Parliamentary Debates
(HANSARD)

THIRTY-NINTH PARLIAMENT
FIRST SESSION
2014

LEGISLATIVE COUNCIL

Tuesday, 21 October 2014

Legislative Council

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

HONOURABLE EDWARD GOUGH WHITLAM, AC, QC

Statement by President

THE PRESIDENT (Hon Barry House): I inform the house that a former Prime Minister and former member for Werriwa, the Honourable Edward Gough Whitlam, AC, QC, passed away on 21 October 2014 aged 98. Today in the federal Parliament a condolence motion was passed placing on record the House of Representatives' deep regret at his death and its appreciation of his long and highly distinguished service to the nation, and expressing its profound sympathy to his family in their bereavement. The House of Representatives has adjourned for the day as a mark of respect. I share the sentiments expressed in the condolence motion.

Members will have an opportunity during members' statements this week to express their thoughts on a politician and Prime Minister who can only be described as one of the most influential figures in Australian politics. As is the protocol and custom of the Parliament, the flags at our Parliament House are flying today at half-mast. I acknowledge most sincerely Gough Whitlam's highly distinguished service to this nation.

As is custom, I ask that members stand with me and observe one minute's silence as a mark of respect.

[Members stood and observed a minute's silence.]

PERTH HERITAGE DAYS

Statement by President

THE PRESIDENT (Hon Barry House): Parliament House opened last Sunday, 19 October 2014, for Perth Heritage Days, commemorating the 100th anniversary of World War I and the seventy-fifth anniversary of World War II. Both the Speaker and I attended and were extremely pleased that an estimated 1 100 visitors attended despite inclement weather.

Staff of the Parliament did a huge amount of work for the event, including the development of displays, a special event website, brochures and media materials, and training of volunteers, and also did a great job when staffing the building on Sunday.

A special thanks also goes to Bill Grayden, a former member of Parliament and World War II veteran, who was an integral part of the parades and displays.

We were supported on the day by the generous contribution of volunteer and other organisations. I extend my thanks to Heritage Perth; the 10th Light Horse and Westralian Great War Living History Association re-enactment troops; the Army Museum of WA; the Aviation Heritage Museum of WA; Phil Sullivan's 10th Light Horse display; Bob Maumill and his team at 882 6PR; the Royal Australian Navy; the Country Women's Association; the Lions; Scouts Australia; and the Returned and Services League of Australia.

I strongly encourage members to view the displays and to visit Parliament's commemorative website, available through the Parliament House home page. Parliament House is again open on Sunday, 2 November from 10.00 am to 4.00 pm as part of Open House Perth, in which Parliament House is one of 69 destinations that can be visited by the general public during that weekend.

CONSTRUCTION CONTRACTS ACT 2004 — REVIEW

Statement by Attorney General

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [3.06 pm]: On 10 June 2014 the Building Commissioner, Mr Peter Gow, announced the appointment of Professor Philip Evans of Curtin University to lead an independent statutory review of the Construction Contracts Act 2004. Professor Evans is a well-known expert on construction law and adjudication. The act facilitates the rapid adjudication of payment disputes in the construction industry, prohibits unfair contract terms that may slow or stop the payment flow through the contracting chain, and implies fair and reasonable terms into contracts when they are not in writing. The review will examine the act's operation and may make recommendations to the state government on whether changes are needed to this and other related acts to facilitate better industry outcomes in terms of security of payment for construction industry participants.

On 1 October 2014 the reviewer issued a discussion paper to provide some background to the review process and to stimulate comment from interested parties. A link from which the discussion paper can be downloaded was emailed to the key industry stakeholders, as well as all persons in occupational categories licensed or registered

by the Building Commission. All appointing organisations and adjudicators operating pursuant to the provisions of the act are being encouraged to contribute to the review. The reviewers are also seeking the viewpoints of relevant members of the legal profession, the courts and legal academia.

Coinciding with the release of this discussion paper was a public call for written submissions, which closes on Friday, 14 November 2014. Members of Parliament are encouraged to put forward the views of their constituents. Workshops and consultation meetings over the review period will also assist the review in gathering information on the act's operations and the viewpoints of various stakeholders. Information on the progress of the review will be posted on the public consultation page of the Building Commission's website. The link to download the discussion paper is on that page. All inquiries, written submissions and requests to meet with the reviewer should be directed to ccareview@commerce.wa.gov.au. Professor Evans is expected to conclude the review early in the New Year.

PAPERS TABLED

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

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Fiftieth Report — "2013-14 Agency Annual Report Hearings — November Timetable" — Tabling

HON KEN TRAVERS (North Metropolitan) [3.10 pm]: I am directed to present the fiftieth report of the Standing Committee on Estimates and Financial Operations, "2013–14 Agency Annual Report Hearings — November Timetable."

[See paper 2177.]

Hon KEN TRAVERS: As previously reported to the house, the Standing Committee on Estimates and Financial Operations is holding annual report hearings in November. These hearings will be held in room 2 of the Legislative Assembly committee office, not in the Legislative Council committee office as in previous years— members might want to note that. The hearings are being held at this location so that they can be broadcast, because all members have received positive feedback about the broadcast of estimates hearings.

The hearing with the Department of Education on Tuesday, 4 November 2014 will be for only that department, not for other agencies within the education portfolio, such as the Department of Education Services and the Teacher Registration Board of Western Australia. The hearing with WA Health on Wednesday, 5 November will include the Metropolitan Health Service, the Western Australian Country Health Service and the Department of Health.

In addition, the committee will be holding an annual report hearing with the Insurance Commission of Western Australia on Monday, 24 November 2014. The committee will be receiving a briefing on ICWA's actuarial advice and has decided to hold the annual report hearing at the same time. Part of the briefing may be private, but members who are interested may seek leave from the committee to participate.

STATE FOREST 56

Motion

On motion without notice by **Hon Peter Collier (Leader of the House)**, resolved —

> That motion 49, "Partial Revocation of State Forest No. 56", be made an order of the day for the next day's sitting.

PLANNING AND DEVELOPMENT (DEVELOPMENT ASSESSMENT PANELS) REGULATIONS 2011

Motion

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [3.12 pm] — without notice: I move —

> That this Council —
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> (1) refers to the Standing Committee on Uniform Legislation and Statutes Review the review into the Planning and Development (Development Assessment Panels) Regulations 2011 required pursuant to section 171F of the Planning and Development Act 2005; and
>
> (2) requires the Standing Committee on Uniform Legislation and Statutes Review to —
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> (a) report to the Legislative Council in relation to this inquiry on or before 14 May 2015; and
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> (b) forward a copy of its report under subparagraph (b)(i) to the Speaker of the Legislative Assembly, for tabling in that house on the same day as the report is tabled in the Legislative Council.

Hon HELEN MORTON: Mr President, is it appropriate for me to make a few comments on the motion now?

The PRESIDENT: It is appropriate if you wish to.

Hon HELEN MORTON: Thank you, Mr President. Part of the reason I want to do this is that I am conscious of the fact that although I have spoken to the chairperson of the committee and have sought support from the opposition for this motion, I have not had a chance to speak to the Greens or to Hon Rick Mazza, who are unaware of this motion. Briefly, when the amendments to the Planning and Development Act 2005 were put through this house, this house asked for a particular amendment to be put in place—in fact, it was moved by Hon Sally Talbot and had the support of members on this side as well. That amendment was that after two years of operation of development assessment panels, the regulations around development assessment panels should be reviewed by a committee of this house. The Planning and Development Act was proclaimed on 25 March 2011, and of course the two-year period well and truly expired on 24 March 2013, so the review is about two years overdue. This matter was brought to my attention by one of the Clerks, and consequently I am now seeking to have this regulation reviewed by that committee.

Question put and passed.

FIREARMS AMENDMENT REGULATIONS 2014 — DISALLOWANCE

Motion

Pursuant to standing order 67(3), the following motion by Hon Rick Mazza was moved pro forma on 13 August —

> That the Firearms Amendment Regulations 2014 published in the *Government Gazette* on 17 June 2014 and tabled in the Legislative Council on 24 June 2014 under the Firearms Act 1973, be and are hereby disallowed.

HON RICK MAZZA (Agricultural) [3.17 pm]: Members, last year I moved a disallowance motion on the outrageous increases in firearm application fees. Some of those increases were up to 150 per cent. Quite rightly, there was an outcry from firearm licence holders and the firearm community in general over these excessive public service charges. It triggered media coverage, a parliamentary inquiry into those fees, a public hearing, and a debate in both houses of Parliament. The committee report, an Auditor General's report and debate revealed a very inefficient, clunky and unnecessarily costly department; and those who spoke on that motion from both sides of the house generally agreed with that. Unfortunately, the motion was defeated through weight of government numbers, notwithstanding that Hon Nigel Hallett and Hon Simon O'Brien crossed the floor. I was advised at the time by the National Party that one of the reasons they did not support the motion was that they had spoken to the Minister for Police, and the minister had promised a timely review of the Firearms Act.

I will quote from the *Hansard* of the debate in this house on 20 November 2013, where Hon Paul Brown said the following —

> My contribution to this motion is recommendation 1, which reads —
>
> > **The Committee recommends that the Minister initiate a review of the Firearms Act 1973 and advise the Legislative Council and the Legislative Assembly of the time frame for the review.**
>
> I suggest there are quite a few inefficiencies in the current firearm licensing system …

In fact, there was a comment in the *Herald Sun* by the minister after that, and there was a fair bit of coverage in the media and on talkback radio et cetera about how we did need a more streamlined, efficient and effective firearm licensing system so that the recovery costs could be reduced to a more realistic figure. The Minister for Police is quoted as saying in the *Herald Sun* on 1 August 2013 —

> "The people who are using the system are the people who will be paying for the system," Ms Harvey said.
>
> She said the Law Reform Commission would also carry out a review of the Firearms Act this year.

I am concerned that over the last 12 months, if anything the situation has deteriorated. The fees on this last round of rises—although small increases, probably attached to CPI—are really just rubbing salt into the wound of the processing times and costs that persist within this department, which are unacceptable and out of step with other jurisdictions at many levels.

In my mind the promised review of the Firearms Act has stalled, with advice that the Law Reform Commission of Western Australia will not report until September 2015, which is two years later than promised. As far as I am aware the only meeting that the Law Reform Commission has held was about six or seven weeks ago, with a few stakeholders. One does not have to be too politically aware to work out that if the Law Reform Commission reports in September 2015—the end of next year—by the time that report goes through its procedural process, we will be into 2016, which is an election year. I do not think anything will happen with that review, or any amendments to the Firearms Act, in an election year. It will basically be on the never–never. In the meantime we

are left with excessive fees and a firearms registry that was criticised by the Auditor General as not being completely secure. We desperately need a review of the Firearms Act to modernise and clearly define some of the regulations surrounding the act and also to streamline and modernise the system so that we have more efficient outcomes with the processing of firearms applications. Consequently, a more efficient system will allow for a reduction in cost-recovery fees.

Unfortunately, at this time we do not always have clear guidelines within the act. There is the capacity for opinion to allow personal prejudices and at times—for want of a better word—acts of bastardry within the firearms processing system. This is an important issue for a lot of people, so there are a lot of people in the gallery here today who have been very patient over the last 12 months regarding the review of this act and some improvements in the system. To give members an idea, a member of the firearms community made some inquiries about licensing an air rifle. He was told that he could not licence it. When he politely questioned why and where it could be found in the regulations that he could not licence this air rifle, he received an emailed response, which I would like to read out. It states, in part —

> You will not find anywhere in the Regulations that refer to these firearms as being listed as anything else other than a Category A Class, however, with the pending review, this branch has adopted the policy to not licence them until the review is completed.

I am absolutely perplexed how it can be said that the law allows it at this point in time; however, there is a possibility at some future date that the law may not allow a person to have this particular air rifle, so therefore we are making up this policy. I doubt it is a regulation because I have not seen anything come through. It basically says, "We are making up this policy because, sometime in the future, should this act ever be reviewed, it may be illegal to have this air rifle, so we are disallowing you to have that air rifle now." That is an absolute nonsense, in my mind, and very poor treatment of this member of the community.

A recent situation arose involving a number of legally licensed firearms being confiscated. The firearm in question is described as a Colt 2012, a bolt action repeater rifle. A number of these were licensed over 12 months ago. Someone within the licensing department has suddenly thought they do not like the look of these firearms. They have gone out to all of these people who have put in an application for the firearm, and who have correctly described it on the serviceability certificate and gone through the process of having it licensed—by the way, these firearms are just under $6 000 apiece—and then, 12 months later, the police have confiscated them because of their appearance. Let me say that again: because of their appearance! An obscure section of the act states that a firearm in category D—which is the semiautomatic machine–gun type weapons—could be classified as category D if it has the functionality or the appearance of a category D firearm.

The situation with those firearms is that every other jurisdiction in Australia—there is not one exception that I know of; we made a couple of inquiries in Victoria and Tasmania—licences these firearms quite readily. There is not a problem with them. But for some reason in Western Australia, this appearance issue has arisen with air rifles and, in this case, a Colt 2012. I believe there is another model—a Savage model—that has also been confiscated. People have made a large investment. They have done the right thing. They are law-abiding citizens. They have gone through all the processes required to licence this particular firearm. However, some bright spark has decided that they do not like the look of them. Their functionality is that of a bolt action category B firearm. I do not see how the appearance of that firearm makes it any more dangerous to the public than any other firearm and any other stock—because that is what it really is; it is just the plastic stock. It is quite a sexy looking firearm, by the way, but at the end of the day it does not make that firearm any more dangerous within the community.

Last week I received a briefing from senior police; one was from the police legal department. After the briefing it was casually asked, "Why are these firearms being confiscated? People are really disadvantaged. They have a $6 000 firearm locked up with a dealer somewhere that might have to be sold interstate, or they will need some other way to recoup their money." The answer we were given was because of the look of these firearms, there is a possibility that should there be an incident, police will escalate their response. A senior uniformed officer who was in the room at the time said, "Let me tell you: I do not care what it looks like, the response is escalated." That is the point. It does not matter what a firearm looks like, if it is being used in a menacing manner, it has escalated. That particular point of it escalating a police response is absolutely ridiculous.

Not so long ago the Standing Committee on Public Administration held hearings into recreational hunting. It was a public hearing, so I can quote this—it is all on record in *Hansard*. There were some questions asked about hunting on public land and what effect that may have on police. Commissioner of Police, Karl O'Callaghan, was present giving evidence. In response to that question, Dr O'Callaghan said —

> I think it is fairly low risk, I do not envisage we would be very much involved on the ground. You are dealing with people who are licensed, registered, responsible, so I would not imagine that our involvement will be very much at all; it will be very low.

That is the police commissioner acknowledging that responsible, licensed firearm owners are a very low risk.

During the last long weekend, the last Queen's Prize competition was held at Swanbourne. It is a revered rifle shooting competition. A photo appeared in a newspaper—I do not have the name of the newspaper here—of the winner of the Queen's Prize sitting on the shoulders of his colleagues after winning that coveted cup. The interesting thing is that the firearm he is holding, as a competitor of the Queen's prize, looks very similar to the ones that the police had confiscated—that is, a colt M2012, which is a bolt action rifle with an adjustable stock at the back of it. The colt M2012 seems to be quite acceptable for target shooters, but for some reason this gun is causing an issue for some.

Notwithstanding we are dealing with a very responsible sector of the community, many firearms owners are in a lot of ways treated as pariahs and we get a lot of complaints in our office that they get a lot of attitude from police licensing. Last week I asked a question without notice of the acting minister, which states according to the daily *Hansard* —

> (5) Can the acting minister advise how the appearance of a category B firearm resembling a category D firearm impacts on public safety?

The response I received stated —

> A category B2 class firearm that has the appearance of a category Dl class firearm could impact on public safety by causing fear and panic if it is believed the firearm is a military-style firearm, similar to those used in the Port Arthur massacre.

Why would the Port Arthur massacre be referred to? It happened 20 years ago and was carried out by a criminally insane maniac; yet, the antis and the bureaucrats whenever they are locked into a logical argument always have this fallback position of the Port Arthur massacre because of its emotive and sinister history. I for one am very offended by it. I am offended that I am put in the same category as a maniac when it comes to police licensing because one of these firearms might look like a military firearm. As I said earlier, the police, regardless of the look of this firearm, would escalate their response. There has been some feedback on the grapevine for me—in fact, one very credible report came from someone who had an inspection at his place—that even camouflaged patterned stocks are now going to be considered as having a military appearance. Anyone who owns a firearm would know that camouflaged patterned stocks are garden variety hunting rifles these days, with acrylic and composite stocks. Some of them come in even pink camouflage, and I do not know if that makes it any less dangerous, but that is how out of hand a lot of these things are getting. Notwithstanding that we are a very responsible section of the community and we are constantly under scrutiny, I understand that on some levels, but I do not think that we should be treated like maniacs that could let loose at some stage.

To bring that into perspective, earlier this year we had Operation Unification. It seems that every year, around the middle of the year, a program is put out by the police to raise public awareness of illicit firearms. As part of the program, which is publicised on radio, television and in the newspaper, it was reported that there are estimated to be 26 000 illicit firearms in Western Australia alone. That is a lot of firearms—26 000. Part of that report stated that 370 firearms had been stolen last year from licensed firearm owners, who themselves are victims of crime. There was so much media focus on those 370 stolen firearms, it was mindboggling. There was a safe inspection blitz and a lot of publicity in the media that people in the country should make sure that their washers and bolts were the right size—which they should do; they should comply with all the safe-keeping requirements. There was a lot of focus on that. But I want to know about the other 25 630 firearms that were either smuggled or manufactured, probably of the type that are more towards a criminal's liking than a long-armed bolt action hunting rifle. Where is the focus on that? It seems that all of the focus is on the law-abiding people, as Karl O'Callaghan, our commissioner, has confirmed in his comments.

Those are some of the issues surrounding the fees that we have in this state, which are sometimes 17 times that of other states, and it is not something that will just go away. Fifteen minutes before Parliament started today, a parliamentary staff member came into my office and chucked a few brochures on my desk. Apparently everybody got a copy of this brochure *Conservation & Hunting*. It is not a publication associated with me, other than I am a member of one of the organisations mentioned in it; it is not something that I put together. The brochure contains a full-page article entitled "WA Firearms Licensing System Review: Just a Con?" This article comes from the firearms community, which feels betrayed that last year they were told that there was going to be a review of the act. I sat in during question time in the other place when the Minister for Police said that we would look at modernising and streamlining the system. Those people in the firearms community feel betrayed that 12 months later none of that has happened; in fact, the prices have increased more.

I would like to quote a couple of comments from the article. I do not know where they got these comments from, whether they actually rang and spoke to people or not. It states, part way down the page —

> Meanwhile the Attorney-General …

> When questioned, he said that he did not know why the Law Reform Commission did not have to report until September next year or who chose the date.
>
> He did not know why it was taking the Commission so long to get started and appeared to think that this sort of delay was not unusual.
>
> He seemed to suggest that one of the reasons for the length of time being taken was that the Commission tended to engage somebody 'specifically experienced' to draft the draft discussion papers.
>
> However when asked if a person had been found and appointed he did not answer the question.

He must have been contacted.

The article continues —

> He also did not know when a discussion paper would be released and public comment sought.
>
> The time being taken to organise this review suggests that the threat to review firearm licensing has achieved its purpose—seen off the criticism of the significant firearms licence fee increases in 2013.

People are becoming very cynical about the promised review and about cost-recovery coming down once a streamlined and better system is in place.

On 6 and 7 December for the very first time Western Australia will host the Sporting Shooters Association of Australia Shot Expo. For members who do not know what the Shot Expo is about, it has been running in New South Wales and Victoria now for well over a decade. It alternates between Melbourne and Sydney. It attracts some 20 000 visitors and is a really big tourism attraction with people coming from all around Australia. It is not just about firearms; there are all sorts of outdoor equipment and those sorts of things. The Sporting Shooters Association of Western Australia was fortunate enough to land it for Perth this year. For the very first time, Perth will host the Shot Expo in December. I am concerned that there have been bits of feedback back and forth that the licensing department may not be as cooperative as some of the distributors would like, which may cause some problems. From a tourism point of view, if those distributors find that the paperwork and the hassles are too much, they are unlikely to return. That would be a real loss for the economy and tourism in Western Australia and for people to come and look at these things. A lot of national exhibiters may not return if it becomes too unwieldy and too hard to operate, so this is something that we have to get across.

In closing, I ask members to support the motion. The system is definitely broken and needs fixing. Last year we were promised that steps would be taken to review, modernise and streamline the system and to bring cost recovery down. We need to provide an efficient, sensible and cost-effective firearm licensing and processing system in this state for some of the state's most law-abiding and responsible people.

I commend this motion to the house.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [3.39 pm]: On behalf of the opposition I rise to support Hon Rick Mazza's disallowance motion. I note that we had a similar debate about a year ago after there had been a significant range of increases of about 147 per cent across the spectrum of licences. One would not have expected there to be another round of increases fewer than 12 months later, given that a number of commitments were made at that time and a parliamentary committee report highlighted a range of concerns and issues that the committee thought needed resolving. At the time the National Party took a wait-and-see approach and wanted the review in place before it decided how to deal with issues around the fee increases. I listened to Hon Rick Mazza again, and his discussion was fairly broad and wide-ranging and covered a number of matters close to the hearts of the many people engaged in shooting as a recreational activity.

I return to what we are dealing with today, which is this particular round of increases. Although they are not, on the surface of it, as substantial as the increases brought forward last year, they still add up and add to the burden—they are an increase upon an increase—each licensed person will have to shoulder. I am not sure whether Hon Rick Mazza touched on it, but I would imagine—I do not know—that people who own a gun for sporting or farming activities may own more than one, necessitating multiple licences and more cost. I am not too sure how many people would have more than one gun—maybe we can discuss that at a later date—but the number is significant. I think last year Hon Rick Mazza talked about something like 80 000 people in this state owning guns, which is a substantial group. We were certainly inundated last year with emails and correspondence regarding the level of anger about the sharp hike in fees; some of my colleagues have been contacted this time around.

This is a significant issue, particularly for participants in gun clubs and other shooting activities in rural and regional areas. Just as people in the metropolitan area might go to football, soccer, hockey or other things, people in some areas choose to engage in shooting as a hobby, so adding to the cost burden just causes more difficulty. Increases such as this would normally be considered by the Joint Standing Committee on Delegated Legislation, and if they are low to moderate and around the consumer price index, as I think these are, normally we would say that they are reasonably acceptable. But I think in this case we have taken the decision to support the

disallowance motion, given what happened last year with those substantial increases and the fact that the promised review has not really taken off. One would have thought that given the commitment made by the minister in August last year, by now—in October, a year later—there would have been a fair bit of traction, and more than one stakeholders' meeting. I do not know whether any advertising has been done requesting submissions from stakeholders and I do not know whether any hearings have been promoted or invitations extended to people to present evidence. I do not know whether any of those things have happened, and if Hon Rick Mazza knew, he certainly would have told us today. It is, indeed, very disappointing given that the public commitment made last year—it is something I know Hon Rick Mazza has been pushing for—has not been followed through on. Call me cynical, but I think Hon Rick Mazza was conned. I also think the National Party was conned last year when it was persuaded to take that option because this review was to be put in place, and it quite genuinely thought it was going to get off the ground. I think Hon Rick Mazza was conned, and I think he is right when he says that it will take a long time. I would be very surprised if he gets a result prior to the 2017 election.

