

Legislative Council

Tuesday, 24 May 2011

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

PAPER TABLED

A paper was tabled and ordered to lie upon the table of the house.

“UNIVERSAL CHILD HEALTH CHECKS” — AUDITOR GENERAL’S REPORT — RECOMMENDATIONS

Notice of Motion

Hon Linda Savage gave notice that at the next sitting of the house she would move —

That this house calls on the government to implement the recommendations of the Western Australian Auditor General’s Report “Universal Child Health Checks: Report 11 — November 2010”.

CHILD AND ADOLESCENT MENTAL HEALTH SERVICE — ADDITIONAL FUNDING

Notice of Motion

Hon Ljiljanna Ravlich gave notice that at the next sitting of the house she would move —

That this house notes the findings from the Commissioner for Children and Young People in the inquiry into the mental health and wellbeing of children and young people in Western Australia, and calls on the Minister for Mental Health to immediately implement the recommendations by providing extra funding for the child and adolescent mental health service.

CITY OF PERTH PARKING LOCAL LAW 2010 — DISALLOWANCE

Discharge of Order

Hon Sally Talbot reported that the concerns of the Joint Standing Committee on Delegated Legislation had been satisfied with information provided by the City of Perth, and on her motion without notice it was resolved —

That order of the day 3, “City of Perth Parking Local Law 2010 — Disallowance”, be discharged from the notice paper.

ELECTORAL AND CONSTITUTION AMENDMENT BILL 2011

Third Reading

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [3.04 pm]: I move —

That the bill be now read a third time.

I want to take a few moments to give the house a couple of assurances on matters raised at the Committee of the Whole stage. Hon Ken Travers raised an anomaly that exists in the Electoral Act, which fundamentally means that there are two sections in the act for when elections are held that could clash with each other. For example, at a polling booth where the presiding officer decides—for reasons I do not want to speculate about now—to defer an election, it can be deferred for 21 days. However, it means that the 21 days could coincide with any Saturday that is prohibited under the current act; that is, the Saturday before or after Easter or the Saturday of Easter. I did some research and found that that situation could have arisen at an election back in about 1963. Back then, if an election at a polling booth had been deferred for 21 days, it would have coincided with Easter. A couple of elections in the past were held in March; therefore, that scenario was not unusual back in the 1960s and 1970s.

The point I am trying to make is that the anomaly that the member has drawn to the house’s attention, although in a sense it relates to this bill, as this bill changes the date to March, could make it more likely for there to be a problem; but it is an issue with the act itself and not to do with the bill. I have had some advice from the State Solicitor’s Office and the view of the advisers is that we do not need to make any amendment, because the section of the act that refers to deferring a poll does not require the subsequent poll to be held on the Saturday; it could be held on any day. It is therefore quite possible that the election could be held on a Friday, a Sunday, a Wednesday or whenever, to avoid the restrictions contained in the section that relate to Easter. The advisers say that it is such a rare potentiality for this to happen and that if it did there is enough flexibility in the current act to allow time to find a date that would not clash with the prohibition on those three Saturdays.

However, I want to take some more time to consider this matter. There are a couple of policy issues that might be worth considering. One is whether we need a prohibition on the Saturdays before or after Easter. I can think

of a good argument for why we would not have a poll on the Saturday after Easter. That is because we would finish up with the last week of the election held during Easter. That would be, I would have thought, an unfortunate relationship. However, I think there is some argument for holding the election on the Saturday before Easter. If we got rid of one of those Saturdays as a possible day for the election, it would then reduce by about a third the potentiality of the problem that Hon Ken Travers indicated. There is, therefore, a policy issue surrounding that matter that I would like to investigate some more. It may be possible to amend the section that relates to the 21 days to another number of days. That may overcome the problem, but I think some more work needs to be done on this matter.

I therefore propose to proceed with the third reading of this bill now and to proceed with it through the other house. I give a commitment to the house that before the election I will deal with the matter that Hon Ken Travers raised. If any amendment needs to be made, we can discuss that between the parties involved to see whether there is some consensus on the way forward on this matter. I have tried very hard to get a consensus view across the political parties on this legislation, as we are all affected by its provisions. Therefore, any consequential matter such as this should be resolved by consensus as well, if that can be achieved, on the basis that this matter will be resolved, if it can be resolved, before the election. I then seek the house's support to pass this bill through the third reading and have it pass through the Parliament so that we know the date of the election, and we will sort out the anomaly in the meantime.

