioner or the offender?

Mr R.F. JOHNSON: This clause primarily comes into play when an offender has been undergoing treatment within the corrective services system. When they reach the end of their sentence, they are let out of jail and may want to continue with that treatment, whether it be psychological or psychiatric or perhaps receiving medication from a specialist. At the moment there is nothing in the act that gives them the ability to carry on that treatment with these specialists. It is not an imposition on them from police; it is a question of consent.

Mrs M.H. Roberts: It uses the words "may require a reportable offender". That sounds like it is whether the offender wants it or not.

Mr R.F. JOHNSON: The offender may not be required to undergo an assessment. Police would not be able to order an offender to undergo treatment unless they are personally qualified to recommend or administer the treatment the offender has been recommended to undergo.

Mrs M.H. Roberts: Presumably, someone could do that. A qualified medical practitioner might recommend it. Can the commissioner require a medical practitioner to do that?

Mr R.F. JOHNSON: A condition of their release may be that they have to continue their medication to reduce certain areas of sexual drive—to reduce their libido—if that is the treatment they received in corrective services because of their behaviour. It might incur something along those lines. It could be that or it could be that psychiatric or psychological treatment is needed. Subclause (3) states —

> A person must not administer treatment of any sort that is the subject of an order of the Commissioner without the informed consent of the reportable offender who is to undergo the treatment.

That is where the consent comes in. The commissioner cannot just force somebody to do something; he has to have consent at the end of the day.

Mrs M.H. ROBERTS: Further on in that same clause, on page 26, subclause (5) specifies what the regulations may provide for. Paragraph (e) states —

> authorise the Commissioner to approve forms for the purposes of this subsection.

In other legislation those kinds of forms would potentially be approved by the minister. I would like some explanation as to why it was felt that the commissioner is the appropriate person to authorise the forms.

Mr R.F. JOHNSON: I am advised that these would be general day-to-day forms that provide for the authorisation of absences from assessment or treatment required to be undergone by the orders of the commissioner under subsection (1). In this instance it is probably more appropriate that the commissioner rather than the minister signs those forms. It is about approving the type of form to be used more than anything.

Mrs M.H. Roberts: Rather than the content of the form.

Mr R.F. JOHNSON: Yes, rather than the content of the form. It could be about treatment that has to be reported on. It could be a form relating to sickness. It could be different parts within the form. It could be a form that needs to be signed saying that the attendee does not have to attend treatment during a certain week.

Mrs M.H. ROBERTS: It seems to me from reading it that the commissioner could make up any number of forms to deal with these situations. Is that correct?

Mr R.F. JOHNSON: It has to be in line with the act. I think the whole purpose is to ensure that only one form is authorised to be used, so that there are not different forms or a note from somebody. This provision basically gives authority to the commissioner to approve those forms.

Mrs M.H. Roberts: Using the plural again, it says "approve forms". It doesn't say "a form for the purposes of this subsection"; it actually says "approve forms for the purposes of this subsection".

Mr R.F. JOHNSON: I am advised that more than one form could be used for the different reasons why they need to sign a form. It could be a form that the police send to a psychiatrist for an update of a report; it could be

one that is an authorisation for the reportable offender to hand over, saying that they do not need treatment this week or they are excused from treatment this week. I do not think there is anything sinister there at all; it is just trying to ensure that the whole system will run smoothly. The last thing in the world that the police want, I am told, is to generate lots of different forms, and I do not blame them. They are the bane of our lives, I think.

Mrs M.H. ROBERTS: This is quite a long clause. On page 28 of the bill, proposed section 94B(6) states —

> When requiring a reportable offender to submit to a test or give a sample under subsection (2), an authorised police officer must warn the offender that it is an offence to fail to comply with the requirement unless the offender has a reasonable excuse.

That seems fairly reasonable to me, but I wonder: what would be a reasonable excuse for not complying?

Mr R.F. JOHNSON: I am told that if the reportable offender is ill and the police officer accepts that they look ill, perhaps they are not up to giving a sample —

Mrs M.H. Roberts: What if they really are ill and a police officer thinks, "No; you can give the sample"?

Mr R.F. JOHNSON: The reportable offender may well need a medical certificate or a note to say that they are unwell, they have an illness, and it is not reasonable for them to submit to a test or give a sample under those circumstances. I cannot think that it would come into play very often. The member probably heard the advice I was getting, or she may not have.

Mrs M.H. Roberts: I can't. I can hardly hear you.

Mr R.F. JOHNSON: Sorry. It is basically when at least they are being given a warning that they commit an offence if they do not comply and submit to a test, and the only caveat, of course, is that the offender has a reasonable excuse. At the end of the day, it will be the police officer who makes the decision as to whether they think there is a reasonable excuse. I think police officers these days are very cautious about doing anything that could be construed in a court as going outside their authority or not taking into account the wellbeing of somebody who either is in their custody or has to report to the police. I do not have a problem with that. I think that that is giving the offender a bit of an out if they are genuinely sick, and I think most police officers would be able to tell if someone is genuinely sick.

Mrs M.H. ROBERTS: Proposed section 94B(7) states —

> A person must not use a sample provided in compliance with a requirement under subsection (2) to obtain the DNA of the person who provided the sample.

The penalty is imprisonment for 12 months. They are very strong words, "must not use", and the penalty is built in there. What if, for example, the person consented? It seems that even if the person might consent to their DNA being obtained, under this subsection they could not consent to it.

Mr R.F. JOHNSON: What is being explained to me, and I accept it, is that we are not using this legislation in relation to taking DNA. The Criminal Investigation (Identifying People) Act specifically outlines the criteria, methods, and so on and so forth, and under that act the person can volunteer as well. We are saying here that the police officers would have to follow that act as opposed to this legislation.

Mrs M.H. Roberts: They would have to take two separate samples.

Mr R.F. JOHNSON: Yes. This is purely to comply with their obligation under this legislation.

Mrs M.H. ROBERTS: Section 94B(8) states that the regulations may provide for a whole range of matters that are listed in paragraphs (a) to (i). It seems that the collection, keeping and disposal of samples will all be matters for regulation. I just signal that this may be a matter of concern. People will want to know that the samples are kept appropriately, that there is no contamination and so forth, that they are not used for other purposes and that, where appropriate, they are disposed of, and there is probably some interest in the manner in which they are disposed. I wonder how far work has advanced in determining all those things.

Mr R.F. JOHNSON: As the member would be aware, there are existing protocols and a model for disposing of samples such as blood, fluids or DNA, which the police already have to deal with. A lot of these things happen under the Road Traffic Act—breath testing, drug testing and blood testing—and those samples have to be disposed of in a secure manner so that they cannot be used for any other purpose. I think that this basically says that these samples have to be disposed of in the same manner. I am informed that the police are working on that at the moment, and that will form the basis of the regulation.

Mrs M.H. ROBERTS: I turn to page 29, and to proposed section 94C, which is headed "Authorised police officers may enter premises to inspect computers". This is an area in which the act is being tightened up considerably, which is a good thing, because obviously things move on in technology. As I understand it, this allows a police officer to enter a place or premises where the offender generally resides to determine whether there is any breach of their order, because, clearly, there may be internet sites and other things that they are not

allowed to utilise under their order. What powers do police have to check what the person is doing if they go to an internet cafe or somewhere else?

Mr R.F. JOHNSON: This is a very difficult area. Certainly for the purposes of this part of the bill, we know where they reside, and we know where they would normally go to access the internet through a computer system. If they go to an internet cafe, unless the police know that they are going there, it would be very difficult. If they go to their workplace and use their work computer to access the internet, the police would have some difficulty in going in there, but they could do it with a warrant. It is probably unlikely that a reportable offender would go to their workplace.

Mrs M.H. Roberts: There is lot of evidence of offences like that. It is where people try and hide it sometimes from their families and others.

