Legislative Assembly

Tuesday, 15 May 2012

THE SPEAKER (Mr G.A. Woodhams) took the chair at 2.00 pm, and read prayers.

WILLIAM GORDON YOUNG

Condolence Motion

MR C.J. BARNETT (Cottesloe — Premier) [2.01 pm] — without notice: I move —

> That this house records its sincere regret at the death of William Gordon Young and tenders its deep sympathy to his family.

William Gordon Young was born on 28 August 1918 in Nedlands, the son of a farmer, Arthur James Young, and Alice Nicholls. Bill Young, as he was known, was educated at Nedlands Primary School and Claremont High School. After leaving school, Bill worked as a clerk with insurance agents and importers W.H. Evans and Company, and he then farmed at Kondinin from 1935 to 1940. In November 1940, Bill enlisted in the Royal Australian Air Force as a volunteer airman. He trained as a pilot and advanced through the ranks, and was appointed as a pilot officer in July 1943 and a flight lieutenant before his eventual discharge in 1945. In the course of World War II, he flew bombers in Egypt, Burma, Singapore and India, before returning to Australia in the intelligence service.

Following his return to Australia, Bill married the now late Amy Doreen Pond on 13 May 1944 at St Margaret's Anglican Church in Nedlands. He also played league football with the Claremont Football Club during the 1945 season, and towards the end of that year Bill returned to the Kondinin area to farm—initially with his father, and then on a farm of his own. He became active in the local community as an elected member of the Shire of Kondinin from 1954 to 1967, including a period as president from 1959. He was also president of the Kondinin branch of the Farmers' Union of Western Australia.

Bill was elected to the Legislative Assembly as the member for Roe at a by-election in September 1967, taking the seat from fellow Country Party member Tom Hart, who had resigned due to ill health. Bill Young retained the seat in general elections in 1968 and 1971, before his eventual defeat in the 1974 election. Bill was the chairman of the Parliamentary Country Party from 1971 to 1974 and the party's deputy leader from 1973 to 1974. His parliamentary appointments included Deputy Chairman of Committees and membership of the Select Committee on the Parliamentary Committee System.

Bill's community involvement continued long after his time in Parliament. He served as chairman of the Claremont Teachers Training College council from 1977 to 1979 and the Western Australian College of Advanced Education from 1979 to 1983. He was a member of the National Parks Authority, Fremantle Legacy and the Air Force Association, and he was honoured as a life member of the Kondinin Football Club.

Bill Young will be remembered as a determined representative of the interests of rural communities, a noted farmer in the Kondinin district, a pilot in the Royal Australian Air Force and a fine sportsman, and for his work as a member of the Legislative Assembly and with numerous community organisations. On behalf of all members of this house, I express my condolences to his children, Brian, Graeme and Rae, and their families, and acknowledge Bill Young's contribution to the Western Australian community and to this Parliament.

MR M. McGOWAN (Rockingham — Leader of the Opposition) [2.05 pm]: I also pass on my regards to Mr William Gordon Young's family and acknowledge their loss.

Mr Young was born in August 1918 in "The Bungalow", Nedlands. He attended primary school in the western suburbs of Perth, worked with insurance agents, and then went farming in Kondinin. During 1940 he enlisted in the Royal Australian Air Force, and throughout the Second World War flew bombers and dive-bombers in Egypt, Singapore, India and Burma. He survived the conflict, which of course was often not the case for people who flew aircraft in the Second World War; indeed, of the Australian armed forces who served in the Second World War, those who flew in bombers and fighter aircraft had the highest casualty rates—ordinarily, deaths—of any of the armed services. Obviously, Bill was a very, very brave man who served in extraordinary circumstances and served his country in some of the most difficult locations around the world. The fact that he survived that experience means that he was probably a very good pilot, and he was also very lucky to return to Australia.

He had a distinguished career subsequent to his service in the Second World War. He played football for Claremont, but otherwise his career was quite distinguished! He served in the predecessor to the Western Australian Farmers Federation, the Farmers' Union of WA, and he was elected to Parliament to represent Roe

for the Country Party in 1967; his parliamentary career lasted for seven years. I assume that when he lost the electorate of Roe in the March 1974 election, he lost it to a Liberal Party member; of course, in those days there was often a great deal of conflict, as history records, between Country and Liberal Party members in those electorates.

I had a look at Mr Young's first speech, which he delivered on 15 November 1967. It was interesting to have a look at his speech, and I will quote from it because he was a person who took up issues perhaps ahead of his time, particularly for a farmer from that part of the world. He took up the issue of erosion by wind and water, which has of course, amongst other things, caused a great deal of the salinity problems currently affecting the wheatbelt. I will quote from his inaugural speech, which states —

> It was a feature of Western Australia's early development that the heavy country was opened up first and, of course, this was in the valley areas. As a consequence, we find that the new country which is being opened up is in the higher areas and this is causing great problems in connection with wind and water erosion.
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> …
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> So it can be seen that, in the space of 10 years approximately 14,000,000 acres will be added to land already developed, and we will need to watch carefully erosion by both wind and water.

Later in his first speech he raised the issue of water conservation, and rather presciently indicated that there would perhaps be problems with water conservation and water supply in Western Australia in the future. He was a man ahead of his time. He was interjected on twice in his first speech—once by the Premier and once by a Mr Gayfer—so he obviously elicited strong reactions from members of Parliament, particularly members on his own side! I think, looking at that and his record, particularly as a pilot in the Second World War, he was a man of some consequence, and someone who served his country, his community and the Western Australian Parliament with distinction.

MR T.K. WALDRON (Wagin — Deputy Leader of the National Party) [2.09 pm]: I rise to support this motion on behalf of the National Party members in the chamber.

Hon William Gordon Young—known as Bill—was born on 28 August 1918 in Nedlands. He attended Nedlands Primary School and Claremont High School. For a year he worked as an insurance agent and importer, but he yearned for the country life and moved to Kondinin to work on the family farm until 1940. In 1940, he enlisted in the Royal Australian Air Force as a flight lieutenant, and over the course of the war he flew bombers in Egypt, Singapore and Burma; he returned to Australia in March 1944 to work in intelligence. In 1945 he went home to the family farm in Kondinin before purchasing his own farm. He married the late Amy Doreen Pond in May 1944, and they went on to have two sons and a daughter. His family still lives in Kondinin. I personally know well Brian and Graeme Young—"Charlie" Young as he is known—and their families. Like their dad, Brian and Graeme are wonderful community people.

Bill Young served on the Shire of Kondinin from 1955 to 1967, and was shire president from 1959 to 1967. He ran for Parliament for the Country Party and was elected to the seat of Roe on 2 September 1967, taking over from Tom Hart, a fellow Country Party member of Parliament. Bill held the seat until 30 March 1974. He was also chairman of the Parliamentary Country Party from 1971 to 1974, and deputy leader between 17 July 1973 and March 1974.

Bill constantly fought in Parliament for the provision of essential services for people living on the land. In his maiden speech in this place he talked about the problem of essential services such as roads, schools and water supplies. He was also an advocate for sustainable farming and good conservation practice, and often raised concerns in Parliament regarding the issue of water conservation and regeneration and preservation of the rangelands, and also in the wheatbelt and south west, which were struggling to cope with a rise in population.

Following his departure from Parliament, he became involved with the National Parks Authority of Western Australia, the Claremont Teachers Training College council and the Western Australian College of Advanced Education. Bill was a keen and very good football player. He played for Claremont Football Club, which I think, Leader of the Opposition, goes to show that he was indeed a man of great character. He also went home and played for the Kondinin Football Club, and was a life member of that club. The Kondinin Football Club was one of the most successful football clubs in country Western Australia for many years. It is a well-known club in country WA.

Bill will be remembered as a passionate defender of regional WA, an honoured war veteran and a talented sportsman and community leader who made an outstanding contribution to the state. On behalf of the Nationals and all members, I offer our sincere condolences to his children, Brian, Graeme and Rae, and their families.

The SPEAKER: Members, to carry this motion, I ask you to stand and spend a minute in silence.

Question passed; members standing.

POLICE AIR WING — EUROCOPTER DAUPHIN

Statement by Minister for Police

MR R.F. JOHNSON (Hillarys — Minister for Police) [2.12 pm]: Today I had the pleasure of commissioning the newest aircraft for WA Police—the Eurocopter Dauphin, known as Polair 62. Police air wing has been delivering unique front-line services to Western Australia Police and the community of Western Australia for more than 30 years. As a unit, Police air wing has grown to meet the demands on its services through its existing fleet of fixed-wing and rotary aircraft.

The state government recognised the need for expansion and provided funding in the 2009–10 budget for a second helicopter to be purchased for WA Police. Following a competitive tender process, the Eurocopter Dauphin was selected as Police air wing's preferred aircraft. This particular model is already used by the United Kingdom's Special Forces, the United States Coast Guard, and Victoria Police. A basic form of the Eurocopter was shipped from France to Perth last September, where it spent some six months being reconfigured to accommodate all of the various systems that Police air wing needs to carry out its policing role. In fact, more than 3 500 hours were spent on designing and integrating myriad electronic and electrical systems, which included sophisticated sensor equipment, a forward-looking infra-red camera, a multi-agency communication suite, special lighting, a rescue winch, and other mission critical equipment such as the police tasking and data information system—TADIS—and police vehicle locator and tracking devices. WA Police air wing partnered with local WA companies, Thomson Design and Premiair Aviation Maintenance Pty Ltd, to design and complete the integration. The result of this work is an excellent example of local WA companies producing world-class aviation engineering and design elements.

Built at a cost of more than $20 million, Polair 62 will add to police air wing's fleet of four aircraft. It will complement the unit's existing helicopter, BK117. Arguably the highest profile asset now within the police air wing, Polair 62 will be pivotal in enabling WA Police to carry out the many and varied functions the agency needs to deliver in a contemporary policing environment. The role of our police helicopters is diverse. Polair 62 will not only enhance the front-line police presence, but also enable a superior level of service to the WA community in both metropolitan and regional locations. In particular, Polair 62 will help WA Police achieve its three key policing responsibilities; namely, keeping the WA community safe, responding to crime, and policing our roads.

Polair 62 is an outstanding asset. It will make a big difference to policing in this state. It is just another example of how the Liberal–National government is honouring its promise to make law and order a top priority by ensuring WA Police are better resourced than ever before.

GREATER BUNBURY REGION SCHEME AMENDMENT 0019/41 — HARVEY TOWN SITE EXPANSION

Statement by Minister for Planning

MR J.H.D. DAY (Kalamunda — Minister for Planning) [2.16 pm]: I present today for tabling greater Bunbury region scheme amendment 0019/41. The region scheme amendment proposes to transfer a number of lots in the Harvey town site from rural zone to urban deferred zone to ensure sufficient land is identified for future residential development in Harvey. It is estimated that the population of the greater Bunbury area will exceed 100 000 people by 2031. This increase in population will result in a proportionate increase in the demand for residential zoned land and affordable housing.

The "Draft Greater Bunbury Strategy" proposes the creation of a land bank, which is a 20-year supply of undeveloped land, to accommodate future population growth. This land bank will include at least 15 years' supply of urban and urban deferred zoned land, and at least a five-year buffer of rural land for future investigation and urban expansion. In order to be proactive in establishing this land bank and providing land for future residential development, an amendment to the greater Bunbury region scheme covering the Harvey town site has been initiated by the Western Australian Planning Commission. This amendment will rezone 53.3 hectares of land from rural to urban deferred. When this land is eventually developed, it will accommodate 415 new dwellings, housing approximately 1 000 residents. Those figures are based on an average of 13 dwellings per hectare and 2.5 persons per dwelling. At the current population growth rate, the proposed urban deferred land that is the subject of this amendment, together with the existing undeveloped urban zoned land in Harvey, will ensure a land bank of approximately 15 to 20 years' supply of undeveloped land for future residential development in Harvey.

In accordance with the statutory provisions for region scheme amendments, this amendment was advertised for three months. Nine submissions were received. One submission objected to the proposed amendment. The other submissions either supported or had no objections to the proposed amendment. The Environmental Protection Authority agreed with the amendment proceeding.

Copies of the submissions and the Western Australian Planning Commission's report on submissions are also tabled today. I am pleased to now table the documentation for greater Bunbury region scheme amendment 0019/41 and I commend it to the house.

[See papers 4807 and 4808.]

METROPOLITAN REGION SCHEME AMENDMENT 1211/41 — MADDINGTON–KENWICK STRATEGIC EMPLOYMENT AREA — PRECINCT 1

Statement by Minister for Planning

MR J.H.D. DAY (Kalamunda — Minister for Planning) [2.19 pm]: I present today for tabling metropolitan region scheme amendment 1211/41. This amendment will allow approximately 12 hectares of land to be developed for industrial purposes in an area referred to as the Maddington–Kenwick strategic employment area within the City of Gosnells. The 12 hectares of land covered by this amendment represents the first stage of rezoning for the strategic employment area. The City of Gosnells and the state government joined forces in the Maddington–Kenwick sustainable communities partnership to drive regeneration of this area. The project identifies the need to increase local economic and employment opportunities. The south east metropolitan region of Perth is relatively underserviced in terms of appropriately zoned industrial land. To the north of the City of Gosnells, existing industrial land is at capacity. The amendment is consistent with "directions2031 and beyond: metropolitan planning beyond the horizon", through facilitating greater employment self-sufficiency in the south east metropolitan corridor. It will also contribute to the viability of the nearby Maddington secondary centre as identified in Directions 2031. The Maddington–Kenwick strategic employment area is also identified in the recently released "Economic and Employment Lands Strategy: non-heavy industrial: Perth metropolitan and Peel regions" as a priority site for light and general industrial development.

This amendment proposes to rezone the first stage of the Maddington–Kenwick strategic employment area in which hydrological monitoring and modelling has been completed in accordance with Department of Water requirements. Future MRS amendments will rezone the balance of the area, as precincts 2 and 3, following completion of further hydrological and environmental investigations.

A local scheme amendment, detailed structure planning and subdivision approval will be required prior to development occurring on-site, and these processes will involve further public consultation. The City of Gosnells has produced a preliminary concept plan based on feedback from landowners, technical studies and stakeholder engagement.

In accordance with the statutory provisions for region scheme amendments, this amendment was advertised for three months in 2011. Twenty-six submissions were received that contained 13 comments of support and 13 of general comment. No submissions of objection or requests for hearings were received. Copies of the submissions and the Western Australian Planning Commission's report on submissions are also tabled today.

I am pleased to now table the documentation for metropolitan region scheme amendment 1211/41 and I commend it to the house.

[See papers 4809 and 4810.]

LOCAL GOVERNMENT — INTEREST RATES AND CHARGES

Statement by Minister for Local Government

MR G.M. CASTRILLI (Bunbury — Minister for Local Government) [2.22 pm]: The Local Government (Financial Management) Regulations enable local governments to impose interest rates and administration charges when ratepayers choose to pay rates by instalments and when rates or other service charges and fees are overdue. The interest rates payable by ratepayers on instalment payments and on overdue rates and service charges have remained unchanged since 1999 when the Reserve Bank of Australia cash rate was five per cent. The RBA cash rate in May 2012 is 3.75 per cent and is implied to fall to three per cent by December 2012.

I considered the current interest rate charge too high and moved to reduce the limits to from 5.5 per cent to two per cent and from 11 per cent to seven per cent respectively. That decision was met with concerns from the sector about the potential impact on cash flow, and a general view many would increase rates to counter that reduction. The regulation providing for administration charges is quite specific in that the charge must be based on cost recovery and not be a revenue-raising exercise.

A sample of 25 local governments selected by my department indicates these charges range from $9 to $54 per annum. The range in the sample of metropolitan local governments was $15 to $54 and several were in the $30 to $36 range.

In recent discussions with the Western Australian Local Government Association and Local Government Managers Australia I was asked to review my decision to reduce interest rates, which I agreed to on the basis of a sector-wide focus on administrative charges being based on cost recovery and each local government

proactively assisting ratepayers experiencing financial difficulty in making rate payments. An excellent example is the City of Armadale service named "A Smarter Way to Pay". Under this service ratepayers can make application to the city to put in place arrangements whereby the rates for that particular year are paid without administration fees and without interest rate penalty. I commend the City of Armadale for this initiative and sincerely hope others follow its lead.

My department will review administration charges imposed for 2012–13 and report to me the extent of cost recovery for these charges and the uptake of a proactive service that assists ratepayers experiencing financial difficulty. I will then determine if any further action needs to be taken to ensure a better deal for ratepayers.

BUSINESS OF THE HOUSE — BUDGET PRESENTATION

Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): Members, just ahead of question time, I rise to advise that, in accordance with our standard practice, the government has requested that the budget be presented at 2.00 pm this coming Thursday. Accordingly, on Thursday I will call for members' 90-second statements at 12.20 pm, questions without notice at 12.30 pm and I will then leave the chair at 1.00 pm for the lunch break.

QUESTIONS WITHOUT NOTICE

RESIDENTIAL FEED-IN TARIFF SCHEME — COST OVERRUNS

203. Mr M. McGOWAN to the Premier:

I refer to the Premier's statements in this house on 23 November 2011 and 30 November 2011 in which he stated on numerous occasions that the cost blow-out of the residential feed-in tariff scheme was "nothing like $500 million" and "nothing like in the order of $500 million". Considering it has now been revealed that the loss is currently around $400 million —

(1) Why did the Premier mislead the house?

(2) On what information did the Premier base his claim to the house that the blow-out was "nothing like in the order of $500 million"?

(3) When was the Premier informed of the true cost of the scheme's blow-out?

(4) When will he take steps to correct the comments he made to the house?

Mr C.J. BARNETT replied:

I thank the Leader of the Opposition for the question.

(1)–(4) Yes, there is a cost blow-out—I concede that—but nothing like those figures. The scheme proved to be overly generous. It proved to be overly popular. The rate of promotion in the industry was very aggressive. Indeed, the expansion of capacity and the lowering of costs of photovoltaic units all combined to mean that demand was way beyond what anyone had anticipated. That is the fact. We are going to have a matter of public interest debate to discuss this, but I will foreshadow some of what I will say. If the Leader of the Opposition wants to talk about a cost blow-out, the cost blow-out is of the order of $150 million. In other words, it is $15 million a year over a 10-year period. Yes, the scheme spent more. The Leader of the Opposition talks about implied cost blow-outs and loss. I simply make the point that, while the scheme grew faster than anyone anticipated—some 76 000 householders installing photovoltaics—there was not money lost. Every single dollar was spent on renewable energy.

Several members interjected.

Mr C.J. BARNETT: Mr Speaker, I am trying to answer the question. Yes, the scheme was expanded; it was altered. Finally, there was an issue about imposing a cap at 150 megawatts. There was some growth beyond the cap. I will tell members why: we acted in good faith.

Mr W.J. Johnston interjected.

Mr C.J. BARNETT: I am trying to answer what I thought was a serious question. We acted in good faith, because it became apparent that a significant number of people, perhaps up to 600, had in good faith ordered or paid for photovoltaic systems. We wanted to honour that, and we therefore allowed some extension so that people were not unfairly treated. Yes, that did add to cost and we knew what we were doing. To imply a $500 million cost blow-out is totally wrong.

Mr M. McGowan: Four hundred.

Mr C.J. BARNETT: You are wrong, as you are on most issues. The blow-out, if you like, was 150 megawatts —

Mr M. McGowan interjected.

Mr C.J. BARNETT: Mr Speaker, I am trying to answer what I thought was a serious question. If there was a cost blow-out, and I concede there is, then it was $150 million spread over a 10-year period, according to the contracts; that is, a $15 million per year cost blow-out beyond the 150 megawatt cap. That is the reality. It is nothing like $450 million, nothing like $500 million, and nothing like the $600 million that appeared on the first edition of the front page of *The West Australian*.

RESIDENTIAL FEED-IN TARIFF SCHEME — COST OVERRUNS

204. Mr M. McGOWAN to the Premier:

I have a supplementary question. Will the Premier now sack the Minister for Energy for his gross incompetence, which has cost the state $400 million, and for trying to cover up this fiasco?

Mr C.J. BARNETT replied:

There have been problems with this scheme; I do not deny that for a moment. In debate on the matter of public interest, I will go through and trace the scheme. I do have confidence in the minister. As he has explained, there was a range of issues.

Dr A.D. Buti interjected.

The SPEAKER: Member for Armadale, I formally call you to order for the first time today. I am sure this particular issue is going to get an airing in the house later on. It might be better to save some of that passion for that moment.

Mr C.J. BARNETT: While the scheme did cost significantly more than was intended—there was no loss, no scandal and no WA Inc stuff where money just disappeared—all of this money, every single dollar, went to support the installation of renewable energy, household photovoltaics, to 76 000 houses.

It is a bit cute, is it not, because when the scheme was put into permanent suspension, what did the Labor Party say? Hon Kate Doust, known to members in this house, came out strongly on the day and said, "WA Labor supports a feed-in tariff and needs your help to get the scheme restored by collecting signatures." It was the opposition spokesperson who came out and immediately called for it to be reinstated. Do members opposite want a feed-in tariff scheme or not? Perhaps they might tell us during the matter of public interest.

ROAD SAFETY — FUNDING

205. Mr P.T. MILES to the Minister for Road Safety:

Mr Speaker, I acknowledge the Kingsway —

Mr A.P. O'Gorman interjected.

The SPEAKER: Member for Joondalup, I formally call you to order for the first time today. Member for Albany, despite Collingwood's victory over the weekend, I formally call you to order as well for the first time today.

Mr P.T. MILES: I acknowledge the year 3 Kingsway Christian College students who have been circulating around Parliament House today.

I was extremely pleased to hear of the minister's outline of the road trauma trust account budget and the fantastic road safety initiatives it contained. I was surprised at the comments from the opposition spokesperson regarding funding for certain police operations. Will the minister outline to the house some of the initiatives and explain the funding for the police?

Mr R.F. JOHNSON replied:

I am delighted to explain to the house the funding for the RTTA. It was a very proud day for me on Sunday to make an announcement of a record expenditure of $87.7 million from the road trauma trust account to pay for road safety initiatives. Half that money is to be spent on upgrading our metropolitan intersections and to make safer our country roads near the run-offs where accidents have occurred. Another area that is very important is manning and implementing the booze buses. We have taken on 20 extra police officers to do that and we will target thousands more police hours a year towards booze and drug testing. Also, 20 new drug-testing machines will be purchased. That is just part of the funding; the other part will be spent on 48 concept cars and the concept motorcycle, which is a world first. That will have a fantastic effect on road safety and will detect stolen vehicles and unlicensed drivers and have many other benefits.

I thought everyone would say, "What a wonderful announcement the minister is making today; this government is really doing something about road safety." We are really trying to do something to save lives and prevent critical injuries on our roads. That is what members opposite would think, would they not? Did we get that? Yes, we certainly got it from most people but not from the opposition spokesperson because she has a very short memory.

Several members interjected.

Mr R.F. JOHNSON: I want to remind members —

Mr M.P. Whitely interjected.

The SPEAKER: I suggest to members on both my left and my right that if you wish to continue to interject, I will oblige you by formally naming you.

Mr R.F. JOHNSON: I was quite interested to see what the member for Midland did when she was Minister for Police and road safety for quite a few years. I point to two press releases in her first year, the first being from Friday, 14 September 2001, which is headed "All red-light and speed camera revenue to be spent on road safety". She spent eight years in government and never did it. The second one —

Several members interjected.

Mr R.F. JOHNSON: Members opposite hate the truth, that is the trouble. Her second press release is dated Wednesday, 31 October 2001 and states —

> Mrs Roberts said the State Government would meet its pre-election promise —

She said "pre-election promise" —

> to direct all the proceeds from both red light and speed camera … to reduce the State's road toll.

Did they do it in eight years? No, they did not. It gets worse. The member has a very short memory. I listened to every word she said when she was interviewed on Paul Murray's program yesterday. I was very interested —

Mrs M.H. Roberts interjected.

Mr R.F. JOHNSON: I hope she did, because I spoke the truth.

Several members interjected.

Mr R.F. JOHNSON: On three occasions Paul Murray tried to pin her down and she would not answer truthfully. In relation to money from the road trauma trust account to pay for extra police hours to carry out road safety initiatives and road patrols, Paul Murray asked —

> Is there anything particularly wrong with that money being used to pay for the police?

Michelle Roberts said, and I quote, "Yeah, because it's … a con."

Several members interjected.

Mr R.F. JOHNSON: A con! She then went on to say —

> So… it was certainly suggested to me by the Police Department from time to time who have always been rather interested in getting their hands on the Road Safety Trust Fund money that perhaps they could get some more overtime for officers doing road —

Safety —

> patrols and arguably road safety things and so forth, and I said well… simply that's the thin edge of the wedge, …

Paul Murray then went on to say —

> So let me just nail you down on this. Are you saying that Labor would not spend Road Trauma Trust Fund money on funding more police officers or police overtime?

Michelle Roberts said —

> What … I'm saying is when I was a police minister, when that suggestion was made to me, I said I would find that unacceptable and that I thought that the public would find it unacceptable at that time.

Paul Murray then said, for the third attempt to tie her down —

> Let's just finish getting one thing absolutely clear. Labor would not spend this Road Trauma Trust Fund money on funding police officers and police overtime?

Michelle Roberts said, "Look we think that's wrong", but she did not think it was wrong because—I have got to tell you the most important bit of this, Mr Speaker—when she was the police minister, she accepted money from the road trauma trust account to pay for extra policing hours. In 2001–02, she accepted $388 444. In 2002–03, she accepted $438 588 and so on and so forth. In an election year, 2008–09, that was the budget time, she accepted $2.5 million —

Mrs M.H. Roberts interjected.

The SPEAKER: Member for Midland, I have been very patient. I have been on my feet now for about 10 seconds and you interject. I formally call you to order for the first time today. Minister, I expect that you did anticipate some interjections on this. I am not asking you to respond to me—not at all. Minister, if you are going to go on in this fashion, I think perhaps you should anticipate further interjections. Members, when I am on my feet I do not want to hear from anybody.

Mr R.F. JOHNSON: Let me just say this: in the budget of 2008–09, which was when the member for Midland was a minister and she put in place this system of —

Several members interjected.

Mr R.F. JOHNSON: It is called, in case her memory —

Several members interjected.

Mr R.F. JOHNSON: She is forgetting things! It is called the STEP program, and her other colleagues know all about it.

Mrs M.H. Roberts: I wasn't the minister!

Mr R.F. JOHNSON: You were in 2001 and for quite a few years, but you did not tell the truth to Paul Murray. You would not own up to it, would you?

Point of Order

Mrs M.H. ROBERTS: It seems that the whole of the minister's answer seems to be about me, so I think he should be expecting interjections. You have called me to order at one point. I understand that you have directed him to get on with his answer and it is not what he has done. I need some kind of clarification from you, Mr Speaker, about whether I am entitled to interject or whether you intend to call me to order.

The SPEAKER: Member for Midland, I am not going to tell any member in this place when I might call them to order because there could be a whole range of different reasons why a person gets called to order, so I am not going to give you any particular response to that question. I am shortly going to run out of patience with both sides of this place. I indicate to the minister that I do expect a very short response, otherwise I am going to sit you down, minister.

Questions without Notice Resumed

Mr R.F. JOHNSON: I will conclude now in simply saying that the member for Midland carries a lot of baggage, but the biggest baggage she carries is a bucketload of hypocrisy!

Several members interjected.

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

VERVE AND SYNERGY — RE-MERGER

206. Mr M. McGOWAN to the Premier:

Given that the Economic Regulation Authority has now joined with the WA Independent Power Association, the Chamber of Commerce and Industry of Western Australia, the Chamber of Minerals and Energy of Western Australia, the Energy Supply Association of Australia and former Verve managing director Shirley In't Veld in opposing the re-merger of Synergy and Verve, I ask —

(1) Does the Premier now concede that they are all correct?

(2) Does he plan to press ahead with the re-merger, and will he make an announcement before the end of the year?

(3) Can he name any organisation in the energy sector that actually supports his plan?

(4) How can he say that his plan will lead to lower prices when his key economic adviser says the opposite?

Mr C.J. BARNETT replied:

I thank the Leader of the Opposition for the question.

(1)–(4) Can I state that Mr Lyndon Rowe, the economic regulator, is not my key economic adviser by any stretch of the imagination.

Mr M. McGowan: But he is very knowledgeable.

Mr C.J. BARNETT: He is extremely knowledgeable, but he is a regulator, not a policy maker. There is a big difference. He is a very competent regulator.

Mr M. McGowan: Was he wrong?

Mr C.J. BARNETT: No.

Mrs M.H. Roberts: So, he's right.

Mr C.J. BARNETT: The Leader of the Opposition listed a series of organisations that have varying interests, including vested interests, in the energy industry. Remember, when the Labor Party was in power, the promise made —

Several members interjected.

Mr C.J. BARNETT: The promise made —

Mr A.P. O'Gorman: You're not listening to the advice. You never do.

Mr C.J. BARNETT: I am not listening to the member for Joondalup.

Several members interjected.

The SPEAKER: Thank you, members!

Mr C.J. BARNETT: The promise made by the previous Labor government was that splitting Western Power into four would put downward pressure on prices. It had several reports that clearly demonstrated that that was not the case, there would be a substantial capital loss, there would be upward pressure on prices and, indeed, there would be a substantial deficit, which came true. When I sat where the member for Belmont is sitting, I made speech after speech foretelling the doom and gloom that would beset Western Australia. And I regret to say that I was right in virtually every respect. Read *Hansard*.

Several members interjected.

Mr C.J. BARNETT: The opposition talks about energy reform and disaggregation and about bringing about more competition, but the one thing it did not talk about, and the group that the Leader of the Opposition did not mention, was the electricity consumers of Western Australia—all 700 000 of them. He forgot to mention them. They have a proper expectation that any change in the electricity system will provide reliability of supply and electricity at a lower price than it otherwise would have been. That is what they would reasonably expect. The Labor government's disaggregation did not do that. It did not contribute to reliability of supply; in fact, it had gross unreliability of supply when we ran out of electricity. When this government came to power, it was left with the legacy of the Labor government's reform, which was nearly $1 billion worth of deficits from an electricity utility system that had previously traded profitably. The Labor government drove the entities that were trading profitably into deficit and it drove up prices. To re-merge is something I think should happen, but I stress that the government has not made a decision on that.

Mr W.J. Johnston interjected.

Mr C.J. BARNETT: They may well reject it, but they are not responsible for raising prices and maintaining the security of supply. The previous Labor government gave prime contracts, the cherries on the cake, to certain companies that did very well out of them. It also entered into unaffordable contracts for renewable energy and it displaced —

Several members interjected.

Mr C.J. BARNETT: It did all of that, and it left taxpayer-funded, electricity consumer–funded, power generation owned by the state basically idle. That is why we had the problem that we corrected.

The SPEAKER: Before I give you the supplementary question, Leader of the Opposition, I formally call to order for the first time today the member for Belmont and the member for Cannington.

VERVE AND SYNERGY — RE-MERGER

207. Mr M. McGOWAN to the Premier:

I ask a supplementary question. When will the Premier remove the uncertainty in the business and investment community about the future of our electricity system, and provide an answer on whether he will re-aggregate Synergy and Verve?

Mr C.J. BARNETT replied:

The only group that has come to me on that is the Chamber of Commerce and Industry of Western Australia. After all, it was the architect of the failed system. Remember that? It was the architect of the failed system. That is what happened prior to the 2001 election. Everyone seems to forget that. The chamber drew up a system, the former government adopted it, and it failed. That is the only group that has come to me to complain about it.

Mr M. McGowan: You must have had many meetings.

Mr C.J. BARNETT: No-one has come to me directly. They may have spoken to people in the minister's office, or to others, but no-one has come to me directly.

GERALDTON HOSPITAL — INFRASTRUCTURE FUNDING

208. Mr I.C. BLAYNEY to the Minister for Health:

The minister has previously advised me that the commonwealth government has promised to fund some badly needed infrastructure works at Geraldton Hospital. Now that the commonwealth budget is known, can the minister please confirm whether funding has been provided for Geraldton Hospital?

Dr K.D. HAMES replied:

I thank the member for the question. The member obviously has serious concerns about the functioning of the hospital in his electorate of Geraldton. Members will recall that the new hospital in Geraldton was built and completed in 2005, and virtually from the time it was completed, it was realised that the hospital had not been built big enough to cater for the growing size of Geraldton and its regions and the demand that would ensue. Since that time, there has been enormous pressure, presumably on previous governments, and on our government, to do something to address that problem. We have put funds in and made changes to the hospital to make it more functional, and that has been successful; and of course things like our four-hour rule will also assist. We have also contracted out some services to the private sector through St John of God Health Care, which has a low level of occupancy in its hospital, to make sure that we balance the use of both the private and the public hospital in Geraldton.

We have also sought funding from the commonwealth, through its health and hospital fund, to assist us to rebuild or extend Geraldton Hospital to provide for that expansion of service. There have been a number of rounds of that funding. This was our first priority in the previous round, and we were unsuccessful. It was also our first priority in this recent round, and I regret to inform the member that, once again, we have been unsuccessful in getting the funding for that hospital. We are seeking $103 million to do that. The last round of funding was $475 million, and we had expected that we would get at least 10 per cent of that funding; however, we got only $35.4 million, and the state government, as a component of that, got only just over $7 million to assist us in providing those services. That is totally unacceptable, for two reasons. The stated focus and purpose of that last round of commonwealth funding was to support upgrades to regional health infrastructure, support expansions to regional hospitals, and help support the clinical training capacity of regional hospitals. That is all about regional hospitals. Yet only a small proportion of that funding went to this state, for things like additions to pathology services, and to support some Aboriginal health clinics in remote parts of Western Australia. None of that funding went to our regional hospitals. The projects that the commonwealth did fund are worthwhile and valuable. However, although we were seeking additional funding for a component of those projects—namely, Aboriginal health service facilities—we have since been able to get funding through royalties for regions to expand those health services in the regions. So, the critical area was not addressed.

What disappoints me most is that we thought we had a commitment from the former federal Minister for Health and Ageing, Nicola Roxon, for funding for that hospital. That was partly because there was a request also from the private sector for some funding to address the needs of the new detention centre that is being built at Northam at the old Army barracks. In my discussions with Nicola Roxon in a telehealth link-up, we had reached an agreement that strongly indicated that Western Australia would be the beneficiary of those funds. With the change to the new Minister for Health, I also made it clear that our understanding was that we had a verbal commitment to that funding. But, sadly, that funding has not appeared.

I have found the new minister to be very good and very easy to deal with, so I am disappointed that the hospital did not get funding. I suspect that because it was in a strong Liberal federal electorate, the chance of it getting funds was pretty slim. We have one round to go; that will come next year in the lead-up to the election. I strongly suspect that for exactly the same reason the chance of us getting funding for that is extremely slim. It is quite clear that we can expect no help from the commonwealth.

Several members interjected.

Dr K.D. HAMES: Something that is important for everyone to remember is whose money this is. It is our money that the commonwealth is taking. We just want our fair share again. We just want our 10 per cent back. Our population represents 10.3 per cent of Australia's population. Therefore, if we did not take into account our massive costs in providing for the regions, in driving this country, if we forgot about that and calculated it on population, it would be nice to get our population's share of the funding.

This is an old note, so it does not bring us up to date; it is from the middle of last year. However, the note details our percentage of other infrastructure funds and major wealth-building funds such as the education investment fund. At that stage, we got 6.1 per cent. My bet is that has not improved. From the major infrastructure project fund we got 8.5 per cent. It is critical for the growth of this state that, if nothing else, we get our fair share of funding and make sure that we have the ability. The reality is we should get a share, particularly for hospital funding, that is not based on our population, but that takes into account the sparseness of our population and the size of our state. We should get a share that properly funds us to keep driving Australia into the future.

Tabling of Paper

Mrs M.H. ROBERTS: The minister referred to a document and waved it around. I ask him to table it.

Dr K.D. HAMES: I do not mind tabling it. In fact, I ripped it out in anticipation.

[See paper 4811.]

RESIDENTIAL FEED-IN TARIFF SCHEME — CHIEFS OF STAFF MEETING

209. Mr M. McGOWAN to the Premier:

Notice of this question was given this morning. I refer to the chiefs of staff meeting held on 27 June 2011.

(1) Can the Premier confirm the former chief of staff to the Minister for Energy raised concerns about the take-up of the feed-in tariff?

(2) Was the Premier's chief of staff and/or the Treasurer's chief of staff present at this meeting?

(3) Will the Premier table a list of all those who attended that meeting?

(4) When was the Premier first alerted to the issue of a blow-out in the feed-in tariff scheme?

Mr C.J. BARNETT replied:

(1)–(4) I thank the Leader of the Opposition for prior notice of the question. In response, I can confirm that the former chief of staff to the Minister for Energy discussed the issues relating to the feed-in tariff. He met with both the chief of staff to the Premier and the chief of staff to the Treasurer. There are no formal records of that meeting; it was simply a discussion —

Mr M. McGowan: When? He met with them at the meeting, you mean?

Mr C.J. BARNETT: No, he met with them.

Mr M. McGowan: Afterwards?

Mr C.J. BARNETT: He met with them. That is the question I am answering: did he meet with them? Yes.

Mr M. McGowan: It is actually quite significant.

Mr C.J. BARNETT: The Leader of the Opposition might think it is significant; I do not.

He met with my chief of staff and the Treasurer's chief of staff and he outlined what he would describe as his concerns. Around the same time, prior to that, to answer the Leader of the Opposition's third question, yes, I was aware that there were problems with the scheme. I was very much aware, as was the Treasurer, that the scheme was running up to its 150-megawatt cap and indeed may have even passed it. We did not believe it had passed it, but it was running up at a fast rate. The answer is: yes, the then chief of staff to the Minister for Energy had a meeting with my chief of staff and the Treasurer's chief of staff. I was not there. The Treasurer was not there. There were no minutes. It was simply a meeting.

[See page 2488.]

RESIDENTIAL FEED-IN TARIFF SCHEME — CHIEFS OF STAFF MEETING

210. Mr M. McGOWAN to the Premier:

I have a supplementary question. Will the Premier table the document he was just reading from, and can he advise what exactly his chief of staff and the Treasurer's chief of staff did upon learning about the problem with this scheme at their meeting with the Minister for Energy's former chief of staff?

Mr C.J. BARNETT replied:

There was no secrecy or suspicion or otherwise. It was very clear.

Mr P.B. Watson: It was a cover-up!

Mr C.J. BARNETT: A cover-up—brilliant! Who came out with that one?

Mr R.F. Johnson: Albany did.

Mr C.J. BARNETT: How talented the member for Albany is to come up with that!

I will have an opportunity in my response to the matter of public interest to go through some of the history of this scheme. A number of changes were made to it. Indeed, even prior to the scheme that was introduced, changes were made to what had been committed to at the election—for good reason. A number of adjustments were made because the demand for photovoltaics for home systems grew at almost an exponential rate for a variety of factors. I was aware of pressures under this scheme from day one of becoming Premier. The issue around the time the Leader of the Opposition is referring to was that, having imposed a cap—in other words, a

cut-off cap at 150 megawatts—it seemed that the cap was going to be met earlier than anticipated and, indeed, there was some thought that it may have been exceeded, although not exceeded in a notional sense. As systems and contracts were signed with people we had, I guess, a running total, although the minister has said that there was a lack of confidence in some of that data. Bear in mind that there were people, as I said previously, who had ordered systems and signed application forms from retailers of photovoltaic systems and, indeed, there would have been many people who had paid in advance. I felt we had a responsibility to not leave them in the lurch.

Mr M. McGowan: So when did you learn about it?

Mr C.J. BARNETT: I said that I learnt about the issues with the scheme from day one of becoming Premier, virtually, because there was a whole series of adjustments to the scheme. When did I become aware that the cap was being stretched? Right through June I was aware of that; there were a whole series of discussions about it. The point was—the Minister for Energy made this point—we did not have reliable data on the exact number of installations that had been approved and contracted.

UNEMPLOYMENT — WESTERN AUSTRALIAN FIGURES

211. Dr M.D. NAHAN to the Premier:

Can the Premier please provide the house with a picture of the level of unemployment in Western Australia, and what the Liberal–National government is doing to increase jobs in Western Australia?

Mr C.J. BARNETT replied:

Mr Speaker, just a clarification in response to the previous question: the point about the feed-in tariff was raised at a meeting of all chiefs of staff. I was wrong; that was my misunderstanding.

Mr B.S. Wyatt: On the twenty-seventh?

Mr C.J. BARNETT: It was all chiefs of staff. If that is the date, I do not know; I was not there. I do not go to chiefs of staff meetings.

Mr J.N. Hyde: You still got it wrong!

The SPEAKER: Member for Perth!

Mr C.J. BARNETT: Big deal. Who met who, who said what? I mean, move on. There is a real issue, but you go into these little conspiracy theories.