HON KEN TRAVERS (North Metropolitan) [3.09 pm]: I want to indicate very quickly that the Leader of the House and I had a discussion behind the Chair similar to that which he has just outlined. We are happy to proceed with the process that has been outlined. The Leader of the House has accepted that it is an area that requires some tweaking. We support the principle of the bill, which is to have fixed-term elections. Therefore, we are happy for the bill to proceed rather than hold it up at this stage. I believe that this issue needs to be corrected. The Labor Party has is working with the other parties in the Parliament to try to find consensus. As members will recall, during the committee stage the Labor Party's proposal to resolve some of those problems was to have the third Saturday in February as the date on which elections would be fixed. I still put that forward and ask, if we can get consensus, that members consider it as one of the options to resolve the problem with this legislation. However, it is certainly not an issue that the Labor Party feels should hold up the overriding and important principle of this bill, which is to have fixed-term elections. Therefore, we will support the passage of the bill through this place.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

BUILDING SERVICES (REGISTRATION) BILL 2010

Third Reading

HON SIMON O'BRIEN (South Metropolitan — Minister for Commerce) [3.11 pm]: I move —

That the bill be now read a third time.

In so moving, I remind members that in the committee stage two items raised by Hon Ljiljanna Ravlich were under discussion. I undertook to provide some information prior to the bill being read a third time, and I now do so. The first item was that Hon Ljiljanna Ravlich requested information regarding whether the term “hold out or imply”, in clause 6 of the Building Services (Registration) Bill 2010, has ever been determined by a court. Indeed it has, and I am sure that members will be generally interested in this information as well as dealing with the specific query. The term “hold out or imply” is a commonly used phrase in occupational licensing legislation in Western Australia and other state and international jurisdictions. Some recent acts in which this exact term has been used in Western Australia include the Medical Radiation Technologists Act 2006, in which it appears in section 83; the Occupational Therapists Act 2005, in which it appears in section 86; and the Pharmacy Act 2010, in which it appears in section 60. Several other occupational licensing statutes, including the current builders and painters registration acts—which, of course, we are in the process, through this bill, of repealing and replacing—make use of variations of that term. Some of those statutes include the Architects Act 2004, the Real Estate and Business Agents Act 1978, the Veterinary Surgeons Act 1960, the Travel Agents Act 1985 and the Finance Brokers Control Act 1975.

The term “hold out or imply”, and its variations, is crucial to the enforcement of licensing and registration legislation and, as a consequence, is tested frequently in prosecutions relating to unregistered or unlicensed activity. This term has not been the subject of dispute in the courts or caused any significant practical difficulties in the enforcement of the acts that I have mentioned. However, a couple of examples of case law involving the use of the term “hold out” from some WA Supreme Court proceedings are, firstly, *Bromley v Bembridge* in 2002, in which the observation was made —

Now, he does not need business cards, advertising, and such things, all of which, of course, would make it more obvious, but certainly are not necessary, and it doesn't matter that he didn't call himself a travel agent. It is rather a matter of what he holds himself out as capable of doing."

The second case to which I will refer is *Legal Practice Board v Ridah* in 2004, in which it was advanced as follows —

"... whilst not a certificated practitioner, I held myself out as such during the period between June 2001 and March 2002 ...

I thank the honourable member for raising that question. I believe that that provides a full response.

The second and last matter that was raised by Hon Ljiljana Ravlich during the committee stage was a request for a comparison of penalties between the Builders' Registration Act 1939 and those proposed under the Building Services (Complaint Resolution and Administration) Bill 2010 and the Building Services (Registration) Bill 2010, which we are currently dealing with. The comparison has been done, and I have a table with me which runs to about four pages of those comparisons and which I now table in response to the member's query.

In conclusion, I thank members for their support up to this stage for this bill and the others that accompany it, and I look forward to their support for the third reading.

[See paper 3316.]

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

ROAD TRAFFIC LEGISLATION AMENDMENT (INFORMATION) BILL 2010

Assembly's Amendments — Committee

The Deputy Chairman of Committees (Hon Brian Ellis) in the chair; Hon Simon O'Brien (Minister for Finance) in charge of the bill.