I think there needs to be a broad inquiry into these matters. Hon Rick Mazza still has motion 16 on our notice paper that calls for a review of the Firearms Act 1973. I imagine that Hon Rick Mazza put this motion on the notice paper long before the other disallowance that we dealt with last year. This is obviously a matter that Hon Rick Mazza is not going to let go. I think last year, to placate him, the government agreed to that review but I do not know whether its heart was in it. It certainly has not put the resources into moving it along and providing the opportunity for community discussion and debate about what should happen with the range of matters canvassed by Hon Rick Mazza, be they related to costs associated with one or more licence, issues around pensioner concessions or interstate licences—a whole range of matters. I think they are important issues. Hon Rick Mazza may have used this motion today as a mechanism to get that issue up so that we are able to say to the government that it made that promise so it should deliver on it. It should not be another broken promise; the government should get the ball rolling and deliver on the commitment it made more than 12 months ago. It is obviously a significant issue to the 80 000-odd people who engage in these activities around our state. I think it is a major disappointment that the review has not been undertaken.

The sixty-eighth report delivered by the Joint Standing Committee on Delegated Legislation last year highlighted a range of significant problems that it had become aware of in relation to the management of the licensing process. Hon Rick Mazza and a number of others canvassed those issues in the debate last year, and I think he might have touched upon them today—issues such as double handling, the computer technology currently available for processing licences, the approach taken to engaging with owners of licences. This report highlights a range of matters that I do not believe have been addressed appropriately by the government, and certainly would be addressed if that review had been on foot in a practical sense as it should have been by now.

Compared with other increases, in isolation this batch is probably relatively modest. But when we look at the range of increases last year, they just add to the difficulty. When we line them up with every other increase that those same individuals have to deal with, it is not just one increase for which people have to find additional funds to pay, we have to add to that the increases that they will be paying for the additional costs associated with their electricity, water, rates and land taxes—the whole range of other costs this government has increased in the past 12 months that have added to the burden of trying to manage a household budget. For people who participate in shooting and own guns, having an increase like this means they have to try to manage that budget in a much more creative way.

It is our view that these increases should not proceed until that review has been conducted and finalised and the much broader issues have been canvassed. Perhaps then the government will be able to put in place a much more modern approach to how it manages licensing arrangements. It should certainly look at a much more effective system for licensing, and a better comparable licence cost; Western Australian licence costs for gun ownership are still substantially higher, as I understand it, than those of other states.

A number of factors need to be taken into consideration when we are looking at this type of issue. This price rise should not be treated in isolation because it is not just one increase that these individuals have to bear; it is simply part of the whole arrangement of a number of increases that they have to take into account.

I say to Hon Rick Mazza that I know it is sometimes tough for a new player in this place, and the government tries to entice them and keep them on the good side so that they will support it when it needs their number. Next time the government promises Hon Rick Mazza something, he should pin it down to a date and time and ensure that it delivers on those commitments to him, otherwise every time there is a price rise or a negative change in his area of interest, his only option may be to get up and air his grievances about how poorly the government is treating these individuals or mismanaging the process.

On this occasion, Labor will certainly be supporting Hon Rick Mazza. We hope that the government does deliver on that review process in a timely fashion, and does not just keep holding the carrot out to him over the next couple of years in the hope that he behaves himself in here. I certainly hope that he is able to persuade his

colleagues in the National Party and others to support him. I imagine that there are gun owners in our electorates who have a very strong interest in this. There are a number of active clubs and groups in the South Metropolitan Region that would be very keen to know where the government is going on this. I know that the government will argue that this is only a marginal change, it is in line with CPI and it is about being cost reflective. Given the substantial increases that came through last year, the government needs to justify why it needs another increase across another range of licences in less than 12 months. It also needs to justify what it has done in the past 12 months to address the matters canvassed in the report by the Joint Standing Committee on Delegated Legislation, which will have serious concern about how the licensing process was managed. It also needs to explain why, when it has given a commitment to Hon Rick Mazza to establish a review into the Firearms Act, it has not delivered on that and why it made a token effort to hold a stakeholder meeting but has done nothing else. There are some serious issues for the government to respond to. It needs to explain to Hon Rick Mazza why these matters have not been dealt with appropriately and in a timely manner.

With those few words, the opposition will be supporting Hon Rick Mazza on this occasion to disallow the increases in firearms licence charges that are being put forward by the government.

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [3.52 pm]: I congratulate Hon Rick Mazza for bringing forward this motion because, if nothing else, it allows members to be entertained by the hypocrisy of the opposition yet again and the idiocy of some of the comments made by Hon Kate Doust.

Hon Kate Doust: Is that the best you can do?

Hon MICHAEL MISCHIN: No, it will get better. The member should just wait.

Several members interjected.

The PRESIDENT: Order! We have had a debate so far on the matters that are pertinent to this motion before the house, not on personalities or other issues. Let us keep it that way.

Hon MICHAEL MISCHIN: Thank you, Mr President. I was not commenting on Hon Kate Doust's personality, only the quality of the arguments that she put forward.

Hon Ken Travers: Stop questioning the Chair.

Hon MICHAEL MISCHIN: I was not. There was no question mark at the end of it. Do try to pay attention.

We have had suggestions that the government has been misleading Hon Rick Mazza in order to try to win his support for matters, which really is an insult to Hon Rick Mazza. I do not believe he is so foolish as to not be his own man and to represent the party and the constituency that got him into this place. I had always assumed, unless Hon Kate Doust thinks to the contrary, that Hon Rick Mazza casts his votes on the basis of what he perceives to be the merits of each and every matter before this house and is not being simply conned by the temptations of some review or any particular undertaking that is given to him and that he does not compromise his views on a particular matter, which he assesses on its merits, by some promise on something unrelated to it. I may be wrong about that but I have always thought that Hon Rick Mazza takes a somewhat more educated and informed view of matters before this place and his responsibilities than Hon Kate Doust seems to think.

Secondly, there has been no token effort. In February this year, after initial consultation by the Law Reform Commission of Western Australia, I settled the terms of reference for the review. Members will recall that during the debate in November last year we canvassed all these issues about the quality of the licensing system. The government readily admitted that the licensing system was unsatisfactory. It was also pointed out that notwithstanding the ALP's love of firearm owners and criticisms of the system, it was under its watch for something like eight years and nothing was done about it; the system was allowed to fall into disarray and the ALP did not recover the costs of administering that inadequate system. The ALP allowed the licensing system to meander on without any reform. It is only now when we are getting to the question of cost reflectivity in fees, that it has decided to support anything that does not allow for that under the principle that if the system is being paid for, it ought to be paid for by those who are not using it. The Labor Party complains about the imposition of costs on members of the community, yet what it wants here and what it wanted in November last year was for everyone else to pay for the administration of the system so that firearm users—firearm owners—did not have to pay an increase that reflected the cost of using the system. I am not quite sure how that helps out struggling families but the money has to come from somewhere. Until last year, it was heavily subsidised by the police and from the police budget. As was pointed out last year, there was a need for a significant increase because there had not been any for so long and that subsidisation was no longer sustainable. So, yes, firearm owners ended up being hit with a massive increase—not a gradual increase introduced over the years but a massive one—in order to get to some level of cost reflectivity for administering it. I entirely accept, the Minister for Police entirely accepts and the government entirely accepts that the licensing system is broken and that the Firearms Act 1973 that forms the linchpin to it and the regulations that flow from that need to be reviewed. The undertaking was given that that would take place. I accept that it is not going as quickly as having come to a conclusion at the end

of last year, but that will not happen, nor can it with a substantial review of a significant piece of public interest legislation that regulates the ownership, sale, manufacture and control of firearms.

As I mentioned, a review has been initiated by the Law Reform Commission. I add that that is an independent statutory authority. The opposition is very quick to complain about compromising its independence but now it seems to want me or the Minister for Police to micromanage that body. I am not going to do that. It is capable of doing its own work. Some reviews take longer than others, and that is regrettable, but it is not through a lack of resources. Indeed, it has been asked to report back by September next year. After a period of consultation—I do not know how many meetings it had with stakeholders—in February this year, I set the terms of reference. It is required to report back. It is expected that it will release a discussion paper before the end of this year, which will set out the issues concerned and the various considerations and options for discussion. That is part of a responsible process. If it does take time, it is regrettable, but if we want something to be done properly, it will take time. The reporting period will enable the Law Reform Commission to develop a comprehensive report of the act and this will include the submissions of all those who have an interest in its operation.

Getting back to the issue of these fee increases, it is not just that they appear to be modest; they are modest. It is regrettable, as I say, that it had to be the case that some significant increases were made last year to make up the gap that had occurred over the many years preceding. I will mention one thing about comparing the fees in Western Australia with those in other jurisdictions. As I pointed out on the last occasion we had this debate, and as was noted by the Joint Standing Committee on Delegated Legislation, it is an idle exercise to compare jurisdictions, because the costs of running these things may be different, and some states may be undercharging significantly. I think a figure of $8 for some kind of licensing fee or renewal fee in Tasmania was mentioned. Plainly, that does not cover too many costs of administering any sort of licensing system. However, what has been established by the delegated legislation committee and confirmed by its study last year is that the increases that were then being sought by the government were reflective of the costs of administering the system.

On the issue of the increases this time around, Hon Kate Doust is not correct in supposing that because a person has more than one firearm on a licence, they pay a separate licence fee for each. It is my understanding that it is quite the contrary; if a person wants to add a firearm to an existing licence, yes, they will pay an additional fee, but whether they have five firearms or one firearm under a firearm's licence, they pay only one licencing fee. It would help if she understood the subject matter. The most substantial increase this time around is for a dealer's licence, a repairer's licence or a manufacturer's original licence, which is an increase of $10.70, or 2.6 per cent. That is the most substantial increase of all the licence fees being sought this time around. The increase for an original issue licence is $5.70, the increase for a firearm licence renewal is 20c, the increase for an additional firearm application fee is $2.50, and so forth. In fact, some of the fees are being reduced by modest amounts, I will grant it, and in some cases there is no increase at all. However, the majority of them are in the order of $2, $3 or $4 at the most, and some increases are in the order of cents.

Hon Rick Mazza mentioned something about the vagaries and the subjectivity of the licensing process. Again, that will have to be properly considered by the review, and there is a matter of judgement involved in all these matters. On the matter of the category D licences, he asked why the appearance of a firearm should matter. It is because the regulations currently say so. Regulation 6A of the Firearms Regulations 1974 was inserted in 1996 and was amended in 2003—it has been there for quite some time—and requires a categorisation of firearms in accordance with schedule 3 of the regulations. Subregulation (2) states —

> (2) If Schedule 3 specifies a genuine need test for a particular category of firearms —
>
> (a) an approval or permit cannot be granted and a licence cannot be issued to a person unless the Commissioner is satisfied that the person has a genuine need to acquire or possess a firearm of that category; and
>
> (b) a person cannot be considered to have a genuine need to acquire or possess a firearm of that category unless the test specified in Schedule 3 is satisfied.

The schedule 3 test provides that each firearm described in the table in division 4, which sets out the category D firearms, is a category D firearm. One of them is a D1, which is a self-loading centre-fire rifle designed or adapted for military purposes or a firearm that substantially duplicates such a firearm in design, function or appearance. One can argue whether something that looks like an armalite or a self-loading rifle but is in fact not ought to be banned, but the fact is that the regulations as they currently stand require it to be categorised as a D1 firearm, with all the restrictions around that. Clause 8 of schedule 3 states —

> To satisfy the genuine need test for category D the applicant must satisfy the Commissioner that the firearm is required for Commonwealth or State government purposes.

So anything that looks like a military firearm, albeit it may not be, can be licensed only if the commissioner is satisfied that it is for state or commonwealth government purposes. One can argue the merits of whether it ought to be changed, and I see Hon Rick Mazza thinks that it should be changed. I do not offer an opinion on it,

because I do not know the rationale for the insertion of that requirement at that particular time. There may have been a very good reason for it so that it does not cause alarm or a misapprehension by someone carrying around something that looks like a military-style firearm. One wonders why one would feel that one needed to go around with something that looked like, but was not, a military-style firearm, but there you go. That is the sort of issue that needs to be soberly debated and discussed by the Law Reform Commission based on rational arguments, with input from all those who may be interested in it.

However, the issue today is a little more narrow. Again, I do not detract from the earnestness with which Hon Rick Mazza has raised the several issues that concern the people he represents in this field. I can assure him that there is no delay involved. I will keep track of how the Law Reform Commission is performing its function. However, in assessing a piece of legislation such as the Firearms Act, a licensing regime and the regulations that underpin that licensing regime, I am confident that it is proceeding at an appropriate pace, and I am prepared to entertain any questions about progress that the member may have from time to time and, indeed, invite the commission to advise me on the progress it is making. What I do not propose to do is micromanage the commission and tell it how to do its job.

Hon Ken Travers: Are you confident that it has the resources?

Hon MICHAEL MISCHIN: Yes.

However, that is a separate issue to the issue of trying to manage the current system. I accept that there are inadequacies with it, but the question however is: who should pay? The real question is whether, to protest against the allowance of these modest increases in order to maintain a system, albeit not the optimum system, others who have no interest in the possession or ownership of firearms should pay for the management of that system. The government takes the view that those who want to use the system ought to pay for the system. Those who want to own firearms ought to pay for that, in the same way that those who want to own cars pay the car licensing fee, not those who want to remain pedestrians.

The subsidisation of the police that occurred up until now has ceased. It involved a significant increase because of that change in philosophy that had not been undertaken before. These increases are relatively modest. They have been fixed at 2.6 per cent, as the consumer price index figure. In fact, it was 2.75 per cent for the purposes of enterprise bargaining agreements for the first year, but 2.6 per cent was fixed as the increase and the cap, if in fact any cost recovery were to be greater than CPI. That is the maximum amount, and the vast majority of the increases are well below that; in fact, there have been some small decreases in some of the fees.

The government cannot support the disallowance motion, as it would impose a burden on the community that is not interested in the possession of firearms to pay for it, and the cost reflects the increasing CPI cost of the resources and salaries of those administering the system to date. I respect Hon Rick Mazza's approach to the matter. I can understand why he has taken this particular approach but, with respect, we cannot support it. It is unfortunate that the Australian Labor Party has suddenly decided that it loves firearms owners when it could not be bothered for some eight years to fix the problem.

Hon Ken Travers: You're an odious man sometimes!

Hon MICHAEL MISCHIN: The Labor Party neglected it for eight years and I have yet to hear anyone tell me what it did on the subject.

Hon Ken Travers: How long have you been in government? You guys have been in government for longer than us.

Hon MICHAEL MISCHIN: Really?

Several members interjected.

The PRESIDENT: I think the Attorney General is finished.

HON ROBIN CHAPPLE (Mining and Pastoral) [4.10 pm]: As the Deputy Chair of the Joint Standing Committee on Delegated Legislation, I need to advise the house that we looked at this regulation. We found that it is within power, it has no intended effect on a person's existing right or interest and there is no aspect of the regulation that was presented to us that causes us concern. However, the committee is mindful that there is a genuine community interest in how the fees are raised; therefore in a bit of an unusual move, the committee resolved to extract a fee table from the explanatory memorandum and make it public so that it is in the public domain. That will enable people to actually see the percentage of fee increases associated with a firearm licence. As Hon Attorney General has indicated, when it comes to an original licence, some fees range from 2.3 per cent to 2.6 per cent; and additional firearm licence fee applications or renewals range from 0.04 per cent to 1.7 per cent. Some issues raised by Hon Rick Mazza, especially the one about air rifles, perplexed me as a former armourer; I am completely bamboozled by that one. Fortunately, though, it has little to do with the debate we are dealing with today.

Today we are dealing with the Firearms Amendment Regulations 2014. As the house knows, the committee tabled the sixty-eighth report in October 2013 in which we touched on the original issues raised by Hon Rick Mazza in his previous disallowance motion. Although again we found in that context the fees to be within power, we noted that within it were a number of major problems in the development of those fees and the way it had been gone about. We therefore recommended that aspects be referred to the minister, and that the minister initiate a review of the Firearms Act 1973 and advise the Council of the time frame of that review. That review is now going on and is being conducted by the Law Reform Commission of Western Australia. It commenced in 2014 and is referred to as "Project 105—Firearms Act 1973". The terms of reference read —

> That the Law Reform Commission …
>
> 1. Provide advice on and recommend appropriate legislative and/or procedural changes with regard to the licensing and storage of firearms, definitions and categorisation of firearms, and effects of changes in firearm technology incorporating national initiatives where appropriate.
> 2. Provide advice on and recommend appropriate legislative changes regarding penalties for firearm offences and in so doing consider consistency with penalties in other Australian States and Territories.
> 3. Review of any relevant issues arising from recent 'Operation Unification', the Auditor General's Reports on the firearms licensing, Joint Standing Committee on Delegated Legislation Report 68, Explanatory Report in relation to the *Firearms Amendment Regulations 2013* and any other relevant Parliamentary Inquiry.
> 4. Provide advice on any other relevant matters.

I understand that the report is due in September 2015. Quite clearly, as the Attorney General said, the Law Reform Commission is an independent body that is reviewing these matters. I am mindful of the concerns of Hon Rick Mazza on this matter, but as the committee made no recommendation because it found the Firearms Amendment Regulations 2014 to be within power and dealt with the matter only by the consumer price index, the Greens do not find themselves in a position to support Hon Rick Mazza's motion. However, I note again that some issues raised in Hon Rick Mazza's commentary that were outside the scope of the matter we are dealing with were genuine. As somebody who has had some dealing as an armourer, I find some of the issues raised quite interesting. I make no observation on the fact that people can buy a rifle that looks like a self-loading rifle but is not an SLR, nor on the comments made by the representatives of the police in briefings to Hon Rick Mazza. Certainly, there is a major issue between centre-fire and rim-fire rifles. I would hope that no rim-fire firearm purports to replicate an SLR, a Kalashnikov or any of those sorts of firearms, because then that would give me some concern. However, I am assuming that the firearms that Hon Rick Mazza talked about are actually still sanctified. I have received a nod from Hon Rick Mazza, which indicates that is correct.

There are issues of concern raised by Hon Rick Mazza, but the substantive issue we are dealing with is the Firearms Amendment Regulations 2014, which seem to all accounts to be representative of CPI or in fact under CPI. The issue of cost recovery is an issue that we in the delegated legislation committee have taken very seriously. I suppose the question that most probably needs to be asked at some stage in the future is: if the inquiry proposes some tidying up of administrative procedure and that, in turn, leads to the fees being more than cost recovery, will that be a problem for the Joint Standing Committee on Delegated Legislation because it would be deemed to be raising a tax that is unlawful? On that account, I indicate to Hon Rick Mazza, apologetically, that we will not be supporting his motion.

HON PAUL BROWN (Agricultural) [4.18 pm]: Once again I thank Hon Rick Mazza for bringing this matter to the attention of the house. As previous speakers have already noted, we had a quite substantive debate about this matter some few months ago—in February, I believe—and that was really on the guts of the issue. We all stood in this place, represented our constituents and raised quite a few issues about firearms and firearms legislation, and the fees and regulations that apply to firearms. We had a report from the Joint Standing Committee on Delegated Legislation that said quite clearly there was full cost reflectivity in those fees. I agree with Hon Rick Mazza that in my contribution at that time I supported the first option from the delegated legislation committee in its report to endorse the fee increases because they reflected full cost recovery and removed the current subsidy by WA Police. That is true. That was a very good recommendation. The committee looked at all the issues with regard to that matter and came back to us with a very good report. We sat here and we considered and debated that report. We had the toing and froing and the tit for tat. But, at the end of the day, it comes down to the simple equation: are the fees full cost reflectivity? Unfortunately for Hon Rick Mazza, it is the case that the fees are full cost reflectivity.

I have great sympathy for all gun owners, not only those in my electorate of Agricultural Region, but those throughout the state, and also those who are sitting in the gallery at the moment. I am a gun owner. But we are here to debate this disallowance motion. We can listen to Hon Rick Mazza talk about camouflaged stocks and weapons that look like assault weapons. Once again, I have full sympathy for those gun owners who have been

disadvantaged by these regulations. But in February of this year, the National Party, in conjunction with the Attorney General and the Minister for Police, undertook to have the Law Reform Commission review the firearms regulations and the fees. That is what is happening. I make no apologies for that. I said quite clearly in my contribution to the debate at that time that there are massive inconsistencies. We all recognised during that debate that the fees are inefficient. That is because the systems that are applied to those fees are inefficient. I think I recounted—I will not repeat it here—the 14-step process that people have to go through to get a firearm licence. That is unacceptable. This is 2014, not 1960, when everything was done by hand. We should have a system that enables online applications and verifications so that people do not have to take a photograph of their gun safe and send that to the police to verify that they comply. That is outrageous.

To get back to the substantive motion that is in front of us today, we are looking at the consumer price index increases to those fees. I say again that I have sympathy for gun owners with regard to the fee increases. We would have liked not to have any increase to firearm fees while that review is taking place. But that is not the nature of government, and that is not the nature of government agencies and departments. They have ongoing costs, and they are not likely to absorb those costs, because that would put the government and other government agencies and departments in a compromised position with regard to fees.

When we look at the CPI increases to licence fees, it is not all one-way traffic. A number of fees have actually been reduced. I will not stand here and say that those fee reductions are substantial—they are very, very minor. Nonetheless, if we disallow all fee increases, as part of that we will also disallow fee reductions. We need to be very mindful of that when we make our decision with regard to this motion. I apologise if I missed it during that very vigorous debate, but I do not remember anyone talking about the fee decreases that are also reflected in these CPI changes.

The Law Reform Commission review is underway. At no time when we negotiated with the Minister for Police, Hon Liza Harvey, for that review did we negotiate an end date for that review. The review was initiated on 1 March this year. My advice from the relevant agencies is that, as promised, the review commenced on 1 March 2014, and it is anticipated that the final report will be completed by September 2015. No delays are anticipated with this review, and although the time frame may seem to be long, I believe this is a reasonable period for such a significant review of a piece of legislation that has wide ramifications, not just for recreational gun owners and professional gun owners, but also for the wider community. We are not talking about a game of tiddlywinks here. We are talking about guns—guns that kill people. The vast majority of gun owners—if not all—throughout Western Australia are very, very responsible with their weapons. Nonetheless, guns are a weapon. I say, as one of those gun owners, that I use my weapons with the utmost responsibility, as do most gun owners in Western Australia. I have full sympathy for all gun owners in Western Australia. Nonetheless, we in this house have a responsibility to make sure that when we review the regulations and the fees that apply, we get it right. When we ask another body to undertake a review for us, we need to give that body the time and the resources to enable it to conduct that review properly.

As I have said, the end date might seem lengthy. Some people who took part in the negotiations for that review might even say, as Hon Kate Doust said earlier, that we have all been conned. But I think she got that wrong. I think that is very small-minded of Hon Kate Doust. I am sure that if this review was being undertaken as part of a negotiation that she had made, she would want it to be done thoroughly. I certainly want it to be done thoroughly, and my colleagues in the Nationals want it to be done thoroughly. We did not negotiate the review of these regulations lightly. We could very easily have sat back and taken a very laissez faire approach to this review. But we did not do that. We wanted to get a better result for gun owners and the community by negotiating a Law Reform Commission review of the legislation. Ultimately, that review and the changes to the legislation will help bring down gun licence fees, because it will highlight the inefficiencies that exist currently and bring in efficiencies in a range of ways, not only at a manpower level but also at a technology level. As I have said, I do not want to see responsible gun owners having to go through a 14-step process in which the application goes to Australia Post and then to the firearms section of WA Police, and it mucks around with it for a while; it then goes back to Australia Post and it prints it and sends it off; then the applicant has to take a photograph of their gun safe and post that, and it all goes backwards and forwards like a tennis match. It is ridiculous. That is what this review will highlight and will change. I say to those in the gallery, and to all gun owners in Western Australia: have patience. It may well be frustrating. I am in the same boat as they are. I am paying the same fees as they are paying, and I imagine Hon Darren West, Hon Nigel Hallett and Hon Brian Ellis are paying the same fees on their properties. We are gun owners, and we are paying the same sorts of fees, and we have the same level of frustration as every other gun owner in Western Australia. But we in this house have a responsibility to make sure that the system works.

I would say to recreational gun owners as well that they should not forget that they are engaging in a recreational pursuit. Last night, I engaged in a recreational pursuit with a few of my friends and colleagues. We played in an AFL 9s competition down the road.

