Legislative Assembly

Wednesday, 12 March 2008

THE SPEAKER (Mr F. Riebeling) took the chair at 12 noon, and read prayers.

LOGUE BROOK DAM

Petition

MR M.P. MURRAY (Collie-Wellington — Parliamentary Secretary) [12.01 pm]: I have a petition, from 642 petitioners, which reads as follows —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned say that
>
> We strongly **do not agree** with the closure of Logues Brook Dam for community use. This is the only place left in the vicinity, for families and community members of the local area to enjoy their extra daylight saving hours in the blistering heat of summer. The nearest place to swim is 40 km away.
>
> Now we ask the Legislative Assembly to **reconsider** the decision to close Logues Brook Dam for community use. Such uses include water skiing and other sports, swimming and other recreational activities.

[See petition 290.]

PAPERS TABLED

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

COMMUNITY SPORTING AND RECREATION FACILITIES FUND

Statement by Minister for Sport and Recreation

MR J.C. KOBELKE (Balcatta — Minister for Sport and Recreation) [12.03 pm]: The Community Sporting and Recreation Facilities Fund, or CSRFF, is a terrific community program that allows the state government to provide funding on a one-third basis for sport and recreation infrastructure projects in partnership with local governments and community groups. I am sure that members would be aware of projects in their electorate that have previously benefited from this program. It provides much needed assistance for communities throughout the state to develop and upgrade facilities so that sport and recreation participation can prosper.

I am pleased to inform the house that on Wednesday, 5 March 2008, the Premier announced that $10.5 million would be allocated to support 96 successful projects in the 2008-09 CSRFF round. Since 2001, the state government has provided over $82 million to community sport and recreation facilities through this program. Fittingly, the Premier announced the funding during the successful regional cabinet meeting that was held in Albany last week. It was fitting because 61 per cent of the funding—that is, $6.3 million—will go to regional Western Australia to support the Carpenter government's commitment to regional growth in Western Australia. Some of the major beneficiaries in this year's round include —

> $820 842 to the City of Melville towards the redevelopment of the Leeming Recreation Centre;
>
> $835 000 to the City of Mandurah to construct three synthetic greens and a contribution to the clubhouse at the Allnutt Community Facility Bowling Club;
>
> $454 000 to the Shire of Derby-West Kimberley to redevelop the aquatic centre at Derby Memorial Swimming Pool; and
>
> $750 000 to the Shire of Ashburton to help construct a multipurpose centre at Onslow Recreation Centre.

The state also continued its commitment to allocating a portion of the CSRFF funding pool to communities with high Indigenous populations. Almost $1.5 million will go towards projects in the Shires of Carnarvon, Halls Creek, Ashburton, Cue and Derby-West Kimberley.

I thank all local members for their assistance to local communities in forwarding their applications. The program is a great example of a successful partnership between the state and local governments and community groups that benefits all Western Australians.

PARLIAMENTARY SERVICES COMMITTEE
JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Membership — Motion

On motion by **Mr J.C. Kobelke (Leader of the House)**, resolved —

(1) That the member for Serpentine-Jarrahdale be appointed to the Parliamentary Services Committee in place of the former member for Murdoch.

(2) That the member for Murdoch be appointed to the Joint Standing Committee on Delegated Legislation.

(3) That the Legislative Council be acquainted accordingly.

CRIMINAL CODE AMENDMENT BILL 2008

Notice of Motion — Withdrawn

THE SPEAKER (Mr F. Riebeling): I understand that the member who gave notice of this matter does not intend to move her motion; therefore, the motion lapses.

PREMIER'S STATEMENT

Consideration

Resumed from 28 February on the following question —

That the Premier's Statement be noted.

MR C.C. PORTER (Murdoch) [12.06 pm]: Fellow members, I join this house as the member for Murdoch. My electorate commences at the southern end of Mount Henry Bridge and continues south beyond South Street. It is bordered predominantly by Karel Avenue on the east and by North Lake Road on the west. The Murdoch by-election, and my preselection for that by-election by the Western Australian division of the Liberal Party, occurred very quickly. In contemplating whether to stand for the seat, the first and most important decision was whether I, Jenny and the dog would be comfortable making our home in the electorate of Murdoch. Preselection was on a Wednesday. We bought our house in Bateman on the Sunday. We have been begging the banks for finance ever since!

My immediate impression, solidified by campaigning, was that the suburbs in my electorate represent all that is best about living in Western Australia, as well as all the challenges that a government must face as it strives to serve its citizens in the best way possible. The suburbs of Murdoch are the suburbs of my childhood and adolescence, although those years were spent on the other side of the river. Indeed, it is curious that geographical divisions have become so profound, particularly in a place such as Perth. Much is made of that imaginary Mason-Dixon line bisecting the Narrows Bridge. At one stage during the campaign, I found myself speaking with an elderly lady about the fact that I had grown up in the northern suburbs. Although the lady was impressed with my strong and early commitment to the electorate, she suggested that it might be desirable that I give her an undertaking to not travel north of the Narrows unless on business or to visit my family. I did not quite give that undertaking. The lawyer in me did, however, construct something of a compromise. I put it to her that there was no going back for me now, at least in the figurative sense. She appeared to accept that compromise.

Even at this early stage, I believe that I can lay some claim to understanding what is important to the people who live in my electorate. There are perennially important issues relating to the delivery of services in education and health care and the maintenance of public order. The housing affordability issue in Murdoch exists on an intergenerational basis, as older citizens attempt to secure homes for their children. However, as I will go on to describe, it is notable but sometimes overlooked that often the little things matter the most. The compound effect of the minor inconveniences occasioned by the way governments deal in the lives of their already busy citizens is a cause for real concern.

It is appropriate here that I make some mention of the previous member for Murdoch. Trevor Sprigg has been eulogised in this house in a manner befitting his significant commitment to the people of his electorate. I barely knew Trevor, but over the past six weeks I have both figuratively and literally walked his trail through the electorate. It has been obvious to me that he achieved that which eludes almost everyone in political life—he was a genuinely and universally liked politician. I have no idea how he managed to combine political life with popularity; like many others here, I wish I knew.

It seems to me that the purpose of this speech is to explain to members who I am, what brought me here and what I seek to achieve by my presence here. In effect, I am to explain my choice to enter public life. As many here will know better than I, because of the inherent giving over of the private self to public scrutiny, this choice is perhaps one of the most intensely personal decisions any individual can make. Then, in one of the most perverse peculiarities that political life provides us with, the first thing a member is required to do is to share

honestly and openly the ins and outs of this personal decision with parliamentary colleagues and the public at large. Having given this task some thought, I have determined that the best way to explain my decision to enter public life is to explain to the house my personal theories about what matters in politics. I have been told many times that my personal theories are dull. However, I have also been told that this is the first and last time that I can expect to be listened to earnestly and in relative silence by this chamber, so what better time for a dull theory? Rest assured that, while I may not take the good behaviour of members as assent to my theories, I will pretend that it represents a mild interest.

Two things brought me here—ideas and people. These are the two things I see as critical to public policy, governments and the machinations of political life itself. There is no point coming here with only a care for people but with no ideas to influence the decision making that ultimately affects the people intended to be cared for. Given the importance of ideas in the conduct of Australian government, it is curious that so often absent from first speeches are real attempts to accurately define the basic ideas that motivate the member. I feel certain, after only one day here, that this is not because ideas are absent from the minds of many members of this Parliament. Equally, I feel certain that we are not in a post-ideological age for state politics generally. In fact, in an age of rapid change, the anchorage provided by ideas is more important than ever, and translating ideas into policy detail is more critical and more challenging than ever before. Perhaps it is because succinctly stating ideas is difficult and often leaves the utterer appearing foolish, naive or both. Perhaps, also, some politicians are wisely advised not to be tied down to ideas that may fall out of their own favour or may otherwise become unfashionable.

When put to the task, five ideas form the core of my world view and motivate me more than any others. I do not propose that the sum of these ideas comprises any system of values that comprehends any original or cohesive perspective on man, government or society, nor, while stating that they are strongly held—in truth, very strongly held—do I propose that these ideas are immutable or beyond personal reconsideration. However, these are the things which I am, and to which I have first recourse in problem solving and which motivate my thinking on real-life public policy issues.

First, I am a market liberal. I believe in the voluntary exchange of individuals and corporations conducted against a backdrop of institutions defining and protecting private property rights and enforcing duties under contract, and that, typically but not always, that system produces the best results for people and society. Including in this formulation the proviso that it is a rule not without exception is both realistic and problematic. Once we agree that there are exceptions to the rule that market outcomes are best, when do we interfere? My answer is only when, through the rigorous analysis of the problem at hand, we can be very certain that the benefits of interference will outweigh the risks. Interference should not be based on guesswork. On this point, it is my observation that modern governments of both persuasions believe in some form in the importance of free markets, but then interfere in often delicate markets without having thought through, or in any way analysed, the potential consequences of this interference. We all too often end up with overly confident policymakers with some well-meaning but untested idea, who pit their unaided intellect against the concerted interactions of millions of players in the marketplace. Often very little is achieved, at considerable cost. Respect for the market has never been more important than it is right now. This is because, in a world economy, changing at frightening speed, our ability in government to plan for an uncertain future in large part relies upon ensuring that our markets in Western Australia—from retail markets to power generation and land supply—are as free and adaptable as is reasonably possible.

To take one example, the present debate about retail trading hours has been shaped as a big business versus small business debate. Perhaps it would be more correctly characterised as a big business versus not-quite-so-big business debate. In many ways, the terms of this debate reveal a short-sightedness. If the large Australian-owned players in the retail market are artificially weakened, we should be careful what we wish for, in the guise of easing entry into the market of foreign multinationals. For what it is worth, on this matter I say that the Premier should stick to his guns.

Second, I am a social individualist. Simply put, collectively we all gain if each of us permits the other to live as seems best to ourselves, rather than compelling individuals and their families to live in a manner that seems best to one or another powerful group or the government of the day. I will make an observation relevant to this principle derived from my travels in my electorate thus far. One very curious view I experienced in Murdoch was deeply shared by many people. To put it colloquially, this was a view on the part of ordinary Western Australian citizens that, whenever they had any dealings with the government, it was just one big hassle. Further to that, they felt that, whenever the government dealt directly with them, it just caused them a hassle. To me, this was an extremely curious phenomenon, given that the government tries so hard to please people and thereby get re-elected. In part, this paradox may be explained by the fact that Australians—all of us—have a capacity for blame allocation that, if not unique amongst western nations, is so highly developed as to be almost an Australian civic art form. When something goes wrong in our lives, our immediate instinct is to blame someone or other for the misfortune. Often the blameworthy party is simply labelled “them”. Usually, this means

government or government administration. Governments themselves have significantly contributed to the Australian ability to allocate blame before the dust of the problem has even begun to settle, in seeking to gain favour with electorates by taking over responsibilities traditionally their own, and decreasing rather than increasing what was once the other great Australian art form—self-reliance. For my part, governments of both political persuasions seem to have drifted away somewhat from the idea that it is best to let people live their own lives the way they want to live them and to be responsible for the outcomes of those decisions. I do not say here that there is no such thing as positive liberty—governments can and occasionally do make people more free and happier by forcing them to overcome restrictive elements of their own character. However, the promise of such betterment is often a siren song. By and large, we should help people, and do so vigorously, but stop short of deciding outcomes for them. As a Parliament, when we intrude too much we just end up hassling our citizens and, as a government, when we try to do too much we fail to do any one thing particularly well. For these failings, blame is fairly allocated. I favour government that reasonably pares back its areas of involvement and responsibility and thereby gives itself a real opportunity to become acutely professional in the delivery of the core services that have the greatest effect on people's lives.

Third, I am a federalist. I believe that people are best served in terms of policy outcomes by governments that are as proximate to them as rational organisational principles will allow. Further, having equally, albeit differently, powerful governments elected at different times is the linchpin of separate and responsible government. The sad fact for me, as a Liberal, is that this federalist principle has been honoured more in the breach than in the observance in recent years by many of my federal Liberal colleagues. The consequence now is that I am quite certain that the great bipartisan project for this Parliament will be to find innovative ways of renegotiating and repairing the federal compact. Both sides must ensure that the people of Western Australia can turn to their own government in the knowledge that it has the policy autonomy to effect results for them on the issues closest to them.

Fourth, I am a legal conservative, and by this I mean several things. Foremost, we should be cautious before we tamper too readily with the operation of tried and tested legal institutions. At the same time, we should recognise that legal institutions are means to public ends, and not ends in themselves. Further, the balance of powers, duties and responsibilities that we have struck, over hundreds of years of argument, between the judiciary and the legislature is a delicate one and we should strive to maintain, not disrupt, it. On this point, there is a present and passionate fashion for labelling any number of views about desirable public policy outcomes as rights, and calls for these views to then be enshrined in bills of rights at a state or federal level. The advantages of such proposals are few, and the problems with them many. To either the trained or the untrained eye, the clauses of such documents do not necessarily or even generally enshrine rights in the sense that most people commonly understand them. They set out views about what may be a desirable policy outcome or what may be a desirable process or institution. These are views about which equally rational, well-meaning people may differ and which, importantly, change over time. The determination of such matters should be the province of elected Parliaments and not the province of courts. I will use every energy in this place to resist this trend in all its manifestations.

In the area of crime and punishment, I am a true conservative. Having worked and lectured in criminal law at the Office of the Director of Public Prosecutions and the University of Western Australia, I can say truthfully that there is no more interesting, relevant and curious area of the legal discipline—and I might add here that there is no harder legal milieu—in which to work. My work at the DPP has taught me about people and about life. I hope that that job and other matters have caused me to come into this place, although younger than some, sufficiently experienced in life's triumphs and tragedies to feel real empathy for people's problems even though they may not be my own. Also, for the public record, I take this opportunity to say that the men and women who work at the DPP perform the greatest of community services for us all, in what are often very difficult circumstances.

For many years now in Australia a divergence of views has existed between, on the one hand, the courts, the defence bar, academics and criminologists, and, on the other hand, the general public and the media. The latter regard criminal conduct as burgeoning and as a near-crippling societal problem that is insufficiently checked by lenient sentencing. The former maintain that in statistical terms, criminal activity is not quite the high-growth problem that it is perceived to be, and that the penalties have been stiffened in recent times. There is truth in both views. The problem with this analysis is that there is no one crime problem in Western Australia. It is true that recent trends have been for longer custodial sentences, certainly for offenders who have been found guilty of engaging in serious criminal conduct; that is, conduct that has traditionally been labelled by the courts as the grave offences of serious and sexual assaults, armed robbery and homicide. This fact was stated clearly by the Chief Justice of this state as recently as last weekend in our state's major newspaper service. It should be noted here, however, that the description of this as "leadership" on the part of the courts is in my view a mischaracterisation. Increased custodial sentences for grave offences has been a proper and appropriate response by the judiciary to sustained pressure from the people, their Parliament and the press. In my view, there is still some little way to go in this area.

Where the immediate public policy challenge now really lies is with those offences that are somewhat less than grave in the traditional legal sense, but whose cumulative effect has become debilitating for many local

communities. I am talking here about what might be loosely labelled disorder offences—although this very label tends to diminish their cumulative seriousness. By this term I mean the occurrence and re-occurrence of property damage and graffiti to private residences and community facilities; the myriad forms of serious public misbehaviour fuelled largely by alcohol, the most prominent example of which is random violence associated with suburban parties; and the general absence of respect for authority and fellow citizens, one notable manifestation of which is all manner of idiotic behaviour on our roads. Sadly, this is not an exhaustive list.

There should be no mistake about it: as a society, the maintenance of public order is tied directly to the ongoing maintenance of a general will to punish this sort of behaviour through the courts. This is not always easy. Magistrates are faced with a continual stream of persons, many of whom are utterly un-notable other than for the fact of their sometimes isolated instances of misbehaviour. However, this does not lessen the debilitating cumulative effect of such misbehaviour. Magistrates face, day in and day out, the terrible job of determining whether this or that offender's life will be changed forever by the punishment they mete out. However, once a person has been convicted by plea or by the conduct of a fair and open trial, punishment of these disorder-type offences must be real and hard-felt by the offender. A failure of will at this level of punishment will mean the erosion of liberties for all Western Australian citizens. Serious punishment for disorder offences will not always mean the imposition of custodial sentences, although often it must. As a Parliament, we must be continually aware of the need to devise and apply punishments that are precisely that—punishments. We can no longer linger with ineffective fines enforcement systems or non-custodial orders that are malfunctioning in their punitive purpose.

I will add here one final observation about the legal profession to which I belong. Lawyers in this state have much to be proud of, and the profession is not always held in the regard it deserves, but such is life. However, one noticeable trend that in my view individual lawyers should question is the readiness to allow their peak legal bodies to voice an opinion on an issue of public importance. These opinions are often executive or committee-generated views, and they may not be as representative of individual lawyers' views on the subject as they could be. This is a recipe for further alienating the legal community from the general community and is unhelpful. I do not mean here to speak cryptically. I often hear the Law Society of Western Australia give an immediate response through the media to this or that issue of public importance. This response is presented for all intents and purposes as though all lawyers share the view that is being offered by the society. It appears to me that what has occurred with many peak legal bodies is that they have come to regard certain legal processes, institutions or constructs as sacrosanct. What this view fails to recognise is that what is most important is the outcome that any legal process or construct realises for the people. Although I am a legal conservative, when a legal principle or construct, even one that has been with us for some time, is no longer realising positive results for the community, it must be reassessed, and all of us, lawyers included, should be open minded to this process.

Fifth, I am an im-perfectionist. I can almost see all members nodding in agreement, after having listened to me for half an hour, and I am sure all members are thinking to themselves: he sure is! Nevertheless, I use this term because of two things that have had a profound effect on my thinking. The first is the concept that ultimate values are objective and knowable. Indeed, I doubt that there would be too much debate in this chamber as to what is the cluster of values upon which we each place the greatest importance.

However, I also subscribe to the secondary concept that, although identifiable, ultimate values or goods are in eternal conflict with each other and cannot be combined in a single human life or human institution. In short, the idea that we cannot have everything is a necessary, not contingent, truth. All the good things in life, such as liberty and equality, individual expression and community participation, are not necessarily compatible in the sense that they cannot be perfectly and simultaneously acquired. The choices we all face as individuals in structuring our own lives are often agonising. The same applies to government decisions, but with the important difference that governments claim the responsibility for explaining and justifying these sometimes almost impossible decisions.

I said earlier that my theory is that the two necessary tenets of politics and government are ideas and people. The importance of people is that they should always come before ideas. I am confident, now that I have finally decided to resist the drift of the academics and the ideologues to an exclusive concern with ideas, and now that I have joined members in this place and so have become wedded to the people of my electorate, that my life will be all the more interesting and full for that decision.

As for the people close to me, I would like to thank the men and women of the Western Australian division of the Liberal Party. This is the party which my father served as a state director, and which my grandfather created in Queensland, upon Menzies' instruction, and which he served as a state director in Queensland and later as a minister of the Crown. Sometimes I hope that when I have children they might escape this genetic political affliction and become oil painters or racing car drivers—or both, but not at the same time.

Nevertheless, the Liberal Party and the Australian Labor Party are the two great democratic institutions of Australian public life. The long-term electoral and organisational health of the Liberal Party has a great bearing

on the quality of government that this state can expect into the future; and the ever ongoing task of reforming, improving and modernising the Liberal Party is one in which I hope to play some role.

To my parents and my sister: for 37-odd years each has endured a person who thought he knew everything. I have now informed them that entering Parliament must be a sure sign that I was correct in this previous and often-made assertion. After the election, I proposed to my family a new organisational family system—that they should now listen to me in all things. As early as yesterday, this system had broken down. My parents have given me everything. However, it is not true to say that they expect nothing from me in return. I always feel the weight of their expectations to do the best and the right, and I hope I always will.

Finally, to Jennifer: we get all sorts of advice when we enter politics. I have been told by some that I could be more emotionally demonstrative, and particularly more open and complimentary. So for Jennifer, without whom I would not have embarked upon this adventure, I have a compliment. It goes like this: "Do you remember all that stuff I said about the world being imperfect and about the impossibility of getting all the good things in life at once? Sometimes I am not so sure about that."

Mr Speaker and fellow members of the house, thank you for your patience.

[Applause.]

Debate adjourned, on motion by **Mr J.C. Kobelke (Leader of the House)**.

ROAD TRAFFIC (AUTHORISATION TO DRIVE) BILL 2007
ROAD TRAFFIC (VEHICLES) BILL 2007
ROAD TRAFFIC (ADMINISTRATION) BILL 2007
ROAD TRAFFIC (CONSEQUENTIAL PROVISIONS) BILL 2007
ROAD TRAFFIC (VEHICLES) (TAXING) BILL 2007

As to Cognate Debate

Leave denied for the Road Traffic (Authorisation to Drive) Bill 2007, the Road Traffic (Vehicles) Bill 2007, the Road Traffic (Administration) Bill 2007, the Road Traffic (Consequential Provisions) Bill 2007 and the Road Traffic (Vehicles) (Taxing) Bill 2007 to be considered cognately, and for the Road Traffic (Authorisation to Drive) Bill to be considered the principal bill.

ROAD TRAFFIC (AUTHORISATION TO DRIVE) BILL 2007

Second Reading

Resumed from 28 November 2007.

MR M.J. COWPER (Murray) [12.32 pm]: I want to clarify which bills we will proceed with first.

The SPEAKER: We are dealing with order of the day 2.

Mr M.J. COWPER: There are five traffic bills to be debated.

Ms A.J.G. MacTiernan: We are starting with the Road Traffic (Authorisation to Drive) Bill 2007. Is that right, Mr Speaker?

The SPEAKER: That is right. It is order of the day 2 on the list of the government's order of business.

Ms A.J.G. MacTiernan: By way of interjection, if the member has something prepared in which he raises points that relate to the other bills, we certainly would not have any objection to that.

Mr M.J. COWPER: This bill is one of a suite of bills and my friend the member for Leschenault advised me that he would prefer that each bill be debated separately rather than cognately. I was prepared to deal with these bills cognately and deal with the nuts and bolts of each bill in consideration in detail.

Ms A.J.G. MacTiernan: It would have been a sensible outcome.

Mr M.J. COWPER: I will outline the reason for these bills. I have a copy of the current Road Traffic Act. For those members who are interested, that act comprises nine parts and a number of schedules. The Western Australian *Government Gazette* indicates that the Road Traffic Act falls under the dominion of the Department for Planning and Infrastructure, for which the Minister for Planning and Infrastructure is responsible. However, from memory, parts II, III and IV relate to the licensing of vehicles, drivers' licence arrangements and associated legislation. Part V comes under the Western Australia Police, for which the Minister for Police and Emergency Services has responsibility. Various parts come under Main Roads Western Australia, for which the responsible minister is, again, the Minister for Planning and Infrastructure.

The Road Traffic (Authorisation to Drive) Bill 2007 is a very complex bill and, taken in context with what we are trying to achieve with this suite of bills, it becomes cumbersome to manage when we are trying to get some uniformity across Australia. By way of some history, the National Transport Commission prepared

documentation that had its genesis as far back as 1992 or 1995. Various state governments and the federal government identified some problems in particular areas with uniformity on a national basis. To successfully deal with those issues we must restructure the legislation. It is a bit like a filing cabinet—we need to break down the legislation into a number of areas so that when the legislation requires amending, we, as legislators, can deal with those amendments in bite-sized pieces and with some ease.

Ultimately, we are dealing with a suite of bills that is fairly complex. For example, the bills comprise several hundred clauses. The reason for these bills is the federal road transport reform bill, of which I have a copy. It is a model bill that was released by the commonwealth government to legislators in all states to consider as a benchmark to achieve uniformity across Australia. Members would appreciate that Australia is a vast place and each state has its own legislation. It has taken a number of years for this particular model to come to fruition and there has been ongoing discussion at a national level. I understand that this state had representation at those discussions. The representatives would not have been part of that discussion unless they had some considerable concerns about the application of how it sits with Western Australian legislation. I do not propose to deal with those concerns in great detail now.

Now that we will deal with this suite of bills individually, the consideration in detail stages will take some time. I am sure the minister would prefer that I move to what is at the heart of the opposition's concerns. I would like a response from the minister so that in the future, if there is any conjecture about the interpretation and purpose of this legislation, people can read what was intended when the Parliament undertook to introduce this filing system.

The opposition has a number of concerns with the Road Traffic (Vehicles) Bill. This suite of bills, orders of the day 2, 3, 4, 5 and 6, also include the areas of administration, authorisation to drive, consequential provisions and taxing. I will not waste too much time on my second reading contribution other than to indicate that during the course of consideration in detail the opposition will ask for various aspects of the legislation to be explained.

Ms A.J.G. MacTiernan: If you have particular issues that you want to raise, it might be useful to give us an idea now so that we can prepare, if that would be helpful to you.

Mr M.J. COWPER: I am glad that the minister said that, because preparation is very important when debating bills. Unfortunately, the time that I have had to prepare for the debate on these bills has been only a few days. It was lumbered on me on Monday that these bills would be debated this week. I thank the Minister for Planning and Infrastructure for providing, through her departmental staff, good advice on these bills.

Rather than highlight what concerns I might have now, given the opportunity later I will raise particular issues as they present in relation to this authorisation bill. I say at the outset that I understand the purpose of what the minister is trying to do here, but there are a number of ailments in the Road Traffic Act that affect Western Australian operatives. I have some concerns about how this bill is going to impact on small business and how it is going to be interpreted by the traffic wardens. I also have some concerns about the conformity of drivers' licences, and how penalties and disqualifications are going to be managed across state boundaries.

In Western Australia, we have some unique circumstances. For instance, I understand—I might stand corrected—that we are the only state that has extraordinary licences. We know that the minister is introducing a double-or-nothing demerit point system. We know that we have a different regime for penalties and demerit points, and how that regime sits with the uniformity aspects of this bill is very interesting. We will have a better indication when we drill down into these matters during consideration in detail. Extraordinary licences have been carried across in this new bill. I thank the staff of the Minister for Planning and Infrastructure for providing the highlighted versions of these copies of the bill, which unfortunately Simon O'Brien didn't provide to me; they make it a lot easier to deal with these matters.

Disqualifications are another issue in this bill. There are some miscellaneous provisions that I would also like to touch upon. However, I will now allow my colleagues to have a say on this bill.

MR D.F. BARRON-SULLIVAN (Leschenault) [12.42 pm]: I apologise to the Minister for Planning and Infrastructure. I did let the shadow minister know I would not be agreeing to a cognate debate, but I neglected to advise the minister's office of that. I am sure that will not make any difference to the minister's ability to handle these bills. The reason that I did not fancy the idea of a cognate debate is that there are two pieces of legislation that are of particular interest to me—I know this is a second reading debate—and it is my intention to make a contribution that would extend beyond the amount of time that I would have available to me if these bills were dealt with cognately. The Road Traffic (Consequential Provisions) Bill 2007 is one that we will probably sail through very quickly during the second reading debate. I will not be making any comment on that bill. The two bills that I want to make extensive comment on are the Road Traffic (Vehicles) Bill 2007 and the Road Traffic (Administration) Bill 2007.

I want to make specific comment about the bill we are dealing with at the moment, the Road Traffic (Authorisation to Drive) Bill 2007. This bill obviously replicates largely, if not completely, the provisions in

existing legislation. It is part of the government's endeavour to bring together all this legislation in what can be described only as a more administratively efficient manner. It makes a great deal of sense to do this.

One very important question I have is: why are the provisions of the Road Traffic (Authorisation to Drive) Bill being dealt with at this stage? The reason I ask the question is that this bill deals with a lot of the guts of our driving system. It deals with driving licence arrangements, learner permit arrangements, and a range of matters to do with the disqualification of licences. Very importantly, it provides the foundation for the demerit point system that operates in Western Australia. Part 4 of this bill sets out, in four divisions, the way that the demerit point system should operate—everything from the maintenance of a register, right through to what happens if people lose their full number of demerit points. The bill also provides for a regulatory framework to be established.

The reason that I make comment now is that the government has made a big song and dance about the need for a new road safety strategy, and it is widely recognised throughout the community that the policies that are in place at the moment have been a terrible failure. We have to look only at the awful number of serious and fatal road accidents to get a full appreciation of just how terrible the situation is. Through the Office of Road Safety, the government has employed the same people who came up with the current strategy to come up with other ideas, and I understand that they are probably only suggesting lots more of the same sort of thing that we have had in the past—certainly if the stuff I have received through freedom of information is anything to go by. That is all for a debate on another day.

The point is that if we are going through a process of setting up a completely new road safety regime in this state, one of the key aspects has to be the punitive system. The demerit point system is one of the tools that the government uses to punish people for disobeying the road rules, and as a disincentive for people to break the road rules. What I cannot understand is why the government has brought this to Parliament now, rather than waiting until that process is over. Why does the government not wait until it has decided what this new strategy is going to be and what demerit point system is going to be part of it? We could lock all this into legislation now, or we could simply deal with it later on. My understanding is that the government wants the new vehicle licensing enforcement provisions, but that could have been done without the need for this Road Traffic (Authorisation to Drive) Bill. I understand also that the Minister for Police and Emergency Services in particular is keen to get some of these legislative provisions sorted out so that we all know who has the administrative responsibility for them and the police can get on with the job of enforcing the law.

The wheels of government are not going to fall off overnight if this particular bill is put on hold for a while, until the road safety strategy is determined. One thing I have learnt in my time in Parliament is that it takes an awfully long time to amend legislation, even when that legislation is deemed to be a matter of some considerable priority. I certainly hope—and I am sure a lot of people in the community hope—that there will be some significant changes made to the road safety strategy in this state and that the government will focus on changing the way that the demerit point system is used quite dramatically. Consequently, even if this bill is passed, we may see in this Parliament changes being made to this very bill, particularly in relation to part 4, which deals with the demerit point system.