The following amendments made by the Assembly now considered —

No 1

Page 10, after line 29 — To insert:

- (3) A person —
- (a) to whom information is disclosed under subsection (2); or
 - (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the authorised purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

No 2

Page 11, after line 16 — To insert:

- (3) A person —
- (a) to whom information is disclosed under subsection (2); or
 - (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the road safety purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

No 3

Page 26, after line 1 — To insert:

- (3) A person —
- (a) to whom information is disclosed under subsection (2); or
 - (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the authorised purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

No 4

Page 26, after line 16 — To insert:

- (3) A person —
- (a) to whom information is disclosed under subsection (2); or
 - (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),
- must not use the information for a purpose other than the road safety purpose for which it was disclosed.
- Penalty: a fine of 100 PU or imprisonment for 12 months.

Hon SIMON O'BRIEN: I move without notice —

That the amendments made by the Assembly be agreed to.

In doing so, I thank members for their previous support for this bill, which contained a number of initiatives that found support, and indeed some active support, from all sides of the chamber. I am sure we all want to see this statute become law. The Committee of the Whole, as then constituted, also saw some significant efforts by members to ensure that this legislation, as it issued from this place, was the most effective and efficient piece of legislation that we could produce. I thank members for their participation in that. There was a proposal, for which I acknowledge and thank Hon Ken Travers, which in due course gave rise —

Hon Ken Travers interjected.

Hon SIMON O'BRIEN: Yes, we will get the member to run his eye over all the government's legislation in due course.

The proposal has been taken up, as I indicated it would be during the committee stage. Attention was given to examine the matter the member raised and to give it mature reflection with a view to moving appropriately constructed amendments in another place to deal with it. That has happened. The minister, acting on my behalf—hang on; this is not my bill anymore; I am acting on behalf of the new Minister for Transport. Anyway, my ministerial colleague—

Hon Ken Travers: It was his mistake, not yours, minister!

Hon SIMON O'BRIEN: Yes, we have moved to clean up this bill. I will start that sentence again. My ministerial colleague in another place did indeed see to it that these amendments were progressed. They are the substance of what is contained in this message.

The amendments in general terms were to ensure that there were sufficient safeguards to protect sensitive, private and personal information that fell into the knowledge of anybody who was required to deal with it. I think it is fair to say that, even though we arguably already have sufficient legislative provisions in place to deal with possibly all eventualities, this was at the very least a belt-and-braces mechanism to make sure that all the bases were covered. I am in favour of that when we are talking about such an important issue.

Clause 6 of this bill will insert new sections 8 through 13 inclusive in the Road Traffic Act 1974. We covered those in detail on another occasion. Members will recall that each proposed section deals with the disclosure by the director general of particular information to specified entities, such as the Commissioner of Police, other licensing authorities, the Commissioner of Main Roads and the Fines Enforcement Registrar. Proposed section 12 will empower the director general to disclose information to prescribed persons for authorised purposes, such as to enable the administration of a written law or the performance of a function under a written law. Proposed section 13 will empower the director general to disclose information to persons for road safety purposes. Amendments that have been made in the other place insert specific offence provisions in proposed sections 12 and 13. These will be in addition to the various sanctions that already exist in the Criminal Code and the Public Sector Management Act 1994 relating to the misuse or improper use of, or unauthorised access to, information. Some of these sanctions apply specifically to public servants and government contractors. Others apply to any person. Nonetheless, we see merit in the suggestion that these further offence provisions may be of assistance. That is why we are in support of them.

In addition, clause 12 of this bill will insert proposed section 103. Proposed section 103 will create an offence provision that applies to any person who is or has been engaged in the performance of functions under the Road Traffic Act 1974 and who misuses information. The entities to whom the director general must or may disclose information under proposed sections 8 through 11 inclusive are public servants and/or government contractors. Under proposed sections 12 and 13, however, a prescribed person seeking information for an authorised purpose or a person seeking information for a road safety purpose might be a public servant, a government contractor, a commercial entity or a private individual. To create a completely robust legislative framework, the amendments

create offences that will apply to a person to whom information is disclosed under proposed sections 12 or 13 and to a person who is employed or engaged by that person. It will be an offence to use information disclosed for a purpose other than the purpose for which the information was disclosed. The penalties reflect those penalties that will apply for an offence against proposed section 103.