Debate interrupted, pursuant to standing orders.

[Continued on page 7540.]

DISTINGUISHED VISITOR — HON JOHN PANDAZOPOULOS, MP

Distinguished Visitor — Hon John Pandazopoulos, MP

THE PRESIDENT (Hon Barry House): Before question time, I would like to acknowledge the presence in the President's gallery of Hon John Pandazopoulos, a member of the Victorian Parliament. John has been the member for Dandenong in the Parliament of Victoria since 1992, and I understand he will be retiring shortly at the next state election. John served as a minister in the Victorian government in a range of portfolios from 1999 to 2006. He is also president of the World Hellenic Inter-Parliamentary Association. He actually preceded me as an Australian representative on the executive committee of the Commonwealth Parliamentary Association from 2007 to 2010. Welcome to the Legislative Council.

QUESTIONS WITHOUT NOTICE

EDUCATION — STUDENT-CENTRED FUNDING MODEL

1163. Hon SUE ELLERY to the Minister for Education:

I refer to the 2015 new school resource agreement that all public school principals are required to sign as part of the student-centred funding model. In respect to the requirement that principals accept explicit responsibility to ensure "student performance is lifted" —

(1) What measures are in place to measure how principals are performing against this particular requirement of the SRA?

(2) Which of these measures is new?

(3) What new measures are in place to assist principals meet and demonstrate they are meeting the requirements of the new SRA that may have been assumed before, but are now explicitly set out, in the SRA?

Hon PETER COLLIER replied:

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

(1) The extent to which principals have achieved the expectations described in the school resource agreement will be gauged by examining the performance of students and the schools as a whole through the department's school performance monitoring system. That includes information such as National Assessment Program — Literacy and Numeracy results and student attendance; the Department of Education Services' reviews of independent public schools; and enhanced school annual reporting requirements. In addition, through school annual reports, principals will provide information about priorities and how finances have been allocated to support key student groups.

(2) None of these measures is new; they have always been an expectation and aspiration of principals and all staff.

(3) Assistance in the form of exemplar reports and workshops will be provided through the department's evaluation and accountability directorate, as well as support through the Institute for Professional Learning.

SCHOOLS — INTERNATIONAL STUDENTS

1164. Hon SUE ELLERY to the Minister for Education:

(1) How many international students are enrolled in WA public primary schools and secondary schools?

(2) For each primary and secondary school, how many were enrolled in 2013, 2012 and 2011?

Hon PETER COLLIER replied:

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

I cannot provide this information today. However, it will be provided on Thursday, 23 October 2014. For the honourable member's benefit, she might like to leave until Thursday a similar question.

DEPARTMENT OF AGRICULTURE AND FOOD — EMERGENCY DRILLING CONTRACTS

1165. Hon KATE DOUST to the Minister for Agriculture and Food:

How many contracts have been awarded by the Department of Agriculture and Food to Global Groundwater, Advanced Bore Services Pty Ltd and Austral Drilling Services for the period 2012 to date and what was —

(a) the purpose of the contract;

(b) the contracted price; and

(c) the procurement method involved; for example open tender, selective tender or direct sourcing?

Hon KEN BASTON replied:

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

Two contracts have been awarded to each of the contractors.

(a) Contracts awarded in late 2013 were for an emergency drilling program to alleviate a critical water shortage at Carnarvon. Contracts awarded in 2014 are to expand the northern bore field as a planned activity of the Gascoyne food bowl initiative.

(b) The total contracted price for emergency drilling in 2013 was $300 000. Contracted prices for 2014 are: Global Groundwater, $1.4 million; Advanced Bore Services, $l.253 million; and Austral Drilling, $2.71 million.

(c) Emergency drilling in 2013 was by selective tender. Contracts in 2014 were awarded through an open tender process managed by the Department of Finance and validated by the tender review committee.

TAXIS — PLATES

1166. Hon KEN TRAVERS to the parliamentary secretary representing the Minister for Transport:

(1) How many of the following taxi plates are currently leased —

(a) conventional;

(b) peak period;

(c) area restricted; and

(d) multipurpose?

(2) Have any of the leased taxi plates in (1) expired in the last 12 months and had their term extended for a period of less than five years?

(3) If yes to (2), what was the type of plate and the term or terms by which they were extended?

Hon JIM CHOWN replied:

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

(1) (a) There are 691.

(b) There are 350.

(c) There are 51.

(d) There are 99.

(2) Yes.

(3) Conventional, three months, six months or 12 months; peak period, three months or 12 months; and multipurpose, three months.

MENTAL HEALTH COMMISSION — EFFICIENCY DIVIDEND

1167. Hon STEPHEN DAWSON to the Minister for Mental Health:

I refer to the state government's efficiency dividend cuts recently announced by Premier Barnett.

(1) Will the minister confirm that the Mental Health Commission will be forced to find savings of $6.2 million from its 2014–15 budget allocation?

(2) How will the Mental Health Commissioner determine where the savings will be made?

(3) What is the anticipated breakdown of funding cuts by the commission's divisions and the value of each divisional cut?

(4) Will any divisions be quarantined from funding cuts; and, if so —

(a) which ones; and

(b) for what reason will the division be quarantined?

(5) Will any of the 1 500 public service jobs to be slashed by the Barnett government be from the Mental Health Commission?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

(1) The Mental Health Commission has been advised of the following savings for the 2014–15 budget requirement by the Department of Treasury: a one per cent general government efficiency dividend of $4.7 million and a general government procurement reduction of $765 000.

(2)–(4) An internal process will be developed to determine where the savings will be made.

(5) It has not yet been determined whether any Mental Health Commission staff will take part in the voluntary redundancy scheme.

VIOLENCE RESTRAINING ORDERS

1168. Hon LYNN MacLAREN to the Attorney General:

(1) How long does an interim violence restraining order, without the respondent present at a hearing, take to be granted from the time an application is lodged?

(2) Has the Attorney General received any complaints about magistrates making inappropriate comments during applications or hearings, with or without respondents present?

(3) If yes to (2), what are those complaints?

(4) What training is provided to magistrates to sensitise them to the applicant's circumstances or feelings raised in VRO hearings?

Hon MICHAEL MISCHIN replied:

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

(1) It varies, depending on the urgency of the matter, but it can be, and often is, the same day as the application is lodged.

(2)–(4) In order to provide a full answer, I need to confer with the Chief Magistrate, who is currently in the eastern states and therefore unavailable to discuss these matters. I therefore ask that these parts of the question be placed on notice.

The PRESIDENT: There is an imputation of sorts in the last part of that question as well. We will leave it with the Attorney General to search for an answer.

AGRICULTURE — DOPPLER RADAR

1169. Hon NIGEL HALLETT to the Minister for Agriculture and Food:

(1) On Thursday, 16 October, the Minister for Agriculture and Food informed this chamber that a report into the costs and benefits of providing additional radars in WA, or dopplerising existing radars, had been delayed by a further four weeks because of difficulty in sourcing costing information. Why has the WA Department of Agriculture and Food failed to communicate with Melbourne-based Environmental Systems and Services, the company responsible for installing 60 of the 64 radars in Australia?

(2) Detailed information on costings and suggested optimum locations for expanding WA's radar network were obtained by my office from ESS Weathertech and formally provided to the WA Minister for Agriculture and Food and the department in October 2013. Why, 12 months later, is the Department of Agriculture and Food claiming it is unable to source this information?

(3) Every state and territory in Australia, except Western Australia, uses a mix of weather stations and radar to provide highly accurate spatial analysis and quantitative rainfall data, and severe storm information. Why is the government not prioritising the installation of additional radars or progressively dopplerising existing radars to provide the Bureau of Meteorology, farmers, miners and emergency services with this latest technology?

With the President's indulgence, I seek leave to table the document relating to these questions.

Leave granted. [See paper 2178.]

Hon KEN BASTON replied:

I do not know what the document is, but this is the answer.

(1) The Department of Agriculture and Food WA commissioned consultants AEC Group to prepare a business case on expanded coverage for Doppler radar services across the Agricultural Region. AEC has advised it experienced delays obtaining detailed costing information from the Bureau of Meteorology for accredited radar systems, but the report should be finalised in the coming weeks.

(2) Although I have received basic costing provided by the honourable member, these are only part of the detailed information needed by the state. AEC has the responsibility for preparing an independent business case assessing the expansion of Doppler radar services for government. Issues such as ongoing maintenance, ownership, replacement, software upgrades and linkage to the BOM network of an accredited system have to be negotiated with commonwealth agencies.

(3) The state government is very aware of the benefits of Doppler radar to agriculture, aviation and fire and emergency services, and has raised with the federal government the need to upgrade and expand our radar network. I make it clear that Doppler radars are not a state government responsibility and for any network to be comprehensive across the wheatbelt, it is likely to cost upward of $20 million to $30 million over the lifespan and needs a comprehensive business case.

FOSTER CARERS — SOUTH WEST REGION

1170. Hon SALLY TALBOT to the Minister for Child Protection:

I refer to a recent article in the *Manjimup–Bridgetown Times* entitled "Children at risk as carers diminish", which states that Manjimup children may be forced to leave town and siblings could be separated unless more foster carers are found.

(1) How many foster carers are needed in the South West Region?

(2) What efforts are being made by the Department for Child Protection and Family Support to find more foster carers in regional towns such as Manjimup?

(3) What success have these efforts had?

(4) Does the minister agree with the assessment by the department that children could be separated from their siblings and sent to Albany?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

(1) The department always needs foster carers, both general and relative, in all regions. The department hopes that, as a result of the article in the *Manjimup–Bridgetown Times*, the community will have a greater understanding and awareness of the need for foster carers.

(2) The department advertises regularly in local papers and through school newsletters, and encourages existing carers to encourage other community members to consider becoming foster carers. The department had a recent recruitment drive over the festival weekend in Manjimup, which included a shopfront presence on the main street.

(3) Recruitment of foster carers continues to be a challenge. Since January 2014, the department has received three applications for the Manjimup office; however, none of these applicants live in Manjimup. In the great southern, where Bridgetown and Manjimup are located, general foster carers make up about one-third of all carers. Most carers are relative carers.

(4) When foster carers are not available, children may be placed away from their home town. There is the possibility that children will be separated when sibling groups are large; however, the department will always consider this as a last resort.

ROTTNEST ISLAND — ANNUAL REPORT 2013–14

1171. Hon LJILJANNA RAVLICH to the parliamentary secretary representing the Minister for Tourism:

I refer to the Rottnest Island Authority 2013–14 annual report.

(1) What was the annual visitation to Rottnest Island in each financial year from 2008–09 to 2012–13?

(2) What was, or will be, the cost of the new power station fuel tank?

(3) What was the cost of the island's wind generator when it was installed?

Hon ALYSSA HAYDEN replied:

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

(1) The answer is in tabular form, and I table the answer and seek leave to have it incorporated in *Hansard*.

Leave granted. [See paper 2179.]

The following material was incorporated —

(1)

	2008/09	**2009/10**	**2010/11**	**2011/12**	**2012/13**	**2013/14**
Ferry	360,718	303,696	331,065	293,844	294,229	306,999
Private boat	180,000	180,000	180,000	185,000	185,000	185,000

(estimation only)						
Aircraft	5,000	5,612	6,292	5,098	5,817	5,470
Total	**603,718**	**546,965**	**571,369**	**532,369**	**531,878**	**548,177**

NB: Excludes staff and volunteers

(2) An amount of $136 000.

(3) It was $4.2 million.

YOUTH CONNECTIONS PROGRAM

1172. Hon DARREN WEST to the Leader of the House representing the Minister for Training and Workforce Development:

I refer to the Minister for Training and Workforce Development's answer to question without notice 862.

(1) Did the minister attend the ministerial council meeting held on 26 September?

(2) If no to (1), was the minister represented at the meeting and whom was he represented by?

(3) Was the issue of ongoing funding for the federal Youth Connections program raised at that meeting?

(4) If yes to (3), was a commitment made to continue funding this successful program?

(5) If no to (4), will the state government take on this vital service currently operating from a number of locations across the state?

Hon PETER COLLIER replied:

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

(1) Yes.

(2) Not applicable.

(3) No.

(4) Not applicable.

(5) The state government cannot replace funding for all services that the commonwealth has ceased to support. The state will continue to provide a full range of services to support young people to make successful transitions to work.

PLANNING — BUSHFIRE-PRONE AREAS

1173. Hon SAMANTHA ROWE to the minister representing the Minister for Planning:

Can the minister advise on the progress of discussions with local government on the identification of high-risk bushfire zones?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

The Department of Fire and Emergency Services, through the Office of Bushfire Risk Management, is developing a statewide bushfire–prone area map in consultation with local governments. On 1 May 2015, the Fire and Emergency Services Commissioner will designate areas identified as bushfire prone. The designation will guide planning decisions regarding the application of development and construction standards in bushfire–prone areas.

JULIEKA IVANNA DHU — DEATH IN CUSTODY

1174. Hon ROBIN CHAPPLE to the Attorney General representing the Minister for Police:

I refer to the death in custody of Julieka Ivanna Dhu at South Hedland on 4 August 2014.

(1) Will the minister table statements made to the media by any persons or officers of the police concerning the death and transportation of Julieka Ivanna Dhu?

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

(3) If yes to (1), in what capacity were the statements made and on what dates?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Police, I thank the honourable member for some notice of this question.

(1) I table the attached document.

[See paper 2180.]

(2) Not applicable.

(3) Police media provided three media releases to all media outlets. The dates of these media releases were 4 August 2014 and 6 August 2014, on which latter date two releases were provided.

NURSES — PARKING FEES

1175. Hon AMBER-JADE SANDERSON to the Minister for Commerce:

I refer to the article in today's *The West Australian* about limitations by the Western Australian Industrial Relations Commission on parking fees for nurses.

(1) Has the government estimated the cost to government of limiting the amount nurses are charged for parking and revenue foregone?

(2) If yes to (1), what is that estimated cost?

Hon MICHAEL MISCHIN replied:

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

(1) The impact of the decision is currently being assessed.

(2) Not applicable.

OUTPATIENT SURGICAL CLINIC REFERRALS — JUNE 2014 REPORT

1176. Hon ALANNA CLOHESY to the parliamentary secretary representing the Minister for Health:

I refer to the report "Referrals to Outpatient Surgical Clinics" and the government's failure to publish a report in June 2014.

(1) Why has the publication of the June 2014 report been delayed?

(2) When will it be published?

Hon ALYSSA HAYDEN replied:

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

Can I clarify: is that question C1245?

Hon Alanna Clohesy: Yes.

Hon ALYSSA HAYDEN: The one that I spoke to you about prior?

Hon Alanna Clohesy: Yes, but it was lodged last week.

Hon ALYSSA HAYDEN: That is fine. Unfortunately, the minister is paired today due to health reasons.

Hon Alanna Clohesy: But it was lodged last week.

Hon ALYSSA HAYDEN: He is not available to sign that off and I do not have the answer available today, as I indicated earlier.

AUSTRALIAN CENTRE FOR DIGITAL INNOVATION — CITY OF BUNBURY LIBRARY

1177. Hon ADELE FARINA to the parliamentary secretary representing the Minister for Regional Development:

I refer to the minister's answer to my question without notice 1157 in relation to the Centre for Digital Innovation, asked on 16 October 2014.

(1) Of the 32 staff employed at various times since the establishment of the Centre for Digital Innovation, how many were residents of Bunbury?

(2) Of the seven individuals engaged as subcontractors, how many were Bunbury residents and what services did they provide to the centre?

(3) How many staff are currently employed by the centre?

(4) In relation to (3), how many of the current staff are Bunbury residents?

Hon COL HOLT replied:

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

(1)–(4) The government does not hold any business records for the Centre of Digital Innovation. Vue Group, which is based in the premises, is a private entity, and, similarly, the government does not hold employment records for the group.

SCHOOLS — PUBLIC–PRIVATE PARTNERSHIPS

1178. Hon SUE ELLERY to the Minister for Education:

I refer to the government's announcement of the new public–private partnership, and that one company will be awarded the contract worth $370 million for eight schools over 25 years.

(1) What is the structure of the contract?

(2) What features of the contract make it attractive to private operators?

(3) What profit can a successful operator expect to make over the life of the contract?

Hon PETER COLLIER replied:

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

(1) The structure of the contract is for a private company to design, build, finance and maintain eight schools over a 25-year period.

(2) The 25-year contract period and scale of the contract scope provides a private company the opportunity to minimise whole-of-life-cycle costs relative to conventional public sector delivery. The packaging of eight schools provides efficiencies in design, construction and maintenance due to collaboration of the project company's architects, building contractors and facilities managers. PPPs have a strong record in this regard, whereby savings arising from these efficiencies outweigh additional financing costs and thus offer value for money to government.

(3) This information is commercially sensitive and will not be visible to the state.

RESIDENTIAL TENANCIES ACT 1987 — FAMILY AND DOMESTIC VIOLENCE PROTECTION ORDERS

1179. Hon LYNN MacLAREN to the Minister for Commerce:

(1) Is the minister aware that every other state and territory has provisions to allow victims of domestic or family violence to re-establish a tenancy without penalty?

(2) What steps will the minister take to ensure the Residential Tenancies Act or its regulations expressly represent domestic or family violence as a hardship?

(3) What steps will the minister take to enact provisions to permit the removal of a person from a lease on the grounds of domestic or family violence?

Hon MICHAEL MISCHIN replied:

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

(1) Yes.

(2)–(3) I have recently received a report from the Law Reform Commission of Western Australia that recommends, amongst other things, that the Department of Commerce undertake a review of the interaction between the Residential Tenancies Act 1987 and family and domestic violence protection orders. I am seeking further advice from the Department of Commerce in consultation with the Department of the Attorney General on this recommendation.

SMALL BUSINESS DEVELOPMENT CORPORATION — BUY LOCAL CAMPAIGN

1180. Hon KATE DOUST to the Attorney General representing the Minister for Small Business:

I refer to pages 92 and 93 of the Small Business Development Corporation's 2013–14 annual report.

(1) What reasons did the Department of Regional Development give for not endorsing stage 2 of the SBDC's Buy Local campaign?

(2) How has the SBDC reconciled the loss of $1 million of expected revenue for 2013–14?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Small Business, I thank the honourable member for some notice of the question.

(1) The business case to access the funding for stage 2 of the program was prepared and submitted to the Department of Regional Development in 2013–14; however, final approval was not received until 2014–15.

(2) The $1 million allocated from royalties for regions to the SBDC in the 2013–14 *Budget Statements* formed part of a broader $10 million commitment over four years for the regional Buy Local program. Subsequent to the publication of the *Budget Statements*, the funding was split between the SBDC and

the Department of Commerce. In 2013–14 this resulted in $500 000 for each agency. The business case for the funding was not finalised in 2013–14; therefore, the program did not commence and the funding was not drawn down.

TRANSPERTH — CARBON TAX

1181. Hon KEN TRAVERS to the parliamentary secretary representing the Minister for Transport:

(1) Can the minister confirm that in the 2012–13 budget the government announced a 10c increase in a standard two-zone cash fare due to increases in the consumer price index?

(2) Can the minister confirm that on 1 July 2012 the government increased the standard two-zone fare by 20c, with the additional 10c due to the carbon tax?

(3) Why has the government not decreased the standard two-zone cash fare by 10c, now that the carbon tax has been removed?

(4) How much additional revenue is the Public Transport Authority collecting each day due to the increases in fares imposed on 1 July 2012 to cover the carbon tax not being removed?

(5) How much will the free-travel day on 3 November cost the PTA?

Hon JIM CHOWN replied:

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

It is not possible to provide the information in the time available, and I request that the member put the question on notice.

Hon Ken Travers: What a joke! So you don't know?

Hon JIM CHOWN: Hon Ken Travers has had the response; it is a complicated answer.

The PRESIDENT: Order! That is a supplementary question, which is not allowed in this chamber.

Hon Ken Travers: The point is still made, Mr President.

WHEATSTONE LNG PROJECT — ACCOMMODATION — ONSLOW

1182. Hon STEPHEN DAWSON to the Leader of the House representing the Minister for State Development:

I refer to the decision by the Premier to allow Chevron to change the terms of the state development agreement relating to the Wheatstone project to no longer require the building of workers' accommodation in Onslow, and his comments about the SDA that "some initial components of it have been revisited".

(1) Will the Premier guarantee that —

(a) the people of Onslow will have a desalination plant provided by Chevron; and

(b) Chevron will be building, and handing over to Horizon Power, a nine-megawatt power station in Onslow by 2016, as previously promised?

(2) If no to (1)(a) or (b), why not?

(3) Has Chevron discussed any other changes to the state agreement with the minister's office; and, if so, what changes?

Hon PETER COLLIER replied:

I thank the honourable member for some notice of the question, which is not entirely what the honourable member said, but I know what he needs.

Chevron's decision to base its fly in, fly out operational workforce at Ashburton North industrial estate did not require any change to the state development agreement.

(1) (a)–(b) The state development agreement requires Chevron to build a desalination plant and a nine-megawatt power station, and Chevron continues to work closely with both the Water Corporation and Horizon Power to deliver these facilities as scheduled during 2016.

(2) Not applicable.

(3) Chevron has not proposed any changes to the state development agreement.

BANDYUP WOMEN'S PRISON

1183. Hon SALLY TALBOT to the Attorney General representing the Minister for Corrective Services:

How many women are currently being held at Bandyup Women's Prison in each security classification —

(a) on remand;

(b) awaiting a court appearance;

(c) newly sentenced prisoners awaiting assessment; and

(d) women completing sentence?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Corrective Services, I thank the honourable member for some notice of the question.

The Department of Corrective Services advises that as at 20 October 2014 —

(a) Maximum, 13; medium, 93; and minimum, 15.

(b) All remand prisoners are awaiting a court appearance.

(c) This information was unable to be obtained in the required time frame. I ask the member to place this part of the question on notice.

(d) Maximum, 15; medium, 128; and minimum, 43.

UNCONVENTIONAL GAS — MINISTER FOR MINES AND PETROLEUM — COMMENTS

1184. Hon ROBIN CHAPPLE to the minister representing the Minister for Mines and Petroleum:

I refer to question without notice 828 asked on 19 August 2014, in which the minister advised that "There is no such thing as unconventional gas in Western Australia".

(1) If there is no such thing as unconventional gas in Western Australia, to what does the Inquiry into the Implications for Western Australia of Hydraulic Fracturing for Unconventional Gas, being conducted by the Standing Committee on Environment and Public Affairs, owe its name?

(2) If there is no such thing as unconventional gas in Western Australia, what is the inquiry into the implications for Western Australia of hydraulic fracturing for unconventional gas investigating?

(3) What does the minister understand the term "unconventional gas" to mean?

(4) What does the minister understand the term "renewable energy" to mean?

The PRESIDENT: Parts of that question are direct questions to the committee rather than the minister, but the minister may like to provide an answer.

Hon KEN BASTON replied:

I thank the honourable member for some notice of this question, which I answer on behalf of the Minister for Mines and Petroleum.

(1) The minister is not a member of the Standing Committee on Environment and Public Affairs and has no involvement with its operations and inquiries.

(2) The terms of reference are available from the environment and public affairs committee.

(3) Not applicable. There is no accepted definition for the term "unconventional gas".

(4) "Renewable energy" means energy from a source that is not depleted when used.

SOUTH WEST INSTITUTE OF TECHNOLOGY — STUDENT ENROLMENTS

1185. Hon ADELE FARINA to the Leader of the House representing the Minister for Training and Workforce Development:

What was the total number of student enrolments at each of the campuses comprising the South West Institute of Technology for semester one for each of 2012, 2013 and 2014?

Hon PETER COLLIER replied:

I thank the honourable member for some notice of the question. The response is fundamentally in tabular form, so I seek leave to have it tabled and incorporated into *Hansard*.

Leave granted. [See paper 2181.]