Several members interjected.

Mr C.J. BARNETT: While the Labor Party, with its union mates and all the scandal in Canberra, continues to self-indulge itself, this side of the house gets on with good government. We get on and do the job.

Several members interjected.

The SPEAKER: Thank you, members!

Mr C.J. BARNETT: Good government is about advancing this state—economically, socially and environmentally.

Mr F.M. Logan: In a financially responsible way?

Mr C.J. BARNETT: From you? Give us a break! We could not even find you at the last election. You were sent to Sydney!

The member asked a question in respect of the employment figures that came out last week for the month of April. There was a somewhat surprising drop in the national unemployment rate; I suspect that may be an aberration, because we are seeing hundreds of jobs being lost on a weekly basis on the east coast. Talking to my colleagues, other Premiers, they are very fearful for employment in their states. In Western Australia the unemployment rate also fell; it fell quite significantly to 3.8 per cent—essentially, full employment. What is also interesting about this is to look at the numbers of jobs. Over the past 12 months in Western Australia, employment grew by 48 700. Across the whole of the remainder of Australia, over the same period, employment grew by 10 200. WA has nearly 50 000 more jobs, while the number for all of the rest of Australia is 10 000. Over the last year, Western Australia has accounted for more than 70 per cent of all job creation in Australia, and that is a reflection of the strength of this economy and the success, if I may say so, of this government.

Mr T.G. Stephens: It's the legacy of the last Labor government!

Several members interjected.

The SPEAKER: Members!

Mr C.J. BARNETT: You were wonderful; have another look at yourself in the mirror, with the light switched on!

Mr Speaker, I come back to the issue that members opposite have been raising. Members opposite have, quite rightly and properly —

Several members interjected.

Mr C.J. BARNETT: This is almost futile. Members opposite have raised, quite consistently and to their credit, the issue of youth unemployment and high rates of youth unemployment in particular areas—Rockingham, the Kwinana strip and the like—and I have listened to that. Believe it or not, I do listen to members opposite sometimes!

Mr M.P. Murray: What are you going to do about it?

Mr C.J. BARNETT: What a good question! I was very pleased that the Australian Bureau of Statistics' April figures reported that youth unemployment had fallen from 16.2 per cent in March to 11.8 per cent in April. If that figure is sustained, it will show that young people are finding jobs and opportunities in a growing state. That youth unemployment rate of 11.8 per cent compares with the Australian figure of 22.5 per cent; in other words, one in four is out of work. Let us look at the unemployment rate in some other states: Victoria 26 per cent, and South Australia 29 per cent. There is volatility in those figures, but the trend is there and it is a good trend of not only high job growth but also falling youth unemployment. I hope that is sustained so that young people have the opportunities of this growing state.

Question without Notice 209 — Tabling of Paper

Mr M. McGOWAN: In the question before last I asked a question of the Premier. The Premier read from a document and I asked if he would table that document, and I ask that he table that document now. He also corrected his answer, which I assume was based upon reading from another document, and I ask him to table that document as well.

Mr C.J. BARNETT: I am happy to table the document. The document is the question asked by the Leader of the Opposition and my answer.

Mr P. Papalia: That is not the one you were reading from!

Mr C.J. BARNETT: Yes, it is. If the Leader of the Opposition wants the other document—neither of the documents is an official document, they are just notes—it makes the point that the so-called secret meeting had all chiefs of staff present. If the Leader of the Opposition finds that fascinating, he is welcome to have it.

[See paper 4812.]

JAMES PRICE POINT — POLICE PRESENCE

212. Mrs M.H. ROBERTS to the Premier:

I refer to the Commissioner of Police's revelation that the cost of the police presence at James Price Point is $1 million over 10 days.

(1) Did the Premier or anyone from his office or the Department of the Premier and Cabinet discuss the deployment with the police commissioner or WA Police before it happened?

(2) Is $1 million too much for taxpayers to spend?

(3) Why did the Premier take 140 police officers out of our suburbs to subdue just 19 protesters?

Mr C.J. BARNETT replied:

(1)–(3) I thank the member for Midland for the question. As the Commissioner of Police made clear, it was a decision by the police commissioner at the request of the senior police officer in Broome. There was no prior discussion with me or, to the best of my knowledge, with anyone in my office. There was certainly no direction or encouragement from the state government to do so. Indeed, the first I knew about it was when I read a media report. I must say, I wondered whether that number was warranted. That question was probably asked and the answer was that that was going to happen, and I agree with that. Any sense that the government may have instructed or encouraged the Commissioner of Police or the senior officer to make that decision is completely false. It was entirely a decision the commissioner made.

Why might the police have made that decision? Members opposite have such short memories! They should think back to the last significant protest at James Price Point and what happened there. We had protesters racially vilifying Aboriginal people in the most disgusting way. We had protesters spitting on Aboriginal people, Woodside workers and transport workers. We had protesters tying themselves onto and locking themselves in equipment. It was disgraceful behaviour. I have learnt subsequently there was a sense almost that professional protesters were coming in from around Australia. On the basis of what I understand was police intelligence, a significant deployment was put in place. What happened to the protest? Maybe the protesters decided to back off. I do not know, but I understand the intelligence

was that there was to be a major protest. It would have been expensive, and probably of the order of $1 million, for that deployment. It is correct that there was significant deployment. I will not stand by and allow people in this state to be racially vilified, attacked and spat on. This government will not allow that. We will stand up for people. We will also stand up for people to go about their lawful business. That is the attitude of this government, and the police commissioner took that decision by himself, obviously in concert with his senior officers. There was no involvement by the state government and no involvement by me.

JAMES PRICE POINT — POLICE PRESENCE

213. Mrs M.H. ROBERTS to the Premier:

I have a supplementary question. Why do local community and sporting groups have to pay $90 an hour for each police officer to have a police presence at their event, yet this has cost Woodside nothing?

Mr C.J. BARNETT replied:

I would assume that a crowd at a junior football game would not necessarily be violent. The member for Midland can tell me differently. What is the member talking about? She is talking about using police —

Mrs M.H. Roberts: You introduced legislation to make sporting and community groups pay!

Mr C.J. BARNETT: Listen to me, member! The member is talking about —

Mrs M.H. Roberts interjected

Mr C.J. BARNETT: The member is badly behaved today. The member is talking about police performing a security role for private promotions and private events, most of which will be money-making ventures; and why should not people pay?

Several members interjected.

Mr C.J. BARNETT: This was about protecting people. This was about protecting people going about their lawful business.

Several members interjected.

The SPEAKER: Member for Warnbro, I formally call you to order for the first time today. Member for Cockburn, I formally call you to order for the first time today. Member for Albany, I formally call you to order for the second time today. Leader of the Opposition, I formally call you to order for the first time today.

BICYCLE INFRASTRUCTURE

214. Mr J.E. McGRATH to the Minister for Transport:

I refer to the minister's recent announcement on the unprecedented state government spending of $28 million on cycling infrastructure over the next two years. Could the minister please advise the house of the benefits that this will deliver to Western Australians and also of any feedback that he has received on this announcement?

Mr T.R. BUSWELL replied:

I thank the member for South Perth for the question and his keen interest in cycling. I have been to cafes in the member's electorate; it is lycra heaven down there at Atomic Cafe and the like.

Mr A.P. O'Gorman: I hope you weren't wearing lycra!

Mr T.R. BUSWELL: I have worn my lycra out cycling, but we had best not go there!

Cycling is an increasingly important mode of transport, as we all know.

Several members interjected.

Mr T.R. BUSWELL: That is very interesting.

In the last 10 or 15 years the population of Perth has increased by about 50 per cent and cycling has increased by a factor of five; that is, by 500 per cent. Over 300 000 people a month now cycle around Perth. In fact, I was in the member for Albany's electorate last week and I met the Albany Bicycle Users Group. That group of people was thoroughly unimpressed with the member's capacity to deliver anything for them! They were absolutely and thoroughly unimpressed with the member for Albany's capacity; but I will go back to Albany to see what we can do with some of this money to help out and to help ABUG get along, despite the member's incompetence.

There are 16 000 cycling trips to and from the CBD every day.

Point of Order

Mr W.J. JOHNSTON: Mr Speaker, I believe the minister has just cast an imputation on the member for Albany. I ask you to direct him to withdraw.

The SPEAKER: Minister, please continue.

Questions without Notice Resumed

Mr T.R. BUSWELL: Incompetence is a way of life for the member for Albany!

That is why recently the government released the "Western Australian Bicycle Network Plan 2012–2020". It is a thorough blueprint for the future of cycling in the metropolitan area and around regional Western Australia. It is important to understand the funding that has historically gone into cycling. The funding that goes into cycling every year has historically been $2.6 million, and $900 000 of that goes into investing in principal shared paths—the major paths that run along the railway lines and the freeways radiating out of the city. That $900 000 enables us to build about one kilometre a year; and that is going backwards fast. An amount of $1 million goes to metropolitan local governments to invest in local cycling infrastructure and about $700 000 into regional local governments.

A couple of weekends ago the government announced a massive boost in funding to $28 million over the next two years for cycling infrastructure. What will that enable? That will enable metropolitan regional councils like the Gosnells city council, member for Gosnells, to invest twice as much in local cycling projects. It will enable regional local governments like the City of Albany, member for Albany, to invest additional money in local cycling infrastructure; and it will mean that we will have almost $20 million to invest in principal shared paths over the next couple of years. The priorities are to finish the link between Bassendean and Midland—work has already commenced on that link—and to build a cycling link between the Shenton Park station and Loch Street somewhere down there in the far-flung western suburbs. Planning is also underway to upgrade cycling infrastructure along the freeways and down to Fremantle. That is on top of the $7 million that the government announced in the congestion package to help with cycling infrastructure along Roe Street and Riverside Drive.

I thank the member for South Perth for asking about public feedback. I get a lot of emails in my job, though not always as positive as those relating to cycling infrastructure.

Mr P.B. Watson: Do you get any emails from Skywest?

Mr T.R. BUSWELL: I do. I will quickly read from an email that I have here. It states —

> Dear Minister
>
> My husband and I are committed cyclists and we applaud the Government's commitment to improve cycling infrastructure with the provision of funding to install Principal Shared Paths through the metropolitan area.
>
> This initiative will not only improve the environment by reducing motor traffic but enable the health of Perth residents to improve by enabling more people to enjoy the benefits of cycling safely.
>
> On behalf of all our cycling friend we applaud this initiative and THANK YOU.

We have received dozens of similar emails from appreciative people.

I will close by reflecting on the comments of the opposition on the cycling plan. I know that the shadow Minister for Transport likes to cycle. I have seen him on his bike. I notice that his knuckles still drag on the ground. When we released the bike plan, he said that the announcement contained no funding —

Point of Order

Mrs M.H. ROBERTS: This is a very lengthy answer that is now going beyond what was asked.

Questions without Notice Resumed

Mr T.R. BUSWELL: I am almost done. The shadow minister said that the announcement contained no funding and no immediate action. He said —

> "The Barnett Governments record on investment in cycling infrastructure … is abysmal," …

When we announced the five-fold increase in funding, well beyond what the plan asked for, the shadow minister gave a very well thought out response. He said that the funding was "a bandaid measure". That is not a bandaid. This is a bandaid. This graph clearly shows this beyond any shadow of a doubt. The big chunky bits at one end are Liberal investments; the little skinny bits down the other end are called "Labor in government". No wonder the cyclists are happy because this government's funding is the sort of investment that they need to build twenty-first century cycling infrastructure in the metropolitan area.

RESIDENTIAL FEED-IN TARIFF SCHEME — COST OVERRUNS

215. Mr B.S. WYATT to the Treasurer:

I refer to the Treasurer's answer to a parliamentary question on the solar feed-in tariff scheme on 24 November last year in which he stated —

… the cap of 150 megawatts was likely breached. How substantial was that breach? It was nothing like $500 million; it was nothing of that order. It is likely to be a moderate breach, …

(1) On what basis did the Treasurer make this assessment?

(2) Does the Treasurer stand by his comments that the cost increase for the feed-in tariff will be nothing like $500 million?

(3) What is the expected cost increase for the feed-in tariff scheme?

(4) Can the Treasurer confirm from his answer of the same date that the first time he became aware of the breach was in early November 2011?

Mr C.C. PORTER replied:

I thank the member for his question.

(1)–(4) The first part of the question was whether I stood by my comments that the cost overrun, or blow-out if the member wants to call it that, is nothing in the vicinity of $500 million. Of course I stand by that answer, as does the Premier. I will explain why that is quite correct. Over the past three days I have heard four separate figures as to what the cost overrun, or blow-out if you like, is. There is a blow-out; there is no question about that. Let me describe the four figures that I have heard over the past several days. Today the Leader of the Opposition said that the cost blow-out was $400 million. When that question was asked of me in November last year, the Leader of the Opposition said it was $500 million.

Mr M. McGowan: I asked you a question.

Mr C.C. PORTER: We have had $400 million and we have had $500 million.

Mr M. McGowan: You are very slippery.

Mr C.C. PORTER: The Leader of the Opposition is as slippery as a bucket of eels in oil, which is very slippery.

Mr P. Papalia: Did you reverse that in the budget?

Mr C.C. PORTER: No, I just came up with that then.

Mr D.A. Templeman interjected.

The SPEAKER: Surrender, member for Mandurah. I formally call you to order for the second time today. I think you have all had your fun.

Mr C.C. PORTER: The Leader of the Opposition cited a cost overrun of $400 million and $500 million. The early edition of *The West Australian* referred to a huge cost blow-out of $600 million. The edition shortly after that said it was $450 million, so we had a $150 million blow-out from *The West Australian* within two hours of the first and second edition. We have seen a number of figures. The first point that the Leader of the Opposition and the shadow Treasurer need to understand is that the total cost of the program does not equal the overrun. The total cost of the program was first cited in the budget papers in 2011–12 as $303 million. The total cost of the program was $303 million over 10 years. We are now estimating that over the total life of the program, which is 10 years, the total cost will likely be in the vicinity of $450 million. So $450 million minus $300 million is $150 million, which is a cost overrun of $150 million. Divided by 10, that is about $15 million a year. That is the answer. The point is that the cost overrun of $15 million a year has occurred because the information that was being collated and the applications that were being entered between Synergy and the Office of Energy were far from perfect.

Mr B.S. Wyatt: So it is a $420 million blow-out.

Mr C.C. PORTER: Do I need to explain it again? It is actually not that complicated. If the shadow Treasurer ever cares to look at a budget paper, he will see that the overall cost estimate was $303 million over 10 years. We now expect that the total cost will be about $450 million over 10 years. So $450 million minus $300 million is $150 million, which is $15 million a year. When we put the cap in, that was the first time that we were able to give a proper estimate of what the overall scheme would be over 10 years because without a cap, unlimited applications could potentially have been processed and accepted.

Mr B.J. Grylls: Which is what they called for.

Mr C.C. PORTER: Exactly. The 150-megawatt cap gave us the ability to estimate the scheme would cost $300 million over 10 years because that was the upper limit on the scheme. Yes, that upper limit was breached to the tune of $15 million a year. When we put in the cap, which gave us the figure of $300 million, what was the response of the Labor Party? It was "Feed-in Tariff Armageddon on its way". Well, "I'mageddon" tired of overstatements in press releases! That was better than the eels. When we put in the cap of 150 megawatts, the Labor position was that we should not have done that; we should not have attempted to cap the scheme at $300 million. Labor's position was that it should be uncapped. The one thing I can tell members is that if it were

uncapped, the demand would have grown and grown and the applications would have been processed and processed. The Labor Party's position was no cap. At the time of the cap, the opposition said —

> "It is truly perverse that a Government would wind up a scheme, purely on the grounds that it has been too successful.

The opposition wanted us to keep it going beyond the cap of 150 megawatts, which meant that it would have cost more than $300 million. The opposition's policy was to actually have it cost more than $300 million! It then went on to say that if the Barnett government —

Point of Order

Mr B.S. WYATT: I am looking back over my question; it was specific and in four parts. At no point did I ask questions about anything other than cost estimates from the Treasurer, and I ask you, Mr Speaker, to bring the Treasurer back to the questions I asked.

Mr C.C. PORTER: I am trying to answer the question globally.

Several members interjected.

Questions without Notice Resumed

Mr C.C. PORTER: When the cap was instituted, Labor's position was this —

Several members interjected.

The SPEAKER: Member for Bassendean, I will formally call you to order for the first time today. Member for West Swan, you are formally called to order for the first time today as well. Member for Warnbro, I formally call you to order for the second time today. Treasurer, make haste.

Mr C.C. PORTER: Indeed, Mr Speaker. The extra $15 million a year over the budget cycle —

Ms R. Saffioti interjected.

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

Mr C.C. PORTER: The $15 million extra a year over the budget period, as the Minister for Energy announced yesterday, is going to be worn—paid for—by Synergy, out of its profits. Very interestingly, the opposition's press release, from Hon Kate Doust, was—I will finish here, Mr Speaker —

> If the Barnett Government was serious about climate change it would reinvest the massive profits it is making from increased electricity tariffs into ensuring the electricity network can cope with more small renewable energy generators …

What good advice it was, because although the cap was breached, which is a matter of some concern, it was breached by $15 million a year over 10 years, and Synergy is being asked to reinvest its profits in that $15 million to provide for renewable energy through photovoltaics.

RESIDENTIAL FEED-IN TARIFF SCHEME — COST OVERRUNS

216. Mr B.S. WYATT to the Treasurer:

I have a supplementary question. I again ask the Treasurer: does he stand by his statement on 24 November that the first time he became aware of the breach was early November?

Mr C.C. PORTER replied:

I do, and the reason is that at that meeting that the Leader of the Opposition spoke about amongst the chiefs —

Mr M. McGowan: So the chiefs of staff can tell you?

Mr C.C. PORTER: I am trying to answer the question.

At that meeting amongst the chiefs of staff that the Leader of the Opposition spoke about, which was relayed to me, the point was made in that meeting that the concern was this: there was not sufficient data coming through either Synergy or the Office of Energy to tell whether the cap had or had not been breached; and, of course, that was a matter of concern, and it took some time to sort through that data and even reach a preliminary answer on the cap being breached.

LIQUOR STORE — MAYLANDS

Petition

MS L.L. BAKER (Maylands) [3.23 pm]: I have a petition that complies with the orders of the house and states —

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

We, the undersigned, are opposed to Liquorland (Australia) Pty Ltd being granted a liquor store licence, enabling them to open the First Choice Liquor Superstore Maylands, at 207 Guildford Road, Mayland. Maylands is already serviced with sufficient liquor stores and the proposed 1,250 square metre First Choice Liquor Superstore will—according to Liquorland—be the equivalent of "between 6 to 10 Liquorland stores in terms of store size and turnover". Research suggests that huge warehouse style liquor stores—such as First Choice, which sell heavily discounted packaged liquor—encourage risky drinking practices and contribute to increased levels of violence.

Now we ask the Legislative Assembly to:

- ensure that Liquorland is not granted a liquor licence for the proposed First Choice Liquor Superstore Maylands; and
- investigate further the potential of heavily discounted alcohol sold by warehouse-style liquor stores to influence levels of violence in our community.

There are four signatures on that petition.

[See petition 583.]

MIDLAND RAILWAY LINE — OVERCROWDING

Petition

MS L.L. BAKER (Maylands) [3.24 pm]: I have another petition that complies with the orders of the house that states —

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

We, the undersigned, are opposed to the Barnett Government's decision to ignore the train overcrowding occurring on the Midland line. Commuters are struggling to get to work and appointments on time.

Now we ask the Legislative Assembly to ensure the Barnett Government addresses the continuing overcrowding issues on the Midland line, as it has done on the Joondalup–Mandurah lines.

There are 11 signatures.

[See petition 584.]

BELMONT WATERSKI AREA

Petition

MS L.L. BAKER (Maylands) [3.25 pm]: I have another petition; Maylands residents are very busy! The petition reads —

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

We, the undersigned, are opposed to the Barnett Government's proposal to retain and extend the Belmont Ski Area. This section of river is simply too narrow to safely accommodate water ski boats and other more passive types of recreational boats. The ski area currently being proposed will disturb the special bird breeding area at Berringa Reserve, reduce the Maylands Yacht Club's sailing area by up to 200 metres and create noise pollution for local residents.

Now we ask the Legislative Assembly to ensure that the Barnett Government closes the Belmont Ski Area.

There are 32 signatures.

[See petition 585.]

COCKBURN CENTRAL TRAIN STATION — TRAFFIC CONGESTION

Petition

MR F.M. LOGAN (Cockburn) [3.26 pm]: I have two petitions with me, the first being from 219 petitioners. The petition conforms to the standing orders of the Legislative Assembly, and is in the following terms —

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

We the undersigned say that the traffic congestion and car parking problems around Cockburn Central are now so bad that they are causing economic loss, social and employment problems for residents in

the surrounding suburbs of Success, Hammond Park, Jandakot, Atwell, Aubin Grove, Beeliar, Yangebup and South Lake. Serious injuries and even fatalities have occurred because of lack of traffic lights, proper road management and planning. Lack of car parking around Cockburn Central has led to hundreds of fines and even job losses for commuters.

Now we ask the Legislative Assembly, to call on the State Government to commit to the funding and building of a new overpass road bridge that will join an upgraded North Lake Road to Armadale Road and a new rail station with car parking at Russell Rd.

These two major infrastructure investments are critical to road transport planning and will alleviate the horrendous traffic congestion blighting this area.

[See petition 586.]

HAMMOND PARK — HIGH SCHOOL

Petition

MR F.M. LOGAN (Cockburn) [3.27 pm]: The second petition is from 135 petitioners, and it has also been endorsed as conforming to the standing orders of the Legislative Assembly. It is in the following terms —

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

We, the undersigned, say that 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 587.]

GERALDTON BLOOD BANK

Petition

MR I.C. BLAYNEY (Geraldton) [3.28 pm]: I have a petition from 6 251 petitioners, regarding Geraldton blood bank.

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

We, the undersigned, say that the people of Geraldton and the Mid-West Region are shocked and horrified by the closure of the Australian Red Cross Blood Services and Blood Donor Centre in Geraldton, and that there is a need for these services to continue.

Now we ask the Legislative Assembly take whatever steps are necessary to ensure the continuation of these much needed services.

[See petition 588.]

ROAD TRAUMA TRUST FUND — PROJECTS

Question on Notice 7371 — Answer Advice

MR B.S. WYATT (Victoria Park) [3.29 pm]: Pursuant to standing order 80(2), I give notice to the Minister for Police; Road Safety that question on notice 7371, which is well past due, remains outstanding.

The SPEAKER: Member, your comments will be recorded in *Hansard*, but the best time to do these is immediately after question time. You might want to repeat the process tomorrow—that is your opportunity—but the words are recorded.

PAPERS TABLED

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

UNCLAIMED MONEY (SUPERANNUATION AND RSA PROVIDERS) AMENDMENT AND EXPIRY BILL 2012

Notice of Motion to Introduce

Notice of motion given by **Mr C.C. Porter (Treasurer)**.

DISALLOWANCE MOTIONS

Notice of Motion

1. Royal Perth Hospital Amendment By-laws (No. 2) 2011.

Notice of motion given by **Mr J.N. Hyde**.

2. Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011.

3. Hospitals (Services Charges) Amendment Regulations (No. 7) 2011.

4. Women's and Children's Hospitals Amendment By-laws (No. 2) 2011.

5. Metropolitan Health Service Amendment By-laws (No. 2) 2011.

6. Fremantle Hospital Amendment By-laws (No. 2) 2011.

Notice of motions given by **Mr R.H. Cook (Deputy Leader of the Opposition)**.

7. Osborne Park Hospital Amendment By-laws (No. 2) 2011.

Notice of motion given by **Mr J.C. Kobelke**.

SUBURBAN HOSPITAL SERVICES

Notice of Motion

Mr R.H. Cook (Deputy Leader of the Opposition) gave notice that at the next sitting of the house he would move —

> That this house condemns the Barnett government for its failure to protect hospital services in the suburbs and for its failure to properly plan for the increase in demand on health services in Western Australia.

MINISTER FOR ENERGY — ENERGY PORTFOLIO MANAGEMENT

Matter of Public Interest

THE SPEAKER (Mr G.A. Woodhams) outlined that he was in receipt within the prescribed time of a letter from the Leader of the Opposition seeking to debate a matter of public interest.

[In compliance with standing orders, at least five members rose in their places.]

MR M. McGOWAN (Rockingham — Leader of the Opposition) [3.34 pm]: I move —

> That this house express its lack of confidence in Hon Peter Collier and calls on the Premier to dismiss him from cabinet as a consequence of his mismanagement of the energy portfolio.

This is a very serious motion. To move a motion of no confidence in a government minister is one of the most serious matters that can take place in Parliament. The opposition has moved this motion advisedly. The Minister for Energy has been responsible for a range of problems and mistakes in his portfolio that have cost the taxpayers of this state very dearly indeed. I will go over some of the matters, as will some of my colleagues. The most important thing to note in this context is that through increased state government fees and charges we have seen, for ordinary families, the most dramatic increases in the cost of living in the history of this state. There has been a 57 per cent increase in electricity tariffs, a 57 per cent increase in gas charges, a 40 per cent increase in water bills, and a range of other new fees and charges imposed on ordinary citizens in this state. This latest episode of incompetence will merely put more cost-of-living pressures on ordinary families.

But it gets worse than that. The problem here is not just the incompetence of the Minister for Energy, not just the misleading by the minister about these matters and not just the hiding of freedom of information documents, but also the fact that the government itself, including the Premier and the Treasurer, have misled this house about the amount of money involved and the amount of money lost. Today we saw further evidence of that misleading and slippery behaviour by both the Premier and Treasurer in relation to this.

I will take members back to the time the government first announced its scheme. The Premier, as the former Treasurer, in his own budget speech of 20 May 2010 is quoted in *Hansard* as saying —

> I'm also pleased to announce that funding of $23 million has been provided to introduce a residential net feed-in tariff scheme from 1 August 2010.

The figure started at $23 million. What did it then go to? Twenty-three million dollars was what the Premier said in Parliament when this thing started. We then go to the Minister for Energy on 1 August 2010. He also said that it would cost $23 million. We then go to the Minister for Energy on 21 May 2011—the figure has gone from $23 million to $114.5 million! It is in writing, on paper—$114.5 million. Then on 1 August, a few months later, the Minister for Energy stated —

> "The scheme was so popular that to meet demand the Government increased the original $23 million budget allocation to $127 million.

Over the course of a year, the figure went from $23 million to $114 million to $127 million. The Treasurer has the temerity to stand in Parliament today and say that all sorts of figures are being bandied around by all sorts of other people. In the course of one year, the government had three sets of figures on what this scheme would cost. This matter was being talked about everywhere. We received information that the scheme had blown out massively and we brought that matter before Parliament. We had been advised that it had grown to $500 million and we wanted to know whether that was true—whether the cost had blown out from $23 million to $500 million. What did the Premier and the Treasurer say? I quote the Premier on 30 November —

> There will be expenditure well beyond what was intended, but nothing in the order of $500 million.

Not $500 million, only $453 million! The Premier said it a number of times. Again, on 23 November, the Premier said —

> It is nothing like $500 million.

He goes on and on denying that it was any figure in the vicinity of $500 million. What we have discovered is that the scheme, originally advised in *Hansard* by the Premier as being a $23 million scheme over four years, has now gone to a $453 million scheme over 10 years. If we extrapolate a $23 million scheme over 10 years, it reaches a $60 million scheme, so I suppose it could be argued that it was really only a $60 million scheme, not a $23 million scheme, because it is four years at $23 million and 10 years at $60 million. That is still a $400 million blow-out in the scheme. That is the best argument the Premier could make. Sixty million dollars to $453 million is a $390 million to $400 million blow-out that we know of at the moment. When we asked him in November last year he disputed outright that there would be in any way a blow-out to the magnitude of $500 million. But through the freedom of information process, which I might add the Premier pooh-poohs in this house regularly saying what a waste of time that freedom of information process is, we have discovered two things; one is a $400 million blow-out—a $400 million loss to the state through this scheme. The second thing we have discovered via the FOI process and other documents that have come to light outside the FOI process is that the Premier's ministers deliberately misuse, and do not comply with, the law in relation to the FOI process. Documents that should have been released via the FOI process were not released, because the Premier claimed cabinet-in-confidence when emails between press secretaries are clearly not cabinet-in-confidence documents. That is what took place.

I want to come to the Premier. In question time I asked him a range of questions on this matter and he basically 'fessed up to the fact that, yes, there was a meeting between chiefs of staff in June 2011. I have a copy of what he read from. And we now discover that his chief of staff and the Treasurer's chief of staff were at the meeting held on 27 June 2011 where the former chief of staff to the Minister for Energy brought to the Premier's attention the fact that the feed-in tariff had reached its capacity.

Mr C.J. Barnett: I wasn't there.

Mr M. McGOWAN: He was not there, no, but I will get to him.

His most senior, $350 000-plus-a-year staff were at this meeting from which we learn that the program has exceeded its capacity, thereby costing taxpayers many millions of dollars. That became apparent to the Premier's staff at that meeting and the Premier is saying that nothing was done. But it gets worse because in the Premier's flippancy with his answer, he said that he had been aware of problems with this scheme from the moment he was elected. He then said that he became even more aware from early June when Darren Brown, the former chief of staff to the Minister for Energy, actually said, "I think this scheme has been exceeded" —

Mr C.J. Barnett: Is Darren Brown now your confidant?

Mr M. McGOWAN: I have not spoken to Darren Brown but I can tell the Premier this: Darren Brown got the sack for bringing these matters to light, but the Minister for Energy loses $400 million and nothing happens to him. What sort of standard is that? His standard is to sack the messenger and protect the failure—sack the messenger and protect the failure. We discovered that the Premier, himself, admitted in what he had to say that he has known for a long time about problems in the scheme. The only reason he acted on 1 August, according to his own admission having known about this issue for some months, is that he got calls from journalists. What we discovered from all the FOIs —

Mr C.J. Barnett: Rubbish! That is absolutely untrue. You cannot come in here and state blatant untruths.

Mr M. McGOWAN: Read the FOI documents. I know the Premier does not like releasing FOI documents; I know his ministers cover them up. But when they become public we learn what has gone on internally. All those FOI documents showed that the Premier's government was far more concerned about the media strategy to manage this issue than the losses themselves. All those documents obtained under FOI between the Premier's office, other press secretaries within the government and the Minister for Energy's office said, "We need to work

out a media strategy to manage this in case we decide to cut it off." The day before it was cut off, the Premier got calls from journalists at *The West Australian*. It became the front-page story of *The West Australian*, and at 9.45 that morning he cut it off. The only reason he stepped on this program was that he got calls from *The West Australian* and it was on the front page of that newspaper. He did not take action for two months that we know of when it was plain there was a multimillion dollar blow-out in this scheme. Chiefs of staff knew—the Premier's chief of staff knew, the Treasurer's chief of staff knew and, by implication and from what the Premier said, the Premier knew. He took no action in regard to this. Who is the victim here? The taxpayers are. The taxpayers have to pick up this $400 million loss.

Mr C.J. Barnett: There is no loss.

Mr M. McGOWAN: There is an attempt at sugar coating by saying that $150 million will be absorbed by Synergy so the taxpayers do not have to pay. I do not know whether the Premier knows, but the taxpayers own Synergy, so if Synergy loses $150 million, that means the taxpayers are paying for that.

This is incompetence on a grand and gross scale. It is a loss of a fantastically large amount of money by the taxpayers of Western Australia.

Mr C.J. Barnett: It is not lost.

Mr M. McGOWAN: The Premier claims it is not lost. It is lost to the taxpayers of Western Australia. It is no longer under the control of the Treasury of Western Australia. It was lost by a bungled and mishandled government program that will cost the people of Western Australia. The Premier needs to take action in relation to this minister. The Minister for Energy has made an incredible mistake that was brought to his attention and then he sacked the staffer who brought it to his attention. This is the same minister who put up gas prices 57 per cent and put up electricity prices 57 per cent and is pursuing this madness of a merger between Synergy and Verve, which will drive away private investment in Western Australia. It is the same person who presides over an agency that has been identified by the Parliament and who has apologised for misleading the Parliament of Western Australia. That minister has made a monumental mistake. If he worked for a private corporation and lost $400 million, he would be sacked the same day. His possessions would be put into a cardboard box and he would be marched to the door and be out the door. The only reason the Premier will not deal with this minister is that he is a factional heavy in the Liberal Party and everyone in Western Australia and everyone in the Liberal Party knows he is a factional heavy in the Liberal Party.

Several members interjected.

Mr M.P. Whitely: Don't you talk about corruption when you have a forger in the cabinet.

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

Mr T.G. Stephens: He is too.

The SPEAKER: Member for Pilbara, I do recognise your voice; I formally call you to order for the first time today.

Dr A.D. Buti: The Premier won't deny it.

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

Mr M. McGOWAN: I will conclude there. This minister has been responsible for a massive loss to taxpayers.

Mr M.P. Whitely interjected.

Mr M. McGOWAN: Ordinary people will have to pay for it and the only reason the Premier will not take action —

Withdrawal of Remark

Mr C.J. BARNETT: The Leader of the Opposition was clearly referring to Hon Peter Collier, and the member for Bassendean interjected by way of saying "a forger" and I ask him to withdraw that.

An opposition member: Is it inaccurate?

Mr M.P. WHITELY: No; it was completely and utterly accurate. I did refer to Peter Collier when I called him a forger. That is just a statement of historical fact.

The SPEAKER: Withdraw the comment.

Mr M.P. WHITELY: I will not withdraw; it is a statement of fact.

The SPEAKER: I formally call you to order again, member for Bassendean. The instruction, member for Bassendean, is for you to withdraw the comment. That is what is being asked; that is what I am endorsing; that is what I am asking you to do, member for Bassendean.

Mr M.P. WHITELY: It is a statement of fact. It is true, as was outlined in the *Stateline* program. Peter Collier is a forger. I am not going to withdraw because it is true.

The SPEAKER: Member for Bassendean, I am going to give you an opportunity to withdraw the comment in the context of this debate. I give you one final chance to do that, member for Bassendean.

Mr M.P. Whitely: I am not going to.

Suspension of Member

The SPEAKER: That being the case, member for Bassendean, I will name you and ask you to leave this Parliament for the remainder of this day's sitting.

[The member for Bassendean left the chamber.]

The SPEAKER: Members, it is quite simple and this process unfortunately has happened in this place before. I put the question to you that the member named, the member for Bassendean, be suspended from the service of this state's house for the remainder of this day's sitting and for the next day's sitting of this Parliament.

Question put and a division called for.

Bells rung and the house divided.

Point of Order

Mrs M.H. ROBERTS: Mr Speaker, you ordered the member for Bassendean out of the chamber before the vote was taken. Can I just question whether that is in accordance with standing orders or whether he should have been allowed to remain in the chamber until the vote was taken to determine his fate?

The SPEAKER: I indicate to you, member for Midland, that it is within the standing orders and we are voting on that process.

Division Resumed

The division resulted as follows —

Ayes (32)

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

Noes (24)

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

Question thus passed.

Debate Resumed

MR W.J. JOHNSTON (Cannington) [3.57 pm]: I want to quickly get rid of one of the straw man arguments that is going to be used by the Liberal Party in defending this incompetent minister; that is, that all it was doing was matching the Labor Party's commitment. I just want to make a point about the Labor Party's commitment. Our commitment was —

> A gross residential photovoltaic feed-in tariff of 60 cents/kWh will be payable for systems of 1–10 kW until the cost of installing the panels is paid back.

That is a fundamentally different process from what was being put by the government. I have read that the Minister for Energy said that if we had implemented our policy, it would have cost $1.8 billion. That is rubbish. It is because he has not been able to read the English language and understand the difference between what he promised to do for $23 million and what we promised to do.

I could talk about the chaos and the complete shambles that has become Western Power under this minister's leadership, the fact of the 680 per cent increase in billing complaints to Synergy, the failure of the Horizon Power underground power project in the Pilbara and the farce that is the re-merger policy of this government whereby cabinet has decided not to re-merge and no advice is being sought or received on re-merger, but the Premier continues to talk about it. I could talk about all those things but what I want to do is focus firstly on the question of freedom of information.

I have the FOI applications from Hon Kate Doust and the member for Victoria Park. I draw the chamber's attention to document 27 of the Wyatt FOI. That document was also covered by the more extensive FOI request of Hon Kate Doust, yet it does not appear in the schedule to the freedom of information application by Hon Kate Doust. That in itself is a breach of the act. But we then have to go on and look at this famous document 50, which was excluded by a piece of shameful dishonesty. It is excluded on the basis of being a cabinet document. I will talk about this document later because it proves that the minister's defence in this matter was false; that his defence is not based on the truth. But I will come to that later. That shameful dishonesty was that it was an email from a journalist. The minister in his defence stood in front of the media yesterday and said, as quoted in *The West Australian* —

> … he had no knowledge of the FOI application, could not explain why the document had not been released …

That is a very interesting issue, because I am holding the FOI application and it states "decision maker". Whose name appears there? Hon Peter Collier, MLC! He is the decision maker!

A government member: He knew nothing about it!

Mr W.J. JOHNSTON: He knows nothing about his own decision! On another page of this decision, members will see this document 50. It is on the finding of the facts that document 50 was exempt on the basis of it being a cabinet document. Whose signature appears at the end of the document? Oh my god! It is the minister's signature. Perhaps it was a forgery? Perhaps one of his staff has taken up this approach and forged the signature and that has been the problem. The poor minister—the hapless, hopeless and incompetent minister—does not know that he is responsible for the decision. He does not know that he made the decision. So perhaps he did not make the decision—in fact, it was a forgery that led to the breach of the FOI act and the shameful and typical ignoring of the law of this state by the Liberal Party.

It is not as though the Liberal Party did not know what it was buying when it let Hon Peter Collier into cabinet and made him a minister. I draw members' attention to the transcript from ABC online *Stateline Western Australia* of 6 May 2005, in which Lorraine Allchurch, a member of the Liberal Party, said about the now Hon Peter Collier —

> Well, I've got a whole folder of documentation here, which I'm happy to provide if it's ever necessary …

Point of Order

Mr R.F. JOHNSON: I refer to the motion before the house. It reads —

> That this house expresses its lack of confidence in Hon Peter Collier and calls on the Premier to dismiss him from cabinet as a consequence of his mismanagement of the energy portfolio.

"Mismanagement" is the word that the member should be concentrating on—not other forms of libellous words.

Mrs M.H. ROBERTS: The member for Cannington is directly referring to the motion. It is the Leader of the House who is in error here.

The SPEAKER: Order! I am sure the member for Cannington will return to the subject matter.

Debate Resumed

Mr W.J. JOHNSTON: This goes on. The Liberal Party knew exactly what it was buying when it allowed Hon Peter Collier into cabinet. So it is not a surprise that he is incapable of doing his job. We all knew that he would be incapable of doing his job.

Let us understand why this document was deliberately excluded and not properly made public. It is because this document shows the minister's dishonesty. This document demonstrates the fact that the minister knew the truth and was not telling it in public. That is why it was so important that the minister cover up what he was doing.

I want to draw the attention of the chamber to the exclusions that are allowed for this procedure that the minister was claiming. In the minister's decision, he notes the following —

> *Matter is exempt matter if its disclosure would reveal the deliberations or decisions of an Executive body, …*

This document did no such thing. But, even if it did, it would still be able to be disclosed, because there is a limitation on that exemption, as the minister's own decision points out. The limitation on that exemption is —

> *Matter is not exempt by reason of the fact that it was submitted to an Executive body for its consideration or is proposed to be submitted if it was not brought into existence for the purpose of submission for consideration by the Executive body.*

It was an email from a journalist. It is incapable of being a document intended for cabinet.

We need to go on and look at the shambles that is the feed-in tariff. The government said that the feed-in tariff would cost $23 million. The government is now saying that it will cost $450 million. But apparently that is not a $450 million blow-out. It is only a $130 million blow-out—it goes from $23 million to $450 million. I can tell members that there is no bigger advert for the National Assessment Program — Literacy and Numeracy than the mathematics of the Treasurer of this state! We do not have any confidence in the Treasurer's capacity to do mathematics. Perhaps we should bring NAPLAN testing in here! My son is doing his NAPLAN test today. What about getting the Treasurer to line up for my son's year 9 NAPLAN test?

I will go on. On 17 August 2011, Minister Collier said this in Parliament about the scheme —

> It blew out from around $28 million to almost $120 million and the projections were even more excessive.

Those are not the figures that have been quoted to us today. He goes on to say —

> The uptake of the solar PVs and the capacity of the solar PVs was regularly updated on the Office of Energy's website.

He goes on —

> We did reach the cap. As far as the decision making was concerned, *The West Australian* ran a story, which was largely prompted by the solar industry, because it knew we were getting to that point. Would it have been any different if we had given the solar industry another two weeks?