Finally, identical amendments have also been made to clause 21, which amends the Road Traffic (Administration) Act 2008, to ensure the continuation of the amendments we are proposing to make to proposed sections 12 and 13 if and when the road traffic reform suite of legislation, of which the Road Traffic (Administration) Act 2008 forms part, commences operation. I thank members for their assistance in the progress of this bill and indicate that we should support the proposals contained in the message.

Hon KEN TRAVERS: I rise to indicate that the WA Labor Party will support these amendments. As the minister has rightly pointed out, the amendments arose as a result of the debate we had during the committee stage of the bill in this place. The amendments close a potential loophole in the misuse of the information. Obviously, I think prevention is better than cure, and I would hope that, if information is being disclosed, the government will ensure that there are rigorous processes for assessing the organisations to which that information will be disclosed prior to it being disclosed. Having said that, it is still good to have these provisions, which will make it clear that it is an offence to misuse that information once it has been obtained.

I know that my colleague Hon Ed Dermer is getting increasingly concerned that this chamber is now receiving amendments from the other place to legislation initiated in this place. At the end of the year we do not want to have statistics showing that the other place has amended more of our legislation than we have of its.

Hon Ed Dermer: The junior chamber must keep its place!

Hon KEN TRAVERS: Hon Ed Dermer has expressed his grave concerns to me outside the chamber along the lines that he has just pointed out by interjection that we need to keep the junior chamber in its place. With those words I indicate that WA Labor supports these amendments. I appreciate the government again taking the opportunity to seriously address the concerns that were raised. All too often when these concerns are raised they have been ignored. We have seen other road traffic legislation in which the minister in the other place has chosen to ignore the legitimate concerns that were raised by the opposition, and we ended up down the track having to bring in new legislation to correct it.

Hon Simon O'Brien: It has been a good exercise.

Hon KEN TRAVERS: This has been a good outcome. The opposition raised the issues, and the government addressed them. I hope that is a sign of a new way of thinking by the government. There are some ministers in the government who put on blinkers, and because the opposition raises an issue, it must be a bad thing and not to be supported. I note these amendments, and the changes to another part of this bill that were made when Hon Simon O'Brien was the minister to the way in which photographs will be given to the family of the deceased. We ended up with better legislation and we achieved the same goal, which was the desire of the opposition and the government. We came up with a better mechanism as a result of the dialogue between the government and the opposition. With those words, the opposition is more than happy to support the amendments that have been proposed by the minister.

Hon ALISON XAMON: The Greens (WA) also support the amendments proposed by the minister, and we echo a lot of the sentiment just articulated by Hon Ken Travers. The Greens think it is always wiser to err on the side of caution when it comes to such sensitive information as that which we have been discussing in this bill. The Greens support the amendments, which are consistent with the concerns raised by the Greens in debate. I support the motion.

Question put and passed; the Assembly's amendments agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Assembly.

COMMONWEALTH HEADS OF GOVERNMENT MEETING (SPECIAL POWERS) BILL 2011

Committee

Resumed from 19 May. The Chairman of Committees (Hon Matt Benson-Lidholm) in the chair; Hon Donna Faragher (Parliamentary Secretary) in charge of the bill.

Clause 1: Short title —

Progress was reported after the clause had been partly considered.

Hon KATE DOUST: During the committee stage on Thursday, I put a question to the parliamentary secretary on an allocation that had been announced that day in the budget under the police portfolio, which referred to \$20.6 million for additional resources for CHOGM. I know that the parliamentary secretary was about to jump to

her feet and provide us with the detail of how that \$20.6 million was going to be used, and I look forward to hearing what she has found out.

Hon DONNA FARAGHER: I preface my comments by saying that I am happy to assist Hon Kate Doust in this matter insofar as I will provide some general information. Having said that, I reiterate my point from last week, and I seek the Chairman's advice on this matter, that the matters that Hon Kate Doust raised reflect more appropriately in the appropriation bills and should be discussed at length in that context. As I understand it, the funding goes to a range of things, whether that is general operating costs, training, traffic, security and all of those general aspects one would expect to be part of the police's role in CHOGM. More specific detail is perhaps more appropriately asked for during the estimates debate or directly of the Minister for Police. In a general sense that funding goes to all of the activities that the police will be expected to perform during CHOGM.