The following material was incorporated —

Campus	Publicly funded course enrolments		
	July 2012	July 2013	July 2014
Bunbury	3,948	3,806	3,500
Bunbury Regional Prison	126	87	183
Collie	188	189	124
Busselton	439	467	353
Harvey	82	70	53
Margaret River	425	419	326
Nannup	0	7	0
Pemberton	17	18	21
Manjimup	223	175	211

Notes:

- The VET enrolment data collection is not designed to support semester based reporting, as each collection point represents a stand alone year-to-date snapshot of activity. The Department of Training and Workforce Development only reports enrolment activity at periodic intervals that reflect enrolments recorded from the start of the calendar year.
- Figures for 2012 and 2013 reflect validated VET enrolment data as at 31 July each year. Due to recent changes in the timing of national reporting requirements, figures for 2014 reflect unvalidated VET enrolment data as at 31 July 2014.
- Publicly funded refers to all training funded by or through the Department of Training and Workforce Development.

TAXIS — LONDON-STYLE CABS — WHEELCHAIR PILOT PROJECT

1186. Hon ALANNA CLOHESY to the parliamentary secretary representing the Minister for Transport:

I refer the Minister for Transport to the current trial of the London-style cabs, known as TX4s.

(1) Has an occupational therapist been appointed to the small-scale pilot for the carriage of passengers using wheelchairs?

(2) If yes to (1) —

(a) when was the occupational therapist appointed;

(b) when did the trial commence and how many drivers and passengers using wheelchairs are involved; and

(c) when will the pilot be completed?

(3) If no to (1), when does the minister expect that the pilot will commence?

Hon JIM CHOWN replied:

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

(1) No.

(2) Not applicable.

(3) The occupational therapist appointment process is underway. The department expects the pilot to commence in early 2015.

WA POLICE — CRIME INTELLIGENCE AND COORDINATION UNITS

1187. Hon AMBER-JADE SANDERSON to the Attorney General representing the Minister for Police:

I refer to WA Police's crime intelligence and coordination units.

(1) How many units are currently operating in the Perth metropolitan area?

(2) Can the Minister for Police confirm that these units will be broken up and replaced with a fewer number of centralised district control centres?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Police, I thank the honourable member for some notice of the question.

(1) Six units are operating.

(2) From 1 December there will be four metropolitan police districts of equal size and demand. Each district will have a district control centre that will operate 24/7 and have 36 personnel providing intelligence support, supervision and coordination. In addition, each district will have district engagement and support units providing services previously undertaken by crime intelligence and coordination units, including, but not limited to, the intelligence and offender management units. Previous CICUs had 12 personnel operating on a day shift from Monday to Friday only. The new operating model will provide for greater intelligence capacity than that under the previous system.

HOUSING — AVAILABILITY

1188. Hon SAMANTHA ROWE to the minister representing the Minister for Housing:

I refer to the minister's response to question without notice 1126 on 15 October 2014.

Can the minister advise —

(a) what is the waiting time on the Department of Housing priority list for a three-bedroom home in the South East Metropolitan Region; and

(b) will families with children who are homeless meet the criteria to be listed for priority housing?

Hon KEN BASTON replied:

I thank the honourable member for some notice of the question. The Department of Housing advises as follows —

(a) The waiting time for priority housing is dependent on the turnover of properties. The South East Metropolitan Region has four housing zones. As at 30 September 2014, the current month of allocation for each zone is: south central zone, April 2010; south city zone, May 2010; southern districts zone, March 2010; and south east metro zone, June 2013.

(b) Yes, they will.

GERALDTON RESIDENTIAL COLLEGE

1189. Hon DARREN WEST to the Minister for Education:

I refer to question without notice 968 asked on 16 September. When does the minister expect to make a decision about enrolments at Geraldton Residential College?

Hon PETER COLLIER replied:

I thank the honourable member for some notice of the question. I am considering arrangements that will allow for the enrolment of non-government school students. I expect to make an announcement regarding my decision very shortly.

PRIMARY ACADEMIC CLASSES — TRIAL

1190. Hon SUE ELLERY to the Minister for Education:

(1) Is there currently a trial of primary academic classes?

(2) If yes to (1), which schools are participating in the trial and what is the status of the trial?

Hon PETER COLLIER replied:

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

(1) No. However, the south metropolitan education region supports an initiative known as primary academic classes at two schools—Wattle Grove Primary School and Caladenia Primary School. This is consistent with the Department of Education's policy of encouraging schools to develop programs that respond to local community and student need.

(2) Not applicable.

QUESTIONS ON NOTICE 1645 AND 1647

Papers Tabled

Papers relating to answers to questions on notice were tabled by **Hon Helen Morton (Minister for Child Protection)**.

BICYCLE NETWORK PLAN — PUBLICATION

Question without Notice 1140 — Answer Advice

HON JIM CHOWN (Agricultural — Parliamentary Secretary) [5.06 pm]: I have a response to question without notice 1140, asked by Hon Ken Travers in last week's sitting. It is a more comprehensive answer as follows —

(1) The answer was prepared in the office of the Minister for Transport in consultation with the department.

(2) The director, office of the director general.

(3) No.

(4) Not applicable.

(5) The department first became aware when question 1135 was prepared.

(6) No. These answers were provided in questions without notice 323 and 1135.

(7) The member should refer to question without notice 1135.

FIREARMS AMENDMENT REGULATIONS 2014 — DISALLOWANCE

Motion

Resumed from an earlier stage of the sitting.

HON PAUL BROWN (Agricultural) [5.07 pm]: I will wrap up very quickly. I do not think I need to labour the point I was making, other than to say that I have a piece of paper in front of me at the moment —

Hon Ken Travers: We wanted to ask you how much it cost you to play under-9s.

Hon PAUL BROWN: I was going to go on and talk about my prowess, but I thought I had better get on with real business.

The terms of reference, which are on the commission's website, require the commission to —

> 1. Provide advice on and recommend appropriate legislative …

It is quite lengthy —

> 2. Provide advice on and recommend appropriate legislative changes regarding penalties for firearm offences …
>
> 3. Review of any relevant issues arising from recent 'Operation Unification', the Auditor General's Reports on the firearms licensing, Joint Standing Committee on Delegated Legislation Report 68 … and any other relevant Parliamentary Inquiry.
>
> 4. Provide advice on any other relevant matters.
>
> …
>
> Stakeholders are also welcome to provide information relevant to the terms of reference at any time.

I encourage all gun owners and gun clubs, sporting shooters' associations and professional shooters' associations to make submissions to the review and let it know the implications of the current legislation, and also what implications any changes to the legislation may hold for them.

The position we held last time around in February has not changed. Although I sympathise with Hon Rick Mazza, the changes are small. In fact, some of the changes are in the negative. If we were to disallow these changes, we would be disadvantaging some people to whom these fees apply. In short, my National colleagues and I will not be supporting the disallowance motion.

HON DARREN WEST (Agricultural) [5.09 pm]: I rise to support the comments of Hon Kate Doust in support of the motion put by Hon Rick Mazza. I wish to make some brief comments on behalf of the electorate I represent, the Agricultural Region. Here we have yet another broken Liberal–National promise. I am told that a commitment was made to Hon Rick Mazza that this matter would be addressed, the review would be done, the true cost of recovery would be lowered and gun licence fees would not be raised. Fees are being raised and the review has not been done and does not look as though it will get done any time soon. I think that Hon Rick Mazza has been sold a pup by the conservatives once again. I am sure that Hon Rick Mazza knows how former Premier Alan Carpenter felt when he was given a commitment by the Nationals that they would form government with him, only for them to walk away from it. I am sure that he knows exactly how Hon Rick Mazza feels about this issue right now.

Several members interjected.

The DEPUTY PRESIDENT: Order, members! Hon Darren West has the call.

Hon DARREN WEST: Once again, we come back to the commitments that are made and walked away from because the government has trashed the state's finances. We no longer have a AAA credit rating, and I heard last week that Western Australia's economy is now not the strongest in Australia; it is now the second strongest economy in Australia behind that of New South Wales. Fancy that! A state with such enormous gas, iron ore, gold and other resources cannot even outperform the other states of Australia. It is total fiscal mismanagement by this government.

I support the motion. Farmers—there are many farmers in the Agricultural Region—find that to do their job, they need to carry a number of licensed firearms. For instance, most farms will have in a cabinet somewhere a common garden .22 calibre rifle that is used for popping off a few rabbits, killing animals in distress or shooting animals that will be hung for their own consumption. There will often be a higher powered rifle such as a .222 rifle for long-range shooting of foxes and other feral animals on the farm. There will often be a small-bore shotgun, such as a .410 gun that smaller people can use to shoot snakes and other vermin around the house yard. There is also usually a shotgun or two of different persuasions in a gun cabinet. Farmers and pastoralists will carry several firearms. The last two increases in the fees for these firearms have been quite significant. I do not agree with any of them. The processes that the government uses are so old and out of date that it is no wonder the fees are so expensive.

I come back to the point. Why do we have to have full cost recovery for everything the government does? We never have full cost recovery for public transport, schools or health. We pay our taxes. We usually pay lots of stamp duty and taxes, so why do we need full cost recovery? However, the government has said that it has to have full cost recovery, so we will go with that. Let us make the system more streamlined, but I still question why our sector has to have full cost recovery for everything the government does. This applies not just to shooters; it applies to farmers, pastoralists and other people.

I heard Hon Rick Mazza refer to the Queen's Prize, which reminded me of a rather large photo hanging in the Goomalling Farmers Club of a gentleman called Robin Baird, who is sadly no longer with us. Robin Baird, who was the local mechanic, was a former winner of the Queen's Prize and went to England to shoot, and he met the Queen.

What I like is that Hon Rick Mazza is standing up for his core constituency—that is, the Agricultural Region and people who shoot and fish; they elected him to Parliament—unlike many of his conservative colleagues, who are refusing to do so. Last time around, the majority of country-based Liberals supported the increase in fees by not backing Hon Rick Mazza's disallowance motion, and so did the Nationals. I think Hon Rick Mazza had a fairly thinly veiled swipe at Hon Paul Brown when he quoted what the member said in the house, but we all know how the WA Nationals voted on the motion, and it seems that they will vote that way again. It is easy to talk, but the Agricultural Region and regional businesspeople need support. Members opposite should stand up for them. When they lose touch, they will lose government. They have sincerely lost touch on the tier 3 rail lines, the year 7 move, the cuts to schools and the delays in hospital upgrades. They have lost touch on all those issues and let us all down in that regard.

The motion should be supported at least by all regional members of Parliament. I think it is a reasonable motion. Something needs to be addressed in this area. I look forward to seeing how my regional colleagues will vote. I look forward to seeing how Minister Baston, Parliamentary Secretary Chown, Hon Nigel Hallett, Hon Brian Ellis, Hon Mark Lewis, Hon Robyn McSweeney, Hon Dave Grills, Hon Martin Aldridge, Hon Col Holt, Hon Paul Brown, Hon Jacqui Boydell and Hon Robin Chapple will vote on this issue, because I assure the house that the regional MPs on this side will vote to support their regional electorates. I look forward to seeing how the debate goes. I hope that enough members on the other side are happy to support Hon Rick Mazza in his pursuits and in standing up for his electorate and the people who voted for him. Members probably should try it some time.

HON MARK LEWIS (Mining and Pastoral) [5.15 pm]: I have a couple of comments. The great thing about sitting at the end of this row of seats is that generally I get to have the last say, because I am the last member to be seen, so that is very good. What I would like to say has already been said, so I will be very quick and just wrap up. I was pleased that the Deputy Chair of the Joint Standing Committee on Delegated Legislation stood and had his say, because I think that is the issue that we have to deal with at the moment. Hon Darren West can rabbit on about it as much as he likes, but, at the end of the day, the substantive motion is on the issue that was considered by the delegated legislation committee, and that is, as we heard a number of times, that it is within power—end of story. I think everybody is in violent agreement with Hon Rick Mazza about the issues with the review and the need for the review.

Hon Darren West interjected.

Hon MARK LEWIS: I do not know whether Hon Darren West understands it, but the substantive motion is about the Firearms Amendment Regulations and whether it was within power, and it is within power. All members of the delegated legislation committee, including members of the Labor Party, agreed with that. There is no minority report, so I do not know where the member is getting that from.

At the end of the day, I think we are all in violent agreement with Hon Rick Mazza about the need for a review. One might argue about the timeliness of the review, and I can only say that I agree that we need to bring it forward as quickly as we can so that all the issues we have debated today are dealt with. At the end of the day, I agree with the delegated legislation committee and I will not support the motion.

HON NIGEL HALLETT (South West) [5.18 pm]: I have a lot of sympathy for Hon Rick Mazza's motion. I do not think anyone in this chamber would be more in touch with the people involved in the firearms system than the honourable member. I remember the earlier debate very clearly, and I think the honourable member took it in good faith that there was a commitment to revisit the licensing fees in particular. Although the Attorney General said that the system is about cost recovery, we saw a change from a clear, proven system that was easy to use and had very accurate records to a very clumsy system involving Australia Post. As the Attorney General said, an application goes from Australia Post to the police and back to Australia Post, all of which is costing. There is an in-built cost of some $50 that just does not need to be there.

Let us look at road transport. We do not go to Australia Post to make an application; we go to the Department of Transport. Let us look at recreational hunting in Victoria. It is worth a lot of money to the Victorian economy—some $400-odd million. I cannot understand why we have introduced a clumsy system. A lot of guns return a good dollar to this state. For sure there are types of guns that we do not want, but they will always be here. Whether we double the increase in licence fees or whatever, they will always come across the border into the state somehow and be freely available in the market. I think the mums and dads, the recreational users of firearms, are under pressure from the department on licensing their firearms. I certainly have a lot of sympathy for this motion.

HON RICK MAZZA (Agricultural) [5.21 pm] — in reply: I want to thank everybody for their contribution today. I did appreciate a lot of the comments that were made and I did not appreciate others. My initial speech was far ranging but it was designed to point out a lot of the nonsense in the current system under the Firearms Act and a lot of the issues facing firearms owners who are paying a gold-star price and getting very poor service. The fees and charges in Western Australia do not even provide for a pensioner discount. There are a lot of pensioners who like shooting as a recreational pastime. It is probably the only government service that does not provide a pensioner discount, which is very disappointing. A comment was made—I think by the Attorney General—that it is a user-pays system and that if firearms owners want a registry and all that sort of thing, then they and not the community have to pay for it. I do not agree with that. The community is the one that would benefit from a registry, which is about recording the firearms and making sure that people are fit and proper to own a firearms licence. A registry would be a community benefit. I do not think that it would be unreasonable for the community to contribute to that registry and that program. I think there is certainly some scope for there to be subsidised fees, given that the fees are so very high.

Other comments were made that the review of the Firearms Act has been in place since February or March. I am here to tell members that that is also not true. In February the terms of reference were posted on the website and absolutely nothing happened until August—some six months later. In fact, at an estimates hearing in this place I asked the Attorney General about the progress of the review of the Firearms Act. He told me at that time that no-one had even been appointed to undertake the review—some six months after the terms of reference were posted! It was quite easy to post the terms of reference on the website and provide a few notes about what the review would entail. Then crickets for six months!

It will be 2015 before the report is due, and we know that we will not have a review of that act in an election year. In the meantime we will still have this dysfunctional, clunky system. The government needs to consider that there is a lot of scope in the current Firearms Act to improve the system. We do not necessarily need a review to get a decent return on cost recovery. There is actually a hell of a lot of scope within the current Firearms Act to improve the system, to make it more efficient and to reduce those fees.

Division

Question put and a division taken, the Deputy President casting her vote with the ayes, with the following result —

Ayes (13)

Hon Alanna Clohesy	Hon Adele Farina	Hon Ljiljanna Ravlich	Hon Samantha Rowe *(Teller)*
Hon Stephen Dawson	Hon Nigel Hallett	Hon Sally Talbot	
Hon Kate Doust	Hon Rick Mazza	Hon Ken Travers	
Hon Sue Ellery	Hon Robyn McSweeney	Hon Darren West	

Noes (20)

Hon Martin Aldridge	Hon Robin Chapple	Hon Nick Goiran	Hon Mark Lewis
Hon Ken Baston	Hon Jim Chown	Hon Dave Grills	Hon Lynn MacLaren
Hon Liz Behjat	Hon Peter Collier	Hon Alyssa Hayden	Hon Michael Mischin
Hon Jacqui Boydell	Hon Brian Ellis	Hon Col Holt	Hon Helen Morton
Hon Paul Brown	Hon Donna Faragher	Hon Peter Katsambanis	Hon Phil Edman *(Teller)*

Pair

Hon Amber-Jade Sanderson	Hon Simon O'Brien

Question thus negatived.

ENVIRONMENTAL PROTECTION AMENDMENT (VALIDATION) BILL 2014

Second Reading

Resumed from 16 October.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [5.29 pm]: When I had left this debate when we were last sitting, I had asked a question about what was the risk of those projects that were to be deemed valid by virtue of the amendment that we are making to the substantive act. I had touched on the fact that one of the projects that we know will be deemed valid—because it was on the original list of 25 projects that was released by the government—is Roe Highway stage 8. However, that project is different from the other projects that are on that list of 25 projects. That is because there has been no investment by the private sector in Roe 8. The sector that suggested that it would make an investment—that is, the public sector, or the Barnett government—put about $700 million in the budget a few years ago for this project. However, it has since taken that money out of the budget. Therefore, no money has even been allocated, let alone spent, for the building of Roe 8. In fact, Roe 8 is still subject to the appeal stage of the approvals process. It therefore does not add up that we are deeming Roe 8 to be valid on the same grounds that we are deeming the other projects on that list to be valid. Roe 8 is not in the same category as those other projects at all. I therefore look forward to an explanation from the Minister for Mental Health as to why that project will be deemed valid, when there is neither private sector investment in that project nor public sector investment.

The second reading speech canvasses the fact that the government considered that it had two options of redress once it had been given the Supreme Court decision. The first was to reassess the particular projects in question. The second was to retrospectively validate those projects. Clearly, the government favours the latter option, because it says that the cost of reassessing these projects is too high.

The works on Roe Highway stage 8 are nowhere close to starting. The government has not allocated the money for that project, and it does not have the approvals for that project sorted. It seems to me that the reason the government wants to protect the decision-making that it has done so far on Roe 8 is quite political. The government has already promised twice that it would proceed to build Roe 8. It has botched the time line for that project. It has taken the money out of the budget, and it has wasted money on doing environmental consultations that had been done previously. The government made promises about Roe 8 in two election campaigns in a row. The first was when the member for Riverton stated that the bulldozers would be digging up the Roe 8 extension by the time of the 2013 state election. I drive down to that area of the world pretty regularly. My electorate office is not far from Leach Highway and South Street. There have not been any bulldozers there, and there are no bulldozers there, that are doing anything like the digging that would be required for Roe 8.

As other members have canvassed, there are sound environmental reasons not to go ahead and build Roe 8. But, frankly, the most compelling arguments from my point of view about Roe 8 are financial. There are no sound transport linkages and there is no infrastructure planning to ensure that Roe 8 will be an effective part of our road network. In the absence of those things, and in addition to the environmental reasons, there are sound reasons to oppose Roe 8.

This bill has our support, because real investments have been made—apart from Roe 8—in projects that are already underway. Those investments are vital to our economy and to the sovereign reputation of this state as a sound place in which to invest. Therefore, we will support the bill. However, the bill raises more questions than it answers. What were the circumstances that led the chair of the Environmental Protection Authority to think that there was any capacity to exercise discretion in applying sections 11 and 12 of the Environmental Protection Act? What are the projects—other than those that have been identified by the government in the list of 25—that will be deemed valid by the amendment that we are making to the act or that will be deemed to be valid retrospectively? On those two matters, I look forward to the minister's response.

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [5.35 pm] — in reply: The Environmental Protection Amendment (Validation) Bill was introduced by the government on 10 September 2014 to validate environmental approvals. The legislation is needed because of failures by the independent Environmental Protection Authority to abide by the conflict-of-interest provisions in the Environmental Protection Act between 2002 and 2012.

To understand this legislation, it is important to note that the EPA is indeed independent of government and not subject to direction from the minister of the day. I can assure Hon Stephen Dawson and the house that this independence has been respected by the government and that the government had no involvement in, or

knowledge of, the change in the EPA's approach to conflicts of interest in 2008. Dr Vogel took that decision independently as chairman of the EPA. The EPA's role is to assess and make recommendations on proposals to the Minister for Environment and it is then the relevant ministers who ultimately make the final decision on whether a proposal can go ahead.

As mentioned by a number of honourable members during the second reading debate, in August 2013 the Supreme Court of Western Australia found that some members of the Environmental Protection Authority failed to comply with section 12 of the Environmental Protection Act, which relates to conflicts of interest, when members who held shares in companies with a commercial interest in the outcome of the Browse LNG precinct assessments participated in the process. Because the shareholding members were sometimes required to form a quorum, there was also a failure to comply with section 11 of the act, which requires that a quorum comprise three un-conflicted members. As a consequence of the failure to comply with these provisions, the court held that the environmental approvals that followed the authority's purported assessments were invalid. In making its findings, the court did not consider the rigour of the scientific work done during the assessment process. With respect to Hon Robin Chapple's reading of the decision, the adequacy and scientific rigour of the assessments was not put in doubt by the Supreme Court.

This legislation came about after last year's Supreme Court decision on the Browse LNG precinct. The court ruled that the environmental approvals required for the precinct were invalid because the EPA had failed to comply with the legal requirements relating to conflicts of interest and quorum procedures. Following an act amendment in 2003, these requirements preclude members with a pecuniary interest from participating in discussions or decisions about a proponent's project proposal. Before 2003, members could participate in discussions, but not decisions. Following the Browse case, the government had an obligation to see whether other projects were also open to such a legal challenge. We did this by asking the State Solicitor's Office to undertake a review of other environmental approvals. After considering this review, the government identified 25 projects between 2002 and 2012 in which there was a potential risk that the environmental approvals could be determined to be invalid. Most commonly, this was because members had declared a conflict of interest but then participated in discussions or decisions on assessments. Instead of burying our head in the sand and hoping that these risks do not eventuate, we are taking immediate action and introducing legislation to address the risks identified. This will ensure that these risks are reduced as far as possible. A number of honourable members raised questions relating to how many projects have been affected by the Environmental Protection Authority's failure to comply with legislation. Questions have also been asked about the consistency of lists provided on projects where EPA members declared conflicts.

As part of the review, all minutes from EPA meetings from July 2002 to 19 August 2013 were considered to determine agenda items where EPA members declared conflicts of interest. That is a period of more than 11 years preceding the Wilderness decision. I can assure Hon Stephen Dawson, in answer to his question, that the review has been comprehensive and complete. During the period reviewed, the EPA held 268 meetings. There were about 1 100 agenda items and it completed 430 assessments of projects and changes to conditions of projects. The minutes of all these meetings and details of these assessments are publicly available. During this period 63 assessments were identified in which EPA members declared potential conflicts. There were also two assessments identified in which a member failed to declare an interest. The government is confident that it has captured the 25 projects it considers there is a not insignificant risk, but as it cannot be certain, given the time period, the Environmental Protection Amendment (Validation) Bill seeks to cover any decision before 19 August 2013 that falls within the definition of the relevant decisions covered by the bill. The additional list of 40 projects comprises projects in which conflicts of interest were declared but which the government, after considering its legal advice, has not identified as being at risk.

Hon Robin Chapple referred to the list that he received in 2012 setting out 43 matters in which two former members of the EPA board declared a conflict of interest. Only 40 of the 43 matters on that list were projects being assessed by the EPA that could be affected by this bill. Each of those projects is either on the list of 25 projects considered to be at risk or on the list of 40 projects that are not considered to be at risk.