Mr R.F. JOHNSON: Now that the police can get their passwords and their code names and all that sort of thing, which they have to give to the police under the terms of this bill, it will make it easier for the police to identify whether these people are using a remote computer, such as at an internet cafe. The police have some fantastic technology these days to help them find out what individuals are doing on their computer systems, just as they have with telephone intercepts and listening devices and all that sort of stuff. It is very difficult to make it 100 per cent secure. The person might go to the house of a friend, if they have not been prohibited from going there, and use their friend's computer. As the member for Midland quite rightly said, some people will use a computer at their workplace, if they can, to access inappropriate sites. It is difficult to deal with people if they go to those lengths. The purpose of this clause is to ensure that people are not storing stuff in their home and that they are not using their home computer to download child pornography and whatever else. I have just been told that WA Police has a tool that enables the police to track sites and see almost everything that these people do. Some of these people use different code names for things. It is called the Wyoming Toolkit.

Mrs M.H. Roberts: I think we should leave the mystery there and not inform people who should not know about it.

Mr R.F. JOHNSON: I could not agree more.

Clause put and passed.

Clauses 34 to 44 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

MR R.F. JOHNSON (Hillarys — Minister for Police) [3.35 pm]: I move —

That the bill be now read a third time.

My comments on the third reading of the Community Protection (Offender Reporting) Amendment Bill 2011 will be brief, but I want to provide some information to my colleague the member for Midland and shadow Minister for Police. The member for Midland wanted to know when the other states and territories implemented, or will implement, the majority of the Ministerial Council for Police and Emergency Management — Police recommendations in their jurisdiction. The information that I have is: New South Wales, 2008; Victoria, 2008 and 2009; Queensland, 2011; the Northern Territory, 2011 and February 2012; the Australian Capital Territory, a bill to implement the majority of the recommendations is currently in Parliament; and South Australia and Tasmania both still need to amend their legislation to meet the majority of the MCPEMP recommendations. I hope the member finds that information interesting.

I would like to thank the member for Midland for her cooperation in getting this bill through the house quickly today so that it can go to the other place and become a reality as soon as possible. We are talking here about the protection of children, and I know that the member for Midland would have the same view and the same concern I have about the need to protect children, who are some of the most vulnerable people in our society. I know that we share a common goal in seeking to protect children. So I thank the member for Midland for her cooperation and her goodwill.

Question put and passed.

Bill read a third time and transmitted to the Council.

WATER SERVICES BILL 2011

Consideration in Detail

Resumed from 15 May.

Clause 97: Fire hydrants —

Debate was adjourned on the following amendment moved by Mr W.R. Marmion (Minister for Water) —

Page 83, lines 8 and 9 — To delete the lines and substitute —

(8) Subsection (7) does not prevent the costs and expenses from being recovered indirectly via statutory water service charges.

Mr D.A. TEMPLEMAN: When we last debated this matter, we alerted the minister to our grave concern about the potential for the cost of maintenance of fire hydrants to be ultimately levied against consumers. When the debate on this clause was adjourned, the minister was battling to defend this clause. The minister needs to explain again very clearly exactly what he means by this clause, and allay our concern that this will not be yet another impost, potential or otherwise, on consumers. The consumers of this state have already experienced dramatic increases in the cost of water during this government's term in office. I am sure the shadow spokesperson, the member for Cockburn, will make comments about the imposts that consumers have had to bear under this government over the past four years. Once again, we are extremely concerned about proposed subclause (8) and whether it means an imposition of further costs for the consumer. The minister has a lot of explaining to do. I do not think he will be able to explain it. I assure the minister that we will spend some time on this clause. Unless he can convince the opposition that this clause is squeaky clean, we will oppose it absolutely. We do not have any confidence in what the minister has already said in his attempts to explain the proposed subclause.

Mr W.R. MARMION: It is probably worthwhile revisiting clause 97(6) and (7) and what I said in the house yesterday in answer to a question, and then I will lead on to proposed subclause (8). The opposition is concerned about increasing the cost-of-living pressure on people in Western Australia. Obviously, the government shares those concerns. As I said yesterday, we will not be passing on the costs of maintaining or repairing hydrants to consumers. I am happy to read that into *Hansard*. Proposed subclause (8) ensures that there is a mechanism in place for water service providers to recover from a third party the costs of providing a service. If someone breaks a hydrant, proposed subclause (8) allows the water service utility to recover the costs and expenses from the third party. That is the intention of proposed subclause (8). Subclause (7) refers to the Fire and Emergency Services Authority and to local governments. Proposed subclause (8) makes it very clear that costs can be recovered from a third party. In terms of the funding arrangement, which goes back to subclause (7), I make it quite clear that subclause (7) provides for costs to be recovered from FESA or local governments for installing or maintaining hydrants. The funding arrangements for implementing the transfer of hydrants have been considered now that the budget has been handed down. FESA has an allocation to maintain hydrants. This allocation will be provided to water utilities to maintain hydrants. I make it absolutely categorically clear that we will not be passing this on to Western Australian consumers.

Yesterday I failed to mention where we are at with hydrants. Recommendation 50 of the Keelty report is to transfer the ownership of hydrants from FESA to the water utilities. Further to that, recommendation 51 is that the Water Corporation immediately review the outstanding orders for hydrant repairs and develop strategies to reduce the backlog. That has been happening. It has been dedicating resources to clear the backlog. I can report to the house that, as of 8 March, only 354 work orders were outstanding, representing about 0.51 per cent of the total number of hydrants. I think there are about 70 000 hydrants throughout the state. The intention of proposed subclause (8) is to allow water utilities to recover costs from third parties for maintaining hydrants.

Mr C.J. TALLENTIRE: Given what the minister has had to say on this matter, it makes me wonder yet again why the government has not been more precise with the language used in the bill and in the amendment that is put before us on the notice paper. If we accept what the minister is saying, why would the government not add to subclause (8) words to detail that this is about only situations in which fire hydrants are damaged or broken by a third party? It would be very simple to amend proposed subclause (8) so that it reads "subsection (7) does not prevent the costs and expenses from being recovered indirectly via statutory water service charges where a fire hydrant is damaged or broken by a third party". If the government is not prepared to make that amendment—this is the concern of members on this side of the house—it will leave open the possibility of recouping from the general public all manner of costs relating to fire hydrants and, therefore, imposing a huge additional cost on the community.

Mr W.R. MARMION: I have been advised that parliamentary counsel wanted to insert proposed subclause (8) to make it absolutely clear. Subclause (7)(a), (b) and (c) does not provide clarity that there are other ways to recover costs. In case there was some doubt, the advice from parliamentary counsel, the people who decide what language to use in the bill, was that proposed subclause (8) should be put in with the key words "does not prevent". It is a case of clarifying the fact so that, although subclause (7) refers to FESA and local governments—there is emphasis on the "may"—a person reading it is clear that it does not prevent the recovery of costs from other people. It is a clarity pick-up clause.

Mr C.J. TALLENTIRE: I accept what the minister is saying, but the fact is that, as proposed subclause (8) is presented on the notice paper, it leaves open the possibility for a much broader interpretation of what those costs and expenses might be; therefore, we need an amendment to the proposed subclause to make it very clear that it

is about only recouping from third parties the costs that could be associated with damage caused by a third party or some other form of breakage to a fire hydrant. If that is not put in the subclause, the government will leave open the possibility of recouping costs on all manner of things relating to fire hydrants.

Mr W.R. MARMION: It is true that proposed subclause (8) could be interpreted as being very broad. The fact is that this bill must stand the test of time—maybe 20, 30 or 40 years, as did the previous legislation. I take the member's point that that could be the case. However, if there is a possibility of bringing in charges, they would have to be made by way of regulations, which means that the legislation would have to come back to Parliament. This is setting up a framework for the way things could be charged. It is not saying how they will be done. It is a motherhood clause so that the bill remains relevant in 20, 30 or 40 years.

Mr F.M. LOGAN: Nothing the minister has said to Parliament the other night, yesterday via a question without notice or today has allayed the concern that the wording is nothing more than another way of bringing in a charge on the people of Western Australia for the cost of maintaining, servicing and installing fire hydrants. He has given no assurances. I asked for an assurance in a question without notice, but the minister did not give one. In his significantly extensive questioning of the minister about the subclause, the member for Balcatta asked the minister to make it absolutely fundamentally clear that these charges would not be passed on to households.

Mr W.R. Marmion: I said that.