Why do I say that? Again, it is because the demerit point system is not working. It provides punishment for people who break the law, but I have to ask: is it providing a disincentive? More to the point, is it providing any sort of incentive for people to drive within the law and to become more competent drivers? A number of people I have spoken to, who have a lot of expertise in the area of driver training and training accreditation, are in agreement that the demerit point system has a lot of potential. However, some very significant changes need to be made before that potential can be realised. I make one very simple point about why, one day, we will need to change this legislation if it is not done now. The demerit point system does not address the single most important cause of road accidents in Western Australia. Contrary to what the Office of Road Safety and the government would have us believe, speeding is not the single most significant cause of serious and fatal road crashes in Western Australia. They are caused by what I call bad driving or lack of competency. Again, we can have that debate another time and examine the real figures that demonstrate that. Even if we accept that it is beneficial to improve the competency of drivers across the board in Western Australia to improve road safety, it is very difficult to see how the demerit point system contributes to that aim in any way whatsoever. When a person loses three demerit points for breaking the law on the road, he is punished. He presumably pays his fine and knows that he is a little closer to losing 12 demerit points, at which stage his licence will be suspended. He can see that he will receive some degree of punishment. When he has accumulated 12 demerit points, he will receive a greater punishment. He will probably be fined for the last transgression and lose his licence—he will definitely pay a penalty in the form of a monetary punishment and have his licence taken from him for a period.

The very simple point that I wish the two ministers were listening to is that under none of those circumstances will the demerit point system improve the driver's competence. Once back on the road after three months' suspension or whatever, the driver will have learnt nothing. He may not understand some of the rules he has previously broken and his degree of competency as a driver will not have been improved at all. One suggestion

made by a number of people is that if we chuck the current demerit system out with the bath water and start again, it could be used to not only punish drivers who break the law, but also improve their competency. For example, the Eelup roundabout in my home town is one of the worst intersections in the state.

Mr M.J. Cowper: It's number one.

Mr D.F. BARRON-SULLIVAN: I thought there was one at the intersection of Reid Highway and Alexander Drive.

Ms A.J.G. MacTiernan: It's number one in the metropolitan area.

Mr D.F. BARRON-SULLIVAN: Is Eelup the number one?

Ms A.J.G. MacTiernan: It might be either one or two, but it's certainly number one in the region.

Mr D.F. BARRON-SULLIVAN: To give them their due, the police have tried to enforce the law; they ping people who cut across the lanes of the roundabout and create a dangerous situation. Main Roads has done a fabulous job; it scratches its head regularly wondering what it can do. I understand that Main Roads is planning some very substantial changes to the roundabout. However, the traffic officers explain that they might pull up someone who has been driving in the left-hand lane as he has entered the roundabout but has wanted to leave from the last exit—strictly speaking the driver should therefore be in the right-hand lane—and has cut across into the right-hand lane. Of course, in the process of doing that he could be cutting in front of another vehicle, be it a car or a log truck—a lot of heavy vehicles use that roundabout. I am not talking about only those servicing the port; it is a major thoroughfare through the south west, linking with the metropolitan region. It can be a very dangerous situation.

From talking to traffic officers and to motorists and so on, I do not believe most drivers are doing it on purpose. I think they do not know what to do. Although there is a little sign close to the approach of the roundabout—we all know what it is like—a lot of people do not pay as much attention as they should. Some people are set in their ways and some are a bit edgy. That roundabout can be quite difficult to navigate at times. A lot of traffic can be using it through which people have to find their way. That is just one example to demonstrate that a driver can be pulled up for breaching the law because he did not go around that roundabout properly. Under the system embraced in this legislation, he could receive demerit points and be fined. However, he still will not know how to drive through a roundabout. That is one very simple example. I could use other examples, such as intersections, give-way signs etc. People in the driving instruction industry and in the training quality assurance sector have pointed out to me that people neither understand the rules nor have the competence in some cases to handle particular situations on the road. As a result, they find that they are in breach of the law and can be penalised. However, the system does not make them better drivers.

One point made to me was to consider changing quite considerably the demerit point system. It could still retain a punitive element. However, rather than a table on which the states are trying to achieve uniformity and all this other waffle—I will use the roundabout example—what if a provision existed in the demerit point system to ensure that the person learns how to go around the roundabout and is taught to be a more competent driver. This could be done in a number of ways. One that I quite like the sound of and that was suggested to me by someone with a huge amount of experience in the training sector was that if someone accumulates 12 demerit points, his punishment should be combined with a requirement to improve his driving skills and be retested. The test would include specific components; it could be set out in a logical and objective way using proper competency methodology. Part of that would be to learn how to go around a roundabout. I am sorry to dwell on roundabouts, but in my home town they are one of the most common sites for serious accidents.

As I said, I could apply that requirement to a range of other situations. If that person lost his licence, he would then need to pass a test carried out by an accredited driving instructor. There would be no need for a bevy of bureaucrats to be involved. The end result would be that the person was penalised because he would have to pay for tuition and pay for the test by the accredited driving instructor. In addition, he would have to put his time into it. The driver would be punished. We could even provide an alternative, a little like the infringement system, that provides that a person can accept that he committed the offence and pay the penalty or take the matter to court. That option could be provided. Drivers would not have to sit another test; they could have the matter dealt with in another way. All sorts of models can be put forward to ensure that the demerit system is not just a subjective, punitive system designed to slap people on the wrist when they have done something wrong, but will make a real difference by improving road safety, by improving the standard of driving across the state and by improving the competence of individual drivers.

The point I am making is that this is a golden opportunity to get stuck into changing the demerit point system rather than simply rehashing the existing legislation for the sake of administrative simplicity—that is the simplest way of putting it. The government might say, "Hang on a minute, we've got this bipartisan process set up, the minister is developing a new road safety strategy, Monash University Accident Research Centre is working on all these different reports and the Office of Road Safety is scratching its head wondering what to do,

so we should wait until that is all finished." Fine, we can wait and deal with this bill then. I hope that the part on demerit points will look very different, as should other aspects of this bill. My question is very simple: why not wait until the outcome? Alternatively, if we want to push ahead with it now, why not build in a provision that alters the demerit point system? Why not say that at the moment the demerit point system provides a punitive measure to impose on drivers who disobey the law. I do not think the double-demerit point system is working; the statistics do not bear it out. The scale of demerit points leaves much to be desired. Certainly, the feedback that I get from the community is along those lines.

[Member's time extended.]

Mr D.F. BARRON-SULLIVAN: However, even if all that were left in place, a decision could be made —

Ms A.J.G. MacTiernan interjected.

Mr D.F. BARRON-SULLIVAN: Imagine what the other one will be like. Is it not lucky that we did not have a cognate debate? Wait until we get to the consideration in detail stage. That is when I will really go through these things in detail. The Minister for Planning and Infrastructure is not taking this seriously.

Ms A.J.G. MacTiernan: No, I am not taking it seriously.

Mr D.F. BARRON-SULLIVAN: Actually, the minister is. She is saying that it is a shame that we did not have a cognate debate so that I could talk for longer. I am making a point about the demerit point system. The minister should speak to 100 people in the street about the current road safety strategy and ask them whether they think the demerit point system is making our streets safer. At least 90 out of 100 people will say no. They will then talk about speed cameras and say that it is all designed to raise revenue and so on. I do not want to go down that path now; we can have that debate on another day. I am not dragging out the debate. I am making the point—if the minister will listen to me—that we now have the opportunity to use the demerit point system for something else and not just as a punitive measure. We could use it to improve the competency of drivers in Western Australia, particularly those who have offended against the road rules. It may even be possible to send the matter to a committee. I will not move a motion to do that, but it could be sent to a committee. We could step back and take the opportunity to use the demerit point system to greatly improve road safety in this state. The point I am making is that we are basically rehashing existing legislation. Unless the minister can give me a better reason, it appears that it is being done for administrative simplicity to make the lines of demarcation within these five pieces of legislation a bit clearer. I stress the point that there is enormous dissatisfaction in the community about the current road safety strategy, if I can use that term; I do not think there is much of a strategy. A key component of that strategy is the demerit point system. We have the opportunity in dealing with this legislation to shape the current strategy very differently to improve road safety, which could save lives on the road. It is all very well to say that that can be done after the bipartisan approach is finished, but we have had the opportunity to do it now but we have wasted that opportunity. I know that in this game it takes an awfully long time to change an act, let alone to have new legislation brought before the Parliament. I look forward to the debate on the next two bills.

MR T.K. WALDRON (Wagin — Deputy Leader of the National Party) [1.02 pm]: I will quickly make a couple of points on this bill. The member for Leschenault raised the issue of demerit points. I do not mind the demerit point system and believe that it has some merit. Perhaps we should look at how it is applied. I have previously referred to drivers who have lost 12 demerit points and are about to lose their licence. I believe that a driver who is about to lose his licence should be given an option to either undergo a driver training course or lose his licence. He could keep his licence and continue to drive on the road while undergoing the course. His demerit points could be reduced to 10 or 11 and he could be given some real training. It may be that the people who undertake the course have been doing things incorrectly. They could be retrained but would lose their licence if they reoffended. I support the double demerit point system that is in place on certain weekends because I think that helps. People in my electorate think about losing double demerit points on long weekends etc. I believe that may have an effect on drivers just from talking to them, but I do not know how to get accurate information on that.

I am concerned about moving the responsibility of conducting drivers' licence tests from the police to the Department for Planning and Infrastructure. I understand that the reason for doing that is to free up the police from the work they have to do, which is all very well, but I am worried about what will happen under that arrangement. When the minister replies, I would like her to talk about the assessors who will conduct the driving assessments in regional Western Australia. Recently I saw advertisements in a paper for assessors. I think the new arrangement will begin on 1 July. It is difficult to attract people to become police and nurses etc under the current pay rates. Will there be similar problems attracting people to become assessors? Initially we could have problems attracting them to inland Western Australia. I would like the minister to outline the plan for obtaining those assessors and to tell us how regularly they will travel to regional Western Australia and in particular to the main regional centres throughout Western Australia.

MR J.E. McGRATH (South Perth) [1.05 pm]: As the member for Murray might have said, the opposition will support this legislation, which basically reshuffles and re-categorises various sections of the Road Traffic Act. The way the government will do that makes a lot of sense. However, I will take this opportunity to speak on a couple of issues that have been made known to me through my portfolio of road safety. One of the biggest issues of concern facing the state is not the issuing of licences for people to drive their vehicles but the number of people who are driving without a licence. Some time ago I was fortunate enough to go on patrol in an unmarked car with the highway patrol. Four of the first 12 drivers who were pulled over for various offences were driving without a licence. That is one in three people, which is a staggering statistic. I first became aware of this matter in 2005 when the Auditor General brought down a report in which he estimated that more than 66 000 unlicensed drivers were driving on our roads. That is a staggering figure. We cannot determine precisely how many people are driving without a licence because we do not know; the figure can only be estimated. If the Auditor General estimated it was 66 000 in 2005, I suspect it would be closer to 75 000 people now. There are reasons for that and I will discuss them as we go through this debate.

One of the problems is that in many cases people are not informed that they have lost their licence. When the member for Ballajura was the Minister for Police and Emergency Services, he was issued with a couple of traffic infringement notices that were sent to the wrong address. That was a farcical situation whereby the then Minister for Police and Emergency Services, who was responsible for the system that ensures that people drive responsibly on our roads and for making sure that the right laws are not only in place but also enforced by police officers, was driving his vehicle when he was unaware that he had lost his licence. A similar case came to the attention of my office recently involving a young P-plate driver who had had a car accident on Hayman Road in Como on 21 August 2007. He was at fault. It was not a serious crash; it could be described as a bingle. However, he was charged with driving without due care and attention. On 5 September an infringement notice arrived at his home by mail and he was told that he had 28 days to pay the $100 fine. It can be seen from the amount of the fine that it was not a high-end offence. He was charged with driving without due care and attention because he had run into another car. He was told that he could contest the infringement if he wanted to but that if he did not pay the fine within 28 days, his licence would be suspended. He comes from a good, upstanding family and, as a responsible person, he paid the fine.

On 21 September 2007, which was exactly a month after the first offence, he was involved in an accident in Guildford, which was no fault of his own. As he was involved in the accident, he had to stay at the scene and help the police when they arrived to make out a report. The officers took the details and must have checked them on the computer in their vehicle. They discovered that he was driving without a licence. Under section 51 of the Road Traffic Act, a P-plater found guilty of careless driving automatically loses his or her licence for three months. This young person thought that he had done the right thing. He was out driving his vehicle and, in the same way as the former Minister for Police and Emergency Services, he did not know he was driving without a licence. Why was he not told? He was obviously let down by the system.

On 6 December 2007, which was about three and a half months after the first offence, he received a letter from the police informing him that he had been convicted of a prescribed offence under section 51 of the Road Traffic Act and was disqualified from holding or obtaining a driver's licence for a period of three months. That is an example of those people who are not being made aware that they have lost their licence. This is a problem for the government and the department that is responsible for licensing drivers. I have written to the Minister for Police and Emergency Services on this matter. I know that it is not within the jurisdiction of the Minister for Planning and Infrastructure; however, it is a licensing issue that we must take note of.

Mr M.J. Cowper: Was he under 18 years?

Mr J.E. McGRATH: I am not sure what his age was. He might have been under 18.

Mr M.J. Cowper: Had he been taken to the Children's Court, it would have been dismissed.

Mr J.E. McGRATH: Yes. I am not sure how old the young driver was, but he had paid his fine. He thought he had made a mistake and that he would cop the $100 fine, pay it and continue driving. He did so unaware of the fact that he should not have been on the road. How many of those people who are driving without licences are really being as recalcitrant as we think they are? Have some of them simply not been made aware? I think that the government is falling down somewhere in the system that fails to inform drivers that they have lost their licence, so we must look at that area.

It is the reason for another problem that has arisen in the state in the past few years, which is the massive amount of unpaid fines on the Fines Enforcement Register. The Auditor General said that 66 000 unlicensed drivers were on the state's roads. Many of those would be people who had failed to pay fines. The Fines Enforcement Register is not working. It is time that the government had a very close look at it. The government should call for a review of the Fines Enforcement Register and the way in which fines are collected in Western Australia. People in the road safety sector are saying that action on non-payment of fines should not be linked to a driver's

licence. People might have a fine imposed for all sorts of offences, but the only offence that should be linked to a driver's licence is an offence that occurs while the driver is driving a vehicle.

Ms A.J.G. MacTiernan: You know that this legislation was introduced by the previous Liberal government.

Mr J.E. McGRATH: Maybe it has not worked.

Ms A.J.G. MacTiernan: What other mechanism of enforcement would you suggest would be more useful?

Mr J.E. McGRATH: We might have to look at maybe bringing in more bailiffs and claiming the money for unpaid fines in another way. I note that the Attorney General recently said that he was looking at bringing in legislation that would take money out of social security payments. I have suggested that we look at social security payments and also at salaries. The Attorney General has said that he is happy to take the money out of social security payments. As an Australian Labor Party member, I would have thought that the minister's supporters would be unhappy about that. They would say that it would be focusing on one group that might not be able to afford to pay a fine. If fines are to be collected through social security payments, wages or whatever, it would have to be across the board; we cannot leave any sector out. I urge the government to have a look at this matter. It could have an independent inquiry headed by a retired judge or Queen's Counsel. I understand that the coalition government brought in the legislation, but that does not mean that we should not be looking at it and saying that if it has not worked, we should find a system that does work. That is what I urge the government to do, because it is a serious issue for Western Australia.

I heard what the member for Leschenault said about the demerit point system. I agree with much of what he said. The demerit point system does work, and I do not see how we can replace it and bring in another system. The problem with licensing, and the concern in the community, is that driver training needs to be looked at. People have suggested to me that maybe licensing should be contracted out to accredited driving school instructors. Those people have spent their whole working life teaching people to drive. We could have a system in which they would have to be properly accredited and able to support any decision they made for recommending the approval of a licence and they would have to put the driver through a proper driving regime. I know what the government is trying to do to take police off the road. We cannot have police officers teaching people to drive. A person does not have to be a police officer to be able to teach somebody to drive.

Mr M.J. Cowper: The problem we have at the moment is that they are teaching young people how to pass tests but not how to drive.

Mr J.E. McGRATH: That is why I think that driving school instructors —

Ms A.J.G. MacTiernan: You want an OBE approach to driver training, do you?

Mr J.E. McGRATH: Something like that, yes. A licensed driving school instructor who had seen the mistakes that people make when driving could work in tandem with police who would have reports on major collisions on the road. That would free up police to do other duties.

I take the point that the member for Leschenault made about roundabouts. I should not be pointing to my wife here, but she is the only person I drive with. However, some people who approach a roundabout are not sure which way to indicate and they put their indicator on before they get to the roundabout. They cause a lot of confusion. The Office of Road Safety or the minister's department has placed advertisements in newspapers about driving around roundabouts. There is a need for education in those areas. People have come to me and asked what the difference is between a stop sign and a give way sign. They have asked if they have to stop at the give way sign. Those people are driving on the roads. I am not sure that all Western Australians are up to date with the laws of the road. I suggested about 12 months ago that people should have fairly regular licence assessments. Maybe every five or 10 years people's driving capabilities should be reassessed. I do not think that is beyond the pale. If people want to have a licence to operate a vehicle like a motor car, which can do very high speeds, they should be tested. In other areas of operating high-speed equipment people are retested and they have their skills put under the microscope from time to time. If we had some sort of system in which people could be called in at random to take a driving test, it could be done at one of the defensive driving centres. For example, there is quite a good defensive driving centre near Perth Airport. I know it would take a lot of staffing, but because of the responsibility that comes with driving a vehicle, we should certainly look at those matters.

That is all I will say on this matter. I look forward to the rest of the debate. It makes sense to divide the legislation into different categories. Policing should be put into more of a policing bill, and licensing and other things should be separated. It is important that this happen. The opposition supports the main thrust of the bill, but I have a feeling that the member for Murray might suggest a couple of amendments during the consideration in detail stage.

MR M.W. TRENORDEN (Avon) [1.20 pm]: I appreciate that this house is dealing with these bills individually. I have a fair bit to say on the Road Traffic (Authorisation to Drive) Bill 2007. As the bills are being debated individually, it is an opportunity to debate these issues in some depth.

The history of these bills is a long one. For the past decade, during my time in this house, members have been dealing with the transformation from a state to a national standard for licensing and all things to do with transport. A couple of my colleagues from the National Party, former Ministers for Transport Hon Eric Charlton and Hon Murray Criddle, were dealing with these issues. Now, the member for Armadale is the responsible minister. The National Party has supported these amendments for all of that time. However, I must say that even National Party transport ministers have caused considerable pain to people in the regions.

The minister's second reading speech states that it is a simple process. It is not. The last sentence of the second reading speech states —

> The bill does not introduce any new legislative provisions in WA, and will not impact on the current requirements relating to driver licensing matters.

That is just not true—it will.

The National Party has demonstrated that it supports the intent of this bill, but believes that when the bill becomes an act there will be a whole raft of minor things that will impact upon different individuals and make it difficult for people in the regions to operate. I will run through a few of those as I make my comments.

The second reading speech states —

> Improved compliance, and therefore safety, is to be achieved by extending the level of accountability to include consignors, packers, loaders and consignees, or receivers.

A few years ago I sat through a three-day court case related to the death of my partner, Brenda Adams, who was killed by five tonnes of steel rolling down the Great Eastern Highway. I have some very personal comments to make in this place, having witnessed the process of that court case. I listened to her brothers and other family members, and I listened to other people, all debate the cause of her death, which was not a simple matter to define. I must also say—and members in this place might be interested—that I believe the state prosecutor who came to prosecute that case picked up the brief as he came through the door. He did not have a clue where the location of the accident was, or who the people involved were or which business was involved—and Tom Percy, QC, killed him. Tom Percy acted for the defendant. I went to school with Tom Percy, although he was a bit younger than me. I am not having a go at Tom Percy—everyone has a right to be defended—but the prosecution never had a chance of winning that case from the first bounce. That made Brenda's family quite angry, and to some degree bitter, and I do not blame them one little bit. They expected there to be some consequence for her death; it did not happen. It happened to me a little. There was one consequence that I know about, because as a member of Parliament I have the capacity to put my nose into different places. I know a whole raft of activities were going on behind the scenes—it was like the duck who is swimming quietly on still water on the pond, but whose feet are going very fast underwater. I know what was happening behind the scenes on the issue of who is responsible for the packaging of goods on trucks.

The person who was carting the five tonnes of steel did not have it chained down. It was sitting on wooden chocks on the back of the truck. I do not say this to aggravate Brenda's family, or in any way to ease any of the pain or anguish or whatever of my own circumstances, or to have a go at the people involved, but the situation is that on the section of the Great Eastern Highway where the accident happened, the road went left and the camber went right. When the truck was going down the hill, the steel wanted to go straight ahead when the truck went left. The truck tray flipped, making the steel unstable, the steel left the truck, bounced down the road, and Brenda had no chance at all. She had a few seconds and it was all over, not only for her, but also our two dogs in the back of the vehicle. It was a tragic event.

All that aside, the bill refers to consignors, packers, loaders and consignees. Personally, I believe that OneSteel, which owned the steel, or made it, got out of it pretty lightly. If I had been a different sort of person and decided I wanted to sue someone or make someone responsible for that event, I would have looked at OneSteel. I believe that people who want to sell their product and get their product to an endpoint have a responsibility to ensure that it is carried properly. The driver of the truck—who was pretty much destroyed by the process, and, to my understanding, does not drive trucks anymore—was just a truck driver. People can say as much as they like about truck drivers having all this responsibility, but he was just a truck driver. He lived in the regions. His knowledge of physics, I think, would not have been that flash. Unless he was instructed how that load should have been tied down, I am not surprised that he did not tie the load down properly, even though I might have thought that chaining the steel to the back of the truck would have been a useful process. I do have an interest in the consignors, packers, loaders and so forth, and the receivers of the product. Members need to ensure that those issues are considered in the legislation.

The second reading speech states that these matters will be moved across into the Road Traffic (Authorisation to Drive) Bill 2007, but does not state how they will be applied. I know we do not want prescription bills that state all that sort of thing, but my point is that it is very simple to say that this is of no consequence to anyone, when in fact it is of huge consequence to people. There was certainly a huge consequence to me, Brenda Adams' family

and a whole raft of people around her. The legislation will change the mode in which these incidents are dealt with.

The second reading speech states —

> The national model focuses on heavy vehicles only. However, Western Australia has extended the requirements to all vehicles to maximise the road safety benefits.

My telephone has rung hot since the harvest started this year on the question of trucks carting grain to sidings. It is the hottest issue in my electorate now. Even though it is now some months after the harvest has finished, people are still ringing my office on this issue. The reason is that when a wheat paddock is being harvested and the truck is filled up, the load can easily vary a tonne due to the quality of the wheat. No-one alive can look at that load of wheat and estimate the weight. Without scales it is an impossible task. People fill their trucks to a certain level, in the belief that they are within the law, and drive to a Co-operative Bulk Handling Ltd grain receival point. Trying to do the right thing by its clients, the farmers, CBH took on a compliance role, which, in my view, it should never have taken on. When the farmers turn up, CBH tells them that they are overloaded, which involves a raft of important consequences that we are going to have to deal with.

Point of Order

Ms A.J.G. MacTIERNAN: This is not a cognate debate. All the issues canvassed by the member for Avon do not relate to the Road Traffic (Authorisation to Drive) Bill 2007.

Dr G.G. Jacobs: You did not mind before.

Ms A.J.G. MacTIERNAN: No, I said that I did not mind when the member said that he had already prepared a speech. However, we will canvass all these issues later. I would not mind members making a brief reference to the issues now, but this is a long debate that has absolutely nothing to do with the bill. I think, in this circumstance, that the member for Avon must indicate whether he will go through all of this again when we debate the relevant bill. I do not think it is appropriate for us to spend hours and hours on a bill that is not before the house.

The ACTING SPEAKER (Ms K. Hodson-Thomas): Minister, I note your point of order and I remind the member for Avon that he should reflect on the legislation before the house.

Debate Resumed

Mr M.W. TRENORDEN: Madam Acting Speaker, I was trying to be quick, but I am happy to go slower. I can refer to clause 22 of this bill; in fact, I can refer to a range of clauses in this bill that relate directly to licences. I can extend my speech if the minister wants me to in order to relate every one of the issues that I have raised back to this bill—because they do relate. I was trying to be quick; however, I am very happy to take this slowly and point out how each of the processes that I have just talked about relate to a bill that authorises who in the community can hold a licence.

Ms A.J.G. MacTiernan: Rubbish; they do not relate to licences.

Mr M.W. TRENORDEN: They do relate and I am happy to have this little debate. If the minister wants to take that attitude, I will be very happy to take her on because I am quite passionate about these issues. It is not the packers or loaders of the consignment, but the driver who carts the load, who has to apply for the licence; it is the truck driver who has to accede to the conditions of the licence. This bill refers directly to licensing matters, including the consequences and conditions of holding a licence and how one gets a licence. All the issues that I have just spoken about are directly related to this bill. If the Minister for Planning and Infrastructure wants to talk such nonsense, I am happy to get into each of these bills until the cows come home! I could do it, because these are issues that cause enormous pain to my constituents.

A few years ago—we agreed to these changes—if a person living in my region wanted to get a licence, they went to the police station and got a licence. What do they do now? They whistle *Dixie* and look out the window. That is what they do. A person cannot get a licence in the region, even if he wants to. Not a chance! Many of the calls to my office are from young people who want to get jobs—maybe in the mining industry or the transport industry—and who want to get drivers' licences. These young people ring the metropolitan licensing office or the Northam licensing office only to be told, "Yes, we are happy to give you a licence—in three, five or six months' time!" Employers are saying to these young people that they need to have a licence to do a particular job, and some young people need to get a licence to get a better job somewhere else. Does the system work for these young people? Is this bill going to work for them? I am here to tell the minister that it will not work. I was trying to gently say that this bill and this minister are kicking my people in the ankle every day of the week. A raft of people out there are trying to get on with their lives but have been stopped by the administration of the road traffic legislation. I will be passionate about these issues, because they hurt the people of my constituency.

Tony Lizack, a fellow from my electorate who had a couple of offences, went to court just a few days ago. At the time he was prosecuted for a previous offence he was not told by the magistrate about any driving conditions

attached to his driver's licence. His driver's licence does not mention any conditions. He was later charged with driving while having in his bloodstream a very small amount of alcohol—much lower than .05 per cent. However, at the time he was charged, the police said that a condition of his licence was that he must have a zero blood-alcohol reading or only a very small reading. When the case went to court, a solicitor who was sitting at the side of the court and who was not acting for Mr Lizack pointed out to the court that he had no charge to answer because the Road Traffic Act says that such offences have to be fewer than five years apart, and his offences occurred 10 years apart. Nobody had picked this up. The police did not pick it up, licensing did not pick it up, the department of transport did not pick it up, and he faced the prospect of losing his licence.

[Member's time extended.]

Mr M.W. TRENORDEN: The Acting Speaker will hear me asking for a lot of extensions; I am happy to get into these debates.

Had this solicitor not picked up on this, Mr Lizack, a small business operator in the country, would have lost his licence for breaking a law he had not broken and his business would have been severely affected. That case applies to this bill; it applies to the administration of licensing. How does somebody get it that wrong? How is it that when a police officer—I presume it was a police officer—rings the licensing office, nobody knows enough to be able to tell the officer that this person has not committed an offence?

The transport executive and licensing information system is a disaster. People wait three or four months to receive fines for speeding through Multanovas. Justice is no longer done, because it is no longer immediate. Months after the event in question, people get the photograph and they have to try to remember where they were and what they were doing and so forth.

Another issue for country people—particularly for young people in my region, who occasionally do wrong or stupid things—is the loss of their jobs because they do not have a licence. That is not an infrequent event. Licensing is a significant matter for country people. They cannot go to school, to the doctor, to the shops or to work unless they have a licence. There is no train to Mandurah in the regions, so licensing is a really important issue.

National Party members support change, but we want to know just how this process will work. The Road Traffic (Authorisation to Drive) Bill 2007 is important if it affects a farmer's ability to cart wheat to the handling bins, and raises the risk of prosecution for doing so. This is a question of fairness. That was the point that I was trying to make. Nobody can look at a loaded truck and know exactly what the load weighs. If people are to be penalised, in some form or another, for making a mistake, this bill needs to make provision to draw out that penalty. It is fundamental.

The third paragraph of the explanatory memorandum mentions approved compliance outcomes for road safety, infrastructure and the environment. They are all critical issues. I, along with other members, have attended Road Safety Council meetings—a bipartisan process that is not bipartisan at all. The Minister for Planning and Infrastructure stood in this house some time ago and made it clear that some of the things that regional people want to look at in terms of safety will not be looked at. Road safety issues are really important for country people. I drive country roads—the York-Williams Road, for example—where there are a considerable number of trees metres from the side of the road that kill or seriously injure people. The statistics are that people on country roads get killed, whereas in the city people get injured. That is not always true, but the majority of people who have the type of accidents that we are talking about—single car accidents—in the country are killed; a lot of the people in single car accidents in the metropolitan area are seriously injured. Both are serious problems. However, local governments that know there is a tree on the side of the road that should go are not allowed to remove the tree. They are not allowed to remove a rock or make a provision for the creek or whatever is near the road that could take someone's life. We are being told that, under the road safety aspects of the road traffic bills, that will not happen. What will happen is that we will have to reduce our speed so, if there is a tree, we should go past it slowly!

Mr P. Papalia: You did not attend on Monday, did you?

Mr M.W. TRENORDEN: No, I have given it up.

Mr P. Papalia: It is getting a bit frustrating because there was one person from your side of the Parliament at a parliamentary reference group on Monday. Now you are coming here and saying complete falsehoods.

Mr M.W. TRENORDEN: I wrote to Iain Cameron and told him I resigned; that I will not participate anymore because I am being used to bring in rules that the government wants to shove down my throat and I will not be a part of that!

Mr P. Papalia: You don't like hearing what they say!

Mr M.W. TRENORDEN: I will not be a part of it! There is no way that I will stand in my constituency —

Mr P. Papalia: You wouldn't know; you weren't there! How would you know?