So, the government knew on 31 July—we will go to that—that the cap had been reached. The minister also said —

> To suggest that the decision just came out of the blue is nonsense.

So, the government knew what it was doing. That is what the minister was telling us. So now, when we get the figure of $450 million, let us understand that the minister knew what he was doing. The minster went on to say —

> We knew that if we waited two or three weeks there would be this mad rush on the solar industry. We were very, very conscious of that.

The government knew what it was doing. It was getting proper advice constantly. I will go through some of that advice in the brief time that I have. On 8 June, the minister's chief of staff asked for a briefing, because, as he said, they were getting close to the cap. On 28 June, an email from the Premier's Office says —

> Darren told us yesterday at CoS meeting that the capacity for the FiT has been reached.

On 30 June, the Office of Energy provided a table to the minister's office. In the box "Scheme cap", it says, "After Review, 150MW". Immediately below that, in the box "Current installed capacity", it says, "Cap reached". Indeed, the email that covers that advice from the Office of Energy says —

> Synergy data indicates that there should be around 140MW of panel capacity installed under the scheme. … However, after closure of the scheme, panels could continue to be added, to the point where total generation capacity becomes limited by the capacity of inverters installed under the scheme (probably more than 170MW).

Therefore, on 30 June, the government already knew that potentially 170 megawatts was involved in this scheme. So, the idea that the government did not know, or that it was rubbery figures, is just rubbish.

It is interesting to look at FOI document 45a of 5 July. That document is described as an options table. What do members think is in that options table? I do not know, because access to that table has been denied, on the basis that it was a cabinet document. Given that we know that the minister has failed in his duty on FOI, how do we know that it actually was a cabinet document? But, anyway, we know what is in that document. It is not that hard to work it out.

What action did the government take? A couple of days later, the government started a file for the closure of the feed-in tariff scheme. That is a good action. The next thing the government did was develop its plan—not its plan to close the scheme, and not its plan to communicate with the installers or the people who would be affected by the decision, but its communications plan. That plan particularly highlights its communications strategy for its backbenchers. That is what the government was worried about. The government wanted to make sure that its backbenchers were included in the plan so that they could get their spin cycle ready. Even after the government had made the closure, it was the spin cycle that dominated. On 9 August, the Premier's office asked in an email, "When did we breach the cap?" Funnily enough, that email has never been answered, and the minister has never stood up in Parliament to explain when the cap was breached. We can go on and see how it was the media secretaries from the Premier's office who were dominating the discussion. It was not about what was a good outcome.

Mr C.J. Barnett: That is absolutely untrue!

Mr W.J. JOHNSTON: That is not untrue.

Mr C.J. Barnett: You always play the man, don't you!

Mr W.J. JOHNSTON: I can say that if you have an incompetent minister. You have a government that is involved in spin and slipperiness. Perhaps it is time to have a look at that.

Mr C.J. Barnett: You are the most disgraced member in this chamber!

Mr W.J. JOHNSTON: I am the only member who has ever been proved to tell the truth!

Several members interjected.

The ACTING SPEAKER (Ms A.R. Mitchell): Thank you, members!

Mr W.J. JOHNSTON: The email says, "Dixie and I have spoken." Members can go on and have a look. It is very interesting. It was edited and approved by Dixie.

Mr C.J. Barnett: Here we go! Play the woman! That is your standard! That is what you are doing!

Mr W.J. JOHNSTON: It says, "Hi David, I know you're under the pump but at some stage today if you could distribute the speaking points for members around the feed in-tariff."

Several members interjected.

Withdrawal of Remarks

Mr J.M. FRANCIS: Madam Acting Speaker, the member for Armadale clearly just called the Premier a hypocrite. I suggest that is unparliamentary and I would ask you to direct him to withdraw.

The ACTING SPEAKER (Ms A.R. Mitchell): Member for Armadale, I did not hear you say that, but, if you did, would you please withdraw it now.

Dr A.D. BUTI: Madam Acting Speaker, I did say it. But the Premier just called the member for Cannington the most disgraced member of Parliament.

The ACTING SPEAKER: Member for Armadale, I did not ask for an explanation; I asked for a withdrawal.

Dr A.D. BUTI: I withdraw.

Mr T.G. STEPHENS: On a point of order, I want to test the Chair on this question.

The ACTING SPEAKER: Member for Pilbara, I have not given you the call.

Mr T.G. STEPHENS: I ask for the call on a point of order.

The ACTING SPEAKER: On a point of order, member for Pilbara.

Mr T.G. STEPHENS: The Premier has called the member for Cannington "the most disgraced member in this chamber". If I find that offensive, will you ask the Premier to withdraw that? Because I find it offensive and I want you to ask him to withdraw that.

The ACTING SPEAKER: Member for Pilbara, that should normally occur as quickly as it is said. I understand that may have taken a little while.

Premier, could I ask you to withdraw that comment as well for the member for Cannington.

Mr C.J. BARNETT: I withdraw.

The ACTING SPEAKER: Thank you, Premier.

Debate Resumed

The ACTING SPEAKER: Now I will give the call back to the member for Cannington and ask him to stay on line. The member for Cannington has finished.

MR C.J. BARNETT (Cottesloe — Premier) [4.12 pm]: Let me take the house through the history of the feed-in tariff. I will start prior to the last election. I do so because that is the period in which this issue arose. At that time, prior to this government being elected, the renewable energy sector was lobbying anyone who would listen for the introduction of a feed-in tariff. In the lead-up to the last election, every other state, with the exception of Tasmania, already had a feed-in tariff of one form or another, although they varied in design. There was a heavy lobbying effort to the government of the day—the Labor government—to the opposition, to the media and to anyone else who would listen. The Labor government made a commitment that if it was re-elected, it would introduce a gross feed-in tariff set at a price of 60c a kilowatt hour. It was estimated by the former government to cost $13 million over four years for up to 10 megawatts of capacity. The then Liberal opposition agreed with that and matched that commitment in the lead-up to the election.

Mr W.J. Johnston: You made a different commitment.

Mr C.J. BARNETT: I do not need to hear from the member for Cannington.

Mr W.J. Johnston: Sorry! I am clouding the issue with facts! My fault!

Mr C.J. BARNETT: Madam Acting Speaker, I am trying to treat this with some seriousness.

Mr W.J. Johnston: You're not! You're not telling the truth.

Mr C.J. BARNETT: I'm not telling the truth?

Mr W.J. Johnston: You're not!

The ACTING SPEAKER: Member for Cannington!

Mr C.J. BARNETT: Madam Acting Speaker, it is becoming pointless.

Several members interjected.

Mr C.J. BARNETT: Look at you! You are just a rabble. You have already had one member thrown out.

Following the election and the great victory of the Liberal and National Parties to form government, the government introduced, according to its election commitment, a feed-in tariff. We did. We made two changes. For a start, we said that it would be based not on gross generation, but net generation. I will explain the difference for anyone who does not understand. The Labor Party had said that it would pay 60c a kilowatt hour, not only for electricity from a photovoltaic system sold back into the grid, but also for every unit of electricity produced by the household. That is what a gross system is.

Mr W.J. Johnston: That is not true. That is not right. That is wrong.

The ACTING SPEAKER: Member for Cannington, you have had your chance to speak.

Mr W.J. Johnston: You should tell the truth!

The ACTING SPEAKER: Member for Cannington, I call you for the second time today.

Mr C.J. BARNETT: I was defining the difference between gross and net in the generic sense.

Mr W.J. Johnston: You have got it wrong.

The ACTING SPEAKER: Member for Cannington!

Mr C.J. BARNETT: A gross feed-in tariff system, which some states have, means that the 60 cents a kilowatt hour would be paid on every unit of electricity generated whether it is sold back into the grid or used in the premises on which the PV system is installed. That is a definition of gross. The Liberal–National government decided that was not what it would do and that it would apply any subsidy only to net generation—in other words, to electricity that was sold back into the grid. I think that was eminently sensible, and I remember that discussion very well. We also reduced the amount of payment from 60c a kilowatt hour to 40c a kilowatt hour. They were appropriate decisions, and certainly the way to go was from gross to net.

The ACTING SPEAKER: Member for Cannington, you are not in your seat and your voice is being heard above everyone else's. If you wish to go outside and speak, you can do so.

Several members interjected.

Mr C.J. BARNETT: Madam Acting Speaker, I am trying to address the motion.

The scheme for a 40c-a-kilowatt-hour net feed-in tariff and not a 60c gross feed-in tariff was introduced and began to operate on 1 August 2010. By October 2010, just a couple of months later, the scheme had already passed the 10 megawatt level. That was an indication of the take-up rate and an aptitude within the community to reduce their emissions and their electricity bills by installing domestic photovoltaic systems onto their roofs. It also became obvious that even after reducing the feed-in rate from 60c to 40c a kilowatt hour, even that figure was way too high. It was way above the cost of generating electricity in the south west interconnected system and even above the cost of generation and distribution. It was clearly too high, so a decision was made that the rate would be reduced to 20c a kilowatt hour, which is closer to the cost of general power generation and distribution on the grid; it was a more sensible figure. Changes were made in the very early days of this scheme in response to, frankly, being too generous and a way-above-expected take-up of the scheme. What was done was to try to create a scheme that would be, in a sense, more sustainable.

Demand continued to grow. It continued to grow very strongly for a variety of reasons. Electricity bills had gone up, which would have encouraged more people to go into photovoltaics; the price of photovoltaic units came down significantly; and the capacity of photovoltaic units increased so people got more bang for their buck. There was a lot of promotion of photovoltaics and a lot of debate at that time about greenhouse emissions and reducing our carbon footprint, and to their great credit people did this. So, even at a reduced tariff and by

changing the scheme from gross to net, the scheme was still in a sense being oversubscribed. Therefore, the government made a conscious decision that it would again alter the scheme. In this case, we did it by the amount of capacity being generated through domestic photovoltaic systems, and we did that by setting a cap. What started at 10 megawatts was expanded by this government to be a 150-megawatt scheme. That cap was above the level of demand for installation at the time. There were some good reasons for that: about 150 megawatts of electricity generated at the home, with an appropriate share being fed back into the system—basically 150 megawatts going back into the system as it was a net scheme—was about what the south west interconnected system could cope with. That is bearing in mind that the peak demands are in the morning and the evening, while photovoltaic systems generate electricity during the middle of the day when the demand is not there.

There is a logical limit to how much PV-generated power we want to go into the system and at what time. The cap was changed for that reason. But still people continued to subscribe to the system and still it continued to grow. This became clear towards May to June 2011, around that time, even with this substantial increase in the scheme, bearing in mind that this government expanded the scheme from an initial 10 megawatts, which was exceeded, to 150 megawatts. Is all that wrong—renewable energy, self-sufficiency in electricity, coping with higher electricity bills and reducing your greenhouse footprint, emissions and the like? The government expanded the renewable energy scheme to 150 megawatts, but we capped it and we made that very clear. As I said in question time, there were some issues because the industry was growing, with a lot of retailers, producers and installers who were out there selling and signing people up to the feed-in tariff or helping them fill in their applications for the scheme. These applications were being processed through Synergy, the retailers and the Office of Energy. We were very conscious, knowing we were approaching that cap, and indeed were at risk of going over that cap, that people not be treated unfairly, so we provided a period of grace. That is because the feedback from the industry itself was that a whole lot of applications for the feed-in tariff were in the system—and, beyond that, these were applications that not only, I guess, could have been rejected but also were from people who had ordered and paid for their photovoltaic systems in good faith. Because a feed-in tariff was in place, they had made the decision and turned up to a retailer or supplier and had paid for the system, and in other situations, systems had been installed by the retailer and the installer but not yet paid for by the consumer. There would have been a significant potential loss to householders—that is, consumers—and a significant loss to small business retailers and installers of photovoltaic systems. As a government accepting responsibility—something the opposition never did in government—we had a period of grace. We allowed those transactions to go through. If I followed the opposition's line, we would have chopped off those consumers and small businesses cold. We were not going to do that. We allowed those transactions to go through to a final cut-off date. We probably thought that would go above 150 megawatts but, as a principled government, we honoured the commitments that consumers—householders—and small business installers and retailers had made. I was part of that decision. That is what I and the Minister for Energy, with the support of cabinet, particularly the Treasurer, decided to do. That was the principled decision we made. We knew it would cost more money but it was the right decision, something the Labor Party could never get to in government. That was done and a decision was made.

The cap was exceeded, but not by all that much. In setting the cap, the government considered some further alternatives. We considered extending the cap further—that is, expanding the system further. We looked at expanding it to 175 megawatts or even 200 megawatts, but we decided not to do that because the total cost of the scheme was so high and, indeed, more renewable energy would have been fed back into the system than the system could cope with or would want at that point. We decided to keep the cap but recognise that it may overrun in honouring contracts that people had entered into in good faith. Members may say that was wrong but I think it was the principled and correct thing to do.

The opposition is making great play of the fact that the cap was not applied immediately. If it had been, householders and small businesses would have lost substantially. We allowed it to run from 1 July to 1 August. These applications were in the system. How many were there? There were 600 applications in the system that had a total value of $1.6 million. Yes, the cap was exceeded but at a cost of $1.6 million for those 600 applications that were already in the system. How much was the cap exceeded by? We set the cap at 150 megawatts. What the Minister for Energy said is true. We did not have reliable information on how many applications had been approved and how many were in the system or how many people had been signed up by retailers. That information had yet to go through the system and even reach Synergy or the Office of Energy. We did not know the number of applications, but it turned out to be 600. When the scheme was finally closed and all the applications were finally dealt with, including those in transit, the cap was exceeded by 14 megawatts. The blow-out was such that the expanded scheme went from 150 megawatts to 164 megawatts. The scheme was expanded—I stress that again—because of its popularity. Because of the demand and the focus on renewable energy, this government progressively expanded the scheme. When we finally put a cap on it, it was at 150 megawatts. When all the transactions and orders had flowed through so that we could finally close the books on it, 600 more households had signed up and the cap was exceeded by 14 megawatts, in the context of 76 000 households that had signed up for the feed-in tariff. A total of 76 000 households in Western Australia have a

photovoltaic system and have saved money because of this government. Some of them got a better deal than others. Those 76 000 households got a better deal than consumers who might buy the system today. The scheme stimulated the solar energy sector and it stimulated photovoltaics. The public responded and 76 000 households have a photovoltaic system. I concede that the scheme blew out by 14 megawatts or 600 households. That is the extent of it.

As the Treasurer remarked during question time, as this scheme had expanded, $303 million was put in the 2011–12 budget for the scheme. The scheme was funded to the tune of $303 million. It was an expanded scheme. Because of the further growth in the scheme, the total cost is now $453 million. That is the total cost of the scheme over its entire life. The overrun beyond the planned 150 megawatts—the 14 megawatt overrun—has a total cost of $150 million over the full life of the feed-in tariff because it does not just apply for one year; it applies over a 10-year period. For the full life, there was a blow-out of $150 million, so there was a 14-megawatt blow-out over the 150 megawatt scheme. The blow-out had a cost of $150 million over 10 years or, in other words, $15 million a year, not $500 million or $600 million. The total cost of the scheme was $453 million.

What is Labor's position? I do not know what Labor's position is. Immediately the scheme was suspended, the Labor Party called for it to be reinstated. Is the Leader of the Opposition changing the commitment made by Hon Kate Doust to reinstate the scheme?

Mr M. McGowan: Our commitment is that your minister should be sacked.

Mr C.J. BARNETT: Once again, the Leader of the Opposition cannot make a statement on policy without equivocation. His spokesperson in the upper house called for the scheme to be reinstated. Does the Leader of the Opposition want the scheme reinstated—yes or no? It is not a hard question.

Mr M. McGowan: He should be sacked.

Mr C.J. BARNETT: Let the public record show that once again the Leader of the Opposition cannot answer a simple question. Does he want to reinstate the scheme or not? This government is not going to reinstate it. It served its purpose. The Labor spokesperson is calling for it to be reinstated. What is the Leader of the Opposition's position?

Mr M. McGowan: I have already said; it is so incompetently managed that it won't be reinstated.

Mr C.J. BARNETT: So the Leader of the Opposition is not going to reinstate it?

Mr M. McGowan: No; I have said that.

Mr C.J. BARNETT: What is it all about? What has it all been about today? You are so weak.

Mr M. McGowan: It is about you losing $400 million.

Mr C.J. BARNETT: We did not lose $453 million.

Mrs M.H. Roberts: Those in the eastern suburbs are going to be paying more for their electricity.

Mr C.J. BARNETT: No, they will not. The dreary member for Midland keeps on playing things down, talking about doomsday and hard work. She is hard work. She is boring and tedious and she does not get across the issues properly because she is a lazy member of Parliament.

Mrs M.H. Roberts interjected.

The ACTING SPEAKER (Ms A.R. Mitchell): Member for Midland, I call you for the second time today. Members, I remind all of you that this is not about personal reflections on members in this house; it is about the topic of the MPI.

Mr C.J. BARNETT: That is quite right. Let me conclude.

Yes, the scheme has cost much more than was originally intended.

Mr E.S. Ripper: That's a blow-out.

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

Mr C.J. BARNETT: Yes, demand was underestimated. Clearly, the response of the public was way beyond what anyone in government, Synergy or the Office of Energy thought likely. Yes, the original versions of the scheme were too generous. They were too generous in the initial proposal, which did not happen, for a gross scheme, and they were certainly too generous in the feed-in tariff that was set. The government did provide a period of grace—a principled and correct decision—when the scheme was reduced from 40c to 20c. Yes, there was a flood of applications during that period of grace. When the scheme was finally suspended, there was a period of grace. Again, that was a principled decision and the right decision, otherwise we would have had business failures all over the place and people would have suffered significant financial loss by paying or ordering or contracting for a scheme that would not provide them with the financial benefits they expected.

Money has not been lost. I do not deny that the scheme has had a blow-out. I have made that very clear. The government accepts that. We acknowledged that from day one. The Labor Party implied that money has been lost.

Mr M. McGowan: It has been.

Mr C.J. BARNETT: It has not been.

Mr M. McGowan: Is black white?

Mr C.J. BARNETT: Does the Leader of the Opposition think it is a blatant lie?

Mr M. McGowan: No; I said is black white? Is white black?

Mr C.J. BARNETT: The money has not been lost. The scheme has blown out—gone over; it is bigger than was ever anticipated—but every single dollar has gone into renewable energy. This has not been lost. Every single dollar has gone into renewable energy in the 76 000 households that now have a photovoltaic system installed—76 000. This scheme had an uptake way beyond anyone's expectations, which is why the costs rose, in addition to the initial tariff being too generous—no doubt about it—which has been proved by experience. Yes, there has been a reduction in emissions as a result of that; this is green energy applied in a practical sense. It gave people an opportunity to do something about global warming, something about their emissions, and something about the environment at a local home–private dwelling level. That is what happened; 76 000 said, "Yes, we will do that." The uptake of the scheme has been evenly distributed. In looking at different electorates, Labor and Liberal are very similar—10 to 11 per cent, whether we look at a Labor electorate or a so-called higher-income Liberal electorate in some cases.

I concede—the minister has conceded right from when this issue was first raised seven or eight months ago—that, yes, the scheme has blown out. But this government expanded the scheme. It set a cap, and there was a small blow-out beyond that cap simply because the government honoured and provided a period of grace to both business proprietors in the sector and householders. That was totally appropriate. For Labor to call it as money lost and scandals and all the sort of other rhetoric —

Mr M. McGowan: It is lost.

Mr C.J. BARNETT: It is not lost. The Leader of the Opposition can continue to say that, but what the Leader of the Opposition will finally learn is that if he continues to tell half-truths and make misleading statements to the people of Western Australia, as he consistently does, then finally they will learn what the word "sneaky" really meant. They will finally grasp the meaning of it, because the member consistently does not tell the full and open truth. He has a reputation in this Parliament and throughout the bureaucracy for that; he has a reputation for being short on the truth, for being misleading, and for being what his colleagues describe him as. His colleagues describe him as sneaky—it is their term that they apply to him.

MS A.S. CARLES (Fremantle) [4.32 pm]: I rise to say that I will not be supporting the opposition motion today because I fully support the government's implementation of the feed-in tariff scheme. The scheme has been so successful, as we know, in meeting its objectives and increasing the uptake of PV panels that it has actually been shut down. That is a great shame for the state.

I have been raising the importance of a feed-in tariff ever since I came to Parliament; I raised it in my inaugural speech, and then again in my speeches in reply to the budgets of 2010 and 2011. In fact, the Germans were the architects of this feed-in tariff and they introduced it in the late 1990s. It was successfully adopted in many other European countries, and Australia has been quite slow to get on board. But we now have the evidence that it works and that this is the way to encourage the uptake of renewable energies. Now is the time to phase out the coal industry; the federal carbon tax will make that industry more expensive anyway. I urge the government to seriously invest in clean energy technologies and to bring back the feed-in tariff. It is a great green scheme, and I ask the government to have the conviction it had when it brought it in; it knew it would encourage the investment it has.

Finally, cost overruns are often discussed in this Parliament, and in my view this cost overrun is outweighed by the ongoing benefits of the production of clean green energy.

MR J.H.D. DAY (Kalamunda — Minister for Planning) [4.34 pm]: I will make some brief comments. Firstly, I think there is a valid question to be asked in relation to this renewable energy scheme; that is, does it represent good value for money for taxpayers in Western Australia compared with the cost of providing electricity from other forms of generation? I hope that that aspect is analysed at some stage. The Premier referred to the representations made to the former opposition prior to the last election, which were similar to the representations made, no doubt, to the former government prior to the last election, from the renewable energy sector—it was from the WA Sustainable Energy Association in particular. I well recall that because I had responsibility for energy in the opposition at that time. There was a very strong request for a feed-in tariff scheme to be introduced, and, as the Premier said, the opposition committed to that in a similar way to the government prior to

the last election, so there has been bipartisan support for the introduction of a feed-in tariff scheme using photovoltaic facilities. However, it is valid to ask whether what is now in place is good value for money. Certainly there must be an avoided cost to other electricity generators—Verve Energy in particular, or private sector generators from which Synergy would have to purchase power—in not having to install peak-generation capacity to some extent. Therefore, having this solar-generated capacity on householders' roofs clearly saves that cost to some extent, but it would be nice to know the comparative differences at some stage.

But that is not the question being asked by the opposition. It is criticising the minister, in particular, for the management of this scheme and the cost being imposed on taxpayers. The Premier has given a very good analysis of the real cost in excess of what was budgeted for by the government; it is about $150 million over 10 years, or about $15 million a year. A significant dose of hypocrisy is being dealt out by the opposition, however, in relation to this issue, and the Treasurer referred to it in question time today. I will reiterate it. The shadow energy minister at the time, Hon Kate Doust, on 1 August 2011, in relation to the possibility of the scheme, at that stage, being brought to an end, stated —

> It is truly perverse that a Government would wind up a scheme, purely on the grounds that it has been too successful.
>
> "Western Australians who want to act on climate change have been doing what they can to reduce their carbon footprint and many are looking to save on their bills by investing in renewable energy generation.
>
> "Western Australians who may have been saving for solar panels to reduce their bills will be faced with a door being slammed in their face.
>
> "With electricity charges skyrocketing, Western Australian families should be allowed to do all they can to reduce their bills and the Barnett Government is giving them little opportunity to cope."

How could that be interpreted as anything other than calling for the scheme to be left open and for people to be able to have continued access to the scheme as it was operating at the time? That is the reality of the position that the opposition was putting in August last year. Presumably that sentiment is still held within the opposition, and it is grossly hypocritical of the opposition now to be criticising the government and the minister for the management of this scheme when its approach would have meant that the costs to taxpayers would have been far greater than is the reality of the case at the moment. The government took action through the cabinet, the Treasurer, the Premier, and the Minister for Energy primarily, to bring this scheme to an end when it was realised that the cap had been reached—had been exceeded to some extent—and when it was realised what the cost to consolidated revenue was going to be. If the approach being espoused by the shadow energy minister at that time had been taken, presumably the scheme would still be operating, or what the shadow energy minister said at the time has no relevance or currency. The opposition has to make up its mind where it stands on this issue; either it backs what the shadow energy minister was saying at the time or it backs the convenient argument being put today.

I think all this shows that the opposition, in reality, has no credibility on this issue. The government put in place a scheme that has been very popular, and, as the Premier said, it is not as though the money has just disappeared. It has not gone down some WA Inc–type black hole, as happened when Labor was in office in the late 1980s, early 1990s; it is actually being used to pay for electricity generation that is being consumed in Western Australia. People are being paid for that, and there must be, at least to some extent, an avoided cost of having to pay for the electricity that is being used that would otherwise be generated in some other form. Therefore, for all those reasons and those put by the Premier, this motion should not be agreed to.

DR M.D. NAHAN (Riverton) [4.40 pm]: I would like to make a few comments on this matter of public interest. It has been interesting. Essentially, the opposition is arguing that the Premier should sack a minister for being highly successful in promoting alternative energy. This opposition, when in government, promoted the 20–20 policy; that is, 20 per cent of our electricity being generated by renewable sources. This is the opposition that supports the carbon tax —

Mr F.M. Logan interjected.

The ACTING SPEAKER (Ms A.R. Mitchell): Member for Cockburn, I call you to order for the first time today.

Dr M.D. NAHAN: This is an opposition that supports the carbon tax designed to increase energy. Its central intent is to try to encourage people to use other sources.

Mr P.C. Tinley: Are you talking about state issues?

Dr M.D. NAHAN: Yes. The member supports the carbon tax, does he not?

Several members interjected.

Dr M.D. NAHAN: Here we have the Labor Party, deeply embedded in its typical hypocrisy, criticising a minister for doing what it argued he should do all along—that is, promote alternative energy. And, I might add, the Labor Party also promoted a similar scheme, in government and in opposition, as did every state around the nation, instigated through the Council of Australian Governments. There was an agreement, through the 20–20 policy implemented by the commonwealth, that all states would adopt a policy that the electricity generation in each state would have 20 per cent alternative energy. That policy was accepted by all states. Part of that was to help, through these types of buyback mechanisms, to promote solar cells on rooftops. That was also done through other means. We did what other states did. What has to be recognised on this side is that this has actually been one of the most popular policies implemented by this government.

Mr R.H. Cook: The most mismanaged!

Dr M.D. NAHAN: No, it is not. It is exceedingly popular, and they all know it. Members opposite, like me, have been inundated with people coming into their offices worried about the scheme expiring. They have been encouraging it. I am personally sceptical about the scheme and always have been, but it is exceedingly popular. It is probably a cost effective way to do it. Once there is a policy of 20 per cent of electricity generated by alternative energy, this is probably a lower cost means of doing it. It depends what is paid for it. We had a net tariff buyback of 60c, decreased it to 40c, decreased it to 20c, and then targeted it. The reason it was very popular was that it was a policy to adopt. People could see that electricity prices were going up, they knew about the carbon tax and they wanted some mechanism to shelter themselves from those policy effects. We allowed them to do it. The argument from the other side—the former member for Armadale argued this ad infinitum—is that we needed to encourage the solar cell industry. The way we needed to do that was to encourage the buyback—encourage the industry to spur it on to have people buy. That is what the scheme was designed to do by members opposite. As the Premier has highlighted clearly, how badly has this thing blown out? Ten per cent! That was in the face of rapid growth in demand. As we all know, huge numbers of people were trying to get into the scheme. They were struggling to get in, many of them, as the Premier made clear —

[Member's time expired.]

MR B.S. WYATT (Victoria Park) [4.44 pm]: "What is it all about?" the Premier asked. Fundamentally, that is the problem, because we have a government policy apparently costed at $28 million. On 17 August 2011, the Minister for Energy in the other place said that the scheme would cost $28 million. It ultimately cost $450 million! Apparently that is not a problem. Apparently that is not a loss because it is okay; we have 76 000 houses out there getting the benefit of the feed-in tariff. Now the issue has been dumped into Synergy, but the problem the government has is that every other Western Australian is picking up the cost of that particular failed policy.

I enjoyed the Premier and I enjoyed the Treasurer—I am not sure what the member for Riverton was saying—redefining the blow-out by saying, "If we actually look at the blow-out over the blow-out over the blow-out!" If we look at the cost of the final blow-out separate from the original two blow-outs, it is not that big a blow-out, but when we have a policy that starts at $28 million but ultimately costs the taxpayer $450 million, Premier—news to you—that is a $422 million blow-out. For some reason the minister seems to think it is okay, Synergy is wearing it. He says, "Give it to Synergy", as though there is some magical mystery third party out there that will wear that cost. However, unlike Alinta—which is now owned by the Yanks, thanks to the Premier—Synergy is still owned by the taxpayer. The government can fudge those figures all it likes, but it is the Western Australian taxpayers, in particular those Western Australians who do not have a solar panel on their roof, who are paying extra. As the Economic Regulation Authority has pointed out with this botched idea to merge Synergy and Verve, it will put upward cost pressures on power prices for consumers. That is exactly what this will do. Ultimately, this failure by the Minister for Energy, Hon Peter Collier, and this failure by the Premier will mean that Western Australians face higher bills. Western Australian families' electricity bills will go up as a result of this failure. We have already seen a 57 per cent increase in electricity.

It is also worth noting what the Premier said when he was still in opposition. I want to quote the Premier from April 2008. He was complaining about the community service obligations in the former Labor government's budget when he said —

> We owe it to those families and households, to single mothers and pensioners … to explain why they face increases in the price of electricity of 10 per cent plus 10 per cent plus 10 per cent.

He said that, as paid members of Parliament, we owed them that. What he did not say was they were to cop an increase of 57 per cent. Now, as a result of a $422 million blow-out, Western Australian households and families face further cost pressures. Their bills will go up as a result of this incompetent minister and the fact that the Premier and the Treasurer did nothing—not a thing! That condemns this government: the spin doctors knew but the Treasurer said, "I didn't know until November", despite the fact that in June the chiefs of staff, the spin doctors, were furiously trying to work their way out. The Minister for Energy has to go, not the 30 staff sacked

from his office. This minister has to go. He has to be held accountable. He has to be held responsible for what has been an abysmal and catastrophic failure of government policy.

Question put and a division taken with the following result —

Ayes (23)

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

Noes (30)

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

Pairs

Ms J.M. Freeman	Mr C.C. Porter
Ms R. Saffioti	Mr V.A. Catania

Question thus negatived.

WATER SERVICES BILL 2011

Consideration in Detail

Resumed from 2 May.

Clause 9: Operating areas —

Debate was adjourned after the clause had been partly considered.

Mr F.M. LOGAN: This clause is under division 2, "Licences". As the minister knows, throughout the whole of this bill I will be raising on a regular basis the Transfield–Degrémont–Suez alliance and whether its operation is covered by the terms we are dealing with in division 2, "Licences", on the basis that that alliance now requires the Transfield group and its partners to be operators of Water Corporation facilities. Are they operating under the Water Corporation licence; and, even if they are operating under the Water Corporation licence, are they bound by the terms and conditions that normally apply to the Water Corporation and its operating licence? Does this clause apply to the alliance; and, if so, how?

Mr W.R. MARMION: This clause does not specifically apply to that alliance. It applies to the licensee and specifies what areas it can operate in.

Mr F.M. Logan: So it doesn't apply to that licence?

Mr W.R. MARMION: It applies to the licence held by the Water Corporation. Are you talking about the Mundaring facility or the desalination plant?

Mr F.M. Logan: It could be either; it could be Mundaring or the desalination plant or the whole alliance contract, which is a separate contract.

Mr W.R. MARMION: This clause allows the ERA to specify the operating area of the licensee. It could be any licensee. If it happens to be dealing with the Mundaring area the licensee is the Water Corporation, so that is in its area of operations.

Clause put and passed.

Clause 10: Application for licence —

Mr C.J. TALLENTIRE: We understand the authority is the Economic Regulation Authority and the licences must be in a form approved by the Economic Regulation Authority. Its role is one thing, but what also has just come into being is the Public Utilities Office. I would like to hear from the minister what consideration was given in the drafting of this legislation to the Public Utilities Office coming into effect. It will of course take over those responsibilities that the Office of Energy had, but given it is an office that has been given broader responsibility, it is to be assumed that while its activities may currently be constrained to energy-related matters,

in the future, given it is an office of public utilities, it would also have responsibility for water, and much of its role is around policy setting. I think also it would be ideally set to monitor the operation of licences. I would like to hear from the minister what consideration has been given to the future role of the Public Utilities Office when it comes to the licensing of this very important resource of water.

Mr W.R. MARMION: None. This relates to the regulator, the ERA. The ERA is separate from government policy. The area of government policy comes under the Department of Water. This specifically covers the regulating powers. No consideration has been given under section 10 to anything to do with the Office of Public Utilities.

Mr C.J. TALLENTIRE: I thank the minister for that response but it does give me some concern. However, leaving that matter aside, I note that clause 10(2)(b)(ii) states —

> the methods or principles that the applicant proposes to apply in the provision of the service; …

As the minister knows, I am always very interested in things such as water conservation targets. Can the minister clarify for me that mention of water conservation targets would be made in clause 10(2)(b)(ii); and, if so, how is the Economic Regulation Authority well placed to advise on those matters relating to a licence? If the minister's answer to me is "No, this isn't where water conservation targets would come into the licensing arrangements", where indeed would they come into the licensing?

Mr W.R. MARMION: This clause relates to the Economic Regulation Authority making sure that the ERA is comfortable that the service provider has the financial capacity, wherewithal and expertise to supply safe water, water drainage or sewerage services—then the ERA can issue a licence. The other conditions that might be attached come under other clauses of the bill that we will deal with later. Also, other conditions that could be utilised can be put in codes, which are in another clause. This proposed section of part 2, division 2, relates to the ERA assessing someone's capability, basically, to deliver a service.

Mr C.J. TALLENTIRE: I thank the minister for that response, but it gives me cause for concern because I think it is reasonable to say that if the ERA is assessing some organisation's bid to be issued a water licence, we should have a full understanding of that company's capabilities. To be confident that it has water conservation initiatives and targets in place, to me, would be the sort of thing we would want to know right up-front prior to the issue of a licence. Therefore, to my mind, this is something that the Economic Regulation Authority, or whatever other body is tasked with the issue of the overall licence, would want to know about in great detail. I am concerned that, given the way this has been set up with this overarching licence approach that the minister is outlining, we could miss the opportunity to ensure that the applicants we have coming forward for licences are really the very best sorts of organisations—that they are not simply the ones that will meet certain efficiency criteria, but will also deliver other benefits to us in water conservation.

Mr W.R. MARMION: I draw the member's attention to the words in clause 10(2) that applicants for a licence "must inform the authority"; therefore, these are the conditions that they must inform the authority of, which does not preclude the authority from making inquiries about environmental credentials and other things that the applicant might be doing. It does not preclude that, and, indeed, that could be something that the authority asks anyway. This clause of the bill states the things that applicants must provide the ERA.

Mr F.M. LOGAN: I again come back to the issues that I am trying to get information about from the minister. There are two things with the application for a licence. I accept that these are applications that go to the Economic Regulation Authority. I understand that, but we are not asking a question of the ERA; we are asking a question of the minister about this bill that authorises the ERA to apply these powers. Remember that division 2 deals with licences in a whole series of water services that are set out in clause 8(1)(a) through to (d). Does the operator of the Mundaring water treatment plant require a licence in these terms? Does the operator of the desalination plants in Kwinana and Binningup require a licence under this clause? As I said before, is the alliance contractor Transfield–Degrémont–Suez required to be licensed for its operations? It is doing operations in all of the services in clause 8(1)(a) and (b) for and on behalf of the Water Corporation.

Mr W.R. MARMION: Specifically in relation to the member's question about Transfield–Degrémont–Suez, it will be providing a service, so it will need a licence or an exemption from a licence.

Mr F.M. LOGAN: There were three parts to that question, minister; there was the operator of the Mundaring water treatment plant, and the operators of both the Kwinana and Binningup desalination plants. Can the minister confirm whether Transfield–Degrémont–Suez needs a licence—not that it may need a licence? Does Transfield–Degrémont–Suez need a licence, because its contract is underway now?

Mr W.R. MARMION: I can answer part of the question because I do not know where the sewerage one that the member is talking about is. The Water Corporation is the licensee for the Binningup desalination plant. It is an alliance contract and so the licensee, I have been advised, is the Water Corporation. As I have said before, because it is providing a service through a contract for the Mundaring water treatment plant, it needs to have a licence and it has a licence under an exemption granted by me.

Mr F.M. LOGAN: I am just trying to get some clarity because this is a bill for the creation of not just a new act, but the application of a new act with existing contracts that are in place. Therefore, these are real examples that will be dealt with under this legislation; that is why I am trying to get to the bottom of what is occurring. The Transfield–Degrémont–Suez alliance is for the purposes of both maintenance and operation of waste water treatment plants, dams and aquifer extraction plants. All those services fall within the proposed section that we are dealing under clause 8(1)(a) and (b) of this division. Given that it is an operator and may be working in alliance with the Water Corporation, who is the applicant for a licence to carry out those functions? Given the fact that the operator is a private company, is it required to hold a licence that requires it to comply with all the terms in clause 10 and thereafter in the bill? The minister has indicated that the Mundaring water treatment plant requires a licence to be held, but that the minister has given an exemption to the company that privately operates that treatment plant. Why was that exemption given rather than the company being required to have a licence? Finally, is the Water Corporation the holder of the licence for the Kwinana desalination plant, as it is for the Binningup desalination plant?

Mr W.R. MARMION: I now understand the question and can see where the member is coming from. The member is looking at the Transfield–Degrémont–Suez contract for the maintenance operation as a whole. Whether a provider needs a licence depends on the nature of the contract. The Water Corporation holds all the licences. In the case of the Mundaring plant, because Transfield–Degrémont–Suez is owning and building it—it is the owner of those facilities—the advice is that it either needs a licence, or be exempted. That is the difference.

Mr F.M. LOGAN: The minister has indicated that he has exempted Mundaring. Transfield–Degrémont–Suez is required to have a licence, but the minister has exempted it. Why did the minister exempt that company, and how did he exempt it?

Mr W.R. MARMION: The company was granted an exemption under the Water Services Licensing Act, which is currently in existence. This bill will not change anything that is happening now; it is exactly the same as what is in place now. If an exemption is granted, it goes to the Governor for signing off, on my recommendation and on the advice that I get from the Department of Water. Because the nature of this contract was such that it has performance indicators relating to water quality et cetera, there were very good grounds from a public interest point of view to give it an exemption.

Mr F.M. LOGAN: I now come to another point. Why is there no provision in this clause that would require the Economic Regulation Authority or the minister to publicise who has applied for a licence and who are the holders of a licence?

Mr W.R. MARMION: The granting of a licence is published in the *Government Gazette*, so everyone knows who has applied for a licence.

Clause put and passed.

Clause 11: Grant of licence —

Mr C.J. TALLENTIRE: Subclause (1) provides that the authority must grant a licence authorising the provision of one or more classes of water service if satisfied that the applicant will acquire within a reasonable time after the grant the ability to be a water service provider. I would like to hear from the minister how he defines the word "reasonable". I am concerned that a company with little expertise could come into the field and claim that it would be able to acquire within a reasonable time the necessary skills, capacity and wherewithal to be a water service provider. I am keen to hear how the minister would interpret that, and what he would do if a company turned around and said that it had not managed to get those skills together and was not able to supply water, even though it has identified that somewhere in the state there is an urgent need for water service provision. That work could be held up because the company that has claimed that it will have the capacity to do that work is taking what it deems to be a reasonable amount of time to acquire those skills. How will the minister make the call about what is "reasonable", and what would he do if a potential licensee rejected the minister's view of "reasonable" and insisted that its view of "reasonable" was the one that should carry the day?

Mr W.R. MARMION: I make this comment quite often when we go through these clauses: there is no change to the existing act. This has been going for the last umpteen years. But to answer the member's specific question, the minister has no role in working out whether a licensee or a proposed licensee can deliver the service. That is the role of the Economic Regulation Authority. The ERA is the expert. That is how it is done now, and that will not change. It will depend on what sort of service is to be provided. If it is a simple drainage service, or the supplying of non-potable water, versus the supplying of potable water, which has to meet certain standards, the provider will need to satisfy the ERA that it is capable of doing that and can meet the standards. We are not talking about millions of people. There are 29 water service providers in this state, and they are audited by the ERA every 24 months as part of the process to ensure that they are delivering the service. That is how it works. The minister is advised by the ERA if a provider is not meeting the requirements. But it is up to the ERA to license and authorise the providers.

Mr C.J. TALLENTIRE: I thank the minister for that response. This raises a question about the capacity of the ERA to deal with this workload. I am aware of the many other areas in which the ERA is involved. My recollection is that the ERA has a staff of about 60. I presume that only a small number of those staff work on water-related matters. It states in subclause (4) that —

> The Authority must take all reasonable steps to make a decision in respect of an application for the grant of a licence within 90 days after the application is made.