Mr F.M. LOGAN: The minister has again not done that today; these charges may not be passed on to households. The reason I think the minister has left the wording of the amendment exactly as it is, regardless of what parliamentary counsel says, is that it leaves it wide open. If a cost to households is going to increase, it can be done by way of regulation, but this amendment will give the minister the statutory power to do that. The regulations will sit under this act. The minister could make a quick regulatory change to pass on those costs.

Mr W.R. Marmion: It would have to go through Parliament.

Mr F.M. LOGAN: It could go through Parliament. The minister has the numbers in Parliament; if he wanted to do it, he could do it, regardless of whether we moved a disallowance motion.

Mr W.R. Marmion: I dare say that you would oppose it and get a lot of mileage out of it.

Mr F.M. LOGAN: So what? Even if we moved a disallowance motion, the minister would still have the numbers to push it through. This amendment will give him the flexibility to do that, as he talked about the other night. The wording is structured in such a way as to allow the minister to do that. The proposed subclause states that it does not prevent the cost and expenses from being recovered indirectly via statutory water service charges. We know that one statutory water charge is the one that will be on people's bills after 1 July. There are other statutory water service charges. The explanation that the minister has given for the interpretation of the wording of the proposed subclause is that it will be for the replacement of fire hydrants that have been knocked over or for housing development sites that are required to have fire hydrants installed. I would like the minister to run through all the statutory water service charges that this proposed subclause would apply to, and I want him to give an absolute assurance that the one statutory water service charge that it will not apply to is the water service charge on our bills every year.

Mr W.R. MARMION: I will get to the specific ones later on. I have made it reasonably clear. The intent of this proposed subclause is not to pass on the cost to mums and dads, and I have given the house the assurance that we will not do that; that is my undertaking. That is the bottom line.

Mr F.M. Logan: Explain where it is going to apply.

Mr W.R. MARMION: I have given the member an example. It is a cost-recovery mechanism. That is how I intend to set it up in the regulations.

Mr F.M. Logan: To whom?

Mr W.R. MARMION: To a water utility. A water utility will be able to recover costs from a third party for the management, maintenance and supply of hydrants. I gave the example of a developer of a subdivision in which a hydrant was knocked over. The utility, which could be the Water Corporation or some other water service provider, would be able to recover those costs and it could be set up through a statutory charge system. In that way, there would be a cost to replace each hydrant and a third party would have to meet those costs. That is the way I see it possibly being introduced. Let me put it this way: it will give the government of the day the ability to use that proposed subclause in a regulation. There is a suggestion that we do not even need that provision and that it could be done anyway. But proposed subclause (8) makes it clear that costs can be recovered from the Fire and Emergency Services Authority or local governments. I guess I am repeating myself, but that is as clear as I can make it.

Mr F.M. LOGAN: The minister has not come to the house with a piece of legislation that quite clearly states that this is what the government is going to do. That is what is normally done with legislation in this house—it makes the intent of the government very clear.

Mr W.R. Marmion: Not if it's done in the regulations.

Mr F.M. LOGAN: The minister has brought into this house a piece of legislation and said, "This will give us the flexibility to maybe do this, but I'm not too sure exactly what we'll do and we'll do it later. Trust us." That is effectively what the minister is saying. He wants the house and, through the house, the people of Western Australia to give the government the flexibility to do whatever it likes with this charge and it will decide how it will apply later on. That is effectively what the minister has said to the house. That is bad law.

Mr W.R. Marmion: I disagree.

Mr F.M. LOGAN: It is bad law. It is not the way that this house deals with legislation. The minister is supposed to bring into this house legislation in which he makes clear its impact on the community of Western Australia.

Mr W.R. Marmion: I can be clear.

Mr F.M. LOGAN: The minister has not been clear at all. He said that it may do this or it may do that, or it could be applied this way depending on how he writes it afterwards. That is what he has said. That is bad law and it is absolutely unacceptable. Subclause (7) makes it very clear to whom the charge will apply; the service and installation charges for fire hydrants will apply to FESA or a local government. The minister has said that he can give us an assurance that it will not have a major impact on households. In the budget that was brought down today, there is a 5.61 per cent increase in the emergency services levy. How do we know that the cost of maintaining, servicing and installing fire hydrants is not included in that increase? As the minister knows, it is already dipped into by FESA in order to pay for the services of the Water Corporation. The extension of that is: how do we know whether FESA's estimation of the added cost of the fire hydrant service and installation charge, should there be one, is included in that 5.61 per cent increase? It could be there, in which case we are paying for it, even though the minister has said that we are not. We are seeking from the minister an assurance—I have asked him a number of times—that the one statutory water charge that will not increase as a result of the introduction of this wording in the bill is the water service charge that householders pay. If the minister can just stand and say that that will not occur under this amendment, that is fine; we will move on.

Mr W.R. MARMION: If that is all the member wants, that is easy. I can tell him that we will not do that; there will be no increase in the current statutory water charge to customers—mums and dads—in relation to anything to do with fire hydrants. The mechanism will be via FESA. As the member knows, there is the levy. I think that the current amount of the fire and emergency services levy that relates to hydrant maintenance will probably be transferred to the Water Corporation or the utilities via a community service obligation equivalent to that amount. But that is an issue that the Treasurer will work out.

Mr A.P. O'GORMAN: On the amendment to clause 97, "Fire hydrants", I think the minister is referring to recommendation 50 in the report of the Community Development and Justice Standing Committee, which recommendation relates to the transfer of responsibility from FESA to the Water Corporation.

Mr W.R. Marmion: The Keelty report.

Mr A.P. O'GORMAN: It was recommended in the CDJ report long before that. While we were doing that report, it was brought to our attention, particularly by the City of Greater Geraldton and the City of Kalgoorlie–Boulder, that they did not have the capacity for future development. In fact, development was being restricted in towns like Geraldton because of this. If that is to be upgraded and the costs recovered from local government—I think it is a local government district rather than a FESA district; but the minister can correct me on that —

Mr W.R. Marmion: That is correct.

Mr A.P. O'GORMAN: — what prevents the local government from raising the rates to fund that, which means the cost will go back onto the consumer of the water in the first place?

Mr W.R. MARMION: That is the situation now. Local government pays for them anyway. I cannot stop local government: it is up to local government what it charges for rates. The member is right: the water utility, which is, I think, the Water Corporation in Geraldton, will recover costs from the local authority in areas outside a fire management district or the FESA area. They will recover the cost from local government. A service level agreement will be put in place—the Western Australian Local Government Association is negotiating that on behalf of local governments—and the Water Corporation will maintain the fire hydrants as per the level of service that the Geraldton council desires. There will be performance indicators. Obviously, the costs incurred by the Water Corporation will be a part of that agreement by the local authority.

Mr F.M. LOGAN: Minister, we will go over once more exactly what is happening so that we can be absolutely crystal clear on this before we pass the clause. The asset, being the fire hydrant, currently belongs to FESA and is serviced and maintained by the Water Corporation under an agreement. That asset is being transferred to the licence holder, which may be the Water Corporation or a local government authority —

Mr W.R. Marmion: Or Aqwest or Busselton Water or a licensee.

Mr F.M. LOGAN: Yes, a licensee. The asset is being transferred to the licensee. The servicing, maintenance and installation of fire hydrants will continue and FESA will then be charged for that service.

Mr W.R. Marmion: Correct, or the relevant local authority.

Mr F.M. LOGAN: I have two questions: First, does the minister expect to see an increase in the cost to FESA as a result of that transfer; and, if so, by how much? Second, because the licensee is now the owner and maintainer of the asset, subclause 8 allows costs to be recovered indirectly from a third party for damage to a fire hydrant or the installation of new fire hydrants in new housing estates—or whatever. But Water Corp or the licensee—Aqwest or Busselton Water—will specifically not pass on any of that cost to the householder.

Mr W.R. Marmion: Correct.

Mr F.M. LOGAN: I have two questions: As a result of that transfer, will FESA see an increase in its costs? And, just as a guarantee, will the householder not end up being charged by the Water Corporation for that?

Mr W.R. MARMION: FESA believes that this will streamline the process. It believes that it will not add to the current cost of maintaining the asset. The answer to the first part of the question is that I do not expect any increase in the cost to FESA. The other part of the question was a good one and is why there is good reason to have clause 97(8) in the bill. If someone apart from FESA or the local authority damages the asset, the licensee is not going to pass on the costs either to mums and dads or FESA or the local authority. Without subclause (8) the only way to recover the cost would be through FESA or the local authority and those costs would go back to mums and dads.