Mr M.W. TRENORDEN: — in a few months' time and say, "Oh, the only way to save your life is drive slower."

Several members interjected.

Mr M.W. TRENORDEN: I was part of the process.

Mr P. Papalia: You are completely irresponsible.

Mr M.W. TRENORDEN: There is absolutely no way that I will be a part of it!

Mr P. Papalia: You are acting in a completely irresponsible fashion.

Mr M.W. TRENORDEN: How many forums has the member for Peel held?

Mr P. Papalia: Every one of them.

Mr M.W. TRENORDEN: How many have you held?

The ACTING SPEAKER (Ms K. Hodson-Thomas): Order!

Mr P. Papalia: I have held one.

Mr M.W. TRENORDEN: I held one too, in fact, I have held two!

The ACTING SPEAKER: Order! I remind members that it is very difficult for Hansard to hear the conversations across the chamber, so I ask the member for Avon to direct his comments through the Chair and for the member for Peel to limit the interjections.

Mr M.W. TRENORDEN: Thank you, Madam Acting Speaker, I am happy to comply as usual.

I held two forums in my area; one was at Muresk Institute where the age group ranges from about 18 to 25-plus year olds and the other was an open forum in the town of Northam. I heard what my constituents had to say about road safety. Reducing the speed from 110 kilometres an hour to 100 kilometres an hour is not on their agenda. Removing some of the really serious risks to people on roads is on our agenda, but we have been told by the minister that it is not on her agenda. As has been said before, I will not attend these meetings so somebody can point at me and say, "But you were a part of the process." There is no way that I want to be pointed out as part of the process that told regional people they must reduce their speed and that is the only thing that we will do because to reduce the speed costs the state government nothing! However, the government will put in roundabouts throughout Perth and grow roses in the middle of them because they save lives. Save lives. What a load of nonsense!

Again, this is why I get emotional about road safety issues. A few months ago, at the end of the last football season, I went to the wind-up of the Quairading Football Club and a very likeable, very talented young man in that town is the coach of the reserves. He was listing the great players in the team and burst into tears. This is a fellow in his late twenties and three Quairading people in his age group had been killed that year in a road accident. That has a significant impact on people. In my office of four people, all of us have experienced the serious impact of the death of people close to us, so we take this extremely seriously. I do not accept the fact that I have not attended Monday's meeting as criticism of me. I take it the other way; it is my sign to my constituency that I will bat for them. I will bat strongly for them and I will not just lie down and say, "Reduced speed limits are going to save all of your lives", because it will not.

I will not talk about demerits systems and those sorts of things; I will leave that to other people. However, infrastructure is another matter. What did this Minister for Planning and Infrastructure do to the central wheatbelt? She whipped $2 million out of road funding and it is gone. What will happen in the next few weeks? We will hear from the federal government that funding to the state will reduce by one per cent. When the government hears that Mr Rudd, whom the Treasurer is so much in love with, will whip money out of Western Australia to put it in other states, will it go into bat for regional Western Australia? I will tell members what it will do: it will whip more money out of regional Western Australia so Perth keeps on getting what it needs. Less money will go to those regional roads; that infrastructure, which is so critical, such as one-vehicle bridges, bridges that are well beyond their time, shoulders on roads that are appalling, corners, trees —

Ms A.J.G. MacTiernan: Member, when was this money taken out of the wheatbelt?

Mr M.W. TRENORDEN: About two years ago; the government put it into the south west.

Ms A.J.G. MacTiernan: Right, and where else?

Mr M.W. TRENORDEN: In the south west.

Ms A.J.G. MacTiernan: And Kalgoorlie.

Mr M.W. TRENORDEN: It is not out in the wheatbelt.

Ms A.J.G. MacTiernan: Members opposite had a series of ministers who were wheat farmers and there was outrageous pork-barrelling. We adjusted it; we did not take it out of the regions, we just decided that —

Mr M.W. TRENORDEN: I agree that you outrageously pork-barrel road funding, minister! I agree; that is one of the minister's strongest points. The government has no interest in the regions; it funds some parts of the coastal regions and some Labor Party seats in the north and the rest of us get peanuts. You are the greatest pork-barrelling transport minister that there has ever been!

Ms A.J.G. MacTiernan: We spent more money on Muirs Highway and more money on Brookton Highway, and we have so many seats down there—it's just incredible!

Mr M.W. TRENORDEN: Who spent the money on the Brookton Highway? Hon Eric Charlton started that process a decade ago and what the minister was doing was spinning the tail-end of that process on a program that was put together not by Hon Murray Criddle, but by Hon Eric Charlton.

Ms A.J.G. MacTiernan: You might have put a program in but you did not actually spend anything on it.

Mr M.W. TRENORDEN: Is the minister talking about the Brookton Highway?

Ms A.J.G. MacTiernan: When we came into government, you had hardly spent a thing!

Mr M.W. TRENORDEN: On Brookton Highway?

Ms A.J.G. MacTiernan: Yes.

Mr M.W. TRENORDEN: In its time the Brookton Highway was significantly upgraded; some $40 million was spent there about seven, eight years ago. That is how much the minister knows about her portfolio!

Ms A.J.G. MacTiernan: Seventeen years ago—that was a Labor government! My case rests.

Mr J.H.D. Day: There was a great amount done on Brookton Highway in the Roleystone, Karragullen area —

Ms A.J.G. MacTiernan: That is not what the member for Avon is talking about.

Mr M.W. TRENORDEN: It is what I am talking about.

Ms A.J.G. MacTiernan: No, you are not. It is not the region.

Mr M.W. TRENORDEN: I had a situation about seven or eight years ago, whereby people in the town of Beverley were talking about having a flying doctor in Beverley because the Brookton Highway was of such poor quality that people with back injuries, cancer and those sorts of problems could not bear to be taken down the highway in an ambulance. The Court-Cowan government improved the stretch of the Brookton Highway from the metropolitan area to Brookton. The minister knows that full well. The spin that she throws out does not help the debate.

The issue about linking roads to vegetation so that animals and birds can survive in the regions is really quite important. A lot of times, the corridors that link large sections of vegetation in the regions are the road verges. Many people have put a lot of time and effort into trying to get those processes working so fauna can move, be more secure and more able to survive in a pretty harsh environment, which we have recreated. Some communities have left very little bushland in their shires. It is important that these linkages are done. Again, those things will be a part of the road traffic bill. It is important that we look at that process.

Again, on safety: many, many years ago I had a look in Europe and other places at what were called inland ports. In our current situation, we need to get product on the rail and the pressure will come on. The cost of fuel, road safety, and the lack of infrastructure going into the regions from this administration means that there will be a really hard push to get as much on to rail as possible, which I think nearly everyone in this chamber will support. However, that process is also about safety. It is about trucks being on roads, and it is about who is able to get a licence and who will control all that. Therefore, there will be a significant change to move from the current system under which much of that is done by the police. I have just pointed out that there is already a disconnection between the police and the licensing people in the case of Mr Lizack. It was a very serious matter for Mr Lizack. His small business and his ability to get around and carry on his trade hang on his licence. If he is unable to drive, his business will have significant problems. Therefore, the move away from the police to the Department for Planning and Infrastructure has already caused a raft of disconnections. We will want to know from the minister just how these things will work. We will not be lulled into a false sense of security when we are told that these matters will not impact on current arrangements relating to driver's licence matters. Of course they will.

When we had the last debate about the ability of people to get licences in the regions, we were told that the licensing centres would be resourced. Have they been resourced? No, they have not. I am grateful that in Northam the centre operates for one extra day. However, people are still ringing my office saying that they cannot get an appointment and, therefore, they cannot get a licence. It is fair enough that people do not get a licence on their first go. It should not be the case that they do. However, people often have to go back to these centres a number of times to get licences, and unless these licensing centres are resourced, it will impact on

country people. People who drive cars, people who drive light trucks and people who drive heavy transport vehicles will all be seriously impacted by these bills. Therefore, I will also be involved in the consideration in detail stage of this bill. I was going to do that lightly, but I can now assure the house that I will be passionately involved in these bills.

Debate adjourned until a later stage of the sitting, on motion by **Mr J.C. Kobelke (Leader of the House)**.

[Continued on page 775.]

DUTIES BILL 2007

Third Reading

MR E.S. RIPPER (Belmont — Treasurer) [1.52 pm]: I move —

That the bill be now read a third time.

In moving that motion, I thank the expert staff from the Office of State Revenue who have worked very hard and expertly on developing this package.

DR S.C. THOMAS (Capel) [1.53 pm]: The Treasurer forgot to thank the experts in the opposition for their assistance also. I am glad to see that we are still playing a bit of partisan politics. However, we also thank the experts from Treasury, so at least there were two lots of experts in the process.

The Treasurer has put forward, for the most part, a good bill. The Treasurer came up with what were some modest and acceptable amendments that were required to facilitate the working of the bill, and they were happily passed by the opposition. The opposition came up with some modest and acceptable amendments to the bill that provided for modest and acceptable tax cuts to Western Australian people—these were modest to the point of being embarrassingly modest, because they were miniscule tax cuts to hand back some of that hard-gouged tax that this Carpenter Labor government takes from the landholders of Western Australia and pockets for its future electoral largesse. Our amendments would have given just a fraction of that back. We offered the government an increase in the thresholds for conveyance duty, which had not been altered since 1982. Those thresholds were put in place when people could buy a reasonable house in Perth for $50 000 or $60 000 but which would now cost 10 times that price. There has been a massive increase in prices and a massive windfall in conveyance duty revenue for the government. We asked for just a smidgen to be returned—just the tiniest amount—to give hope to the landholders of Western Australia.

Mr R.F. Johnson: And what did the government say?

Dr S.C. THOMAS: It said no.

Mr R.F. Johnson: Shame on it!

Dr S.C. THOMAS: It was rejected out of hand. We offered a miserly 20 per cent increase in the thresholds, compared with an 800 to 1 000 per cent increase in the price of land since 1982, only to have it thrown back in our faces and the faces of the people of Western Australia. Having been subjected to that, we offered the government a 15 per cent increase in the thresholds—much more modest—from $70 million a year, in an era in which the government is about to accumulate an extra half a billion dollars a year in mining royalties, down to $60 million a year. That was a little more modest and a little more embarrassing, but still the government rejected it. Shame and disgrace! We were told that anything less than a 20 per cent increase in the thresholds would really be a joke. The state tax review said that the thresholds were the number one reform issue for taxation in Western Australia—the number one issue that the government's own report identified as a need for Western Australia. We offered the government a paltry 10 per cent increase, at a cost of $30 million a year. That is nothing compared with the $500 million a year extra windfall that the government receives in mining royalties. It would result in a saving on a $400 000 house of some —

The ACTING SPEAKER (Ms K. Hodson-Thomas): Members, there are an awful lot of conversations going on around the chamber. If for no-one other than the Hansard reporter, I wonder whether members could limit those conversations or remove themselves from the chamber.

Dr S.C. THOMAS: Thank you, Madam Acting Speaker. I will attempt to speak more firmly and loudly so that no-one will be in any doubt about what I am saying. As the member for Bunbury says, they are very modest rebates on a $400 000 house. The opposition was asking the government to give back about $408 extra on a $400 000 house, and the answer from this grasping government, this government that is in the process of blowing the boom and this government that is mismanaging the economic future of Western Australia was a flat no. That is a shame and a taint that this government will take into the next election, and we will make sure that the community of Western Australia remembers the parsimonious principles of, and the gouging of the Western Australian taxpayer by, the Carpenter Labor government.

Question put and passed.

Bill read a third time and transmitted to the Council.

CROSS-BORDER JUSTICE BILL 2007

Returned

Bill returned from the Council with an amendment.

QUESTIONS WITHOUT NOTICE

STATE HOUSING STRATEGY

49. Mr T. BUSWELL to the Premier:

I refer to the development of the state housing strategy, which was originally announced in 2001 and is currently available only on the departmental website in draft form.

(1) Has it been completed; and, if so, when was it completed, where is it publicly available and what aspects of it have been implemented?

(2) Given the explosion in rents in Western Australia and the pain that this is causing Western Australian families, how does the Premier justify the massive delay in the development of this strategy?

(3) Does the Premier recognise that if he had completed the strategy within a decent time frame, he could have helped prevent the rental crisis now confronting Western Australia?

Mr A.J. CARPENTER replied:

I thank the member for the question.

(1)-(3) Housing issues, land availability and cost of living pressures are big issues in the community, and that is why we were pleased to announce last November-December our package to assist people into homeownership, which was very well received.

Mrs M.H. Roberts: Last February—a year ago.

Mr A.J. CARPENTER: It was last February. There is the shared equity program and there have been significant boosts to public housing.

Mr T. Buswell: What have you done for rentals and where is the strategy?

The SPEAKER: Order, Leader of the Opposition!

Mr A.J. CARPENTER: I welcome the students from South Bunbury Primary School to the public gallery and encourage them to take careful note.

Those elements of our approach to assist people into the housing market and provide them with opportunities to access homeownership that they otherwise would not have had continue to receive a significant amount of support. I do not have the details with me, obviously, about how many people have accessed the joint equity program.

Mr T. Buswell: Where is the housing strategy?

Mr A.J. CARPENTER: This is it.

Mr T. Buswell: Two years ago it was out for public comment. Seven years ago you initiated it.

The SPEAKER: Order, Leader of the Opposition!

Mr A.J. CARPENTER: I heard a very good first speech today from a new member of Parliament. What I would suggest to the opposition is that it just make Mr Porter the leader now and save time.

Mr C.C. Porter: Is that supposed to be being nice to me?

Mr A.J. CARPENTER: Yes. It was a very good speech; I congratulate the member sincerely.

Several members interjected.

The SPEAKER: Order, members!

Mr A.J. CARPENTER: It was a mature, well-thought-through speech and showed a considerable amount of promise.

Several members interjected.

The SPEAKER: Order, members!

Mr A.J. CARPENTER: My suggestion to the state Liberal Party would be to circumvent the obvious and install the new member into the leadership now.

STATE HOUSING STRATEGY

50. Mr T. BUSWELL to the Premier:

I have a supplementary question. I refer to the state housing strategy commenced in 2001. Has it been completed; and, if so, when was it completed, where is it publicly available and what aspects of it have been implemented?

Mr A.J. CARPENTER replied:

I went to the very interesting launch this morning of the Inventor of the Year 2008. One of the inventions that were highlighted was the 2006 runner-up invention called Sensear, which is a brilliant device to assist people with hearing loss.

Mr T. Buswell: Where is the strategy?

Mr A.J. CARPENTER: I brought with me the latest model.

Mr T. Buswell: No wonder people can't afford to rent a house in this state.

Mr A.J. CARPENTER: Is it just me or is there a sort of immature tone to the Leader of the Opposition?

Several members interjected.

The SPEAKER: I call the Leader of the Opposition and the member for South Perth to order.

Mr A.J. CARPENTER: Perhaps I am confusing immaturity with a sense of desperation.

Dr K.D. Hames interjected.

The SPEAKER: I call the Deputy Leader of the Opposition to order.

Mr A.J. CARPENTER: This is the first Leader of the Opposition I have ever known who is afraid to go outside the chamber and speak to the media. He is simply too busy. He is the first opposition leader who is afraid to go outside the chamber and speak to the media because he does not want to answer the questions that they want to ask.

Mr T. Buswell: I answered those questions. I didn't hear you on the radio this morning.

Mr A.J. CARPENTER: He does not want to go outside the chamber and face the media because of the questions that they might ask him. It is quite a remarkable situation. I would have thought it would be food for a column.

Mr T. Buswell: Have you tried to rent a house in this state recently? Have you tried to find a home for your kids?

The SPEAKER: Order, Leader of the Opposition!

Mr A.J. CARPENTER: I answered the question that the Leader of the Opposition put to me in the first instance. There was nothing new in the second question. I was present with the Minister for Housing and Works when we launched the package last year.

Several members interjected.

The SPEAKER: I call the members for Roe, Capel and Murray to order.

Mr A.J. CARPENTER: I will leave it at that. I think I will have the opportunity in a moment to talk about the time to release a policy and who has been able to do it and who has not.

RETAIL TRADING HOURS — DEREGULATION

51. Mr M.P. WHITELY to the Premier:

Can the Premier please advise the house of the government's position on extended trading hours?

Mr A.J. CARPENTER replied:

Remarkably, the opportunity that I predicted might come my way has come my way!

Several members interjected.

The SPEAKER: Order, members!

Mr A.J. CARPENTER: It is quite remarkable. I thank the member for the question. We have a policy that we will take to the next election to support deregulated trading hours in Western Australia. I believe it is time to bring the Western Australian economy into modernity. We need to provide people with more flexible trading hours and the ability to access retail stores.

Several members interjected.

The SPEAKER: I call to order the members for Stirling, Avon and Hillarys.

Mr A.J. CARPENTER: The last position I heard from the opposition, as opposed to the National Party, was that it supported deregulated trading hours. Is that no longer the case?

Several members interjected.

Mr A.J. CARPENTER: Did members opposite say no?

Several members interjected.

Mr A.J. CARPENTER: The opposition is going to develop a position.

Several members interjected.

The SPEAKER: Order, members!

Mr A.J. CARPENTER: In the lead-up to the 2005 state election —

Mr T. Buswell interjected.

The SPEAKER: I know that the Leader of the Opposition thinks that that position gives him the opportunity to speak at will at any time, but it does not. This question that he is attempting to disrupt did not even emanate from his side of politics. I urge him to desist from interjecting. I call the Leader of the Opposition and the member for Stirling to order for the second time.

Mr A.J. CARPENTER: In the lead-up to the 2005 state election, the current Leader of the Opposition was reported in the *Busselton-Margaret Times* as saying that he was encouraging people to vote no to both questions at the upcoming referendum because he felt that the proposed changes would in the long run reduce consumers' choice and consumer convenience and would impact negatively on many small businesses. To that effect, his photograph appeared in a group of photographs in a newspaper advertisement, a copy of which I have before me, under the heading "We are voting no and no". His photograph appears along with photographs of Kevin Reynolds, Howard Sattler, Bob Maumill, Frank Hough, Peter Fitzpatrick, Dan Sullivan, whose views I believe have not changed —

Mr D.F. Barron-Sullivan: Is your initiative for the whole state or just Perth?

Mr A.J. CARPENTER: It will remain optional for regional centres. That is what the member wants, is it not?

Mr D.F. Barron-Sullivan: They will remain optional; yes.

Mr A.J. CARPENTER: There are also photographs of Bob Welch and Margaret Court. Troy Buswell said that small business must be encouraged and protected from the anticompetitive practices of large multinational competitors and from overregulation and excessive taxation. That was the Leader of the Opposition's position in 2005. Is that still his position?

Mr T. Buswell: Sorry?

Mr A.J. CARPENTER: I have that device Sensear to help people with hearing loss. Is that still the Leader of the Opposition's position?

Mr T. Buswell: In relation to —

Mr A.J. CARPENTER: Retail trading hours.

Mr T. Buswell: — overtaxing, it is most definitely my position. I think the businesses of this state have never been taxed higher.

Mr A.J. CARPENTER: Retail trading hours —

Several members interjected.

Mr A.J. CARPENTER: One of the things that people must get used to when they are in a position of leadership is stating their position. The Leader of the Opposition had a clearly stated position.

Several members interjected.

The SPEAKER: I call the member for South Perth to order for the second time.

Mr A.J. CARPENTER: The Leader of the Opposition had an unequivocal position on the Brian Burke, Julian Grill, Noel Crichton-Browne campaign that was run in 2004-05 of which the Leader of the Opposition was a part. Is that still his position?

Mr T. Buswell: We will have a position.

Mr A.J. CARPENTER: He says, "We will have a position." Does the Leader of the Opposition support deregulated trading hours?

Mr T. Buswell: We will have a position at the next election, and you will see it.

Mr A.J. CARPENTER: I was just asked a question about the housing strategy and gave an associated commentary. I pointed out that we made a major release on housing policy last year. I know the Leader of the Opposition is not used to keeping up with matters that are debated in the public domain. We often go out and make foolish statements about matters that have already been aired in this chamber. However, here we go again. In 2005, the Leader of the Opposition was part of the Brian Burke, Noel Crichton-Browne and Julian Grill campaign against the deregulation of retail trading hours. He was clear in his opposition to deregulation. What about subsequently? In July last year, the current Leader of the Opposition said to the *Sunday Times* that in his view retail trading hours should be reformed, and that the state should move towards seven-day trading. Is that still the Leader of the Opposition's position? Does he support deregulated trading hours? He also said that he would produce a discussion paper in support of his position. This was in July last year.

Several members interjected.

The SPEAKER: Members!

Mr A.J. CARPENTER: In July last year, the current Leader of the Opposition supported deregulation of retail trading hours and was developing a discussion paper. What has he said this morning, in March 2008, about this very issue? Today, eight months down the track, he said in an interview on ABC Radio that it was one thing for the Premier to talk about deregulation of retail trading hours—I am happy to talk about it, because I have a clear position on it—but that it was high time some detail was placed on the table in the form of a discussion paper and policy outlines. The Leader of the Opposition is still developing his discussion paper. Some discussion!

Mr M.J. Birney: Would you have been talking about this six months ago before it went to your caucus?

Mr A.J. CARPENTER: I was first asked about this matter within weeks of becoming Premier, at a Committee for Economic Development of Australia luncheon in 2006, and I stated quite unequivocally that I support deregulated trading hours.

Mr M.J. Birney: You haven't jumped on the bandwagon since it went to caucus?

Mr A.J. CARPENTER: No. The member asked me a question and I gave him an answer. I have supported deregulated trading hours for a very long time; I cannot remember not supporting it.

The current Leader of the Opposition, when he was a Liberal Party candidate in Busselton in 2005, was adamant in his opposition to deregulated retail trading hours.

Several members interjected.

The SPEAKER: Members!

Mr A.J. CARPENTER: By the middle of last year he was publicly pronouncing his support for deregulation of retail trading hours. Today he said, "We will develop a position." He has been developing a discussion paper for at least eight months!

Several members interjected.

The SPEAKER: Members!

Mr A.J. CARPENTER: He is the first Leader of the Opposition in history who is too afraid to go outside and speak to the media because he does not want to answer their questions.

Mr M.J. Birney: I was.

Mr A.J. CARPENTER: The member was afraid?

Mr M.J. Birney: Every now and then, yes!

Mr A.J. CARPENTER: The member may well have been afraid!

State politics is in a remarkable situation. The Leader of the Opposition is hiding from the media. Will he go out there this afternoon? He has his pollster here. Will Mr Textor tell the Leader of the Opposition to go out or not? He is not sure now whether —

Several members interjected.

The SPEAKER: Members!

Mr A.J. CARPENTER: The Leader of the Opposition is not sure whether he supports deregulated retail trading hours because he does not know how it is playing out in the internal politics of his group. He is still working on the discussion paper he announced last July. I honestly think the Liberal Party could do better.

Mr J.E. McGrath interjected.

The SPEAKER: I call the member for South Perth to order for the third and final time.

SEX OFFENDERS

52. Mr G.M. CASTRILLI to the Minister for Corrective Services:

Before I ask my question, I sincerely acknowledge and welcome the students of South Bunbury Primary School, who are about to walk out of the chamber! They have probably heard enough drivel!

(1) Can the minister please explain why almost 30 per cent of sex offenders released from Bunbury Regional Prison over the past two years were freed into the community without having to complete a sex offender rehabilitation program?

(2) Approximately how many sex offenders have been released from all Western Australian prisons over the past two years without having completed a sex offender rehabilitation program?

Ms M.M. QUIRK replied:

I thank the member for Bunbury for his question and for his interest in this matter. I understand he in fact already has the answers to many of those questions because he asked a series of questions on notice.

(1)-(2) The member might recall that some months ago I made some statements in the media concerning sex offenders and the nature of the programs they receive while in prison. One of the faults I identified in the current system was that the kind of programs that were delivered for prisoners were guided by senior clinical psychologists within the department, and there is a general clinical view that those who deny their offending behaviour are not amenable to the benefit of having programs delivered. I take the view that that is unacceptable and that the community expects people who have been convicted of serious sexual offences to have programs delivered to them, irrespective of whether they deny their offending behaviour. As a consequence of that I spoke to a leading world expert in the forensic field, Dr Bill Marshall, a Western Australian expatriate who now resides in Canada. I had a detailed discussion with him while I was in Canada, and he takes the view that people who deny their offending behaviour can in fact have programs delivered to them. We are currently working on that. Dr Marshall will be coming out in a couple of months, and I have directed the Department of Corrective Services that all those convicted of serious sexual offences are to be given programs in prison, irrespective of whether they deny their offending behaviour.

SEX OFFENDERS

53. Mr G.M. CASTRILLI to the Minister for Corrective Services:

I have a supplementary question. Will the minister undertake to provide, by the end of the day, the number of sex offenders released from all Western Australian prisons over the past two years, and the number who have completed a sex offender rehabilitation program?

Ms M.M. QUIRK replied:

I ask the member to put the question on notice. I also make the point that the term "sex offender" is not necessarily one that appears in the criminal calendar, and that our statistics are recorded in terms of the offence committed and the offences for which criminals are convicted, so it may not be possible to supply that information on notice from the system in the form the member has asked. I ask the member to put the question on notice, but I say to the member that the term "sex offender" may be one for which we cannot necessarily readily extract the information sought. However, I am certainly happy to work with the member to provide him with that information.

DESALINATION PLANT

54. Mr J.R. QUIGLEY to the Minister for Water Resources:

Can the minister update the house about the international acclaim the state's visionary desalination plant has attracted?

Mr J.C. KOBELKE replied:

I thank the member for his question. It is certainly of interest that the front page of *The Wall Street Journal* of yesterday, 11 March, ran a lead story about the desalination plant in Western Australia.

Mr P.D. Omodei interjected.

Mr J.C. KOBELKE: Is it not interesting that when there is international acclaim for Perth, Western Australia, we get only derision and laughter from the Liberal opposition? When will the Liberal Party realise that its immaturity makes it unelectable? The Liberal Party cannot stand up for Western Australia and recognise —

Several members interjected.

The SPEAKER: Order, members!

Mr J.C. KOBELKE: It continues. Western Australia is on the front page of *The Wall Street Journal*, being acclaimed as a world leader —

Mr P.D. Omodei: So what?

Mr J.C. KOBELKE: — and the Liberal opposition says, "So what?" That is the Liberal Party's view of standing up for Western Australia, the great things that are happening here and the great things that people are doing. What do we get from the Liberal opposition? "So what"; that is the comment. The report goes on to quote a couple of people. One quote from the World Wildlife Fund states —

> . . . the WWF wants to see them built like the one in Perth.

That refers to building desalination plants in the world. Also an industry consultant in Houston, Mr Tom Pankratz, is quoted as saying —

> Perth is going to be the model for desalination in the developed world . . .

The report goes on lauding the desalination plant that is being built in Western Australia and pointing out how modern countries facing a water shortage will have to look at what we are doing in WA. Again, the immature rabble opposite can simply yell and make derogatory remarks about what is clearly an acclamation for Western Australia. It is not only *The Wall Street Journal* —

Several members interjected.

The SPEAKER: I ask the minister to take his seat. I call the members for Warren-Blackwood and Murray to order.

Mr J.C. KOBELKE: Television crews from the United States and Japan are asking to come to WA and make productions because of their interest in what is happening here. However, the opposition derides all of this because the Leader of the Opposition believes we should not have a desalination plant. He was quoted in the *Busselton-Dunsborough Mail* of 16 February 2005. When the Leader of the Opposition was asked what his preferred option was to meet Perth's future water demands, he responded —

> The desalination plan is only short term which is why I support Colin Barnett's visionary canal project.

Mr T. Buswell: That's our policy.

Mr J.C. KOBELKE: Does the Leader of the Opposition still support that?

Mr T. Buswell: I may have reviewed aspects of that but that was our policy at the time.

Mr J.C. KOBELKE: It will be very interesting to hear from the Liberal opposition when it is sure enough to have a policy on this issue. We know that the stated position of the current Leader of the Opposition is an absolutely irresponsible nonsense. We know from the Appleyard report of 2006 that bringing water from the north not only would be four or five times more expensive than a desalination plant, but also would have a far greater environmental impact. It would therefore cost a lot more and would do a lot more environmental damage, yet the Liberal position has not yet changed. Members opposite are thinking about it. They might be maturing bit by bit and will realise how absolutely irresponsible it is to suggest bringing water from the north of Western Australia, which would cost many times more and have a far greater environmental impact than would a desalination plant in the south west. The opposition might mature enough to realise how totally irresponsible it is to make such a suggestion.

WUBIN PRIMARY SCHOOL

55. Mr B.J. GRYLLS to the Minister for Education and Training:

I refer to the minister's decision to close Wubin Primary School last year because it had fewer than 15 students.

(1) Is the minister aware that he awarded $40 000 prize money for the 2007 Rotary Principal of the Year award to a principal of a school that has only 16 students?

(2) Will the minister explain to the devastated Wubin community how he can justify closing that small school, yet praise another small school for its—I quote from the minister's media release—"focal point for the community"?

(3) In *Hansard* on Tuesday, 4 September 2007 the minister is quoted as saying that it was in the interests of students to send them to a bigger school with more resources. In light of this recent award, does the minister stand by his words?

Mr M. McGOWAN replied:

I thank the Leader of the National Party for the question.

(1)-(3) I am disappointed that the Leader of the National Party would try to denigrate Linda Crombie on her award; especially to you, Mr Speaker, it is very disappointing.

Mr B.J. Grylls: I didn't denigrate her.

The SPEAKER: Members!

Several members interjected.

Mr M. McGOWAN: I am very disappointed that a man with the integrity of the Leader of the National Party would stoop to that level.

The winner of the award, indeed, was Linda Crombie, and I congratulate her on it. I was not able to be at the award ceremony last week because I was in Albany. However, I am pleased to inform the house that we increased the prize money for the WA Rotary Principal of the Year award from $10 000 to $40 000. Linda Crombie was the first beneficiary of that increase in prize money, which was a surprise for the people present. I am sure, therefore, that it will encourage more principals to participate in the program. Linda Crombie is the principal of a school called Babakin Primary School, at which she has been the principal for in the vicinity of 17 to 20 years. I heartily congratulate her on her service to country WA students and to country WA.