I would like to stress that the potential risk is related to technical governance issues around conflict-of-interest procedures. The projects do not pose an unacceptable risk to the environment. The science and research involved in the assessment of projects was not compromised. There is no suggestion members of the EPA were ever actually influenced in their decisions because they held shares or another interest in any of the proposals assessed. This bill is an unfortunate necessity—it is needed to provide certainty to projects and to ensure the ongoing business of those projects in our state. I want to assure the public and the business community that the government has acted immediately to address any possible risks identified to the environmental approvals for these projects as a result of the EPA's past failures of governance around conflict-of-interest procedures.

I should also note, in response to Hon Stephen Dawson's questions, that no projects have been held up as a consequence of these governance issues, and that the Office of the Environmental Protection Authority is sufficiently resourced to support the EPA's functions and no additional funding is required. Following the

Browse decision, the Minister for Environment wrote to the chairman of the EPA to ask him to review the EPA's governance arrangements. This has occurred and the government is now satisfied that the EPA's governance arrangements fully comply with the legislation and public sector standards.

The EPA first changed its practices in how it dealt with conflicts of interest on 2 October 2008—four weeks after the state election. That was to allow members who declared a potential pecuniary interest due to holding shares in a self-managed fund or an immediate family member holding to participate in consideration and discussion of the matter. This change is evidenced in meeting minutes where the chairman determined two members who had declared an interest in a project—that is, BHP outer harbour—could participate in discussion. A number of honourable members asked why this happened. The EPA chairman has said publicly that he made the decision to allow potentially conflicted members to participate in assessments and did so because he believed he had the power to do so under section 13 of the Environmental Protection Act. He considered it beneficial to the assessments to allow them to share any relevant knowledge and expertise during discussions.

As a number of honourable members have commented during their contributions to the second reading, there does not appear to be any motivation of self-gain by members participating in the assessments. It is noted that the state election was held on 6 September 2008. The change of practice occurred when the make-up of the board was exactly as it had been under the former Labor government. There is no record that legal advice from the State Solicitor's Office was sought regarding the change. The EPA sought advice from the Public Sector Commission in March 2010 on proposed amendments to its code of conduct. The commission provided general comments, and also advised in a letter dated 30 March that all codes must be consistent with legislation. The EPA amended its code of conduct in April 2010 to allow members to participate in discussions in relation to an agenda item but exclude themselves from the meeting and abstain from any decision on an agenda item where a potential conflict of interest had been determined by the EPA chairman. There is no requirement for the EPA to notify the Minister for Environment when it changes its code of conduct, and ministers have not been notified.

Of the four members who were conflicted at various times over the past 11 years, and participated in assessments contrary to the act, three were Labor appointments. The fourth member's conflict was an apprehension of bias declared during the Browse assessment. This approval is not part of the validating legislation. In fact, the only member of the board who declared an interest in the Browse case and then absented herself from all involvement—because she had worked at the Department of State Development and believed she had a potential apprehension of bias—was an appointment of the Barnett government, Elizabeth Carr.

In his second reading contribution, Hon Stephen Dawson asked what was being done about current appointments to the board. This government has acted to ensure the board is refreshed, with new members with board experience and legal background appointed with the aim of strengthening the EPA's governance matters. The Minister for Environment has recently announced the reappointment of Ms Carr for a further term and also the appointment of Dr Tom Hatton to the board. Dr Hatton is a highly respected scientist who has worked at a senior level in the CSIRO for a considerable time.

The reality is that anyone with a superannuation fund has the possibility of holding shares in mining and resource companies. It is unreasonable to expect professional people of the calibre the state government wants on its boards to have no shareholding interests. It is open to members to sell their shares if they feel that their interests may come into question. However, the key point is that under good governance practices, any conflict of interest can be appropriately managed. The board's governance procedures, including its code of conduct, have been thoroughly reviewed and updated, and fully comply with legislation and public sector standards. The board itself comprises professionals with a range of skill sets including strong legal experience. I have full confidence in their capacity to maintain good governance and provide the state government with informed, well-considered advice.

A number of honourable members have asked during their second reading contributions why the Roe Highway stage 8 extension and the Underwood Avenue residential redevelopment have not been exempted from the legislation. As with all the 25 projects, there is no suggestion that the two members of the EPA were influenced at the time in their decisions by the fact that they had conflicts relating to Roe 8 and Underwood Avenue. There is nothing to indicate that the EPA did anything other than assess the environmental factors relating to the proposals on their merits. The issue of conflicts is one of failings of governance on behalf of the EPA. The science and research that informed the EPA reports is not in question.

I commend the bill to the house.

Division

Question put and a division taken, the Deputy President casting her vote with the ayes, with the following result —

Ayes (29)

Hon Martin Aldridge	Hon Stephen Dawson	Hon Col Holt	Hon Amber-Jade Sanderson
Hon Ken Baston	Hon Kate Doust	Hon Peter Katsambanis	Hon Sally Talbot
Hon Liz Behjat	Hon Sue Ellery	Hon Mark Lewis	Hon Ken Travers
Hon Jacqui Boydell	Hon Donna Faragher	Hon Robyn McSweeney	Hon Darren West
Hon Paul Brown	Hon Adele Farina	Hon Michael Mischin	Hon Brian Ellis *(Teller)*
Hon Jim Chown	Hon Nick Goiran	Hon Helen Morton	
Hon Alanna Clohesy	Hon Dave Grills	Hon Ljiljanna Ravlich	
Hon Peter Collier	Hon Alyssa Hayden	Hon Samantha Rowe	

Noes (2)

Hon Robin Chapple Hon Lynn MacLaren *(Teller)*

Question thus passed.

Bill read a second time.

Sitting suspended from 5.56 pm to 7.30 pm

ENVIRONMENTAL PROTECTION AMENDMENT (VALIDATION) BILL 2014

Committee

The Deputy Chair of Committees (Hon Simon O'Brien) in the chair; Hon Helen Morton (Minister for Mental Health) in charge of the bill.

Clause 1: Short title —

Hon ROBIN CHAPPLE: I want to clarify a few points about comments the minister made in her reply to the second reading debate. This is a review of the validity of environmental approvals potentially affected by a conflict of interest, as documented by the government, and it identifies 25 projects. I note that on a number of occasions the minister has said there is only one declaration of a conflict of interest that has caused the invalidity of that proposal. I will deal with one project in particular—the Jimblebar iron ore project. I note, however, that in the other list with which we were provided, in addition to the 25 projects previously tabled, are a couple of projects for which more than one person has declared an interest. I refer to the Yeelirrie uranium project of BHP Billiton in which both Dr Chris Whitaker and Mr Denis Glennon declared an interest. What are the criteria that determined the 25 projects apropos any of these other ones that were provided in the extra list from the government preceding the commencement of this legislation?

Hon HELEN MORTON: The criteria for the projects that fell within the list of 25 included that they are subject to legal professional privilege, and we cannot go into any more detail. However, in 29 of the 40 projects given in addition to that list, EPA members acted in accordance with the EP act. After having considered legal advice, the government did not consider the remaining 11 projects to be at risk. It would not be appropriate to provide any further details on the government's legal advice on those 11 projects as it is necessary to protect legal professional privilege.

Hon ROBIN CHAPPLE: I am concerned that we are being asked to accept information on the basis of a decision to which we are not privy that has been made by some party or parties, and we are expected to just accept that there is some difference in these projects. Obviously, the minister has indicated there is some reason for not disclosing that, but I do not think that we in Parliament should not be availed of that information. We are making deliberations on the 25 bodies that have been determined to fall under those criteria and those that do not. On the face of it, there seem to be projects in the list of 25 in which only one interest has been declared and projects in the list of 40 in which two declarations of interest were declared by different people. One would have thought that the majority of projects in the list of 25 would have two declarations of interest, but a few have one, while projects in the list of 40 have two declarations of interest. Now the minister is telling us, to a large degree, to trust her. I do trust the minister, but I do not think that is a fair enough answer in this place.

Hon HELEN MORTON: First of all, if the honourable member is not comfortable with the fullness of what I am about to say, all the minutes are on the public record and there is nothing stopping the member from getting his own legal professional advice if that is what he wants to do. The validation bill applies to all projects and not only the 25 for which we have assessed that there is potentially a risk. It applies to everything; it picks up every decision that falls within the list of matters that we wanted to cover. The work that has been done by the State Solicitor's Office has been peer-reviewed by David Bennett, QC, and Andrew Tokley, SC. It is not as though we have simply accepted the State Solicitor's advice and not done any further work on it. That is work that has been done. It has been peer reviewed, and if that is not sufficient for the member, he can get additional advice for himself, if he wants. Proposed section 135 identifies all the matters that are of consideration in this.

Hon ROBIN CHAPPLE: That identifies the issue. We are saying that, into the future, some of these 40 matters and/or any other decision that might have been made before 19 August may or may not be covered by this

legislation. We are saying that many more may potentially be found in the future beyond the 25, and this legislation covers any of those that may be challenged into the future.

Hon HELEN MORTON: I am not sure what the member means by "into the future". No further scrutiny of those decisions on these grounds is taking place within the government. This legislation will validate that. It is not required to scrutinise any more of that because the processes that we have undertaken to date have been so comprehensive. The list of the 25 projects that has been provided by the government has identified those that are considered to have a not insignificant risk if challenged. Many projects beyond the list of 25 were conducted prior to 19 August but—this is information provided in the second reading speech—our review has not identified a risk with those projects in the same way that these 25 have. We are confident of having captured the projects for which there was a not insignificant risk, but as we cannot be certain, given that period from when the total projects were reviewed, the bill seeks to cover any decision prior to 19 August 2013 that falls within the definition of the relevant decisions covered by the bill. Once this bill passes, the issues we are covering in this amendment will be covered.

Hon STEPHEN DAWSON: Following on from that, with this legislation, are we signing off on or dealing with those 25 projects alone? If one of the projects on a different list raises its head and further advice comes forward to say that there is a risk, could we potentially be dealing with those projects too?

Hon HELEN MORTON: Again, we are not dealing only with the 25 on that list; we are dealing with all the decisions. I cannot remember because I do not have my second reading speech with me, but I listed the number of decisions—there were over 1 000—in that entire process. We are talking about all of those, so it is not just the 25 projects; it is more than that. Given the comprehensiveness of the review that has been undertaken, the government is confident that it has identified those projects in which there is a not insignificant risk. That confidence is such that we are confident of putting forward the legislation in the way that we have and providing the information that we have around those 25 that have been identified.

Hon STEPHEN DAWSON: I wish I shared the same level of confidence that the minister has about the projects that are affected by this bill, either now or in the future. We know from the minister's second reading speech that the document titled "Environmental Protection Amendment (Validation) Bill 2014: List of 25 projects identified" exists, because in her speech the minister said that the list had been identified and that it would be tabled at the conclusion of her speech. The minister tabled that list at the conclusion of her speech. What status does the list titled "Declarations of interest in EPA assessments—July 2002 to 19 August 2013", which is additional to the list of 25 projects, have in this place? I have a copy thanks to Hon Robin Chapple, who was given a copy, but has that document been tabled in this place? Would the minister, for the benefit of members involved in this debate, table that document so that we can talk about it and understand its status?

Hon HELEN MORTON: I understand that Hon Robin Chapple got that information through direct correspondence.

Hon Robin Chapple: By way of interjection, I had a briefing, and I asked whether further information could be provided.

Hon HELEN MORTON: We provided that to Hon Robin Chapple in correspondence.

Hon Robin Chapple: Yes; it just came by an email.

Hon HELEN MORTON: That is right. It is publicly available. When I say it is publicly available, I mean that there is nothing secret about it. I am very happy to table it; there are no problems at all.

The DEPUTY CHAIR (Hon Simon O'Brien): Can the minister identify the document she is seeking to table?

Hon HELEN MORTON: Thank you, Mr Deputy Chair. This is the "Declarations of interest in EPA assessments—July 2002 to 19 August 2013", and they are additional to the 25 projects previously tabled.

The DEPUTY CHAIR: That document is tabled. I am sure the chamber staff will set about making copies for interested members, which will be available shortly.

[See paper 2184.]

Hon STEPHEN DAWSON: I thank the minister for tabling that document. It is important to have it on the public record and for it to be available to members in this place, if they are seeking to make a contribution to the debate. I also think it is important because, as I said earlier, I wish I had the same level of confidence that the minister has about the fact that only 25 projects have significant risks.

Hon Helen Morton: I said "not insignificant risks" and not "significant risks". I make that absolute clarification with you.

Hon STEPHEN DAWSON: I accept that by way of interjection; thank you, minister. We have that list of 25 projects, and now we have a list with an additional 40 projects. Are there any other projects or lists floating

around that we should know about, so that we can consider them during this debate? I make that point because perhaps it was my naivety when I was briefed on this bill that I did not ask whether other lists were floating around, but certainly no other lists were shared with me. I now ask whether any other lists are floating around that should be brought to our attention so that we can consider them in this debate?

Hon HELEN MORTON: I will try to get this information absolutely clear. I start by saying that these are the only two lists related to this legislation. Everything that anybody else has got that is in any way related to this legislation is contained within these two lists that total 65 projects—25 plus 40. We have already determined that there was some interest around the potential risks in the original list of 25. Declarations of conflict of interest were made in 63 of the 65, and two other assessments were identified when members failed to declare an interest.

Hon Robin Chapple: Are those two identified?

Hon HELEN MORTON: Those two are identified; one is Marillana Creek, (Yandi) life of mine proposal, and the other is Wheelarra Hill iron ore mine extension. I do not want to confuse the situation by this comment, but I will make it because Hon Robin Chapple will probably want to make it. The projects contained in the list provided as a response to a question on notice in 2012 are all captured in the 65 projects. These are the only two lists that members need to be concerned about in this legislation.

Hon ROBIN CHAPPLE: We have the original list of 25 and we have Whitaker, Glennon, Vogel and Lukatelich. I do not see anywhere that Elizabeth Carr is included in those lists, yet we know she stood aside during the Browse debate because she was formerly with the Department of State Development. Most of these projects, Marillana Creek, Macedon gas, Jimblebar iron, Hope Downs and Marandoo would have been matters dealt with by the Department of State Development. Did Elizabeth Carr stand aside or declare an interest in any of these 25 projects?

Hon HELEN MORTON: The conclusion the member is trying to draw is that because she worked at the Department of State Development somehow or other she would have a conflict of interest for anything that is related to the department, but her role at the Department of State Development was around the Browse project. She identified that as a potential conflict of interest and stepped aside, and because Browse is not covered under this legislation, her name will not come up as having a potential conflict of interest.

Hon ROBIN CHAPPLE: Following on from that, I assume that we are not aware whether she did or did not declare an interest or stand aside on any of these projects.

Hon HELEN MORTON: There was no declared interest in any other project.

Hon ROBIN CHAPPLE: I now turn to the second list of 40 projects. Did Elizabeth Carr declare an interest in any of these projects or stand aside in any of those?

Hon HELEN MORTON: No.

Hon ROBIN CHAPPLE: Let us look at the Yeelirrie uranium project. That seems very interesting because the Department of State Development had a lot to do with Yeelirrie's development. It is also something that Dr Chris Whitaker declared an interest in twice and Denis Glennon declared an interest once—I hope I have got it right, because they are both doctors. The list presented to me, "Declarations of Interest in EPA Assessments—July 2002 to 19 August 2013", for the Yeelirrie project shows that Denis Glennon declared an interest only once, yet in correspondence of 2012 he declared an interest twice. Can we clarify why there is that discrepancy?

Hon HELEN MORTON: The point I make about the 2012 information that the member has is that it is accepted that the list provided by the Minister for Environment in September 2012 showed only Dr Whitaker as declaring a conflict of interest for BHP's proposed Yeelirrie uranium project. The further review of conflicts of interest undertaken in consideration of this legislation identified that Mr Glennon also declared an interest for the project on 13 May 2010. Therefore, this is correctly recorded on the list of the 40 projects provided to the member last week. I think that covers the issue.

Hon ROBIN CHAPPLE: Let us go back to the Yeelirrie project again. Because that project has been roundly promoted by the Department of State Development and the government, we are not aware whether Elizabeth Carr declared an interest in it, or is the minister saying she did not?

Hon HELEN MORTON: That is correct; she did not declare.

Hon LYNN MacLAREN: I have a query, if we can move onto another issue other than the lists, which is more related to the minister's second reading speech, which indicated that the concerns we are trying to address are merely procedural or of a technical nature. I want to query that because I have in front of me some of the points from Chief Justice Martin's decision. Has the minister read the Chief Justice's decision of 19 August 2013? Can I query the minister about some of the statements in that decision?

Hon HELEN MORTON: The member can ask some questions about it. Obviously, I will take advice on everything I provide the member with in my answer. All the matters that came up as a result of that decision relate to proposed section 135, "Grounds for invalidity".

Hon LYNN MacLAREN: This relates somewhat to the amendment concerning other decisions because of their environmental grounds and right now we are talking about conflict of interest. I can hear the government trying to focus our attention on the conflict of interest and the decisions made by boards that had declared conflicts of interest. However, it appears to me from reading the Chief Justice's judgement that we cannot separate from the matter before us the content of those decisions—the fact that environmental factors were involved. I might just give an example of what I mean. Concerning the one particular decision that brought to light the problem we are trying to deal with, which was the Browse LNG precinct proposal, Chief Justice Martin said about that meeting on 7 July 2011 —

> The minutes of that meeting record discussion with respect to the 'key environmental factors and offsets related to the assessment of the Browse LNG Precinct as a strategic proposal'. The minutes record that the EPA decided to endorse a preliminary list of key factors provided to the meeting, subject to the incorporation of comments by members.

The Chief Justice also said —

> I digress to observe that the identification of the key environmental factors to be addressed in the course of the assessment of the Proposal is a matter of great significance.

The fact that these board members decided which environmental factors they would look at is of significance in the decision that the EPA decision was invalid. Because board members had conflicts of interest and because they were choosing which environmental factors would be looked at and assessed, the decision was invalid. The fact that it was a conflict of interest of some pecuniary nature and that the final decision might impact the financial interests of these individuals was not separated out. It was the fact that their very influence in deciding what the board considered in its decision-making that made the final decision invalid.

If what Chief Justice Martin said in his decision—I have several points before me—points to the significance of the environmental factors that were assessed and why they are a key matter for us to be considering right now, can we really accept the minister's response to the second reading debate that we can look only at conflict of interest? It appears to me that there is some discordance—that is putting it very obliquely in order to be incredibly polite about this—with the Chief Justice's decision and what we are being told is the significance of this legislation. That points to exactly why we are looking at those other decisions for their environmental grounds. I would like to hear from the minister in this debate on clause 1 how to come to some greater understanding of the intent of this legislation.

Hon HELEN MORTON: I understand the concern expressed by Hon Lynn MacLaren. I know that it is not sufficient for me to continue to say that there has been no suggestion that members of the Environmental Protection Authority were ever influenced—but that is the point I am making. No-one has ever suggested that the EPA board was actually influenced in its decisions because members held shares or had other interests in the proposals. That is the beginning point. The second point, which goes with the previous point, is that if in fact there had been any bias in the board's decisions, this bill would not prevent there being court action. This bill will only validate that aspect of anything that was undertaken on the basis of the technical problems related to the board members not declaring a conflict of interest and there not being a quorum.

Hon ROBIN CHAPPLE: In relation to what the minister just said, I was under the misapprehension that this legislation validated every one of the decisions and that no court action could be taken on any of those decisions. I am aware that a couple of those decisions are being looked at by members of the legal fraternity. Does this bill validate the decisions? If there were a court case, could that court case proceed on the basis of invalid decisions, if the court so found those decisions to be invalid?

Point of Order

Hon NICK GOIRAN: The question that has just been asked requires the minister to give a legal opinion; in fact, it is asking the minister to pre-empt what might or might not happen in the event that someone takes an action in the Supreme Court. There are a couple of problems with that. With all due respect to the minister, the minister is not competent to respond to that. That is plainly a matter for the court in the event that somebody brings action before the court. Also, Mr Deputy Chair, if I am not mistaken, there is a standing order that deals with the expression of an opinion or the request for an opinion from a minister. I think that is being contravened in this instance.

The DEPUTY CHAIR (Hon Simon O'Brien): The member makes a valid point about the standing order to which he referred. The minister at the table is also familiar with the question of providing a legal opinion. If she can provide advice about the bill to the member without seeking to provide legal advice, that convention of the

house will be observed. In relation to the point that Hon Ken Travers wants to make, I presume it is with reference to standing order 105.

Hon KEN TRAVERS: Mr Deputy Chair, I am quite confused by the point of order and I seek clarification of the ruling you have given. Standing orders 104 and 105 are the standing orders that relate to questions to ministers and members during question time and the rules for the questions that then apply. We are in the committee stage of a bill. I urge you to think carefully, Mr Deputy Chair, about making a ruling that the rules that apply at question time be applied to the way in which we conduct ourselves when considering a bill. During the committee stage, we try to understand how the detail of a bill will be applied to understand how the bill will be interpreted by the courts. We also try to understand the government's expectation of how a bill will apply. The legal implications of clauses are very much part of what the committee stage is all about. For the member to seek a clear understanding from the minister of how the government intends this legislation to apply and how it would intend for a court to interpret it is fundamental to what we do during the committee stage and very different from the circumstances surrounding question time on a daily basis. I am surprised that my good friend raised the point of order in the way that he did, referring to what are clearly the rules relating to question time, not the committee stage of a bill.

The DEPUTY CHAIR: Members, this is an interesting and important question. I will seek to resolve it with the following advice to the Committee of the Whole House. It is true that standing orders 104 and 105 relate to questions on notice and questions without notice. I do not believe that standing order 115 applies the laws and standing orders applicable to the operation of the Council to the Committee of the Whole House because, of course, we are not doing questions without notice or questions on notice as part of the Committee of the Whole.

We have to look at the nature of what the minister at the table, whether it is for this bill or any other, is being asked to provide. In the current example, the minister is being asked, in effect, about the government's intent as to how the proposed law shall work. As Hon Ken Travers pointed out in his submission on this point of order, it is as it should be that the minister at the table provides that perspective. The question we then turn to is the fundamental one that was raised as a point of order by Hon Nick Goiran, which relates to whether the minister, firstly, should provide legal advice, or should be invited or requested to provide legal advice. In relation to that question and a minister providing legal advice, that is not the minister's role, but of course it very much depends on one's definition of the term. The advice that a minister at the table should provide is guidance—advice, if you will—that relates to the proposed law and how the government intends it shall operate. That is a form of advice about a matter of law, but I do not think it relates to the term of legal advice in the sense that it would infringe either the black-and-white standing orders of the house or the conventions of the house. The question that Hon Robin Chapple has asked the minister is, I think, a fair one that can be entertained, but, similarly, when the minister responds, she will do so from the point of view of explaining the intent of the government in the way that this proposed law shall operate, and in that sense it is not held out to be "Legal Advice"—capital L, capital A. I hope that clarifies the matter for members. The honourable minister—if she can remember what the question was!

Committee Resumed

Hon HELEN MORTON: I can remember the question and it is actually not that difficult to answer! I am not providing legal advice in my answer; I am providing advice around the legislation. I believe I had already made this really clear in my second reading speech, but I am happy to go over it. The bill will validate proceedings of the EPA prior to 19 August 2013 that are invalid on the grounds of invalidity. That might sound like doublespeak, but the grounds of invalidity are a proposed section in the legislation—proposed section 135 shows the grounds of invalidity. The bill basically states that if these issues come up—that is, the grounds of invalidity—they are made valid. To give a practical example of that, if somebody wanted to raise in some future court that there were not sufficient people in a meeting to make up a quorum, and the reason that some of those people were not there to make up a quorum was as a result of the issues covered in this bill, that decision is made valid because of the so-called lack of quorum. However, if there was another reason that insufficient people were at the meeting, it would not be covered in the bill. If there was another reason that somebody wanted to challenge or take court action against some decision that was made that is not covered in these grounds of invalidity, action can still be taken.

Hon ROBIN CHAPPLE: I would like to thank the minister for her really good summation. I think that said it in one.