Mr J.C. KOBELKE: I will take up the minister's last comment because I am not sure how this follows. I do not know if I heard the minister correctly, but if someone damages a fire hydrant or part of the infrastructure required for the hydrant, why would the minister need this extra power to recover the costs through a statutory water service charge rather than by way of an action directly against the person who caused the damage? My question is in two parts. First, did I hear the minister correctly in suggesting that this may be used to recover the cost of repairs from someone responsible for damages? And, if that is the case, how does that relate specifically to subclause (8)?

Mr W.R. MARMION: We could still pursue damages through a court, but this gives the minister the power to set by regulation a certain charge to avoid going to court and to make the charge a reasonable charge. It gives us the flexibility to make sure that the process is streamlined.

Mr J.C. KOBELKE: Is the minister saying that his legal advice is that he can by way of regulation recover, for a specific incident, the costs of repairs through a statutory water service charge?

Mr W.R. Marmion: Yes; if I wanted to—by way of regulation.

Mr J.C. KOBELKE: I put the hypothetical case: Mr Smith drives his car or truck over the verge near his house or a part of the road and damages a hydrant, which has to be fixed by, for example, the Water Corporation, and the charge for that would otherwise be passed to FESA, but the minister is saying that he would use a statutory water service charge to target Mr Smith solely and only in order to recover the costs involved in fixing the hydrant.

Mr W.R. MARMION: That is what I said just before. It gives it more clarity. What the member said is correct. However it can be read the other way: it can prevent the licensee from overcharging Mr Smith.

Mr J.C. KOBELKE: No; my question was: would that happen? Would the minister use a statutory water service charge to recoup money from an individual liable for the repair of a hydrant asset?

Mr W.R. MARMION: The power is already there for the licensee to recoup that money. This subclause will allow the minister—or a minister—to set a regulation to limit that. It would work in reverse. They can already recover the cost, but this allows the minister, via regulation, to set a statutory charge for that incident.

Mr J.C. KOBELKE: I think the minister is tying himself in knots because he really does not want to speak the truth. I picked up on something the minister said before that did not make sense to me, and when I try to get that information out of the minister he goes on to say something else that does not make sense.

Mr W.R. Marmion: Tell me what you want me to say.

Mr J.C. KOBELKE: The last thing the minister said was that we need subclause (8) so that he can limit the costs. I put to the minister that that is already in subclause 7(a), which this chamber passed on Tuesday night, and which states —

> limit what may be recovered as costs and expenses;

That amendment has already been made. The minister has the power to do that.

Mr W.R. MARMION: Subclause (7) is about recovering the costs of installing, removing, repairing and maintaining, whereas subclause (8) will apply to something damaged by a third party.

Mr J.C. KOBELKE: I do not see how, technically, that difference can be derived, because subclause (7), which we have already amended, states —

> A licensee may recover the reasonable costs and expenses of installing, removing, repairing or maintaining a fire hydrant in accordance with the regulations, which (without limiting that) may —
>
> (a) limit what may be recovered as costs and expenses;

It seems to me that the minister has the power to limit it there. If the Water Corporation said that the cost of repairing a hydrant that was broken because a car went over it would be $5 000, and the minister thought that that was exorbitant and it really should be a maximum of $1 000 or $2 000, he could, by regulation, determine the hours of work or the resources to fix a problem. They can be limited by existing regulations. Subclause (8), which the minister is seeking to insert and which is now before the house, states that subclause (7), which we just alluded to —

> … does not prevent the costs and expenses from being recovered indirectly via statutory water service charges.

My experience of statutory water service charges is that they are applied to a class or group; therefore, I see that there would perhaps be a bit of an anomaly in applying it to only those people who are responsible for damaging an asset. There would then be the issue of determining whether they really were responsible, which can be a whole question in itself. Even if they did do it, if they denied that, there would be an obligation to show some evidence that they were responsible and therefore liable for the repair costs. It seems to me that the minister is getting into a whole new area that does not fit neatly, as I see it, with subclause (8), which is really about giving the minister another taxing power—another head of power to charge people a whole new fee. That is something I am totally opposed to.

Mr W.R. MARMION: I will try to explain this, but it is very legal and technical. There is another head of power created in clause 125—which we have not got to—which is, I think, the more general statutory power. This clause has been worded, from what I have been told, so that it is clear that this will not override the more general statutory powers created in clause 125. That is what my legal counsel has told me.

Mr J.C. KOBELKE: Let me try to understand this. Is the minister saying that subclause (8) is somehow to prevent amended clause 97 overriding clause 125? Clause 125 would appear to be a general regulating-making power on water service charges.

Mr W.R. Marmion: Yes.

Mr J.C. KOBELKE: How is it envisaged that this one could override it when it relates to trying to determine the issue between the Fire and Emergency Services Authority and a local government authority, which would currently have responsibility, and the negotiations with the provider on cost for particular work under the water services legislation?

Mr W.R. MARMION: I think it is becoming bit clearer. Subclause (8) states —

> Subsection (7) does not prevent the costs and expenses from being recovered indirectly via statutory water service charges.

If we put a specific head of power in, it would normally override the more general powers. This wording of subclause (8) is making it clear that it does not. The actual main powers take precedence over anything and would still apply.

Mr J.C. KOBELKE: I thank the minister for trying to give me a better understanding, but this is all driven by something the minister said the other night. When the minister was talking about subclause (8), which is currently before the house, he suggested that this would enable a charge to be placed on consumers to help meet the maintenance costs, which does not happen now. That might have been a loose use of language by the minister, but it caused me some consternation because his government does not seem to realise how hard it is hitting the mums and dads and the pensioners of this state. It is putting charge after charge after charge—huge increases—on people, driving more and more people into poverty. The minister suggested that this related to a potential new head of power to provide a charge, should it be required, for water hydrants. That is something we on this side of the house are totally opposed to. We can go on and on about this until we fully understand it, or the minister may wish to reconsider the expression he gave the other night—not to contradict himself. But perhaps he would give an assurance to the house that he will not actually set up a new specific charge, which will fall on consumers, relating to fire hydrants.

Mr W.R. Marmion: I have already done that; I have made the commitment about three times.

The ACTING SPEAKER (Mr A.P. O'Gorman): Now I need somebody on their feet —

Mr R.F. Johnson: Just go to the vote.

Amendment (deletion of words) put and passed.

Amendment (substitution of words) put and a division taken with the following result —

Ayes (25)

Mr P. Abetz	Mr M.J. Cowper	Mr R.F. Johnson	Mr C.C. Porter
Mr F.A. Alban	Mr J.H.D. Day	Mr A. Krsticevic	Mr M.W. Sutherland
Mr C.J. Barnett	Mr J.M. Francis	Mr W.R. Marmion	Mr T.K. Waldron
Mr I.C. Blayney	Mr B.J. Grylls	Mr J.E. McGrath	Mr A.J. Simpson *(Teller)*
Mr I.M. Britza	Dr K.D. Hames	Mr P.T. Miles	
Mr V.A. Catania	Mrs L.M. Harvey	Ms A.R. Mitchell	
Dr E. Constable	Mr A.P. Jacob	Dr M.D. Nahan	

Noes (22)

Dr A.D. Buti	Mr F.M. Logan	Ms M.M. Quirk	Mr A.J. Waddell
Ms A.S. Carles	Mrs C.A. Martin	Mr E.S. Ripper	Mr P.B. Watson
Mr R.H. Cook	Mr M.P. Murray	Mrs M.H. Roberts	Mr M.P. Whitely
Mr J.N. Hyde	Mr A.P. O'Gorman	Mr T.G. Stephens	Ms L.L. Baker *(Teller)*
Mr W.J. Johnston	Mr P. Papalia	Mr C.J. Tallentire	
Mr J.C. Kobelke	Mr J.R. Quigley	Mr P.C. Tinley	

Pairs

Mr G.M. Castrilli	Mr D.A. Templeman
Mr T.R. Buswell	Ms J.M. Freeman
Mr D.T. Redman	Ms R. Saffioti
Dr G.G. Jacobs	Mr B.S. Wyatt
Mr J.J.M. Bowler	Mr M. McGowan

Amendment thus passed.