Every school is different. The issue with Wubin, as I explained at length to the National Party last year, was that students at Wubin Primary School lived, from memory, 15 to 20 kilometres away from a larger and more substantial primary school that they were able to attend.

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN: When students are in such proximity to a larger primary school that can provide more resources and more assistance to them, that is obviously a different circumstance from the circumstance at other primary schools around the state. I would have thought, in relation to the provision of quality education to children, that was self-evident. It is often quite a different circumstance in different situations.

Dr S.C. Thomas: It is often quite a different circumstance in different situations; that's interesting.

Mr M. McGOWAN: However, I remind members of what I informed them last year; that is, when the Leader of the National Party was in office —

Mr M.W. Trenorden: He has never been in office.

Mr M. McGOWAN: Well, that shows! However, when the member for Avon was in office —

Mr M.W. Trenorden: I haven't been in office either. We don't get offices.

Mr B.J. Grylls: And the minister won't be in office much longer!

Mr M. McGOWAN: Mr Speaker, National Party members are in some sort of parallel universe where the father of the house has never been in office, despite I recall they were eight years in office.

Mr B.J. Grylls: Do you take responsibility for Brian Burke while you are on this line? Do you, or maybe not?

Mr M. McGOWAN: It may be, Mr Speaker, that the former Court government did not exist; I am not exactly sure. Perhaps I am wrong, but I am sure the member for Avon was there. The Court government, from memory, closed three times as many schools in country WA and we have opened twice as many as it opened.

BABAKIN PRIMARY SCHOOL

56. Mr B.J. GRYLLS to the Minister for Education and Training:

By way of a supplementary question, will the minister guarantee that Babakin Primary School will not be closed?

Mr M. McGOWAN replied:

I have no plans and no intention of closing Babakin Primary School.

ROYAL PERTH HOSPITAL AND FIONA STANLEY HOSPITAL

57. Mr P. PAPALIA to the Minister for Health:

What are the costs and other implications of the Liberal leader's backflip on the run in Parliament yesterday when, in addition to keeping the old Royal Perth Hospital operating, he decided to support the state government's plan to extend Fiona Stanley Hospital from 643 beds to 1 000 beds as part of stage 2?

Mr J.A. McGINTY replied:

I thank the member for Peel for the question and can I also compliment the member for Alfred Cove for what must have truly been her finest moment in this Parliament yesterday? The member for Alfred Cove managed to extract not only a massive backflip from the Leader of the Opposition on the run in Parliament yesterday, but also a $2 billion commitment. Well done to the member for Alfred Cove.

After the member for Vasse became the Leader of the Opposition, he was in the media frequently, for instance on Geoff Hutchison's ABC program on 25 January, saying —

> . . . the Government also have longer term plans for increasing the bed capacity of Fiona Stanley Hospital up towards a thousand beds, and that's something that we haven't committed to, because we have a very strong view about retaining Royal Perth Hospital.

The Leader of the Opposition used words to very similar effect on 6PR on 18 February. It was therefore quite clear that the Liberal opposition, under the leadership of the member for Vasse, would support stage 1 of Fiona Stanley Hospital—643 beds—but not stage 2 because it wanted to retain Royal Perth Hospital. It happens to cost $472 million a year to run Royal Perth Hospital; that is, just the Wellington Street campus. Over the four-year forward estimates period that is an additional almost $2 billion that the Leader of the Opposition committed to in his backflip yesterday in making sure that he was trying to not only do a backflip, but also appeal to everyone.

Several members interjected.

The SPEAKER: Members!

Dr K.D. Hames interjected.

The SPEAKER: Member for Dawesville!

Dr K.D. Hames interjected.

The SPEAKER: Member for Dawesville!

Mr J.A. McGINTY: Mr Speaker, that is in addition to the fact that Royal Perth Hospital—certainly those buildings south of Wellington Street—is old, run-down and would cost a small fortune —

Dr K.D. Hames interjected.

Mr J.A. McGINTY: It is estimated at anywhere between half a billion dollars and $1 billion —

The SPEAKER: I call the member for Dawesville to order.

Mr J.A. McGINTY: — simply to bring up to acceptable compliance today, but it would still be an old hospital tarted up, and that additional capital commitment would be required as well. We also have something that I think is very clearly —

Mr T. Buswell interjected.

The SPEAKER: I call the Leader of the Opposition to order for the third time.

Mr J.A. McGINTY: We have an additional cost as a result of the Leader of the Opposition's effort yesterday of $472 million a year—a budget blunder of almost $2 billion over the budget period. The Reid report recommended—it has seemingly been endorsed by everyone in Western Australia—reduced reliance on tertiary hospital beds and a greater enhancement of general hospital beds closer to where people live. This commitment from the Leader of the Opposition to be all things to all people would destroy that very important principle that was being implemented by this government, if he ever had the chance to implement it.

I do not know why the Leader of the Opposition would want to condemn Western Australians who use the public hospital system to old, rundown second-class facilities when they have the opportunity to be treated in world-class facilities at the new Fiona Stanley Hospital. The economic credentials of the Leader of the Opposition took a big battering yesterday. To make this sort of decision on the run, committing $2 billion of state taxpayers' money to something that is unnecessary —

Dr K.D. Hames interjected.

The SPEAKER: I call the member for Dawesville to order for the second time.

Mr J.A. McGINTY: — shows the inexperience of the Leader of the Opposition, and it is a decision that he might well regret.

TERRENCE BICE — EARLY PAROLE

58. Mr R.F. JOHNSON to the Minister for Corrective Services:

I refer to the government's "soft on crime" approach and the early release from prison of 26-year-old Terrence Bice, who was convicted of throwing his two-year-old daughter, an act that resulted in her suffering irreversible brain damage.

(1) Why did Bice not complete a rehabilitation program before being released back into the community?

(2) What resources are in place to ensure all prisoners who have committed seriously violent or sexual offences complete appropriate rehabilitation programs before they are released back into the community?

(3) Will the minister table by the close of business today the number of people convicted of violent offences who have been released from prison in the past 12 months without undertaking appropriate rehabilitation programs?

Ms M.M. QUIRK replied:

I thank the member for the question.

(1)-(3) I completely reject the underlying premise that the Carpenter Labor government is soft on crime. Our prison numbers are at an all-time high.

The release of the prisoner in the case the member for Hillarys mentioned was subject to a decision by the Prisoners Review Board, which is not within my portfolio. However, having read the report on the matter yesterday, I have asked for some additional information. I understand that one of the conditions of the prisoner being released on parole was that he undertake certain programs in relation to his offending behaviour.

Mr R.F. Johnson: That's rubbish. You know he's not going to do it.

Ms M.M. QUIRK: I know nothing of the sort.

NUCLEAR ENERGY

59. Mrs J. HUGHES to the Minister for Energy:

Can the minister advise the house of the latest push, which I continue to oppose, towards establishing nuclear power in Western Australia?

Mr F.M. LOGAN replied:

I thank the member for the question. Yes, I can advise the house. This is another test for the new Leader of the Opposition. This weekend at the Liberal Party conference the all-powerful Curtin division of the Liberal Party—if members want to know exactly how powerful it is, they should just ask the member for Nedlands—will call on the party to adopt nuclear power in government. In fact, the Curtin division is saying that the Liberal Party calls on the future state Liberal government to support the development of cost-effective alternative energy sources of baseload power, including nuclear power. This is a serious issue for Western Australia. It is a very serious issue for our government. It is so serious that we have already passed a piece of legislation in this house banning the construction of nuclear power plants in Western Australia. Hopefully, that will be passed in the upper house shortly. I ask the new Leader of the Opposition, given that he has been sitting on most things that are put to him recently, what he will do. Will the Leader of the Opposition either support or oppose the Curtin division motion?

Mr T. Buswell: I will allow informed debate on the floor of my party's conference.

Mr F.M. LOGAN: He can speak as the Leader of the Opposition or he can speak as an individual member. Will he support the Curtin division motion calling on what might possibly be his government's construction of nuclear power in Western Australia or will he oppose it?

The SPEAKER: Order! Therein lies one of the problems of asking a question of a member of the opposition whilst answering a question; it encourages what we just witnessed. If that happens again, question time will cease immediately.

Mr F.M. LOGAN: Unfortunately, Mr Speaker, we did not get an answer from the Leader of the Opposition. That is not surprising.

Mr M.W. Trenorden interjected.

The SPEAKER: I call the member for Avon to order for the second time.

Mr F.M. LOGAN: The Leader of the Opposition has not answered any of the questions put to him today in question time. What we are dealing with here —

Dr S.C. Thomas interjected.

The SPEAKER: I call the member for Capel to order. Clearly, members interjecting do not wish question time to continue. I thought they would probably have another one or two questions to ask. I urge members not to interject.

Mr F.M. LOGAN: We are dealing with not only an inexperienced and immature Leader of the Opposition but also an indecisive one. He is probably like the new federal Liberal Leader of the Opposition, who is also a flip-flopper. In 2005 the current federal leader of the Liberal Party supported nuclear power. We know how strong John Howard was on nuclear power when he was in government. What does the new federal Liberal opposition say? It now says it is opposed to nuclear power. It does not believe nuclear power stations should be constructed in Australia; there is no need for them.

Several members interjected.

Mr F.M. LOGAN: Is that the sort of flip-flopping we will get from the Leader of the Opposition?

The SPEAKER: Question time is now finished.

MEMBER FOR JOONDALUP — INFRINGEMENT NOTICE AGAINST DAUGHTER

Standing Orders Suspension — Motion

MR M.J. COWPER (Murray) [2.38 pm] — without notice: I move —

That so much of standing orders be suspended so that I may ask an important question.

My question is to the Minister for Planning and Infrastructure.

The SPEAKER: This is a suspension of standing orders. If there is a dissenting voice, I will need to divide the house.

Point of Order

Mr R.F. JOHNSON: I think the member has the right to say why he wants to suspend standing orders. That is what he is trying to do at the moment.

Mr M.J. COWPER: I would like to ask the following question based on the fact —

The SPEAKER: You cannot ask the question.

Debate Resumed

Mr M.J. COWPER: I am seeking to suspend standing orders so that I can ask the following question. The question is very important to the integrity of this place. It relates to the conduct of members in this place. The question is to the Minister for Planning and Infrastructure.

The SPEAKER: Given that you are debating a motion to suspend standing orders, you must not talk about the question that you wish to ask if standing orders are suspended. You must present the reason that standing orders should be suspended.

Mr M.J. COWPER: A very important question must be asked. It is a matter of public importance. It is also a matter of importance to members of Parliament, because the issue relates to the integrity of this place. The question that I want to ask should have been asked during question time.

Mr D.A. Templeman: You should've shut up.

Mr M.J. COWPER: Perhaps the Minister for the Environment should take a leaf out of his own book. The minister should listen to his own advice.

Several members interjected.

The SPEAKER: Order, members!

Mr M.J. COWPER: If this question is not asked, a cloud will continue to hang over this place.

MR J.C. KOBELKE (Balcatta — Leader of the House) [2.42 pm]: The motion before the house seeks the suspension of standing orders so that the member for Murray can ask a question. This motion has immediately followed on from a question time in which you, Mr Speaker, had to call members of the opposition to order on numerous occasions. They did not appreciate the opportunity to ask questions and hear answers. It seems to me that this is a rather silly and immature stunt.

Several members interjected.

The SPEAKER: The Leader of the House is on his feet debating the motion that deals with the suspension of standing orders. I cannot hear what he is saying because of the number of interjections. It defies belief that members continue to use the wall-of-noise attitude to question time and points of order, particularly given what just happened in question time. If members wish to proceed on that basis, they will be ejected.

Mr J.C. KOBELKE: I am suggesting why it would be totally inappropriate to suspend standing orders for the reason suggested by the member for Murray. The member for Murray wants to ask a question despite the fact that question time was abused. Given that you, Mr Speaker, had to call members opposite to order to ensure that questions could be asked and answered, it is not appropriate to have a second form of question time based on the suspension of standing orders. If the member has read standing orders, he will realise that question time is controlled by the Speaker, as it should be. It certainly has been during my time as a member of this chamber. The Speaker makes the call about when question time is held and how long it will go for. I think you, Mr Speaker, have shown great forbearance in allowing question time to continue for the period that it normally does. I thank you for that; it is much appreciated. However, that arrangement should not be subverted by a motion that seeks

to suspend standing orders to have a second-rate question time when today's question time has already been held.

MR R.F. JOHNSON (Hillarys) [2.44 pm]: I support the motion to suspend standing orders to enable the member who sits immediately behind me to ask an important question. The Leader of the House is quite right in that question time is an important time and that the Speaker has the discretion to determine how long it goes for. Today, the Liberal Party, the main opposition party in this state, asked only three questions. There was as much interjecting from government members as there was from opposition members. The Leader of the House claimed that all the bad behaviour during today's question time came from members on this side of the house. That is not true and the Leader of the House knows it. We have every right to ask five questions a day, which is fewer than the number of questions the Labor Party was able to ask when it was in opposition.

Mr J.C. Kobelke: Only if you behave.

Mr R.F. JOHNSON: That is interesting.

Several members interjected.

The SPEAKER: The interjections must cease. Member for Hillarys, you must talk to the reason that standing orders should be suspended and you must direct your comments to that issue alone.

Mr R.F. JOHNSON: I have spoken for less than one minute. I know that you, Mr Speaker, are normally very generous with members in that you allow them a minute or two before you sit us down.

The SPEAKER: I am changing.

Mr R.F. JOHNSON: Mr Speaker, you may well sit me down. The Leader of the House made an interesting comment. He said that we can ask five questions only if we behave. The Leader of the House treats this place like a school. It is not a school—it is the Parliament of Western Australia. The opposition must ask questions to discover the truth. The opposition tries to help the government in many ways. It tries to assist with the smooth running of this house. We work in conjunction with the Leader of the House, the Speaker and ministers when they want to get through their portfolio business. If the Leader of the House wants a disruptive house, he should continue to carry on the way he is carrying on now. The opposition can use many avenues to disrupt the business of the house and get its way. We will have our say. I suggest that standing orders be suspended so that the member for Murray can ask his question. I hope that it will not be too difficult for the minister to give a truthful answer. We do not hear many truthful answers during question time. There is a lot of prevarication and obfuscation, but we rarely hear a truthful answer to an honest question. That would make a great change.

MR M.W. TRENORDEN (Avon) [2.46 pm]: We are somewhat at a loss to know what the actual question is. However, given that the member for Murray has said that his question is for the Minister for Planning and Infrastructure, I suspect that it might be about the member for Joondalup. If that is the case we should proceed, because the member for Joondalup has probably breached section 8 of the code of the house, which was put together by the government.

The SPEAKER: The member can say almost what he likes, but he cannot imply a motive. If the member wishes to make such a comment—the member for Avon has been a member of this house longer than any other member—he should move a substantive motion and not use a backdoor method.

Mr M.W. TRENORDEN: That is not what I was attempting to do. I was attempting to read what is happening in this place. At times all 57 members of this house have to work out what is happening in the chamber. It would be in everyone's interests if the member for Joondalup were given an opportunity to explain his side of the story. The article that appeared in the press has affected us all. There is no question that the way each one of us operates is in question. I agree with you, Mr Speaker, to the extent that I am guessing what the question may be about. However, because the member for Murray said that he wanted to ask a question of the Minister for Planning and Infrastructure, I presume that that is what it is about. We should not let too much time go by before the member for Joondalup is given an opportunity to explain himself.

MR J.H.D. DAY (Darling Range) [2.48 pm]: The motion to suspend standing orders to allow the member for Murray to ask a question that he would have otherwise done in question time proper should be supported. The essential problem is that question time was ended by you, Mr Speaker, prior to the government and the opposition asking the normal number of questions. I accept that there was a degree of disorder during question time. There were interjections from the opposition side; however, there were also interjections from the government side. That is hardly abnormal. It is hardly abnormal for members of the opposition of whichever party—it certainly applied when the Labor Party was in opposition—to seek to make points and to make ministers who give misleading information accountable. I am guilty of interjecting or seeking to place something on the record because it is important. That is a recognised aspect of the to and fro of Parliament. The particular point I was seeking to make in relation to the Minister for Energy's diatribe was that in March last year the Premier said that we should keep uranium in Western Australia to use for nuclear energy in Western Australia.

He said that, or words very much to that effect. That point should be on the record. When ministers provide misleading information in this chamber, the opposition would be abrogating its responsibility if it did not seek to pull up those ministers. Hence, there is a degree of rowdiness from time to time. That is something that the Speaker or whoever is in the chair must deal with. In my view, question time should not have finished at the time that it did. I understand the Speaker's reasons for doing so. However, there are other ways of dealing with these matters. The Minister for Education and Training is devastated that question time ceased prematurely because he cannot give his usual question time performance.

When I first became a member of this place, the Speaker, the then member for Rockingham, Mike Barnett, made the comment—I am sure this analogy has been used on many occasions in the past—that this chamber and Parliaments generally operate like pressure cookers. Things get very heated at times and from time to time the pressure must be relieved. Today was an example of that. There are ways in which that can be done. The opposition should be able to do the job that it is elected to do, which is, in part, to hold the government to account. We expect ministers to provide genuine information when they respond to our questions. That is why this motion should be supported. It would show a degree of goodwill if the government were of a mind to support the motion, so that the full number of questions from both the opposition and the government can be asked. I am sure the opposition would be amenable to some sort of agreement with the government so that we can continue question time so that the normal number of questions can be asked. This motion should therefore be supported, or at least there should be agreement between the two sides, so that the Parliament can continue to function properly.

DR K.D. HAMES (Dawesville — Deputy Leader of the Opposition) [2.51 pm]: I support the motion to suspend standing orders to allow this question to be asked. The member for Hillarys made an excellent point earlier, when he talked about the operation of this house and the goodwill shown by this side of the house in cooperating with the government. The Treasurer made an excellent point last night, when the house was debating the Duties Bill. On each clause, the member for Bunbury put forward an example of what would happen in his electorate as a result of the stamp duty changes. When I had a go at the Treasurer, he said that in the time of the previous government, we would have been here until two o'clock in the morning, as every opposition member from a marginal seat would have stood and talked about the effect of legislation in that electorate. He is right. The Minister for Education and Training will recall what happened in the time when the Labor Party was in opposition, with the disruption and the way the then opposition presented itself.

Mr M. McGowan interjected.

Dr K.D. HAMES: The Minister for Education and Training was actually relatively well behaved, but the minister to his right was not so good in the way she presented herself.

Several members interjected.

Dr K.D. HAMES: Yes, the minister to the right of the Minister for Education and Training, but to my left.

The point I am getting to is that the Speaker, as members are aware, has the right to stop question time. That has been done on occasions by all Speakers, although not very often, to manage behaviour in the house. Today did not seem any worse than usual. The number of times we were called to order was no more than usual. I think I was called to order twice, which is not so great. The Minister for Energy will recall that, at the time, he was baiting the opposition in his answer, and directing questions specifically to this side, seeking a response. In fact, at the very instant the Speaker stood to cancel question time, the Minister for Energy was pointing in our direction, asking another question.

Mr F.M. Logan interjected.

Dr K.D. HAMES: The minister should look at the video, and he will see. The point is that question time was concluded—whether that was correct in our view or not—when the opposition still had two questions to ask. One was from me to the Minister for Health, relating to issues surrounding operational health plans. That question could be left until tomorrow. It was not absolutely essential to ask that question today, so it would not be in the interest of the opposition to suspend standing orders to ask that question. However, the other question that was circumvented by the closure of question time was very critical. The member for Avon is correct—it related to the member for Joondalup. The only alternative for the opposition is to move a substantive motion to raise that issue and have it debated. If the government will not agree to suspend standing orders so that the opposition can ask that single question and hear the answer from the Minister for Planning and Infrastructure in the normal manner, outside question time—remember that we asked only three questions—we will have to move for a suspension of standing orders for a specific motion to allow the member for Joondalup to place before this house his version of events and his understanding of what occurred and did not occur. One way or another, we will seek the opportunity to ask this question about the member for Joondalup. If the Leader of the House chooses not to do this now, then so be it. He will recall what happened when he was on this side. Needless to say, it is inevitable that, with this sort of end result, it will happen again when he is on this side of the house.

The SPEAKER: This is a motion without notice for the suspension of standing orders, and therefore requires the support of an absolute majority of members. I have satisfied myself that an absolute majority is present. If I hear a dissenting voice, I will require the house to divide.

Question put.

The SPEAKER: I hear a dissenting voice. The house will divide.

Division taken with the following result —

Ayes (24)

Mr D.F. Barron-Sullivan	Mr J.H.D. Day	Mr P.D. Omodei	Mr M.W. Trenorden
Mr M.J. Birney	Mr B.J. Grylls	Mr C.C. Porter	Mr T.K. Waldron
Mr T.R. Buswell	Dr K.D. Hames	Mr D.T. Redman	Ms S.E. Walker
Mr G.M. Castrilli	Ms K. Hodson-Thomas	Mr A.J. Simpson	Mr G.A. Woodhams
Dr E. Constable	Mr R.F. Johnson	Mr G. Snook	Dr J.M. Woollard
Mr M.J. Cowper	Mr J.E. McGrath	Dr S.C. Thomas	Dr G.G. Jacobs *(Teller)*

Noes (28)

Mr P.W. Andrews	Mr J.N. Hyde	Ms S.M. McHale	Ms J.A. Radisich
Mr J.J.M. Bowler	Mr J.C. Kobelke	Mr A.D. McRae	Mrs M.H. Roberts
Mr A.J. Carpenter	Mr R.C. Kucera	Mr M.P. Murray	Mr T.G. Stephens
Mr J.B. D'Orazio	Mr F.M. Logan	Mr A.P. O'Gorman	Mr D.A. Templeman
Dr J.M. Edwards	Ms A.J.G. MacTiernan	Mr P. Papalia	Mr M.P. Whitely
Ms D.J. Guise	Mr J.A. McGinty	Mr J.R. Quigley	Mr B.S. Wyatt
Mrs J. Hughes	Mr M. McGowan	Ms M.M. Quirk	Mr S.R. Hill *(Teller)*

Pair

Mr C.J. Barnett	Mr P.B. Watson

Question thus negatived.

Standing Orders Suspension — Motion

MR R.F. JOHNSON (Hillarys) [2.59 pm]: — without notice: I move —

That standing orders be suspended so far as to enable the following motion to be immediately moved —

(1) That the Minister for Planning and Infrastructure be asked to confirm to the house whether a review into allegations of improper and abusive behaviour by the member for Joondalup against a revenue protection officer has been conducted and whether the fine has been withdrawn.

(2) That the member for Joondalup be asked to provide a personal explanation to the house in relation to the allegation he has raised and those allegations against him.

The reason I have moved this motion for the suspension of standing orders is that we intend to move a substantive motion should the standing orders be suspended. I hope the Leader of the House will agree to the suspension of standing orders, because we wish to debate a very important issue today. If we had been given the opportunity to ask a question on this matter, and if we had been given an answer, we would have been satisfied. However, that opportunity was denied to us. Therefore, our only option is to move a substantive motion in relation to the alleged improper actions of the member for Joondalup. We want to give the member for Joondalup the opportunity to speak. We have heard what the member for Joondalup has said in the media. However, the member for Joondalup has not said anything in this house. We also want to give the Minister for Planning and Infrastructure, who is responsible for this area, the opportunity to answer the questions that have not been answered so far.

Point of Order

Mr J.C. KOBELKE: Mr Speaker, we are well aware that you have ruled that in a motion for the suspension of standing orders the member must speak to the reason for the suspension motion and not to the substantive motion. However, it has been your practice and that of previous Speakers to allow the member to speak for a few minutes to give some indication of what the substantive motion actually is. My point of order is that this is simply an abuse of the Parliament. Private members' business is listed for later in the day. However, this matter, which members opposite claim is so important that we need to suspend standing orders, has not been listed for private members' business. Yesterday, members opposite moved a matter of public interest motion. However, that MPI was not used to debate this matter. A motion for the suspension of standing orders should be put only when a matter is urgent or special and cannot be dealt with by other means. What I am putting to you, Mr Speaker, is that members opposite are seeking to raise substantive matters through a suspension of standing

orders motion. It might be more appropriate—I simply put this as a suggestion, Mr Speaker—that members go straight to, and only to, the suspension motion, and not seek to raise other matters when they have not actually given consideration to those matters.

I will give two reasons in support of my argument that this is an abuse of the Parliament. The first reason is that the motion that we have just dealt with was in the following terms —

That so much of standing orders be suspended so that I may ask the following important question.

If that question is so important, why is it not in the motion? It is not there! The second reason is that not only is the copy of the motion now before us almost impossible to read, but also the motion does not make much sense.

Mr R.F. JOHNSON: Further to the point of order, what I have just heard from the Leader of the House is an abuse of this chamber. The Leader of the House has said that we have ample opportunity to raise matters such as this in private members' business and in other forums. We do not have that opportunity.

The SPEAKER: Order! Take a seat. Is this in relation to the point of order that has been raised? The member is not speaking to that, is he?

Mr R.F. Johnson: I am, yes.

The SPEAKER: Order! It appeared to me that the member was continuing with his contribution to the motion for the suspension of standing orders.

Mr R.F. Johnson: No.

The SPEAKER: That is what it sounded like. The point of order that has been raised by the Leader of the House is quite true. I do give the lead speaker on a particular motion for the suspension of standing orders an opportunity to give a rough outline of the background behind the suspension application. I intend to continue with that practice, bearing in mind that we had some significant going off the track in the previous debate, when a lot of what was hoped to be debated or asked was covered.

Debate Resumed

Mr R.F. JOHNSON: Thank you, Mr Speaker. I have literally had one minute to start to give the chamber the reason that standing orders should be suspended so as to allow this substantive motion that I have given notice of to be moved.

Mr A.D. McRae: It seemed as though it was a lot longer than that!

Mr R.F. JOHNSON: It does. That is because the Leader of House has acted in an alarming manner by telling us all sorts of stories about how we can bring up this matter at other times. That is not the case at all. He knows that and I know that. The fact is that members opposite do not want the truth to come out about this particular issue. We will get the truth out. We have done it properly now. We wanted to ask a question. It was not possible to get that question asked and answered. If it had been, we would have left it at that. We need to know whether the member for Joondalup has in any way acted improperly in his position as a member of Parliament. We need to know whether the Minister for Planning and Infrastructure has in any way condoned any impropriety by the member for Joondalup. We also need to know whether any staff of the minister have acted improperly. We need to find out the truth about this matter. The place for the truth is this chamber—or it should be. That is what question time is about, and that is what it should be about. When I say that we need to suspend standing orders now to debate this issue, I say that for the sake of the member for Joondalup as much as anyone else, because it will give him the opportunity to explain his actions in relation to a fine that his daughter attracted, and, indeed, to explain the actions of a security officer with Transperth. However, it goes further than that. This matter concerns more than just the member for Joondalup and one of his family members. It also concerns the minister. We need to know from the minister whether she has taken any action. I can tell members that if we write to this minister, it takes six months to get a response. That is disgraceful.

Mr T. Buswell: That is fast!

Mr R.F. JOHNSON: Exactly! That is when it is on the fast track! If it is on the slow track, it takes 12 months! I am not kidding. I have had to wait nearly as long as that to get a response. I have taken note of your comments, Mr Speaker, and I know that you will sit me down any second now. I accept that. However, I hope that the Leader of the House will have the guts and the integrity to allow this motion to be debated so that the member for Joondalup and the Minister for Planning and Infrastructure can have their say recorded and so that the truth can be told about this rather unpleasant incident.

Question to be Put

MR J.C. KOBELKE (Balcatta — Leader of the House) [3.08 pm]: I move —

That the question be now put.

Question put and a division taken with the following result —

Ayes (28)

Mr P.W. Andrews	Mr J.N. Hyde	Ms S.M. McHale	Ms J.A. Radisich
Mr J.J.M. Bowler	Mr J.C. Kobelke	Mr A.D. McRae	Mrs M.H. Roberts
Mr A.J. Carpenter	Mr R.C. Kucera	Mr M.P. Murray	Mr T.G. Stephens
Mr J.B. D'Orazio	Mr F.M. Logan	Mr A.P. O'Gorman	Mr D.A. Templeman
Dr J.M. Edwards	Ms A.J.G. MacTiernan	Mr P. Papalia	Mr M.P. Whitely
Ms D.J. Guise	Mr J.A. McGinty	Mr J.R. Quigley	Mr B.S. Wyatt
Mrs J. Hughes	Mr M. McGowan	Ms M.M. Quirk	Mr S.R. Hill *(Teller)*

Noes (23)

Mr D.F. Barron-Sullivan	Mr J.H.D. Day	Mr P.D. Omodei	Mr M.W. Trenorden
Mr M.J. Birney	Mr B.J. Grylls	Mr C.C. Porter	Mr T.K. Waldron
Mr T.R. Buswell	Dr K.D. Hames	Mr D.T. Redman	Ms S.E. Walker
Mr G.M. Castrilli	Ms K. Hodson-Thomas	Mr A.J. Simpson	Mr G.A. Woodhams
Dr E. Constable	Mr R.F. Johnson	Mr G. Snook	Dr G.G. Jacobs *(Teller)*
Mr M.J. Cowper	Mr J.E. McGrath	Dr S.C. Thomas	

Pair

Mr E.S. Ripper	Mr C.J. Barnett

Question thus passed.

Motion Resumed

Question (standing orders suspension) put.

The SPEAKER: There being a dissentient voice, it is necessary for the house to divide.