Can the minister assure us that the ERA will have the capacity to make the decision about a licence applicant within 90 days? Is that really feasible when we look at the staffing levels of the ERA and the range of responsibilities of that organisation?

Mr W.R. MARMION: The ERA was consulted in the preparation of these clauses. It has some very good expertise in-house. I deal with the ERA quite a lot in terms of advice after it has done an audit. The ERA can also engage external resources if it so requires. There are 29 water service providers. The ERA does not get many applications each year—it has had maybe one or two over recent years. I do not have a problem with that. Indeed, I would expect that if the ERA did have a problem, it would talk to its boss, the Treasurer, and it could certainly come to see me as well.

Clause put and passed.

Clause 12: Conditions of licence —

Mr F.M. LOGAN: I take the minister back to what he indicated to the house during the debate on clause 10, and that is the exemption that the minister has given to the public–private partnership contractor for the Mundaring water treatment plant. I asked how and why that exemption was given. Clause 12 deals with the conditions of licence, and they are dealt with in subclause (1)(a) to (s), through to subclause (5). A whole series of different conditions apply as part of a licence. The minister has just indicated to the house that the reason that he gave that PPP company an exemption from the requirement to hold a licence is that he was given assurances—by whom?—about water quality. However, regardless of the assurances that the minister was given, these conditions set out the obligations of a company that provides water services to the state under a licence. How can the minister be sure that all the conditions laid out in this and other clauses will be met by the company that owns and operates the Mundaring water treatment plant; and, if this company does not comply with those conditions, how is the minister able to hold it to account, given that he has given it an exemption from holding a licence?

Mr W.R. MARMION: The contract held by the Water Corporation sets out those conditions, so the company has to meet those conditions. It is as simple as that.

Mr F.M. LOGAN: That is a commercial contract between a government trading organisation and a private company, and it does not have the power of this legislation. That contract can be enforced in court but it does not have the binding requirements of legislation and the series of obligations that are set out in clause 10. I bet that the contract between the Water Corporation and the PPP operator of the Mundaring water treatment plant will not contain the level of detail that we find in the existing act and that applies to every other licence holder providing water services to people in the state. The contract will not be as detailed as the provisions of the act.

Mr W.R. MARMION: On the contrary, I am advised that the contract is far more detailed than a normal licence. The advice from the Department of Water is that the contract is quite detailed on the conditions that must be met, so one could assume we will have more assurance of that.

Mr F.M. LOGAN: In that case, we have two sets of standards. That brings us to the point: What are we doing discussing this bill? Why not let the Water Corporation write contracts with everyone?

Mr W.R. Marmion: It is obvious.

Mr F.M. LOGAN: If we have a situation in which somebody who applies for a licence is bound to comply with all the conditions set out in this legislation, but someone else can simply enter a contract with the Water Corporation and not be bound by any of these conditions, why are we bothering to deal with this bill at all? Why does the minister not get the Water Corporation to write contracts with people and set out all the conditions in the contracts, if he thinks that the conditions in the Water Corporation contracts are tougher than the provisions in this bill? We have a two-tiered system. One is for water licence holders who provide services that are governed by this legislation, and the other does not require service providers to comply with any of the conditions of this bill, simply because they have entered into a contract with the Water Corporation. The minister seems to find this satisfactory.

Mr W.R. MARMION: The member for Cockburn has missed the point. This bill sets out the norm, but there is an option for an exemption. The minister can provide an exemption. The exemption is a rare event. The bill sets out the norm and the advice from the Department of Water is that as minister I can give an exemption. The member would know, for example, that I can give exemptions to mining companies, which sometimes transfer

surface water. This clause provides for what is probably a more significant exemption. I would not want to have the Water Corporation in here; but rather the Economic Regulation Authority, which is independent of the Water Corporation, providing the licence. The Water Corporation is a licensee, so the ERA grants the Water Corporation a licence. We cannot have the Water Corporation granting a licence, because it will be in competition with all the other licensees, so this is obviously the way to go. It has been the same for years. We are not changing that; it will be exactly as it is now. The member is saying that an exemption is being made for the public–private partnership, but we can do that now. This bill does not change that at all.

Mr F.M. LOGAN: The point I am making is that if the minister is saying the exemption is an unusual occurrence because that is a PPP, why not migrate that requirement back under this legislation rather than setting the conditions of the exempted licence or conditions of operation by way of contract with the Water Corporation? At the end of the day, as the minister has pointed out, the ERA grants a licence; the ERA manages and enforces the conditions of the licence, with the exception of the Mundaring water treatment plant because in that instance the minister has allowed the Water Corporation to take on the role of the ERA with the responsibility of managing and enforcing the conditions set out in a contract between that PPP operator and the Water Corporation, in contrast to every other organisation that provides water services in the state having its services managed and conditions enforced by the ERA. That is the reason I am saying we have a two-tier standard here—one for operations that are managed and enforced by the ERA and the other for the Mundaring water treatment plant.

Mr W.R. MARMION: The member has missed another point. The member is referring to the third tier down. Every single licensee is looked after by the ERA, and that includes the Water Corporation. In this instance, the Water Corporation has a contract with a private operator to provide the water it wants to distribute. That is the contract. The member is saying that is a two-tiered system because the Water Corporation is setting out the rules of the game there. However, the first tier is actually the ERA, which provides the rules of the game, and the Water Corporation has to comply with those rules. The Department of Water looked at this situation. The department said there was no public benefit in licensing another party that was providing water to the Water Corporation for distribution. We are not dealing with a specific issue in this bill; it is not necessarily relevant to the bill because there is no rewording to what currently happens at the moment. They are the circumstances of how the exemption was applied, and I am happy with it.

Mr F.M. LOGAN: The minister must be the only person in this chamber who is happy with it. From the minister's explanation, I cannot see how he can justify this exemption. I will take it step by step. The minister has told the chamber that the operator of the Mundaring water treatment plant is exempt from holding a licence; therefore, the Water Corporation does not hold the licence on behalf of the operator of the plant. Is it correct, minister, that the Water Corporation is not the primary holder of the licence for the water treatment plant? The minister has said the licence holder would normally be the PPP operator, which is exempt. The PPP operator is exempt from holding a licence, which in any other case would be a requirement under this act because it relates to the provision of a water service. Normally it would be required to hold a licence, but it has been exempted under the current act, because obviously this bill is not in force. From what the minister has told the chamber, I presume that under the existing act the Water Corporation is not the principal licence holder for that operation. Therefore, the only thing that governs the operations and the standards of the Mundaring water treatment plant is a commercial contract between the operator and the Water Corporation, as opposed to the conditions in this clause, which is why I am bringing it back to this, that would normally govern them. I cannot understand why the minister would allow the current situation to exist and why he would not tell the house, which I would do if I was the minister, "You are probably right, member, and when this bill is passed, we will be taking it up with the operators of the Mundaring plant to ensure that they comply with the conditions of this legislation."

Mr J.C. KOBELKE: I want to raise two matters. One is more general. With the approval of the Chair and the minister, I will apply it to clause 12. To save me asking it in other areas, the minister might like to answer it for the whole of part 2, division 1, "Licencing requirement". I think the minister has said more than once that what we have before us is basically no different from the existing legislation. I want that confirmed. The minister said something that suggested there were some modifications. Are there some minor changes in this whole division on licensing requirements that differ from the existing statute? Could the minister put those changes on the record?

Mr W.R. MARMION: It is better if we go through the bill clause by clause because there are changes in some clauses. We cannot generalise because obviously there are some added benefits in these water services bills, as I mentioned in the second reading speech. There are some changes. Rather than say that there are no changes in the whole part, I think we should stick to —

Mr J.C. Kobelke: I am happy with that but I was trying to save us asking the same question on every clause.

Mr W.R. MARMION: I am happy to take a general question but if the member is asking whether there are any changes —

Mr J.C. Kobelke: I am only applying this question to the licensing requirements in part 2, division 1.

Mr W.R. MARMION: We are in division 2.

Mr J.C. KOBELKE: Are there changes in that section or does the minister want me to ask that question on each clause?

Mr W.R. MARMION: Let me see how many clauses are involved. We have gone through the bill up to clause 20. I can advise that the clauses that are consistent with the current bills are clauses 13, 14, 15 and 17. Clause 12, which is the clause we are considering now, is slightly different, as is clause 18, and there are three new clauses—clauses 16, 19 and 20.

Mr J.C. KOBELKE: It is appropriate that I concentrate that question on clause 12, which is currently before the house. What changes have been made to clause 12 in this bill compared with the equivalent clause 12 in the existing legislation?

Mr W.R. MARMION: Clause 12(1)(j) and (k) are new, and they allow for constraints to be placed on the use of these powers. Clause 12(1)(n) is in case a licensee goes into receivership and works may still be needed for continuation of a service. Also, clause 12(1)(p) is new. It allows for the planning of future water services. Clause 12(2) is new. It ensures that there are no inconsistencies between a licence condition and something subject to the act. Clause 12(3) is new. It is there to ensure that the conditions are consistent with the Water Corporations Act.

Mr J.C. KOBELKE: I thank the minister. I wanted to get that clear because I want to try to get a better understanding of the relationship between what could be codes under clause 12 and codes of practice under clause 26, which I will come to in a moment. Clause 12 sets out the conditions of licence. Clearly, the licensee is expected and required to comply with those conditions. Clause 12 is really just the high level designation of what the issues are. A lot more technical detail will be placed in the actual licences. We need a head of power. The minister also indicated in his last response that some additional things have been put in the bill to ensure there was a head of power for other matters that may need to be designated in licences. That looks good.

Clause 12(1)(c) states —

> the licensee complying with specified standards or codes of practice, with specified modifications, other than a code of practice made under section 26;

I take two things from that. First, there can be a condition of the licence to comply with codes and standards. As we know, codes and standards are a much lower level of regulation and they can be varied from time to time. There is a later requirement in the bill for the process by which those codes can be established and the consultation that needs to take place. All of that is good and proper. But it is seen that in terms of regulating organisations—in this case licensees under the Water Services Act, as it will become—codes should be able to be used when appropriate, and also standards should be set. Clause 12(1)(c) allows for those codes, but it also states —

> … other than a code of practice made under section 26;

Section 26, which we will come to later but I need to refer to, is "Compliance with codes of practice made by Minister". This clause states that if the minister makes a code of practice, then that cannot be a condition of the licence—I think I am correct in saying that.

Mr W.R. Marmion: Actually, once a code is set, it will be a condition of a licence. So when someone gets a licence —

Mr J.C. KOBELKE: But there will be two lots of codes; there will be codes established by the authority and codes established by the minister. Later, I will come to the relationship between the two, which is the real point of my question, but I need to make sure we are on the same page and I understand things first.

Mr W.R. Marmion: The member is right; there are two sets of codes. The code could be a standard set by another authority, like the drinking water standards code. There are codes that I can set, and then there might be industry standards that the Economic Regulation Authority can refer to, to comply with those codes. They are the two codes.

Mr J.C. KOBELKE: I thank the minister for that, but I am still coming to the point I am trying to get to. Clause 12 is about conditions of the licence and makes it clear that the licence may be subject to conditions and may deal with various things. Paragraph (c) states the conditions that may be applied in the licence, which include the licensee —

> … complying with specified standards or codes of practice, with specified modifications, other than a code of practice made under section 26;

I am just seeking the minister's confirmation. The way I read that is that under clause 12—I am not talking about other coverage in the bill—the condition placed in the licence cannot actually cover a code of practice set by the minister. I am seeking the minister's confirmation that I have that correct; if not, can the minister explain it to me?

Mr W.R. Marmion: I think the question is, because it is harder to get to than others: how are the ministerial codes —

Mr J.C. KOBELKE: No, we are coming to that later. I am just trying to tie down whether clause 12(1)(c) actually excludes the licence from requiring compliance with a code set by the minister under section 26.

Mr W.R. Marmion: As I said before, they do not need to because —

Mr J.C. KOBELKE: Perhaps the minister could stand and answer.

Mr W.R. MARMION: It will actually be a condition of a licence, so when codes and regulations are in place and a licence is obtained from the ERA, it will always state that licensees have to comply with the regulations and the codes.

Mr J.C. Kobelke: So, what is point of paragraph (c), which reads "other than a code of practice made under section 26"?

Mr W.R. MARMION: I see where the member is coming from. The question is: why is the last part needed?

Mr J.C. Kobelke: I am not trying to catch the minister out and saying that there is a problem; I am just trying to —

Mr W.R. MARMION: No, I see where the member is coming from.

Mr J.C. Kobelke: What I am trying to get at is the ground rules, so that I can go on to the question I really want to ask.

Mr W.R. Marmion: I will find out if I can get clarity on that last answer, because I can see where the member is coming from and I do not know the answer yet.

The ACTING SPEAKER (Mr A.P. O'Gorman): I am sorry, minister, you cannot get the call; you have to sit.

Mr J.C. KOBELKE: I thank the minister. I would like him to have the call so that he can try to answer the last question I asked.

Mr W.R. MARMION: I see where the member is coming from. The advice I have is that that is put in there for clarity. This is to do with other codes rather than the ministerial codes. The wording that the smart lawyers have chosen is —

> … other than a code of practice made under section 26;

That is to differentiate between the industry types of codes, and the ministerial codes that are covered by section 26. I see where the member is coming from about those words, but they have chosen to put those words in and who am I to argue?

Mr J.C. KOBELKE: As I have tried to indicate, I am just trying to get some of the facts clear so that I can move on to what I really want to get to. But I think what I have established, in terms of the minister's response, is that what we have in clause 12, "Conditions of licence", allows the authority to establish codes, but clearly clause 12(1)(c) recognises that codes established by the minister sit separately.

Mr W.R. Marmion: No.

Mr J.C. KOBELKE: They will apply, but it is a different process.

Mr W.R. Marmion: Can I interject?

Mr J.C. KOBELKE: Yes.

Mr W.R. Marmion: The ERA does not make up these codes; it can apply existing codes in the marketplace.

Mr J.C. KOBELKE: I thank the minister. But the point is that the authority can apply to a licensee the requirement to comply with a code in its licence. Is that correct?

Mr W.R. Marmion: Yes; correct.

Mr J.C. KOBELKE: We are clear on that. Whereas when we come to clause 26 later, the minister can actually establish codes by way of a similar process. Is that right?

Mr W.R. Marmion: Yes.

Mr J.C. KOBELKE: The question I am trying to get to and we are now at is: does the current system work like that, with ministerial codes and authority codes?

Mr W.R. Marmion: No.

Mr J.C. KOBELKE: It does not? Is this new?

Mr W.R. Marmion: Correct.

Mr J.C. KOBELKE: The hub of my questions is: how does the minister see these two things operating, and why is the minister establishing the need for codes to be incorporated in the licence by whatever authority? They can be established as a condition of the licence by the authority, and yet the minister can also establish codes that then become something that the licensee would have to be cognisant of and, in various ways, bound by.

Mr W.R. Marmion: Yes.

Mr J.C. KOBELKE: I can guess at why the minister would want to do it, but I think it is very important that we have it clarified so that there is not undue confusion as to the relative strengths of these two heads of authority.

Mr W.R. MARMION: I will give some examples of why the minister would want to have codes. It is an opportunity to actually implement government-type policy, so it might be for water efficiency standards —

Mr J.C. Kobelke: Or energy efficiency?

Mr W.R. MARMION: Yes; anything that the government might want to run through all the service providers. Codes or operation conditions could be set, even down to how customers with billing or service issues might be handled et cetera. It provides flexibility in the implementation of things at, as the member said, a lower level. Parliament will have an opportunity to disallow those codes. I think it is a practical way of implementing some lower level standards without having to change the act that applies at the time.

Mr F.M. LOGAN: The member for Balcatta raised an interesting point. I am sorry; we have to go to clause 26 to deal with this matter.

Mr W.R. Marmion: Clause 26.

Mr F.M. LOGAN: There is a relationship between the two, and that is the issue of consistency. The way in which I read clause 26 is that the minister can apply a code to a licensee. If the licensee fails to meet that code of practice, it can be enforceable with a payment, but it does not say exactly how it will be enforceable. Clause 26(7) states —

> A provision of a code of practice is of no effect to the extent to which it is inconsistent with a provision of this Act or another written law.

The member made the point that the Economic Regulation Authority can apply its codes as a requirement of the issuing of a licence. Any other code of practice cannot then be imposed on a licence holder if it is inconsistent with that set down by the ERA. That is how I read it. The code of practice the minister may well have put in place under clause 26, even if it was breached, would not result in the cancellation of a licence, whereas it would do if it was an ERA code of practice. The way this bill has been written is quite inconsistent with the way clause 12—the clause we are dealing with at the moment—is read in conjunction with clause 26. The confusion, which the member for Balcatta raised in this house, was that that inconsistency is quite obvious by the fact there are two codes of practice applying to the one licence holder—or could be. Although it is quite clear that the bill outlines that the codes cannot be inconsistent with one another, it means the ERA code of practice would hold sway over that of the minister. It is the minister's bill, and he needs to explain this matter to the house by giving examples of codes of practice that may be applied by the ERA compared with the minister's types of codes of practice and where those inconsistencies would be. We are trying to understand how the bill will work.

Mr W.R. MARMION: As I said, the ERA does not have codes; they might refer to codes.

Mr F.M. Logan: That is not true.

Mr W.R. MARMION: Can I answer?

The minister will make codes under clause 26. If we look at clause 12 —

Mr F.M. Logan: Clause 26(8) states quite clearly that the ERA can.

Mr W.R. MARMION: It has to be looked at in conjunction. We are jumping all over the place. We are on clause 12 and it is quite pertinent that we actually look at clause 12(2) which states —

> The conditions of a licence under subsection (1) —

That is the ERA licence —

> have no effect to the extent to which they are inconsistent with any other conditions to which the licence is subject under this Act.

The ERA has to ensure there is consistency between its licence conditions and any codes that may have been introduced by the minister and gone through the disallowance processes of Parliament. Once the codes are in

place, whatever they are, the ERA has to be mindful of those in issuing a licence as per subclause (2). It is quite clear to me. It is very simple.

Mr F.M. LOGAN: The minister has just misled the house. I apologise to the Acting Speaker about jumping to clause 26 but it relates to clause 12. Clause 26(8) states very clearly —

> The Minister's capacity to make a code of practice dealing with a matter does not, of itself, limit the Authority's capacity to —
>
> (a) impose conditions on a licence relating to the matter; or
>
> (b) make a code of conduct relating to the matter.

The minister just told the house the ERA does not have the power to do it. Subclause (8) states that it clearly can. What we are trying to get from the minister is some examples of how the two are read together. Is there any likelihood or possibility of there being an inconsistency?

Mr W.R. MARMION: Jumping around from clause to clause is making it a bit tricky.

Mr F.M. Logan: It does not matter. That happens quite often when considering bills read in conjunction with one another.

Mr W.R. MARMION: We have now brought in clause 27. Clause 27, as we look at it, shows that the ERA may make a code of conduct. I am advised that clause 26(8), which the member is talking about, allows the authority to make a code of conduct and impose conditions that might be brought in through a code by the minister. It does not override, the way I see it, the authority's capacity to impose conditions on licences, as long as they are consistent with the codes put through by the minister, as per clause 12(2).

Mr J.C. KOBELKE: I do not think we actually have an answer to this point. We may still be on clause 12 or clause 26 when we come back after dinner. If I can put the question to the minister, the minister's advisers may be able to give an answer that makes it clearer to me, because currently it is as clear as mud! Clause 22, just to reiterate, is about conditions —

Mr W.R. Marmion: Clause 12.

Mr J.C. KOBELKE: Sorry, clause 12. This clause is about the conditions the authority may place on a licence. The minister rightly drew us to subclause (2), which states —

> The conditions of a licence under subsection (1) —

That covers the issue of codes —

> have no effect to the extent to which they are inconsistent with any other conditions to which the licence is subject under this Act.

That tends to suggest that if there was a code established under this bill by the minister, it would override a code established by the authority under clause 12. I might be wrong—I am not a lawyer—but I think that is open to interpretation.

Mr W.R. Marmion: Correct.

Mr J.C. KOBELKE: I now go to clause 26. This is where the minister establishes a code. It is stated at clause 26(8) —

> The Minister's capacity to make a code of practice dealing with a matter does not, of itself, limit the Authority's capacity to —
>
> …
>
> (b) make a code of conduct relating to the matter.

I read that as saying the minister's code is subservient to the authority's code. Both subclauses tend to contradict each other, as I see it. I am trying to get clarity as to when we have codes established. Keep in mind that the minister said that under clause 26 ministerial codes might relate to more general issues—they "might"—but clause 26 allows the minister to cover everything in clause 12 except paragraph (s), which is —

> the licensee giving the Authority information relevant to the Authority's functions under this Act.

Codes made by the minister under clause 26 cover all the things under clause 12, which is now before us, that they can actually put in the licence. They can make codes on any of those things. I can see why the minister would want to do this, but what I seek to get on the record tonight is that there is a clear demarcation between these two and a way of handling any instances that might arise, however rarely, where one conflicts with the other so we do not have a situation of uncertainty arising. I know the consultation methods required, which we will come to later, in establishing a code, whether it is a code by the authority or a code by the minister—I refer

to the little discussion we had earlier—codes will be established by other authorities, but they can be established by the ERA, which is the authority for the purposes of this bill. In circumstances in which different codes are applied, we need to know how they arbitrate. We know the processes they go through and that consultation should weed it all out, but if they do not, we need to know how they arbitrate.

Sitting suspended from 6.00 to 7.00 pm

Mr J.C. KOBELKE: I wonder whether the minister is in a position to explain to us how any inconsistencies or conflict would be resolved by a code of practice put in place as a condition of licence by the authority under clause 12 and a code of practice established by the minister under clause 26; and, if there should perchance be a conflict between the two codes, which would have precedence, or what other method would there be to resolve any potential conflict? Of course, we know that we are talking about quite a trivial issue. There would be some small detail relating to the codes about which there might potentially be a conflict; nonetheless, that uncertainty may have larger consequences.

Mr W.R. MARMION: The code made by the minister would override any code made by the authority. Under clause 27, after the minister has made a code, the authority can make a code, which is the code to do with customers—that is, a customer code. Once that code has been enacted through the disallowance process, any renewal of that code is made by the Economic Regulation Authority. That is the code that the ERA can, I guess, run, and it can make amendments to it. Clause 26(8)(b) states —

> (b) make a code of conduct relating to the matter.

That relates to clause 27 and the ability of the authority to make customer service codes. However, if there is a conflict, which one would hope there is not, because one would assume that when the ERA puts out its licence conditions, it will ensure that all the conditions are consistent, I am advised that the codes enacted by the minister would have precedence.

Mr J.C. KOBELKE: I now turn to ask some questions regarding clause 12(1)(j), which is the exercise of powers of entry by persons authorised by the licensee, including by restricting the exercise of such powers. The minister has indicated that this is a new provision under the conditions of licence, but there has long been some form of statutory basis for allowing employees or people working for a licensee to exercise powers of entry. Therefore, I want this made clear: does the situation change by putting this provision in the bill or are we really dealing with those powers of entry under a totally different clause of the bill?

Mr W.R. MARMION: Yes; the reason is that this is a new provision; it does change the situation. This provision allows the ERA to put some restrictions or some conditions on entry, whatever they might be. It might want to put some constraints on how a person might go about entering a property. This provision gives the ERA the ability to put on some restrictions, as it says clearly, by restricting the exercise of such powers. As it reads is how it works.

Mr J.C. KOBELKE: Paragraph (j), to me, has two parts; that is, it can be a condition of a licence that there be the exercise of powers of entry by persons authorised by the licensee, and, further, it provides that the exercise of those powers can include restricting the exercise of such powers. It may be that the minister wants to refer us to another clause somewhere else in the bill, which is really the head of powers relating to this exercise of powers of entry. If the minister can do that, perhaps we will leave discussion of that until we get to that other clause or clauses.

Mr W.R. MARMION: Yes, the powers of entry are specified in another part of the bill. This just makes it clear that some restrictions can be put around those powers.

Mr J.C. Kobelke: Minister, I am finished, if you can just tell us the other clauses so I can have a note of them when we get to them.

Mr W.R. MARMION: My advisers are rushing through the 450 clauses! They have just given it to me; it is clause 174 in part 8, division 2.

Clause put and passed.

Clause 13 put and passed.

Clause 14: Duration of licence —

Mr F.M. LOGAN: This clause deals with the operation of the licence, so we should bear in mind the discussion we had earlier about the operations of the treatment plant in Mundaring. How does the duration of the exemption work when compared with the conditions that are set out in the bill for the duration of the licence for what would be a normal licence holder? How can the same powers that apply to someone who provides services under this bill be applied to someone who is providing water services in the treatment plant at Mundaring but those services are covered by a contract between the Water Corporation and the alliance?

Mr W.R. MARMION: I do not quite follow where the member is going. The way I read clause 14, it just says that if a licence is granted, it can be from zero to 25 years. I do not have the contract with me, but I think the contract is for 20 years. It does not preclude a licence being for 20 years, 15 years or whatever. I am not quite sure what the point is, because clause 14 just says that the ERA can issue a licence or renew a licence for the period specified in it, but it cannot be for more than 25 years. That is what clause 14 says. Is it something relating to that? The member might be able to give me a bit of clarity around that.

Mr F.M. LOGAN: I will provide some clarity. The provisions that we are dealing with under this clause deal with the provision of water services, and that is governed by a licence. We know that under the existing bill an exemption has been given to the provision of services by a public–private partnership operator of the Mundaring plant. Under these conditions, a duration can be put on the licence. Under that contract, is there a provision that would put a duration on the services provided by the PPP operator, or is the full term of the contract involved? If it is the latter, will the minister at some stage table, maybe in the third reading debate, the contract that we keep referring to?

Mr W.R. MARMION: I know that the member wants to get access to the contract. I do not know what commercial confidentiality is involved. I would have to seek advice on whether we could release the contract.

Mr F.M. Logan: The reason I want to have a look at the contract is that had it not been in place and had this bill been passed, that PPP plant would be governed by these terms and conditions; it would not be governed by this contract unless the minister wanted to step outside this bill for some reason. The bill is designed to provide all the regulations to the operator.

Mr W.R. MARMION: I do not understand. There is no change. Under this bill we can exempt in the same way. Let us say, hypothetically, that the contract was not let now and that we are two years down the track and that this legislation has been passed—it has been signed off by the Governor and is now an act. My advice is that I could still give an exemption for that water service.

Mr F.M. Logan: I am sure you could, but why would you?

Mr W.R. MARMION: Because it might be convenient to do so, rather than asking them to go through a whole lot of different licensing conditions that they might not need to do. It might be convenient, efficient and practical to do it. We might have the safeguards that we have now. There is no change. The situation now is probably the same as it will be in two years' time. I am advised that that is correct in this case.

Clause put and passed.

Clauses 15 to 17 put and passed.

Clause 18: Amendment or cancellation of licence — on application of licensee —

Mr J.C. KOBELKE: The minister indicated that clause 18 is different from existing legislation. Clause 18 relates to the amendment or cancellation of a licence on application of a licensee. It makes sense to me, but I would like to know the import of the differences in this clause to current legislation.

Mr W.R. MARMION: My understanding is that currently the licences spell out how a licence can be amended or cancelled. This clause brings that into the legislation, so it will now be specified here. Previously, those sorts of arrangements were specified in the licence.

Mr J.C. Kobelke: Do I take it from that that it is really just a drafting arrangement—that it has been repositioned—or are there any actual changes in the way in which it will operate?

Mr W.R. MARMION: No. The drafting arrangement is brought into the legislation to make it clear.

Mr F.M. LOGAN: I again come back to the example that we are continuing to use. I do not accept the argument the minister earlier put up about why he has given an exemption to the operator of the treatment plant in Mundaring. Hypothetically, because it was a hypothetical case that we were talking about, had this bill been in force, why would the minister do that? The bill contains every provision that one would want to govern the provision of water services by an operator in Western Australia. Why would the minister want to give a company an exemption so that it could operate outside those conditions? No minister would do that. It comes to this: under clause 18, "Amendment or cancellation of licence — on application of licensee", the bill codifies how to deal with people who hold licences. It might be the Water Corporation, but if it is a private company, what would happen if something happened to that company; that is, it decided to walk away from the licence or went bankrupt?

Mr W.R. Marmion: If the company went bankrupt, the responsibility would be with the Water Corporation. The Water Corporation is responsible for the contract. If Degrémont went bankrupt and then did not deliver the service, it would be up to the Water Corporation to manage that. Under the ERA licence, it has to provide the water. There still is that coverage with the Water Corporation being there.

Mr F.M. LOGAN: I can see that, particularly with the treatment plant. There is a contract between the Water Corporation and an alliance that is governed by the Royal Bank of Scotland. What if, suddenly, the Royal Bank of Scotland did not want to be involved in this business any longer and wanted to get rid of its investment in that asset and walk away from it? The alliance partners would come to the minister and say that they are not interested in running the project any longer because the bank is under pressure—the euro is collapsing and it is walking away from its investments in Western Australia. In that case I presume that, under the contract, the Water Corporation would step in and take over the operation. I presume that, hence the reason for our investigation of what the minister said to this house tonight—that all the provisions of the contract are equal to or better than this legislation. The minister should show us that by tabling the document. Otherwise, this bill at least provides the minister with some guidance and codification of what to do in that case. I presume that the minister is saying to the house tonight that with the PPP project, those protections for the state and the Water Corporation are in the contract. Is that correct?

Mr W.R. MARMION: That is what I have been advised. I have gone through the contract in detail. I do not have it with me. If we are talking about one specific example, which does not necessarily relate to what we are doing now in going through the clauses of the bill, then, yes, there is a public interest test when an exemption is given. As I said before—I guess I am repeating myself—I can give an exemption. I guess it is on my head if I give an exemption. If they do not deliver, it is on my head as minister.

Mr F.M. Logan: But it is our responsibility as the opposition to ensure that those contracts are open to public scrutiny, because that is on your head.

Mr W.R. MARMION: Sure.

Clause put and passed.

Clause 19: Effect of water resource management plans —

Mr C.J. TALLENTIRE: Clause 19 refers to water resource management plans. I am familiar with a range of water resource management plans. They are generally things that I would very much support. They generally deal with water allocation and talk about things like the percentages of flow that can be allocated to different competing water resource needs. The clause in question states —

> A decision of the Authority —

It is always the Economic Regulation Authority —

> under this Part is of no effect to the extent to which it is inconsistent with any relevant water resource management plans …

I thought that if I went to the definitions I would be able to see a definition of the sorts of resource management plans we are talking about, but I might have missed it. That gives me cause for concern because there are many different types of water resource management plans. As I say, I would be very supportive of most of them. Plans will probably come under the water resource bill when that is introduced.

Mr W.R. Marmion: Water resource management bill.

Mr C.J. TALLENTIRE: Yes. But water resource management plans are developed through the various natural resource management councils. I would say that each of those six in the state have their own water resource management plans, whether we are talking about the Rangelands NRM Coordinating Group, the Northern Agricultural Catchment Council, the South West Catchments Council, the South Coast NRM or the Avon NRM group. I can see nothing in here that says that this legislation refers only to the water resource management plans devised under a bill that is yet to be presented to this Parliament. I think it would be very reasonable for anyone to imagine that resource management plans could be things that are developed through these bodies that have various levels of statutory authority and are often funded through such initiatives as the National Water Initiative. They therefore have a degree of credibility and they have had to meet certain standards to be eligible for National Water Initiative funding to have the research put into developing the actual plan and to have the quality of the plan such that it involves consultation with the local community.

As I say, often an enormous amount of work goes into the development of water resource management plans. They link in with the work of catchment management councils and provide very useful guidance to the Department of Water and to the Department of Agriculture and Food. Plans are devised under the Department of Agriculture and Food, and the Department of Planning has also had its own version of water resource management plans. My question is: looking at this legislation before us, how can we be sure what type of water resource management plan we are talking about? Is it possible that as the bill is currently written, there could be some confusion? As I say, the minister might be able to point me straight to a definition that I have overlooked.

Mr W.R. MARMION: Clause 19 was included so that when the water resource management bill is introduced, it will have some relevance. It states, in part —

> … water resource management plans (however described) made under a written law and prescribed for the purposes of this section.

I understand that other water resource management plans that people might refer to, such as NRM plans, are not of this status, are not under written law and do not have statutory status. When we introduce the water resource management bill it will mean that there must be consistency between any ERA conditions and any conditions related to a water resource management plan.

Mr C.J. TALLENTIRE: Thank you, minister. I am still concerned, though, because I am not sure what time lapse will occur between the passing of this legislation and the water resource management bill, so that could leave us in a phase of uncertainty. The minister says that these other water resource management plans referred to do not have the same sort of standing as the ones that would be recognised by the proposed water resource management bill, which will eventually become an act, but I think that could be quite seriously contested. Statutory planning laws provide for the development of plans. I can think of water resource management plans that would come under various planning legislation. We would have to concede that it is written under a law of the Western Australian Parliament.

Mr W.R. MARMION: On reading clause 19 very carefully, before the last seven words is the word "and". Let us assume the member has a resource management plan in his hand and wonders whether it is covered by this clause. It would have to be "prescribed for the purpose of this section"; namely, clause 19. In relation to the development of any other water resource management plan or whatever definition it has, the way I read it, which I think is correct, there would have to be reference to this section of the legislation. It would be necessary to do that by regulation.

Mr C.J. TALLENTIRE: Obviously water resources can be in an area that is hotly contested. It is not that long ago that there was a move to take water out of the south west Yarragadee. Over that area there would be a number of water resource management plans. I put it to the minister that it would be fairly easy for people who have drawn up those management plans, which may have come under agricultural legislation or legislation covered by the planning portfolio, or wherever, to point to a law under which they have been written, but they would quite easily be able to add that their water resource management plan has been written with due consideration to section 19 of the Water Services Act 2011, when it is enacted. I do not think there would be any trouble having those words inserted into those water resource management plans. That could very easily happen, and then this could not be used as an out.

Mr W.R. Marmion: I missed the point; can you repeat that?

Mr C.J. TALLENTIRE: Basically, it would be very easy for those people who had put a lot of work into developing water resource management plans, be they in the south west Yarragadee area or elsewhere, to add words that say that their management plan is prescribed for the purposes of section 19 of the Water Services Act 2011, as it will be then. Before the minister stands, a solution might be to insert a definition of what is a water resource management plan.

Mr W.R. MARMION: To answer the first part of the member's question, there is a problem putting a definition of water resource management plans without making reference to legislation, which will be the next bill we introduce. On the other point the member raised, from what I have just been advised it is my understanding that—if the member is listening; I cannot say it twice—we can regulate under this act for a water resource management plan to be prescribed for the purpose of this section. It could not just be included in this bill. I understand that once this bill is enacted, a water resource management plan can be prescribed in regulation.

Mr C.J. TALLENTIRE: I am not quite sure what the minister is saying there, but I would imagine there would be existing statute law that would contain a definition —

Mr W.R. Marmion: It might have a definition of this, yes.

Mr C.J. TALLENTIRE: — for "water resource management plan", or, if not, into which the definition could be inserted until the water resources management bill becomes law. That could avoid this ambiguity. I think it is a dangerous situation. We make reference to very powerful documents, water resource management plans, but we do not have them defined. This leaves all sorts of possibilities open.

Mr W.R. Marmion: There is no ambiguity because they are not defined. There is not a definition, which means that they cannot be confused with this bill because they are not covered in this bill. It is clear to me.

Mr C.J. TALLENTIRE: The fact that they are not defined means that somebody can present a document to the minister and say, "This is the water resource management plan that conforms with section 19 of the Water Services Act."

Mr W.R. Marmion: They would have to be prescribed under this bill.

Mr C.J. TALLENTIRE: But someone can claim that they are meeting the prescription of this bill.

Mr W.R. Marmion: But they would be wrong, wouldn't they?

Mr C.J. TALLENTIRE: If it is not defined under this bill, there will not be a test.

Mr W.R. Marmion: It is not a resource management plan under this bill.

Mr C.J. TALLENTIRE: There needs to be some linkage between this clause and the water resources management legislation. In passing, the minister could indicate when that will be presented to Parliament. I put to the minister that it will probably not be this year, and, therefore, not in this term of Parliament. Therefore, we are talking about potential delays of several years before we see the water resources management act come into being, and the water resource management plan will be undefined for that extended period.

Mr W.R. MARMION: I do not see the member's point. A water resource management plan actually allocates water. Let us use the example of the allocation plan down at Manjimup. It is a plan, but it is not a plan set up by statute, and we all know that there is a particular person in that area who argues that it should be, but it is not. However, it is a plan and it is something that the Department of Water manages. When we bring in the water resources management bill, and when water resource management plans can be statutory and in legislation, it will ensure that any Economic Regulation Authority licence is consistent with those plans. Therefore, rather than amending this bill whenever we bring the next bill through, we are putting it in this legislation so we do not have to come back and amend this bill. It is a convenience to put clause 19 in this bill now rather than at some other time. I guess one could argue that there would be the option not to have it there, but we think the best option is to leave it there for the future.

Clause put and passed.

Clause 20 put and passed.

Clause 21: Duty to provide services and do works —

Mr F.M. LOGAN: It is quite clear in clause 21(1) what a licensee must do in providing services and works. I refer to subclauses (2) and (3), and to some references in subclause (4). Subclause (2) states —

> A licensee may refuse to provide, or may suspend the provision of, a water service to a person entitled to the service under this Act …

It then goes into a series of conditions. Can the minister further explain these two subclauses and also give some examples of what we are talking about here. Who would have their water services legally cut off?

Mr W.R. MARMION: This is primarily about the extension of a service to an area that might be some distance away. By way of example, if someone has a house five kilometres down the track, extending the pipe five kilometres, from an engineering point of view, may cause the pressure to drop off. There may be some engineering reasons or there may be some other reasons. This clause is not about stopping a service, which I understand comes under another clause; it is about refusing to provide a service if it is unreasonable, I guess. That is the option.

Mr F.M. LOGAN: It does, minister; it is quite clear. Let us use subclause (2) as an example. It states —

> A licensee may refuse to provide, or … suspend the provision of, a water service to a person entitled to the service under this Act while the person —
>
> (a) … refuses to comply with a requirement of the licensee …; or
>
> (b) unreasonably refuses to enter into an agreement …
>
> (c) refuses to comply with a prescribed requirement relating to the provision of the service.

What would this apply to? Can the minister give us some examples of how this subclause and subclause (3) will apply, because (3) is quite —

Mr W.R. Marmion: I will just do one at a time, because it is a bit hard to read two at once.

Mr F.M. LOGAN: Okay. Can the minister just give us some examples of how it would work?

Mr W.R. MARMION: I address subclause (2) first. I will give the general thrust and then we can delve into a couple of examples. The advice I have states that it would be reasonable for a licensee to refuse to provide a service which would not be technically—I mentioned that last time—or financially viable to provide, or where the person would not agree to meet the requirements for the provision of the service. That is what we are saying now. Sewerage is another example. We used water last time, but I will use sewerage this time. It may be that to extend a sewerage line might require putting in a pump. It might have to be pumped because only one house will be picked up, but it is over the other side of the hill and to get it to join on, a substantial amount of money is needed to provide that service for that one household. Therefore, this clause makes it reasonable for the water service provider not to provide that service. It gives them a reasonable situation in which they do not have to provide that service.

Mr F.M. LOGAN: Does this subclause also allow the licensee to refuse to provide water services, say, if someone has not paid their bill? For example, the subclause states "refuses to comply with a requirement" and "refuses to enter into an agreement".

Mr W.R. MARMION: Disconnection or restriction of service is provided for under proposed section 96. This is more related to actual provision of the service and, because of technical or financial reasons, a reasonable situation in which it is not practical or financially viable to provide it at that time.

Clause put and passed.

Clauses 22 and 23 put and passed.

Clause 24: Asset management system —

Mr F.M. LOGAN: Clause 24 provides for the asset management system. We will be coming back to the Transfield–Degrémont agreement on a regular basis, minister, because I still do not believe that the minister has told the house all that I know about that agreement, so it will be interesting to hear his response. In terms of this asset management system, obviously the assets of the Water Corporation are now being managed in many cases by the Transfield–Degrémont agreement. From what the minister has told the house so far, in this contracting for the Transfield–Degrémont–Water Corporation alliance, the holder of the licence for the services, whether they be sewerage or water provisions, is the Water Corporation. As part of the contract, the Transfield–Degrémont sewerage operators will manage the assets for the Water Corporation. Is it then bound by the provisions in clause 24 by way of the Water Corporation licence; and, if so, how?