Clause, as amended, put and passed.

Clauses 98 and 99 put and passed.

Clause 100: Approval required before connecting to sewer —

Mr C.J. TALLENTIRE: I see how firm clause 100(1) is. It reads in part —

> A person must not connect, or permit the connection of, a wastewater inlet on land to —
>
> (a) the sewerage works of a licensee;

But it seems to me that subclause (2) almost negates the first subclause because it reads —

> A licensee may approve of the connection of a wastewater inlet described in subsection (1) even though the connection has already been made.

I would like to hear the minister's view on this type of retrospective approval and whether there is any intent to stick with the rigour that is presented in subclause (1).

Mr W.R. MARMION: There is no change to the existing situation. Subclause (2) will allow for rare instances whereby something has already been installed. I guess it is a matter of retrospectively approving an installation. It might have been put in 20 or 30 years ago and the actual apparatus is being approved.

Mr C.J. TALLENTIRE: Thank you for the explanation. Can I have clarification that this form of retrospective approval is not available to developers, home builders or anyone who has a recent construction underway but will be contemplated only in circumstances in which, for some historic reason, previous approval has not been given and will not be available to people who might have sought a building licence in the past five years?

Mr W.R. MARMION: This clause will be available to developers only for rare instances when, for example, the paper work was lost years ago, and they will then need to prove it exists. I can give the member assurances that it will not be available to developers.

Clause put and passed.

Clause 101 put and passed.

Clause 102: Terms used —

Mr J.C. KOBELKE: My question relates to the whole of subdivision 2, but I think clause 102 is the appropriate place to deal with it as expeditiously as possible. The discharge of trade waste in Western Australia is handled very well. In other states where it is not handled as well, they have major problems in the waste water treatment plants because of the much wider treatment of waste that is going into them in terms of the chemistry. To what extent will there be differences between what is in this bill regarding the discharge of trade waste and the current legislative basis?

Mr W.R. MARMION: Apparently trade waste is not covered by any act at the moment; it is covered by regulation, so this will bring trade waste into the act. That is the only thing that will change.

Mr J.C. KOBELKE: Does it reflect the current regime or will it do anything that is significantly different?

Mr W.R. Marmion: Yes, it reflects the current regime.

Clause put and passed.

Clauses 103 to 110 put and passed.

Clause 111: Minister may require connection to drainage works —

Mr F.M. LOGAN: Division 7 relates to drainage services. "Drainage assets", as defined in clause 109, include —

> … drains, wetlands, swales, infiltration devices, devices for litter, sediment or water quality management, floodgates, pumping stations, culverts, and other similar works and natural features.

Drainage assets are land drainage features, as opposed to sewerage. The issue I wish to raise goes specifically to my electorate, particularly as it is covered by this clause 111, which provides that the minister may require connection to drainage works. I raised this matter with the former Minister for Environment and I have mentioned it briefly to the current minister. I refer to Lake Yangebup in the electorate of Cockburn. Lake Yangebup used to have on its eastern foreshore a series of wooden sheds that were used to clean and dry skins. As the minister knows, a number of heavy metals, including mercury and various other chemicals, were used to clean the skins before drying them. Before the introduction of the Environmental Protection Authority Act 1986, the operators were given approval to dispose of most of the residue from the sheds into Lake Yangebup. Therefore, the bottom of Lake Yangebup is full of heavy metals and seriously bad chemicals. That is acknowledged by the Department of Environment and Conservation and the Water Corporation. As the minister knows, all the wetlands through the southern and northern suburbs are connected by drainage pipes that are the asset of the Water Corporation. DEC is dealing with the contamination in Lake Yangebup by ensuring that the lake always remains full; there is always water in it. DEC does not want the lake to dry out because if it dries out, the dust containing heavy metals will be blown about and pollute the nearby residents. At the Beeliar Drive end of the lake is a sluice system that works like a sluice gate, but it is a sluice system. When the level of the lake fills up to a certain point, it overflows and the water goes into the sluice system. It then travels by pipe all the way along Beeliar Drive and across the Woodman Point waste water treatment plant, up Woodman Point View and then 150 metres out to sea. Lake Yangebup is directly connected to the sea by a pipe. This information was provided to me by the Water Corporation. The minister may remember that about three years ago a number of dead seagulls were found washed up on the beach at Woodman Point. Seagulls had also dropped out of the air and died on the jetty of Cockburn Cement at Woodman Point. No-one could determine the reason the seagulls died. Anecdotal evidence passed on to me from commercial fishermen in the area is that the timing of the dead seagulls coincided with an incident that the fishermen saw after some of the first rains at around the end of July or the beginning of August.

Mr M.P. MURRAY: I am very interested in this debate. I will let the shadow minister carry on because I would like to hear him continue his question.

Mr F.M. LOGAN: I thank the member for Collie–Preston. The fishermen saw from their boat some black stuff coming out from under the water. Clearly, it was the outfall to Lake Yangebup. The first flush of water brought down all the sediment that was in the bottom of the lake. Naturally, the bottom of the sediment goes into the pipe and gets flushed out to sea.

Mr W.R. Marmion: Possibly.

Mr F.M. LOGAN: The Water Corporation ran 100 miles an hour when I put it to them that I thought it was the cause of the dead seagulls. Regardless of whether or not it was the cause, in the twenty-first century it is not appropriate for a lake that has heavy metals in it to be directly connected to Cockburn Sound, which is a major fishery and sporting ground for snapper. This clause gives the minister the power to require connection to drainage works and it may also give the minister the power to give a direction to the Water Corporation to connect the pipe to the Woodman Point waste water treatment plant. The water from the lake would then be treated at the Woodman Point waste water treatment plant just like any other water that is contaminated with heavy metals and industrial waste rather than be taken out to Cockburn Sound. After that long introduction, my question is: will the minister give a commitment to direct the Water Corporation to connect that pipe into the Woodman Point waste water treatment plan rather than have a possibly highly contaminated lake being directly connected into Cockburn Sound?

Mr W.R. MARMION: This clause is not actually relevant to that matter, but I am quite happy to get some advice from the Water Corporation on it. I have some knowledge of drainage systems and how they work and how heavy metals could be stirred up at the base of the lake. The engineering and technical side probably needs

investigating. It could come under the Department of Environment and Conservation. I do not know whether it is classified as a contaminated site, although I imagine that it is if what the member said —

Mr F.M. Logan: It is their site, but the pipe belongs to the Water Corporation.

Mr W.R. MARMION: I will get a briefing and see what we can do.

Mr F.M. Logan: That would be great; thank you, minister.

Clause put and passed.

Clause 112 put and passed.

Clause 113: Requirement to maintain or modify drainage assets, etc. —

Mr C.J. TALLENTIRE: This clause provides penalties that can be imposed on a landowner who does not maintain their land for drainage purposes. I notice that the penalties are of the order of $5 000 and a daily penalty of $250. It might be time for members opposite who represent rural electorates, such as the members for Swan Hills, Darling Range and Geraldton, to bring to the chamber their expertise about drainage costs. It is my view that the cost of maintaining drainage assets in some circumstances would far exceed $5 000. That means someone could choose to incur the $5 000 penalty and thereby avoid having to pay for the maintenance. I know that the daily penalty rate would presumably be imposed until the works were done, but when looking at the cost of hiring earthmoving equipment that could be essential for some of the drainage works required and looking at some of the drainage assets—I refer to clause 101 and the maintenance of swales and other areas—we are talking about the use of expensive equipment to ensure the maintenance of drainage assets. The cost of $5 000 could be trivial in comparison with the cost of hiring a contractor to make sure that drainage assets are maintained. As I said, I hope that members who represent electorates in which this sort of issue arises frequently would be able to bring in their expertise and perhaps convince the minister that in fact those penalties are meagre in comparison with the cost of some of the works that would be required. Therefore, I maintain that we should in fact be increasing those penalties, perhaps bringing them in line with at least the figures in clause 112. We see in that clause that there is a fine of $25 000 and a daily penalty of $1 000. I think that would be far more dissuasive. That would ensure that a landholder would make sure that their drainage assets were properly maintained so that there is no damage going on to neighbouring properties and there is no damage to other community assets. It has to be about making sure that people act properly to maintain drainage assets that are, after all, for the benefit of the whole community.