Division taken with the following result —

Ayes (23)

Mr D.F. Barron-Sullivan	Mr J.H.D. Day	Mr P.D. Omodei	Mr M.W. Trenorden
Mr M.J. Birney	Mr B.J. Grylls	Mr C.C. Porter	Mr T.K. Waldron
Mr T.R. Buswell	Dr K.D. Hames	Mr D.T. Redman	Ms S.E. Walker
Mr G.M. Castrilli	Ms K. Hodson-Thomas	Mr A.J. Simpson	Mr G.A. Woodhams
Dr E. Constable	Mr R.F. Johnson	Mr G. Snook	Dr G.G. Jacobs *(Teller)*
Mr M.J. Cowper	Mr J.E. McGrath	Dr S.C. Thomas	

Noes (28)

Mr P.W. Andrews	Mr J.N. Hyde	Ms S.M. McHale	Ms J.A. Radisich
Mr J.J.M. Bowler	Mr J.C. Kobelke	Mr A.D. McRae	Mrs M.H. Roberts
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Mr J.B. D'Orazio	Mr F.M. Logan	Mr A.P. O'Gorman	Mr D.A. Templeman
Dr J.M. Edwards	Ms A.J.G. MacTiernan	Mr P. Papalia	Mr M.P. Whitely
Ms D.J. Guise	Mr J.A. McGinty	Mr J.R. Quigley	Mr B.S. Wyatt
Mrs J. Hughes	Mr M. McGowan	Ms M.M. Quirk	Mr S.R. Hill *(Teller)*

Pair

Mr C.J. Barnett	Mr E.S. Ripper

Question thus negatived.

QUESTION WITHOUT NOTICE 46

Supplementary Information

MS A.J.G. MacTIERNAN (Armadale — Minister for Planning and Infrastructure) [3.15 pm] — by leave: I wish to provide further information to the request that was made of me yesterday by the member for Murray. I can confirm that two investigations are proceeding within the Public Transport Authority—one concerning an allegation of the conduct of the revenue protection officers and the other concerning a further investigation into the request for the withdrawal of the infringement notice. I can confirm that the infringement notice that had been served has not been withdrawn.

ROAD TRAFFIC (AUTHORISATION TO DRIVE) BILL 2007

Second Reading

Resumed from an earlier stage of the sitting.

DR J.M. WOOLLARD (Alfred Cove) [3.16 pm]: I thank the Minister for Planning and Infrastructure and her staff for the very good briefing I had on these five bills. Basically, the Road Traffic (Authorisation to Drive) Bill

2007, together with four other road traffic bills, will enable Western Australia to implement nationally agreed legislation so that there is a consistent and equitable scheme to encourage compliance with the requirements of the road transport laws across Australia. The road traffic legislation before the house comprises the Road Traffic (Authorisation to Drive) Bill 2007, the Road Traffic (Vehicles) Bill 2007, the Road Traffic (Administration) Bill 2007, the Road Traffic (Consequential Provisions) Bill 2007 and the Road Traffic (Vehicles) (Taxing) Bill 2007. The house is now debating the Road Traffic (Authorisation to Drive) Bill 2007.

The national objective is for all the states to implement this road traffic legislation, and I believe similar legislation has already been introduced in four states. I had my briefing several weeks ago and I know that the other states are considering implementing this legislation and, hopefully, later this year the road transport laws across Australia will be uniform.

The objectives of the legislation are to improve road safety, reduce infrastructure damage, improve deterrents and enforcement, promote a level playing field for the industry and improve vehicle efficiency and compliance. The components of the legislation include legal accountability throughout the transport chain, risk categorisation of breaches, expanded enforcement powers and legal defences, clarifying and broadened general liability and introducing container weight measures.

Currently, the Road Traffic Act comprises four parts, which makes it difficult if a department wants to amend the legislation. At the moment the Office of Road Safety is responsible for road safety initiatives, the Department for Planning and Infrastructure is responsible for the administrative and legislative provisions, as well as vehicle and drivers' licensing provisions, Western Australia Police has responsibility for the enforcement of traffic and vehicle mass and Main Roads Western Australia also has responsibility for vehicle mass and heavy vehicle access. The new structure proposes an overarching Road Traffic (Administration) Act, Road Traffic (Authorisation to Drive) Act and Road Traffic Act. I look forward to the debate on that legislation because, already during this second reading debate, concerns have been voiced on each area. This Road Traffic (Authorisation to Drive) Bill covers driver licensing, learner permits, provisional licences, administrative provisions regarding licence disqualifications, extraordinary licences and demerit points. The aim of this legislation is to achieve nationally consistent standards. People have come into my office and asked about several aspects of the Road Traffic Act that will be amended by this bill. In Western Australia a person must be aged 17 before being eligible to sit a driving test. In other states the age is 18. I know that the regulations will cover this aspect, but will the age to sit a driving test be made nationally consistent and, therefore, changed to 18 in Western Australia as is the case in the other states? In other states first-time young drivers are restricted in terms of the capacity of the vehicles they can drive. New drivers are not allowed to drive vehicles above a certain capacity. Constituents often complain about the size of cars young people are allowed to drive, and I have asked whether their concern is about the size of the car or the power of the motor. They are usually concerned about the power of the motor. Again, I ask the minister whether this will be addressed in regulations and whether, for the sake of consistency, Western Australia's laws in relation to the power of motor vehicles that young people can drive will be consistent with those of other states.

Part 4 of the bill refers to demerit points. I had some information that I was going to quote from, but cannot find it. In 2007 a Road Safety Council review was done into speeding and other penalties under the Road Traffic Code. The review recommended a new category of penalties for speeding in heavy vehicles above 22.5 tonnes. The recommendation was for higher monetary fines and stiffer penalties to reflect the severity of accidents and crashes involving speeding in heavy vehicles, compared with speeding in vehicles of a lesser mass. I think at that time it was suggested that penalties be increased from 20 penalty units to 25 penalty units. That was not accepted by the government because of a conflict with the provisions in section 102(8)(b) of the Road Traffic Act, which limits the regulations to prescribing modified penalties of no more than 20 penalty units. Will the minister, either through legislation or through the regulations, seek to increase the penalty units that apply to heavy duty vehicles weighing more than 22.5 tonnes, because if vehicles that size crash at high speed, the effects can be nasty? Given the government has said that it will increase penalties for speeding in heavy vehicles, the maximum fine should be higher. I hope that by the time we discuss that clause in consideration in detail, I will be clearer about whether it can be addressed within this legislation or in the regulations. I look forward to the minister's response. I want to know whether the minister will include that penalty in the legislation, which was a recommendation of the Road Traffic Council review several months ago.

In general, this legislation will provide a number of benefits, such as a more functional structure for road traffic legislation. A national legislative platform will make it easier for people who travel interstate. Hopefully, the changes in the structure will increase the speed and efficiency within which future road traffic initiatives are implemented. One of the benefits mentioned was that it will provide more effective legislative reform across ministerial portfolios. As I pointed out before, the Road Traffic Act stretches across several ministerial portfolios. It is a good thing that those areas will be separated because it will allow for not only more effective legislative reform, but also greater accountability in those areas.

I support most of this legislation. I look forward to discussing the various amendments that will be moved during consideration in detail. I ask again that, in the light of the desire to create uniform national standards, the minister in her response indicate whether this legislation is likely to affect the age of new drivers and the capacity of the engine in vehicles young people seek to drive? Will she also indicate whether the penalty units for heavy vehicles will be increased or whether she will at least give a commitment to increase them under the regulations that arise from this legislation?

MR J.H.D. DAY (Darling Range) [3.28 pm]: We are debating the Road Traffic (Authorisation to Drive Bill) 2007. I will make some comments about a specific issue that could also be considered in the debate on the Road Traffic (Vehicles) Bill 2007. The two bills are part of a package and are closely related. The opposition supports the bills. I will not canvass the major thrust of the legislation, which has been explained in the minister's second reading speech and by other members during the second reading debate.

I simply place on record my concerns about vehicle noise in the hills area and in particular on the Greenmount hill. My concern relates to the trucks that descend the Greenmount hill along Great Eastern Highway. A resident of Darlington raised this issue with me a few weeks ago. This issue affects people in Darlington and Greenmount, which are adjacent to Great Eastern Highway. Large trucks are required to descend the Greenmount hill at a maximum speed of 40 kilometres an hour. As I understand it, a majority of the large trucks rely on their exhaust brakes to some extent to assist them to make that descent safely. The problem is that exhaust brakes can produce excessive noise, particularly if they are used inappropriately. The problem occurs late at night and in the early hours of the morning in particular when some irresponsible truck drivers use their exhaust brakes either unnecessarily or excessively in some cases to produce the maximum amount of noise. They are causing a great deal of disruption and disturbance to the residents of those areas when they are trying to sleep. The majority of truck drivers are responsible. However, it is unfortunate that some are not acting responsibly. It has been put to me that they are acting as cowboys essentially with the aim of giving themselves a thrill by making the maximum amount of noise by using their exhaust brakes inappropriately.

The DEPUTY SPEAKER: I understand that the motion to debate the bills cognately was defeated. Therefore, I must advise the member that we are dealing with the Road Traffic (Authorisation to Drive) Bill, which is about licensing. The member must link his speech to that and save the debate he is currently having for one of the other bills.

Mr J.H.D. DAY: My speech relates to who is authorised to drive large vehicles, to some extent. My comments could be made under either of the bills.

Ms A.J.G. MacTiernan: The comments are relevant to the other legislation. I am more than happy to debate them then, otherwise we will waste much time because we will hear the same speeches over and again.

Mr J.H.D. DAY: I am not seeking to take up a large amount of time; I am seeking to put something on the record that I can either do now or when we debate the other bill. This is an issue of importance to some residents. I simply seek to place the issue on the record and I am glad that the minister is in the chamber to hear my comments, because it is something that she must deal with.

As I said, some truck drivers contravene the existing noise regulations. The regulations must be better enforced than they are currently being enforced. I have taken up this issue by writing to the Minister for Planning and Infrastructure and to the police and environment ministers. I hope that they seriously consider the issues that have been raised so that the regulations can be enforced to a greater degree and we can see a reduction in the number of disturbances that are affecting the residents of Greenmount and Darlington. This was an issue in the early to mid 1990s—I think it was in 1993 or 1994, soon after I was first elected. At that time, the various government agencies made a coordinated effort to better control the problem of truck noise in that area. As time has passed, the matter has been allowed to lapse somewhat. A coordinated effort must be put in place to better and more effectively deal with this problem.

I thank the house for indulging me so that I could make those comments, which are broadly related to the bill under debate. As I said, I do not wish to take up an excessive amount of time. This is an important issue to some residents and I hope that it can be adequately dealt with.

MS A.J.G. MacTIERNAN (Armadale — Minister for Planning and Infrastructure) [3.34 pm] — in reply: I thank members for their comments. In particular I thank the member for Murray, who was the lead speaker for the opposition. He has comprehended quite correctly that we have a problem with the Road Traffic Act, which is very difficult to amend and administer because of its composite structure. Therefore, we are attempting to disaggregate the legislation. The substantive changes that we are making to it are to introduce the compliance and enforcement legislation. We are not making any changes at all to the licensing system. The Road Traffic (Authorisation to Drive) Bill 2007 does not represent a change to the current law.

I acknowledge that some suggestions have been made about the demerit point system. The member for Leschenault made some good points about the ability to introduce an element of testing—I would prefer it to be

an element of training—that should accompany the accumulation of a certain number of points. That is a very valid suggestion. He also made some interesting suggestions about the possibility of retesting drivers every five years. I do not think that would be particularly sensible, but it is possible to have a regime whereby every so often drivers would be required to update their skills and attend a session at which they would get some training on the changes that had occurred in the interim. That might be worthwhile. Including a training element in the merit system certainly is of interest. I am sure that the Minister for Community Safety would be interested in those types of proposals. It is clear from the research that it is the average driver who is responsible for the majority of accidents.

Most of the other comments members made were about bills other than this one. As I said, a lot of comments were made that this legislation will introduce a national approach to licensing. I repeat that this bill—as opposed to other bills—does not change the status quo of licensing.

I will make a comment directed to the member for Avon. Interestingly, overloaded wheat trucks have been responsible for many of the problems experienced on Brookton Highway. Contrary to the position taken by the member for Avon, I compliment Co-operative Bulk Handling Ltd for the introduction of a mass management scheme that, in advance of the introduction of this legislation, was a very important step for it to take. We have been working with CBH to see whether we can put in place an interim arrangement during 2008-09 that we think will more closely reflect where we ultimately want to be.

The government will not entertain any amendments to this legislation. We are happy to go into consideration in detail on this bill. However, we are not changing this legislation. We are doing this because we need to disaggregate the legislation to make further changes. The Minister for Community Safety has an extensive process underway to review the road safety strategy. No doubt subsequent changes will be made to this legislation, and that will be the appropriate time for us to consider amendments to it. I thank members for their contributions to the debate and I commend the bill to the house.

Question put and passed.

Bill read a second time.

Consideration in Detail

Clauses 1 and 2 put and passed.

Clause 3: Terms used in this Act —

Ms A.J.G. MacTIERNAN: I move —

Page 3, after line 2 — To insert —

"grant" includes the grant by way of renewal under the regulations;

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4: Regulations for driver licensing scheme —

Ms A.J.G. MacTIERNAN: These changes have come about because regulations were made pursuant to the proclamation of the Road Traffic Amendment Act 2006, which would insert into part IVA of the Road Traffic Act 1974, "Authorisation to drive". This is part of the problem that we have with this legislation. Every time we seek to amend one thing, we have to amend the entire conglomerate, which is a very unwieldy process. I move —

Page 5, line 10 — To delete ", renewal,".

Page 5, line 12 — To delete ", renewal,".

Page 5, line 16 — To delete "or renewal".

Page 5, line 17 — To delete "or renew".

Amendments put and passed.

Dr J.M. WOOLLARD: Although I appreciate the minister's comments that this bill is not dealing with any changes to licensing, I have been informed by legal counsel that clause 4 would have dealt with section 42(2)(a) of the Road Traffic Act, where the age at which a person is first able to gain a licence is specified, which in Western Australia is currently 17 years of age, whereas in many other states it is 18 years of age. The minister has said that this bill is not dealing with licensing. I am asking for the minister's advice on this matter because I believe that the regulations that flow from this can deal with that issue. I therefore ask: because the old section 42(2)(a) specifies 17 years, has the government considered looking at the age at which a person can obtain a licence, bearing in mind that if we are looking to meet national standards, the age in other states at the moment is 18 years? What is the intent for the regulations?

Ms A.J.G. MacTIERNAN: I did not say that this bill does not deal with licensing. Quite clearly, it is the piece of legislation that will regulate licensing. What I said is that there is no change to the law being made pursuant to this. In 2006 Parliament agreed to a regime that saw the age limit come out of the legislation and go into regulations. That was already agreed to by Parliament in 2006. That has not been able to be proclaimed because of this unholy mess of having all these different bits coming in and complicating any changes. That will be simplified from now on in. I know that the member is interested in changing the age at which people can become drivers, but we will certainly not be entertaining any amendment like that, not out of any bloody-mindedness but because it is not what this legislation is aimed at doing. We know that the Minister for Road Safety is conducting a comprehensive review of road safety. I have no doubt that over the next year we will see legislation coming back into this chamber during which this could be debated. Effectively, what we are doing here represents the position as has already been approved by Parliament. The only reason it is coming forward is that to disaggregate those bills, we need to move this through the Parliament.

Dr J.M. WOOLLARD: My understanding of what the minister has just said is that although the act provides for the age limit for drivers, the government had intended to remove that provision from the act but was unable to do so because the act is so big and cumbersome.

Ms A.J.G. MacTiernan: We could have done it, but it would have stopped us solving the underlying problem. We have put the proclamation of that legislation on hold while we get this bill through Parliament. It picks up those things that Parliament approved in 2006.

Dr J.M. WOOLLARD: The regulations that will come from this legislation will be reviewed over the next 12 months, and if there are any possible changes to the age provisions, they will come back to Parliament.

Ms A.J.G. MacTIERNAN: As I understand it, the regulations that we will proclaim will preserve the status quo. However, as I say, the Minister for Community Safety is currently reviewing the road safety strategy. It is conceivable—I am not saying that it will be—that age will be one of those issues. Obviously, there will be the capacity in Parliament to disallow the regulations once they come forward.

Dr J.M. WOOLLARD: Following on from that, when the minister reviews the road safety strategy, that will be the time that the capacities of other states in which a person, when first issued with a driver's licence, is not able to drive —

Ms A.J.G. MacTiernan: There will be limitations on the power of the vehicles of novice drivers.

Dr J.M. WOOLLARD: That will be looked at again by the minister when he considers road safety aspects and regulations.

Ms A.J.G. MacTiernan: I presume so. It is certainly not being examined as part of this legislation, because all we are doing is taking the status quo.

Mr M.J. COWPER: I was going to raise this issue when we debated clause 60. However, first of all, I would like to recognise the great assistance of Mr Vince Tamigi, Mr Iqbal Samnakay and Camilla, who is not in the chamber. They have been very agreeable people to deal with in comparison with my previous experiences with advisers. Certainly, they were very informative and I found them very amenable. I am a little confused. The Road Traffic Act states that the director general has the power to approve certain things in relation to the regulations. I note that in this bill, reference is made to "CEO". Is there going to be a wholesale change of title in government departments? I know that most heads of government departments in Western Australia are regarded as directors general. Is this simply a case of trying to have some sort of conformity with other states and we are just following suit, or is it a case of different powers?

Ms A.J.G. MacTIERNAN: Chief executive officer is a more generic title. It describes the type of position. In Main Roads Western Australia, the CEO is known as the Commissioner of Main Roads. In the Department for Planning and Infrastructure, the CEO is known as the director general. The titles of both director general and commissioner are attached to the underlying position of chief executive officer. We have used the term "chief executive officer" so that we get consistency across government in drafting, because that is the neutral and more general term.

Mr M.J. COWPER: I will not dwell on this clause for very long. I refer not only to this clause but also to clause 60, which is a bit of a grandfather clause. I understand that there will not be any change in the laws as such; it is simply a matter of cutting and pasting into a new filing system so that we can have better access to them. As I understand it, there is no grandfather clause in the Road Traffic Act. Part IX of the act provides for regulations. However, they relate simply to motor vehicles and not to drivers' licences.

Ms A.J.G. MacTiernan: Which clause are you talking about?

Mr M.J. COWPER: I am referring to clause 4, but my question also relates to the question asked by the member for Alfred Cove. Clause 60 is a grandfather clause that will allow the CEO to make certain regulations in relation to licensing, which cannot be done under the Road Traffic Act. Under part IX of the act, the Governor

may make regulations for the purpose of licensing equipment and the use of vehicles, but there is no licensing provision in this bill. I have no problem with that to be honest, but it goes to the question of whether there has been a change in legislation.

Ms A.J.G. MacTIERNAN: Again, I think the answer is similar to that which I gave the member for Alfred Cove. We have incorporated in this bill those provisions which went through Parliament in 2006 but which we were not able to proclaim without deferring the whole process of dividing this up. It represents a change from the current proclaimed law, but this represents all those changes that were made in the 2006 legislation, which has been passed through Parliament and has been assented to but just has not been proclaimed. A whole heap of specific material was taken out of the body of the 2006 act that was agreed to by Parliament, and the act transferred power to the regulations in order to give us greater flexibility. That has been agreed to by Parliament. The legislation has passed through both houses and has been assented to; it just has not been proclaimed. At some point, we have to do the disaggregation, and the disaggregation has continued to go back and back because new legislation comes through all the time. We made the decision that we would not proclaim that legislation, but that we would effectively put all those changes into this bill.

Mr M.J. COWPER: I make the point that the comment in the explanatory memorandum that this legislation is the same as that which currently exists is not quite right. Although I think that is the intent of the legislation, it has not quite been rolled out in that way; for example, there are changes to some of the wording in relation to these matters. As I say, the regulations provided for in part IX of the Road Traffic Act refer to drivers and passengers of vehicles. There are other regulations, but it does not provide for it in this bill.

Ms A.J.G. MacTiernan: It does not provide what?

Mr M.J. COWPER: There is nothing in this act.

Ms A.J.G. MacTiernan: That is the old act.

Mr M.J. COWPER: I know that the minister has given an explanation and I accept that. However, the point I am trying to make is that the suggestion in the explanatory memorandum is not quintessentially correct in that respect.

Clause, as amended, put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Dishonestly obtained driver's licence —

Ms A.J.G. MacTIERNAN: I move —

> Page 7, line 7 — To delete ", renewal,".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 8: Driver's licence not to be granted or renewed in certain circumstances —

Ms A.J.G. MacTIERNAN: I seek leave to move the amendments to clause 8 standing in my name on the notice paper.

[Leave granted.]

The DEPUTY SPEAKER: I will have to interrupt the minister, unfortunately. There is agreement that the amendments in the minister's name on page 8 of the notice paper be moved en bloc. I advise the house that under standing order 61 business is interrupted and when we come back, I will ask the minister to move those amendments en bloc as agreed. This matter is now laid down for a later stage of today's sitting.

Debate interrupted, pursuant to standing orders.

KARRINYUP LAKES LIFESTYLE VILLAGE

Motion

MS K. HODSON-THOMAS (Carine) [4.02 pm]: I move —

> That this house calls on the government to investigate the entire manner in which the directors of Moss Glades Pty Ltd have acted in regard to the development of the Karrinyup Lakes Lifestyle Village, who have repeatedly ignored many local and state government regulations established to protect residents in retirement villages.

This motion concerns the failure by developers of a senior citizens complex to complete the development in a fair and equitable manner. The development is the Karrinyup Lakes Lifestyle Village, which is located in Gwelup in my electorate. I am calling on the government to investigate the entire manner in which the directors of Moss Glades have acted in regard to the development of this lifestyle village, who have repeatedly ignored

many local and state government regulations established to protect residents in retirement villages. I am urgently calling upon the government to protect the rights of the residents of Karrinyup Lakes Lifestyle Village and to ensure that the developers are compelled to resolve the concerns of these residents to their satisfaction. This matter has been going on for many years.

I also call upon the government to carry out a review of the regulations governing such bodies as the Western Australian Planning Commission, the local government, the Department of Consumer and Employment Protection and the State Administrative Tribunal, and to ensure that more severe penalties are available and, more importantly, utilised by those bodies when regulations are deliberately ignored or, worse still, flouted.

The sad saga of this development, which I will outline today, can be described only as the abuse of senior citizens who were seeking a peaceful existence and a home for their retirement and who had invested their savings in that home. As the population ages, we must ensure that unscrupulous developers cannot exploit this vulnerable group of citizens. I am taking the unusual step of coming into the Parliament today and using parliamentary privilege to name individuals. However, in this instance I say that the developers have been given many, many opportunities to right the wrongs they have created and have simply refused to do so. Further, they have stalled the processes designed to protect the community at every turn and have continually bullied and harassed the senior citizens concerned until one was forced to take out a violence restraining order. I have therefore no hesitation today on calling on the Minister for Consumer Protection and the Minister for Planning and Infrastructure to take the necessary steps to compel the directors of Moss Glades Pty Ltd, Mr Eion Martin and Mr Leonard Whyman, to resolve these matters as a matter of urgency.

Firstly, for the benefit of members I will give some background to Mr Martin. Mr Martin was a councillor of the City of Stirling from 1997. He was also subject to a formal investigation by the Department of Local Government and Regional Development in August 2000. The report of the investigation was tabled in the house on 20 September 2000. It found that he had used his position to gain a personal benefit and had misled owners of other properties. The investigation was initially into events around the Karrinyup Lakes Lifestyle Village, which was known at the time as lot 36, Gribble Road, Gwelup. However, the investigation soon expanded to examine two other matters of building approval that had been before the City of Stirling. I will give members some background to the history of those matters.

In 1994 the directors of Moss Glades Pty Ltd applied to the City of Stirling to have lot 36 rezoned in preparation for a high density development, which was refused by the City of Stirling. In the following year, 1995, Mr Martin first sought to become a councillor for the City of Stirling. He did not succeed until 1997. Between 1998 and 1999 a number of attempts were made to have lot 36 rezoned and, as is appropriate, Mr Martin declared his interest and took no part in those decisions; I might add that all those attempts were unsuccessful.

I return to the 2000 inquiry. The inquiry followed a number of complaints from landowners near both lot 36 and elsewhere that, allegedly, Mr Martin had intimated them into changing their building plans; and, further, that he would otherwise use his position as a councillor to delay approvals, which would inevitably cost them money. Findings of improper conduct against Mr Martin were upheld, and it was agreed that he had used his office as a councillor improperly. According to my notes, the report of the Department of Local Government and Regional Development states —

> Cr Martin's assertion of concern with adherence to requirements is not echoed in his actions in relation to Lot 36. Recent requests made to Cr Martin or Moss Glades by the City of Stirling that activities on Lot 36 be brought into compliance with Council requirements have been met with continued non-compliance to the point of refusal.

The report further goes on that the inquiry suggested that Councillor Martin did receive preferential treatment as a result of his office. According to my notes, the report at page 64 states —

> As an elected member, Cr Martin is in a position of indirect authority over the city employees. This authority could lead to a perception of intimidation by city employees . . .

One might ask why Mr Martin became a councillor of the City of Stirling. Was he motivated by community service or self-interest? It is a fact that when he sought re-election in 2005, community dissatisfaction with his performance was reflected at the ballot box and he was not re-elected.

In relation to the actual building of Karrinyup Lakes Lifestyle Village, I wish to raise a number of serious problems associated with its development. I will start firstly with the development approval. The directors of Moss Glades Pty Ltd applied to develop a retirement village at lot 36, Gribble Road, Gwelup in 1999. Problems emerged between the developers and the City of Stirling from the outset, with the developers being extremely reluctant to obey conditions set down by the City of Stirling. The council subsequently refused to grant development approval on 23 July 1999. Please bear in mind that Mr Martin was actually a councillor of the City of Stirling at this time and was later found to have misused his position in seeking to establish this development. The directors of Moss Glades took the matter to appeal. That decision was overturned by the then Minister for

Planning and Heritage, Hon Graham Kierath, on 15 August 2000. I will probably say a little more about that later. The decision allowed the developers to proceed. The City of Stirling imposed a number of conditions, which, again, the developers appealed to the Minister for Planning and Infrastructure. She upheld their appeal in April 2003. It is important for members to realise that when I say that the minister upheld the appeal, it related to condition 3, which related to Wiltshire Gate being constructed as a private road with a right-of-way easement and in favour of the City of Stirling for the provision of council services. Part 2 of condition 3 was deleted.

Ms A.J.G. MacTiernan: It wasn't so much an appeal, member, as it was an arbitration on an interpretation.

Ms K. HODSON-THOMAS: I thank the minister for that interjection. I think she inherited this problem as a consequence of the former minister for planning upholding this appeal. While it is a slight diversion, I do feel obliged to point out that the appeal process obviously bypassed the normal approval process through the local authority. This has aggravated the situation and contributed to many problems that I will outline later in the debate.

The first ministerial appeal was clouded by controversy. During a debate with the former minister, Hon Graham Kierath, the member for Armadale, the Minister for Planning and Infrastructure, actually asked and queried the minister about his dinner with Mr Eion Martin, which, coincidentally, preceded his decision to uphold the appeal. The member questioned the then minister during that discussion and debate. From a personal perspective, there is no doubt that an injustice was done to the residents of Karrinyup Lakes Lifestyle Village when the former minister for planning removed the City of Stirling's power to manage the development. I certainly believe it should never have happened. The developers obviously felt empowered by their ability to bypass the decisions and judgements of council well into the construction phase, making and winning a number of appeals against judgements by the planning commission and the City of Stirling. I have no doubt that as a councillor for the City of Stirling from 1997 to 2001, Mr Martin used his knowledge of council procedures in deciding to proceed with the building plans without the approval of council or even the approval of the Western Australian Planning Commission. He was well aware that once the buildings were constructed, there was little chance of the City of Stirling proceeding with a demolition order or imposing significant fines. I believe our local government and the WAPC needs stronger powers to control such deliberate contempt when it occurs and the will to use these powers.

Despite all this, I want to pay credit to the City of Stirling, which has sought to keep Moss Glades Pty Ltd accountable from the beginning of this saga. It has been hard pressed to do so. It took the unusual step of instituting legal action against the developers for their refusal to obey council directives. Finally, in January 2007, the City of Stirling wrote to the Minister for Planning and Infrastructure with its concerns about Moss Glades, as the developers had by this stage built 32 of the planned 52 dwellings, yet still failed to apply for and gain subdivision approval. I find it interesting that the developers still found the time to continue to market and sell those dwellings. Forty dwellings are now almost complete. It just seems that they could not be bothered completing the planning approval applications or keeping the promises they had made to residents. As I said, in 2007 the City of Stirling asked the Minister for Planning and Infrastructure to resolve a number of outstanding conditions that the developer had still failed to agree to seven years after commencing the work. That staggers me. Quite reasonably, council wants to ensure that future owners are bound to the agreement with the City of Stirling and that any future owner will dedicate some lands for a public road that has been agreed to, and for the developer to undertake to upgrade Gribble Road. It sought ministerial intervention because of Moss Glades' track record in refusing to comply with lawful directives and conditions. In March 2007 the City of Stirling was still awaiting a reply from the minister. I understand that the minister has subsequently replied. I have a copy of that reply here.

I acknowledge those residents who took the trouble of coming here. I welcome them to Parliament. It was remiss of me not to welcome them earlier. The residents of Karrinyup Lakes Lifestyle Village rightfully wish to ask both ministers how on earth such a large-scale development can be allowed to occur without gaining legitimate planning approval and how can developers sell so many units without being halted or prosecuted.

I wish to raise five matters. The second matter relates to the resident-developer contracts. It is quite clear that legal consequences were inevitable as a result of the developers' failure to follow correct procedures. As well as the debacle around the subdivision and planning approval, the developer also signed leases with incoming residents who started taking up residence in 2004. These leases were later deemed to be invalid. As the leases were for the lifetime of the resident—namely, longer than 20 years—the approval of the WA Planning Commission was required in order to validate those leases. In addition, Moss Glades is still to obtain subdivisional approval from the Western Australian Planning Commission to comply with the open space and conservation requirements of the village. These conditions for the subdivision approval were never met, and therefore the leases were deemed invalid.