Hon KATE DOUST: I thank the parliamentary secretary for those comments. However, the reason I asked for that information is that the police will be undertaking a range of activities during the CHOGM period that are part and parcel of their normal activities, and those factors would have been taken into account in the budget as they are the normal functions of the police. This bill relates to a very special occasion with an unusual set of arrangements that we are putting in place to deal with a particular event, which will be only four or five specific days with a bit of activity on either side of those days. The budget matter to which I referred relates specifically to additional resources for CHOGM. Unless otherwise advised, this amount is on top of any other allocation that the police already have. Obviously, it has been allocated to deal with the provision of additional resources that the police may not ordinarily require; it is additional support. The opposition canvassed some of these matters during the second reading debate when we talked about the requirement to have additional police brought in from regional areas, the eastern states and possibly New Zealand; accommodation matters; and transport and equipment, including equipment that will be required at the various events such as the security arches that people walk through. I know there are two or three in this building that will not be used at that time and that can probably be borrowed. I say that flippantly. That is all I really wanted to know. Will this additional amount provide assistance to police during this period so that all those additional police can be transported and accommodated here and provided with the appropriate equipment and the necessary tools to get on and do their job for the specialist security matters that they will be dealing with? That relates back to what we are talking about with this legislation.

To enable the police to do their job, extra dollars have to be poured in. That is evidenced in the budget. What extra resources were the police specifically talking about? I take on board what the parliamentary secretary has said. If we have to ask that question directly of the Minister for Police in estimates, I understand that there will be an occasion to do that next week. We are more than happy to take the Minister for Police to task and, to use the words of a former Greens (WA) colleague in this chamber, to unpack the details of these parts of the budget that relate specifically to CHOGM. As I said last Thursday, having had that very cursory look through the budget, a number of budget allocations are made in various parts of the document that relate exclusively to CHOGM—that single event. Whilst the parliamentary secretary could not give us a total figure last week, we look forward to the Minister for Police providing us with that level of detail and explaining to the Western Australian public how many taxpayers' dollars will be expended during this event.

Clause put and passed.

Clause 2: Commencement —

Hon GIZ WATSON: I just want to clarify the meaning of clause 2. This bill has rather complicated commencement arrangements. Perhaps we might start with a little more explanation on why there is a need to have three different commencement dates.

Hon DONNA FARAGHER: I will start with clause 2(b), which will help explain the others. Clause 2(b) relates to those powers that relate to the Corruption and Crime Commission. Therefore, those sections will commence the day after assent. That will allow investigations to be undertaken along the way, if required, and not during the specific period of CHOGM. The rest of the powers are obviously by proclamation. Essentially, that is the difference.

Hon GIZ WATSON: Clause 2(b) states —

sections 3 to 5, 78 and Parts 8 to 10 ...

I am a bit confused by the use of the word "sections". Are we talking about divisions or clauses? I understand what is meant by "parts" because that is what is referred to in the bill.

Hon DONNA FARAGHER: Essentially, the provision is referring to sections—that is, clauses.

Hon Giz Watson: They will be sections once the bill is enacted.

Hon DONNA FARAGHER: Yes.

Hon ADELE FARINA: I wish to ask a follow-up question. Why do the sections and parts listed in clause 2(b) come into operation the day after the day on which the act receives royal assent? Why do they not come into effect on the day the act receives royal assent?

Hon DONNA FARAGHER: I understand it is a drafting matter, and it is one that parliamentary counsel proposed. It is convention. That is the advice that I have been given.

Hon ADELE FARINA: I thank the parliamentary secretary very much for that unenlightening explanation. I am not picking on the parliamentary secretary but I remember when I was in that position, I was required to ensure that I understood and had answers to these questions relating to the reasons. I ask that the parliamentary secretary seek that advice from parliamentary counsel and provide that to this committee. I think it is a reasonable question to which a reasonable response should be provided as an explanation. The fact that it is a drafting practice is hardly a sufficient explanation to warrant the endorsement of the committee.

Hon GIZ WATSON: I note that clause 2(b) allows the parts of this bill that deal with the powers of the CCC to come into effect the day after assent is given. Was the decision to include the use of the powers of the CCC in this bill made at the request of the police? Why was it included in the bill?

Hon DONNA FARAGHER: Yes, it was at the request of WA Police, purely to enable it to be used as an investigative tool if required.