This is interesting because once this bill or these clauses are enacted, we are saying that they relate to the period before 19 August 2013. If in two weeks' time a decision is made by the EPA—I am sorry to be hypothetical—because people failed to declare an interest or there was not a quorum, is that a completely new ball game or can it be covered by this legislation?

Hon HELEN MORTON: I need to answer this in a couple of ways to cover the potential issues the member raises. If it relates to actual decisions taken before 19 August 2013, they will be validated, but if it is

a continuation of a series of decisions and a decision has to be made about something after 19 August, this bill will not apply to that decision taken after 19 August. If it is a matter on which an actual decision was taken prior to 19 August and it falls within these grounds of invalidity, it will be made valid, but even if it is the same chain of events that lead to yet another decision having to be made after 19 August, that decision is not covered by anything in this bill.

Hon ROBIN CHAPPLE: I hear what the minister says. Therefore, if a decision on a project that we know is coming up—for example, Roe 8—is made in a few weeks or a few months, or whenever it eventuates, because it seems to be a long way off at the moment, and part of that decision is made after 19 August 2013, it can be challenged legally should there be a conflict of interest, but a decision made prior to 19 August in which a conflict was identified cannot be challenged.

Hon HELEN MORTON: Once again, there are a number of different variations to the question the member is asking; I need to make sure we are clear about it. If there is a decision to be made by the Environmental Protection Authority—I think the member was talking about in a couple of weeks, but whenever—then nothing in the Environment of Protection Amendment (Validation) Bill 2014 can validate a situation around such a decision. I think the member might also be referring to the EPA making decisions prior to 19 August that feed into a decision made by a minister after 19 August that takes into account information from the decision-making process prior to 19 August. Again, the outcome of that is that EPA decisions undertaken prior to 19 August will be made valid as a result of this amending legislation, given the grounds of invalidity that would be covered. Information that is provided to the minister, who may be making a decision post-19 August, could not be made invalid on the basis of a decision made prior to 19 August by the EPA.

Hon ROBIN CHAPPLE: Let me pose another unfortunate hypothetical that might become a reality. If an EPA decision is, for reasons other than those stated in the legislation, overturned or made invalid, and that assessment is then reassessed after 19 August, only those components that occurred before 19 August will be invalid; but if it is then reassessed after 19 August for whatever reason, it will be valid.

Hon HELEN MORTON: If a court finds a process that occurred before 19 August to be invalid for reasons other than what is covered in the legislation and a new assessment has to be undertaken, this bill will not have any impact at all on the decision-making that takes place for the new assessment process.

Hon SUE ELLERY: In my contribution to the second reading debate I asked some questions about the circumstances that led the chair of the EPA to reach the conclusion that there was some discretion as to how sections 11 and 12 were to be interpreted. In her reply to the second reading debate—I apologise, but I have not seen the *Hansard* of her speech, so if the minister will allow me to paraphrase—I think the minister basically said that the chair of the authority thought that he could rely on section 13 of the Environmental Protection Act to give him the discretion to interpret the words in sections 11 and 12 differently from how they appear in the act. I want to explore this question again for the reason that I have read section 13 and I do not see how the minister could come to the conclusion that she has attributed to the chair of the EPA. This is important for the reason that if the chair took a different view about the language of the act, we could again find ourselves in this same position, and none of us wants that.

In respect of the language used, Chief Justice Martin made it very clear in his decision in Wilderness Society of WA (Inc) v Minister for Environment that the use of the word "shall" in sections 11 and 12 of the act is significant; it is what he describes as "imperative language". He stated —

> … it is impossible to conclude that the Act should be construed as embodying an intention that actions purportedly taken by the EPA in contravention of ss 11 and 12 should nevertheless be regarded as the valid discharge of the duties imposed upon the EPA by the Act.

The Chief Justice is saying that one cannot read sections 11 and 12 and assume that one has any discretion, so to my mind we really have to test exactly what it was that led the chair to reach that conclusion. In the minister's reply to the second reading debate, she said that the chair relied on section 13. Section 13 reads —

> **Decisions of persons presiding at meetings of Authority**
>
> In any case of difficulty, dispute or doubt respecting or arising out of —
>
> (a) matters of order or procedure; or
>
> (b) the determination of an interest under section 12,
>
> the decision of the person presiding at the relevant meeting of the Authority shall be final and conclusive.

If we take the ordinary meaning of "matters of order or procedure", it is quite clear that it refers to the general way in which meeting agendas are worked through, who gets to speak, and those sorts of things. A determination of an interest under section 12 is not a situation in which, for example, having determined that there is an

interest, one gets to decide whether or not to take account of it. "Determination of an interest under section 12" means: is there or is there not a direct or indirect pecuniary interest in a matter that is before a meeting of the authority? To me, that says that the chair's power relates to whether someone says, "I'm not really sure if I have a direct or indirect pecuniary interest; this is the situation. I have X shares; my partner did X job for this company. These are the facts." In that case, the presiding officer of that meeting has the power under section 13 to offer advice or to settle any dispute or difficulty about whether or not that constitutes an interest. Having determined that an interest exists, the presiding officer has no discretion; sections 11 and 12 set out what the presiding officer has to do. That is why I ask whether there is any other information available to us about the set of circumstances that led to the presiding officer taking the words in section 13 that the Chief Justice and the Interpretation Act say are absolute, and concluding that they gave him some discretion. We need to test that question, not because I want to go back over old ground and revisit things that we cannot change, but because if there is something in the act that is amiss and that led him to believe that he had that discretion, we need to fix it now while we fix the other situation. We do not want to find ourselves in this position again. I ask the minister whether there is any other information available to tell us what circumstances led to the chair taking that view. Did he seek advice? Was it put to him that he might think about doing things in a different way? What were the circumstances that led him to reach the view that section 13 gave him a discretion? I think it plainly does not.

Hon HELEN MORTON: The simple answer is no, there is no other information; there is nothing in the minutes. In conversation with the Environmental Protection Authority chair, the comments that I read out in my reply to the second reading debate—I am happy to go over that again, but I do not think the member wants me to—he made reference to section 13 of the Environmental Protection Act, which states —

> (a) matters of order or procedure; or
>
> (b) the determination of an interest under section 12,
>
> the decision of the person presiding at the relevant meeting of the Authority shall be final and conclusive.

He interpreted that as enabling him to make the decisions that he made, but quite clearly the court found that he was in error. As a result it is absolutely clear for everybody that his interpretation of the section is wrong. As a consequence, it is unlikely that that mistake will be made again.

Hon SUE ELLERY: It is extraordinary that a person of significant experience, who has held significant positions in a range of organisations, could reach such a conclusion. It is almost unbelievable that that could happen in the way that we are being asked to believe it did. It is a generous interpretation as it happened just four weeks after a change of government; it is a very unfortunate coincidence. There are those of us who see the odd conspiracy theory—I know the minister likes to ascribe them to us—but it is absolutely extraordinary to me that that is the point at which he made the decision that he can interpret the act in a different way. I think the minister just said that there was nothing recorded in the minutes. I referred to this in my contribution to the second reading debate. Section 11(3) of the Environmental Protection Act in reference to the chief executive officer of the department—not of the authority—states —

> … the CEO, or a representative of the CEO, is entitled to attend any meeting and to take part in the consideration and discussion of any matter before a meeting,

Do we know whether the then CEO, who is no longer with us, or his representative attended any meetings around the time that this change happened?

Hon HELEN MORTON: I want to start my answer by making a general comment about the suggestion that something untoward occurred four weeks after the change of government. I remind the member—I am sure she remembers—that it took about three weeks—

Hon Sue Ellery: For government to form.

Hon HELEN MORTON: There was at least a week —

Hon Sue Ellery: Don't you think that makes this even more extraordinary?

Hon HELEN MORTON: Let me just say this: there was a period of time, I think it was probably about a week, before we knew which government was going to form, and then it took at least two weeks to determine who would get what ministerial portfolios. This decision-making occurred when the incoming government was probably a week old. The government was so new that the relevant minister probably would not have even got around to meeting or knowing or understanding —

Hon Donna Faragher interjected.

Hon HELEN MORTON: I do not know whether there was a suggestion that there was some direction or involvement, but, seriously, the timing is such that it would have been almost impossible for that to have

occurred anyway. I would not go down that track and try to draw those conclusions; I think that is fanciful, to be honest. There is not even the opportunity to think like that.

The second part of the member's question was whether the then CEO or his representative attended any EPA meetings during which the EPA chair relayed, either before or after the chair sought advice, whether there was any discretion open to him to allow conflicted members to participate and what advice the CEO or his representative provided et cetera? The first point that I make is that neither the then CEO or a designated representative of the CEO attended the EPA meeting on 2 October 2008 at which the EPA first changed its practices for the management of conflicts of interest and allowed conflicted members to participate in the assessment of a particular project. The second point I want to make is that the CEO did not attend the EPA meeting on 3 December 2009 at which the authority formally resolved to allow conflicted members to participate in discussions on assessments on which they had declared a potential conflict of interest. The then acting CEO attended the third meeting on 29 April 2010 at which the EPA adopted a revised code of conduct—version E—that allowed conflicted members to participate in discussions on assessments on which they had declared a potential conflict of interest, but he was not present for the agenda item that considered and adopted the code of conduct. There is no information that indicates that any CEO or designated representative of a CEO advised the EPA or EPA chairman that section 13 of the act could be used to allow conflicted members to participate in assessments.

Hon SUE ELLERY: I appreciate that. I think there are lessons to be learned here apart from the obvious one. Firstly, when the word "shall" is written in a piece of legislation, it means shall—it does not mean may be. Secondly, I am not sure who it is appropriate to take this point up with, whether it is the Public Sector Commissioner or someone else, but I think it needs to be made. As the minister reminded us, which I had forgotten about, during the time period we have been talking about, there were seven or eight days before government was formed and a period before a ministry was appointed, and perhaps some instruction needs to be given during that period, or immediately following the caretaker period, that there cannot be fairly fundamental changes to procedure without checking them off with the elected government of the day. Certainly that needs to be brought to somebody's attention. If it has not already been brought to somebody's attention, I invite the government to ensure that that happens. I do not say this to be facetious or, in the minister's words, fanciful—I am not trying to be fanciful—but the circumstances are extraordinary when one puts them all together. At the time of a change of government, for the chair of an independent body dealing with really controversial matters to make a decision about what it will or will not do about conflicts of interest is absolutely extraordinary. I will leave it at that.

Hon STEPHEN DAWSON: Along the same lines, what internal legal advice is available to the chair of the EPA? Does the OEPA have internal legal counsel?

Hon HELEN MORTON: The Office of the EPA does have an internal solicitor but that role never commenced until May 2010. The OEPA was not established until November 2009. The advice that would have been sought before that, and would need to be sought on something like this, is from the State Solicitor's Office. There is no record or evidence and nothing to suggest that SSO advice was sought.

Hon STEPHEN DAWSON: I do not propose to stay on this issue for long but I wish to make one more point, just to be clear. Did the chair make this decision unilaterally? I understand that he did not seek counsel from the public servants in what was to become the OEPA. Did he simply decide that he had this power and he acted upon it or did he talk to senior staff in the EPA at the time and raise what he was thinking with them and then act as a result of those conversations, or did he just tell them that he was going to do this and then proceeded?

Hon HELEN MORTON: The only evidence we have, in discussion with the individual, is that the chair acted unilaterally in 2008. The only evidence that can be found of advice being sought was in 2010 when the chair sought advice from the Public Sector Commission. I covered that in my response to the second reading. Quite clearly, this is not about getting legal advice; this is about Public Sector Commission processes. As I stated in my response to the second reading debate, the EPA sought advice from the Office of the Public Sector Standards Commissioner in March 2010 on proposed amendments to its code of conduct. The commission provided general comments and also advised in a letter dated 30 March that all codes must be consistent with legislation.

Hon STEPHEN DAWSON: I do not have the minister's reply to the second reading debate in front of me so I ask her to excuse me for paraphrasing what I think she said. In her comments earlier this afternoon, I heard her say something along the lines that the EPA's independence had been respected and that the government had no role in Dr Vogel's decision. I accept that in relation to the 2008 decision. Dr Vogel contacted the Public Sector Commissioner in March 2010 and sought advice on his. I think, from memory, the Chief Justice's response mentions this. It talks about Dr Vogel approaching the Public Sector Commissioner and seeking advice on his strategy. At that stage did the Public Sector Commissioner not seek legal advice to check whether the actions that Dr Vogel had taken were lawful or those remedies were available to him under the act? I understand that the Public Sector Commissioner also has solicitors or lawyers on his staff. Did the Public Sector Commissioner seek legal advice at that time?

Hon HELEN MORTON: I am advised that the EPA sought advice from the then Office of the Public Sector Standards Commissioner in March 2010, as we have been discussing, but it was regarding its draft code of conduct, version E. The Office of the Public Sector Standards Commissioner provided general advice on the application of policies and guidelines relating to boards and committees. Its code of conduct must comply and be consistent with relevant legislation. It is noted that this request was made sometime after the EPA first changed its practices for managing conflicts of interest in October 2008.

Hon STEPHEN DAWSON: I will move to another point. I want to touch briefly on the review that was undertaken by the OEPA following the Chief Justice's decision on 19 August 2013. I think the OEPA was in existence then. I think the minister said earlier this evening that a comprehensive and complete review was taking place. She also said that no projects have been held up and, indeed, no additional funding was required by the EPA to continue doing its work. I think she talked about a review of about 400 projects. Perhaps the minister can confirm that when she replies to this question. How many projects were reviewed?

Given that we are talking about hundreds of projects that needed to be reviewed to find out whether they fell foul of the Chief Justice's decision, how was the EPA able to undertake its statutory responsibility and yet carry out a review of this magnitude? How could the EPA do that with its existing resources? Is the minister certain that no projects were held up? Is she certain that there has been no delay as a result of this review?

Hon HELEN MORTON: The member asked for the numbers again. During the period of review, the EPA held 268 meetings, with around 1 100 agenda items. Is this the information that the member is looking for?

Hon STEPHEN DAWSON: No. Earlier this afternoon, the minister talked about the review that took place following Chief Justice Martin's decision that came down on 19 August. I think she said that the EPA reviewed 400-odd cases. Can the minister confirm for the record how many cases were reviewed? I also asked other questions about projects being held up. Could the minister explain why projects were not held up and why extra resources were not needed?

Hon HELEN MORTON: I am referring to the same information that the member is talking about. I said that the review involved consideration of all Environmental Protection Authority meeting minutes from July 2002 to 9 August 2013—a period of more than 11 years preceding the Wilderness Society decision. This was to determine the agenda items in which EPA members declared conflicts of interest and involved a review of minutes of a total of 268 meetings and around 1 100 agenda items. The work done in that review was undertaken initially by the Office of the Environmental Protection Authority and then that information was provided to the State Solicitor's Office, which undertook a review of the work provided to it by OEPA.

Hon STEPHEN DAWSON: Was I mistaken when I heard a 400-odd figure earlier?

Hon Helen Morton: I told you that.

Hon STEPHEN DAWSON: No, the minister did not. She said 268 meetings and 1 100 items.

Hon HELEN MORTON: I started with that when I first stood up. I repeat that during the period of the review, the EPA held 268 meetings and completed 430 assessments of projects. That is the work that the EPA did in the period that is being reviewed, but the actual review process involved the figures that I just referred to. The reason that no additional resources were needed was that the work that had been done initially by the OEPA and then the State Solicitor's Office was reviewed by David Bennett, QC, and Andrew Tokley, SC, who provided advice as well.

Hon STEPHEN DAWSON: I am pleased that I did hear the figure of 400 earlier and I was not making it up. I do not propose to spend much more time on this. Of the 430 assessments, did the OEPA look at them initially and then send them to the State Solicitor's Office or did the OEPA do an initial assessment and work through those projects and then hand the list to the State Solicitor's Office? Essentially, who did what work when? Did the OEPA start it and handball it over after an initial assessment, or did it do some quick desktop analysis and hand it all over to the State Solicitor's Office for it to continue?

Hon HELEN MORTON: I do not think that the member is asking whether the OEPA went back and looked at the research and scientific information related to each of those projects; and that is not what occurred. What occurred was that the minutes of all the meetings I referred to were looked at to see whether a conflict of interest was declared by somebody and whether, as a result of that conflict, they should or should not have been involved in those discussions and decisions. The information that came out of the legwork that the OEPA did was then moved to the State Solicitor's Office, which picked up a couple of extra cases in which conflict of interest issues were raised, and that has been captured in the lists provided. That is the process. No additional resources were needed to do that work and no projects were held up in that process.

Hon ROBIN CHAPPLE: A couple of points arise out of that discussion. I asked a parliamentary question of the minister about whether there were any other conflicts of interest and whether the department would investigate and provide an answer. I paraphrase the answer—I am sorry I do not have it with me—that went along the lines

that because it would take an awful lot of time and effort and take the EPA away from doing its normal job, the minister declined to provide that information. It seems that if it was going to be an extensive job and the minister was declining, through a parliamentary question, to answer that or provide information, it must have been something that would have taken the EPA quite a lot of time and may have impacted on its ability to do all the other assessments and things it had to do because it was a very timely operation. I am mindful that my colleague also asked a question recently in Parliament and got the same answer, yet we know it already had the information, because it had already done the work, but again Hon Lynn MacLaren was advised that the answer would be too difficult to provide. Obviously, this work is extensive; it requires time and effort. I cannot see how it would not have impacted fiscally or in terms of process on the department, unless other people were brought in to assist.

Hon HELEN MORTON: I reiterate what I said before: nobody was brought in. The review took up to two months and occupied a person almost full time on that process, but that person was in OEPA. I think the sense of urgency around this issue was brought starkly to the attention of OEPA as a result of the Browse decisions. I hate to indicate that the members' questions would not have been as important as the outcome of the Browse decision, but I can assure Hon Robin Chapple that the decisions that took place as a result of the Browse decision probably had a significant impact on getting the work underway.

Hon ROBIN CHAPPLE: I turn to the decision of the chairman under delegated authority provided in instrument of delegation 27 of 2012 dated 5 July 2012 and reported under section 44 of the Environmental Protection Act on 6 July 2012 when he provided information to the minister solely and wholly without the other members of the board in making that decision. What is delegation 27 of 2012 dated 5 July 2012?

Hon HELEN MORTON: This is covered in item 127 of the *Government Gazette* on page 3279 of 17 July 2012. It is "Environmental Protection Act 1986: Delegation No. 27: Common User LNG Hub Precinct in the Kimberley Region" and reads —

> The Environmental Protection Authority ("the Authority"), acting pursuant to section 19 of the *Environmental Protection Act 1986* ("the Act"), has resolved to hereby delegate to the Chairman of the Authority all of its powers and duties under Part IV, Division 1 of the Act in respect of the strategic proposal for a Common User LNG Hub Precinct in the Kimberley Region, which was referred to the Authority by the Minister for State Development on 25 March 2008, as changed from time to time.
>
> Dated the 5th day of July 2012.
>
> Dr PAUL VOGEL, Chairman,

As the member knows, that particular project is not covered by this legislation.

The DEPUTY CHAIR (Hon Liz Behjat): I almost got the words out!

Hon ROBIN CHAPPLE: I am slow off my feet these days.

The DEPUTY CHAIR: We will take that into account then!

Hon ROBIN CHAPPLE: What status does that delegation still have? Was it specifically to do with the Browse development or does that delegation give the chair of the EPA the ability to make decisions himself if an occasion arises, and was the act of that delegation ever tested to be lawful?

Hon HELEN MORTON: As the member is obviously aware, this matter is not relevant to this legislation because it was specific to the Browse project. It was specifically tested for validity in that court process but the challenge to it failed; its validity was upheld.

Hon ROBIN CHAPPLE: Thank you for that answer. Was that delegated authority only for Browse? Did the EPA not have the potential to use that delegation at any stage in the future on other matters?

Hon HELEN MORTON: Yes, that delegation is specific to Browse.

Hon ROBIN CHAPPLE: The list we were provided headed "Declarations of Interest in EPA Assessments", quite clearly goes back quite a long way, before the existing chairman or, indeed, the existing membership, to 2004 with the assessment listed as "Review of conditions (s46) for the manufacture". I am interested to know that because the decisions of conflict that we have been talking about appear to occur only after the chairman of the EPA made the ruling that people could participate, what assessments predated that? Why are they on this list of declaration of interests? Was something else going on that should not have been going on before the date the chairman made his decision?

The DEPUTY CHAIR: While the minister is contemplating that question, Hon Robin Chapple, I draw your attention to the fact that although the clause 1 debate is very broad ranging, as we know, I think a lot of leniency is being given but there are things I think you might be going towards that are totally outside the realm of this bill. I think we need to bear that in mind whilst we are forming our questions for the minister. That was specifically for Hon Robin Chapple.

Hon HELEN MORTON: People went back before 2008 to be thorough and because Hon Robin Chapple had asked a question in 2012 that reached back there. To be thorough and to ensure we picked up all the potential risks around this we went back to 2002. In fact, in that process two projects assessed prior to 2008 were found to have some risk factor associated with them.

Hon LYNN MacLAREN: My question follows on from Hon Robin Chapple's question. I believe it is relevant to the bill before us because a question was asked about the decision the chairman made under section 13 that it was within his power to continue making decisions even with declared conflicts of interest. That was the response to the question I think the Leader of the Opposition posed to the minister. We know that occurred just after the change of government, so there was a change in the modus operandi, if you will, of the EPA at that point. However, in this list that was provided to us in explanation of the projects that had recognised clear conflicts of interest, we have some projects that occurred before that change of government and before the chairman of the EPA made the decision that it was okay to do that. I want to know why those projects were approved when there were conflicts of interest.

Hon HELEN MORTON: It has taken some time to take advice, and I have almost forgotten what the member's question was. I think what the member was asking was: if the chairman made that decision in 2008, why would we need to go back and look before that; and what were the issues that were raised in looking back prior to that, and how could that have happened?

Hon LYNN MacLAREN: The decision was made in 2008 to consider proposals knowing that there was a declared conflict of interest among the decision-makers. That explains why we are looking at those decisions now, because there was a change in the modus operandi of the Environmental Protection Authority board at that time. There was a point in time at which an official decision was made that the EPA board was going to operate with those declared conflicts of interest and continue to consider these proposals. What has not been explained is why there were conflicts of interest prior to permission being granted by the chairman to continue to make those decisions. What happened before the point in time at which the chairman made that decision, which is around the time of the change of government? So this would go back into the time of the previous government, and the previous chairman, as Hon Robin Chapple has acknowledged.

Hon HELEN MORTON: The work that was undertaken in going back to 2002 discovered two cases between 2002 and 2008 in which conflicts of interest were not declared. Why was that allowed to happen at the time? Obviously, mistakes were made at that time—perhaps people did not recognise that they had a conflict of interest, or whatever. Through this rather comprehensive and thorough review, two cases were found; and, even earlier, one case was found in which a conflict of interest was declared but the person continued to participate. However, at that time, there was no requirement for members to provide their conflict of interest in writing, and there is certainly nothing in the minutes or the information that was available to indicate what that conflict of interest was. It could have been that the conflict of interest was such that it did not preclude the person from participating—perhaps the person had no pecuniary interest, or something of that nature. We are going back to 2002. In that process, there were three cases—an earlier one, and two in which conflicts of interest could not be determined.

In 2002, a member declared an interest and fully participated in discussions on the matter. At the time, the EPA did not have a requirement for members to provide a declaration in writing, setting out the nature of the conflict, so there is no record of the nature of the conflict in this case. If it concerned a non-pecuniary interest, rules of apprehended bias may have been infringed by any participant. That is the case even though section 12 at that time permitted members with a pecuniary interest to participate in discussions. That project has therefore been included on the list of 27 projects because of this uncertainty around that member's interest.

Hon LYNN MacLAREN: Can the minister tell us what those three projects are?