Mr W.R. MARMION: Clause 113 needs to be read in conjunction with clause 120, which deals with compliance notices. It is possible for the licensee to issue a compliance notice under clause 120, and under that clause a compliance notice could be for the cost of the entire works. So there is the mechanism of a compliance notice under clause 120 to cover the member's concern. The member is concerned about the penalties. This clause is exactly what is applied in other acts currently. However, if the licensee thought that the penalty would not cover the situation, he could go in there and issue a compliance notice.

Mr M.P. MURRAY: I would like to follow on that line and put forward what has happened in my region. I am sure that the minister is aware to some degree of the Yancoal or Premier Coal diversion around Lake Kepwari. There has been a blow-out in the wall and, to me, there is no urgency to fix it because there is no fine as such that worries them. The $5 000 that has been mentioned here certainly should be looked at as well. This is a river that has been diverted, and now people are not quite sure what to do. In the meantime, it is costing the community hundreds of thousands of dollars because the remedy has not been implemented. As I have said previously, the Department of Environment and Conservation also has a role to play. I wonder why that fine is so low when we have a multimillion-dollar enterprise that is not complying with the letter of the law and rectifying the problems on the Collie River that inhibit the use of Lake Kepwari. The clause also says that a minister may, by written notice, require the licensee to modify the connection. I wonder whether that provision will be utilised in the future. In this case, the connection is about turning the river one way or the other to get a proper environmental result out of this situation. People from the Water Corporation and the Environmental Protection Authority have been out there, and other people such as engineers have been there, but nothing has been done. Is this a toothless tiger? Is it because only a $5 000 fine may apply in the future? I suggest very strongly that the minister should look at raising the amount to as high as $50 000 or $100 000, because for large companies, $5 000 in the scheme of things is absolutely nothing.

Mr W.R. MARMION: Obviously, I am not familiar with the issue and the complexities of who owns what and where the water goes. However, I would be interested to know. I do not even know whether it is classified as a drainage asset so that it comes under this legislation or whether it comes under other instruments that the EPA, the Department of Environment and Conservation or a state agreement might have set up. I am unfamiliar with that. However, if the situation did come under this legislation and the company was not complying, under clause 120 a compliance notice could be issued and it would have to comply. If it did not comply, under clause 122 I can remedy the situation by organising for it to be fixed and then recover the costs.

Clause put and passed.

Clauses 114 to 171 put and passed.

Clause 172: Terms used —

Mr J.C. KOBELKE: My question goes to part 8, "Entry for performance of functions". This is an area that can become quite contentious. We are dealing with people's property rights. I want to get some understanding of whether the bill, in covering these entry provisions, is the same as, or very similar to, what we currently have or whether there are any significant initiatives or changes to the processes that currently apply to entry for the performance of functions and the rights of the occupier of a dwelling. Would the minister also cover the use of force and advise us whether that provision stays the same?

Mr W.R. MARMION: Generally, they are the same, but the ones we could highlight that are different are clauses 176, 181, 183 and, in division 3, 185.

Mr J.C. KOBELKE: I will not pursue all those now because we want to get things through. I will wait until we get to clause 181—that would be better—and then we can get some details about how clause 181, "Use of Force", varies.

Clause put and passed.

Clauses 173 to 180 put and passed.

Clause 181: Use of force —

Mr J.C. KOBELKE: The minister indicated that there are changes to clause 181, which is headed "Use of force". Again, that is something that is necessary, but there would be concerns if there was an abuse of it. Therefore, I would like to have some understanding of how this clause varies from the existing provisions.

Mr W.R. MARMION: There is no existing provision. This is a new clause. I think that in practice the authorised officer can gain entry by taking a police officer along with him—that is how it is done now. The purpose of this clause is to make it explicit that the use of force may be only against a thing, not a person.

Mr J.C. Kobelke: So, cutting a bolt or something like that?

Mr W.R. MARMION: Yes, cutting a bolt or a padlock.

Clause put and passed.

Clauses 182 to 208 put and passed.

Clause 209: Authority's capacity to authorise or designate persons —

Mr C.J. TALLENTIRE: This clause raises an issue of accountability. Normally, an employee or a designate must be a person who is governed by the Public Sector Management Act. Subclause (2) states —

> … the Authority may authorise or designate a person who need not be a staff member of the Authority or a public sector employee.

That means that almost any person could be hired to do works under this legislation, such as investigative work and going onto a person's property to check things, with no accountability to a minister of the Western Australian government. The person who does that work might act in a heavy-handed way, and he might then disappear into the night, and because that person was simply an employee of a contractor, it could be impossible to find that person and hold him to account. I am keen to hear the minister's reasoning for allowing such an out-clause that will enable almost any person to work with authority under this legislation, with no accountability to the minister.

Mr W.R. MARMION: This clause relates to the capacity of the Economic Regulation Authority to authorise persons to go onto licensed premises. Obviously, we would not expect the ERA, which is a small organisation, to have expertise in operating water treatment plants et cetera. This clause will enable the ERA to engage an expert in the lower-level technical detail, or in the higher-level engineering side of things, to help it carry out its licensing and compliance functions. We believe that is consistent with the situation that applies currently.

Mr C.J. TALLENTIRE: Can the minister then explain who in government would be held accountable if an outside contractor was found to have acted in a heavy-handed manner?

Mr W.R. MARMION: The member only has to read contract law 101. The ERA would be accountable, because it has employed the person—the person is working for the ERA.

Clause put and passed.

Clause 210: Terms used —

Mr F.M. LOGAN: I want to confirm that the words "contractor, in relation to a licensee", mean "contractor, to a licensee". The contractor could be Serco or it could be Transfield–Degrémont–Suez; these are both contractors

to government. Both the minister and the chief executive director of the Water Corporation are quick to define the relationship between the Water Corporation and Transfield–Degrémont–Suez as an "alliance". There is no definition of "alliance" in this bill. Can we assume, therefore—this needs to be on the record—that Transfield–Degrémont–Suez will be subject to these inspection powers, or is it the case that a contractor is caught by this legislation, but somehow an alliance is not caught by this legislation?

Mr W.R. MARMION: This specific part of the bill, division 2, is about inspectors and compliance officers. A licensee, or the Water Corporation, can employ a contractor as an inspector or compliance officer. It is not a contract to provide the services.

Mr F.M. Logan: The wording is "contractor, in relation to a licensee". The ERA is not a licensee.

Mr W.R. MARMION: No, but the Water Corporation is. The Water Corporation would have its own auditors—every organisation has internal auditors and compliance officers—but it could employ a contractor to do that work.

Clause put and passed.

Clause 211: Designation of inspectors and compliance officers —

Mr F.M. LOGAN: This clause deals with the designation of inspectors and compliance officers by the Economic Regulation Authority for the purposes of, obviously, compliance. Currently, the ERA has the power to inspect and ensure compliance with the licence conditions. Does the ERA employ those officers or are they contracted to the ERA? What is the current relationship between the compliance officers and the ERA, and will this clause change that relationship?

Mr W.R. MARMION: I understand that this clause will not change the existing situation. This provision has never been used previously. The ERA already does audits, as the member is aware. This clause will give the ERA the power, if it so chooses, to appoint an inspector to do a more detailed examination if it has some concern about a licensee.

Mr F.M. LOGAN: I notice that in clause 211(2) Department of Water employees may be used as compliance inspectors and compliance officers. That clause allows it to occur, but the minister is saying that this power has really never been used before simply because water —

Mr W.R. Marmion: Not by the ERA.

Mr F.M. LOGAN: But, this clause is actually the power for the Economic Regulation Authority.

Mr W.R. Marmion: Yes; Clause 211.

Mr F.M. LOGAN: Therefore, the policing of the licensing and the control and compliance of the behaviour of licensee falls under the ERA for compliance and inspection, but no officer has ever been used in that role. The minister and his government are changing the nature of the way work is done within our water industry in Western Australia by giving literally more power and control of operations to an organisation such as Transfield–Degrémont–Suez. I would have thought that if the licensee, which may well be the Water Corporation, has contracted out its work to a private company, particularly for sewerage and water operations et cetera, the compliance provisions would be probably used a lot more than simple audits. Although the power has never been used, does the minister believe that it should be used more often for the purposes of spot checks and inspections by the ERA, particularly as this government is changing the very nature of the water industry in Western Australia?