Hon GIZ WATSON: We normally think of the CCC being used to investigate criminal activities. The government is setting an interesting precedent by using the CCC in a pre-emptive sense. As I understand it from the briefing, the powers of the CCC have been included in the bill to allow for an interrogation of people if it is suspected that they are planning to disrupt CHOGM. I understand it is for serious offences. The bar is quite high in regards to what has to be suspicion of a serious offence. It is a pretty strong provision to put in place the coercive powers of the CCC when it is not investigating anything at all. It is potentially investigating something that might happen. It is unusual. I have not seen it in any of the legislation I have debated in this place. I am interested to know why it is considered necessary.

Hon DONNA FARAGHER: Mr Chairman, I seek your advice. I am happy to provide some advice now, but part of the question relates to a later part of the bill. It might assist the member if we deal with the question when we get to that part of the bill. I am happy to provide some general information and go through the question more closely when we get to the relevant part of the bill, but I will be guided by you, Mr Chairman.

As I understand it, the Corruption and Crime Commission can already do this in respect of organised crime; it is already within its act. Under the current laws, the police do not have those powers, so we are effectively including them in this bill. This, however, is the part of the bill to which I referred, on page 53; that is, clause 84(2)(a), which states —

there are reasonable grounds for suspecting that a relevant offence has been, is being, or will be, committed;

I am not trying to be difficult, but we are talking about a part of the bill that we have not yet reached.

Hon ADELE FARINA: I have a bit of a problem with the notion that we cannot debate the powers that will be granted the day after the day on which this bill receives royal assent. My concern is that we are being asked to provide and enact powers for the CCC, but it is not clear why these powers are needed earlier; nor is it clear what powers we are providing to the CCC that the police do not already have. I think it is pretty important that we are able to discuss those powers at this point, because it goes to whether we support this particular clause as it is drafted. There are questions about whether those powers are actually needed this far in advance of the Commonwealth Heads of Government Meeting, given that it has been well argued that the police already have these powers and that we do not actually need to also invest the CCC with them well in advance of CHOGM. I would like some explanation of the justification for that.

The CHAIRMAN: I think the parliamentary secretary is actually responding at this stage, member.

Hon DONNA FARAGHER: I was actually seeking advice; sorry, Mr Chairman. I have given general advice, and I was seeking advice from you as to where this question could be dealt with more appropriately. Hon Adele Farina suggested I was trying to be difficult, but I was not; I was actually seeking your advice.

The CHAIRMAN: One suggestion you might like to consider is to postpone clause 2 until after clause 93, then return to clause 2.

Hon DONNA FARAGHER: Mr Chairman, I would be happy for that to occur. It seems sensible.

Clause 2 postponed until after consideration of clause 93, on motion by Hon Giz Watson.

Clause 3: Terms used —

Hon DONNA FARAGHER: There are three amendments standing in my name—1/3, 2/3 and 3/3. I am not sure whether I have to move each amendment individually, but given that they are all interrelated, I wish to speak to

all three and then deal with them separately; that might be an easier way to go. They all, in effect, relate to the same issue.

The CHAIRMAN: If they are all interrelated, then, certainly, you may speak to them, but obviously I will put them individually.

Hon DONNA FARAGHER: As I briefly indicated, there are three separate amendments to clause 3. The first amendment clarifies what is meant in the bill in relation to the term “attend” an event. It now includes being accommodated in the accommodation provided. The second amendment addresses any uncertainty around what events will be covered by the bill. I do not intend to reflect on debate in the other place, but some issues were raised in respect of whether there was uncertainty about the types of events that would be covered under the bill. Some clarification was sought on what meetings, events, functions and activities would fall within the scope of the legislation. The minister considered that question and sought further advice, and the result is the amendments standing in my name. As I have already indicated in my reply to the second reading debate, it is not possible to exhaustively list all CHOGM events, both formal and informal, and CHOGM includes both formal and informal elements. CHOGM is not taking place until the end of October, and some of the events have not yet been finalised, and those that have may indeed change between now and that time. For that reason, there still needs to be some flexibility within the legislation to enable powers to be given to the police.