Mr W.R. MARMION: An asset management system is a requirement of the licence—the ERA will ensure that the licence holder has one. In fact, all the audit reports I read from the ERA on any one of the 29 or 30 licence holders in WA usually contain a comment on this. If the member were to pick an area where a licence holder is likely to transgress in not having one up to speed, this is the provision that applies. This is a condition on every licence, as the bill says. In the member's example, the Water Corporation as the licensee must have an asset management system with which the ERA is happy, basically. Whoever puts that together, whether it is the workers within the Water Corporation, contractors or whomever, the actual asset management system, which is a condition of the Water Corporation having a licence, must meet the conditions that the ERA sets.

[Quorum formed.]

The DEPUTY SPEAKER: Member for Cockburn, are you finished with clause 24?

Mr F.M. LOGAN: No. It is the early part of the evening.

Mr W.R. Marmion: It is my favourite topic—asset management.

Mr F.M. LOGAN: Exactly. If anybody should know about asset management, the minister should.

Mr W.R. Marmion: I do know a lot.

Mr F.M. LOGAN: The minister has explained about the obligations of the licence holder under the act. In this case, the example that I gave the minister was the Transfield–Degrémont–Suez alliance. Clause 24 is worded in such a way that it is to deal with the licence holder only. The legislation is not written in such a way as the licence holder may then subcontract out that work to a contractor such as Transfield–Degrémont–Suez. Had that provision been in the bill somehow, the minister could then say, "Well, you can understand that it is not only the licence holder that has an obligation to comply with the conditions of the act; the licence holder and/or its contract partner or subcontractor is also required to comply." As it does not say that, let us just say that something goes wrong. As the minister knows, things go wrong in Water Corporation's assets all the time. It is just the nature of the industry and the type of material being dealt with, particularly in waste water. I refer to the alliance contracting arrangements, and this is a hypothetical: if something goes wrong, for example, at Woodman Point waste water treatment plant, when the valve in the bottom of the main tank goes again —

Mr W.R. Marmion: As part of the operations maintenance, there is a problem because something fails so —

Mr F.M. LOGAN: — part of the asset fails. That is exactly what happened at Woodman Point waste water treatment plant when the main valve on the main tank gave out. As a result, endless amounts of untreated sewage went into Cockburn Sound. If that was to occur again, but in this case the responsibility for the problem lay with the minister's contractor, how is the licence holder dealt with under this legislation? Clause 24 states that the authority—that is, the ERA—may then bring in an independent expert for the purposes of proposed subsection (1)(c), which is to examine the conditions of the asset itself and the licence obligations. As clause 24(4) states, it can recover reasonable costs and expenses as part of its investigation, but the responsibility ultimately lies with the alliance contractor. Who does the authority deal with? Does it deal in the first instance in its investigation with the licence holder, the Water Corporation, or does it deal with the contractor?

Mr W.R. MARMION: Clause 24 is about an asset management system; it is not about a piece of apparatus that might fail. If a system is in place, there can be some assurance. This is what the ERA will be looking for when it

audits a water service provider; it will ensure it has an asset management system in place. The most important thing is to have an asset management system in place. It is the responsibility of the Water Corporation to have a proper asset management system so that if something fails it has processes in place to fix it quickly. As the member is probably aware, some of the mining companies have in place complicated asset management systems. As soon as something is replaced, it is automatically ordered and it sits on the shelf. That is a very sophisticated asset management system. The Economic Regulation Authority will also look at whether a system is in place, and, in terms of the financial management and accounts of the service provider, it will take into account the age of the assets and the schedule to systematically replace ageing assets. I know that the member will understand this. Different types of assets have different life cycles. If I were the auditor for the ERA, I would expect the asset management system to know the life of some of the components within the infrastructure and the replacement plan to be based on the life cycle of the various components of the system. That is what this clause is about. It is not about who is responsible if something breaks down; it is about the system. The Water Corporation must have that system in place, as, indeed, must the Kalgoorlie council and any other council. As the member knows, people neglect asset management systems.

Mr F.M. Logan: That valve that I just referred to is a classic example in which the asset management system failed.

Mr W.R. MARMION: Yes. The life cycle of something might be 10 years, but sometimes it fails earlier because of a faulty component. Sometimes those things happen. This clause is about the system and ensuring that all licensees have an asset management system.

Mr F.M. LOGAN: We have to keep referring to the Transfield–Degrémont–Suez alliance contract because that is what is in place at the moment for the metropolitan water and sewerage services in Western Australia. The minister indicated earlier that the asset management system could be created by the Water Corporation or by the alliance. For example, if the alliance has developed as part of its operations an asset management regime for a whole plant or for part of a plant and the ERA finds fault with the asset management system—I am not talking about the bits; I am talking about the system—who will be held accountable? Will it be the licence holder, the Water Corporation?

Mr W.R. Marmion: Yes, the licensee. It is very clear.

Clause put and passed.

Clause 25 put and passed.

Clause 26: Compliance with codes of practice made by Minister —

Mr J.C. KOBELKE: I will be very brief. As we know, what the minister says in the second reading speech and places on the record in this place may be used for interpretation in the courts. I am still not convinced that there is not the potential for conflict between codes set by the authority under clause 12 and codes made by the minister under clause 26. Can the minister put to the chamber very clearly and unequivocally his belief that a code established by the minister under clause 26 would have legal precedence on any matter of conflict over a code established under clause 12? The operative subclause (8) states —

> The Minister's capacity to make a code of practice dealing with a matter does not, of itself, limit the Authority's capacity to —
>
> …
>
> (b) make a code of conduct relating to the matter.

I understand that the minister said earlier that the minister's code will have precedence. I think a very clear and unequivocal statement of that may help clear up any unlikely but possible ambiguity between the two.

Mr W.R. MARMION: I am quite happy to point out that clause 12(2) makes it clear that any codes set by the minister take precedence over any changes to the customer code that may be done by the ERA.

Mr F.M. LOGAN: Can the minister give me some examples of when a minister would make those codes of practice and what they might look like? I will give the minister an example of an area in which I think a code of practice may well be needed in the future issue of licences—that is, the Woodman Point waste water treatment plant in my electorate. There is continued injection of sometimes semi-treated sewage and at other times untreated sewage into Cockburn Sound. There are two outfalls into Cockburn Sound, as the minister knows. One is in the inner harbour area and the other is about 150 metres off the end of Woodman Point. The code of practice for the Woodman Point waste water treatment plant that I would be seeking once this bill is passed would outlaw the dumping of sewage into Cockburn Sound and the holding of that sewage in contained facilities at the Woodman Point plant.

Mr W.R. MARMION: Some environmental conditions could be set so there could be an overlap. The ministerial codes could set conditions for how drainage might be done or how water and sewerage should be

provided. They might go to a lower level than the licence conditions. I am trying to think of one that I could relate to Woodman Point. There may be some standards. There may be things in the regulations. Codes will probably be used only when it is not covered by regulation. Hypothetically, it could be in a regulation. There might need to be a standard for a certain sized pipe because there is certain pressure. A code could be set for that, although it could be in a regulation. That would give some safeguards that the pipe will not burst or fail.

Mr F.M. LOGAN: I thank the minister for that explanation. I understand where he is coming from about the regulations. Given that this new provision will give the minister different powers from those he had under the previous legislation, it is a question of how he would use those new powers. A golden opportunity to use those new powers may well be for the licence for the Woodman Point waste water treatment plant and its relationship with Cockburn Sound, which has been a very bad relationship until now. In my view, the Water Corporation should have been prosecuted, and ultimately probably will be prosecuted unless something is done.

Mr W.R. MARMION: I have thought of an example, member, that might relate to Woodman Point. We could put a code—it could be a general code; it actually would not be specifically for there—on water recycling. Down the track, someone might say, "We don't want all this waste water going out into the ocean," and we might want to phase in a code like that. We might say, "We are recognising that they are not putting it out in the ocean, so they're okay," but we might want to come up with a code that says that within the next five years they have to get down to only 50 per cent going out into the ocean, and then another five years. That sort of thing would be quite a useful thing —

Mr F.M. Logan: Guidelines.

Mr W.R. MARMION: Yes, guidelines that would clean up Cockburn Sound.

Clause put and passed.

Clauses 27 to 30 put and passed.

Clause 31: Failure to comply with licence —

Mr J.C. KOBELKE: Clause 31 comes under division 4, "Failure to comply with licence — enforcement". It is clearly an important matter to be able to enforce compliance with the conditions of the licence. I would like to go to subclause (4), which I think is an important part of operation and enforcement. It reads —

> If the Authority is satisfied that the licensee has failed to comply with the rectification notice the Authority may do one or more of the following —

So the authority has already given a rectification notice, assuming that that has not been complied with, or not complied with in full —

> (a) order the licensee to pay a monetary penalty determined by the Authority of up to —
>
> …
>
> (b) remedy the failure to comply that gave rise to the giving of the rectification notice;
>
> (c) subject to section 17(2) — amend the licence under section 17.

I have two separate questions that flow from that. First of all, under clause 31(4)(b), the authority can remedy the failure to comply that gave rise to the giving of the rectification notice. Is this a new power? The way I read it, the Economic Regulation Authority would actually contract the work; it would have to find a subcontractor or someone else to do it. Is that what is actually envisaged in this legislation; and, if so, is the ERA currently set up to be able to have such work undertaken?

Mr W.R. MARMION: In answer to the first part of your question, my advice is that the ERA could get a contractor to come in and remedy the failure under clause 31(4)(b).

Mr J.C. KOBELKE: The minister has confirmed my interpretation of it. The second part of the question is: is the ERA, as it is currently constituted, set up to be able to do that sort of work? It is a regulatory body and to my knowledge it does not go about fixing plumbing, but that may be required here. I am asking: does the ERA have the legislative power to do that, other than what appears in this particular subclause? Have there been discussions with the ERA about it being geared up to actually take such action, should it judge such action to be required?

Mr W.R. MARMION: Yes, it does currently have that power, and it has been consulted in the drafting of these clauses.

Mr J.C. KOBELKE: My second point is really clarification or confirmation of my understanding of paragraph (c), which provides that the authority can amend the licence under proposed section 17, subject to proposed section 17(2). This would be for a situation in which a licensee has failed to comply; there has possibly been some attempt at rectification, and now the authority says, "Well, this is a bit too hard, so instead of penalising them, or in addition to penalising them, the only way we can really fix it is to go back and change the

licence". So then they go back to the licence modifications in clause 17 and set about that process. However, under clause 17(2), the authority cannot amend a term or condition of a licence that was not determined by the authority, so what is being provided there is a let out so the authority can actually go beyond the intended amendments under clause 17, and make amendments to fix the problem. Is that how the minister sees this operating, or can he correct me or add to it in respect of the intention here, as one of the options for remedying a problem or a failure by a licensee to meet the conditions?

Mr W.R. MARMION: This is a very good question. The wording in subclause (4) is that the authority "may do one or more of the following", so the way I would see it in normal practice is that the authority has had to fine them or fix something up and then, using clause 17(2), amend the licence to make it a bit tougher; maybe the licensee would have to report every two months or whatever. A tougher condition may be put in place in terms of the amendment of the licence to cover that particular circumstance. While it could be argued that there is a possibility of amending the licence to cover something that failed so the licensee does not have to comply with it, I would see that happening only if it were an absolutely frivolous condition that might be amended. So that it does not happen again, the authority would have the ability in the majority of situations to amend the licence to make it a bit tougher.

Mr J.C. KOBELKE: I thank the minister for that. My closing comment is that these licences can run for 25 years, and conditions may arise that were not foreseen in the licence, and therefore the non-compliance is not, on the face of it, a failure by the licensee, but rather a reflection of the fact that conditions have changed and compliance has become very difficult, in which case the option is there to go back and change the conditions of the licence. Hopefully that would be a rare occurrence, but obviously the statute has to make allowance for those rare and unforeseen circumstances.

Clause put and passed.

Clause 32 put and passed.

Clause 33: Exception — dangerous situations —

Mr F.M. LOGAN: Clause 33 deals with the exceptions to the previous provisions for failure to comply with the licence when faced with a dangerous situation, when the authority is satisfied that dangerous situations exist. Under subclause (2), the authority must consult with the department principally assisting in the administration of the Health Act. What if a situation occurs that falls under the Occupational Safety and Health Act? I can point to a real example that happened within the Water Corporation, where a contractor died on the job in Bunbury when scaffolding planks were not properly secured and he fell off the scaffolding to his death. Why are the Occupational Safety and Health Act and WorkSafe Australia not referred to in this clause also? I can understand why the Health Act is referred to, but why not WorkSafe?

Mr W.R. MARMION: WorkSafe was consulted in the drafting of the bill and it did not raise it as something to put in. In clause 33(2) "must" is the key word. The authority must consult with the department assisting in the administration of the Health Act 1911—the Department of Health—because water quality is paramount.

Because of the way things work, it is probably unlikely that someone from the Economic Regulation Authority would be on site for an operational thing such as occupational health and safety. One would hope that that would be covered by the Occupational Safety and Health Act; if an occupational health and safety issue was picked up by workers on the job, WorkSafe would come in. I am advised that WorkSafe was not sought out to see whether it wanted to be put in, but it is not included. Only the Department of Health is included because health and safety is of paramount importance in the delivery of water. The Department of Health must be consulted.

Dr K.D. Hames interjected.

Mr W.R. MARMION: The Minister for Health is very pleased that that clause is in the bill.

Mr F.M. LOGAN: I concur with what the minister has just said about the necessity to maintain health standards at all costs, but clause 33 reads —

> (1) If the Authority is satisfied that —
>
> ...
>
> (c) urgent action is needed in order to assess, reduce, eliminate or avert a risk to persons, property or the environment,

If WorkSafe and the Occupational Safety and Health Act was referred to here—perhaps it should be—a dangerous situation that the authority is alerted to could result in penalties applying to the licence holder for creating a dangerous situation for employees of either contractors or the Water Corporation. As it stands, an employer or an organisation could face penalties under the Occupational Safety and Health Act, but no penalty relates to its licence and no condition is applied to its licence despite the fact it may have created an unsafe situation under the Occupational Safety and Health Act. No provision in this bill allows us to do anything about it.

Mr W.R. MARMION: If the member reads clause 33(1) carefully, he will see that the main point of the clause is that the authority can act without even notifying the licensee if it determines that there is a problem. For example, let us say that there is a WorkSafe issue and the authority just happens to be on hand and picks it up —

Mr F.M. Logan: Or it has been brought to the attention of the authority.

Mr W.R. MARMION: Yes, if it has been brought to the attention of the authority, the licensee would normally be notified. If the licensee says, "Get stuffed", the authority can get WorkSafe on site and make it happen. It can do that without consulting the licensee, although common courtesy means that that would be the first step to take. Clause 33(1)—which is a good clause—allows the authority to step in if it sees a dangerous situation and deal with it straightaway.

Mr J.C. KOBELKE: I would like to make a very brief comment on this. The member for Cockburn has shown that the act is deficient in this area. The whole focus of the drafting of this bill was to provide modern legislation for the provision of water services. In doing so, the people who deliver those services—the technicians, the people who dig the holes, the plumbers and all the rest—have really been overlooked. I realise that they are seen as minor in the context of the main thrust of this bill, but clause 33 does not pick that up. It picks it up only indirectly. As the minister said earlier in his contribution, under clause 33(2), the authority must consult, basically, the Department of Health. That does not help workplace safety. I seek from the minister an undertaking to use his best endeavours—if he happens to be the minister when this is put in place—to have licences require that under clause 12. Under clause 12 there is a general head of powers under which there could be a requirement that certain standards of health and safety are upheld in delivering the services under the licence. It could be picked up in that way.

I do not agree with the minister's attempt to say that clause 33 covers it. Clause 33(1)(a) would cover it if conditions to do with health and safety were put in the licence conditions. Under clause 33(1)(a), a failure to meet health and safety requirements and creating a dangerous situation would lead to urgent action, but under the bill the authority would then be required to run off and tell the Department of Health, which would know nothing about it. I want to put that on the record. The bill is deficient in that way. I will leave it at that.

The remedy is to ensure that health and safety are given priority on the licence conditions. I know that the Water Corporation and the other two smaller government-owned water authorities in the south west take this very seriously. When I was the minister responsible for WorkSafe, I was proud to present more than one award to the Water Corporation for the efforts it made in occupational safety and health. It has a good track record and we do not want to see it slip. The legislation is deficient in that area. I suggest it could be remedied by using the minister's good officers, if it is appropriate at the time, to draft a condition of the licence that relates to the provision of high quality health and safety for the employees involved in delivering services under a licence.

Mr W.R. MARMION: Clause 33(1) is exactly how it is at the moment. Clause 33(2) is a new subclause. We have embellished the current situation by making it read "must".

Mr J.C. Kobelke: It reads "must" consult the Department of Health, which underplays health and safety. It does not have anything to do with health and safety.

Mr W.R. MARMION: Clause 33(1) is as it is now. We could get rid of the Occupational Safety and Health Act and put all the rules of the Occupational Safety and Health Act in this bill, but the act surely covers this.

Mr J.C. Kobelke: That is nonsense. You could put in a clause 33(3) to say that a health and safety matter should be referred to WorkSafe rather than the Department of Health.

Mr W.R. MARMION: That is what would happen. That is what happens now. If someone is in an organisation and they have an occupational safety and health issue, it would come under WorkSafe.

Mr J.C. Kobelke: This statute will not overrule that Occupational Safety and Health Act, but the fact it makes no mention of it is a deficiency.

Mr W.R. MARMION: If the minister under the codes and the regulations or the ERA thought it was important—perhaps if there was a licensee about which we wanted to make a point—nothing would stop us putting some conditions around that.

Mr J.C. Kobelke: I am asking you to try to push for that under clause 12.

Clause put and passed.

Clause 34 put and passed.

Clause 35: Provision of a water service ceasing — regulations may deal with consequences —

Mr J.C. KOBELKE: This clause deals with the provision of water services ceasing and the regulations to deal with the consequences of that. There are two parts to the question. Firstly, does this change the provisions that currently exist under our water statutes? Secondly, can the minister say when the existing statutes have been

used to step in when a water service ceased to operate or was seen to be of such a low standard that there was a need to follow through as a consequence and have the service handed over to another provider?

Mr W.R. MARMION: There is some ambiguity about this. This is a new clause and my advice is that it has never been used before because it is a new clause.

Mr J.C. KOBELKE: There have been instances when this has occurred in the past. What is the one just up the coast from Seabird?

Mr W.R. Marmion: Nilgin Service Company.

Mr J.C. KOBELKE: Yes. There was a failure there and another provider had to step in and take it over. I cannot remember under which statute that was done, but that is an example of a total water service that was being provided but the operator could not maintain it to the appropriate standard. It has happened. Perhaps with the help of the minister's staff he can explain how that happened. What was the legal basis for it and will the new provision here operate on a similar basis or quite differently?

Mr W.R. MARMION: That was before my time. My understanding is that it was done by agreement. The party agreed to let the Water Corporation take it over, basically.

Mr J.C. Kobelke: So the licence holder relinquished it and it was reissued?

Mr W.R. MARMION: Yes. It was done by agreement and the Water Corporation took it over.

Clause put and passed.

Clause 36 put and passed.

Clause 37: Licensee operating with works holding body —

Mr F.M. LOGAN: I presume that this provision deals with the work that is being undertaken by and on behalf of a licence holder. This is the Transfield–Degrémont–Suez clause. Clause 37(1) states —

> If water service works used by a licensee in the provision of a water service are held for the licensee by another person (the ***works holding body***) …

This clause relates to clauses 23(1) and 164 regarding the provisions about what an operator is expected or not expected to do on behalf of a licence holder. Is this the provision that deals with the work that may be undertaken on behalf of the Water Corporation—the licence holder—by another body?

Mr W.R. MARMION: This clause specifically deals with co-ops. Someone might hold the licence for all the people in the co-op. That is how clause 37(1) works.

Mr F.M. LOGAN: Would this be —

Mr W.R. Marmion: Carnarvon.

Mr F.M. LOGAN: Is it for the Gascoyne Water Co-operative Ltd?

Mr W.R. Marmion: Yes.

Mr F.M. LOGAN: How would that co-op be defined as a "works holding body" under this clause, if that is what the minister is using as an example?

Mr W.R. MARMION: It is a fairly common arrangement with co-ops. A co-op is the body that does the work and a holding company holds the licence.

Mr F.M. Logan: I see. Thank you.

Clause put and passed.

Clauses 38 to 40 put and passed.

Clause 41: General powers for inspection purposes —

Mr J.C. KOBELKE: I suspect that the particular matters contained within clause 41 are already available, but I would like the minister to confirm that. These powers can cause concern and therefore we need a better understanding of what is intended and how the minister thinks they will apply. Clause 41(1) states —

> Upon entry to a place for inspection purposes, an inspector may do one or more of the following —
>
> …
>
> (c) direct a person to produce any document that is or may be relevant to the inspection;
>
> (d) inspect any document produced, make copies of it or take extracts from it, and remove it for as long as is reasonably necessary to make copies or extracts;
>
> (e) direct a person to answer questions;

If a person refuses to answer questions or provide the documents, I think the penalty is $7 500, although clause 43(4) states —

> It is a defence to a charge under this section to prove that the person charged had a reasonable excuse.

That is most appropriate in the normal course of events when a professional inspector does his job. However, we have to take account of when things are not done as professionally as they should be or an individual gets a Hitler complex and decides to stand over people, in which case the failure to answer questions could lead to that person being charged with a penalty of up to $7 500. My specific questions are: firstly, are the provisions in clauses 41 and 42 any different from what we currently have; and, secondly, are the matters of prosecution—it is not clear to me—proceeded with in the State Administrative Tribunal or a court, and is the matter to be a criminal matter if a person is prosecuted for failing to meet those requirements under clause 41(1)?

Mr W.R. MARMION: When getting a double-barrelled question it is hard to remember it all. I will answer one of them and the member can ask me the other one. Subclauses 41(2) and (3) are new, which brings in the Criminal Investigation Act 2006. I have been advised that subclause 41(1) is the same. Subclause 41(1) is very similar to what is currently available; they can do all those things. However, subclauses (2) and (3) are new.

Mr J.C. KOBELKE: I thank the minister. Is the current penalty similar to the penalty of $7 500 in this bill? Following up on that, do the new subclauses, which mention the Criminal Investigation Act, have any consequences as to whether a criminal or civil penalty is involved for a contravention of those provisions?

Mr W.R. MARMION: The existing penalty for an individual is $5 000 and for a body corporate it is $20 000.

Mr J.C. KOBELKE: I still have the question about whether an action taken for failing to meet the matters covered in clause 41(1) is a criminal matter.

Mr W.R. MARMION: My advice is that it is an offence, and a criminal offence, and that it comes under clause 43.

Mr J.C. Kobelke: Would it go to SAT, the District Court or the Magistrates Court?

The ACTING SPEAKER (Mr J.M. Francis): I need someone apart from the minister to seek the call because the minister sat down.

Mr J.C. KOBELKE: If the minister could answer by way of interjection, I am happy to stay on my feet.

Mr W.R. Marmion: I have been advised that it would go to the criminal court and is therefore a criminal offence.

Mr J.C. KOBELKE: Thank you.

Mr F.M. LOGAN: I have a slightly different take on this. Clause 41(1) states —

> (c) direct a person to produce any document that is or may be relevant to the inspection;
>
> (d) inspect any document produce, …

Many other acts that contain these types of inspection powers are drafted slightly differently in that they contain the right to direct a person to produce documentation through electronic means. Obviously, a document is a document. The act does not define "document", whereas many other acts with these types of powers refer to the more modern methods of holding information, including any other electronic copy of a document or electronic record. Clause 41(1)(g) states —

> seize a thing that is relevant to an offence …

Is this sufficient to overcome that problem? Clause 41(1)(c) is slightly different. It is not about seizing but about directing a person to produce. They are slightly different provisions. I know that in many other acts the type of wording in subclause (1)(c) and (d) would be a little more modern and include electronic copies.

Mr W.R. MARMION: The definition of "document" is as per the Interpretation Act. I am trying to read it to work out whether it covers electronic means. In defining a document, the act states —

> ***document*** includes any publication and any matter written, expressed, or described upon any substance by means of letters, figures, or marks, or by more than one of those means, —

Therefore, I guess disks will be covered, and computers have disks.

> which is intended to be used or may be used for the purpose of recording that matter;

Mr F.M. LOGAN: I believe that it is worded slightly differently in plenty of other acts including, for example, the fisheries act, in order to keep up with the current means of recording information by certain technological means—be that compact disc, thumb drives, hard drives or any other electronic method of recording documentation, which are referred to in those other acts.

Mr W.R. MARMION: My advice is that it would be reasonable under the circumstances to expect that thumb drives and other electronic devices should be available to be seized by the inspector. That is the advice I am being given.

Mr F.M. Logan: I do not think that is the case and that is the reason it is referred to in the other act.

Mr J.C. KOBELKE: Further to the questions I asked that went to concerns about the abuse of power, this clause refers to entry by an inspector who demands certain things of the people on the premises. The inspector is established under clause 211. Instead of waiting until we get to that clause, I will mention it now. Clause 211 provides that an inspector can be appointed in one of two ways. The clause also refers to compliance officers. However, clause 211(1) states —

> The Authority may, in writing, designate an individual as an inspector for the purposes of one or more specified provisions of Part 2 to the extent to which the provisions relate to functions of the Authority.

My concern is that the inspector does not have to be an employee of the authority. I can see that there may be good reasons for the designated inspector to be someone from another government agency. It may be that we are operating in a remote part of the state. It may be that the case is part of a bigger investigation. It may be that a police officer is to be designated as inspector because it is a complex matter that goes beyond water services. I can see the need to go beyond and appoint an inspector from outside the authority's pool of employees. However, it seems to me that this clause allows for a private detective agency or a person from a job hire company to be contracted and appointed as inspector. I would like some guarantee about the conditions determining who may be appointed as an inspector and have the powers mentioned in clause 41.

Mr W.R. MARMION: It is limited. There are limits to the function of the authority. This gives the authority the option of appointing someone from outside the agency with the necessary expertise to check compliance. It may be a technical engineering area involving particular pumps and the authority does not have a person with the relevant expertise in-house. I refer to clause 211(1), but it has to relate specifically to the functions of the authority.

Mr J.C. Kobelke: Do they currently have that power?

Mr W.R. MARMION: Yes.

Clause put and passed.

Clause 42: Power to prohibit use etc. —

Mr J.C. KOBELKE: A very simple thing, minister. Clause 42(2) states —

> (a) by order in writing given to the licensee or exempt person …

Is there a definition of "exempt person" or is it simply taken to be a person to whom an exemption is given under the act and therefore is assumed to have that meaning rather than being more clearly defined?

Mr W.R. MARMION: A person is either a licensee or has been exempt from being a licensee. It is the person who is exempt from being the licensee.

Mr J.C. Kobelke: It is still a bit loose. I mean, the exemption may go to a corporate organisation.

Mr W.R. MARMION: Yes.

Mr J.C. Kobelke: Who then is the person? If they are an employee of an organisation, who is exempt?

The ACTING SPEAKER: Member for Balcatta.

Mr J.C. KOBELKE: Thank you. Perhaps the minister can answer by way of interjection.

Mr W.R. Marmion: The Interpretation Act 1984 defines a person to include —

> a public body, company, or association or body of persons, corporate or unincorporate;

Clause put and passed.

Clause 43: Offences —

Mr F.M. LOGAN: Under the offences clause, the obstruction of an inspector or the refusal to carry out a direction attracts a penalty of only $7 500. When we compare that with the promotion of the Dog Act by some of the more extreme members of our house, I think the same provision in the Dog Act—it may even be the same wording as in clause 43—attracts a massive penalty in comparison with this one, which, of course, is only dealing with the health of the general public en masse through the provision of water, sewerage and waste water services! Can the minister explain why there is such a difference between the penalties that apply under the Dog Act for breaching these provisions as opposed to breaching the provisions under this critically important health-related Water Services Bill? We know who we are talking about here, minister, do we not?

Mr W.R. MARMION: The general thrust of putting all the bills together was to keep them fairly similar to what they were. I am not going to go into the Dog Act. In the current act, it is a $5 000 fine for an individual and $20 000 for a corporation. I am advised that this penalty of $7 500 is greater than the current $5 000 for an individual, so the penalties have gone up from what they are now. However, the Dog Act is not an act for which I am the responsible minister, so I cannot provide an answer to why they are different.

Clause put and passed.

Clauses 44 and 45 put and passed.

Clause 46: Matters relevant to determination of public interest —

Mr C.J. TALLENTIRE: This clause refers to the Economic Regulation Authority and its capabilities in determining matters that may be of a public interest. The issues raised in clause 46 relate to environmental considerations, including the value of ecologically sustainable development, and public health considerations relating to the provision of reliable water services. The government has put into this legislation provisions that allow the Economic Regulation Authority to make those decisions about whether those matters are relevant to the public interest. If we look at the membership of the authority in the Economic Regulation Authority Act 2003, we realise that none of the members of the ERA are likely to have the capabilities to deal with clause 46(a) or (b). Therefore, I am concerned that we are putting ourselves in a position in which we might not be putting the legislation in an ultra vires situation, but we are certainly asking people who do not have the competency to make a call about the public interest relative to environmental matters or to public health matters. Just to guide the minister, if the minister looks at the ERA act, he will see that the members of the ERA are selected because they have experience relevant to the functions of the authority in industry, commerce, economics, law, public administration or consumer advocacy. I suppose it is only that last one that vaguely touches on the issue of public health considerations, but I think that those public advocates who are public health professionals would be appalled at the thought of someone whose background is in consumer advocacy being called upon to make judgements about the public interest relevant to public health considerations. Therefore, I would like to hear the minister's comments on how we can be confident that there could not be some challenge in the future as to the ERA's capability and its entitlement to make judgements about the public interest relative to clause 46(a) and (b).

Mr W.R. MARMION: This provision has been put in the bill so that if the ERA considers, in the public interest, that there are environmental considerations or public health considerations—that can be on advice from experts—it can make sure that they are considered and complied with. The Water Services Licensing Act 1995 already has the power to deal with environmental considerations, so there is really no change to what is there now. It goes on to refer to a whole lot of others as well, including social welfare, and economic and regional development. So there is no change.

Mr C.J. TALLENTIRE: Can the minister confirm that the ERA can call in people with expertise? I can understand the logic. With the issue of the licences through the ERA, we would not want to have delegations to other bodies such as the Environmental Protection Authority or some equivalent body that looks after public health. I can understand that the minister would not want to have that, but can he put on the record that the ERA would be somehow obliged to seek expert advice, qualified advice or professional advice in the field, whether it is of an environmental or public health nature?

Mr W.R. MARMION: The ERA can, and it currently does, seek advice from experts.

Clause put and passed.

Clauses 47 to 49 put and passed.

Clause 50: Terms used —

Mr J.C. KOBELKE: Clause 50 is the start of part 3, which is headed "Last resort supply arrangements". My question really applies to the part: does the statutory basis that covers this area already exist or is this a whole new clause?

Mr W.R. Marmion: No, it is a new clause.

Mr J.C. KOBELKE: It is a new clause. Thank you.

Clause put and passed.

Clauses 51 to 64 put and passed.

Clause 65: Authority may approve scheme —

Mr J.C. KOBELKE: Part 4, which starts at clause 63—but, obviously, we are at clause 65 now—is about the establishment of a water services ombudsman scheme. I think the minister has spoken very positively about this initiative, and I thank him for doing that. The proposal, which started at the time I was the Minister for Water

Resources, was one that had very strong support from some sectors, but was not all that well supported by perhaps some of our main service providers. They sought an alternative method of trying to assist people who have disputes. So I thank the minister for bringing this forward. However, I am concerned that clause 65 says that the authority "may" approve a scheme, so it is a very half-hearted commitment. I would like to know why that cannot be "must". The minister is giving a public commitment that we are going to have a water services ombudsman, but, following the current minister, we may have a minister who is not as enlightened. If it is the member for Cockburn, I am sure he would be more enlightened and he would push it very hard. He may be the next minister, but we never know. There might be a minister in the near future who does not see this as being as important as the current minister does, and through the authority that has the power to do this, we may find that the whole thing lapses and we do not have a water services ombudsman scheme established, which is clearly the intent of this clause. Therefore, I want to know why we cannot make that word "must". In following clauses, there are areas in which the authority "may" do certain things. That is okay in terms of how the scheme is established, but in clause 65, which is really the instrument for the establishment of a water services ombudsman, we have a very half-hearted commitment that the authority may establish such a scheme. I would like to see a firmer wording or perhaps the minister can give an explanation of some other part of the bill that would give me assurances that we have to have the role of water service ombudsman established once this statute is enacted.

Mr W.R. MARMION: Schedule 1, division 1, clause 12, which is on page 188 of the bill, is headed "Initial water services ombudsman scheme", and states —

> (1) The Minister, instead of the Authority, must —
>
> (a) approve the initial water services ombudsman scheme under section 65; and
>
> (b) give the initial approval required for the purposes of section 66(2)(i).

I guess I can give my commitment that that would happen.

Mr J.C. KOBELKE: Minister, I honestly do not think that that answers the question. The minister can put a code in, but if there is not a scheme, the code would never have any effect. Under part 4, and in particular clause 65 now before the house, is the requirement of the authority to establish by instrument in writing a scheme to provide for a person who will be called the water services ombudsman. The role is to investigate and deal with —

> (a) disputes between a customer and a licensee; and
>
> (b) complaints about a licensee by a customer; and
>
> (c) complaints about a licensee by a person affected by the provision of a water service by the licensee or a failure by the licensee to provide a water service, other than complaints by a person who is a member of the licensee; and
>
> (d) any other kind of dispute or complaint that is prescribed by the regulations.

Very clearly, it is about establishing a scheme that will provide for a water service ombudsman. The minister has referred me to schedule 1, which relates to the initial code.

Mr W.R. Marmion: No; clause 12.

Mr J.C. KOBELKE: I thank the minister. I was looking at the wrong one.

Mr W.R. Marmion: Yes. I will create the first scheme, but clause 65 allows the authority to approve the scheme from then on. But I must approve the initial scheme. It states that the minister must approve the initial scheme. That is how it is.

Mr J.C. KOBELKE: I thank the minister. That gives a very high level of assurance. It is not absolute though, because as I said earlier, ministers can change. Therefore, there is a statutory requirement for the minister of the day, upon proclaiming this bill to become a statute, to do it. But once it was established, if it lapsed, there is no requirement that it must be maintained. I presume it is up to the minister of some future day to ensure that it is maintained. I know that if this minister, being a man of his word, still happened to be minister at the time, and he may, he would ensure it was enacted.

Mr W.R. Marmion: Correct.

Clause put and passed.

Clauses 66 and 67 put and passed.

Clause 68: Customers etc. may have decision or complaint reviewed —

Mr F.M. LOGAN: Can the minister give us some explanation about the role of the ombudsman? I know it is set out here in the bill, but could he explain it in practical terms, because the bill is quite general about the powers of

the ombudsman and what he can deal with? For example, in clause 65, which we have just dealt with, it is disputes between the customer and the licensee, complaints about the licensee et cetera. Can the minister give some practical explanation about the role of the ombudsman? Clause 68, with which we are dealing, states —

> … the water services ombudsman may, in respect of the decision or complaint —
>
> (a) make any order or determination; or
>
> (b) give any direction; or
>
> (c) decline to deal with a matter …

Is the ombudsman to be there simply as a broker or more like a facilitator than a decision maker? There is no provision in the bill for the ombudsman to enforce decisions. The ombudsman may make an order or a determination, give a direction or decline to deal with a matter, but it does not then follow on that that order or direction may be enforced. Can the ombudsman, for example, issue a penalty should he or she find that a breach of an agreement or a complaint has been raised by a customer that is so great that it requires a penalty to apply to the licensee? What is the extent of the ombudsman's powers?

Mr W.R. MARMION: I refer to clause 70(2) that states that a licensee must comply with the direction or the decision of the ombudsman under the scheme set up. Therefore, they have to comply as part of their licence.

Mr F.M. Logan: The complaints can often be very, very serious.

Mr W.R. MARMION: Yes.

Mr F.M. LOGAN: For instance, the minister would have dealt with this sort of thing for sure, and I am sure everyone in this house has dealt with complaints about the Water Corporation or its contractors. In South Lake, for example—in fact it is actually in the jurisdiction of the Acting Speaker (Mr J.M. Francis), but it was also in my jurisdiction—a contractor burst a water main and the jet of water was so strong that it blew out the window of an adjoining property and literally flooded the entire house because of the pressure of the water. The Water Corporation and the contractor both contested the level of damage and the compensation that was to be paid. That happens all the time, minister. What powers will be ombudsman have in dealing with these matters?

Mr W.R. MARMION: I am trying to make this exciting as I can, members!

If it is a serious issue, it could go through the courts if it is a contractual thing. However, I would envisage that most ombudsman issues would be customers who are probably not happy with a Water Corporation bill or who have not been treated properly. In the member's example, if someone's window has been blown out, the customer will expect it to be fixed straight away. If people are messing around, the complainant would go to the ombudsman and the ombudsman would say to those people, "Just get on with it." That is the answer. The contractor must comply with the ombudsman. Hopefully, the ombudsman will deal with a lot of minor complaints and get them dealt with quickly.

Mr F.M. Logan: I hope so.

Mr W.R. MARMION: Yes. Therefore, a response will be received very quickly, and that person will not have to rely on the licensee—it may not be the Water Corporation—defending themselves and saying that it was not their fault and some of the other typical responses we sometimes get. That is the ombudsman's role. In fact, the ombudsman scheme will be set up and funded by the licensees to an arrangement that they have to contribute to. As I said, when they get their licences, they will be signing up and having to comply with the ombudsman's decision.

Mr F.M. LOGAN: Another example was one we dealt with in this house with the minister's predecessor; it was the case in which the owner of an IGA store in—I cannot remember where it was now; it was further down south and involved a property at the beach —

Mr W.R. Marmion: The one in Myalup?

Mr F.M. LOGAN: In Myalup, yes. It was the Myalup water case in which a person got a water bill for $10 000 because the meter had been buried under a sand drift, and he was unlikely to have ever seen the leaking pipe and the water meter. Unfortunately, we had to deal with that matter by way of my raising it in this house and putting the then Minister for Water under such pressure that he made a decision off his own bat to put the hard word on the Water Corporation and told it to be a bit more sympathetic in this case and to deal with the matter. Is that the sort issue we are talking about? If so, what if we have a situation in which the Water Corporation—because its customer relation skills are sometimes found waning; I think that is the best way of explaining it—then says, "No, we are not going to give you any reduction in your water bill. Pay up!" What authority does the water ombudsman have if the Water Corporation refuses to comply with the order?

Mr W.R. MARMION: The Myalup example is a good one. I cannot give the member a specific answer, because when we set up the scheme —

Mr F.M. Logan: It is only theoretical.

Mr W.R. MARMION: Yes. There will have to be a monetary limit for the scheme—whatever that is, I do not know. The Myalup one was about $10 000 or something like that. I know from dealing with the ones that have regularly been across my desk that Water Corporation does have a system in place. If the customer rings up, a plumber cuts down supply. If they do not get all these things, unfortunately, as the member says, the bill can be rather large. It would not only be complaints about the bill; it could be smelly water, dirty water, a range of things about which someone could ring up Water Corporation—I should say the licensee—and it tells them it complies to the Australian water standards. The ombudsman can investigate and say, "We do not think it does. Fix it."

Mr F.M. Logan: So the Myalup bill would be an example of it?

Mr W.R. MARMION: I guess to start off with. That would be an example where the ombudsman obviously could get involved. If it goes over a certain monetary limit, whatever that could be, it would stay with him. Otherwise there is always the option of going to court. They would try to solve most problems in that respect.

The Myalup one is an interesting one, because I do not know that the meter was actually buried.

Mr F.M. Logan: The pipe was.

Mr W.R. MARMION: The pipe was buried with a massive amount of sand over the top of it. As the sand compacted, it snapped off one of the joints.

Mr F.M. LOGAN: I am using the Myalup example, but there are hundreds of examples, but that is a good one. I am pleased to say that might be an example of one that would go before the ombudsman. However, what if the situation was that a licensee of water—I will not pick out Water Corporation—then gets a direction or an order from the ombudsman, and it just refuses to comply. It says, "No, I do not agree with the ombudsman's direction; I do not agree with the order." What happens then?

Mr W.R. MARMION: It would be in breach of its licence. The first situation is it could be fined. If it continues to breach, there is a possibility of the government taking away the licence.

Mr F.M. LOGAN: Can the minister point out where in clause 68, which is the scheme operation—we are nudging another provision—that refusal to comply with an order will be a breach of the licence? It is all right; I have it. It is in subclause (2)(c).

Clause put and passed.

Clauses 69 to 77 put and passed.

Clause 78: Meters —

Mr C.J. TALLENTIRE: Clause 78 refers to meters. I would really like to hear why the minister would not have the situation in which licensees are installing meters? I see the word "may" there. When it comes to water, there is no reason we should not be installing meters at every opportunity. I would just like the minister to put on record his views on metering and water supply but also waste water treatment as well.