Mr W.R. MARMION: It is a bit hard to give an opinion, but the ERA is the independent inspector, I guess, and in an emergency it might want to step in if it did not have any confidence in the licensee. How I envisage it must have worked in the past—I have been the minister for only a year—is that if a problem was identified in the normal audits, it could have asked the licensee to rectify it. One could envisage a situation in which the ERA was not happy with the response to the audit and the licensee did not fix whatever it was asked to fix. I guess in that case it could threaten to remove the licence. The first thing that would be done would be to get an inspector in there to confirm things. The licensee might say that it thinks it is fine, but the ERA could say, "Well, hang on; we'll have a look at it and see for ourselves", and send an independent inspector so that it did not rely on inspectors of the licensee to tell it that things were right. That is something I just made up on the spot about how I envisage it could work.

Mr F.M. LOGAN: I will come to another question in a minute. How many licensees do we have in Western Australia now?

Mr W.R. Marmion: There are 31 now.

Mr F.M. LOGAN: There are 31 public and private licensees in Western Australia and the Department of Water does not have the authority to inspect and control the conditions of the licences held by those 31 organisations.

The Department of Water is only a policy advisory body for the minister. The ERA is the only body that has enforcement capability over those licensees; is that correct?

Mr W.R. Marmion: Yes.

Mr F.M. LOGAN: The only means by which licensees can be inspected to ensure that they are carrying out their functions and complying with the conditions of their licences is through the ERA. The DOW cannot do that; it is only through the ERA, which strikes me as strange. The only tool we have in place in Western Australia for managing the conditions of those 31 licensees is audits that are done from time to time by the ERA, and it has no mechanism for spot inspections and compliance inspections for those conditions. That seems to be the case.

Mr W.R. Marmion: That would be under section 47 of the Water Services Licensing Act 1995.

Mr F.M. LOGAN: What, the ERA?

Mr W.R. Marmion: Yes.

Mr F.M. LOGAN: I know it has that power, but it has never exercised it. This is the point I am making. This is a further question to the point I am making. Should it exercise that power at some stage, and one of these officers was employed to do that, what would be the required qualifications of that person?

Mr W.R. MARMION: It would depend on the issue that was to be inspected. This is almost the same answer as before. Depending on the issue, the ERA would have to appoint an inspector with the skills or expertise to give a proper and learned opinion on that particular issue. If it was an inspection of a fault in a sewerage plant, the ERA would appoint someone who had some knowledge or expertise in sewerage.

Clause put and passed.

Clauses 212 to 220 put and passed.

Clause 221: Limitation of liability for certain actions —

The SPEAKER: Minister for Water, I wonder whether it would be your preference, and whether there would be the opportunity in this house, to move all three of your amendments at this point. That is possible if you would like to do that. You need to seek leave to do that.

Mr J.C. KOBELKE: If leave is required, I will deny it because we may want to divide on one of the later amendments. Therefore, I think it would be more expeditious if we take the amendments one at a time.

The SPEAKER: Thank you, member for Balcatta; leave would not be granted, if the minister was going to propose it.

Mr W.R. MARMION: I move —

Page 178, after line 11 — To insert —

(2A) None of the following persons are liable for any losses, damage or injury resulting from the installation, removal, repair or maintenance of a fire hydrant unless the person was acting in bad faith —

(a) a licensee;

(b) a person authorised by a licensee for the purposes of Part 5 or 6;

(c) an individual acting on behalf of a person (who may or may not be an individual) referred to in paragraph (b).

Mr J.C. KOBELKE: I am a little concerned about how far this goes. The minister is saying here that if someone is involved in loss, damage or injury from the installation, removal, maintenance or repair of a fire hydrant, unless they have acted in bad faith, they have an indemnity under this clause. Maybe it is picked up elsewhere, but I will give the minister a hypothetical situation. In repairing a hydrant that is on a street lawn, major damage is done to a person's garden reticulation. It is totally accidental and the department claimed that it was not responsible but that hoons did a burn-out or something. The issue then is that there is a contested claim. Could this be used to deny any liability because a form of limitation of liability to these people is gained under this clause?

Mr W.R. MARMION: I will explain this clause. The member for Balcatta has actually gone to a side issue. While I am giving him the reason for the clause, my advisers might give me an answer on that particular scenario the member has presented. The hydrant assets are owned by FESA, and section 37 in part 7 of its act indemnifies all its officers and operators for anything they might do that someone might sue them for. The boards of the Water Corporation and other licensees obviously want the same certainty that their officers will be protected and will not be sent to jail if something happens. This clause is about providing the same level of indemnity that FESA has to the water service providers and their boards should something go wrong with the hydrant.

Mr J.C. Kobelke: So it is an identical provision to that for FESA.

Mr W.R. MARMION: Correct.

Amendment put and passed.

Mr W.R. MARMION: I move —

Page 178, line 12 — To delete "Subsection (2) does" and substitute —

Subsections (2) and (3) do

Mr J.C. KOBELKE: This is a trivial technical point and it may be one that the Clerk can fix. Under clause 221, subclause (2) refers to the state, the minister, the authority and the licensee; subclause (2A) refers to people who are licensees, authorised licensees et cetera, so the coverage has been extended; and subclause (3) currently states that subclause (2) does not apply in relation to any rights or liabilities arising under a contract. I presume that the amendment before us will cover subclause (2A). I wonder whether the reference to "3" in the amendment needs to be "2A", or whether it is a trivial matter that the Clerk can fix. I take it that the minister clearly means subclause (2A), not subclause (3), because otherwise the clause would apply to itself.

Mr W.R. Marmion: I also have advice that it is because new subclause (2A) has been put in.

Mr J.C. KOBELKE: So it should be amended to subclause (2A), not subclause (3).

Mr W.R. Marmion: No; we are keeping subclauses (2) and (2A).

Mr J.C. KOBELKE: So the reference to "subsection (2)" will be deleted and substituted with "subsections (2) and (3)". I am suggesting that "3" should be "2A".

Mr W.R. Marmion: Yes; the Clerk can fix it.

Amendment put and passed.

Mr W.R. MARMION: I move —

Page 178, lines 19 to 21 — To delete the lines and substitute —

(5) In this section —

(a) a reference to losses, damage or injury includes a reference to loss of enjoyment or amenity value and to a change in the aesthetic environment; and

(b) a reference to liability resulting from taking an action includes a reference to liability resulting from a failure to take that action.

Mr J.C. KOBELKE: I would like some explanation of this amendment. I will give a hypothetical that has been raised by the member for Cockburn. If there were evidence that the deaths of seagulls related to the actions of the Water Corporation—it is only speculation that that might be the case in the example he gave—would that mean that there would be no claim of liability if the catch of commercial fishermen was affected by the death of fish or if recreational fishermen could no longer catch fish because there had been a fish kill from discharged water that did not meet the standards? The amendment states —

(5) In this section —

(a) a reference to losses, damage or injury includes a reference to loss of enjoyment or amenity value and to a change in the aesthetic environment; and

There may be a head of power under other statutes, but on my first reading of this amendment, it seems to suggest that an immunity will be given to the licensee if they performed an action that had a consequence that directly caused damage to third parties.

Mr W.R. MARMION: I am just getting clarity on this because there is a bit of confusion. Unfortunately, this amendment has to be read in conjunction with clause 219, which makes it a bit complicated. Clause 221 is about limiting the liability for these sorts of actions, but if it is read in conjunction with clause 219, if a person is negligent, they are not. That is the way I read it.

Mr F.M. Logan: It absolves them.

Mr W.R. MARMION: Yes.

Mr F.M. LOGAN: The Water Services Bill is granting extraordinary powers to the state, the minister, the authority, the licensee or an authorised person—including a contractor working for a licensee—because the minister is basically giving himself by way of legislation an exemption from any liability for any damage, loss,

injury, loss of enjoyment or amenity value and change to the aesthetic environment. Proposed subclause (5) states —

> (b) a reference to liability resulting from taking an action includes a reference to liability resulting from a failure to take that action.