To strike a balance in identifying to which specific events the bill will apply, and to provide the flexibility I have mentioned, the amendments that I am moving today define, as clearly as possible, the types of events that will be covered as CHOGM events. Members will see that CHOGM, in respect of its definition, is now much larger. The second amendment refers to meetings, functions, activities or entertainment events held for the benefit of people attending CHOGM; the provision of accommodation; arrival at, or departure from, any airport; and any other event, meeting, function or activity declared by the minister to be a CHOGM event by an order made “under section 13A”, which we will come to later. Essentially, the three amendments seek to specify more clearly the definition of CHOGM Perth and what “events” and “attend an event” mean. I seek the support of the committee.

Hon KATE DOUST: I thank the parliamentary secretary for her explanation of these new definitions that are to be included in this bill. I note that today the government is seeking to move an extensive range of amendments. I note also that those amendments have arisen from the debate in the other place, which canvassed a range of drafting problems and other details in this legislation. In some ways, it is a great shame that these matters could not have been dealt with in the other place. But I suppose that goes back to the minister responsible and his approach, which, in some ways I think is a bit like Gough Whitlam’s “push and push-through” approach to life. That is the only relationship to Gough Whitlam; nothing else. That is a real difficulty because every time one of the police minister’s bills is introduced into this place—I am not saying that this reflects on the parliamentary secretary or even Hon Peter Collier, who usually handles these bills—they are flawed; they are deficient in detail and have to be fixed in one way or another. Because of his reluctance to deal with people in the other place and take on board matters that are canvassed there to try to tighten the legislation, we now have a raft of amendments in here that the parliamentary secretary must deal with. She will deal with them probably much more capably than he will when the bill is returned with the amendments. I am sure members in the other place look forward to canvassing these issues again when the bill is returned in due course in its amended version.

Given the debate that occurred around the uncertainty of what constituted an event and when and where an event would start, I note with interest that arrival at and departure from the airport have been picked up; it is an interesting point to start with in defining an event. The opposition will support these amendments because they pick up on the matters that were raised in the other place. We think it is very important to make sure, if we are to pass this type of legislation, that it is very clear and people understand exactly what we are trying to do, rather than have to deal with the broadbrush strokes and grey areas that usually exist in legislation introduced into the Parliament by the police minister.

Hon ADELE FARINA: Given that the “CHOGM event” definition includes “any meeting, event, function or activity that forms part of CHOGM (Perth)”, do we really need a definition for “period” in the words “period and associated meetings, events, functions and activities”, if we are talking about the CHOGM period? Are we to understand that the definition of “period”, as it will be used in the act, means a period outside the CHOGM event period, which is defined in the definition of “CHOGM event”? It seems to me to be a little confusing. I am not sure whether the meetings, events, functions and activities are the same as those described in the CHOGM event, in which case I am not sure why we need a definition that says “period and associated meetings, events, functions and activities”. Does it refer to associated meetings, events, functions and activities that are outside the CHOGM event period?

Hon DONNA FARAGHER: I understand the member is referring, in effect, to the amendment at 3/3, which is to insert “Period and associated meetings, events and functions”. We are dealing with all three amendments at once. The amendment is simply to ensure that the language utilised both at 2/3 and 3/3 is consistent. It will occur

only during that defined period but we are adding “associated meetings, events, functions and activities” for clarity so that it is consistent with earlier definitions to which the member referred.

Hon ADELE FARINA: My concern is that—I am probably going to get rapped over the knuckles here—when I read the words “CHOGM period” and the word “period” in the context of clause 6, I become very confused. The term “CHOGM period” is used throughout clause 6, except in clause 6(4), which drops the word “CHOGM” in front of the word “period” and refers only to “period”. That creates an issue about whether the amendment proposed in 3/3 actually means some “meetings, events, functions and activities” outside the CHOGM event itself.

Hon DONNA FARAGHER: We are referring to another clause.

The CHAIRMAN: That may be the case. I am looking at page 2, line 22 and the issue of simply the definition of “CHOGM period”. I am certainly not the person asking the question at this stage. The parliamentary secretary is at liberty to respond as she deems appropriate, of course.

Hon DONNA FARAGHER: I refer to clause 6, even though we have not got to that yet.

Hon Kate Doust: We can probably deal with the definition.