Mr W.R. MARMION: Yes, there may be examples where meters are not necessary. In fact the member gave the example himself. We do not meter the sewage when the toilet is flushed; we do not meter the volume going down. This relates to all service providers—water, sewerage, drainage and irrigation. It covers the area where a meter may not be wanted. Basically, if the water is being charged by way of volume, a meter would be wanted on there. This means that the licensee can require a meter to be on the property.

Mr C.J. TALLENTIRE: Is there a reason that we are not metering waste water so we can more accurately charge? I know the government has a policy of cost-reflective pricing. It seems it would be impossible to achieve cost-reflective pricing without knowing volumes of material going through systems.

Mr W.R. MARMION: There is an expense there. That is the way it is charged. It is the same with drainage. One could argue that it is possible to go out there and measure how much water was actually rolling off someone's driveway and onto the road and what the percentage was. There would be a massive problem in terms of bureaucracy in measuring everything. Perhaps sewerage would not be as bad, but it is convenient the way we are charging people now, rather than having meters on all that.

Clause put and passed.

Clauses 79 to 82 put and passed.

Clause 83: Satisfying requirements for additional water services —

Leave granted for the following amendments to be considered together.

Mr W.R. MARMION: I move —

Page 65, lines 15 and 16 — To delete "licence under the *Local Government (Miscellaneous Provisions) Act 1960*" and substitute —

permit under the *Building Act 2011*

Page 65, line 17 — To delete "building licence" and substitute —

permit

Page 65, lines 19 and 20 — To delete "licence under the *Local Government (Miscellaneous Provisions) Act 1960*" and substitute —

permit under the *Building Act 2011*

Mr F.M. LOGAN: Can the minister explain these amendments?

Mr W.R. MARMION: The reason we need to make the amendment is that the Building Act 2011 has come into effect. It replaces the Local Government (Miscellaneous Provisions) Act 1960. The reason for this amendment is purely that time has moved on since we dealt with this bill some eight months ago. There have been changes to the Local Government (Miscellaneous Provisions) Act, and those particular building provisions come under the Building Act 2011.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 84 to 87 put and passed.

Clause 88: Application of this Division to fire hydrants —

Mr W.R. MARMION: I seek to delete clause 88. This clause is no longer needed as hydrants will be regarded as the works of a licensee according to the recommendations of the Keelty report. We will implement those recommendations in other changes to the bill.

Mr J.C. Kobelke: I don't understand why you need to delete this clause. I understand the overall move in looking after hydrants, but why are you not supporting the retention of clause 88?

Mr W.R. MARMION: This clause treats hydrants as though they are works of the licensee, whereas in actual fact they will become the actual works of the licensee, so we do not need this clause. They are the licensee's works. This bill will actually make them the works of the licensee so that it can deal with them. This was an enabling clause for the Water Corporation to deal with assets of the Fire and Emergency Services Authority of Western Australia. Now this does not need to be done because we will make it such that the hydrants are the assets of —

Mr J.C. Kobelke: Yes, but by what means are you doing the transfer if you are not going to use clause 88?

Mr W.R. MARMION: Because hydrants are part of the assets, they become assets of the licensee anyway, so we do not need this clause. It is a bit complicated. Under clause 97, they are the works of FESA despite being attached to the licensee, which in this case is the Water Corporation. The clauses have to be read in conjunction. I do not know that I have explained myself very well, but clause 97 makes them the assets of the licensee.

Mr F.M. LOGAN: Unfortunately, the minister has not explained that clearly. It is a key issue for this side of the chamber. As the minister knows from questions that have been put by the member for Girrawheen in her role as shadow Minister for Emergency Services, she has discovered that a significant number of hydrants have not been maintained properly and are subject to an extensive waiting period for maintenance. The fact that they have not been maintained properly or are awaiting maintenance places parts of Perth at risk from fire. We on this side of the chamber are trying to find out exactly what the minister intends to do with the maintenance service provisions for hydrants in Western Australia under this legislation. First of all, I ask the minister to explain to the chamber who owns the hydrants, who has responsibility for maintenance and what the deletion of this clause will do by transferring ownership of the hydrants.

Mr W.R. MARMION: FESA owns the hydrants but it gives directions to the licensee to maintain them. This bill will get rid of that provision. FESA does not own the assets; the licensee owns the assets. So the hydrants will become the responsibility of the licensee, which is the Water Corporation in most cases. Local authorities in some other cases can also own the assets.

Mr F.M. LOGAN: Minister, that was not particularly clear either, unfortunately. We were going along quite smoothly. We understand that there will be a transfer of the assets from FESA to the licensee. I presume that in most cases that will be the Water Corporation.

Mr W.R. Marmion: Correct.

Mr F.M. LOGAN: The minister has also just indicated that it could be local councils. Is he talking about regional Western Australia? Where would local councils take responsibility for hydrants? Given that councils are not water licence holders, they cannot be included under the term that the minister just used —

Mr W.R. Marmion: Sorry; I should have said regional water licensees such as Busselton Water and Aqwest.

Mr F.M. LOGAN: Would there be any other examples?

Mr W.R. Marmion: Hamersley Iron.

Mr F.M. LOGAN: So, in all cases, the assets that currently belong to FESA will be transferred to a water licence holder.

Mr W.R. Marmion: Yes.

Mr F.M. LOGAN: And the water licence holder will be required to maintain those.

Mr W.R. Marmion: Yes.

Mr F.M. LOGAN: Who has —

Mr W.R. Marmion: There will be a service agreement between FESA and the licensee in terms of —

Mr F.M. LOGAN: The programmed maintenance of the asset.

Mr W.R. Marmion: Correct.

Mr J.C. KOBELKE: This may go across other clauses, but to expedite things I think we could deal with it while we are dealing with this clause on fire hydrants because it is picked up in other clauses. I think it is now clear what the minister is doing. I am still not clear why we need to delete clause 88. I understand it is because he is covering it through other means, but he has not been explicit about those other means that therefore do not require clause 88. The minister might like to have another attempt at trying to explain that to me. The second question is that now that the licensee, the Water Corporation or a regional water service provider, will become the owner of the fire hydrants —

Mr W.R. Marmion: Sorry; I was thinking about answering the first question. Maybe I should answer that one.

Mr J.C. KOBELKE: Yes; we will do one at a time.

Mr W.R. MARMION: Clause 88 was included to ensure that fire hydrants are protected from interference as though they are the works of a licensee. This was needed because, although hydrants are attached to the works of the licensee, they are not the works of the licensee and would therefore not be protected from interference without this provision. This is no longer needed as hydrants will now be the works of the licensee. That is the explanation.

Mr J.C. Kobelke: Division 4 relates to the protection of the asset, not the provision of it.

Mr W.R. MARMION: Yes.

Mr J.C. KOBELKE: I am asking the other question under this clause so that we can hopefully deal with it expeditiously. Now that the licensee—the Water Corporation in a given area—will actually own the asset of fire hydrants, it is required under another clause to actually maintain and deal with the provision of fire hydrants, installing new ones and removing them and whatever, as required by the Fire and Emergency Services Authority. The licensee is then to bill FESA for that. What is the mechanism by which disputes will be resolved if FESA believes that the Water Corporation is charging too much for those services? How do we handle the issue of making sure that both parties can come to an agreement on the costs involved with the services that the licensee will provide to FESA?

Mr W.R. MARMION: We will amend clause 97 so that costs and expenses can be recovered by regulations. Under the regulations there will be rules set up for how that will work. In the interim, we will have a service level agreement set up as well. The short answer is that, by regulation, the licensee may recover reasonable costs and expenses of installing, removing, repairing or maintaining fire hydrants in accordance with the regulations. Without limiting that, there may be a limit on what may be recovered as costs and expenses, so there will be rules set up under the regulations for reasonable recovery of the costs and expenses for maintaining, installing and removing hydrants.

Clause put and negatived.

Clauses 89 to 95 put and passed.

Clause 96: Disconnection or reduction in rate of flow etc. —

Mr C.J. TALLENTIRE: I raised this matter earlier; it is the issue of disconnection, especially in relation to land that is unoccupied from a human dwelling point of view, but may be occupied if we take the term

"occupied" in its more broad sense. Since we last discussed this, my thinking is that we should really be looking to amend clause 96(1)(a) to read "the land is unoccupied by humans, or animals needing water", so that we can avoid a situation in which a water service provider cuts off water to a property, resulting in the death of livestock. When I raised this matter before, the minister suggested that a code of practice might deal with this; on reflection, I think that that is a fairly unsatisfactory approach. I wonder whether the minister, upon reflection, has also realised that perhaps there is a better way of dealing with this and that a couple of additional words in the clause will provide clarity.

Mr W.R. MARMION: This clause simply replicates existing provisions, except that an occupied dwelling cannot be cut off unless the occupant agrees, so that is a bit of a safeguard.

Mr C.J. Tallentire: Sorry, was that occupied or unoccupied?

Mr W.R. MARMION: Occupied.

Mr C.J. Tallentire: I am interested in unoccupied dwellings.

Mr W.R. MARMION: The member is talking about animals and things like that. Restriction or disconnection for unoccupied dwellings could, as I said, be regulated through a code, and I think that that is probably the appropriate way to go, rather than coming up with something that could be hard to put into an act. I would favour the possibility of that being in a code.

Mr C.J. TALLENTIRE: There are two things there, minister. I just pointed out some very simple words that could be fitted in the legislation; it would not be complicated at all. I know that the minister has said a number of times during consideration in detail that this is what the act currently says; I assumed that we were putting together the Water Services Bill because we want to improve things. I am not really interested in what was there before; I am really only interested in what is in the bill before the chamber. Our role is to make sure that it is as comprehensive and as precise and clear as possible. The minister hopes that there will be some code of conduct that will require a water services provider to provide water to livestock, but that is not a certainty. We could easily amend this clause and provide the certainty that most Western Australians would expect.

Mr W.R. MARMION: There has been extensive consultation on this bill over many, many years and I am advised that no-one has raised that matter as an issue.

Mr C.J. Tallentire: That's why we do this process!

Mr W.R. MARMION: If it was a serious issue, there is a good chance that someone would have raised it.

Mr C.J. Tallentire: That's why I'm raising it!

Mr W.R. MARMION: I am happy to leave it as it is.

Mr F.M. LOGAN: This clause obviously gives a licensee the power to reduce the flow of water, particularly to people who owe money to the licensee. During the debate we had in this house over the interest charged on overdue amounts—which can go up to 14.3 per cent, as we know, because it is on the bill that everyone in the state receives —

Mr W.R. Marmion interjected.

Mr F.M. LOGAN: Well, it was 14.3 per cent on my last bill. It is the same on everybody's bill, as I understand it, in Western Australia. One of the things the minister committed to during that debate was to go back over those interest charges, because he tried to give the impression that there was a range of charges—anywhere from an average of five per cent up to possibly 14.3 per cent.

Mr W.R. Marmion: Or zero.

Mr F.M. LOGAN: Well, there may be some occasions when it is zero, but he did not give examples. One of the commitments he made was to go back and look at the way in which those interest charges are applied and whether there can be some consistency in the reduction of the interest charges, in the same way that applies to overdue electricity bills. My first question is: has that been undertaken?

The second question relates to the actual reduction in supply of water. That does not occur in other states. For example, the Victorian government and its water service licensees do not do that under an agreement it has with the Victorian equivalent of the Western Australian Council of Social Service. The Victorian government maintains the provision of water to those people who are struggling to pay their bills, but it ensures that there are terms of agreement with the householder, so that the family is not penalised by having its water supply reduced to a trickle. That is what the Water Corporation does here. The government indicated that it would go back and look at those ways of dealing with people who cannot pay their bills, and this is really the key point here. This clause gives the licensee the authority to do that, and I ask the minister whether he has gone back to look at different ways of encouraging people to pay their bills without needing to have this proposed section in an act of Parliament. Given the increases in water charges that the minister and his predecessor have foisted on the people

of Western Australia—there is more to come on Thursday—the minister knows about the massive increase in the number of people who are struggling to pay their water bills and who have had their water supply reduced to a trickle, or have been taken to court or had legal proceedings instituted against them, or are on payment plans that attract a massive amount of interest from the Water Corporation.

Mr W.R. MARMION: Clause 96 sets up the ability for the licensee. Clause 96(1) reads —

> A licensee may cut off, reduce the rate of flow of or refuse to connect a supply ...

The key word is "may". As the member is aware, currently a licensee can reduce or restrict flow for two weeks and then put it back on again, except if it has not been able to contact the person. Usually, if a situation arises, the consumer goes down a scale. As the member knows, when people receive bills and do not pay them, an interest rate is charged to encourage people to pay their bills. If someone has trouble paying their bill, they can ring up and get the interest rate reduced. If someone is really in a lot of trouble, they can get the interest rate down to zero and get hardship utility grant scheme assistance. Some people go overseas and cannot be contacted. If they are unable to be contacted, they may get a restriction put on their water for two weeks. That sometimes does the trick. Someone realises, "Hey, I haven't got any water!" Then they work out an arrangement for paying their overdue bill. That seems to work well.

Under this new bill, the minister has the power under some codes to moderate and set the minimum flow. Water flow can be restricted to whatever litres per second for two weeks. Under the codes the minister can say, "I want it to be double that or triple that." The minister can moderate what a licensee may do. That is one of the benefits of this bill. Clause 96 provides the licensee with the ability to do those things when required. That is probably a very good thing to have in the bill.

Mr F.M. LOGAN: I want to comment on two things. I refer to the previous example that I gave the minister of the Myalup case. The irony is that the Water Corporation seems to be very quick to follow up people who have not paid their bills; it institutes payment plans and reduces their water to a trickle. However, for people such as the person in Myalup whose pipe broke—the water meter was ticking away and the bill went up to $26 000—it took the Water Corporation six months before it noticed that so much water had been lost. That is the irony of this. If someone does not pay their bill, the Water Corporation is on top of them. If someone has a broken water pipe, the Water Corporation just leaves it and keeps pouring water into the sand dunes. Nothing happens until —

Mr W.R. Marmion: They read the meter.

Mr F.M. LOGAN: The Water Corporation goes down and reads the meter and in the first instance gives the consumer a $26 000 bill, reduced to $10 000. That is the irony of the situation. A provision in the clause with which we are dealing would allow a licence holder to intervene and turn off the water in those cases. The Water Corporation is pretty quick to penalise people who are battling to keep their water on.

Could the minister talk about re-examining interest charges?

Mr W.R. MARMION: It is not related to this bill, but I have asked the board to look at the interest rate that we charge on overdue bills; that is, for everybody.

Mr F.M. Logan: They told you to get stuffed.

Mr W.R. MARMION: I actually agree with the board on this point. It is an incentive for consumers to pay their bills on time. The board is looking at the actual rate and whether it is reasonable. There needs to be some incentive for someone to pay their Water Corporation bill rather than pay another bill. As the minister, I am keen for them to do that.

Clause put and passed.

Clause 97: Fire hydrants —

Mr W.R. MARMION: I move —

> Page 82, line 21 to page 83, line 9 — To delete the lines and substitute —
>
> (6) An agreement between a licensee and FESA or a local government about the provision and maintenance of fire hydrants in an area may displace the application of subsection (5) in relation to that area.
>
> (7) 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;
>
> (b) provide for the costs and expenses to be recovered from FESA or a local government (according to whose district the fire hydrant is in);

(c) provide for the recovery of the costs and expenses in a court of competent jurisdiction.

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

Mr J.C. KOBELKE: Minister, this answers the question I asked earlier about the resolution of disputes, because the minister will be able to set the costs by regulation. Under the amendment the minister has just moved to clause 97(7) —

> 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;
>
> (b) provide for the costs and expenses to be recovered from FESA or a local government (according to whose district the fire hydrant is in);
>
> (c) provide for the recovery of the costs and expenses in a court of competent jurisdiction.

Is seems to me that the minister's earlier answer does not fully cover what I said; that is, we could potentially have disputes and they need to be settled. The minister's answer was to the extent, "Well, they'll go to court." We really do not want the Fire and Emergency Services Authority or a local government authority in court with the Water Corporation or one of the other water authorities because we cannot get agreement. I am sure it is the minister's intention that, hopefully, the agencies would have a cooperative relationship and that the regulations will go to the purposes of clause 97(7)(a) and (b)—that is, limit what may be recovered as costs and expenses and provide for the costs and expenses to be recovered from FESA or a local government. That is the way we would all hope it would work. However, it seems to me that the fallback we then have is to let them settle in court. If that is not the intention, could the minister please explain it? Alternatively, is the minister really saying that if there is a standoff between FESA and the Water Corporation, for instance—that is just one possibility—the matter would have to be settled in court, with costs to the taxpayer because one government agency would be taking another government agency to court?

Mr W.R. MARMION: Clause 97(7) basically provides that reasonable costs and expenses will be set up with the regulations, as I said before. We have not worked out how they might be charged. There are lots of different ways in which we could recover those costs. It could even be from consumers or it could be from FESA. There are all sorts of different ways. However they are recovered through the regulations, and the regulations may limit the costs and expenses. This allows us to limit them if we want to when we do the regulations. They may provide for the costs and expenses to be recovered from FESA or a local government—some of them might be managed by local government—or, obviously, they could also have provisions to recover the costs and expenses in court if there were a dispute. This is basically setting up a mechanism through regulations to cover those costs. Currently, the fire and emergency services levy pays for the works done by the Water Corporation on what are currently FESA's assets. When the assets are transferred to the Water Corporation, obviously, as the Minister for Water, I would like FESA to continue to pay those costs. That has not been worked out. This is just saying that the regulations will define how those costs and expenses are recovered.

Mr J.C. KOBELKE: The minister's statement that "it has not been worked out" is an indictment. Out of the Keelty report, the government has a proposal to shift responsibility for the ownership of the fire hydrants. They are an incredibly important piece of public infrastructure. This transferral is being made without the costs between the government agencies having been worked out. That is a deficiency and should have been sorted out. The minister said that perhaps he will hit consumers for it! It is about time the minister realised that the people of Western Australia have had enough of being milked by the Barnett government. Every way they turn they are being milked. The government has put an extra levy on central city car parking. The public has been hit with a 57 per cent increase in electricity, a 45 per cent increase in water, huge increases in the emergency services levy so that the government can put in less public money and make the people pay for it, and now the minister is saying that he will hit ordinary mums and dads for fire hydrants. They simply will not stand for it.

Mr R.F. Johnson: He didn't say that at all.

Mr J.C. KOBELKE: He did. He said, "We could get the money from the consumers." It is there in black and white in proposed clause 97(8). Subclause (7) allows for the establishment of regulations, and subclause (8) states —

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

Currently, there is no mechanism to charge mums, dads and small businesses for the fire hydrant in their street. What the minister is doing by the amendment he has just moved is saying that this is another opportunity for the Barnett government to rip money out of people's pockets because the government cannot manage its budget.

That is what this amendment that the minister has just moved does. It is no good saying, "It's not our intention; we're not going do it." The government's track record is that time after time it has hit ordinary mums, dads and pensioners to pay for the government's economic mismanagement.

Mr W.R. Marmion: You're missing the point.

Mr J.C. KOBELKE: Explain it by interjection.

Mr W.R. Marmion: I will explain when you sit down.

Mr J.C. KOBELKE: I am most concerned that the amendment the minister has just moved at subclause (8) gives the government a mechanism for placing another Barnett government tax on ordinary people to pay for fire hydrants, which they have never done in the past.

Mr W.R. Marmion: This leaves all options open. You are jumping to a conclusion. Mums and dads pay the emergency services levy already. One option could be to just transfer that across so that then there is no change. Another option would be to reduce the emergency services levy by the equivalent amount that mums and dads are currently paying and it could go through the Water Corporation bill. There would be no change. In terms of looking at the big dollar picture, there is no change to the dollar. You're making something up.

Mr J.C. KOBELKE: Other than signed-up members of the Liberal Party, and probably not even half of those, no-one would believe the minister. The government has a three-and-a-half-year track record of adding a tax on a tax on a tax on ordinary people.

Mr W.R. Marmion: You're getting off the point.

Mr J.C. KOBELKE: The minister is saying, "We are going to give ourselves more taxing power but, hand on our heart, we're not going to use it."

Mr W.R. Marmion: Get back to the point.

Mr J.C. KOBELKE: The point is that the minister is giving himself an extra taxing power by the amendment he has just moved. It is no good for the minister to say that he will not use it because of the government's track record. Let us go to the emergency services levy. When that levy was introduced by Labor, we gave a clear commitment about how the money that it raised would be spent. The levy was raised through a much more efficient and better system that was difficult to implement, and a lot of political capital was used to get it through. The then Liberal opposition said that it would be watching us to make sure that we did not use the levy as a way of shifting greater costs on to ordinary households through the emergency services levy and to use less of the public purse. We made sure that happened. However, as soon as the Liberal Party formed government, it upped the services levy by a huge amount—by 28 per cent in one year—and took less money from consolidated revenue because the Liberal government had found a new way of using taxes to pay for the emergency services levy. We do not want another provision in this bill by which the government can put an extra burden on mums, dads and pensioners to fund these fire hydrants. We do not need this.

Mr F.M. LOGAN: It is clear that the minister is giving himself an option in proposed clause 97(8) to ignore everything that is in proposed subclause (7) and provide for the recovery of the costs for the maintenance and servicing of fire hydrants across Western Australia via statutory water service charges. We know what those service charges are; that is what people pay every year in their water bill. That is what the minister is saying. Effectively, he is introducing another tax. It is another cost impost on the people of Western Australia by getting them to pay for the maintenance and services of fire hydrants, which has never been done before. I think the minister must be absolutely clear with the house tonight and explain how this provision will be implemented and who ultimately will pay. There are two options here. Under proposed subclause (7) the cost may be recovered from FESA or a local government, and under subclause (8), the money for the servicing and maintenance of those fire hydrants may be recovered from the people of Western Australia. The minister needs to be very clear on that because it is an important point.

Mr W.R. MARMION: Discussions are still ongoing, as I just told the member for Balcatta, about whether we transfer the fire and emergency services equivalent to the Water Corporation or we reduce the levy by the equivalent amount. At the end of the day it is a zero-dollar equation.

Mr F.M. LOGAN: That has not given the house, or I imagine most people in Western Australia who pay water bills, any solace at all. I asked the minister to be clear on exactly how this charge is to be recovered. There are two options, one of which gives the government the ability to increase the water service charge. I do not know whether that has been discussed with Treasury or has been included in this year's budget or whether it has been announced at all. This amendment to the bill has come out of the minister's office in the last few weeks, with no notification at all to the people of Western Australia that they are likely to now pay for not only the water service that is provided to their own home, but also the maintenance and service of the fire hydrants in their suburb. That is a major move away from the current practice. If that is the case, we will oppose it.

Mr W.R. MARMION: That is only an option. We have left clause 97(8) in as an option. As I said, it is a zero-dollar equation. Mums and dads will not pay any extra; they are already paying the fire and emergency services levy.

Mr F.M. Logan: How can it be zero if it goes on the water service charge?

Mr W.R. MARMION: Because if they are paying a fire and emergency —

Mr F.M. Logan: It is a statutory water service charge.

Mr W.R. MARMION: It is an option.

Mr F.M. Logan: Yes; I am going to that option.

Mr W.R. MARMION: We might be going to the option in subclause (7).

Mr J.C. KOBELKE: The minister has admitted both when he said that the money could be recovered from consumers and in his contribution of a moment ago that proposed subclause (8) gives the government a new means by which to charge people to pay for the installation, maintenance and servicing of fire hydrants. The minister made that absolutely clear. He has suggested that people take the Barnett government on trust. He suggests that if the government uses this mechanism to hit people with a new and extra charge, it will not do as it has always done and simply take the extra money, but it will offset that by reducing the money it takes from somewhere else. The minister said that to the house on more than one occasion this evening. The point that I make to the minister is that no-one believes him. This government has had a hand in every pocket, every purse and every wallet that it can get into. No-one will believe that this new taxing power, this new power to charge a statutory water service charge, will somehow be offset by a reduction. It is a power that no government has had in the past, specifically to charge for fire hydrants, and the minister has not made the case for why it should now have this power. On that basis, I totally reject proposed subclause (8). We do not need a new charge. I seek your guidance, Mr Speaker, because the motion before the house seeks to delete the lines from line 21 on page 82 to line 9 on page 83 and substitute another three subclauses (6), (7) and (8). The opposition has no trouble agreeing to proposed subclauses (6) and (7), but it does not believe that a new taxing power should be imposed by way of this extra statutory water service charge. Therefore, the opposition seeks to move against that. I now seek your guidance, Mr Speaker, about whether we put the proposed subclauses (6), (7) and (8) as separate questions or whether I need to move to delete proposed subclause (8) before the question to insert is put.

The SPEAKER: Member for Balcatta, you can move an amendment to the amendment if that is what you choose to do.

Mr J.C. KOBELKE: Mr Speaker, I will move an amendment to the amendment moved by the minister; namely, that proposed subclause (8) be deleted.

The SPEAKER: Members, there is some complexity; however, the question I will put to the house is that the words to be deleted be deleted.

Mr R.F. JOHNSON: Mr Speaker, which words are we referring to?

The SPEAKER: We are I believe referring to clause 97, Leader of the House, and line 21 on page 82 through to line 7 on page 83.

Mr W.R. Marmion: I do not wish to confuse things, but would it be better if I just moved proposed subclauses (6) and (7) and then moved subclause (8) afterwards?

The SPEAKER: You have moved the amendment.

Mr W.R. Marmion: I know that I have moved subclauses (6), (7) and (8), but —

Mr J.C. Kobelke: You could withdraw.

Mr W.R. Marmion: I could withdraw subclause (8) and just put subclauses (6) and (7).

The SPEAKER: I think I need to put that to the house. Is the minister seeking leave to withdraw?

Mr W.R. Marmion: Yes.

Amendment, by leave, withdrawn.

Mr W.R. MARMION: I move —

> Page 82, line 21 to page 83, line 7 — To delete the lines and substitute —
>
> (6) An agreement between a licensee and FESA or a local government about the provision and maintenance of fire hydrants in an area may displace the application of subsection (5) in relation to that area.
>
> (7) 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;

(b) provide for the costs and expenses to be recovered from FESA or a local government (according to whose district the fire hydrant is in);

(c) provide for the recovery of the costs and expenses in a court of competent jurisdiction.

I foreshadow that I will move proposed subclause (8) after this question is put.

The SPEAKER: If members have their documents in front of them, the words to be deleted are from line 21 on page 82 to line 7 on page 83.

Mr J.C. KOBELKE: The motion moved by the minister, as on the notice paper, is to line 9.

The SPEAKER: Correct.

Mr J.C. KOBELKE: But that is not the question that you are now putting to the house.

The SPEAKER: The minister has in fact suggested that.

Mr J.C. KOBELKE: Okay; the next question will have to be to delete lines 8 and 9 on page 83 before, I assume, moving to the insertion.

The SPEAKER: I believe that to be the case, member for Balcatta.

Amendment put and passed.

Mr W.R. MARMION: I will move that proposed subclause (8) be inserted after subclause (7).

The SPEAKER: The minister will need to move a deletion.

Mr W.R. MARMION: I move —

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 J.C. KOBELKE: Amended clause 97 consists of subclauses (1) through (7), with subclause (7) providing for the recovery of costs and expenses relating to fire hydrants by way of regulation. It is now proposed to delete subclause (8) that states —

The regulations may deal with what may be recovered as costs and expenses under subsection (7).

I repeat —

The regulations —

Which are in subclause (7) —

may deal with what may be recovered as costs and expenses under subsection (7).

These are regulations for governing the costs that will be paid by FESA or a local government authority to the Water Corporation or another licensed water entity that provides fire hydrant services. The minister is proposing to move away from regulations dealing with a contractual matter between two government or semi-government agencies and proposes a new subclause (8) that reads —

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

That is totally different from the bill that started its passage through this house last year. We are now looking at providing a new head of power to place a new charge on ordinary households. It is a new tax, to put the words that ordinary people out there will think of it as.

Mr D.A. Templeman: They realise what they're doing over there.

Mr J.C. KOBELKE: The minister has suggested tonight that the government is not sure how it will do this. It wants the power to be able to put in place this extra charge or tax, but it gives the guarantee that people will not be worse off. No-one is going to believe that when they have been hit with huge increases in electricity, water and parking fees, extra taxes on their rubbish, a fourfold increase in the landfill levy and a huge increase in the emergency services levy. This is just another opportunity for the government to get its hand into the purses and wallets of mums and dads and pensioners, and we will not stand for it. The public has had enough. It is about time that this government woke up to the pain it is inflicting. The public will not accept this. If the government supports this amendment and gets the numbers tonight, by the time this legislation gets to the other place, it will have a public uproar about this extra new charge, which will be labelled a tax. It is absolute nonsense that the government thinks it can keep hitting people with charge after charge. This new charge is not warranted, the government should not be proposing it, and we will not support it.

Mr D.A. TEMPLEMAN: Is it not interesting, Mr Speaker, that late in the evening we now discover that this minister and this government are attempting once again to open up an opportunity to place on the families and the householders of Western Australia a potential new tax—a new opportunity to make people pay? As the member for Balcatta has highlighted very, very clearly, members opposite—particularly the backbenchers, who follow like lambs their ministers and their Premier, without questioning them—need to understand the implications of what is being proposed in the clause, as has been outlined by the minister, and the major implications, as have been highlighted by the member for Balcatta. The member for Balcatta is absolutely right. I am afraid that the minister's word and, I am afraid, the Premier's word, and ultimately the government's word, mean nothing when they say that it is an option but they probably will not take it up. The people of Western Australia probably did not think that they would take the drastic step of increasing electricity charges by 57 per cent in the last two years. The people of Western Australia probably did not think that they would take the drastic step of allowing gas prices to increase by 30 per cent over the last couple of years. The people of Western Australia probably did not think that they would take the drastic step of imposing greater charges for the necessities of life, including water. They have done it, and they have done it because they think that when they come to the next election on 9 March, the people will forget all about it.

I do not know about the minister—he might live in a leafy suburb of Perth and go home tonight and sleep comfortably—but I will go home by train tonight to my community in Mandurah, and members of this place will go back to their communities, particularly members on this side who represent communities in which a great deal of pressure is placed on the families who live in their electorates, and they will know that once again the minister is creating an opportunity for his government to impose a cost-recovery tax for the provision and the maintenance of fire hydrants in neighbourhoods—something, as the member for Balcatta quite clearly outlined, has never happened before.

Members opposite—I cannot hear the bleating from the member for Wanneroo tonight; I do not know where he is, but he is always —

Mr R.F. Johnson: Member for Mandurah —

Mr D.A. TEMPLEMAN: No, no. He is always keen to have a go, but where is he defending the people in his electorate to make sure that they understand what this minister is proposing? The reality is that if the government backbenchers vote for this amendment by the minister and allow this clause to be passed as the minister wishes it to be passed, the people on that side of the house will be sanctioning another method to attack the household budgets of Western Australians and people who live throughout Western Australia. That is the reality. But it seems that in this place, pleas to the backbenchers of the government fall on deaf ears because all they do is follow blindly the Premier and the various ministers of the government, and that is very, very sad.

Mr R.F. Johnson: Member for Mandurah —

Mr D.A. TEMPLEMAN: What is wrong with you?

Mr R.F. Johnson: If you sit down, I'll adjourn the debate and you can consider this overnight; okay?

Mr D.A. TEMPLEMAN: I am pleased to hear that.

Mr R.F. Johnson: Just sit down and I'll do it.

Mr D.A. TEMPLEMAN: I am pleased to hear that and I will sit down. That shows some sense, and I am glad the Leader of the House has stepped in over the top of the Minister for Water.

Mr R.F. Johnson: I haven't done that at all.

Mr D.A. TEMPLEMAN: I am glad he has stepped in over the top of the Minister for Water and overruled him on this, because he really does not have a good handle on this particular clause or this bill. I will sit down now and not talk any further. I will ask the Leader of the House to adjourn the house so that the minister can get some sense. Go home to Nedlands; sleep on it, buster!

Debate adjourned, on motion by **Mr R.F. Johnson (Leader of the House).**

House adjourned at 10.06 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

ENERGY UTILITIES — AMALGAMATION

7391. Mr W.J. Johnston to the Premier

I refer to the Premier's decision to amalgamate Synergy, Verve Energy, Western Power and Horizon Power to form two utilities, and I ask:

(1) on what date did the Cabinet make a decision to reverse its 2009 decision to reject re-amalgamation of the electricity supply industry;

(2) did the Premier inform the Minister for Energy of his decision to form two utilities, and if yes, on what date did the Premier inform the Minister; and

(3) has the Premier received advice on the extent of compensation that will need to be paid to private sector energy investors following this decision, and if yes, what is the estimated quantum of compensation that will need to be paid?

Mr C.J. BARNETT replied:

(1) Discussions relating to Cabinet deliberations and decisions remain confidential.

(2)–(3) The Government remains committed to addressing the rationalisation of the State's energy utilities and further announcements will be made in due course.

PUBLIC HOUSING — NOLLAMARA ELECTORATE

7398. Ms J.M. Freeman to the Minister for Housing

In regards to the suburbs of Alexander Heights, Koondoola, Mirrabooka, Nollamara and Westminster, as at 1 March 2012, I ask:

(a) how many Department of Housing properties are there in each suburb;

(b) what proportion of total properties, in each suburb, does this represent;

(c) how many people are registered as residing in Department of Housing residences in each suburb;

(d) what are the total council rates paid for these properties in each suburb;

(e) how many of the Department of Housing properties have a head lease agreement with a non-government organisation, in each suburb; and

(f) how many Department of Housing homes does the Government plan to build in the next financial year, in each suburb?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

(a) As at 29 February 2012:

Alexander Heights 96
Koondoola 182
Mirrabooka 417
Nollamara 492
Westminster 211

(b) As at 29 February 2012 (based on March 2012 market presence):

Alexander Heights 3.5 per cent
Koondoola 12.6 per cent
Mirrabooka 15.8 per cent
Nollamara 10.1 per cent
Westminster 8.4 per cent

(c) As at 29 February 2012:

Alexander Heights 129
Koondoola 363
Mirrabooka 798
Nollamara 867
Westminster 360

(d) For the financial year 2011/12:

Alexander Heights $79,158.29
Koondoola $147,249.13
Mirrabooka $407,033.43
Nollamara $440,040.59
Westminster $181,688.65

(e) As at 29 February 2012:

Alexander Heights 11
Koondoola 21
Mirrabooka 14
Nollamara 66
Westminster 82

(f) For the financial year 2011/12:

Alexander Heights 0
Koondoola 0
Mirrabooka 0
Nollamara 7
Westminster 0

DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS — STUDIES, REPORTS AND ASSESSMENTS

7409. Mr M. McGowan to the Minister for Regional Development

I refer to the number of studies, reports or assessments tendered, contracted or commissioned by the Department of Regional Development and Lands since 1 January 2011, and ask:

(a) what is the formal name of each study, report or assessment;

(b) what is the cost of each study, report or assessment;

(c) on what date was the study, report or assessment tendered, contacted or commissioned;

(d) on what date was the study, report or assessment completed; and

(e) if not completed, what is the anticipated completion date of each of each study, report or assessment?

Mr B.J. GRYLLS replied:

(a)–(e) [See paper 478.]

FREIGHT TRAINS — NICHOLSON ROAD CROSSING

7411. Mr C.J. Tallentire to the Minister for Transport

(1) On average, how many trains per weekday use the freight line that crosses Nicholson Road in Canning Vale?

(2) What is the estimated number of trains that will on average use the freight line that crosses Nicholson Road at Canning Vale for the years 2012, 2013, 2014, 2015, 2015 and 2016?

Mr T.R. BUSWELL replied:

The Public Transport Authority advises:

(1) 25.

(2) Brookfield Rail has advised that the number of train movements expected to use the Nicholson Road crossing during the next five years is unknown. .

GOVERNMENT DEPARTMENTS AND AGENCIES — ABORIGINAL EMPLOYEES

7490. Mr B.S. Wyatt to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

For every Department and Agency under the jurisdiction of the Minister, will the Minister provide the following information for the years 2009–10, 2010–11 and 2011–12:

(a) the number of Aboriginal employees; and

(b) the percentage of Aboriginal employees as a proportion of all employees in the agency?

Mr B.J. GRYLLS replied:

(a)–(b) Please refer to Legislative Assembly Question on Notice 7487.

GOVERNMENT DEPARTMENTS AND AGENCIES — ABORIGINAL EMPLOYEES

7495. Mr B.S. Wyatt to the Minister for Sport and Recreation; Racing and Gaming

For every Department and Agency under the jurisdiction of the Minister, will the Minister provide the following information for the years 2009–10, 2010–11 and 2011–12:

(a) the number of Aboriginal employees; and

(b) the percentage of Aboriginal employees as a proportion of all employees in the agency?

Mr T.K. WALDRON replied:

(a)–(b) Please refer to Legislative Assembly Question on Notice 7487.

BOULDER UNITED FRIENDLY SOCIETY HERITAGE BUILDING

7521. Mr J.N. Hyde to the Minister for Regional Development

In relation to the demolished Boulder United Friendly Society heritage building, I ask:

(a) when did the Minister first agree to hand over the site to the City of Kalgoorlie–Boulder;

(b) what funding has the Minister agreed to also contribute to the City regarding any possible recreation of a memorial or a facade on this site;

(c) what heritage advice did the Minister receive before approving of the demolition, will the Minister table the advice, and if not, why not;

(d) what conditions, either verbally or in writing did the Minister attach to any funding promised in association with this site;

(e) what funding, aside from the State Government $5 million Earthquake Restoration Fund and the $1.35 million in Royalties for Regions to support the City of Kalgoorlie–Boulder's Burt Street Heritage Precinct Restoration Project, has the Minister allocated or promised to the City for works in Boulder since the April 2010 earthquake;

(f) what conditions were put on the $1.35 million in Royalties for Regions funding to support the City of Kalgoorlie–Boulder's Burt Street Heritage Precinct Restoration Project, will the Minister table the agreement, and if not, why not; and

  (i) what amendments to the agreement have been agreed since the announcement on 13 December 2011;

  (ii) how much and for what purposes has any of the $1.35 million been spent thus far; and

  (iii) will the Minister guarantee that none of the $1.35 million will be spent on non-heritage restoration work; and

(g) what written advice did the Minister receive from the Member for Eyre regarding any potential conflict of interest in any advocacy for Burt Street funding, given his electorate office is in the affected Burt Street precinct, and will the Minister table that advice, and if not, why not?

Mr B.J. GRYLLS replied:

(a) An agreement to the transfer of the site to the City of Kalgoorlie–Boulder (City) was announced by media release on 25 March 2011.

(b) $1.35 million in Royalties for Regions (RfR) funding has been committed to support the City's Burt Street Heritage Precinct Restoration Project.

(c) The building was noted on the City's Municipal Inventory. Consultations were undertaken with the Minister for Heritage. I was provided with advice by the Department of Regional Development and Lands that contained a summary of comments from the Heritage Council of Western Australia, which:

- acknowledged the contents of the Structural Report including the recommendation to consider demolition;
- advised that the Government Heritage Property Disposal process would need to be complied with and the Heritage Council would be seeking an archival record, if there is no alternative to demolition;
- requested sensitive handling of this matter as the BUFS building is the only building to be lost as a consequence of the earthquake;
- as the BUFS building is a State Government owned asset, some media and public relations by the Department of Regional Development and Lands (RDL) is recommended;

- requested that the Premier and Minister for Heritage be briefed on any decisions made, and
- would like RDL and the City to preserve the Burt precinct streetscape and consider retaining the façade of the BUFS building.

(d) In line with all Royalties for Regions funding, this money will be subject to the conditions of a standard Financial Assistance Agreement (FAA) between the City and the Department of Regional Development and Lands. The FAA outlines the terms and conditions and details any special funding conditions associated with the program of works.

(e) The only additional Royalties for Regions funding allocated to the City was $332 674 through the Country Local Government Fund for the Burt Street Heritage Precinct upgrade works for the 2008–09 financial year. The expenditure of these funds was delayed due to the earthquake.

(f) In line with all RfR funding, this money will be subject to the conditions of a standard FAA with RDL. The FAA is currently with the City for signing and has not yet been executed.

(i) The FAA has not yet been executed. It is currently with the City for signing.

(ii) Nil. No funding can be provided to the City until the FAA is executed.

(iii) The FAA will require the City to spend the funding on restoration work on the façades and verandas in the Burt Street Heritage Precinct in Boulder. No other spend will be permitted.

(g) I have not received written advice from the Member for Eyre regarding a potential conflict of interest in this matter.

ELECTRICITY — DELIVERY COST

7547. Mr W.J. Johnston to the Premier

I refer to the Premier's announcement of 21 February 2012 that the cost of delivering electricity to this State is about 30 per cent more than people pay for it, and I ask:

(a) is this announcement based on a report to Government, if so, will the Premier provide the following information:

(i) the name of this report;

(ii) the author of this report;

(iii) when was the report provided to Government; and

(iv) will the Premier table this report?