To use a practical example: Water Corp has a spill in Cockburn Sound, as happens on a regular basis, that impacts on the environment and this clause exempts it from liability. Another such example is that if something were to blow out at the Woodman Point waste water treatment plant and the Water Corp did not take action to stop damage to the environment, under this subclause it is still exempt from liability. That is effectively what this proposed clause states. Proposed subclause (5)(a) refers to "a change in the aesthetic environment". In the case of an accident, does the Environmental Protection Act or the proposed water services act take precedence?

Mr W.R. Marmion: I was listening to the member's first two questions and he then asked a third question and I did not hear what it was. And I am trying to remember what my answers will be to the first two.

Mr F.M. LOGAN: I was just giving some examples in reference to proposed subclause (5). I was using the Woodman Point waste water treatment plant as an example. These types of things have happened, but I was not using real examples.

Mr W.R. Marmion: If they are negligent, they will still be liable.

Mr F.M. LOGAN: This gives exemption from liability—either way. I am just asking which takes precedence in law when it comes to liability. Is it the Environmental Protection Act 1985 or the proposed water services act?

Mr W.R. MARMION: The short answer is that the Environmental Protection Act will take precedence in that situation. I refer the member to section 5 of that act.

Mr F.M. LOGAN: Therefore, regardless of the wording in this clause and the minister's amendment, should there be a major environmental spill into any waterway that results in environmental damage, a prosecution brought under the Environmental Protection Act could not be defended by the Water Corp by reference to this proposed subclause?

Mr W.R. MARMION: I am advised that we are talking about two things. We are talking about damages in a court, not damages under an EP act prosecution. That is the short answer to that.

The other point that I want to make is that the wording of this clause is broadly the same as that in the section about liability for physical damages in the Water Agencies (Powers) Act 1984. We are not really making any changes.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 222 to 226 put and passed.

Schedule 1: Transitional provisions —

Mr J.C. KOBELKE: Can the minister give a brief explanation of why his proposed amendment is required?

Mr W.R. MARMION: This simply deals with existing hydrants. It transfers existing hydrants to the licensee, which would be the Water Corporation or Aqwest or Busselton Water.

Mr J.C. Kobelke: Was it an oversight in the draft of the bill?

Mr W.R. MARMION: This is new because the hydrants are being transferred from FESA.

The SPEAKER: The Minister for Water has provided some clarification to the member for Balcatta about why he is endeavouring to amend clause 13 in schedule 1. Does he wish to move the amendments en bloc? If he does, he will need to seek leave. If not, he can move them one by one.

Mr W.R. MARMION: I seek leave to move en bloc the amendments standing in my name on the notice paper.

Leave granted.

Mr W.R. MARMION: I move —

> Page 189, after line 35 — To insert —
>
> > (3A) Subclause (1) applies to fire hydrants on Crown land or in a road that, immediately before commencement day, were attached to the water service works of a licensee, as if those fire hydrants were property of the licensee at that time.
>
> Page 190, line 1 — To delete "Subclause (1) applies in relation" and substitute —
>
> > This clause applies

Page 190, line 9 — To delete "paragraph (a)" and substitute —

subclause (1)(a)

Amendments put and passed.

Schedule, as amended, put and passed.

Title put and passed.

House adjourned at 5.28 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

JOONDALUP HEALTH CAMPUS — OBSTETRIC SERVICES

7820. Mr R.H. Cook to the Minister for Health

I refer to Joondalup Health Campus (JHC), and ask:

(a) does it have 24 hour obstetric coverage;

(b) how many unfilled vacancies for obstetricians are there at JHC;

(c) how many unfilled positions are there for midwives at JHC;

(d) which of these hospitals have 24 hour anaesthetic support on site at the hospital;

(e) are there 24 hour surgical theatres on site at the hospital (for example, the capacity to perform caesarian sections and other urgent surgery during delivery);

(f) does JHC have neo-natal resuscitation on site;

(g) does JHC have neo-natal beds for premature and sick babies and, if so, how many high care neo-natal beds are there at JHC;

(h) what is the average length of stay for a vaginal birth at JHC;

(i) what is the average length of stay at JHC for a caesarian section; and

(j) is there a difference in the average length of stay between public and private patients giving birth at JHC and, if so, will the Minister please provide details?

Dr K.D. HAMES replied:

(a) Yes.

(b)–(c) Nil as at 8 May 2012.

(d) Joondalup Health Campus.

(e)–(f) Yes.

(g) Yes — 16.

(h) 2.4 days.

(i) 3.55 days.

(j) This is not reportable under the contract.

PRINCESS MARGARET HOSPITAL — GOVERNMENT PLANS

7871. Mr R.H. Cook to the Minister for Health

I refer to the plan for all clinical services at Princess Margaret Hospital (PMH) to be moved to the new Children's Hospital upon completion of the new hospital in 2015, and ask:

(a) what is the Department for Health's plans for the future of the PMH site once the new hospital is completed in 2015, and clinical services have been moved across;

(b) has the Office of the Valuer General and/or a private land evaluator provided an estimate on the land value of the PMH site and, if so, what is the most recent estimated value of the site;

(c) what is the current zoning of the site, and are there any plans to change the zoning of the site;

(d) is the construction for the new hospital contract linked to the opportunity costs in redeveloping the old site;

(e) how is the $600 million budget shortfall in the $1.2 billion funds required for construction of the new hospital being met;

(f) is the Government still intending to undertake the new Children's Hospital as a public private partnership;

(g) will any of the services at the new Children's Hospital put out to tender to the private sector;

(h) what is the existing annual recurrent operational budget at PMH; and

(i) what are the projected staffing levels for the new Children's Hospital, and will all existing staff at PMH be offered jobs there?

Dr K.D. HAMES replied:

(a) The future of the Princess Margaret Hospital for Children (PMH) site will be managed by LandCorp in accordance with its mandate to develop land for the social and economic needs of the community, while taking into account environmental outcomes. LandCorp is responsible to the Minister for Regional Development; and Lands.

(b) The most recent valuation was provided by the Valuer General's Office dated 12 January 2010 to a value of $45,375,000.

(c) The current zoning is "Public Purpose — Hospital." As part of LandCorp's mandate to develop the site it is most likely that an application to amend the zoning will be required as it is expected that the site will not be used as a hospital post transfer of services to the New Children's Hospital.

(d) No.

(e) As of the 2012–13 Budget the NCH is fully funded through a combination of cash balances in the NCH Special Purpose Account and targeted borrowings.

(f) The State Government is not intending to undertake the NCH as a public private partnership.

(g) There are already a number of services currently tendered out to the private sector such as waste collection and laundry, the intent would be to continue with those services as is.

(h) The operational running costs for PMH for 2010/11 was $27 million.

(i) The projected staffing will be determined by the clinical activity of the hospital. All staff with permanent positions at PMH will be offered employment within WA Health.

CIGARETTE SALES TO MINORS

7872. Mr R.H. Cook to the Minister for Health

I refer to the story in *The Sunday Times* on 8 April 2012, where it was revealed that the Western Australian Health Department identified that 39% of 562 stores surveyed had sold cigarettes to minors posing as adults last year. As it is an offence under the *Tobacco Products Control Act 2006* to sell cigarettes to minors, can the Minister advise:

(a) what mechanisms will the Minister put in place to ensure that those responsible are prosecuted for breaking the law; and

(b) has the Department written to the offending stores identified through the survey advising them of their obligations under the *Tobacco Products Control Act 2006*, particularly with respect to minors, and reminding them of the penalties for non-compliance, and, if not, why not?

Dr K.D. HAMES replied:

(a) The Survey reported on by *The Sunday Times* newspaper was a Compliance Survey designed to collect data as to the likelihood of a young person offence being committed, not to collect evidence for prosecution action. The Department of Health (DOH) is now finalising procedures and practices to carry out Controlled Purchase operations to allow evidence to be gathered and prosecutions to be launched.

(b) Yes. DOH are writing to all retailers throughout Western Australia, advising them of their obligations and warning them that legal action may be taken against them should they break the law regarding the sale of tobacco products to young persons.

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