A group of senior citizens who parted with significant amounts of money were suddenly left with no valid leases. It is truly a dreadful situation. It has created a great deal of stress and anxiety in their lives. We are talking about seniors. I am a bit cautious about calling them that; it is not meant to be an insult. We will all get there. That is

why this matter is very important. They should not have to deal with this stress and anxiety at this time in their lives. They should be able to enjoy their lives. Residents discovered that the funds that they had paid into Moss Glades Pty Ltd had not gone into the approved fund required by the Retirement Villages Act 1992. Instead, their lifelong investments and savings were more or less an unsecured loan for Moss Glades Pty Ltd. Residents were not protected by valid leases until 2007, a process the Department of Consumer and Employment Protection helped facilitate. It has been slow going for the residents.

In a letter to me in February 2007, the Minister for Consumer Protection also acknowledged that her department frequently experienced delays in receiving responses from Moss Glades Pty Ltd during this process. All the residents wanted was to establish legal leases that ratified the original leases that they had signed. Instead, Moss Glades wanted to renegotiate new terms. One can only assume that these were more favourable to the company. In the end, Moss Glades agreed that residents could either sign a new lease or a replacement of the original lease. I understand that the minister's office was able to negotiate that arrangement. Despite the assistance of DOCEP, the residents were then forced, as a result of the leases issued, to incorporate themselves into a residents' association, which Moss Glades still refuses to acknowledge as a valid body. In addition, they had to get legal representation at considerable cost to themselves. I understand that to date, those costs are in the vicinity of $14 000. Frankly, this should never have happened; it is absolutely incomprehensible. I have been told by the residents of Karrinyup Lakes Lifestyle Village that the directors of Moss Glades have verbally threatened to pass on their legal costs to the residents. I am also informed by the residents that the issue of getting the developer to provide them with financial statements, which would make its financial management of the village transparent, is ongoing. The residents have informed me that they are paying weekly operating costs, which they estimate total more than $30 000 to date, with no disclosure of expenditure or financial planning from the developer. Given the company's track record to date, their concerns are understandable. It was not until August 2007—after numerous requests and a representation to the Minister for Consumer Protection—that a 2007-08 budget was given to the residents. As I said earlier, the residents took occupancy in 2004, yet the first budget they received was in 2007.

Some people might say that the residents were naive to part with their money without a legally valid lease. I point out that many of the residents took the precaution of obtaining legal advice on their initial contracts. They were comforted, no doubt, by the words in the Fair Trading (Retirement Villages Code) Regulations 2003 that state that the owner of the land upon which a retirement village is to be developed must obtain all necessary consents to develop the retirement village from the relevant authority before any sales promotion of the village is undertaken. One is probably better off asking: how could our consumer protection laws allow developers to convince these senior citizens to part with significant funds without ensuring that the development had proper approval from the council and from the Western Australian Planning Commission to ensure that the leases would be valid?

The third issue, which is of major concern to the residents, is the problem of acid sulfate soils, which was one of the problems identified in the early stages of development. For the sake of members who are not aware of this environmental issue, I will briefly explain it. Soils high in iron sulfides are commonly peat, clay or loam and they usually form a dark, soft and wet layer in the soil. When they are disturbed—for example, during construction—and exposed to the air, they can produce high levels of acid. If that acid leaches into the waterways, it can have a significant environmental impact. Gwelup is part of a wetland area high in peat; therefore, the potential risk of acid sulfate soil problems has always existed. Moss Glades totally failed to address this issue. As early as 1999, the City of Stirling instructed the developers to remove the peat to prevent this leaching process. Instead, the peat was left exposed on the site for a considerable time. Although the developer applied to the Western Australian Planning Commission for a development licence, that licence expired in June 2005. When the developer reapplied, one of the reasons that the licence was refused was that the application did not include a form for the acid sulfate soil testing. True to form, the directors of Moss Glades continued with the development without proper planning approval. As with many of the problems in the village, there is the possibility that the developer has created long-term environmental problems. However, it appears that it has suffered no consequences for its actions, because the WAPC has failed to act against the developer for proceeding without proper approval.

The fourth issue relates to the village clubhouse. When the residents decided to purchase their home in the village, they were promised a range of facilities. They were promised medical facilities, a village clubhouse, a swimming pool etc, obviously to make their retirement more enjoyable. Knowing that reduced mobility may come with age, the idea of a village clubhouse was very attractive to them. When the earlier residents took out their contracts in 2003, they were promised that the clubhouse would be completed by November 2004. Distributed sales promotional material showed that to be the case. The leases stated that the clubhouse would be completed when the twentieth unit was completed. Almost 40 units have been completed. The twentieth unit was completed in 2005, even though a building licence was not granted by the City of Stirling until 12 August 2004. The developer's integrity in intending to keep its promised schedule is highly questionable. Late in 2006, a concrete pad was laid. The building licence expired in August 2006. The directors of Moss Glades promised another completion date of April 2008. As I understand it, although that is only a month away, only a concrete

pad has been laid. Residents recently noticed that work had recommenced, despite the fact that the development did not have the City of Stirling's approval. The original design of the clubhouse shows a brick and tile single-storey building. However, the design has been altered to a double-story building that is partially of brick and tile and finished with colour-bond cladding. Overwhelmingly, the residents do not favour the change in the design and materials. Furthermore, the Fair Trading (Retirement Villages Code) Regulations 2003 state that the owners of a retirement village must consult with residents before undertaking any major changes to the development. No such consultation took place. Residents lodged a petition with the City of Stirling because of their concern that construction had begun and because they were worried about the developer forcing his change of design by building first and getting approval retrospectively under planned local government district planning scheme 3. Only after a personal appeal to the mayor and his intervention did the City of Stirling put a stop to the works. The matter is currently in abeyance. The residents have presented this issue to the State Administrative Tribunal.

Other benefits promised during the honeymoon period have also failed to materialise. I refer to a bus service, a hair dresser and, as I said earlier, medical facilities. The central issue is that the developers sold the units on the promise of providing facilities, which it has failed to deliver. It is inexplicable that the Department of Consumer and Employment Protection is unable to protect residents against what appears to be a blatant breach of contract, a breach that has left the residents with a sense of mistrust. Frankly, who could blame them?

The fifth issue I wish to raise during this debate is the issue of bullying. Our equal opportunity legislation clearly identifies that the abuse of elderly people is a very real issue in our society and that it should not be tolerated. When people get old and fragile and more challenged by the society in which they live, many become timid and less likely to defend themselves or their rights. They are therefore more open to exploitation and bullying. I have no doubt that the directors of Moss Glades are guilty of bullying these residents, who went to live at Karrinyup Lakes Lifestyle Village in search of a quiet and enjoyable life. As a result of not having valid leases, for three years many residents have worried that they have had no legal status in the village and that they have been at risk of losing their investment. The directors have made little or no attempt to resolve the situation to relieve the anxiety of residents. I am informed that during this time of insecurity, two residents left the village because they could no longer stand living there. Having done so, they could face a significant financial loss. I have received numerous letters from residents outlining their stress and their fear, particularly of Mr Martin. Many cited examples of incidents in their letters. For example, one person wrote about an 80-year-old lady who was verbally abused by Mr Martin. Another wrote about a lady who was so frightened of him that she would not report her faulty air conditioner. One resident has been forced to seek, and has been granted, a violence restraining order against Mr Martin for his actions. Another resident has had a three-month restraining order issued against Mr Martin. Other residents state that their homes have been entered by the developers when they have not been there, without written or verbal prior notice, which is surely illegal. I cannot consider these actions to be anything other than abominable. Further, I believe that Mr Martin has escaped prosecution only because these senior citizens are not prepared to take the necessary step of bringing his behaviour to the attention of the Equal Opportunity Commission. Mr Martin deserves to be held to account for his behaviour.

The last issue I wish to raise is the lack of protection that is provided under the retirement villages legislation. With our ageing population, there is undoubtedly a valid profit to be made in the provision of retirement villages and similar facilities. The increase in the number of for-profit retirement villages as opposed to the more traditional church-based facilities should not be at the cost of the consumer. The various pieces of legislation that deal with retirement villages exist to protect the interests of the elderly from unscrupulous developers and to enable them to make sound decisions. My constituents have followed those guidelines. However, they have found that the legislation is a toothless tiger.

The residents of Karrinyup Lakes Lifestyle Village also feel rightly aggrieved about the lack of action of the Department of Consumer and Employment Protection. They believe that DOCEP has failed to take prompt action against Moss Glades despite its behaviour. At one stage, DOCEP even archived their file without taking action, quite possibly because of staffing changes. The main action that has been taken by DOCEP has been to constantly urge the residents to go to mediation. The residents believe that Mr Martin is very untruthful. Therefore, they have naturally been reluctant to enter into a mediation process. Instead, they want DOCEP to enforce the requirements of the legislation, which it has consistently refused to do. At various times the residents of Karrinyup Lakes Lifestyle Village have lodged with DOCEP, the minister and the commissioner a detailed analysis of their experiences, and of the flaws in the retirement villages legislation. I understand that a review of that legislation is underway. Therefore, it is timely that I have brought this motion into the Parliament today.

In conclusion, I hope that those members who have heard this story are as shocked by these events as I have been in trying to assist my constituents along the way. Legislation is absolutely useless if is not enforced and enforceable. The City of Stirling has tried to keep the developers honest. It has even been forced to take the developers to court where they were fined, as I understand it, $12 000 for undertaking an illegal development. However, this single action has not been enough. A number of the issues that I have raised today need to be investigated. I hope that the ministers responsible will act on the following questions. Why has the WAPC not taken legal action against the directors of Moss Glades for proceeding with a development when they did not

have proper planning approvals? Why has the Minister for Planning and Infrastructure not instructed her department to take legal action against Moss Glades for not fulfilling the conditions that were imposed on it following its successful appeal? Why has DOCEP consistently refused to take legal action against Moss Glades when the residents have requested its assistance, despite clear evidence that the developers have broken contracts and have blatantly disregarded clauses in the retirement villages legislation?

The only positive that has come out of these events is that these residents are a very tight-knit group. They have formed strong bonds, and they have supported each another throughout this very sorry saga. I would also request of the minister that she ensure that an independent manager is appointed to Karrinyup Lakes Lifestyle Village. The manager should not be a director of Moss Glades, like Mr Martin, who has been very hands-on in managing the village, but should be totally independent of Moss Glades.

MS A.J.G. MacTIERNAN (Armadale — Minister for Planning and Infrastructure) [4.34 pm]: I am not the lead speaker on this motion—the Minister for Consumer Protection is—and I will need to leave the chamber in 20 minutes, but I want to give a short presentation on this matter. I respect the work that the member has been doing on this matter. This is clearly a most unfortunate set of circumstances, and we regret the position that many of the people in this retirement village have found themselves in. I share the member's scepticism about the people who are running this village. However, with respect, I have to say that unfortunately the member has misdiagnosed what the problem is, and who is not acting. This is quite a complex matter, so when the former Leader of the Opposition has finished talking to the member, I will continue. I am sure that the member, having been given the opportunity to raise this matter in the Parliament, would rather address this issue. As the member has rightly said, a development application was presented to the City of Stirling. That application was refused by the City of Stirling. The decision was subsequently overturned on appeal to the then minister. I am sorry. This may not be an issue that concerns the member for Warren-Blackwood, but it is a complex issue, and I think the member for Carine has the right to hear what I want to say.

The planning law works in such a way that it was the responsibility of the City of Stirling to administer that development application. The member said that the Western Australian Planning Commission must be made to enforce this decision. It is not for the WAPC to enforce this decision. It is for the City of Stirling to enforce this decision. That is a terrible situation for the City of Stirling to find itself in. Nevertheless, the WAPC has neither the responsibility, nor the legal capacity, to enforce any conditions that are placed upon a development application. That falls squarely within the responsibility of the City of Stirling.

There have been disputes about the interpretation of the many conditions that were placed upon the development application. Those disputes have come to me to arbitrate. In the first instance, I think 13 conditions were in dispute. An officer from the WAPC spent a lot of time negotiating between the parties about those conditions, and some agreement was reached. That left only two matters outstanding, and arbitration took place on those two matters. Any enforcement of those conditions, whether arbitrated or non-arbitrated, can be legally undertaken only by the City of Stirling.

Another issue is the subdivision approval. In order to regularise the development, the developers needed to make a subdivision application. That subdivision application proposed to take out the road reserve and the public open space. That matter went to the WA Planning Commission. The WA Planning Commission gave conditional approval to the subdivision; that is, approval if the developers did certain things. However, the truth is, of course, that the developers did not do those things. Therefore, the Planning Commission did not give the developers the final approval, and the subdivision application lapsed. The developers have in the past couple of months lodged that subdivision application again. That application will, no doubt, go through the same processes, where the WA Planning Commission will impose certain conditions upon the developers, such as fixing the drainage and doing certain other things. That is the sort of area that the Planning Commission has the responsibility to enforce, but the development application has neither the power nor the responsibility to do that.

There was another problem with the leases, and this is a bit confusing because we are getting two lines of advice. This issue is one of the more complex areas. Two separate suggestions were made for why the leases were invalid. One was that subdivision had not been effected, so there was no block of land over which these things could apply. Another suggestion was that a provision within the old Town Planning Act prevented leases of more than 20 years being given on a park lot without the approval of the commission. The commission would not give approval until these other areas were regulated. However, with the changes made to the Planning and Development Act in 2005, some exceptions were made. My understanding—we are seeking clarification—was that the retirement villages then formed an exemption, so it appears that there is no longer a requirement for the WAPC to approve these leases on a sub-lot. The Minister for Consumer Protection will go into it in more detail. I will be interested if the member for Carine can comment on this, but the leases have been negotiated and it appears they do not need Planning Commission approval. We are therefore not quite sure what the problem is with the leases. Does the member understand that there is still a problem with the leases?

Ms K. Hodson-Thomas: My understanding is that DOCEP has been working very hard to ensure they are valid leases but they still have not been validated.

Ms A.J.G. MacTIERNAN: Who should they be validated by?

Ms K. Hodson-Thomas: Can I come back to the minister on that?

Ms A.J.G. MacTIERNAN: I am not being at all critical. Even trying to get from the agencies a clear view of the legal issues is quite difficult when it comes to this issue of validating the leases. If the member for Carine can get something to us, we can get further information for her tomorrow on this.

Ms K. Hodson-Thomas: I'll seek clarification now.

Ms A.J.G. MacTIERNAN: I will chat while the member is seeking clarification about the reason we abolished these ministerial appeals. We had grave concerns because people could choose to go to either the tribunal or the minister, and 90 per cent of the appeals were going to the minister. There was no transparency about the appeal process. No hearings were held and no reasons were given for decisions. The process was quite appalling.

Mr P.D. Omodei: That is not true, and you know it. The ministerial advisory committee gave all the reasons. It was the same when you were in government earlier.

Ms A.J.G. MacTIERNAN: The ministerial advisory committee did not give reasons because it did not make decisions. The ministerial advisory committee gave advice to the minister and then the minister made whatever decision he wanted and no explanations were given. When we came into government, until we could abolish the ministerial appeals system, we put in place a provision whereby all of the decisions that I made under the existing legislation were published and put on a website so that the rationale for those decisions could be understood. Quite clearly, the fact that this approval had to have so many conditions on it was an indication that it was an entirely problematic approval in the first instance. Perhaps I will allow the member for Carine to interject.

Ms K. Hodson-Thomas: I'm still waiting to find out.

Mr P.D. Omodei: Why didn't you call in the approval and deal with it yourself?

Ms A.J.G. MacTIERNAN: The member is completely off the pace with that question. The appeal was determined by the previous minister. There was no need to call it in; he had already made the decision. I understand that there were no reasons given for the decision that was made. In fact, as I said, a fiasco has followed ever since. Everyone has been caught up trying to fix a very substandard decision. As I said, it has created the situation in which the City of Stirling is required by law to enforce something that it never approved. I often deal with similar situations in the City of Armadale with a whole series of approvals, overturning appeals that were overturned by decisions of the City of Armadale that were overturned by former Liberal Minister June Craig. Twenty years later we are facing the sequelae of those very bad decisions.

Ms K. Hodson-Thomas: They understand that their lease is validated as a result of the legislation that you referred to before. That makes them exempt.

Ms A.J.G. MacTIERNAN: So that members understand what that means: under the amended Planning and Development Act 1928, to stop the creation of unofficial subdivisions, someone leasing a park lot for a period of longer than 20 years needed to get approval from the WA Planning Commission. We wanted to reduce some of that inflexibility and recognise that we did have provisions, particularly with park homes and retirement villages where we were not dealing with stratas but with park-lot leases, so we allowed flexibility into that system. I am pleased to say that, obviously, that has helped to overcome that problem, at least in part.

Issues concerning other representations that were made about facilities that were to be built have arisen, which the Minister for Consumer Protection will talk about. These representations were not part of the planning process; they were part of a marketing process. As I understand it, even under the development application approved by then Minister Kierath, no requirement was inserted into it that there be a clubhouse or those other facilities. Certainly, people have been very trusting, perhaps, by going into these arrangements on a promise rather than legally binding agreements in the first instance.

The member for Carine referred to the legislation, which I understand the Minister for Consumer Protection is reviewing

Ms S.M. McHale: Yes; it is under review.

Ms A.J.G. MacTIERNAN: I will leave that for the minister to deal with. If we can find any way, from a planning point of view, that we can help, we will. However, as I say, we do not have the power to enforce the development application because, in law, it is the City of Stirling's decision, because the then Minister for Planning took over the position of the City of Stirling in making that decision, so it has become the City of Stirling's decision, and it needs to enforce it. We are very sympathetic to the position these people are in. We want to do everything we can to assist, but there are limitations on that. I commend the member for the diligence with which she has approached this task, as she does all her tasks.

MR J.R. QUIGLEY (Mindarie) [4.48 pm]: I inform the chamber that I am not the lead speaker for the government on this matter. I have been invited to rise at this stage and preserve the minister as the lead speaker in due course. Like your good self, Mr Speaker, I have a number of retirement villages in my electorate. Fortunately, they are not bedevilled with the same problems that the Gwelup retirement village faces. I used to be the member for Innaloo and I was well aware of the problems that arose when they were building that centre.

In the electorate of Mindarie, especially within the redrawn boundaries, which now extend to Two Rocks, the southern-most retirement village is Harbourside Village Mindarie. There are also the Royal Australian Airforce Association Villages in Butler, Ridgewood and Merriwa, and there is St Andrews in Two Rocks.

I have been receiving a number of deputations from residents of these retirement villages who have expressed, not the same degree of difficulty that the member for Carine faces in Gwelup, but the difficulties that the senior residents have with the management committee structures within their villages. These villages are developed by a developer and handed over to an operator, which is often a subsidiary company of the developer, and then life tenancies are sold. Of course, a term of the contract is that on the sale of a life tenancy the management company retains 25 per cent for ongoing maintenance and future work. The units in a retirement village in Mindarie with an ocean view are selling for $500 000 or $600 000. We can soon see that the 25 per cent retention on the sale amounts to a very significant sum of money. We are talking about a very healthy industry dealing in large sums of money.

Not all retirement village residents are retirees, but people must be over 55 years of age to buy a life tenancy, and so many of them are in retirement or semiretirement. What they do not want during their retirement years are ongoing hassles with a management company over the fine print in a management contract. Many retirees have come to me about the structure of the management committees. At Harbourside Retirement Village, the management committee seems to comprise two representatives of the residents, two representatives of the management company and an independent person appointed by the management company. The residents feel that this weights the committee in favour of the management company. At this moment the Department of Consumer and Employment Protection has before it for consideration a review of the legislation that applies and is apposite to these retirement villages. The period for submissions to the DOCEP review has now closed, but notwithstanding that, I am still receiving deputations from retirees in those villages.

The villages themselves, at least the ones in my electorate, are very attractive to retirees. They have relatively new accommodation, all having been built within the past seven or eight years. Most of them have very good community facilities, such as common rooms, lounges and heated swimming pools. They try as best as they are able, and do it quite successfully in my area, to encourage a vibrant social life and interaction between retirees so that they do not do what they do in some suburban streets, where the elderly tend to stay inside and turn on midday television. There is more vibrant life for them in these villages, so they are attracted to them. However, they have no negotiating power as they go into the villages. For example, they cannot negotiate a lesser amount of retention money on the basis that they are older. They are not in a position to negotiate. It is true that insofar as DOCEP makes decisions on retirement villages, there is some limited recourse to the State Administrative Tribunal. However, there are two problems with retirees going to the State Administrative Tribunal. In most cases the dispute or the difference of opinion is not an administrative decision for the purposes of the legislation, because it is a dispute with their own management committee and the people on that management committee who might have been voted onto that committee by the developer or management company. They are trying to find another way forward. Amongst the retiree population in my area are some really good and stimulating minds. The most recent deputation I had was from Mr Bill Jeffery and Mr Ken Leslie, both of whom are from Harbourside Retirement Village in Mindarie. When I bumped into Bill Jeffery again he reminded me that in 1953 he used to sell me icecreams from his shop in Langham Street in Nedlands. I could not remember him, but he told me that he used to charge me only tuppence halfpenny. I could hardly remember what a halfpenny was when he reminded me. He is a lovely man who is now retired and living in the Harbourside Retirement Village and producing lovely sculpture. Those retirees just want a simple committee to be set up, separate from the State Administrative Tribunal—it would need to have some statutory warrant—to help resolve disputes between the residents and their committees in an informal and cost-effective way.

Members would have received an email from me in which I put to writing the problem as the retirees saw it and what their proposals were for a simple statutory committee to which the elderly could go to seek some arbitration when they felt there was an unreasonable vote. The vote might be, for example, about changing the colour of the guttering, and the retirees might feel that they had already paid enough for the maintenance of the guttering, and ask why should the developer be allowed to change the colour of it because it would mean that they would have to contribute to the cost. There is no way for them to arbitrate such a matter. The colour of the guttering and the expense proportionally divided among the residents might seem trivial to us. However, consider this: there might be 150 units in the complex. Repainting would be a substantial cost that would be, as I have said, shared by the retirees as a proportion for their unit plus a proportion for the common area. For people on fixed incomes who do not have the capacity to go out and work and who have carefully planned their retirement, these simple decisions by management committees can have a big effect on their lives. Although the residents do have representation on

these management committees, not unsurprisingly, the management committee vote is weighted a little in favour of the development company and the management company.

The further problem is that when a dispute arises—I have had this arise in my office, although I am somewhat at an advantage—the management company and the developer usually go straight to a lawyer. They then send the retirees a wordy, legal document. I have been a lawyer for 28 years, so I know how to deal with those and I will give members a hint. When the developers' lawyers write to people, they should write back and say that they do not understand the meaning of the second paragraph. The lawyers will write back explaining it to them. They should then write back to the lawyers saying that they do not understand the meaning of the third paragraph in the explanation. All the while the bill will keep on rising for the developer. It does not actually solve the problem but it causes them to feel reluctance to keep on going. It is a little guerrilla tactic at law that I have developed. The residents are getting it for free and the developer is having to pay every time a letter goes out.

However, the retirees in my area have come up with their suggestion for a statutory committee that could be legislated by this Parliament. I do not want the house to think for one moment that this suggestion for a committee was devised and developed over croquet and bowls. The people who developed these suggestions were retirees who have worked in the highest level of government for a long time—civil servants who have now retired. They have put their minds to solving a problem and have looked at the legislated statutory committees that exist on our statute books, and they have come to my office, taking the best parts of that, and have put together their suggestions to this Parliament.

The retirees have not just come here with a problem. These thoughtful retirees—led by Bill Jeffrey and Ken Lesley, and other retirees from other villages whom I am not as close to yet because they are still within the electorate of Wanneroo, but who will become part of the electorate of Mindarie and will become my constituents if they select me to be their member at the next election—have collectively come up with this suggestion.

I emailed their suggestion on a broadcast email to all members, because what we have to remember is that we are not dealing just with the Harbourside Retirement Village in Mindarie. Members will find when they speak to retirees in their electorates that it will be a common problem—that they have management committees in which the residents are the minority, and management and the developer are the majority, and there is always this rub going on. I know of people who have had to leave and pay the 25 per cent retention fee because they could not handle it any more.

I asked the retirees not to just come to my office and have gripe or a whinge—it was a legitimate problem, and I do not want to demean their problem by calling it a whinge—but to go away and thoughtfully analyse the problem they have with these committees, to reduce it to writing and to use their collective ability, together with me, to come up with a suggestion for our Parliament so that the ministers, the Department of Consumer and Employment Protection and the cabinet can consider it. I know that all members have received a copy of that. However, I am going to seek the leave of the chamber to lay on the table for the balance of the day the suggested proposed legislation that has gone to each member, together with an analysis of the problem; that is, the briefing paper that sits behind the legislation. I seek leave to have that lay on the table for the remainder of this day's sitting.

Leave granted.

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

Mr J.R. QUIGLEY: From that document we do know that the demographic of Australia is changing. Notwithstanding the mining boom, the proportion of people approaching over 55, compared with those under 55, is increasing. The housing of senior citizens in Western Australia is a burgeoning problem. I say "problem" having regard to the park homes that were mentioned in Parliament yesterday—no security there—and the attendant publicity in this morning's paper with the elderly couple and the "Welcome to my garden—we are about to be thrown out" photograph! We have a problem; we have a huge growth area. I do not think that this Parliament has yet addressed the detail of how these retirees who go into these retirement villages on either a purple or green title with a contract relate, through their management committee, to, first, the developer and, secondly, and more importantly, the management company.

As a society we have thought out in detail how to market our grain produce and how to market potatoes—dare I say it— through the Potato Marketing Board. All manner of things have been sorted out for the orderly conduct of civil society in Western Australia. We have a large number of retirees, and, looking at the price of housing in Western Australia, the obvious thing to do, is it not, is to sell the family four by two when the children are 25 or 30, buy a life tenancy in a retirement village, and have an abundance of money left over as a result of the property boom to live on in retirement because not everyone is fully superannuated. I think these retirement villages will become a first-choice option for over one-third of the population very soon after they reach 55.

It is important, therefore, that all members consider these problems and turn their minds to this matter, especially as DOCEP is about to complete a review of the legislation. These retirees would like to be able to go to a

statutory committee which is cheap and informal and which might just take submissions in writing. These people do not want to have to travel to St Georges Terrace and face up to some intimidatory board. They would rather go to somebody like the Ombudsman, who is dedicated to looking after elderly people. There might only be one or two people on this committee and it would be subject to ministerial direction. We are not trying to change the policy of government. We are trying to facilitate the orderly, informal and expeditious resolution of the residents' difficulties within these lovely communities. Thank you, Mr Speaker.

MS S.M. McHALE (Kenwick — Minister for Consumer Protection) [5.07 pm]: I thank the member for Mindarie for his words and I acknowledge his willingness to speak first so that I could speak to the member for Carine. I will address the specifics of the matter raised by the member for Carine and will then talk, for the information of the house, about the current status of the review of the Retirement Villages Act, which will hopefully deal with the member for Mindarie's issues. I will then present a slightly alternative strategy to the one that the member for Carine has on the notice paper. I will indicate that the member for Carine supports the amendment that I propose to move to the motion; more importantly, it has the support of the residents who are here at Parliament. The amendment to the motion is essentially to refer the matter for consideration and report to the Economics and Industry Standing Committee. I will move that amendment closer to the end of my contribution.

It is important that I first canvass the issues raised by the member for Carine. I commend the member for Carine on her very clear articulation of five major issues that represent the concerns of the residents. I also acknowledge her advocacy on behalf of the residents of Karrinyup Lakes Lifestyle Village because it is a matter that the member for Carine has been advocating. Indeed, she has had meetings with my staff and staff from the Department of Consumer and Employment Protection. I want to put on the record my appreciation of the collaborative and very strong advocacy that the member for Carine has made. Through the Minister for Planning and Infrastructure and myself, we can see a way forward for actually pursuing the matters that were raised today. Some of those matters are legitimate matters that go beyond both my portfolio and that of the Minister for Planning and Infrastructure; namely, the issue of acid sulfate in the soil. However, that is something that a committee could investigate under its terms of reference. I am therefore confident that we can deal with the five issues through a referral to a standing committee of this house.

The major matters that I want to deal with are the issues around the lease, which I think was the member for Carine's second point, and the matters to do with the clubhouse. We will deal with the acid sulfate issue through another vehicle, and the planning approval and bullying matters may also be dealt with through a committee. I will therefore focus this afternoon on those matters that relate primarily to my portfolio of consumer protection; that is, the lease and the clubhouse.

As the member for Carine has indicated, this matter has a long history. Karrinyup Lakes Lifestyle Village is in fact a lifestyle village classified as a retirement village and therefore comes under the purview of the Retirement Villages Act. It is also appropriate to talk about a review of the act. Karrinyup Lakes Lifestyle Village is a village where residents commenced occupation in 2003, or was it 2004?

Ms K. Hodson-Thomas: In 2003.

Ms S.M. McHALE: In 2003. The village is owned and operated by Moss Glades Pty Ltd, and Mr Eion Martin is a company director and manager of the village. The consumer protection part of my department—that is, the Department of Consumer and Employment Protection—has had an involvement with this issue for a number of years. In fact it goes back to 25 November 2004 when the residents' committee president raised the allegation that the manager had failed to respond to questions asked of him by the residents regarding a valid lease agreement. I endorse the comments made by the member for Carine about the increasing popularity of lifestyle and retirement villages that are catering for senior citizens in the community. The last thing we want is for them to be faced with a complexity of legislation when expectations are raised and appear, as in this instance, to have been dashed by the inadequate development by the developers of the village. It reflects very badly on the community when that happens. I therefore acknowledge the difficulties of the residents and their persistence in bringing forward this matter.

As I said, the department has had involvement with this matter since November 2004. At that time the residents' committee, and the president in particular, specifically requested Consumer Protection to hold any further action on the leases at that time until further discussions were held between the residents' committee and the manager. This obviously took a considerable amount of time and time elapsed before approaches were made again to Consumer Protection. Between December 2005 and January 2006 a senior investigator with Consumer Protection met with and took statements from several of the residents following instructions from the president of the residents' committee to pursue the validity of the leases. It is fundamental to the security of residents for them to know that they had proper, valid leases. Consumer Protection had concerns about the validity of the leases and in early January 2006 brought these concerns to the manager of Moss Glades Pty Ltd through a conciliation process.