(b) If this announcement is not based on a report to Government, will the Premier provide the following information:

(i) who calculated the amount of about 30 per cent;

(ii) how is this 30 per cent increase calculated;

(iii) will the Premier table the mathematical model that was used to calculate the amount of 30 per cent;

(iv) who developed the mathematical model that was used to calculate the amount of 30 per cent;

(v) what elements are included in the mathematical model that found that increase of 30 per cent is required;

(vi) at what date was the calculation of 30 per cent made;

(vii) does this calculation of 30 per cent remain valid for the financial years 2012 –13, 2013–12 and 2014–15?

(viii) what is the specific increase required to cover the costs of delivering electricity in this State that was rounded to 30 per cent in the Premier's announcement; and

(ix) how is this specific increase calculated?

Mr C.J. BARNETT replied:

(a) The announcement was not based on a report to Government.

(i)–(iv) Not applicable.

(b) (i) Synergy and the former Office of Energy.

(ii) It was calculated using mathematical models that were developed using State budget assumptions on future electricity prices and assumptions available at the time on generation, network and retail costs and retail margins.

(iii) No, the models contain commercially sensitive information.

(vi) Synergy and the former Office of Energy.

(v) Assumptions on future electricity prices, forecast generation, network and retail costs and retail margins.

(vi) 16 September 2011.

(vii) The Economic Regulation Authority is undertaking an Inquiry into the Efficiency of Synergy's Costs and Tariffs. This inquiry will inform the calculation for 2012–13 and subsequent years.

(viii) 28.86% in 2010–11; and 27.24% in 2011–12.

(ix) Refer to the response to question (b)(ii).

HOSPITAL MEALS — DESSERT POLICY

7584. Dr A.D. Buti to the Minister for Health

(1) Has the serving of desserts with the patient's meals been abolished at the Armadale–Kelmscott Memorial Hospital, and if yes:

(a) when was this decision actioned;

(b) are both public and private patients denied desserts; and

(c) was the reason for the decision a cost cutting measure, and if yes how much money will be saved on an annual basis?

(2) Is the catering services at the Armadale–Kelmscott Memorial Hospital performed in-house or has it been contracted out, and if contracted out what is the name of the company?

(3) Have any other public hospitals in Western Australia, removed the provision of desserts to their patients, and if yes how much money will be saved annually?

Dr K.D. HAMES replied:

(1) Yes. The desserts have been removed from the lunch menu. Desserts are still being served with the evening meal.

(a) Saturday, 17 March 2012.

(b) Yes.

(c) No. The reason for the decision was not cost cutting. The redesigned menu ensures standardisation of menu choices for all patients. A reduction in food waste is expected, with savings estimated at around $20,000 per annum.

(2) Armadale Health Service catering is performed in-house.

(3) No.

REGIONAL DEVELOPMENT COUNCIL — ACTION AGENDA FUNDING SCHEME

7587. Dr A.D. Buti to the Minister for Regional Development

(1) Has the Minister made a final decision in relation to the 2011 Regional Development Council's Action Agenda Funding Scheme; and

(a) if yes, when did the Minister make his decision;

(b) If no, when will the Minister make his decision and what are the reasons for the delay in making his decision;

(c) If yes to (1), has the Minister's decision gone to Cabinet for ratification?

(d) If no to (c), when will the Minister's decision go to Cabinet for ratification and what are the reasons for the delay?

(2) When will applicants for the 2011 Regional Development Council's Action Agenda Funding Scheme be notified if they have been successful in being awarded funding under the scheme?

Mr B.J. GRYLLS replied:

(1)–(2) I received recommendations from the Regional Development Council on 16 March 2012. The first 14 projects to receive funding were announced on 2 April 2012.

Further project groupings to be funded under the 2011 Action Agenda will be announced following Cabinet approval.

NULLAGINE POLICE STATION — EVACUATION CENTRE USE

7606. Mr T.G. Stephens to the Minister for Emergency Services

In reference to the use of the Nullagine Police Station as the appointed Evacuation Centre during Cyclone Lua, I ask, have the following issues been drawn to the attention of the Minister for Emergency Services:

(a) the major leaks in the Police Station roof, in particular the cell areas, facility rooms and station area;

(b) the lack of forms made available for registration of those who attended on the day, and will the Minister advise whose responsibility is it to have these registration forms available in such situations;

(c) the lack of facility for the treatment of the sick at the Police Station, as all rooms were taken up by the evacuees;

(d) the need for nursing staff to treat the following cases in the cell area: diabetes, toothache, foot injury, vomiting, an infection and a baby suffering high temperature, and will the Minister take these health issues on board when planning alternative locations for future emergency evacuations;

(e) the housing of evacuees in three separate areas and the inability to treat and feed people at the height of the cyclone;

(f) the shortage of mattresses available meaning evacuees had to sleep on the concrete floor in overcrowded conditions;

(g) overcrowding of the Police Station passages, making access to toilets difficult;

(h) the lack of ventilation in the cells and facility area, causing distress to some evacuees;

(i) the overuse of the toilet facilities in all three cell areas which resulted in blockages and people were left having to use the facilities in the view of others with no privacy;

(j) the cyclonic driven rain which was forced under the doors and into the passageway wetting bedding and people sleeping in that area;

(k) the toilet that overflowed into the passage in the facility area soiling peoples' bedding;

(l) that evacuees had to remain at the centre after the passage of the cyclone due to flooding and continue to sleep on wet concrete, including young children and babies;

(m) that the facility did not meet the needs of the disabled and one person had to be housed elsewhere;

(n) that the school could not be used as a back-up shelter as it has no inside toilet facilities or food preparation areas;

(o) that food items supplied were not appropriate; and

(p) will the Minister advise what steps are being taken by the Western Australian Government to ensure these issues and concerns are addressed?

Mr T.R. BUSWELL replied:

The Fire and Emergency Services Authority advises:

(a)–(i) Yes

(j) Yes. The cyclonic conditions drove rain under door seals and into the passageways. Appropriate solutions such as 'sandbagging' to waterproof external doors will be considered as part of the review of local welfare arrangements.

(k)–(l) Yes

(m) Yes. One person with special needs was identified and arrangements were put in place to cater for requirements that could not be met at the police facility.

(n)–(o) Yes

(p) Yes. FESA is undertaking a formal debrief of Tropical Cyclone Lua involving all key stakeholders. A review of Nullagine's local welfare arrangements will similarly be undertaken through the Local Emergency Management Committee to address issues and concerns raised.

GOVERNMENT DEPARTMENTS AND AGENCIES —
HOSPITALITY AND OTHER BENEFITS ACCEPTANCE BY SENIOR STAFF

7610. Mr M. McGowan to the Premier; Minister for State Development

For each agency within the Premier's portfolio, I ask, has any officer above level 3.1 accepted any hospitality, invitation to an event, free accommodation or free travel from a private company or individual, since 1 November 2011, and if so:

(a) how many officers have accepted any hospitality, invitation to an event, free accommodation or free travel from a private company or individual;

(b) what was the nature of the hospitality, event, free accommodation or free travel, and what is the name of the individual or private company that offered them;

(c) what is the estimated individual value of the hospitality, event, free accommodation or free travel; and

(d) does the agency have any commercial or financial relationship with the private company or individual, and if so, what is the nature of that commercial or financial relationship?

Mr C.J. BARNETT replied:

Government agencies in the Premier's portfolio advise within the date range 1 November 2011–28 March 2012:

Department of the Premier and Cabinet advises:

(a)–(d) [See paper 4783.]

Public Sector Commissioner advises:

(a) Two officers

(b) Instance (i) invitation to attend Australia Day fireworks display (Australia Day Council)
instance (ii) invitation to attend Australia Day Lunch (Australia Day Council)

(c) instance (i) unknown
instance (ii) $115.000

(d) No

Salaries and Allowances Tribunal; Gold Corporation advises:

(a) Nil

(b)–(d) Not applicable

Department of State Development; Lotterywest advises:

(a)–(d) [See paper 4783.]

GOVERNMENT DEPARTMENTS AND AGENCIES — HOSPITALITY AND OTHER BENEFITS ACCEPTANCE BY SENIOR STAFF

7613. Mr M. McGowan to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

For each agency within the Minister's portfolio, I ask, has any officer above level 3.1 accepted any hospitality, invitation to an event, free accommodation or free travel from a private company or individual, since 1 November 2011, and if so:

(a) how many officers have accepted any hospitality, invitation to an event, free accommodation or free travel from a private company or individual;

(b) what was the nature of the hospitality, event, free accommodation or free travel, and what is the name of the individual or private company that offered them;

(c) what is the estimated individual value of the hospitality, event, free accommodation or free travel; and

(d) does the agency have any commercial or financial relationship with the private company or individual, and if so, what is the nature of that commercial or financial relationship?

Mr B.J. GRYLLS replied:

Gascoyne, Goldfields–Esperance, Great Southern, Kimberley, Peel, Pilbara, South West and Wheatbelt Development Commissions:

(a) Nil

(b)–(d) Not applicable.

Mid West Development Commission:

(a) One

(b)–(d) see table below

Name of individual or Company (b)	Nature (b)	Estimated Value (c)	Relationship (d)
Green Rock Energy	Two day WA Geothermal Symposium in Perth	$495.00 (Event fee only)	Non Fee paying client of MWDC.

Landgate

(a) 16

(b)–(d) See table below

Name of individual or Company (b)	Nature (b)	Estimated Value (c)	Relationship (d)
Australian Institute of Conveyancers (AIC) and National E-Conveyancing Development Ltd (NECDL)	Dinner with representatives from AIC and NECDL	$80	NEDCL is a company established by COAG of which Landgate is a shareholder. AIC - None.
Ajilon	Best Practice ICT Procurement (Ajilon Public Sector Solutions Forum)	$50	Contractor
ESRI Australia	ESRI Directions Christmas event	$30	Contractor
Kinetic IT	Attendance by 12 employees at Kinetic IT Client Christmas Party	$1 800	Contractor

The Department of Regional Development and Lands

(a) Five

(b)–(d) see table below

Name of individual or Company (b)	Nature (b)	Estimated Value (c)	Relationship (d)
Media Monitors	Christmas Party	$150	Contractor
Cooch Creative	Christmas Party	$100	Contractor
Luke Adams Foundation	Dinner at Da Brunos	$100	None
Tresed Asia	Lunch at Hong Kong Jockey Club	$100	None
MCC, Shanghai	Dinner	$100	None
Woodside & Rio Tinto	Movie premiere	$60	Crown land transaction
FORM	Yiwarra Kuju — The Canning Stock Route	$50	Programs funded under RfR

LandCorp

(a)–(d) LandCorp is a Government Trading Enterprise engaged with various private industry partners and stakeholders. LandCorp staff are regularly invited to attend industry functions as guests of industry bodies, contractors and consultants. These can take the form of business forums, networking and knowledge sharing sessions, often delivered in conjunction with breakfast, lunch or other events.

Invitations are assessed based on factors such as cost, relevance to the business and officers' role in the organisation. An overall management process ensures control and transparency of acceptances and declines to invitations at a corporate level.

LandCorp's Accepting Gifts and Entertainment Policy ensures the acceptance of gifts and/or entertainment, including hospitality and event invitations, does not place employees in a position that compromises, or may be perceived to compromise, LandCorp's decision-making processes. LandCorp also has a clear Conflict of Interest Policy (which includes events, gifts and entertainment) ensuring actual, potential or perceived conflicts of interest are identified, declared, managed and reviewed appropriately to maintain the integrity of LandCorp's decision-making processes, including where there are active tender or procurement processes underway.

One LandCorp staff member attended the Leeuwin Concert in February 2012 as a guest of the Leighton company with accommodation provided.

More specific information on individual events can be provided from LandCorp's register, however resources would need to be applied to extract that component relating to private sector based invitations and hospitality, as the register contains entries from both private and public organisations.

GOVERNMENT DEPARTMENTS AND AGENCIES —
HOSPITALITY AND OTHER BENEFITS ACCEPTANCE BY SENIOR STAFF

7618. Mr M. McGowan to the Minister for Sport and Recreation; Racing and Gaming

For each agency within the Minister's portfolio, I ask, has any officer above level 3.1 accepted any hospitality, invitation to an event, free accommodation or free travel from a private company or individual, since 1 November 2011, and if so:

(a) how many officers have accepted any hospitality, invitation to an event, free accommodation or free travel from a private company or individual;

(b) what was the nature of the hospitality, event, free accommodation or free travel, and what is the name of the individual or private company that offered them;

(c) what is the estimated individual value of the hospitality, event, free accommodation or free travel; and

(d) does the agency have any commercial or financial relationship with the private company or individual, and if so, what is the nature of that commercial or financial relationship?

Mr T.K. WALDRON replied:

Department of Sport and Recreation:

(a) 14

(b)–(c)

Nature of Hospitality	Supplier	Value
1 Ticket to West Coast Eagles Football Match	West Coast Eagles Football Club	$65
West Coast Eagles Home Game and pre-game function	West Coast Eagles Football Club	$550
West Coast Eagles Home Game and pre-game function	West Coast Eagles Football Club	$550
West Coast Eagles Home Game and pre-game function	West Coast Eagles Football Club	$550

(d) The WA Football Commission has been the recipient of grants administered by the department.

VenuesWest

(a) 11

(b) Officer 1:
a) Luncheon event/presentation
"Sophos Pty Ltd" (IT Company)

Officer 2:
a) WA Venue Catering Christmas Lunch held at View Restaurant
"Phenomenon Creative Events Services"

Officer 3:
a) Function at Ascot Racecourse
"Tiger Fitness WA"

Officer 4:
a) 1 ticket to Hopman Cup Box
"Burswood Dome"

Officer 5:
a) 2 tickets to Taylor Swift concert
"Burswood Dome"

Officer 6 — Officer 11:
a) Christmas Breakfast
"Ticketmaster"

(c) Officer 1:
a) $50

Officer 2:
(a) $50

Officer 3:
a) $100

Officer 4:
a) $150

Officer 5:
a) $285

Officer 6 — Officer 11:
a) $50 each x 6 officers = $300

(d) Officer 1:
a) Supplier of equipment

Officer 2:
a) WA Venue Catering provides catering for functions and events held in VenuesWest venues

Officer 3:
a) Have previously supplied gym equipment and currently still service the equipment. Business had a new owner, and they put on the event to introduce himself and advise what VenuesWest could expect from the company.

Officer 4:
a) Industry competitor

Officer 5:
a) Industry competitor

Officer 6 — Officer 11:
(a) Ticket supplier for VenuesWest venues

Department of Racing Gaming and Liquor:

(a) Nil

(b)–(d) Not applicable .

GOVERNMENT DEPARTMENTS AND AGENCIES —
HOSPITALITY AND OTHER BENEFITS ACCEPTANCE BY SENIOR STAFF

7621. Mr M. McGowan to the Minister for Transport; Housing; Emergency Services

For each agency within the Minister's portfolio, I ask, has any officer above level 3.1 accepted any hospitality, invitation to an event, free accommodation or free travel from a private company or individual, since 1 November 2011, and if so:

(a) how many officers have accepted any hospitality, invitation to an event, free accommodation or free travel from a private company or individual;

(b) what was the nature of the hospitality, event, free accommodation or free travel, and what is the name of the individual or private company that offered them;

(c) what is the estimated individual value of the hospitality, event, free accommodation or free travel; and

(d) does the agency have any commercial or financial relationship with the private company or individual, and if so, what is the nature of that commercial or financial relationship?

Mr T.R. BUSWELL replied:

Policies in regards to the receipt and declaration of gifts vary across individual entities.

The Department of Housing advises:

(a) Nil

(b)–(d) Not applicable.

The Department of Transport advises:

(a) Two

(b) Invitation to an event, Lunch

(c) $100, $30

(d) No

The Fire and Emergency Services Authority advises:

(a) Nine.

(b) Invitation to an event, Dinner, Dinner

(c) $100, $200, $1,125, $1,000

(d) No, No, No, Supplier

Main Roads Western Australia advises:

(a) 18

(b) Client Christmas Function, Sporting Event, Airfare and accommodation for presentation attendance at a conference, lunch, Event, Event, Event, Dinner, Charity Golf Day, Transport, Tennis session, Dinner.

(c) $30, $100, 100, $952.9, $3,900, $25, $15, $25, $40, $15, $70, $50, $100, $100, $80

(d) Consultant, Contractor, no, no, no, no, no, no, Supplier, Contractor, Contractor, Contractor, Contractor, Contractor, Contractor, Supplier.

The Albany Port Authority advises:

(a) 1

(b) Lunch, Dinner

(c) $50, $50

(d) Prospective new trades for the port

The Broome Port Authority advises

(a) 2

(b) Dinner, Function for opening of a building.

(c) $30, $30.

(d) Yes

The Bunbury Port Authority advises:

(a) One

(b) Dinner

(c) $100

(d) Commercial, future port user with a signed lease and port services agreement for the export of urea through the Port of Bunbury.

The Dampier Port Authority advises:

(a) 6

(b) Events

(c) $100, $100, $50, $80, $80, $80, $50, $70, $80, $200

(d) Customer, Service Provider, Customer, no relationship, no relationship, no relationship Customer, Service Provider, No relationship.

The Esperance Port Authority advises:

(a) One employee

(b) Invitation to attend event, dinner

(c) Approx $100 (being 2 dinners)

(d) Supplier.

The Fremantle Port Authority advises

(a) 6

(b) Ticket to event, Ticket to event, Ticket to event

(c) $100, $300, $1000

(d) Service Provider, Service Provider, Consultant, Service Provider, Customer

The Geraldton Port Authority advises:

(a) Nil

(b)–(d) Not applicable.

The Port Hedland Port Authority advises:

(a) 8

(b) Dinner, Dinner, Dinner, Dinner, Tickets to an event, Dinner, Dinner

(c) $50, $50, $50, $50, $50, $40, $60, $124, $50, $60

(d) Client, Client, Contractor, Contractor, Consultant, Consultant, Contractor

The Public Transit Authority advises:

(a) Nil

(b)–(d) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — GIFT ACCEPTANCE BY SENIOR STAFF

7627. Mr M. McGowan to the Premier; Minister for State Development

For each agency within the Premier's portfolio, I ask, has any officer above level 3.1 accepted any gift from a private company or individual, since 1 November 2011, and if so:

(a) how many officers have accepted a gift from a private company or individual; what was the nature of the gift;

(b) what is the name of the individual or private company that offered the gift; what is the estimated individual value of the gift; and does the agency have any commercial or financial relationship with the private company or individual, and if so, what is the nature of that commercial or financial relationship?

Mr C.J. BARNETT replied:

Government agencies in the Premier's portfolio advise within the date range 1 November 2011 to 28 March 2012:

The following answer applies for gifts that are not considered to be 'low value' i.e. pens, calendars etc.

Department of the Premier and Cabinet advises:

(a) 10.

(b)–(e) [See paper 4784.]

Public Sector Commissioner advises:

(a) 2

(b) A bottle of wine in each instance

(c) Institute of Arbitrators and Mediators Australia, South Metropolitan Personnel

(d) Instance (i) Approximately $35.00 / Instance (ii) Approximately $15.00

(e) No

Salaries and Allowances Tribunal; Gold Corporation; Lotterywest advises:

(a) Nil

(b)–(d) Not applicable.

Department of State Development advises:

(a) 13

(b)–(e) [See paper 4784.]

GOVERNMENT DEPARTMENTS AND AGENCIES — GIFT ACCEPTANCE BY SENIOR STAFF

7630. Mr M. McGowan to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

For each agency within the Minister's portfolio, I ask, has any officer above level 3.1 accepted any gift from a private company or individual, since 1 November 2011, and if so:

(a) how many officers have accepted a gift from a private company or individual; what was the nature of the gift;

(b) what is the name of the individual or private company that offered the gift; what is the estimated individual value of the gift; and does the agency have any commercial or financial relationship with the private company or individual, and if so, what is the nature of that commercial or financial relationship?

Mr B.J. GRYLLS replied:

(a)–(e) [See paper 4782.]

GOVERNMENT DEPARTMENTS AND AGENCIES — GIFT ACCEPTANCE BY SENIOR STAFF

7635. Mr M. McGowan to the Minister for Sport and Recreation; Racing and Gaming

For each agency within the Minister's portfolio, I ask, has any officer above level 3.1 accepted any gift from a private company or individual, since 1 November 2011, and if so:

(a) how many officers have accepted a gift from a private company or individual; what was the nature of the gift;

(b) what is the name of the individual or private company that offered the gift; what is the estimated individual value of the gift; and does the agency have any commercial or financial relationship with the private company or individual, and if so, what is the nature of that commercial or financial relationship?

Mr T.K. WALDRON replied:

Department of Racing Gaming and Liquor

(a) Nil

(b)–(d) Not applicable.

Department of Sport and Recreation

(a) 2

(b)–(d)

Gifts and Gratuities Register 2011/2012		
Gift	SUPPLIER	VALUE
Christmas Hamper	GHD	$50
Easter Egg Basket	Brand Agency	$50

(e) GHD has completed consultancy work relating to facilities on behalf of the department. Brand Agency was awarded an advertising contract for a departmental program.

VenuesWest

(a) 6

(b) Officer 1:
a) Ticket to Hopman Cup
b) Wine and olive oil pack

Officer 2:
a) Christmas hamper

Officer 3:
a) Wine and olive oil Christmas gift
b) 2 x tickets to a Taylor Swift concert

Officer 4:
a) Wine and olive oil Christmas gift
b) Wine and olive oil pack

Officer 5:
a) 2 x tickets to a Elton John concert
b) 2 x tickets to a Rod Stewart concert
c) 2 x tickets to a Roger Waters concert

Officer 6:
a) 2 Rugby tickets to a Western Force game
b) 2 Rugby tickets to a Western Force game

(c) Officer 1:
a) Hopman Cup
b) Arm Architects

Officer 2:
a) APS Security

Officer 3:
a) BGC Construction
b) Burswood

Officer 4:
a) BGC Construction
b) Arm Architects

Officer 5:
a) Promoter: Michael Chugg
b) Promoter: Michael Gudinski
c) Burswood

Officer 6:
a) Rugby WA
b) Rugby WA

(d) Officer 1:
a) $30
b) $45

Officer 2:
a) $100

Officer 3:
a) $45
b) $285.40

Officer 4:
a) $45
b) $45

Officer 5:
a) $358
b) $266
c) $464

Officer 6:
a) $66
b) $66

(e) Officer 1:
a) Commercial — Hirer of VenuesWest facility
b) Commercial — Architect for VenuesWest facility

Officer 2:
a) Client of the agency

Officer 3:
a) Commercial — Builder of VenuesWest facility
b) Industry Competitor

Officer 4:
a) Commercial — Builder of a VenuesWest facility

Officer 5:
a) Commercial — promoter users agency venues
b) Commercial — promoter users agency venues
c) Industry Competitor

Officer 6:
a) Commercial — Sports hirer of a VenuesWest facility
b) Commercial — Sports hirer of a VenuesWest facility .

GOVERNMENT DEPARTMENTS AND AGENCIES — GIFT ACCEPTANCE BY SENIOR STAFF

7638. Mr M. McGowan to the Minister for Transport; Housing; Emergency Services

For each agency within the Minister's portfolio, I ask, has any officer above level 3.1 accepted any gift from a private company or individual, since 1 November 2011, and if so:

(a) how many officers have accepted a gift from a private company or individual; what was the nature of the gift;

(b) what is the name of the individual or private company that offered the gift; what is the estimated individual value of the gift; and does the agency have any commercial or financial relationship with the private company or individual, and if so, what is the nature of that commercial or financial relationship?

Mr T.R. BUSWELL replied:

Policies in regards to the receipt and declaration of gifts vary across individual entities.

The Department of Housing advises:

(a) Nil

(b)–(e) Not applicable.

The Department of Transport advises:

(a) Six.

(b) Food and wine hamper, 250ml bottle olive oil, cake, Small bottle olive oil, Basket of biscuits, nuts and olives, Marble jewellery box

(c) Brookfield Pty Ltd, Meelup Group, WATA, Meelup Group, Headsea ERA, Vice President of India

(d) $150, $15, $15, $15, $20, Unknown

(e) Unknown, Consultant, no, Consultant, Unknown, No.

The Fire and Emergency Services Authority advises:

(a)–(e) Nil

Main Roads Western Australia advises:

(a) 2

(b) Tickets, MP3 players.

(c) University of WA, Compumod.

(d) $67, Approx $50–$200

(e) Academic and research relationship, No.

The Albany Port Authority advises:

(a)–(e) Nil

The Broome Port Authority advises:

(a) 3

(b) Bottled water, two bottles of wine, a box containing a bottle of wine and decanter and a photograph.

(c) Crest Odyssey, Toll Mermaid, CCI Apprenticeship Solutions, POAGS and l Adrian Dwyer.

(d) $90, $40, $75, $200.

(e) Crest Odyssey and Toll Mermaid have a financial relationship and a Commercial relationship exists with CCI Apprenticeship Solutions, POAGS and Adrian Dwyer.

The Bunbury Port Authority advises:

(a) 9

(b) Compass, Wine, Wine, Wine, Wine, Wine, Wine, Wine, Wine, Wine and Beer

(c) Australian National Maritime Museum, Riverwijs, Riverwijs, Riverwijs, Riverwijs, Riverwijs, Riverwijs, Riverwijs, Harbour Services Australia

(d) $80, $108, $108, $108, $108, $108, $108, $108, $80

(e) Client, Contractor, Contractor, Contractor, Contractor, Contractor, Contractor, Contractor, Licensee

The Dampier Port Authority advises:

(a) 20

(b) Invitation to an event, Invitation to an event, Invitation to an event, Invitation to an event, Invitation to an event, Invitation to an event, Invitation to an event, Invitation to an event, Other, Stationary, Champagne, Invitation to an event, Food, Invitation to an event, Dinner Bottle of Alcohol, Bottle of Alcohol, Bottle of Alcohol, Bottle of Alcohol, Bottle of Alcohol, Bottle of Alcohol, Bottle of Alcohol, Bottle of Alcohol, Bottle of Alcohol, Other, Bottle of Alcohol, Chocolates, Bottle of Alcohol, Hamper.

(c) BFPL, Preston Consulting, Shell Australia, ARUP, ARUP, ARUP, ARUP, Chevron, GPR Dehler, Fulton Hogan, AMG Pilots, Mermaid Marine Australia, Budget, MCC Australia, IPA Personnel, BGC Contracting, JF Consulting, JF Consulting, JF Consulting, JF Consulting, Preston Consulting, Preston

Consulting, Preston Consulting, Preston Consulting, Preston Consulting, Cr8ve, Steelpipe Australia, BFPL (Yara), POAGS, Safesearch

(d) $100, $100, $50, $80, $80, $80, $50, $70, $30, $180, $180, $20, $200, $40, $30, $20, $20, $20, $20, $20, $20, $20, $20, $20,$60, $35, $40, $60, $80

(e) Customer, Service Provider, Customer, No Relationship, No Relationship, No Relationship, Customer, Service Provider, No Relationship, Service Provider, Customer, Service Provider, No Relationship, Service Provider, Customer, Service Provider, Service Provider, Service Provider, Service Provider, Service Provider, Service Provider, Service Provider, Service Provider, No Relationship, Customer, Service Provider, No Relationship.

The Esperance Port Authority advises:

(a) Nil

(b)–(e) Not applicable

The Fremantle Port Authority advises

(a) 7

(b) Christmas Hampers

(c) Mineral Resources Ltd

(d) $300 each (hampers raffled and proceeds of raffle donated to charity)

(e) Client

The Geraldton Port Authority advises:

(a) 14

(b) Candle, Wine, Diary, gift pack, wine, wine, pen, chocolates, wine, wine, wine, wine, lantern, book, scarf, book, ear rings, ornament, doona

(c) Mulligan Environmental Consultant, BMT JFA, Jay Henicka, Giacci Bros, MBMT JFA Consultants, MBMT JFA Consultants, Skilled, Giacci Bros, Safety Management Systems, JFA, Safety Management Systems, Sinom Holdings, Sinom Holdings, Top Iron, CCMD, Sinom Holdings, Top Iron, Sinom Holdings

(d) $10, $30, $49, $80, $30, $1, $20, $50, $10, $30, $20, $60, $50, $150, $200, $100, $80, $200, $220

(e) Consultant, Consultant, Vendor, Vendor, Contractor, Consultant, Consultant, Contractor, Contractor, Consultant, Consultant, Potential Client, Potential Client, Potential Client, Potential Client, Potential Client, Potential Client, Potential Client.

The Port Hedland Port Authority advises:

(a) 23

(b) Wine and biscuits, Beer, Wine, Wine, Chocolate, Wine, Wine, Hamper, Morning tea, Beer, Hamper, Hamper, Hamper, Hamper, Hamper, Beer, Wine, Wine, Hamper, Hamper, Beer

(c) THC Holdings Pty Ltd, Jan de Nul Dredging Services, Hunt & Humphry Legal Services, POAGS, Omega Security, JFA Consultants, MSS Security, Jayrow, CR8VE, Accumax Global, PMI, PMI, PMI, PMI, PMI, Ecotech, Steelpipe Australia, PMI, Hunt & Humphry, Jan de Nul, Engenium, Atlas Iron, ECM, PC Nation, Virtunet, Virtunet, Fulton Hogan, SysCentral Enabling Information, Cervan Marine, Caltex.

(d) $25, $30, $200, $120, $40, $60, $60, $40, $30, $50, $280, $280,$280, $280, $280, $120, $20, $280, $240, $15, $30, $40, $30, $45, $20, $20, $15, $50, $50, $15, $20

(e) Client, Contractor, Service Provider, Client, Contractor, Consultant, Contractor, Service Provider, Contractor, Client, Client, Client, Client, Client, Contractor, Supplier, Client, Service Provider, Service Provider, Consultant, Client, Consultant, Consultant, Supplier, Supplier, Consultant, Consultant, Contractor, Client.

The Public Transport Authority Advises:

(a) Four.

(b) Gift Basket, BBQ set, Gift Basket, Champagne.

(c) Brookfield Rail, Brookfield Rail, Interstaff International, APN Outdoor.

(d) $150.00, $60.00, $50.00, $50.00

(e) Commercial lessees, Commercial lessees, Interstaff International, Service Provider

METROPOLITAN HOSPITALS — CAR PARKING

7648. Mr R.H. Cook to the Minister for Health

I refer to parking fees at public hospitals in the Perth Metropolitan area, and ask:

(a) which public hospitals currently charge parking fees, and for those hospitals:

(i) what was the hourly parking rate at each hospital as at 1 January 2010, listed by hospital?

(ii) what was the hourly parking rate at each hospital as at 1 January 2011, listed by hospital?

(iii) what was the hourly parking rate at each hospital as at 1 July 2011, listed by hospital?

(iv) what was the hourly parking rate at each hospital as at 1 January 2012, listed by hospital?

(b) how much income has been generated in parking revenue since 1 January 2011, listed by hospital;

(c) how much money has the Department of Health spent since 1 January 2011 on the corporate smartrider for hospital staff;

(d) why are nurses and other hospital support staff at Sir Charles Gairdner Hospital unable to access the corporate smartrider;

(e) does the Department intend to make the corporate smartrider available to all staff; and

(f) have any of the public hospitals that charge parking fees received new or additional bus services, or new or additional cycling end of trip facilities, since 1 January 2011, and if so, will the Minister provide details?

Dr K.D. HAMES replied:

(a) Parking charges are in line with the WA Department of Health's Access and Parking Strategy for Health Campuses in the Perth Metropolitan Area. Parking charges are in place at Royal Perth Hospital, Fremantle Hospital, Princess Margaret Hospital, King Edward Memorial Hospital, Osborne Park Hospital and Queen Elizabeth II Medical Centre (QEIIMC).

Note: Sir Charles Gairdner Hospital (SCGH), as one of the 27 tenants of the QEIIMC site, does not charge for parking at the QEIIMC. This is the responsibility of the QEIIMC Trust as landlord for the site.

(i)–(iv) [See paper 4785.]

(b) [See paper 4785.]

(c) Since the inception of the Corporate SmartRider for WA Health staff in August 2011, the total cost of this initiative has been $170,300.

(d) All permanent WA Health employees and temporary WA Health employees with an employment contract of 12 months or longer, who work at SCGH, became eligible for the Corporate SmartRider scheme from Monday 12 March 2012.

(e) All permanent WA Health employees and temporary WA Health employees with an employment contract of 12 months or longer who work at one of the metropolitan hospital sites covered by the Access and Parking Strategy for Health Campuses in the Perth Metropolitan Area (hospitals as per question (a)) are eligible for the Corporate SmartRider scheme. There are currently no plans to increase the number of hospital sites covered by the Access and Parking Strategy.

(f) A number of new facilities at the hospitals that charge parking fees have been introduced, including a brand new female end of trip facility and improvements to existing male changing rooms at Osborne Park Hospital, and new bike racks installed at Royal Perth, Fremantle and Osborne Park hospitals. Improvements have been made to directional and information signage across all the sites including improved line markings and re-surfacing work. Minor timetable improvements to the 427 bus service and the introduction of the 428 bus service in November 2011 have improved access to Osborne Park Hospital. Travel access guides are currently being developed for all sites.

The QEIIMC Trust funds TravelSmart initiatives including public transport and end of bike facilities. The two bus services that the QEIIMC Trust funds (bus 79 and 97) have increased their services and another two buses were included in the 79 route in January 2012. An additional four end of bike facilities are currently being constructed as part of the QEIIMC redevelopment, further to upgrades of the existing two end of bike facilities which were undertaken at QEIIMC within the last couple of years.

HOSPITALS — MATERNITY SERVICES

7650. Mr R.H. Cook to the Minister for Health

I refer to all public hospitals in Western Australia that provide maternity services, and ask:

(a) can the Minister provide a list of which of these hospitals have obstetric services, and of these, which have 24 hour obstetric coverage;

(b) how many unfilled vacancies for obstetricians are there at each of these hospitals, and will the Minister list the vacancies by hospital;

(c) how many unfilled positions are there for midwives at each of these hospitals, and will the Minister list the vacancies by hospital;

(d) which of these hospitals have 24 hour anaesthetic support on site at the hospital;

(e) which of these hospitals have 24 hour surgical theatres on site at the hospital, with the capacity to perform caesarean section and other urgent surgery during delivery;

(f) which of these hospitals have neo-natal resuscitation on site, listed by hospital;

(g) which of these hospitals have neo-natal beds for premature and sick babies and how many high care neo-natal beds are there at each hospital;

(h) what is the current average length of stay for a vaginal birth at each of these hospitals, listed by hospital; and

(i) what is the current average length of stay at each of these hospitals, listed by hospital, for a caesarean section?

Dr K.D. HAMES replied:

[See paper 4786.]

PUBLIC HOUSING — MAINTENANCE CONTRACTS

7655. Mr P.C. Tinley to the Minister for Housing

I refer to the privatisation of Homeswest housing maintenance, and I ask:

(a) of the businesses, contractors or subcontractors engaged by Transfield, can the Minister advise:

  (i) how many businesses, contractors or subcontractors does Transfield have contracts with (for the provision of Homeswest housing maintenance);

  (ii) how many of these are Western Australian; and

  (iii) how many apprentices are employed by these businesses, contractors or subcontractors; and

(b) of the businesses, contractors or subcontractors engaged by Lake Maintenance, can the Minister advise:

  (i) how many businesses, contractors or subcontractors does Transfield have contracts with (for the provision of Homeswest housing maintenance);

  (ii) how many of these are Western Australian; and

  (iii) how many apprentices are employed by these businesses, contractors or subcontractors; and

(c) Of the businesses, contractors or subcontractors engaged by Programmed Facility management, can the Minister advise:

  (i) how many businesses, contractors or subcontractors does Transfield have contracts with (for the provision of Homeswest housing maintenance);

  (ii) how many of these are Western Australian; and

  (iii) how many apprentices are employed by these businesses, contractors or subcontractors; and

Mr T.R. BUSWELL replied:

The Department of Housing advises:

The introduction of the Head Contractor model in July 2010 was not a privatisation of housing maintenance. Public housing maintenance services were privatised in 1992.

(a) (i) The Head Contractor contract is between the Department of Housing and Transfield. The Department is not privy to this information and is unable to respond.

  (ii) The Department is not required to monitor this under the Contract and is unable to respond.

(iii) 104

(b) (i) The Head Contractor contract is between the Department of Housing and Lake Maintenance. The Department is not privy to this information and is unable to respond.

(ii) The Department is not required to monitor this under the Contract and is unable to respond.

(iii) 19

(c) (i) The Head Contractor contract is between the Department of Housing and Programmed Facility Management. The Department is not privy to this information and is unable to respond.

(ii) The Department is not required to monitor this under the Contract and is unable to respond.

(iii) 14

MINISTERS/ MINISTERIAL OFFICES — MEETINGS WITH SERCO

7697. Mr M. McGowan to the Deputy Premier; Minister for Health; Tourism

In relation to the Deputy Premier's portfolio responsibilities, has the Deputy Premier or the Deputy Premier's staff met with representatives of Serco or the Serco Institute in the period of January 2011 to March 2012 to date; and

(a) on what date(s) did the meeting(s) take place;

(b) who attended the meeting(s);

(c) what was the purpose of the meeting(s); and

(d) what issues were discussed?

Dr K.D. HAMES replied:

Yes.

(a) 30 July 2011.

(b) Daniel Fabri, Serco
David Such, Serco
Rosemary Townsend, Serco
David Giffin, Commonwealth Bank Australia
Paul Brown, Gadens
Antoine Pace, Gadens
Anthony Connor, Gadens
Paul Migliorini, BT
Lisa Altman, BT
Andy Roost + 1, Siemens
Di Mantell, Fiona Stanley Hospital project
Kat Lothian, Fiona Stanley Hospital project
Brad Sebbes, Executive Director, FSH
David Campbell, Serco
Peta Rule, Minister for Health Media Adviser
Emma Needham, Serco Communications

(c) Contract signing of Fiona Stanley Hospital.

(d) Not applicable.

MINISTERS/ MINISTERIAL OFFICES — MEETINGS WITH SERCO

7699. Mr M. McGowan to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

In relation to the Minister's portfolio responsibilities, has the Minister or the Minister's staff met with representatives of Serco or the Serco Institute in the period of January 2011 to March 2012 to date; and

(a) on what date(s) did the meeting(s) take place;

(b) who attended the meeting(s);

(c) what was the purpose of the meeting(s); and

(d) what issues were discussed?

Mr B.J. GRYLLS replied:

No.

(a)–(d) Not applicable.

MINISTERS/ MINISTERIAL OFFICES — MEETINGS WITH SERCO

7704. Mr M. McGowan to the Minister for Sport and Recreation; Racing and Gaming

In relation to the Minister's portfolio responsibilities, has the Minister or the Minister's staff met with representatives of Serco or the Serco Institute in the period of January 2011 to March 2012 to date; and

(a) on what date(s) did the meeting(s) take place;

(b) who attended the meeting(s);

(c) what was the purpose of the meeting(s); and

(d) what issues were discussed?

Mr T.K. WALDRON replied:

No.

(a)–(d) Not applicable .

WATER BOMBERS — FIRE INCIDENTS

7720. Ms M.M. Quirk to the Minister for Emergency Services

(1) For how many hours was the Erikson Skycrane water bomber, known as 'Elvis', airborne for fire incidents, since 1 November 2011; and

(a) what incidents did the Skycrane attend; and

(b) what was the cost of its deployment per hour?

(2) For how many hours were the two Type 1 water bombers (4,000 litres) airborne for fire incidents, since 1 November 2011; and

(a) what incidents did the two Type 1 water bombers attend; and

(b) what was the cost of their deployment per hour?

(3) For how many hours were the four Helitac water bombers (1,000 litres) airborne for fire incidents, since 1 November 2011; and

(a) what incidents did the four Helitac water bombers attend; and

(b) what was the cost of their deployment per hour?

(4) For how many hours were the eight fixed wing (3,000 litre) aircraft airborne for fire incidents, since 1 November 2011; and

(5) what incidents did the eight fixed wing aircraft attend; and

(6) what was the cost of their deployment per hour?

(a) For how many hours were the nine spotter aircraft airborne for fire incidents, since 1 November 2011; and what incidents did the nine spotter aircraft attend; and

(b) what was the cost of their deployment per hour?

(7) For how many hours was the aerial intelligence helicopter airborne for fire incidents, since 1 November 2011; and

(a) what incidents did the aerial intelligence helicopter attend; and

(b) what was the cost of deployment of the aerial intelligence helicopter per hour?