Hon HELEN MORTON: The earlier one was the Underwood Avenue project. The following two in which conflicts of interest were not declared were the Marillana Creek—Yandi—life of mine proposal and the Wheelarra Hill iron ore mine extension.

Hon ROBIN CHAPPLE: We have been given this beautiful list, which I will refer to again, headed "Declarations of Interest in EPA Assessments—July 2002 to 19 August 2013". On that list are 14 declarations of interest before 2008. How can we equate that with the minister's report, which states that there are only three projects?

Hon HELEN MORTON: I am not sure which list the member is referring to. It is the list of 40 projects?

Hon Robin Chapple: Yes.

Hon HELEN MORTON: I just have to be clear that the member is once again referring to two different lists in his mind at the same time. My answer previously was related to the list of 25. The member has now produced a list of 40.

Hon Robin Chapple: No. The department provided the list.

Hon HELEN MORTON: Okay, but the member is referring to that list. That is the list that he has just shown me.

Hon Robin Chapple: Yes.

Hon HELEN MORTON: Let us go back to the beginning. On the list of 25, there were three cases prior to 2008. The member has now shown me a list of 40. Where there are other cases in which there are conflicts of interest before 2008, they are cases in which people declared a conflict of interest and did not participate, so they are not a concern. They are also cases in which the level of risk is so insignificant that it is not worth worrying about.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Part X inserted —

Hon STEPHEN DAWSON: I was very happy to give Hon Robin Chapple the call; however, now that I am on my feet, I might say a few words about my amendment. Therefore, I move —

> Page 6, after line 11 — To insert —
>
> (c) the report and recommendations of the Environmental Protection Authority on the Roe Highway Stage 8 extension (Report 1489, September 2013).

The amendment relates to one of the projects that appeared on the tabled list of environmental impact assessments that were identified by the Environmental Protection Authority as being exposed to a significant risk of challenge.

Hon Helen Morton: Not "any significant risk". Please get that phrase right.

Hon STEPHEN DAWSON: So that I do not get it wrong, I will now quote the minister's second reading speech, which states —

> At the conclusion of this speech I will table a list of the environmental impact assessments by the authority that have been identified as being exposed to a significant risk of challenge. Those cases are principally large mining projects where very large sums of money have been invested in the state.

On that list of 25 projects are eight proponents. One of those proponents is most certainly not a large mining project—in fact, a couple of them are not large mining projects. However, one of them in particular, the Main Roads Western Australia project that relates to the Roe Highway stage 8 extension is not a large mining project. Unlike the other 24 projects on the list, it is a government project. That project is not underway; in fact, no money is allocated in the budget for it. In each of the other projects on that list, we are in effect being asked to validate decisions made by the minister on a range of projects. However, in the case of Roe 8, because the decision is before the Appeals Convener, there really is nothing to be validated. None of the considerations that apply to the remainder of the projects from the resources sector that are underway apply to the Roe 8 project. I do not think that the government has made the case at this stage for why the Roe 8 decision needs to be validated. If I can be so bold, I think there is clear justification to ask the EPA to recommence its assessment of the proposal to construct the Roe 8 project. As I said, I do not think the Roe 8 project should be included in the legislation because the Appeals Convener is currently assessing the proposal, and I am concerned that a proposal before the Appeals Convener will be validated retrospectively. It is a concern to not only me or certain members on this side of the house, but also many in the Western Australian community. A lot of people care about this issue; not only those people living in the South Metropolitan Region where this project is located, but also many members right around the state are concerned about the Roe 8 project, and they have every right to expect that this proposal will be independently and thoroughly considered.

I do not believe there are any matters of urgency to prevent Roe 8 being put back through a full, thorough and proper EPA process, because that has not happened in this case. However, given the level of concern and interest in this project, and the fact that it is not underway and does not have any money attached to it in the budget at this stage, the government should consider and ensure that this project undergoes a new and thorough EPA process.

This project has been in front of the EPA a few times and the EPA has made a few different decisions on it. It is fair to say that on two previous occasions—not the occasion that is captured by this bill—the EPA commented against the project proceeding, yet we find in the report that came out in September 2013, which members would remember was a couple of weeks after Chief Justice Martin made his decision, that some curious wording sought to legitimise the current proposal. As I have said, 24 other projects were found to be invalid and they have caused this amendment to the act, but the Roe 8 project is without any direct commercial interest from other

parties, unlike any of the other projects on the list such as BHP Billiton's Jimblebar mine, CSBP Limited's ammonium nitrate production expansion project phase 2 or, indeed, the James Point Port stage 2 development. Those projects have huge amounts of dollars attached to them and involve the direct commercial interest of other parties. Roe 8 could be set aside from those other projects because it involves crown land and state money, and there is no need to retrospectively legislate for that project. It stands aside and is totally different from the other projects on that list.

I have read various newspaper articles and heard on the public record that the eight-kilometre extension of Roe Highway will cost $750 million.

Hon Ken Travers: It's going up. It's over $100-million-a-kilometre now.

Hon STEPHEN DAWSON: I have seen that figure of $750 million attached to these eight kilometres on the public record, but I make the point that the shadow minister for a range of things on this side knows his stuff, and if he is telling me it is closer to $100 million per kilometre, then it is $800 million for eight kilometres of road.

Hon Darren West: We can't afford it.

Hon STEPHEN DAWSON: Absolutely, we cannot afford it. Good interjection, Hon Darren West! We simply cannot afford it. The state does not have the money at the moment, and even if the state did have the money, it would be an outrageous use of government funds. Not all members of the community are out there arguing against the Roe 8 project because it is a waste of money; many members of the community are arguing that there are great environmental risks associated with it. People are saying that the Beeliar wetlands will be ruined as a result of this project, so it is not just about the dollars. Many people are also complaining about the environmental risks.

Chief Justice Martin's decision was handed down on 19 August 2013 and the Environmental Protection Authority report was finalised in September 2013, so there was a matter of weeks within which the EPA could have said, "Hang on! In light of Chief Justice Martin's decision on 19 August, we should not proceed with this decision. In light of the fact that Chief Justice Martin's decision will call into question a range of projects before the EPA, we should stop at this stage, reassess what's before us, and make sure we do a proper, thorough assessment before we proceed." That did not happen in this case because, as we know, Chief Justice Martin's decision was handed down on 19 August and the EPA report came out a couple of weeks later. I have to say that this all adds to the level of concern around the Roe 8 project. People are concerned about the dollars involved and the environmental risks attached, and now, because the EPA's decision-making has been called into question, they have other concerns about this project. I have said before, and I will say it again, that it is my firm belief that at that stage the EPA should simply have stopped the project in its tracks and said, "Hang on! Let's sort out this problem we now face as a result of Chief Justice Martin's decision. Let's stop the clock and do a whole new process and thorough investigation of this project to ensure that nobody can level any accusations against us that somehow, something untoward has happened and that somehow proper processes have not been followed."

Progress reported and leave granted to sit again, on motion by Hon Helen Morton (Minister for Mental Health).

GOUGH WHITLAM

Statement

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [9.44 pm]: Tonight I take the opportunity to acknowledge the passing of former Prime Minister Gough Whitlam. I was aged 13 years at the time of the dismissal. I think some members are aware that I come from a family of conservative voters, but I quite vividly recall the very strong differences of opinion, not on Gough Whitlam but on the manner of his dismissal and the actions of the Governor General. For me, Gough Whitlam represents the reason I entered politics. He demonstrated that we can make a difference; we can transform people's lives through the policy decisions that we make. He brought in universal health care when he introduced Medibank, which later became Medicare, and changed primary health care in this country. Free tertiary education lifted people out of poverty and opened opportunities for those who had the smarts but not the dollars. Tonight the ABC published a list of quotes by him, and in 1969 he said about education —

> "Poverty is a national waste as well as individual waste. We are all diminished when any of us are denied proper education. The nation is the poorer—a poorer economy, a poorer civilisation, because of this human and national waste."

I was the first person in my family, on both sides, to complete a university degree. My father started university but had to pull out when my grandfather lost the family farm in Dongara. I suspect that my family probably would have still ensured that I went to university because my father, despite not having a university degree, was

and is a successful professional. Nevertheless, free tertiary education made it easier for my family to commit to sending three children to university. Equality of education and opportunity was Gough Whitlam's catchcry. It was about putting in place structures to enable everyone to choose the path they took from there. He boldly and bravely opened relationships with China, and where would our economy in Western Australia be now without him taking that step? One of the best things about Gough Whitlam was his choice in his life partner, Margaret. She was truly his equal intellectually, an activist in her own right and a role model for many.

Gough's great brain, his fabulous intellect and extraordinary work ethic, the fact he was a visionary and his preparedness to take on the status quo, meant he challenged many, including inside our own party, and he transformed the Australian Labor Party. The list of his transformational policies is long—land rights, the environment, school funding, urban redevelopment and anti-discrimination, just to name a few. The criticism of him is that perhaps he tried to do too much too soon, but when we look at his legacy and ask ourselves, "Of those things that he introduced, what do we take as a given today?", we realise that universal health care, anti-discrimination, recognition of Aboriginal ownership of the land—these elements and others that he initiated—are now ingrained in our culture. Australians hold these things as core values and that is because of his boldness and his bravery. With his boldness, bravery and huge intellect came a big personality and a very strong and robust ego. The man did not have a self-esteem issue, but he always exhibited that with humour, and I personally found it endearing.

Our leader, Mark McGowan, noted in the other place today that the American academic writer and commentator Gore Vidal said that in 1972 Australia engaged in a unique experiment by electing its most intelligent person as Prime Minister. He went on to say that he feared it would not be repeated. Despite what I think is a lack of graciousness by one person today, Australia has lost a great man and a great Prime Minister.

GOUGH WHITLAM

Statement

HON DARREN WEST (Agricultural) [9.49 pm]: Similarly, I pay tribute to the passing today of Edward Gough Whitlam, AC, QC, who was born in July 1916 in Kew, Victoria. It is pertinent for members to realise that that was the eleventh day of the Battle of the Somme in 1916, which gives us some idea of the length of the great man's life. He was schooled in Canberra and at the University of Sydney. He served in the Second World War as a RAAF navigator in a Ventura bomber, flying out of Bougainville and Darwin.

I can just imagine the six foot seven frame of Mr Whitlam forcing itself into the navigator's part of a Ventura bomber.

Mr Whitlam was also a barrister, and became a QC in 1962. He married Margaret Dovey in 1942 and was married for almost 70 years. His children were named Nicholas, Anthony, Stephen and Catherine.

Mr Whitlam joined the House of Representatives on 17 February 1953 as the member for Werriwa. Coincidentally, he failed to be elected to the Sydney city council. He also failed to gain preselection for the state seat of Cronulla. It was said years later that Mr Whitlam could well have been Lord Mayor of Sydney or Premier of New South Wales but became Prime Minister of Australia instead. It is convention that inaugural speeches are heard in silence. When I was doing some research today, I noted that Mr Whitlam's inaugural speech drew interjection. Mine did, too, so there is something else that I share with the great man. He was Deputy Leader of the Opposition from March 1960 to February 1967, Leader of the Opposition from 1967 to December 1972, Prime Minister from 1972 to 1975, when he was dismissed on 11 November, and then went back to being Leader of the Opposition from 1975 to 1977. He continued to work after that tumultuous life experience, which would probably have had the better of most of us, which showed his strength of character. He eventually left Parliament on 31 July 1978. He had been a member of the New South Wales Labor Party from 1945 until his death. He was made a life member of the national ALP in 2007.

Gough Whitlam led Labor to victory in 1972 after 23 years of conservative rule with the catchcry "It's time". His achievements, which will take me far too long to list in the time that I have in members' statements, included the end of conscription and the withdrawal of troops from Vietnam. He ended criminal execution; he introduced universal health care; he chased Aboriginal land rights very solidly; he brought in free university education, which opened up tertiary education for everyone, rich and poor; he introduced legal aid; he introduced no-fault divorce; and he changed the voting age to 18. He embraced culture and the arts and led Australia through the halcyon days of the Australian movie era of the 1970s and made Australia a much more arts-savvy and cultural place.

Probably most significantly for modern-day Western Australia, Gough Whitlam visited China and opened up diplomatic relations between Australia and that country. He was expecting to return from his visit to a storm of criticism because in those times the conservatives had the "reds under the beds" fear campaign, similar to what they have in other cultures today. This criticism was diffused because on his arrival back in Australia, it was announced that President Johnson would also be visiting China. Whitlam was in China before the Americans

went to establish diplomatic relations. I do not think anywhere on the planet has benefited more from that opening up of diplomatic relationships with China than Western Australia.

But the wealthy born-to-rule establishment fought back and after only two years began to plot the downfall of Whitlam. His dismissal in 1975 was a disgrace and will always be a blight on Australian politics. That dismissal is the reason I leant towards Labor's progressive values of fairness and opportunity. I distinctly remember as a 10-year-old the outrage of my family, which was a mix of conservative and progressive voters. It was never seen as fair to me that an elected Prime Minister could be dismissed in that way. Coincidentally, when we moved back to Victoria, we moved to Malcolm Fraser's seat, and I disliked him even more.

I met Whitlam once. He quoted Mao Tse-tung on that meeting. I told him that I was a young man looking to embark on a political career and he told me that every journey starts with a single step. For Mr Whitlam, I will try to keep on walking.

Finally, today was marred for me by the Premier of Western Australia's disrespectful, ungracious and hypocritical comments in his assessment of one of the country's most revolutionary and progressive leaders whose reforms have lasted to this day. His comments could not go unchallenged. Mr Barnett himself benefited from a free education and from Whitlam's end to conscription. Mr Barnett can hardly accuse anyone of leading a government that descended into chaos and that could not manage its finances. Mr Barnett will not be remembered as kindly as the young brolga, Mr Whitlam.

Vale, Gough; your legacy and achievements remain, and we thank you for your reforms and we remember your contributions. I do not think Australia was really ready for you in 1975, and is less ready now, with the antithesis of Mr Whitlam, our current Prime Minister. The labour movement has lost a giant, and so has Australia. The men and women of Australia will always remember you. Sincere condolences to the Whitlam family and their many friends. Rest in peace.

GOUGH WHITLAM

Statement

HON LYNN MacLAREN (South Metropolitan) [9.55 pm]: I rise to express my condolences to the family and friends of the former Prime Minister, Gough Whitlam, and to mark the historic occasion of his passing, and in so doing reflect upon his significant contribution to Australian politics. It was almost unbelievable to me this morning when I read that he held the office of Prime Minister for only three years, and yet his significance still reverberates in our political history. I was a high school student in Albany only a couple of years after the dismissal, and it was an exciting opportunity for us to study Australian politics and the events of the dismissal and beyond.

Of the many things that Prime Minister Gough Whitlam did for us in Australia in such a short period, I want to focus tonight on the influence he had on the position of women in this country. He came to power when one of the most important social changes was taking place—the empowerment of women and their increased participation in the paid workforce. In his 1969 campaign launch, he argued —

> When government makes opportunities for any of the citizens, it makes them for all the citizens. We are all diminished as citizens when any of us are poor. Poverty is a national waste as well as individual waste. We are all diminished when any of us are denied proper education. The nation is the poorer—a poorer economy, a poorer civilisation, because of this human and national waste.

His life partner, Margaret Whitlam, described the problem as follows —

> We do not exist as people in our own right. We are often missing from history; our language virtually ignores us; our names are not our own; our lives are lived through others, we are someone's daughter, someone's wife, someone's mother, our role in life is largely determined for us. Our God is masculine; our laws are made by men, we are attacked by men, defended by other men, even our bodies are not our own, and if we think at all we are said to be men.

Gough set about ensuring that women had a voice in society and were considered equals, at a time when they were not very equal. Among his contributions to the world status of women, he made Australia the first government in the world to appoint a dedicated adviser on women's affairs. Elizabeth Reid was given this position in April 1973. Her role was particularly important at a time when there were still no women in Labor's caucus. Working at the heart of government, Elizabeth argued that all submissions to cabinet should include an assessment on their impact on women. Her role attracted a great deal of attention and commentary from the media and the general public, both hostile and sympathetic, much like the treatment endured by Australia's first female Prime Minister, Julia Gillard, over 30 years later.

In passing the Family Law Act 1975 the Whitlam government transformed divorce by moving away from the requirement to prove that the other party was at fault in the breakdown of the marriage because, as Gough said, these "offences" were more often the symptoms and not the cause of the problem. Dragging these offences

through courts only provided fodder for sensationalist headlines and could detrimentally harm any ongoing relationship that the couple may need to have for the sake of any children involved. The law abolished the requirement that blame be assigned to dissolve marriage. Along with the new act came a new court—the Family Court of Australia. It was set up to be less adversarial and more able to foster an informal, supportive atmosphere for resolving relationship problems. Social science experts, social workers and an in-house counselling service were structured into the court. Gough was a great believer in the need to tackle the causes of problems rather than the symptoms and to do so in a non-judgemental way.

On equal pay for women, Gough acted on the commonwealth Conciliation and Arbitration Commission's findings regarding an equal pay case in 1972 that Australian women undertaking work similar to that undertaken by men should be paid an equal wage. An overall rise in women's wages of around 30 per cent resulted from that case. In 1974, following Whitlam's passing of legislation, the commission also extended the adult minimum wage to include women workers for the first time. This recognition for women as being contributors to the Australian workforce marked a major milestone, but over 30 years later women are still fighting for equal pay and equal recognition of the important work they do, particularly regarding those occupations that traditionally are the domain of women—health, education and child care.

Acting on advice from his wife, Margaret, Whitlam established and funded grassroots organisations providing specialist health and welfare services for women, including women's health centres, refuges and crisis centres; in particular, he funded 11 women's refuges across the country.

The Whitlam government abolished tuition fees for students at universities and technical colleges and passed the Student Assistance Act 1973 to provide means-tested financial assistance for tertiary students. These reforms opened up access to tertiary education to those for whom it would otherwise have been out of reach, particularly women, and created a precedent of universal access to higher education.

How far have we come? We now have three female ministers, including a Minister for Women's Interests. Equal pay is still being fought for. Consistent with November 2012 figures, Western Australia had the widest gender pay gap in November 2013 at 23.9 per cent. At November 2013, the average ordinary time earnings of a male in Western Australia were $1 751.10 a week, whereas a female was earning $1 338.20 a week. One woman is killed every week in Australia by a current or former partner. In a 12-month period, between five per cent and 10 per cent of Australian women experience at least one incident of physical and/or sexual violence by a man. Significant increases to tertiary education fees are on the agenda, and they are likely to impact particularly on women whose earning power over their lives is not as good as men. Women have significantly less superannuation when they retire than men because of equal pay issues and the disproportional impact that child rearing has on a woman's career compared with a man's. Men still control the public and private sector as women are still in the minority in senior management and on boards. Women hold only 12 per cent of directorships in ASX 200 companies and only nine per cent in ASX 500 companies. Women hold 41 per cent of government board appointments across Australia and 29 per cent of government boards have a female chair. But with women outnumbering men in all levels of educational attainment, we are doing ourselves a disservice by not making the most of this talent pool.

How can we honour Gough's vision? Firstly, we can work to share the caring and share the paid work in modern Australia. As Annabel Crabb's latest book advocates, "Women need wives and men need lives". We need to break down gender stereotypes around who does what at home and at work. Secondly, we can acknowledge the serious problem in our society with domestic violence. It is not a problem confined to a couple and, therefore, something we should ignore. The impact that this has on the fabric of our society demands that we as a society address it. Thirdly, we can re-ignite gender equality as a vitally important issue for the future growth and productivity of Australia. We can acknowledge that we have to finish the job Gough started by engaging men on the issue and seeing them as part of the solution and not just the problem.

There is no question that Gough Whitlam was a great Australian and that he impacted this country in a very progressive and positive way. I am in awe that in three years as Prime Minister he brought us to a new Australia we can be more proud of and which established better social justice outcomes.

I despair that in 30 years we have not seen a man or a women of such great progressive values who has achieved so much. It is with great sadness that I say farewell to Gough Whitlam today, and I wish that his successor arrives sooner rather than later.

GOUGH WHITLAM

Statement

HON ALANNA CLOHESY (East Metropolitan) [10.04 pm]: I, too, rise to honour the work and life of the former Australian Prime Minister and leader of the Australian Labor Party, Gough Whitlam. The enormous changes that Gough and his government brought to the social, economic, industrial, legal, political and creative life in this country are almost immeasurable. The long list of progressive reforms include the introduction of

universal health care, free tertiary education, ending conscription, the abolition of the death penalty, the funding of local governments from a commonwealth level for the first time, extraordinary urban and social planning that engaged local residents in decisions about where they lived, anti-discrimination, the provision of land rights and many more. The single most enduring effect of these and so many other reforms was the immediate and ongoing impact in improving the quality of life for everyday Australians. These reforms changed not only people's day-to-day lives, but also the very essence of our country. As the director of the Whitlam Institute, Eric Sidoti, said today —

> … Gough Whitlam will be remembered as the reforming leader who willed a modern Australia into being. His legacy is woven into the very fabric of our daily lives.

For women in particular, some of these changes meant the difference between being able to eat and having a roof over their and their families' heads. The introduction of the single mother's benefit in 1973 gave income support for the first time to supporting mothers who were not eligible for the widow's pension. The introduction of social housing assistance and the funding of women's refuges gave many women the opportunity to leave often violent and oppressive relationships and know that they had access to money and accommodation. The Whitlam government removed sales tax on oral contraceptives and made them available through the pharmaceutical benefits scheme, which improved affordability and accessibility and allowed women, many for the first time, the opportunity to control and manage their own fertility. People found other aspects of their private lives receiving the attention of public policy for the first time. The Royal Commission on Human Relationships, established by Whitlam, inquired into the family, social, educational, legal and sexual aspects of male and female relationships as they related to the powers and functions of the Australian Parliament and the Australian government. For the first time, people with disability and their families had the opportunity to tell policymakers how they were living and what they needed in their lives. The royal commission also gave public voice for the first time to lesbians and gay men in openly discussing the discrimination they had experienced.

All these changes ultimately improved the quality of life for me and my family in very many ways, not the least of which was the introduction of the national sewerage program by the Whitlam government in the early 1970s. For the first time, our family had a flushing dunny, and we were very proud of it. Members do not need me to describe the ways in which our quality of life improved through that initiative!

Everyone has their favourite Gough story. Not all of them make the public record, so I asked two friends whether I could share their personal stories about Gough that reflect the simplicity, openness and love that everyday Australians have for Gough Whitlam. The first is from my friend Roderick Slapp, who is a train driver. This is his Gough story —

> My Edward Gough Whitlam memory was at Kalgoorlie train station, year 2000 I think. Gough and his wife had journeyed on a Centenary of Federation train across the Nation. On arrival at Kalgoorlie, his towering presence disembarked from the carriage and he gave an impromptu speech about the importance of the Railways, and Kalgoorlie to the Nation. He stood there with his walking stick, with no microphone, and his eloquent words boomed out over the noisy locomotive and crowd gathered on the platform. He had such a presence, and as a labor man, a Railwayman it was an honor to see him speak that day, today I cherish that memory.

The second recollection I have is from Jackie Seymour, who tells us —

> Gough Whitlam in the early 70s went to Burma …to encourage the then Gen Ne Win leader of the Socialist … to allow … Burmese to enter into Australia. Labour force was needed in Australia more so in WA. By the 8Os' there were 24,000 Burmese families in WA. Most of us joined the work force as labourers.

Others joined as doctors and engineers. To continue —

> … we have benefited a lot from this man's foresight … Most of us due to diligence and hard work … We are able to contribute back to the Australian community as we were given the opportunity to prove we could do it. There is a Burmese saying that says … When a tree is shady and large 10,000 birds can call it home and rest in it.
>
> …
>
> We have lost a great person.

They are just some of the stories everyday people have about Gough Whitlam and I am proud to have met and known Gough Whitlam and to experience the many benefits of his social programs.