Time went by. The member for Carine is absolutely correct in that I was concerned about the length of time that the residents were waiting for some resolution. However, I must say that in these sorts of negotiations time does go by and for a range of valid reasons it can take longer than people necessarily would like it to take. However, again, we must put ourselves in the shoes of the residents and acknowledge that time did elapse before this matter was ultimately resolved.

Allegations have been made about the management of the village being obstructive and evasive when confronted with these issues, which made investigations more difficult. In October 2006 senior officers from Consumer Protection again met representatives of the residents' committee to provide a further update on action taken. At that time things were looking positive. A few items remained to be finalised on the new leases. The department wrote to Moss Glades in March 2006 expressing concern that the residents with invalid leases had not been issued with new leases, and basically the department stated—threatened would be the word—that if new leases were not issued by March 2007, the department would proceed with an application to the court for an order to compel the company to do so. That evoked a response from solicitors who raised an alternative to the variation of the lease and, in reply, the Department of Consumer and Employment Protection informed the solicitors that that was unacceptable. On 14 March 2007 the residents' association informed the department that Moss Glades had invited residents to attend its office to sign new leases.

As I understand it and as the member for Carine has confirmed, finally in March or April 2007, after years of uncertainty and significant tension, and I would add probably distress to the residents, the matter appeared to have been resolved, with all residents signing new leases with Moss Glades. The matter of the leases, therefore, although going to the heart of some of the difficulties the residents had in negotiating with the management, has been resolved. I am very pleased that that has occurred. Although I acknowledge the length of time it took, I think there were justifiable reasons for that time in that process.

In relation to the clubhouse, I can absolutely understand the frustration of residents if they thought they were going to a lifestyle and retirement village for which promises had been made for a clubhouse facility and the management or developers had not delivered, which appears to be the case. The department was focusing initially on the question of the leases, as that was the priority issue for residents. I understand that and I would agree that the question of valid, legal leases had to be resolved.

My understanding is, as the member for Carine has said, that the clubhouse remains partially built. Again there is a history around the progress of the clubhouse. I understand that the initial lessees, many of whom unfortunately are no longer there, sighted a brochure and other documentation, and indeed signed their contracts in the period March to June 2003, in the belief that the clubhouse would be built. Indeed, as the member for Carine has said, it has not been built. The information that I have been given is that during a meeting with the department in November 2006, Eion Martin voluntarily undertook to complete the clubhouse by April 2007.

Ms K. Hodson-Thomas: It's only a month away.

Ms S.M. McHALE: No, I said April 2007. That date has passed. The building has not been built yet. I also understand that this matter was part of an application to SAT. According to my information, in an order dated October 2007, SAT ordered that the clubhouse be completed no later than January 2008—that is, this year—and that any failure to comply would be addressed by SAT at a subsequent hearing. I believe that a further hearing will be held in April 2008. The member for Carine indicated that the residents thought that there was movement at the station, that there was some activity, but it is important for the residents to know that SAT is also pursuing the building of the clubhouse.

Ms K. Hodson-Thomas: Their concern now is that it has gone from a single storey to what will now be a double-storey dwelling. It's not in keeping with the current development. They're also concerned that one of the directors is proposing to reside in the upstairs section of that clubhouse. That in itself, given all the problems that they have had with this individual, leaves them feeling very stressed and they obviously also feel some anxiety. They would just like to see the building go back to a single storey building.

Ms S.M. McHALE: I thank the member for that interjection. Those issues need to be raised with SAT. I also understand that the Department of Consumer and Employment Protection has had difficulties finding witnesses who were around at the time the clubhouse was promised. We need to find some residents who were around in the earlier years—that is, around 2003—to act as witnesses. Consumer Protection began an investigation under the Fair Trading Act. Consumer Protection was unable to proceed at that time as no witnesses from the time the misrepresentation was alleged to have been committed were available. I understand that a number of potential witnesses have died, and that some people are not terribly willing to provide a statement on the allegation. We need to find witnesses who would be willing to come forward and provide a statement on the allegation. For us to feel more confident in securing a prosecution, I am informed that we need to have the witnesses who were present at the time of the offence.

Ms K. Hodson-Thomas: You're talking about the bullying now, aren't you?

Ms S.M. McHALE: No, I am talking about the misrepresentation over the clubhouse and what was going to be built.

Ms K. Hodson-Thomas: I actually have a diagram here.

Ms S.M. McHALE: Yes, but I am told that in order for us to make a case under the Fair Trading Act —

Ms K. Hodson-Thomas: What about the residents who are here now who were there in 2003?

Ms S.M. McHALE: If they were there in 2003 and they are willing to make a statement, that is all we need. The information that I have had is that the department has been unable to proceed with the prosecution because no witnesses who were around at the time the misrepresentation was alleged to have been committed are available and willing to make a statement. If that is not the case, I would be delighted to hear from the residents who were around at the time of the allegation, and then we can reignite the work around the prosecution. For a prosecution to be secured and successful, it would be necessary to have witnesses who were present at the time of the alleged offence. The SAT mediation process is ongoing. The next hearing is on 8 April 2008. My department will do whatever it can to assist the parties during the State Administrative Tribunal mediation process.

I wish to set out for the public record my agreement with the member for Carine that there have been significant concerns about the financial accountability of this facility. The owners failed to provide residents with the financial statements for the village operating budgets as required by the Retirement Villages Code. I understand that that matter has finally been resolved. In August 2007 Consumer Protection met with Eion Martin and obtained an undertaking from him in relation to the village's financial reporting requirements to residents. I understand that no further issues have been raised. Unless there is any contrary information, I believe that financial accountability has improved and residents are being provided with operating budget statements as required. If the residents are still concerned about that or if the behaviour changes and the residents have concerns, I ask them to raise those with me, because failure to comply with the code, which requires the financial statements to be provided, entitles a resident to seek an order from the State Administrative Tribunal. We will take that up if there are further breaches of that code. I need a mirror so I can see what the residents are doing. Are they nodding?

Ms K. Hodson-Thomas: Yes.

Ms S.M. McHALE: The issue of financial accountability seems to have been resolved. As I said, Consumer Protection had meetings in August 2007.

There were some issues concerning mediation. Consumer Protection tried to provide advice on mediation. Without going into the details because that is not something the member raised, I understand that that did not bring about any resolution and, as a consequence, the matter went to the State Administrative Tribunal, which is the appropriate place to go.

I would like to talk more broadly about the Retirement Villages Act. Before I do, I will summarise. This case typifies a lot of the concerns that people in retirement villages have raised through the consultation on the review of the Retirement Villages Act. Whilst this is not the worst case, it has highlighted significant problems for residents. It reinforces the need to review the Retirement Villages Act and strengthen the legislative framework that applies to the homes of residents of retirement villages. I will move an amendment to the honourable member for Carine's motion at the end of my contribution. It essentially refers the matter to the Economics and Industry Standing Committee. I will ensure, in consultation with the member for Carine, that the terms of reference for that referral reflect the five issues that she raised on behalf of the residents. I invite the member for Carine to assist in the construction of the Economics and Industry Standing Committee's terms of reference.

Ms K. Hodson-Thomas: Who is the chairman of the Economics and Industry Standing Committee?

Ms S.M. McHALE: The chairman is the member for Yokine. I discussed the matter briefly with him this afternoon. He is happy to accept the referral.

Ms K. Hodson-Thomas: What time line will the minister propose?

Ms S.M. McHALE: I will propose that the committee report by 19 June, which is a reasonable time frame. The committee will conduct a short and intense investigation into the matter. It is a short time frame, but the member for Yokine believes it will be sufficient to canvass the issues.

Mr R.C. Kucera: The terms of reference will be limited to the issues that the member raised.

Ms S.M. McHALE: The committee will not canvass issues beyond those that relate to Karrinyup Lakes Lifestyle Village. It will focus on the matters the member raised.

It will be useful for me to discuss the review of the retirement village industry. Quite a number of members have retirement villages in their electorates and, as has the member for Mindarie, they have raised issues that their residents have raised with them in recent years. Retirement villages are regulated by a package of legislation, which includes the Retirement Villages Act 1992 and its regulations, and a code of fair practice for retirement

villages, which is prescribed under the Fair Trading Act 2007. The objective of that act is to regulate retirement villages and the rights of residents in such villages and for related purposes. It provides protections and rights to residents in villages. Given that lifestyle or retirement villages have been around for 15 or 20 years, the government decided that it was time to undertake a full review of the retirement villages legislative framework. That commenced in June 2006 and involved two major consultation phases. The first began in the latter half of June 2006 and involved a series of 18 public consultation meetings, which were held in the metropolitan area and in regional Western Australia. Over 900 people attended those meetings and almost 200 submissions were received. In other words, there was a considerable degree of interest and, behind that interest, concerns about the management and operation of retirement villages.

The second stage began in June 2007 with the release of an issues paper, which was a collection of the ideas that were suggested at the meetings. Submissions closed in October 2007. A total of 124 submissions were received from retirees living in the villages, from key stakeholder groups, such as the Western Australian Retirement Complexes Residents' Association, which represents the interests of retirees, and the Retirement Village Association, which primarily represents the interests of developers, owners and managers. Submissions were received from both sides of the fence, so to speak. The Department of Consumer and Employment Protection is analysing those submissions. I am told that it expects to complete a report with recommendations to the government on the future regulations of the retirement village industry in the second quarter of 2008; in other words, between March and June, or thereabouts. I am keen to read that report and to act on it as quickly as I can. However, I do not anticipate that the government will be ready to introduce legislation into the Parliament until 2009. We must consider the recommendations in the report and our policy position. Some of the key issues that are being considered reflect some of the issues that the residents have experienced. Those key issues include the need for a new independent advice and education service specifically for seniors or citizens in these sorts of accommodation facilities; the introduction of generic unfair contract terms legislation, which would apply to most consumer contracts in Western Australia, not just those in retirement villages; a longer cooling-off period; improved disclosure of information; the establishment of a register of retirement villages; and, akin to what the member for Mindarie suggested, an improved and less expensive dispute resolution process. That is not an exclusive list of issues, but it reflects some of the key matters that were raised during the consultation process and in the response to the issues paper. Member for Carine, I assure the residents that the government is moving on the review of the retirement village industry. We appreciate the significant interest that was shown in the meetings and submissions.

Amendment to Motion

Ms S.M. McHALE: Specifically in relation to the Karrinyup Lakes Lifestyle Village, I move —

To delete all words after "house" and substitute —

refers to the Economics and Industry Standing Committee the following matter for consideration and report by 19 June 2008 —

The actions of Moss Glades Pty Ltd, and its individual directors in relation to the development of the Karrinyup Lakes Lifestyle Village, and in particular the extent to which local government and state legislative and other requirements for the protection of residents in retirement villages have been complied with.

That should pick up on the concerns relating to earlier planning approval and complexity and the concerns around the subdivision of approvals. It will also allow the issues of acid sulfate soils and intimidation and bullying to be explored.

MS K. HODSON-THOMAS (Carine) [5.39 pm]: During the debate I listened intently to both the Minister for Planning and Infrastructure and the Minister for Consumer Protection. I thank them for being so available to my constituents and for listening to their plight. My purpose today was to highlight a sorry saga that has been going on for many, many years. I wanted to highlight what the residents at Karrinyup Lakes Lifestyle Village have endured. I am pleased that the Minister for Consumer Protection has referred this matter to the Economics and Industry Standing Committee. I would like the minister to confirm, so that the residents can hear, that the Economics and Industry Standing Committee has the ability to call witnesses. I notice that the chairman is not in the chamber. Can the minister confirm whether the standing committee can call witnesses?

Ms S.M. McHale: Yes.

Ms K. HODSON-THOMAS: I want to make that clear, because my constituents are listening from the gallery, and I want them to know that they may be called by that committee as witnesses. I thank the minister very much for the support that she has given to my community by moving this amendment to refer to the Economics and Industry Standing Committee the following matter for consideration and report by 19 June 2008 —

The actions of Moss Glades Pty Ltd, and its individual directors in relation to the development of the Karrinyup Lakes Lifestyle Village, and in particular the extent to which local government and state,

> legislative and other requirements for the protection of residents in retirement villages have been complied with.

That is a very positive move. From my perspective, having been a member of a standing committee, I know the commitment that members make to standing committees. I am not sure who the members of that committee are, but I know that the member for Yokine is the chairman of that committee and that one of the other members is the member for Serpentine-Jarrahdale.

Mr D.T. Redman: The member for Greenough is also a member of that committee.

Ms K. HODSON-THOMAS: Good. I believe the member for Maylands is also a member. I have a great deal of confidence in that standing committee, as I have in all the committees of this house.

Amendment put and passed.

Motion, as Amended

Question put and passed.

RIGHTS IN WATER AND IRRIGATION AMENDMENT REGULATIONS (NO. 3) 2007 — DISALLOWANCE

Motion

MR P.D. OMODEI (Warren-Blackwood) [5.42 pm]: I move —

> That the Rights in Water and Irrigation Amendment Regulations (No. 3) 2007, gazetted on 28 December 2007, be disallowed.

This is the second time that a member has moved that these regulations be disallowed. A motion that these regulations be disallowed was also moved in the upper house a couple of months ago. I must say to the Minister for Water Resources that the way in which water licensing has been carried out in Western Australia has been such an absolute disaster, such a shemozzle, that most of the stakeholders do not understand exactly what the government intends to do in this matter.

This is not the only motion on the notice paper on this matter. There is another motion on the notice paper in my name criticising the government for its lack of consultation with farmers, particularly in the south west. This motion is pretty straightforward. The regulations refer to a schedule of fees for licence administration that appeared in the *Government Gazette* on 28 December. To me, even the selection of that date smacks of a government that does not really care. The regulations could have been gazetted at another time. They did not need to be gazetted and come into effect on 28 December.

Farmers are now being sent accounts for licence administration and licence application fees. Farmers have also been told that, prior to the commencement of each season, they will be required to indicate to the Department of Water what their water use will be. They will also be required to confirm that at the end of each season. That will add a huge layer of bureaucracy to the work of farmers.

I will briefly outline the history of the disallowance of these regulations in the Legislative Council. Motions for the disallowance of these regulations were moved in the Legislative Council by both Hon Paul Llewellyn and Hon Barry House. A standing committee of the Legislative Council also recommended that these regulations be disallowed. The minister then discussed with Hon Paul Llewellyn and Hon Barry House, and also with Hon John Day and me, the issue of changing the level of fees payable. We disagreed with the minister on that matter. The minister then came to an agreement with Hon Paul Llewellyn and introduced that regulation.

I will be basing my comments in part on the Economics and Industry Standing Committee inquiry on water licensing and services, report 9, which was tabled in Parliament earlier this month. The committee received 45 submissions. They included submissions from the Department of Water, from 18 individuals representing organisations in the general community, and from 10 bureaucrats. I want to single out in particular one private individual, Wally Cox, who also made a submission, because Wally Cox was formerly the chief executive officer of the Water Authority in Western Australia, and he is a very knowledgeable person. I must say that I was fairly sceptical, because when the terms of reference that I had suggested in my motion to establish a select committee into water supply and management were given to the Economics and Industry Standing Committee, they were cut down from 20 to seven. I will come back to that in a moment.

The committee was given a very tight time frame because it had to report by 28 February. The inquiry was established in November 2007. Advertisements calling for submissions to the inquiry were placed in *The West Australian* on 3 November and 8 November, and the report was handed down on 28 February. I give due praise to the members of that committee, and also to the research officers, Dr Loraine Abernethie and Ms Vanessa Beckingham, because the work that they carried out for this inquiry, in such a short period of time, was absolutely outstanding. I have seen a few committee reports in my time—this is a very complex issue—and the

report that they managed to deliver, and the research that they did, were very comprehensive. I am disappointed that the member for Yokine and chairman of the committee is not in the chamber, because I have been critical of him from time to time on a number of issues, but he, as chairman, and the other members of the committee, obviously recognised the importance of this issue. The committee visited the eastern states and talked to the National Water Commission and a number of other organisations. The one thing the committee did not do was visit the areas that have been impacted upon by water licensing. The minister has not visited those areas to discuss this matter either. He has visited for other reasons, but not to discuss this matter. While this is a very good report, nothing is better than seeing with our own eyes the impact of regulation or law on the community.

As I said, the terms of reference that were proposed by the minister were not the terms of reference that I had proposed when I moved for the establishment of a select committee into water supply and management. The minister's terms of reference were as follows —

> (1) the benefits to, cost to and imposts on irrigators, industry, community and environment of a licensing system for the taking of water from groundwater or stream flow;

Although the committee has identified a lot of issues, there has been no resolution of that term of reference.

The next term of reference was —

> (2) the full cost incurred by the Department of Water for administration of the current water licence system;

Findings and recommendations have been made in relation to all of them. That issue still has not been cleared up by the government. The next was —

> (3) the extent to which the water licence administration fees meet cost recovery requirements the National Water Initiative (NWI) places on the state with respect to services delivered to water users;

The report has revealed a great deal about the requirements of the National Water Initiative, the agreement that was signed by the current Premier. They are instructive, but the whole story has not yet been told. The next was —

> (4) the penalty or cost that might be applied to Western Australia by the commonwealth under the NWI, if there was minimal or no cost recovery for services provided to water users by the Department of Water;

We understand from the report that in fact the National Water Initiative does not have the great impact or demand that the current minister, sitting opposite, has indicated to this place. In fact there is quite a bit of flexibility in the National Water Initiative. The next was —

> (5) whether water licences and/or licence administration fees should be required for taking water under arrangements that are currently exempt; for example, residential bores drawing from an unconfined aquifer;

That has been cleared up quite considerably. I will refer to that when I comment on the findings and recommendations of the Economics and Industry Standing Committee report. The next two were —

> (6) what recognition needs to be given to the cost incurred by landholders in harvesting water, including dam construction costs; and
>
> (7) the extent to which the NWI provides for a range of different licensing systems.

A recommendation in the Economics and Industry Standing Committee report states that due deference should be given to the construction cost of dams. The issue we are discussing—the implementation of water licensing and water management—is one of the most important issues to face Western Australia in a hundred years. I will tell members why. In 1914 there was an all-time dry across Australia surpassed only by the recent drought of a year or so ago. In 1914, the Rights in Water and Irrigation Act, which was promulgated in this Parliament, was passed not only because of the drought but also to make significant changes to the laws in place that were based on old English law. The laws related particularly to title—perpetual title and the current system of Torrens title. That changed property ownership then. The government's proposal is potentially another erosion of property rights of all farmers and water users across the state. Every individual's fundamental right is to have access to a drink of water and to be able to keep himself and his family. This proposal is an arbitrary move by the government without the three bills the minister talked about, which will be discussed in this place. To his credit, the minister did admit in previous debates that he was prepared to present them as green bills. I hope he keeps to that because it is fundamentally important that he do so. If he does not, he will face "Third World War" in regional Western Australia.

The first two findings in the report relate to research, the first of which states —

> That extensive research and analysis of existing water resources, and their use and management is needed in order to provide a solid basis for sustainable planning. This is also a requirement of the National Water Initiative.

Fundamentally, the government is taking an ad hoc approach to the management and licensing of water in Western Australia rather than undertaking a proper analysis of all the existing water resources. I do not think such an analysis has taken place. Finding 2 states —

> There is considerable confusion regarding the National Water Initiative which is leading to anxiety concerning its suitability and adaptability for Western Australian conditions and circumstances.

These are just the findings; there are some recommendations in relation to them. I will not refer to all the findings; I have selected those that give strength to my argument that the water regulations that were promulgated on 28 December should be disallowed. Finding 13 of the report states —

> An independent review of the Department of Water costs associated with water licence administration should be undertaken as a matter of urgency.

That is self-explanatory. I will move then to findings 20, 21, 22 and 23. Finding 20 states —

> There is considerable confusion surrounding the refund of application fees paid under the previous and current schedule of fees imposed by the regulations and subsequent amendments.

The regulations are being applied. There is a schedule of fees payable by landholders who own water supplies on permanent streams in proclaimed areas under the Rights in Water and Irrigation Act. Many of the currently licensed dams, for which no fee has been applied over the past 20 to 30 years in proclaimed areas, do not have to be licensed under these schedules. In other words, they are not on permanent streams or defined water courses. A great number of those that are currently licensed are catchment dams, what is known as run-off hill dams, which is a new term I picked up in some of the minister's language. If those farmers pay their fees and then decide they do not have to comply with this regulation, farmers will find themselves in a total shambles and be unsure whether they should apply or whether it will impact on their ability to use the water in their dams. If the minister came down to my electorate and did a runaround, the farmers would not kill him. Every now and then farmers rev up a few members of Parliament. They do it to us all the time. I cop it in my own electorate. They tell me in no uncertain terms what I have or have not been doing. We must be prepared to front up and talk to the people on the land. If he does that, he will come away, having seen a catchment dam, a gully dam or a dam on a water course, with a much better understanding. That will result in better law in this state. If the state government is going to dictate to landholders from the house on the hill, we will forever have confusion, animosity and concern in the general community. Finding 21 states —

> The consultation process has been less than satisfactory for many stakeholders. The basis upon which fees have been set and levied appears to have caused confusion, misconception and anger amongst certain stakeholders.

I rest my case. Finding 22 states —

> The National Water Initiative shows quite clearly that the move toward water reform must include the development of a clear transitional pathway involving all stakeholders in each step.

Finding 23 states —

> Cost recovery itself is simply a guiding principle of the National Water Initiative, rather than a list of specific requirements or activities that must be undertaken.

Members can see why I have been saying that this is a very good report. The advice and information the people on the committee received go to the very nub of the issues I raised in moving for a parliamentary select committee. Had the minister accepted my original terms of reference—which I must admit were comprehensive—and a committee had been sent away for six months, it would have come back with all the answers he needed to draft good water laws in this state. We would all have been justifiably proud, as I am sure the member for Yokine is of the work done by his committee. The people who did that research in that limited amount of time did an outstanding job.

The next reason for disallowance of these regulations relates to domestic bores. Members will recall that the member for Stirling tried to move an amendment on domestic bores. My argument on that was that we wanted everyone to be treated equally if that was possible. There are 165 000 bores in Perth. Farmers in country Western Australia are charged for their bores. The argument was: why should not everyone with a bore be charged? The truth of the matter is that, had the member for Stirling been successful in his bid to charge a fee for all those bores, every other single bore in Western Australia and every little dam that supplies a household or farmhouse would have had to be licensed. It would have amounted to giant overkill. I will come later in the debate to why we should not go down that path.

Further findings of the report are as follows —

Finding 26

The licensing of all domestic bores would not necessarily lead to improved monitoring and management of water resources in the state, or be sustainable in the long term.

Finding 27

The indication is that the costs associated with the mandatory licensing of all domestic bores would far outweigh the benefits of this activity.

Finding 28

In most circumstances, the use of domestic bores can be, and is, adequately managed by restriction and education.

Finding 29

Licensing of all domestic bores will not necessarily achieve equitable social, environmental and economic outcomes.

Finding 30

Because of the impact on the local resource certain parts of the state will require different approaches to the issue of licensing domestic bores.

That is called commonsense. It continues —

Finding 31

There are benefits in encouraging the use of domestic bores in certain areas, and the licensing of these bores may prove a disincentive to this practice.

I am reading the findings, but the body of the report contains all the arguments for why the licensing of domestic bores is not really necessary at this stage. To be quite honest, I do not have a property in Perth, but I have many friends in Perth and I know members of Parliament who live in Perth. If it is not necessary to impose another tax, let us not do it. The opposition is about less government rather than more government. A significant amount of water is drawn from surface aquifers as a result of domestic bores. If they can be properly managed by good science, let us do that rather than impose another burden on people. Again referring to licences, the findings for the National Water Initiative provisions for a range of licensing systems are quite plainly as follows —

Finding 40

There is sufficient flexibility within the National Water Initiative to allow Western Australia to develop a water resource management plan appropriate to conditions and circumstances in this state.

We have been arguing that all the time. The Murray and Darling Rivers are not the Warren, Lefroy, Preston, Capel or any of those small rivers. The situations are completely different, and the National Water Initiative should be flexible enough to be able to handle any conditions in the country. The report states, again quite plainly —

Finding 44

Local management is both desirable and possible under the National Water Initiative and the *State Water Plan 2007*.

That is a very important finding. The fundamental argument that most landholders in the state have been making is that local management would be the way to go. I understand that in the legislation imposed during the time of the previous government, when Dr Kim Hames was the minister, local management was written into the legislation and it now has been written out. At the same time we still have local management organisations, such as Harvey Water and the Gascoyne and Ord River projects. All those projects were started under the previous coalition government and have been carried on by this government. That is what government is all about; it is about commonsense and making sure that we have got laws that do not impose major taxes on individuals. If it can be done at a local level, albeit monitored by the state, why should that not occur? It is the line of least resistance and the one which will achieve the most responsible management of our water resource.

I will not refer to all the recommendations but I will refer to recommendations 4, 5 and 6, which read —

Recommendation 4

That there be a fixed licence administration fee that simply reflects the cost of administration of a licensing system.

Recommendation 5

A fixed application fee should remain.

Recommendation 6

That the status regarding the refund of application fees be clarified urgently.

I draw that to the minister's attention because it is really important. Farmers are losing faith in the government, which is a bad thing. Farmers must respect the law and the government of the day, whether they like what the government is doing or not. Whether it be with the application fee, the administration fee or the application of the National Water Initiative, farmers are totally confused at this stage. Under chapter 5, which deals with benefits, costs and imposts of a licensing system, these are the recommendations that impact mainly on licensing —

Recommendation 9

Revenue from licence administration fees should be used for providing the licence administration service. The allocation of those costs should be transparent.

I do not think that anybody has a problem with that. I refer next to —

Recommendation 11

Proposed legislation allowing water access entitlement trading needs to be carefully drafted following full community consultation.

That is a community consultation issue rather than water trading and management, which is not the subject of this issue but is part and parcel of the whole matter. Chapter 6 deals with the Department of Water's licence administration costs —

Recommendation 14

That the Treasurer directs the Economic Regulation Authority to review the Department of Water's costs as a priority.

The proposal by the government and the minister was that the Economic Regulation Authority would come into play two years after those licence and management fees were put in place. It is coming in after the horse has well and truly bolted. The Economic Regulation Authority is an independent organisation with highly qualified, credible people. The landholders of this state, and certainly I as a member of Parliament, would respect their findings and their recommendations to government, given of course the right instructions before they start, because if they are going get instructions by the government, I would have to have some concern. Chapter 7, which deals with compliance with cost recovery requirements of the National Water Initiative, reads —

Recommendation 15

The formula for calculating the licence fee be examined by the Economic Regulation Authority.

The message coming through is the Economic Regulation Authority should have been involved in this process right from the very beginning. The authority can draw on other cases and case histories in other parts of Australia. However, people must compare like with like rather than comparing the Murray or Darling Rivers with rivers in Western Australia, where there is totally different topography, landscape and rainfall. Under "Foundation for Cost Recovery", it reads —

Recommendation 16

The cost of appeals should not be included in the calculation of the licence administration fee.

I do not know who came up with that idea, but we would have a licence administration fee that would pay for the cost of the State Administrative Tribunal dealing with appeals to that tribunal. If somebody has an appeal, he pays that cost himself. The fee would create yet another bureaucratic empire that would have to be administered by someone, which means more bureaucrats. The very things the general public do not like are more administration and more bureaucrats and more laws so that in the end we finish up, in a country as free as Australia, virtually in a straightjacket. Under "Timing of Introduction of Fees", it reads —

Recommendation 17

The Economic Regulation Authority independently review the water licence administration fees.

That again gives strength to my argument. The recommendation I refer to next is —

Recommendation 19

The refund of application fees needs to be clarified as a matter of urgency.

That was in one of the findings. That needs to be spelt out very clearly to every landholder who has had a licence in the past and is required to have one in the future. Referring to consultation over the water licence administration fee, the report reads —

Recommendation 20

That the Department of Water increase its efforts in relation to consultation.

The first thing that should happen is that the minister should visit the south west. The recommendation relating to plantations reads —

Recommendation 21

The Department of Water develop a system of water accounting for plantations with a view to regulation and licensing.

Many of us in country Western Australia have been making that argument for a long time. A wall-to-wall plantation is not like a normal native forest; it means a tree every two metres that will grow to 20 metres in height. After each six to ten years, depending on the soil type, when a plantation tree is cut down and harvested, there is another rotation and then another rotation. Significant scientific information shows that there are serious environmental impacts on groundwater, certainly after the first rotation. Some good environmental benefits may be derived in areas where high water table salination occurs, depending on the species, be it *Pinus pinaster, Pinus radiata* or blue gum. However, there are significant concerns about the impact of second or third rotations on the watertable, stream flow and neighbouring properties. That is something the government should consider very closely.

There are some things in the report that I do not totally agree with concerning water harvesting infrastructure costs. I have long argued that a property holder who builds his own infrastructure does so to the benefit of the state. If a farmer builds a $100 000 dam, even if he is paying tax at the rate of only 30c in the dollar, $23 000 of the total cost will be paid in tax. The 30 per cent deduction will be for only a third of the total cost, so he will pay tax on approximately $66 300, and 30c to the dollar comes to about $23 000. The tax is paid to the commonwealth government and the commonwealth sends the tax back to the states in some form, so the landholder is actually contributing to society by constructing that infrastructure. On the subject of costs, the report states —

Recommendation 24

The costs incurred by landholders in harvesting water, including dam construction costs should:

- not be considered in the determination of the licence application fee;
- not be considered in the determination of the licence administration fee;
- but should be considered in applying future resource management charges.

Interestingly, recommendation 25 states —

Recommendation 25

The Department of Water develop a means of valuing and acknowledging infrastructure investment.

I will be very interested to see what comes out of that. The minister is required to respond and I would like to know when he will respond—obviously he will respond in part tonight.