Mr T.R. BUSWELL replied:

The Fire and Emergency Services Authority advises:

(1) The Erickson Air Crane "Marty" commenced operations on the 31st December and the total hours flown for the season were 52.53 hours

(a) The Erickson Air Crane "Marty" attended the following incidents.

- 4/1/12 — Glen Eagle (DEC order PH34TKD)
- 4/1/12 — Airport Control (FESA Incident 199227)
- 13/1/12 — Pipidinny (FESA Incident 200024)
- 17/1/12 — Millar Road (FESA Incident 200407)
- 18/1/12 — DEC (DEC Incident TCQ)
- 20/1/12 — Nilgen (FESA Incident 200768)

- 21/1/12 — Wundowie (FESA Incident 200919)
- 25/1/12 — Muckenburra (FESA Incident 201307)
- 26/1/12 — Red Gully (FESA Incident 201447)
- 28/1/12 — Nilgen Road (FESA Incident 201650)
- 29/1/12 — Bindoon Control (FESA Incident 201772)
- 30/1/12 — Wundowie Control (FESA Incident 201836)
- 30/1/12 — Bindoon Control (FESA Incident 201772)
- 11/2/12 — Serpentine (FESA Incident 202993)
- 12/2/12 — Bullsbrook (FESA Incident 203092)
- 12/2/12 — Two Rocks (FESA Incident 203096)
- 19/2/12 — Northcliffe (DEC Incident Donnelly 28 Babbington)
- 26/2/12 — Wanerie (FESA Incident 204316)
- 11/3/12 — Banjup (FESA Incident 205603)
- 11/3/12 — Mary Carroll Park, Gosnells (FESA Incident 205531)
- 12/3/12 — East Rockingham (FESA Incident 205701)
- 12/3/12 — John Forrest National Park (FESA Incident 205725)
- 17/3/12 — Nowergup (DEC Incident Fire 110408 TGL)
- 17/3/12 — Reabold Hill (FESA Incident 206202)
- 23/3/12 — Serpentine (DEC Incident TOL)
- 24/3/12 — Serpentine (FESA Incident 206708)
- 28/3/12 — Koondoola (FESA Incident 207126)
- 29/3/12 — Bold Park (FESA Incident 207240)
- 2/4/12 — Amazon Control (FESA Incident 207552)
- 7/4/12 — Pinjar (DEC Incident TGU)

(b) The Erickson Air Crane "Marty" costs $10,829 per hour.

(2) The 2 x Type 1 Helitacs flew a total of 305.75 hours for the season.

(a) The 2 x Type 1 Helitacs attended the following incidents for the season.

Helitac 681

- 20/11/11 — Gutteridge Road, Banjup (FESA Incident 195105)
- 23–28/11/11 — Margaret River (FESA Incident 195371)
- 27/11/11 — Milyeannup (Blackwood 11) (FESA Incident 195596)
- 1/12/11 — Bedfordale (FESA Incident196184)
- 1/12/11 — Nambeelup (FESA Incident 196194)
- 1–3/12/11- Gibbs Road, Banjup (FESA Incident 196220)
- 3/12/11 — Bindoon Control (FESA Incident 196462)
- 4/12/11 — Pinjar (FESA Incident 196574)
- 26/12/11 — Wanneroo Road, Wilbinga (FESA Incident 198386)
- 2/1/12 — Two Rocks (FESA Incident 199028)
- 4/1/12 — Lake Jandabup (FESA Order SC47TCA)
- 4/1/12 — Feldts Road (DEC order PH 27/34 TKD)
- 4/1/12 — Glen Eagle (DEC order PH 34 TKD)
- 4/1/12 — Airport Control (FESA Incident 199227)
- 6/1/12 — Gidgegannup (FESA Incident 199451)
- 11–24/1/12 — Mooka Fire Geraldton (DEC Incident Fire #7)
- 21/1/12 — Mt Cooke (DEC Incident PH57- 429TKB)
- 21/1/12 — Wundowie (FESA Incident 200919)
- 25/1/12 — Muckenburra (FESA Incident 201307)
- 26 /1/12 — Bullsbrook (FESA Incident 201419)
- 26/1/12 — Red Gully (FESA Incident 201447)
- 27/1/12 — Bullsbrook (FESA Incident 201554)
- 27–29/1/12 — Arrowsmith (FESA Incident 201267)
- 29/1/12 — Julimar (FESA Incident 201777)
- 29 /1/12 — Bindoon Control (FESA Incident (201772)
- 30/1/12 — Wundowie control (FESA Incident 201836)
- 31/1/12 — Bindoon Control (FESA Incident 201772)
- 8/2/12 — Harrisdale (FESA Incident 202699)
- 10/2/12 — Mt Well (DEC Incident 202871)
- 12/2/12 — Bullsbrook (FESA Incident 203092)
- 20/2/12 — Northcliffe (DEC Incident Donnelly 28)

Helitac 682

- 23 — 25/11/2011 — Margaret River (FESA incident 195371)
- 26/11/2011 — Milyeannup (Blackwood 11) (FESA incident 195596)
- 27/11/2011 — Margaret River (FESA incident 195371)
- 30/11–2/12/2011 — Milyeannup (Blackwood 11) (FESA incident 195596)
- 3/12/2011 — Whicher National Park (DEC incident BWD 10 UAL)
- 3–5/12/2011 — Milyeannup (Blackwood 11) (FESA incident 195596)
- 04/01/2012 — Leeuwin Naturaliste Nat Park (DEC incident Blackwood 28 — UAU)
- 05/01/2012 — Blackwood 33 (DEC incident 401UAD)
- 24/01/2012 — Dardanup (FESA incident 201160)
- 24/01/2012 — Gracetown (FESA incident 201190)
- 25/01/2012 — Ruabon (FESA incident 201326)
- 28/01/2012 — Ellenbrook (FESA incident 201672)
- 28/01/2012 — Wellington UEC: Fire 23 (DEC incident Well UEC : Fire 23)
- 29/01/2012 — Yelverton Control (FESA incident 201747)
- 29/01/2012 — Wright Rd (FESA incident 201767)
- 10/02/2012 — Bristol, South of Collie (DEC incident Wellington 29 UDD)
- 10/02/2012 — Yalyalup (FESA incident 202864)
- 10–14/02/2012 — Northcliffe (DEC incident Donelly28 Babbington)
- 19–20/02/2012 — Northcliffe (DEC incident Donelly28 Babbington)
- 1 & 3/03/2012 — Boyanup (FESA incident 204635)
- 11/03/2012 — Collie (DEC incident 539UDD)
- 11/03/2012 — Yallingup (FESA incident 205600)
- 12/03/2012 — Boyanup(FESA incident 205703)
- 12–13/03/2012 — Nannup (FESA incident 205722)
- 1/04/2012 — East Nannup (FESA incident 207503)
- 1/04/2012 — East Nannup (FESA incident 207503)

(b) The Type 1 Helitacs cost $4,134.12 per hour.

(3) The 4 x Type 3 Helitacs flew a total of 239.49 hours for the season.

(a) The four Helitac water bombers attended the following incidents:

Helitac 668

- 04/01/2012 — Glen Eagle (DEC order PH 34 TKD)
- 04/01/2012 — Airport Control (FESA incident 199227)
- 11/01/2012 — Collier Control (FESA incident 199849)
- 12/01/2012- Port Kennedy Control (FESA incident 199975)
- 15/01/2012 — Boya Quarry (FESA incident 200225)
- 15/01/2012 — Kalamunda Rd (FESA incident 200231)
- 17/01/2012 — Stakehill Road (FESA incident 200394)
- 17/01/2012 — Millar Road (FESA incident 200407)
- 17/01/2012 — Shoalwater (FESA incident 200417)
- 19/01/2012 — Neerabup (FESA incident 200608)
- 20/01/2012 — Nilgen (FESA incident 200768)
- 20/01/2012 — Nilgen (FESA incident 200780)
- 20/01/2012 — Mogumber (FESA incident 200764)
- 22/01/2012 — Mt Cooke (DEC incident PH57 — 429TKB)
- 24/01/2012 — Brigadoon (FESA incident 201192)
- 25/01/2012 — Muckenburra (FESA incident 201307)
- 26/01/2012 — Wangara (FESA incident 201409)
- 27/01/2012 — Bullsbrook (FESA incident 201554)
- 27/01/2012 — Bullsbrook (FESA incident 201554)
- 28/01/2012 — Nilgen Road (FESA incident 201650)
- 29/01/2012 — Hester Park (FESA incident 201765)
- 29/01/2012 — Julimar (FESA incident 201777)
- 30/01/2012 — Bindoon Control (FESA incident 201772)
- 31/01/2012 — Sawyers Valley (FESA incident 201983)
- 07/02/2012 — Hovea (FESA incident 202600)
- 07/02/2012 — Parkerville (FESA incident 202604)
- 07/02/2012 — Stoneville (FESA incident 202608)
- 08/02/2012 — Buckland Hill (FESA incident 202686)

- 12/02/2012 — Bullsbrook (FESA incident 203092)
- 12/02/2012 — Two Rocks (FESA incident 203096)
- 16/02/2012 — Mundijong (FESA incident 203421)
- 19/02/2012 — E Rockingham (FESA incident 203652)
- 19/02/2012 — Baldivis (FESA incident 203655)
- 19/02/2012 — Greenmount (FESA incident 203678)
- 25/02/2012 — Wilbinga (FESA incident 204235)
- 26/02/2012 — Wanerie (FESA incident 204316)
- 26/02/2012 — Bindoon (FESA incident 204331)
- 27/02/2012 — Jandabup (DEC incident 204403)
- 01/03/2012 — Greenmount (FESA incident 204676)
- 04/03/2012 — Day Road (FESA incident 204396)
- 04/03/2012 — Cardup (FESA incident 204947)
- 05/03/2012 — El Caballo (FESA incident 205045)
- 09/03/2012 — Duncraig (FESA incident 205395)
- 09/03/2012 — Kalamunda (FESA incident 205423)
- 09/03/2012 — Gooseberry Hill (FESA incident 205430)
- 10/03/2012 — Mary Carroll Park Gosnells (FESA incident 205531)
- 10/03/2012 — Mundaring (FESA incident 205543)
- 11/03/2012 — Banjup (FESA incident 205603)
- 11/03/2012 — Mary Carroll Park Gosnells (FESA incident 205531)
- 12/03/2012 — East Rockingham (FESA incident 205701)
- 15/03/2012 — Greenmount (FESA incident 206011)
- 16/03/2012 — Warwick (FESA incident 206089)
- 16/03/2012 — Clontarf Control (FESA incident 206099)
- 17/03/2012 — Nowergup (DEC incident Fire 110 408 TGL)
- 18/03/2012 — Reabold Hill (FESA incident 206202)
- 21/03/2012 — Golden Bay (FESA incident 206499)
- 27/03/2012 — Lesmurdie (FESA incident 207068)
- 28/03/2012 — Koondoola (FESA incident 207126)
- 29/03/2012 — Swanbourne (FESA incident 207218)
- 29/03/2012 — Swanbourne (FESA incident 207218)
- 31/03/2012 — Bold Park (FESA incident 207412)
- 02/04/2012 — Perry Rd Pinjar (DEC incident SC117 TGS)
- 04/04/2012 — Hoddys Well (FESA incident 207819)
- 07/04/2012 — Pinjar (FESA incident 208066)
- 07/04/2012 — Bindoon (FESA incident 208073)
- 08/04/2012 — Carmel (FESA incident 208160)

Helitac 669

- 04/01/2012 — Glen Eagle (DEC order PH 34 TKD)
- 04/01/2012 — Airport Control (FESA incident 199227)
- 11/01/2012 — Collier Control (FESA incident 199849)
- 12/01/2012 — Port Kennedy Control (FESA incident 199975)
- 15/01/2012 — Boya Quarry (FESA incident 200225)
- 5/01/2012 — Kalamunda Rd (FESA incident 200231)
- 17/01/2012 — Stakehill Road (FESA incident 200394)
- 17/01/2012 — Millar Road (FESA incident 200407)
- 17/01/2012 — Shoalwater (FESA incident 200417)
- 19/01/2012 — Neerabup (FESA incident 200608)
- 20/01/2012 — Nilgen (FESA incident 200768)
- 20/01/2012 — Nilgen (FESA incident 200780)
- 20/01/2012 — Mogumber (FESA incident 200764)
- 22/01/2012 — Mt Cooke (DEC incident PH57 — 429TKB)
- 22/01/2012 — Mt Cooke (DEC incident PH57 — 429TKB)
- 24/01/2012 — Brigadoon (FESA incident 201192)
- 25/01/2012 — Muckenburra (FESA incident 201307)
- 26/01/2012 — Wangara (FESA incident 201409)
- 27/01/2012 — Bullsbrook (FESA incident 201554)
- 27/01/2012 — Bullsbrook (FESA incident 201554)
- 28/01/2012 — Nilgen Road (FESA incident 201650)
- 29/01/2012 — Hester Park (FESA incident 201765)

- 29/01/2012 — Julimar (FESA incident 201777)
- 30/01/2012 — Bindoon Control (FESA incident 201772)
- 31/01/2012 — Sawyers Valley (FESA incident 201983)
- 7/02/2012 — Hovea (FESA incident 202600)
- 7/02/2012 — Parkerville (FESA incident 202604)
- 7/02/2012 — Stoneville (FESA incident 202608)
- 8/02/2012 — Buckland Hill (FESA incident 202686)
- 12/02/2012 — Bullsbrook (FESA incident 203092)
- 12/02/2012 — Two Rocks (FESA incident 203096)
- 16/02/2012 — Mundijong (FESA incident 203421)
- 19/02/2012 — E Rockingham (FESA incident 203652)
- 19/02/2012 — Baldivis (FESA incident 203655)
- 19/02/2012 — Greenmount (FESA incident 203678)
- 25/02/2012 — Wilbinga (FESA incident 204235)
- 26/02/2012 — Wanerie (FESA incident 204316)
- 26/02/2012 — Bindoon (FESA incident 204331)
- 27/02/2012 — Jandabup (DEC incident 204403)
- 1/03/2012 — Greenmount (FESA incident 204676)
- 4/03/2012 — Day Road (FESA incident 204396)
- 4/03/2012 — Cardup (FESA incident 204947)
- 5/03/2012 — El Caballo (FESA incident 205045)
- 9/03/2012 — Duncraig (FESA incident 205395)
- 9/03/2012 — Kalamunda (FESA incident 205423)
- 9/03/2012 — Gooseberry Hill (FESA incident 205430)
- 10/03/2012 — Mary Carroll Park Gosnells (FESA incident 205531)
- 10/03/2012 — Mundaring (FESA incident 205543)
- 11/03/2012 — Banjup (FESA incident 205603)
- 12/03/2012 — East Rockingham (FESA incident 205701)
- 15/03/2012 — Greenmount (FESA incident 206011)
- 16/03/2012 — Warwick (FESA incident 206089)
- 16/03/2012 — Clontarf Control (FESA incident 206099)
- 17/03/2012 — Nowergup (DEC incident Fire 110 408 TGL)
- 18/03/2012 — Reabold Hill (FESA incident 206202)
- 21/03/2012 — Golden Bay (FESA incident 206499)
- 27/03/2012 — Lesmurdie (FESA incident 207068)
- 28/03/2012 — Koondoola (FESA incident 207126)
- 29/03/2012 — Swanbourne (FESA incident 207218)
- 31/03/2012 — Bold Park (FESA incident 207412)
- 02/04/2012 — Perry Rd Pinjar (DEC incident SC117 TGS)
- 04/04/2012 — Hoddys Well (FESA incident 207819)
- 07/04/2012 — Pinjar (FESA incident 208066)
- 07/04/2012 — Bindoon (FESA incident 208073)
- 08/04/2012 — Carmel (FESA incident 208160)

Helitac 670

- 24/11/2011 — Versteg Road (FESA incident 195526)
- 24/11/2011 — Neaves Road (FESA incident 195584)
- 25/11/2011 — Chatcup Rd, Nunile (FESA incident 195669)
- 01/12/2011 — Bedfordale (FESA incident 196184)
- 01/12/2011 — Nambeelup (FESA incident 196194)
- 01/12/2011 — Gibbs Rd, Banjup (FESA incident 196220)
- 03/12/2011 — Gibbs Rd, Banjup (FESA incident 196220)
- 03/12/2011 — Bindoon Control (FESA incident 196462)
- 04/12/2011 — Pinjar (FESA incident 196574)
- 02/01/2012 — Two Rocks (FESA incident 199028)
- 04/01/2012 — Lake Jandabup (FESA order SC 47 TCA)
- 04/01/2012 — Airport Control (FESA incident 199227)
- 11/01/2012 — Collier Control (FESA incident 199882)
- 17/01/2012 — Millar Road (FESA incident 200407)
- 19/01/2012 — Malaga Control (Sims) (FESA incident 200613)
- 28/01/2012 — Bullsbrook (FESA incident 201676)
- 28/01/2012 — Baldivis (FESA incident 201681)

- 29/01/2012 — Bindoon Control (FESA incident 201772)
- 08/02/2012 — Harrisdale (FESA incident 202699)
- 05/03/2012 — Caraban (DEC incident LE 3879)
- 10/03/2012 — Carmel (FESA incident 205537)
- 11/03/2012 — Banjup (FESA incident 205603)
- 12/03/2012 — Forrestfield (FESA incident 205705)
- 12/03/2012 — John Forrest National Park (FESA incident 205725)
- 16/03/2012 — Clontarf Control (FESA incident 206099)
- 18/03/2012 — Reabold Hill (FESA incident 206202)
- 29/03/2012 — Bold Park (FESA incident 207240)

Helitac 671

- 29/12/2011 — Ctrl Ch 97 Jarrah Rd Ctrl (FESA incident 198694)
- 02/01/2012 — Two Rocks (FESA incident 199028)
- 02/01/2012 — Two Rocks (FESA incident 199028)
- 04/01/2012 — Lake Jandabup (FESA order SC 47 TCA)
- 04/01/2012 — Lake Jandabup (FESA order SC 47 TCA)
- 04/01/2012 — Lake Jandabup (FESA order SC 47 TCA)
- 04/01/2012 — Airport Control (FESA incident 199227)
- 04/01/2012 — Airport Control (FESA incident 199227)
- 04/01/2012 — Airport Control (FESA incident 199227)
- 11/01/2012 — Collier Control (FESA incident 199882)
- 17/01/2012 — Millar Road (FESA incident 200407)
- 19/01/2012 — Malaga Control (Sims) (FESA incident 200613)
- 19/01/2012 — Malaga Control (Sims) (FESA incident 200613)
- 28/01/2012 — Bullsbrook (FESA incident 201676)
- 28/01/2012 — Baldivis (FESA incident 201681)
- 29/01/2012 — Bindoon Control (FESA incident 201772)
- 29/01/2012 — Bindoon Control (FESA incident 201772)
- 29/01/2012 — Bindoon Control (FESA incident 201772)
- 08/02/2012 — Harrisdale (FESA incident 202699)
- 05/03/2012 — Caraban (DEC incident LE 3879)
- 05/03/2012 — Caraban (DEC incident LE 3879)
- 10/03/2012 — Carmel (FESA incident 205537)
- 11/03/2012 — Mary Carroll Park Gosnells (FESA incident 205531)
- 11/03/2012 — Banjup (FESA incident 205603)
- 12/03/2012 — Forrestfield (FESA incident 205705)
- 12/03/2012 — John Forrest National Park (FESA incident 205725)
- 12/03/2012 — John Forrest National Park (FESA incident 205725)
- 16/03/2012 — Clontarf Control (FESA incident 206099)
- 18/03/2012 — Reabold Hill (FESA incident 206202)
- 29/03/2012 — Bold Park (FESA incident 207240)

(b) The Type 3 Helitacs cost $1,767 per hour each.

(4)–(7) Refer to the answer provided for LA QON 7295 by the Minister for Environment on 19 March 2012.

(8) The Aerial Intelligence platform commenced on 1/12/2011 and flew a total of 90.42 hours for the season.

(a) The Aerial Intelligence platform attended the following incidents for the season.

- 01/12/2011 — Neaves Road (FESA incident 195584)
- 03/12/2011 — DEC Burn Inspection (FESA incident MDG 106)
- 03/12/2011 — Bindoon Control (FESA incident 196462)
- 04/12/2011 — Bindoon Control (FESA incident 196462) — 26/12/2011 — Wanneroo Rd, Wilbinga (FESA incident 198386)
- 06/01/2012 — Gidgegannup (FESA incident 199451)
- 13/01/2012 — Cc 96 Spearwood Control (FESA incident 200039)
- 17/01/2012 — Stakehill Road (FESA incident 200394)
- 17/01/2012 — Millar Road (FESA incident 200407)
- 18/01/2012 — Shoalwater (FESA incident 200417)
- 18/01/2012 — Stakehill Road (FESA incident 200394)
- 18/01/2012 — Millar Road (FESA incident 200407)
- 19/01/2012 — Malaga Control (Sims) (FESA incident 200613)

- 20/01/2012 — Amarillo (FESA incident 200787)
- 21/01/2012 — Wundowie (FESA incident 200919)
- 21/01/2012 — Wundowie (FESA incident 200919)
- 25/01/2012 — Muckenburra (FESA incident 201307)
- 27/01/2012 — Kings Park Recon (FESA order AUST270112)
- 29/01/2012 — Julimar (FESA incident 201777)
- 30/01/2012 — Bindoon Control (FESA incident 201772)
- 30/01/2012 — Bindoon Control (FESA incident 201772)
- 30/01/2012 — Wundowie Control (FESA incident 201836)
- 30/01/2012 — Wundowie Control (FESA incident 201836)
- 30/01/2012 — Bindoon Control (FESA incident 201772)
- 30/01/2012 — Bindoon Control (FESA incident 201772)
- 30/01/2012 — Bindoon Control (FESA incident 201772)
- 31/01/2012 — Bindoon Control (FESA incident 201772)
- 31/01/2012 — Bindoon Control (FESA incident 201772)
- 31/01/2012 — Bindoon Control (FESA incident 201772)
- 31/01/2012 — Bindoon Control (FESA incident 201772)
- 31/01/2012 — Wundowie Control (FESA incident 201836)
- 31/01/2012 — Wundowie Control (FESA incident 201836)
- 01/02/2012 — Bindoon Control (FESA incident 201772)
- 01/02/2012 — Bindoon Control (FESA incident 201772)
- 07/02/2012 — Oakford Bushfire Exercise (FESA order 0001)
- 07/02/2012 — Parkerville (FESA incident 202604)
- 01/03/2012 — Banjup (FESA incident 204612)
- 01/03/2012 — Boyanup (FESA incident 204635)
- 05/03/2012 — El Caballo (FESA incident 205045)
- 05/03/2012 — El Caballo (FESA incident 205045)
- 09/03/2012 — Gooseberry Hill (FESA incident 205430)
- 10/03/2012 — Mary Carroll Park Gosnells (FESA incident 205531)
- 10/03/2012 — Wellard control (FESA incident 205536)
- 12/03/2012 — Banjup (FESA incident 205603)
- 12/03/2012 — Mary Carroll Park Gosnells (FESA incident 205531)
- 12/03/2012 — Wellard control (FESA incident 205536)
- 12/03/2012 — East Rockingham (FESA incident 205701)
- 12/03/2012 — East Rockingham (FESA incident 205701)
- 12/03/2012 — John Forrest National Park (FESA incident 205725)
- 17/03/2012 — Reabold Hill (FESA incident 206202)
- 19/03/2012 — Gerard St Ctrl (FESA incident 206376)
- 21/03/2012 — Golden Bay (FESA incident 206499)
- 25/03/2012 — TRG250312 (FESA order TRG250312)
- 28/03/2012 — Koondoola (FESA incident 207126)
- 28/03/2012 — Koondoola (FESA incident 207126)
- 29/03/2012 — Koondoola (FESA incident 207126)
- 29/03/2012 — Bold Park (FESA incident 207240)
- 30/03/2012 — Koondoola (FESA incident 207126)
- 30/03/2012 — Koondoola (FESA incident 207126)
- 30/03/2012 — Bold Park (FESA incident 207240)
- 30/03/2012 — Bold Park (FESA incident 207240)
- 04/04/2012 — Hoddys Well (FESA incident 207819)
- 07/04/2012 — Pinjar (FESA incident 208066)
- 08/04/2012 — Rouse Head Control (FESA incident 208174)

The Aerial Intelligence platform costs $1,745 per hour.

PUBLIC HOUSING — MAINTENANCE PRIVATISATION

7738. Mr P.C. Tinley to the Minister for Housing

I refer to the ongoing management, auditing and compliance of the privatisation of Homeswest housing maintenance, and I ask:

(a) how many Full Time Equivalent (FTE) staff are directly engaged in ongoing contract management and what position, team, department or division do these staff work under;

(b) how many staff (FTE) are directly engaged in auditing or compliance and what position, team, department or division do these staff work under; and

(c) has there been a net increase or decrease of staff (FTE) involved in the management, auditing or compliance of the privatisation of Homeswest housing maintenance since 13 October 2010, and if so by how many FTEs?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

The introduction of the head contractor model in July 2010 does not constitute privatisation of housing maintenance. Public Housing maintenance services were first outsourced in 1992.

(a) 4

(b) Auditing and compliance — 10 (Housing Maintenance Section in Service Delivery). The Department has increased the number of licensed auditors from 2 to 6 due to legislative requirements and increased focus on tenant safety i.e. smoke detectors, RCDs and appliances such as heaters and hot water heaters.

(c) Increase. As per (b) and through other maintenance related initiatives. .

DEPARTMENT OF HEALTH — NURSES

7746. Mr R.H. Cook to the Minister for Health

(1) What is the current number of enrolled nurses and registered nurses in terms of Full Time Equivalent (FTE) and head count for the Department of Health?

(2) What are the projected needs for nurse FTEs (for enrolled and registered) in the Department of Health across the years 2011–12, 2012–13, 2013–14, 2014–15 and 2015–16?

(3) What is the projected nursing (for enrolled and registered) workforce needs of the Fiona Stanley Hospital?

(4) What is the current workforce plans for the Fiona Stanley Hospital, and will the Minister provide a copy of those plans?

Dr K.D. HAMES replied:

(1) At the end of February 2012 the FTE and head count were 12,160 and 15,164 respectively.

(2)–(3) Projected FTE

	2011/12	2012/13	2013/14	2014/15	2015/16
Department of Health	12,571	12,841	12,909	13,096	13,531
Fiona Stanley Hospital	-	-	-	1,450	1,594

Note that the FTE figure given in part (1) differs to the 2011/12 figure in part (2) because the former is the actual FTE for the month of February 2012, whereas the projected figure is the anticipated average FTE for the entire 2011/12 financial year. The projected FTE figure is also subject to the following assumptions:

- Actual FTE is the average hours worked for the month specified divided by the Award Full Time Hours for the same period. Hours include: ordinary time; overtime; all leave categories; public holidays; Time Off in Lieu; Workers Compensation.

- Nurse FTE includes nursing services, casual nurses, enrolled nurses, enrolled mental health nurses and agency nurses. Nurse head count excludes agency staff.

- Workforce projections have been sourced from the WA Health Workforce Requirements Model. The data for the following hospitals were last updated on 15 August 2011: Fiona Stanley Hospital, Sir Charles Gairdner Hospital, Royal Perth Hospital, Fremantle Hospital (incl. Kaleeya), Princess Margaret Hospital, Swan District Hospital / Midland Health Campus, Armadale–Kelmscott Memorial Hospital, Rockingham General Hospital, and on 12 August 2010 for the rest of WA Health.

- Workforce projections are calculated using projected hospital activity from the Clinical Services Framework, updated in 4 June 2010. Changes in projected FTE levels are aligned with changes in projected activity levels.

- Fiona Stanley Hospital, when it opens in 2014/15, will deliver some activity currently delivered by Fremantle and other metropolitan hospitals. In these instances there will be a reduction in the overall required FTE for each of these services.

- The figures are indicative only, based on the information available and are subject to ongoing review following updated activity projections and changes in planned clinical infrastructure. Workforce projections will be updated again in 2012.

- The activity projections are based on population projections from the ABS 2008 Series.

- FTE figures assume 40 ICU beds will be available at Fiona Stanley in 2014/15.

- Contracted inpatient activity for public patients has been excluded from workforce projections.

- Projections do not take into consideration transition planning, where sites may run in parallel prior to services opening/closing.

- FTE is not calculated for the delivery of publically funded activity through private health campuses, including Joondalup and Peel.

(4) A Fiona Stanley Workforce Plan was released in 2009/10, and formed the basis of the workforce planning section of the South Metropolitan Area Health Service (SMAHS) Reconfiguration Strategy.

SMAHS is currently undertaking detailed planning to reconfigure its sites in line with the WA Health Clinical Services Framework 2010–2020.

- Strategic service models are currently being finalised which will inform the workforce needs across SMAHS.

- SMAHS workforce plans and site action plans are being developed. These plans will address both workforce demand and supply, including detailed recruitment, relocation, retention and training strategies.

Once the SMAHS Workforce Plan and the Fiona Stanley Hospital site action plan is finalised, these documents will be available for release.

MINISTERIAL OFFICES — CONSULTANTS AND CONTRACTORS

7756. Mr M. McGowan to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

In relation to the operation of the Minister's Ministerial Office, I ask:

(a) does the Minister have any consultants or contractors, other than those listed in the document tabled on Ministerial Staff on 16 February 2012, working in their office, and if yes:

(i) what is the name of the consultant or contractor;

(ii) what is the job/task of this person; and

(iii) what are the conditions of employment, including the remuneration?

Mr B.J. GRYLLS replied:

(a) Please refer to Legislative Assembly Question on Notice 7753.

MINISTERIAL OFFICES — CONSULTANTS AND CONTRACTORS

7761. Mr M. McGowan to the Minister for Sport and Recreation; Racing and Gaming

In relation to the operation of the Minister's Ministerial Office, I ask:

(a) does the Minister have any consultants or contractors, other than those listed in the document tabled on Ministerial Staff on 16 February 2012, working in their office, and if yes:

(i) what is the name of the consultant or contractor;

(ii) what is the job/task of this person; and

(iii) what are the conditions of employment, including the remuneration?

Mr T.K. WALDRON replied:

(a) Please refer to Legislative Assembly Question on Notice 7753.

PUBLIC HOUSING — TENANT INCOME THRESHOLD

7771. Mr P.C. Tinley to the Minister for Housing

I refer to the Affordable Housing Strategy 2010–20 which includes a trial of a rent brokerage scheme of 500 properties from the private sector for Department of Housing tenants who are at risk of being evicted from public housing for being consistently over income, and I ask:

(a) how many Department of Housing tenants are currently identified as being consistently over income;

(b) how many Department of Housing tenants were evicted due to being over income between 1 October 2008 and 29 February 2012;

(c) how many Department of Housing tenants as at 29 February 2012 are currently in this trial and living in a private sector property;

(d) how many of the 500 properties identified for the trial are currently tenanted;

(e) how many Department of Housing tenants are expected to be involved in this scheme by 31 December 2012;

(f) how many of the 500 properties identified for the trial rent brokerage scheme is expected to be tenanted by 31 December 2012;

(g) how much is budget to the trial rent brokerage scheme in 2011–12, 2012–13 and 2013–14;

(h) how many Department of Housing staff resources (full-time equivalent) are allocated to the implementation or management of this trial scheme;

(i) what was the rationale for the introduction of these services;

(j) what benefits are expected to be derived from these services and what are the key performance measurements of these benefits; and

(k) was any modelling, research or other investigations made into the identified benefits of these services prior to going to tender? If yes, what modelling, research or other investigations, and if not, why not?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

(a) 895

(b) 2008/09: Data not recorded
2009/10: Data not recorded
2010/11: Data not recorded
0 As at (29 February 2012)

(c) 4 clients have been housed. A further 12 have been referred for participation in the scheme and properties are being sought to meet their needs.

(d) 4 properties.

(e) The Scheme relies on access to privately owned rental properties. Given current market conditions with a vacancy rate of less than 2 per cent, greater effort is being targeted at other similar affordable rental initiatives such as the National Rental Affordable Scheme. I recently announced an increase in the State's commitment to this initiative that will see the total number of affordable rental homes provided in Western Australia increase to 6,000.

(f) As per response to (e).

(g) The Scheme is funded from within existing departmental resources.

(h) 1 FTE has been allocated to manage the operation of the Scheme.

(i) The Government is committed to ensuring that public housing is seen as a pathway to affordable housing rather than a permanent destination. The Scheme, which is designed to roll out over a ten year period, is seen as one of a range of options that will support tenants to transition from public housing to the private market.

(j) The Scheme will help to:

- Provide an additional affordable housing option;
- Provide a pathway for ineligible social housing tenants to transition into private rental accommodation;
- Facilitate turnover of public housing properties to enable reallocation to eligible social housing applicants.

The performance of the Scheme will be assessed in the context of market conditions based on:

- The number of households assisted;
- The number of public housing properties freed up for reallocation;
- The ability of participants to maintain a successful private rental tenancy, extend or obtain alternative private rental accommodation; and/or to purchase their own home.
- Qualitative feedback of the stakeholders involved experience of participation in the Scheme.

(k) This initiative is consistent with the research and recommendations of the Social Housing Taskforce and the State Affordable Housing Strategy 2010–2020.

The Department, in collaboration with REIWA, undertook extensive consultation with industry on the suitability of the Scheme. Internal financial modelling and analysis was undertaken to determine the optimum level of financial incentives required to encourage participation in the scheme. Further analysis will be undertaken as part of the ongoing evaluation of the Scheme. .

SYNTHETIC CANNABIS — DEVIL'S BREATH AND HEAD TRIP

7783. Mr R.H. Cook to the Minister for Health

I refer to the latest types of synthetic cannabis, called Devil's Breath and Head Trip, which are being sold as incense, and ask:

(a) is the Government aware of reports that people who have taken this substance are falling into a coma and are in an unresponsive state;

(b) how many presentations to public hospital emergency departments have been received as a result of taking Devil's Breath and/or Head Trip;

(c) has the ChemCentre and/or Department of Health analysed the above products to determine if they contain any illegal substances under the Poisons Act; and

(d) if it does not contain substances currently under the *Poisons Act 1964*, will the Government act quickly to ban new synthetic cannabinoids contained in Devil's Breath and/or Head Trip?

Dr K.D. HAMES replied:

(a) The Government is aware of cases involving these substances presenting to Peel Health Campus in February 2012.

(b) Data on the total number of presentations to public hospital emergency departments involving these products is not collected by the Department of Health.

(c) The Department of Health has been unable to obtain suitable samples of Devil's Breath or Head Trip products to conduct analysis. The WA ChemCentre has not received any samples of these products for testing.

(d) All synthetic cannabinoid (cannabinomimetic) substances were included in Schedule 9 of the national Standard for the Uniform Scheduling of Medicines and Poisons (SUSMP) on 1 May 2012. The SUSMP Schedules are adopted by reference into the Poisons Act 1964. If Devil's Breath or Head Trip contain cannabinoid substances, they are now illegal to sell, obtain or possess under State law. If they contain other scheduled substances, these products will already be regulated under the Poisons Act 1964.

KARLARRA HOUSE AGED CARE FACILITY, SOUTH HEDLAND

7789. Mr T.G. Stephens to the Minister for Health

In reference to complaints regarding the Karlarra House Aged Care Facility in South Hedland, I ask:

(a) what assessment has been made as to the staffing levels required to meet the needs of patients and staff in the safe and effective operation of this facility;

(b) are staff shortages currently resulting in staff being required to regularly perform double shifts to ensure patient care is maintained;

(c) has the Minister assessed complaints that staff have been then asked to sign notes stating they were not forced to undertake double shifts, and if not, why not;

(d) is it true that registered nurses who coordinate the facility after-hours are not trained in crisis management, and that during an after-hours false fire alarm event earlier this year management could not be contacted;

(e) are unpaid bills resulting in stocks of critical items such as incontinence pads running out, resulting in inadequate patient care;

(f) can the Minister advise whether all remuneration owed to staff for overtime and double shifts is paid up to date;

(g) on how many occasions have registered nurses been left alone on night duty to care for 28 patients for a full 10 hour shift with no relief for breaks;

(h) is it true that the Pilbara Aged Care Manager, with authority over the decisions of registered nurses, is herself not a registered nurse; and

(i) what steps will the Minister take to ensure that the care and safety of elderly residents at Karlarra House is not in any way compromised?

Dr K.D. HAMES replied:

(a) Karlarra House was reaccredited by the Aged Care Standards and Accreditation Agency Ltd (the Agency)for the period 3 January 2012 to 3 January 2013. The Agency conducts independent audits of aged care facilities against national standards; Karlarra House was reaccredited as it meets the national standards including staffing and safe operation of the facility.

(b) No.

(c) The WA Country Health Service (WACHS) Pilbara is not aware of any staff complaints. Staff who undertake additional shifts due to absence by a colleagues, sick leave or unavoidable family commitments, do so on a voluntary basis. If none of the staff from Karlarra House wish to volunteer, staff are sourced from the co-located Hedland Health Campus (HHC).

In late last year, the Acting Coordinator of Nursing did request two (2) agency staff to note in writing that they were happy to undertake the additional shift on a voluntary basis.

(d) All WACHS Pilbara staff, including registered nurses who coordinate Karlarra House after-hours, are inducted to the WACHS Pilbara regional emergency management procedures that includes crisis management and fire and evacuation procedures.

I am advised that it is not true that during an after-hours false fire alarm event earlier this year that 'management' could not be contacted. The standard procedure is the HHC After-Hours Nurse Manager is contacted in the first instance, and it is that person who then escalates the matter to the Regional Health Disaster Coordinator and executive staff as required.

(e) No.

(f) Yes. WACHS Pilbara pays all staff wages and entitlements in accordance with Award provisions.

(g) None. The model of staffing at Karlarra House for the night shift is one (1) Registered Nurse, one (1) 'medication qualified' Enrolled Nurse and two (2) nursing assistants. All staff members are provided with scheduled paid breaks on site and can utilise the staff break room. Staff members on night shift are not permitted to go off-site during these paid breaks.

(h) The Manager Pilbara Aged Care is a non clinical executive position with the WACHS Pilbara. Clinical decisions are made under the direction of the Karlarra House Coordinator of Nursing and in consultation with the resident's doctor. The Coordinator of Nursing reports to the Regional Nurse Director for professional standards and advice on clinical matters.

(i) Accreditation of Karlarra House is granted by the Agency, which conducts independent audits of all residential aged care facilities against national standards (set by the Commonwealth Government).

In addition, Karlarra House has many mechanisms in place to report, manage and ameliorate clinical and non-clinical occupational risks to residents through ongoing continuous improvement in accordance with legislation, national standards and WACHS policy.

WARWICK DENTAL CLINIC

7868. Ms M.M. Quirk to the Minister for Health

I refer to patients undergoing dental treatment at the Warwick Dental Clinic, and I ask:

(a) how many patients are currently on the waiting list for general treatment;

(b) how many patients are currently on the waiting list for emergency treatment;

(c) what is the current wait time for patients on the general treatment list;

(d) what is the current wait time for patients on the emergency treatment list;

(e) are there currently any vacancies for positions as dentists or dental therapists at the clinic; and

(i) if, so, how many positions are vacant and how long have those positions remained unfilled;

(f) how many patients attended at the clinic for the years 2008, 2009, 2010, 2011 and 2012 to date; and

(g) are there any plans to expand or reduce the service provided, and if so, what plans?

Dr K.D. HAMES replied:

(a) As of 30 April 2012 there are 3,348 patients on the waiting list.

(b) Nil. Emergency care is generally undertaken on the day of presentation.

(c) As of 30 April 2012 the waiting time is 21 months.

(d) Nil.

(e) No.

(i) Not applicable.

(f) 2008: 5,430 patients attended — 15,594 occasions of service
2009: 6,495 patients attended — 18,986 occasions of service
2010: 6,482 patients attended — 18,261 occasions of service
2011: 6,405 patients attended — 19,188 occasions of service
2012 as at 2 May 2012: 3,276 patients attended — 7,077 occasions of service

(g) There are 19 dental chairs at Warwick, all of which are fully utilised. There are no plans to reduce or expand dental services at this site.

ELECTORAL ROLL — COSTS

7880. Ms M.M. Quirk to the Minister representing the Minister for Electoral Affairs

(1) What is the total cost incurred annually by the Western Australian Electoral Commission (WAEC) in maintaining the Western Australian electoral roll?

(2) What components make up this cost?

(3) How many full-time equivalents in the WAEC are retained solely for this purpose?

(4) At what level are those positions?

Mr C.J. BARNETT replied:

(1) $1,831,000

(2) Staff Costs $683,000
Australian Electoral Commission — Joint Roll Arrangement $1,128,000
Contracts — Landgate $12,000
Mapping & Sundries $8,000

(3) 9.6 FTE

(4) 1 x Level 7
1 x Level 4
1 x Level 3
2.6 x Level 2
4 x Level 1

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