RAY HEAD

Statement

HON PAUL BROWN (Agricultural) [10.11 pm]: While we are on the matter of condolences for Gough Whitlam, I would like to comment on a funeral I attended today with Hon Mia Davies. On 10 October we saw

the passing of a great man from the wheatbelt and from Northam. Ray Milne Head had been a councillor and mayor of the Town of Northam and the Shire of Northam. Today was a sad day for both the old town and the new shire of Northam. However, it was very pleasing to see Ray sent off by the largest crowd I have seen at a funeral. Funerals are not great things to go to but it was a pleasing sight to see the respect with which Ray was held in the community. The Bridgeley Community Centre, Northam, which is a rather large room, was overflowing with people seated and standing in the foyer and out into the streets, such was the respect given to ex-mayor Councillor Ray Head.

Ray was born in 1942, in the war years and, as I said, he passed away just the other day on 10 October at 72 years young—far too young for a man with so much vigour and vitality. If there was ever a man who was an icon for Northam other than Hugo Throssell, it would be Ray Head. He extolled the virtues of Northam at every opportunity. Unfortunately for me, the last conversation I had with him was about a week before he passed away, was when we were having a bit of a tete-a-tete about some of the comments I had made in this place, which he fully supported, about regional universities and regional education. He told me that Northam was obviously the place for any regional university and that if I thought any part of my electorate or any other part the state needed a regional university, I needed to have a good hard look at myself.

Ray was very passionate about Northam and about the railways. His first job after leaving school was at the very old, no longer there, Spencers Brook railway station, where he started as a clerk and moved up through the ranks and served with distinction in the WA railways for many years. When he was a young boy, Ray was in the first cohort of students to populate in about 1940-something—I have forgotten the date—the new Wongan Hills Primary School. There was a lovely photo of him and his cohorts, who were very small in number, at Wongan Hills Primary School. He travelled around the countryside with his father, who was a fettler with the railways.

As I said, it was a sad day for Northam, but the funeral was a great tribute to such a good man. I would like to now, in this place, pass my condolences to his wife, Julie, and to their many sons and daughters and grandchildren. I, too, would like to pay my respects to him and let it be shown on the record that he was a great man for Northam and a great man for his family.

House adjourned at 10.15 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

CHILD PROTECTION — CHILDREN IN CARE

1642. Hon Stephen Dawson to the Minister for Child Protection:

(1) By district, how many children were under the care of the Department for Child Protection and Family Support during the month of August 2014?

(2) By district, how many of the children in (1) were in placements with Department for Child Protection and Family Support foster carers by category of:

(a) relative carer; and

(b) non-relative carer?

Hon Helen Morton replied:

(1) The percentage annual growth of children in the CEO's care has slowed in the last five years, from a peak of 13 per cent in 2008, compared to 6.7 per cent in 2013–14.

As at 31 August 2014 there were 4 296 children in the care of the Chief Executive Officer of the Department for Child Protection and Family Support (the Department), in the following districts:

Armadale — 431

Cannington — 347

Fremantle — 264

Joondalup — 314

Midland — 361

Mirrabooka — 324

Perth — 258

Rockingham — 266

East Kimberley — 111

Goldfields — 183

Great Southern — 188

Murchison — 185

Peel — 209

Pilbara — 178

South West — 278

West Kimberley — 192

Wheatbelt —196

Fostering and Adoption Services — 11

(2) (a)–(b) As at 31 August 2014, there were 1 847 children placed with relative carers approved by the Department and 1 155 children placed with the Department's approved non-relative carers in the following districts:

Armadale — 149 relative, 158 non-relative

Cannington — 156 relative, 79 non-relative

Fremantle — 126 relative, 45 non-relative

Joondalup —105 relative, 99 non-relative

Midland — 170 relative, 81 non-relative

Mirrabooka — 145 relative, 84 non-relative

Perth — 107 relative, 60 non-relative

Rockingham — 110 relative, 81 non-relative

East Kimberley — 43 relative, 16 non-relative

Goldfields — 100 relative, 19 non-relative

Great Southern — 84 relative, 64 non-relative

Murchison — 83 relative, 50 non-relative

Peel — 93 relative, 77 non-relative

Pilbara — 105 relative, 33 non-relative

South West — 98 relative, 102 non-relative

West Kimberley — 106 relative, 24 non-relative

Wheatbelt — 66 relative, 81 non-relative

Fostering and Adoption Services — 1 relative, 2 non-relative.

CHILD PROTECTION — FOSTER CARER APPLICATIONS

1643. Hon Stephen Dawson to the Minister for Child Protection:

(1) As at 31 August 2014, what was total number of applications to be a foster carer approved by category of relative and non-relative carer, by district?

(2) As at 31 August 2014, what was the total number of registered foster carers, by category of relative carer and non-relative carer, by district?

(3) As at 31 August 2014, what was the total number of registered foster carers with children placed, by category of relative and non-relative carers, by district?

Hon Helen Morton replied:

(1) In August 2014, there were 52 relative and 10 non-relative foster carer applications approved in the following districts:

Armadale — 3 relative, 2 non-relative

Cannington — 0 relative, 2 non-relative

East Kimberley — 5 relative, 0 non-relative

Fremantle — 9 relative, 1 non-relative

Goldfields — 0 relative, 0 non-relative

Great Southern — 4 relative, 0 non-relative

Joondalup — 7 relative, 0 non-relative

Midland — 2 relative, 0 non-relative

Mirrabooka — 2 relative, 0 non-relative

Murchison — 2 relative, 0 non-relative

Peel — 4 relative, 2 non-relative

Perth — 1 relative, 0 non-relative

Pilbara — 3 relative, 2 non-relative

Rockingham — 3 relative, 0 non-relative

South West — 1 relative, 0 non-relative

West Kimberley — 5 relative, 0 non-relative

Wheatbelt — 1 relative, 0 non-relative

Fostering and Adoption Services — 0 relative, 1 non-relative

(2) As at 3 September 2014, there were 1 089 relative and 832 non-relative approved foster carer households in the following districts:

Armadale — 62 relative, 73 non-relative

Cannington — 103 relative, 57 non-relative

East Kimberley — 35 relative, 20 non-relative

Fremantle — 98 relative, 39 non-relative

Goldfields — 44 relative, 24 non-relative

Great Southern — 39 relative, 39 non-relative

Joondalup — 60 relative, 71 non-relative

Midland — 72 relative, 51 non-relative

Mirrabooka — 111 relative, 51 non-relative

Murchison — 50 relative, 35 non-relative

Peel — 66 relative, 46 non-relative

Perth — 71 relative, 36 non-relative

Pilbara — 64 relative, 29 non-relative

Rockingham — 64 relative, 50 non-relative

South West — 41 relative, 69 non-relative

West Kimberley — 63 relative, 23 non-relative

Wheatbelt — 43 relative, 48 non-relative

Fostering and Adoption Services — 3 relative, 71 non-relative.

(3) As at 3 September 2014, there were 808 relative and 559 non-relative foster carer households with children placed in the following districts:

Armadale — 55 relative, 60 non-relative

Cannington — 73 relative, 41 non-relative

East Kimberley — 27 relative, 8 non-relative

Fremantle — 64 relative, 30 non-relative

Goldfields — 37 relative, 14 non-relative

Great Southern — 26 relative, 28 non-relative

Joondalup — 39 relative, 43 non-relative

Midland — 57 relative, 38 non-relative

Mirrabooka — 82 relative, 38 non-relative

Murchison — 36 relative, 23 non-relative

Peel — 47 relative, 33 non-relative

Perth — 60 relative, 29 non-relative

Pilbara — 44 relative, 21 non-relative

Rockingham — 47 relative, 38 non-relative

South West — 34 relative, 49 non-relative

West Kimberley — 51 relative, 12 non-relative

Wheatbelt — 28 relative, 33 non-relative

Fostering and Adoption Services — 1 relative, 21 non-relative.

CHILD PROTECTION — CHILD ABUSE

1644. Hon Stephen Dawson to the Minister for Child Protection:

(1) For the period 1 June 2014 to 31 August 2014, what was the number of initial inquiries in relation to suspected child sexual abuse received, by district and by category of mandated referrer?

(2) For the period 1 June 2014 to 31 August 2014, what was the number of safety and wellbeing assessment with harm assessment, by district and by category of harm of:

(a) neglect;

(b) sexual;

(c) physical abuse; and

(d) emotional abuse?

Hon Helen Morton replied:

(1) For the period 1 June 2014 to 31 August 2014, there were 982 child protection notifications in relation to suspected child sexual abuse, in the following districts:

Armadale — 59

Cannington — 47

Crisis Care — 187

East Kimberley — 32

Fremantle — 27

Goldfields — 33

Great Southern — 43

Joondalup — 70

Midland — 44

Mirrabooka — 39

Murchison — 54

Peel — 45

Perth — 49

Pilbara — 60

Rockingham — 93

South West — 48

West Kimberley — 31

Wheatbelt — 21

By category of mandated reporter:

Doctor — 76

Midwife — 3

Nurse — 59

Police officer — 292

Teacher or principal — 254

(2) For the period 1 June 2014 to 31 August 2014, there were 3 845 safety and wellbeing assessments, in the following districts:

Armadale — 230

Cannington — 274

Crisis Care — 289

East Kimberley — 103

Fremantle — 159

Goldfields — 114

Great Southern — 261

Joondalup — 214

Midland — 279

Mirrabooka — 189

Murchison — 231

Peel — 175

Perth — 182

Pilbara — 283

Rockingham — 298

South West — 254

West Kimberley — 87

Wheatbelt — 223

By category of harm:

(a) Neglect — 1 472

(b) Sexual — 1 030

(c) Physical — 1 124

(d) Emotional/psychological — 1 531

CHILD PROTECTION — HARDSHIP UTILITY GRANT SCHEME APPLICATIONS

1645. Hon Stephen Dawson to the Minister for Child Protection:

For all Hardship Utility Grant Scheme applications processed by the Department for Child Protection and Family Support in August 2014, please provide the number of applications by:

(a) postcode;

(b) regional development region;

(c) main source of income;

(d) family status;

(e) number of children;

(f) gender;

(g) age;

(h) housing tenure; and

(i) ethnicity?

Hon Helen Morton replied:

(a)–(i) [See tabled paper no 2182.]

CHILD PROTECTION — HARDSHIP UTILITY GRANT SCHEME APPLICATIONS

1646. Hon Stephen Dawson to the Minister for Child Protection:

For each of the utilities Synergy, Horizon, Water Corporation and Alinta, in relation to the Hardship Utilities Grant Scheme for August 2014, can the Minister please advise on the following:

(a) what was the number of grant applications;

(b) what was the number of approved grants;

(c) what was the total grant amount; and

(d) what was the average amount paid?

Hon Helen Morton replied:

August 2014

(a)

Utility	Received Applications Grants
Synergy	1 601
Horizon	114
Water Corporation	110
Alinta	519

(b)

Utility	Number of Approved Grants
Synergy	1 551
Horizon	109

Water Corporation	106
Alinta	482

(c)

Utility	Total Grant Amount
Synergy	$608 239
Horizon	$62 307
Water Corporation	$33 208
Alinta	$125 604

(d)

Utility	Average Grant Value
Synergy	$392
Horizon	$572
Water Corporation	$313
Alinta	$261

CHILD PROTECTION — HARDSHIP UTILITY GRANT SCHEME APPLICATIONS

1647. Hon Stephen Dawson to the Minister for Child Protection:

(1) For each of the utilities Synergy, Horizon, Water Corporation and Alinta in regards to the Hardship Utilities Grant Scheme, how many applications were received, and how many applicants were approved and provided with financial assistance to pay utility bills for the following suburbs in August 2014:

(a) Leeming;

(b) Canning Vale;

(c) Morley;

(d) Wanneroo;

(e) Willagee;

(f) Samson;

(g) Spencer Park;

(h) Balcatta;

(i) Dalyellup;

(j) High Wycombe;

(k) Kingsley;

(l) Clarkson;

(m) Noranda;

(n) Yokine;

(o) Currambine;

(p) Parkwood;

(q) Innaloo;

(r) Huntingdale;

(s) Ellenbrook;

(t) Darch; and

(u) Peppermint Grove?

(2) What was the average payment for each utility for each of the suburbs listed?

Hon Helen Morton replied:

(1)–(2) [See tabled paper no 2183.]

DEPARTMENT OF PARKS AND WILDLIFE — NORTHERN QUOLL WORKSHOP

1658. Hon Lynn MacLaren to the Minister for Mental Health representing the Minister for Environment:

For the one day workshop conducted by the Department of Parks and Wildlife on 30 July 2013 on Northern Quoll, with the purpose to determine the highest-priority research needs to ensure survival of viable populations of Northern Quolls, I ask:

(a) does the Department of Parks and Wildlife propose to provide the participants of that workshop with an annual report on its achievements in implementing the agreed actions;

(b) what were the actions agreed to by the participants at that workshop;

(c) what was the dollar value of offset funds under control of the Department of Parks and Wildlife on 29 July 2014 that related to Northern Quolls;

(d) what offset funds were expended between 30 July 2013 and 29 July 2014 on Northern Quoll projects;

(e) of the offset funds in (d), how much and on what projects were these funds expended;

(f) against each of the actions agreed to by the workshop participants, what has been specifically achieved between 30 July 2013 and 29 July 2014 on Northern Quoll projects;

(g) what research reports or other publications indicating outcomes have been published between 30 July 2013 and 29 July 2014 that relate to the agreed actions for Northern Quolls;

(h) has the Department of Parks and Wildlife received any applications for funds from the offset funds allocated to Northern Quolls;

(i) if yes to (h), what was the nature of this or these applications and was this or these projects funded; and

(j) if no to (i), why not?

Hon Helen Morton replied:

(a) No. An annual report on northern quoll research activities supported by offset funds has been produced and is available to the public upon request. The Department will provide annual progress reports of research activities as stipulated in the Memoranda of Understanding executed with the companies providing offset funds for the northern quoll.

(b) Actions agreed to by workshop participants for the northern quoll were:

- (i) Prepare workshop outputs.
- (ii) Distribute preliminary workshop outputs.
- (iii) Scope and distribute research priorities.
- (iv) Release of a revised and endorsed northern quoll research plan.
- (v) Publish a peer-reviewed paper.
- (vi) Look for opportunities to progress agreed research priorities, which were:
  - (1) Clean-up northern quoll records on NatureMap;
  - (2) Develop uniform survey and monitoring guidelines;
  - (3a) Better understand habitat requirements;
  - (3b) Better understand biology, ecology and distribution;
  - (4a) Better understand real threats;
  - (4b) Better understand predator interactions;
  - (4c) Better understand threats from cane toads; and
  - (4d) Better understand artificial habitats.

(c) $512 501, comprising $312 501 in the Pilbara Northern Quoll Offset Trust and $200 000 in the Kimberley Northern Quoll Offset Trust. Note that the Kimberley Northern Quoll Offset Trust is a separate entity and is not linked to the Pilbara northern quoll research plan.

(d) $263 722 from the Pilbara Northern Quoll Offset Trust and $198 078 from the Kimberley Northern Quoll Trust.

(e) The Pilbara Northern Quoll offset expenditure was on development of a survey and monitoring program (Project 2) and initiation of the Pilbara northern quoll monitoring program (Project 4), identified in

the 2010–2015 Northern Quoll Project Plan developed by the Commonwealth Government and Parks and Wildlife. The Kimberley Northern Quoll offset expenditure was used to implement northern quoll recovery actions, particularly those relating to biosecurity and conservation of Kimberley island populations, as agreed with Mt Gibson Mining which provided the offset funds.

(f) Progress against each of the actions is:

(i) Workshop outputs have been prepared. A bibliography is being compiled.

(ii) Workshop outputs are publically available. An interim bibliography can be provided on request.

(iii) No progress to date.

(iv) No progress to date.

(v) A paper is in preparation and will be forwarded to workshop participants for feedback in November 2014.

(vi) Progress has continued on research projects associated with the northern quoll, including:

development of uniform survey and monitoring guidelines; and

establishment of the region-wide northern quoll monitoring program and subsequent sampling to inform distribution, habitat requirements, biology and ecology.

(g) One annual progress report on research activities associated with the Northern Quoll was published. A guideline detailing survey and monitoring methods for northern quoll and the capture of northern quoll habitat and vital attribute data was prepared and distributed.

(h) The Department has received three applications for support for projects to be funded from the northern quoll offset funds.

(i) **Proposal 1** Submitted by: Terrestrial Ecosystems Title: Northern Quoll Research Plan

Project focus: Develop uniform survey and monitoring guidelines;
Better understand habitat requirements; and
Better understand biology and ecology.

Budget: $350 000

Proposal 2

Submitted by: Edith Cowan University

Title: Refining predictive models for improved conservation of the endangered northern quoll in the Pilbara (Post-Doctoral research).

Project focus: Review modelling tool available to match point data:

Trial and verify modelling outputs using existing products;

Develop or acquire additional spatial layers to improved fidelity of predictive modelling.

Budget: $50 000

Proposal 3

Submitted by: University of Queensland

Title: Halting decline of the endangered northern quoll in the Pilbara: population status, prey availability and predator impact (PhD project).

Project focus: Monitoring of demography and population vital attributes;

Determine preferred prey and subsequently monitor prey population dynamics; and

Investigate impacts of predators on both northern quoll and their preferred prey.

Budget: $15 000 over three years

Proposals 2 and 3 were funded.

(j) Proposal 1 was not supported for the following reasons:

1. The development of uniform survey and monitoring guidelines and establishment of a region-wide northern quoll monitoring program to better understand the animal's distribution and ecology are already being undertaken.

2. While the estimation of field metabolic rates and water turnover rates in northern quoll would be of interest, it was not considered essential for the management of northern quoll in the Pilbara and, therefore, was not regarded as a priority research activity.

DEPARTMENT OF PARKS AND WILDLIFE — KEY PERFORMANCE INDICATORS

1659. Hon Lynn MacLaren to the Minister for Mental Health representing the Minister for Environment:

(1) The recently released *Department of Parks and Wildlife Strategic Directions 2014-17* document contained no quantified outcome statements, quantified intended achievements or quantified key performance indicators for the years between 2014–2017. I therefore ask, does the Department of Parks and Wildlife have quantified outcome statements or quantified key performance indicators for its strategic directions for 2014–2017?

(2) If yes to (1), will the Minister table the quantified outcome statements or quantified key performance indicators?

Hon Helen Morton replied:

(1) Yes. Quantified key performance indicators of effectiveness and efficiency for the Department of Parks and Wildlife are published at pages 661–670 of the 2014–15 Budget Statements (Budget Paper No 2, Vol 2).

(2) I refer the Honourable Member to tabled paper number 1595, tabled in the Legislative Assembly on 8 May 2014.

MINISTER FOR FORESTRY — MEETINGS WITH ORGANISATIONS

1662. Hon Lynn MacLaren to the Minister for Agriculture and Food representing the Minister for Forestry:

(1) Since her appointment as Minister for Forestry on 11 December 2013, representative(s) of which organisations has the Minister met with in her capacity as Minister for Forestry?

(2) If the Minister has met with organisation representatives in her capacity as Minister for Forestry on more than one occasion, please indicate on how many occasions?

Hon Ken Baston replied:

(1) Wesbeam

Auswest Timbers

WA Division of the Institute of Foresters of Australia

Forest Industries Federation of WA

Australian Forest Growers

Mt Marshall Sandalwood

TPM Energy

Southern Pacific Fibre

Tropical Forestry Services

WA Sandalwood Plantations

Wescorp

Australian Sandalwood Network

(2) Forest Industries Federation of WA (two meetings)

Auswest Timbers (two meetings)

FISHERIES — SHARK MITIGATION — IMMINENT THREAT POLICY

1689. Hon Lynn MacLaren to the Minister for Fisheries:

I refer to a media statement, dated 27 September 2012, by the former Minister for Fisheries titled *Shark mitigation to protect beachgoers*, and also to the Government's imminent threat policy, dated 23 November 2012, and ask:

(a) as the media statement refers to $2 million for a new service to allow the Department of Fisheries to track, catch and, if necessary, destroy sharks identified in close proximity to beachgoers, including

setting drum lines if a danger is posed, will the Minister please provide a detailed breakdown of how that $2 million was spent, including the date by which the full amount was expended;

(b) under the imminent threat policy, is it necessary to seek approval from the Federal Government on each occasion that an individual shark, deemed to be posing a threat, is destroyed;

(c) will the Minister please provide the times, dates and locations on each occasion that the policy has been activated, in other words, attempts that have been made to catch and/or destroy a shark;

(d) what is the reason why no shark deemed to be posing an imminent threat has ever been caught or destroyed; and

(e) will the Minister please refer me to the specific section and clauses of the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*, Western Australian *Fish Resources Management Act 1994* and the Western Australian *Wildlife Conservation Act 1950*, that enable a shark deemed to be posing an imminent threat to be captured and destroyed?

Hon Ken Baston replied:

(a) The funding described was provided over four years ending in the 2015–16. This funding has allowed the Department to respond where a threat has been identified and following an attack.

(b) There was no requirement to seek the approval of the Federal Government included in the 23 November 2012 Imminent Threat policy as the action was taken in the interests of public safety and considered not to have a significant impact on a threatened or migratory species. An exemption is presently required under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, while the Commonwealth is assessing the WA Government's shark hazard mitigation drum line program.

(c) The following deployments occurred under the 23 November 2012 Imminent Threat policy:

4 January 2013 — Dunsborough

8 October 2013 — Cape Arid

23 November 2013 — Gracetown

2 October 2014 — Esperance

Capture gear was also set following a fatality in 2011 and in the Metropolitan area in February 2014.

(d) The setting of gear will not always result in the capture of a shark.

(e) There are no specific provisions that allow for a shark deemed to be posing an imminent threat to be captured and destroyed. The Imminent threat policy was based on an exemption granted under s7 of the *Fish Resources Management Act 1994*. While the Commonwealth is assessing the WA Government's shark hazard mitigation drum line program, an exemption is required under s158 of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

SIR JAMES MITCHELL PARK — CULTURAL AND SOCIAL HERITAGE

1695. Hon Lynn MacLaren to the Minister for Mental Health representing the Minister for Heritage:

(1) When will Sir James Mitchell Park be assessed on its cultural and social heritage?

(2) How many sites in Western Australia are yet to be assessed on their cultural and social heritage?

Hon Helen Morton replied:

(1) The Heritage Council's Register Committee resolved in May 2014 that Sir James Mitchell Park, South Perth warranted a full heritage assessment to determine whether to recommend its entry in the State Register of Heritage Places to the Minister for Heritage. The Park has been included in the Committee's assessment program, but it has not yet been prioritised for assessment. The Committee will consider whether to include the Park in its priority assessment list when it sets its 2015–16 work program.

(2) 569

ATTORNEY GENERAL — STRAYING LIVESTOCK — DEFAULT NOTICES

1720. Hon Robin Chapple to the Attorney General:

I refer to questions on notice Nos 700 and 709, and more generally the danger to motor vehicle operators and passengers from straying livestock on our major haulage roads and highways, and I ask:

(a) how many times has the Pastoral Lands Board issued default notices for failure to maintain infrastructure, including fences, during the past ten years:

(i) how many pastoralists were issued with these notices;

(b) of the default notices issued in (a):

(i) what was the average time allowed for pastoral lessees to comply;

(ii) how many times were the pastoral lessees liable for payment of the $50 000 penalty and/or the daily penalty of $1 000 for failure to comply; and

(iii) how many of the breaches resulted in forfeiture of the pastoral leases;

(c) how much time were pastoral lessees given to rectify outstanding compliance issues;

(d) what follow-up will occur, and by whom, to ensure pastoral lessees comply with orders to maintain fences and other infrastructure prior to their pastoral leases being renewed; and

(e) how many pastoral properties along the Great Northern Highway and North West Coastal Highway are unfenced:

(i) how many head of cattle do each of these unfenced properties have?

Hon Michael Mischin replied:

(a)–(e) Please refer to LC QON 1722.