I will now talk about some of the other things I think are very important. We have received the report from the Economics and Industry Standing Committee, and I suspect the minister probably does not like many of the things in the report.

Mr J.C. Kobelke: I think it's a very good report.

Mr P.D. OMODEI: That is good. The report actually shows that the minister has not been handling the situation as well as he could have, so I thought he might not have been happy with it.

I refer to some of the comments made in the report. I have selected a comment made by a stakeholder, Mr Geoff Calder, who is the general manager of Harvey Water. He made some comments about making the highest value use of water. He states —

> *Is watering a lawn on someone's home a higher value use than producing milk, grapes, oranges, fruit or other food? Is it a question of the capacity to pay, which we believe it is, compared with the high-value use? Because people in the city can pay a helluva lot more, particularly these days, they do not care. Where will you get your food from? Again, it becomes a governmental issue. Do you want an irrigation area that produces food for people who cannot produce their own when the city is expanding and all the food-producing areas are going to housing? Where will you get your food from? You must think of those things. In our view it is the capacity to pay. People do not care. Only 10 per cent of the water they use is used for potable purposes. Ninety per cent of the water treated to potable standards is dumped on the ground in the garden, and that is not very good.*

People say, "The farmers are using all the water." Farmers do not consume any more water than anybody else. They do not drink any more, shower any more or swim any more. So who consumes the product? The product is consumed by the general public in the form of food, whether it is fruit, vegetables, wine, milk, orange juice or whatever else. I believe that should be taken into consideration. The fundamental point is that the government can charge farmers as much as it likes, but farmers cannot then go to the marketplace and say, "My cauliflowers are 2c dearer today than they were last week because the government has applied a fee for the management and licensing of my dam." Farmers have always been price takers, and if they had the ability to say to the consumer, "Our produce will go up by five per cent this year to cover the costs incurred by the government's increasing the price of water licensing and administration by five per cent and the management fee by six per cent", everybody would be happy. However, we all know that that is not the case, and that has never been taken into consideration. I think it is fundamentally important. Farmers—I include myself—do not mind paying a licence fee. I believe that all dams should be licensed. My dams have been licensed for the past 20 years because I believe the government should know how much water is being stored. If there is no other scientific way of assessing it, there should be a reasonable flat fee for licences in place. However, even taking into account the minister's revised schedule under which he has cut some of the fees in half as an inducement for people to accept his regulation, it is still the thin end of the wedge. It was his intention all along to raise the fees back to the level of the original regulations. Where do they go? Do these fees ever go down? The fact is that most regional producers of agricultural and horticultural products do not have only one dam or bore; they have several. Many of them are family enterprises and struggle to make ends meet. The minister may say, as he has said, that a fee of $1 200 or $2 000 will be the end of the enterprise. The truth is that the fee may be $1 200 or $2 000 this year, but next year it may be $2 200, and within 10 years a farmer with 10 dams may be paying $50 000 or $60 000 in fees. How can a farmer recoup that cost? He does not have the ability to add that cost to the price of his product. If he did, we would not have a problem. We need to apply some commonsense to this issue.

Is it possible for the minister to talk to the Warren-Lefroy and Donnelly groups, which have been self-managing water usage for 40 years? The minister has been to see Harvey Water. It is a very professional group, as is the Gascoyne group. If the government were to say, "We're going to introduce regulations to allow self-management, and the managers of this resource will be required to do this, this and this to make sure that the resource is properly managed", then at least the cost would be minimised. If the government minimises the cost to the farmer, we will continue to have farmers into the future; otherwise we will end up consuming agricultural product grown in China and elsewhere.

Mr M.J. Cowper: There is a section in the report that we will get to next week when we talk about Logue Brook. The government is trying to put a value on the water in that dam, but it fails to recognise the value from both the agricultural perspective and the tourism and recreational perspective of people in the south west.

Mr P.D. OMODEI: I thank the member for Murray.

This is a good report, but it goes only part of the way in analysing the water situation in Western Australia. Given that the committee has already done some work on this, I would like the minister to stand and say, "We've expanded the terms of reference and we're going to reconstitute the committee, co-opt a couple of members here and there and actually come up with a good blueprint."

I turn to page 75 of the report and a comment made by Irrigation Australia - WA Region. It states —

> *We [IAL-WA] believe that licensing should be used where it adds value to the overall management of water resources. For example, licensing will be absolutely necessary where competition for water is high or water is over-allocated. In other areas, where there is low competition for water or water is under-allocated, a licensing system may add little value and be very expensive to implement and manage.*
>
> *It is in the collective best interest of everyone in Western Australia to be fully aware of what is happening to our pool of water. The registering part of a licensing framework is the very best way to know that.*

I agree with that. We have no problem with the idea of a water licence because we have had them for 20 or 30 years. When there is no necessity for licensing why introduce a bureaucracy and a cost to producers that they will not be able to bear in the long term?

I will go back now to where I started from on this whole issue of water. It is one of the biggest issues facing agriculture as well as the broader community in Western Australia. The wise management of our water resources is fundamentally important. We often hear comments about the drying climate, and that there is less runoff. There are a number of reasons for the decrease in runoff. Interestingly, last week when I was visiting the Pastoralists and Graziers Association, we heard the Premier saying that it had stopped raining in the south west. It would be worth the minister having a look at this information because rainfall in the south west last year was actually about average. Wellington Dam overflowed, and 20 gigalitres went down the creek. The other issue that

the minister needs to have a look at is the Collie east diversion, and what is happening now that Chicken Creek is full. If the diversion into Chicken Creek is cut off, that saline water will go into Wellington Dam again.

Mr A.D. McRae: In how many of the past 10 years has the long-term average rainfall figure been reached?

Mr P.D. OMODEI: I do not know; I do not have the figures in front of me but there is no doubt that most of the graphs are based not on rainfall but on runoff. There is a very big difference between runoff and rainfall because runoff is dependent on how the catchment is managed. Scabby Gully Dam, the Manjimup town water supply, was rebuilt when I was Minister for Water Resources. I must admit that it has a very interesting name.

Mr J.C. Kobelke: Were you responsible for that?

Mr P.D. OMODEI: No, I was not. It was probably named under a Labor government, after some scabby guy. There must be a very good reason for it. The dam was leaking like a sieve—there were a number of streams—so it was decided to totally reconstruct it. It was knocked down to its base. The farmers came to me as the local member and told me that the dam would never fill up. I was very concerned about that. I wanted to be re-elected. I called in the Water Authority engineers and told them that I was under pressure, being not only the Minister for Water Resources but also the local member. I told them of the concern by local landholders who lived in the area that the dam would not fill up for two or three years. They told me not to worry; they had it all under control. I must say that I was pleasantly surprised. They logged the catchment of the dam that year and it filled up from empty and overflowed in the first year. That convinced me that runoff was a major issue. When the catchment is scrub-bashed the runoff will increase for a while until the scrub grows back and then it will diminish.

On 24 October 2007, I proposed the establishment of a select committee with the following terms of reference —

(a) proposed legislative changes;

(b) the timetable of legislation and implementation;

(c) proposals for licensing of water supplies;

(d) the rationale for any change of riparian rights;

A riparian right is the right of an individual to irrigate land from a water supply. The terms of reference continue —

(e) proposals for water resource management charges;

(f) proclamation of areas of the state and any anomalies within the proposed proclamations;

(g) proposed governance of licensing and management;

This has partly been addressed by the current inquiry. The terms of reference continue —

(h) whether the National Water Initiative compels Western Australia to implement new water and resource management charges;

That is questionable. The terms of reference continue —

(i) whether a "one size fits all" will work to the benefit of Western Australian farmers and landholders;

(j) why the state government has excluded backyard bores in the metropolitan area from any charges on the basis that they are not affecting ground water levels;

(k) the uniformity of government proposals across Western Australia;

(l) how the government proposals will affect springs on private property and the definition of springs;

That in itself is a major issue—the definition of "spring", and whether the government will force people to license springs. It will be a major issue, because a lot of these springs are under the water in dams. How will the government manage that? The terms of reference continue —

(m) what is the actual cost of licensing and management in this state;

That again is a question being asked in the current committee report. The terms of reference continue —

(n) whether self-management of proclaimed areas is a more appropriate model;

I would say that it is. The terms of reference continue —

(o) what services are provided to landholders by government in relation to water licensing and management;

(p) off-stream dams and dams used for aesthetic values;

That is referred to briefly in the current report. The terms of reference continue —

(q) cooperative and independent boards and their role in water management;

(r) the effect of the Labor government's proposed water charging regime on farm viability, householders, pensioners (senior citizens) and not-for-profit organisations;

(s) whether it would be more equitable for any water-charging regime to be met by the consolidated account;

(t) a phased implementation of fees to be introduced over the next 10 years if approved by Parliament;

(u) transfer of water within and between catchments; and

(v) any other matter relating to the state Labor government's proposal to introduce water licensing and management fees.

I will consider very carefully in the coming weeks, depending on how the minister handles this proposal today, whether I will come back and expand the terms of reference of the parliamentary committee that was chaired by the member for Yokine—the Economics and Industry Standing Committee—and whether it should be expanded and given a reasonable time to report and a reasonable allowance for travel; if necessary, to travel overseas and to other states. The committee should at least make sure it visits every corner of the state and that we finish up with laws that are suitable for the people of Western Australia. The whole issue of licensing farm dams and the proposals for management fees for farm dams has been very poorly handled by the government and by this minister. I recommend that the minister scrap these regulations for licences and start again from scratch.

DR G.G. JACOBS (Roe) [6.28 pm]: Two disappointments arise from the process of imposing a water licensing system on Western Australia. There is disappointment because at every opportunity the minister tried to convince us that we had to have these water licensing regulations because of the National Water Initiative. This report has put paid to that claim. The minister used the National Water Initiative as an excuse for imposing this water licensing regime, as the member for Warren-Blackwood said, between Christmas and New Year. He was using some other process to justify his own process. This report has put paid to all that because, as the member for Warren-Blackwood said, findings 23, 24 and 25 quite clearly state that no financial penalties directly result from non-compliance with the National Water Initiative. Should the state not comply, it risks losing credibility, but no penalty. Finding 23 states —

> Cost recovery itself is simply a guiding principle of the National Water Initiative . . .

The minister tried to convince the opposition that it was important for Western Australia to be part of the National Water Initiative. Finding 23 continues —

> . . . rather than a list of specific requirements or activities that must be undertaken.

I repeat that the Economics and Industry Standing Committee found that cost recovery is simply a guiding principle of the National Water Initiative, rather than one of a list of specific activities that must be taken. Each time the minister spoke in this house on this subject he made me, and I am sure other members of this house, feel that it was necessary for Western Australia to have this because of an overarching requirement for it. That is one of the disappointments I have with this process.

Mr J.C. Kobelke: If you look at page xxiii of the report, it clearly states that it is a requirement.

Dr G.G. JACOBS: They are guiding principles.

Mr J.C. Kobelke: It is a contractual arrangement.

Dr G.G. JACOBS: I repeat: they are guiding principles. The minister virtually said that the sky would fall in unless we complied with the report, and that we had to be fearful and implement it as soon as possible. The minister said that continually. A search of *Hansard* would find that he said on many occasions that we had to have it because of the National Water Initiative.

Mr J.C. Kobelke: It is true and it is in the report.

Dr G.G. JACOBS: The previous speaker said that there was a degree of flexibility in that report and the state had the ability to implement its own initiative.

Mr J.C. Kobelke: That is wrong—read the report. Usually you are a fairly diligent person but you have a total misunderstanding of what is in the report.

Dr G.G. JACOBS: My second disappointment is that with all the resources this government has—experts and advice—it messed it up. It is a complete shambles. I hope that the committee does not take this the wrong way. Essentially, the committee comprises individuals with commonsense but they do not have any specific technical expertise. I do not want them to be offended by what I said. The committee members took on this issue, as the previous speaker said, and in a very short time they were able to get their heads around the commonsense concepts of licensing and water management. They were able to differentiate between the two as they applied to

the state of Western Australia. Why, with all the resources and expertise that the minister has available, was the committee, comprising members with no particular expertise apart from diligence and commonsense, able to bring down in a very short time frame a report that took a commonsense approach? The committee was quite damning of what the minister was trying to do for the state of Western Australia. There was a lack of consultation and that created anomalies and angst.

The committee's report indicates that the government's process was not carried out properly and that it would take a commonsense approach and work through the process, including consultation and all the associated issues.

As shadow Minister for the Environment I have spoken at a number of functions. At one function, which was in Kalgoorlie, I spoke to a group of miners and others who believe that environmental policy could stifle projects and development. There is a balance. What the minister was trying to implement did not provide a balance, but the findings of this report present a balance.

Water is an important resource for the state of Western Australia, and its environmental management must be responsible, balanced and scientific. The scientific concept goes to the fact that this report says that the plan to license all domestic bores would not lead to improved monitoring and management of the water resources of this state, and, therefore, increased sustainability of a resource. It used some of the scientific people involved in this area in its deliberations.

Environmental management of water resources or any other resource must be not only responsible and take a scientific approach, but also consistent. It is obvious that the minister did not separate licensing from water management. It appears that his approach was essentially a knee-jerk reaction that went horribly wrong, which is what the report said. There is a clear distinction. At the beginning of the report, finding 1 states —

> That extensive research and analysis of existing water resources, and their use and management is needed in order to provide a solid basis for sustainable planning.

Members would think that before we had a water licensing system that the science of environmental management of a very valuable Western Australian resource would have been considered. That is another significant disappointment and raises the question of process. As a resident of Esperance I was involved in a similar process, and I refer to the debate on the lead fiasco and the consequent exposure of residents to lead pollution. It was incredulous to believe that the processes that the community and residents assumed would be undertaken had not been followed through. In addition, there was no science and there was irresponsible management. What happened was, as often occurs in these issues, that a commonsense approach applicable to any project was not adhered to.

Mr M.P. Whitely: I suggest that you did not need the science. The problem was obvious.

Dr G.G. JACOBS: Absolutely. If the member for Bassendean recalls, as far as the science was concerned, a commonsense approach could have been taken with some of the issues that arose. Why was the licence amended to allow lead pellets? Why did we have to go through a process to get a scientist to define a pellet?

Mr M.P. Whitely: Even more obvious than that was that it was in an open transport system—conveyor belts carrying material straight onto the ships. I wonder why it was not picked up by the community, even though it should not have to be.

Dr G.G. JACOBS: It should not happen, but the point of my argument is that people assume other people are doing the right and responsible thing.

The other part of the argument was the science involved in identifying which lead these children had been exposed to. It was said that the lead could have come from a local store of car batteries. In fact the science question involved bringing Professor Brian Gulson from Sydney to tell us and the community that isotope fingerprinting the lead could match it to the area.

The point I make is that we cannot necessarily assume that these things will be done. As with the lead issue, I, the people of Esperance and certainly opposition members would have assumed—as, I suggest, the people of Western Australia would have assumed—that before the minister gave us this licensing system for water, some research and analysis of existing water resources to provide a solid basis for sustainable planning would have been carried out.

Mr J.C. Kobelke: I will stand and explain to you that your ignorance is obvious.

Dr G.G. JACOBS: The report I have referred to about water resources in Western Australia clearly states that requirement in black and white at finding 1, on page 54. The minister can stand later and refute it; I am just quoting the contents of the report.

Mr J.C. Kobelke: It is correct, but we put tens of millions of dollars into research, which the last coalition government didn't; and we are doing a lot more.

Dr G.G. JACOBS: It is needed.

Mr J.C. Kobelke: Yes, and we are doing it.

Dr G.G. JACOBS: That is why we are here debating this issue, because the process went badly wrong. I have talked a little about the process for isolating water. Many processes—particularly those for environmental management and the isolation and documentation of resources—were ill considered, whether they be the process for isolating water or any other Western Australian resource.

Finding 2 of the report states —

> There is considerable confusion regarding the National Water Initiative which is leading to anxiety concerning its suitability and adaptability for Western Australian conditions and circumstances.

Finding 4 states —

> There is general recognition of the need for a water licensing regime in Western Australia to help manage the state's water resources more effectively.

I am not necessarily against that. However, the processes by which we got there obviously let people down, because they found it very difficult to know where the minister was coming from.

Finding 9 states —

> The co-existence of different types of water entitlements has not been clearly communicated to stakeholders.

They were therefore totally confused. There was a communication problem in that process. I must say to the minister that the process of communication, as in the unfortunate situation of lead pollution in Esperance, is very important. I am talking about the process of communication not only with the community but also between departments. The timing of the process was ill considered.

Recommendation 17 of this very report recommends —

> The Economic Regulation Authority independently review the water licence administration fees.

Recommendation 18 recommends —

> The Economic Regulation Authority be involved from the beginning of the calculation of any water resource management charges to be imposed in the future.

[Member's time extended.]

Dr G.G. JACOBS: The processes were ill considered, the timing was ill considered and there was no overall vision as per finding 1 on the issue of identifying the resource and managing the resource. The licensing of all bores was not considered useful, sustainable or in any way positive towards managing that resource.

The whole issue of water harvesting and how to manage it is very clear in recommendation 24 and finding 36 of the report. Finding 36 refers to arguments, again about the communication issue and about this ill-considered, ill-timed process. Finding 36 states —

> Arguments for incorporating recognition of water harvesting costs into water licence administration fees confuse licence administration fees with water resource management charges.

It is very clear that this matter needs to go back to the drawing board. Recommendation 24 in chapter 10 says it all about water harvesting. It deals with water harvesting, infrastructure costs and landholder infrastructure costs, which have caused a lot of angst to people I represent and to people in the south west generally. It states —

> The costs incurred by landholders in harvesting water, including dam construction costs should:
>
> - not be considered in the determination of the licence application fee;
> - not be considered in the determination of the licence administration fee;
> - but should be considered in applying future resource management charges.

I believe that indicates that this report is a good one. I commend the committee members for a report which was produced relatively quickly, obviously with a lot of hard work, and which shows a commonsense approach. It surprised and disappointed me to see the best that the minister had done, given all the resources he had. A lot of things should have been done that were not done. Hopefully, the minister can go back now and establish a proper system that everyone understands, is responsible to the environment, is responsible to the proponents, is responsible to the community, is balanced, has some scientific basis and is consistent. If we could get that for the management of any resource, it would be a good thing. Of course, on top of that is the very important issue of communication and the public consultation process for everybody to understand where the process is coming from and in that way to manage much better not only the water licensing system but also the water resource in Western Australia.

MR D.T. REDMAN (Stirling) [6.48 pm]: I too would like to make a contribution to this debate and to support the motion moved by the member for Warren-Blackwood. During my short time I will try to make my comments somewhat succinct. A number of comments and a raft of points have been made today, and members will be aware of past debates in this place on this issue. I might add that I too agree with the report; it is a good report. It somewhat supports in many ways the points that have been made by a number of members on this side of the house. I have in the past raised issues in this house about equity in fees and about the timing of the introduction of fees. I have raised issues about the consultation process and the confusion among the various stakeholders about water licensing. I have raised issues about the principles of the National Water Initiative and some of the hypocrisy that I have seen occur in the application of those principles to licensing and other constraints on water use. The licence fee schedules have been somewhat of a revolving door. Changes have been made to the fees on three occasions, which indicates the community's concern about the government's reforms and the way they are being implemented. The only course of action is to disallow the fees and to allow some of the consultation and planning processes to catch up to where we are currently at. When I have raised a number of these issues, the defence of the Minister for Water Resources has been simply to hide behind the National Water Initiative. He has said that because we are signatories to the initiative, we are therefore compliant on a number of fronts. This report challenges that assertion. The minister made the point that the government has no flexibility regarding the reforms that are in place in response to the blueprint for water reform. He argues, therefore, that he is under an obligation to make a number of assertions that he has made, one of which is the cost recovery of fees from those farmers who currently have existing licences. The minister would argue that this report vindicates his position somewhat with regard to city bores, which is a point I will expand upon. The member for Warren-Blackwood has made a point on my position previously.

Given the time, I will quickly summarise the points in this report that I consider are the basis for supporting this disallowance motion. I believe that the introduction of fees is premature. From 1 July 2007 fees have been charged to everyone who currently has a water licence. That happened prior to the introduction of legislation into this place and prior to putting in place statutory water management plans that would define the number of water licences that have been issued. Although those fees are being charged, in a number of cases people have been told that they do not need a licence and have had the licence taken away from them. There is confusion about who will and who will not have a licence and about the amount that will be charged for the licences. That is the environment in which the government introduced fees from 1 July last year. I made that point very strongly in a question I asked of the Minister for Water Resources. Page xxii of the executive summary of the Economics and Industry Standing Committee's ninth report states —

> It seems that the July 2007 date for implementing water licence administration fees is a self-imposed DoW deadline.

The government has prematurely imposed water fees on the farming community before the introduction of legislation and statutory water management plans on the basis of a decision made by the Department of Water. Surely if there were any flexibility in the reforms the government is putting in place, the users should get the benefit, but that is not the case. I am concerned that there has been no recognition of the users' concerns. The government is putting the cart before the horse. The Economics and Industry Standing Committee's report refers to the implementation of a flat fee rather than a sliding scale for licensing charges. A number of members of the community have called for such a fee. There is still some confusion about exactly what that charge will be and about its quantum regarding the level of cost recovery. Nevertheless, that point was made by members of the community and was highlighted in the report, which the minister has defended in the past. The member for Roe mentioned that the National Water Initiative and our compliance with it is somewhat flexible. The report points out that we need not have full cost recovery to be compliant with the National Water Initiative.

Mr P.D. Omodei: Is there an argument that the community should share in that cost?

Mr D.T. REDMAN: Too right. That point is made by inference in this report. There are a number of benefits for the community, and it must share some of that burden. It is interesting that one of those benefits is the use of private bores in the city. There is no measure of cost recovery regarding the level of monitoring of those bores. That monitoring is done by the Department of Water as we speak. Individual bores are not monitored but other sites are monitored for the benefit of city users. A measure of benefit goes to the community well beyond what we are putting in place for the cost recovery of these fees. I highlight that the benefit of the flexibility that was made clear in the report, which is shown in the National Water Initiative agreement, is not being given to those users. That will remain the case at least during this transition period until we have the full benefit of debating this legislation in this house and until statutory water management plans are put in place that define the framework for how to roll out the various levels of water entitlement. Until those measures are in place, how can we be confident that the charges that are in place are accurate?

I am on record in this house as moving an amendment to a motion supporting the notion of the licensing of city bores. My arguments referred to the fact that the principles of the National Water Initiative include that it stimulates states to put in place a regime that puts a measure of control over a water resource when that water

resource is either overallocated or there is a threat of it being overallocated. There are other areas in the state—such as Albany—where domestic bore holders have a licence. They do not have to pay a fee but they have a licence because there is competition for the water and there is a threat to the local water supplies of Albany.

Mr J.C. Kobelke interjected.

Mr D.T. REDMAN: Or Frenchman Bay around the bore field. Those principles are not applied to city bores; it is simply a cost benefit analysis. The report states that the cost of administering the licences will be $30 million. I accept that an argument could be made that that is not pragmatic. However, I can also accept that this report could have recommended a form of registration for the bores in Perth. We have no measure of control whatsoever of 120 gigalitres of water among 150 000 private bore owners. Even the member for Warren-Blackwood is on record as saying that he supports the registration of those bores. Members can read what I said in *Hansard* on that issue. I made it very clear that the expectation was not that someone would check each bore once or twice a year, or whatever the requirement will be. The independent bores would be able to be monitored and we would at least know how many there are and how many new users came online. I could expand on that debate but I will leave it there.

Mr P.D. Omodei interjected.

Mr D.T. REDMAN: I am running short of time. The last point is the need for an independent person to assess the fee structure. The report recommended that the Economic Regulation Authority should play a role in that and the government was promoting that it would occur in two years. This report endorses the point that it must happen now because of the current confusion. A number of points have been made about exactly what is included in the licence fees. Therefore, at least at this time, the minister should make recommendations to the Treasurer to pursue that point.

In summary, the community has significant concerns with and is frustrated about the introduction of this water reform agenda. A disallowance motion was successfully moved in the upper house and a deal was immediately done with the Greens (WA) to put in place an alternative fee regime. A successful motion was moved in this house to hold an inquiry into this matter. Surely that is a measure of the support of members of this house for the concerns of the community. We now have a report from the Economics and Industry Standing Committee that is damning on a raft of issues that were raised in this house by members on this side.

Mr J.C. Kobelke: Can you give me one damning finding?

Mr D.T. REDMAN: One damning finding.

Mr J.C. Kobelke: You said it was damning. Can you give me one example? If it is a damning inquiry, give me one damning finding.

Mr D.T. REDMAN: I have two minutes left.

Mr J.C. Kobelke: You cannot give me one.

Mr D.T. REDMAN: I have two minutes left to finish my speech. I support this disallowance motion. I believe that it would be appropriate for the minister to immediately require the ERA to assess the fee structures. There is a need to ensure that the legislation and statutory management plans are in place before we pursue the licensing issue and before we are in a position to have the confidence to put in place a fee structure that is both acceptable and accurate to the recovery of elements that we believe should be recovered. The government has put the cart before the horse and the government has got it wrong. This report supports that notion and therefore I support the disallowance motion.

MR J.C. KOBELKE (Balcatta — Minister for Water Resources) [6.59 pm]: Unfortunately, I will not have time to deal with all the issues that have been raised. The government rejects the disallowance motion. I would like to go through a number of assertions that have been made regarding the report. At this stage I will just thank the committee for the report, which is a very good report. Members obviously either have not read it or they have read it with such a jaundiced view that they have totally misconceived what is in it. I will have an opportunity on another day to correct the inaccuracies of the members who have spoken on this matter so far.

Debate interrupted, pursuant to standing orders.

House adjourned at 7.00 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

WATER RESOURCES — AMOUNT OF UNACCOUNTED WATER, LOGUE BROOK DAM AND DRAKESBROOK DAM

2973. Mr M.J. Cowper to the Minister for Water Resources

In 2006–2007 the total unaccounted water in the metropolitan area has been estimated at 19.31 Gigalitres (GL). This figure reportedly includes unauthorised use, authorised unmetered use such as fire services, meters under-reading, burst supply mains, maintenance activities and conveyance losses through pipelines. Therefore, I ask:

(a) can the Minister explain why some of this leakage cannot be fixed in order to prevent the need to access the five GL of water from Logue Brook Dam;

(b) other than pressure reduction, what strategies have Water Corporation put in place to mitigate the loss of water;

(c) with the construction of the nearby Desal plant at Binningup, is it necessary to take the water from Logue Brook Dam; and

(d) is there any scope to develop Drakesbrook Dam for recreational purposes?

Mr J.C. KOBELKE replied:

(a) During the 2006/07 year, the Water Corporation supplied more than 235 GL of water to customers in the metropolitan area. Of this, the amount of 'unaccounted for water' was estimated at 19.3 GL, or about 8 per cent of the total. These figures show that losses from the water supply system are the lowest percentage of any major water supply scheme in Australia. With these figures already the best in Australia, the margins for improvement are limited.

(b) The pressure management trials currently being undertaken in the two southern suburbs are a further refinement to the Water Corporation's current practices. As part of its normal practices, the Water Corporation:

- maintains a comprehensive meter replacement programs to ensure the accuracy of consumer and production usage;
- operates a 24/7 Operations Centre to ensure system faults are identified and responded to immediately;
- has reviewed fault response times to ensure losses are minimised;
- maintains an integrated telemetry system across the water network to monitor system performance and problems;
- undertakes comprehensive maintenance programs across its asset base to maintain system reliability; and
- carries out ongoing audits of system performance to enable benchmarking against internal system parameters and other utilities.

If the pressure trials are successful, one result will be that a scheme that is currently the best in Australia for minimizing losses will become even better.

(c) Yes. Connection to the Logue Brook Dam is a key element of the Water Corporation's water supply development strategy to meet demand growth over the next five years in the IWSS which now extends to the south-west towns of Binningup, Myalup and Harvey.

(d) Yes.

MANAGEMENT OF VEGETATION NEAR POWERLINES

2977. Dr E. Constable to the Minister for Energy

I refer to the Guidelines for the management of vegetation near power lines agreed between the Office of Energy Safety and Western Power in 2006, and ask:

(a) how many times has Western Power breached the Guidelines;

(b) under what circumstances;

(c) what penalties exist for breaches of the Guidelines; and

(d) will legislation be enacted to ensure that the law reflects the obligations set out in the Guidelines; and

(i) if so, when?

Mr F.M. LOGAN replied:

Western Power has provided the Minister for Energy with the following response

(a) Western Power has not been prosecuted for any breach of the Guidelines for the management of vegetation near powerlines issued by Energy Safety in 2006. Western Power was considered by Energy Safety to have not followed the guidelines in the case of the Parkerville Fire, however as the guidelines are not currently reflected in legislation, no laws were breached.

(b) Not applicable.

(c) None. Current legislation does not provide penalties for breaches of the Guidelines.

(d) This question should be referred to the Minister for Employment Protection.

PUBLIC HOSPITALS — NUMBER OF PATIENT PRESENTATIONS

2988. Mr T.R. Buswell to the Minister for Health

What was the total number of patient presentations in the Western Australian public hospital system in the following financial years:

(a) 2001–2002;

(b) 2002–2003;

(c) 2003–2004;

(d) 2004–2005;

(e) 2005–2006;

(f) 2006–2007; and

(g) 2007–2008?

Mr J.A. McGINTY replied:

(a)-(g) See attached document. [See paper 3686.]

PUBLIC HOSPITALS — NUMBER OF MENTAL HEALTH PATIENT PRESENTATIONS

2989. Mr T.R. Buswell to the Minister for Health

What was the total number of mental health patient presentations in the Western Australian public hospital system in the following financial years:

(a) 2001–2002;

(b) 2002–2003;

(c) 2003–2004;

(d) 2004–2005;

(e) 2005–2006;

(f) 2006–2007; and

(g) 2007–2008?

Mr J.A. McGINTY replied:

(a)-(g) See attached document. [See paper 3687.]

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