Hon DONNA FARAGHER: The question asked by Hon Adele Farina deals with reference to “that period” in clause 6. This is the challenge I have again. If that is what Hon Adele Farina is seeking, “that period” refers to the CHOGM period but it may be a period within the CHOGM period. In effect, it might be only a section of time such as a day within the CHOGM period, as opposed to the full three days. Therefore it is “that period” as opposed to the “CHOGM period”. It is not the intention for this bill to carry on any further than it is required to. Therein lies the challenge of, I suppose, reflecting on clause 6.

Hon KATE DOUST: I do not know whether it makes it easier for the parliamentary secretary to deal with the definition there for “CHOGM period”. I do not know whether the regulations have been drafted yet; I imagine someone is feverishly working away on them. If possible, it would be good to put on the record what the actual period will be described as in the regulations—that is, what the dates or days are. Getting back to what Hon Adele Farina said, we know that there is a set, formal period for CHOGM from, I think, Friday, 28 October through to the following Monday.

Hon Donna Faragher: Sunday, which is 30 October.

Hon KATE DOUST: That is three days. We have been told also that there will be events, meetings and other activities prior to that formal period and meetings post that period. I suppose we need to know whether the whole of that time will be described as the “CHOGM period” in the regulations or it will only be those three days. How does the parliamentary secretary describe the meetings and activities that occur prior to or post the formal period; are those events still part of the CHOGM event?

Hon DONNA FARAGHER: Hon Kate Doust is right in saying that the regulations are being worked on, but I reflect on what I said before inasmuch as the program is not finalised six months out. As the member said, the CHOGM meeting goes from 28 to 30 October. We also have dates for the parallel events, such as the youth forum, the business forum and the people’s forum, and we know that the foreign ministers will meet earlier in the week.

Hon Kate Doust: Will the people’s forum and the youth forum be held within the formal period or outside the formal period?

Hon DONNA FARAGHER: Yes, we expect that they will be. For example, the youth forum starts on Sunday, 23 October, which is the Sunday before the CHOGM meeting. Again, as I said, it is not finalised. Therefore, we reflect within these amendments relating to arrival and departure that some delegates or others may arrive on Saturday, 22 October. We do not know that level of information at this point in time, but as we move closer to the event and those details are finalised, the regulations will stipulate, I understand, essentially from the date of the first arrival and when the functions are starting to when the last person leaves. That will be the CHOGM period, but within that will also be some defined events. For example, the youth forum only goes from Sunday, 23 October to Thursday, 27 October. At the end of that forum, that part of CHOGM will be completed. As I said before, there is the overall CHOGM period, but then there are events within that period that might not go for the entire time.

Hon GIZ WATSON: I had the opportunity when I was being briefed to also discuss these amendments—or perhaps it was after the briefing; I am not quite sure. I think that, to be blunt, the amendments are not terribly clear. I know what the amendments intend to do. I will make a suggestion to resolve the lack of clarity, because it seems to me that the definition of “CHOGM (Perth)” on page 2, lines 24 to 26, as it stands at the moment refers to a period of time and by adding “and associated meetings, events, functions and activities;” after “period”, confuses two concepts: time and certain sorts of events. I suggest—I think it is a neater way of doing it—that we change that particular definition to read “CHOGM (Perth) means a Commonwealth Heads of

Government Meeting event”. Either we put those words in or put the extra words after “meeting” and not after “period”, because otherwise we are mixing two concepts: a length of time and certain types of activities. It seems to me that that is partly why these amendments are confusing. I do not have a problem with the amendments, because I think they attempt to clarify and give more detail on what the CHOGM event is. That is all well and good, but amendment 3/3 makes it confusing. I think that is why we are stuck on this issue. I raised this issue before in the hope that some consideration might be given to it before we reached this stage. I am trying to assist with getting the words to mean something logical.

Hon ADELE FARINA: Given the parliamentary secretary’s explanation in the chamber to Hon Kate Doust of the definition of “CHOGM period” including all associated events—the actual periods have not been determined in the regulations and, therefore, they are not set out in the bill—Hon Giz Watson is absolutely right: we do not need the extra words following “CHOGM period” at line 26. Changing “CHOGM period” to “CHOGM event” would probably make the definition easier to understand. If amendment 3/3 is agreed to, the definition of “CHOGM (Perth)” suggests that there is the CHOGM period and then associated events outside the CHOGM period, but the parliamentary secretary indicated to the house that the CHOGM period includes the associated events. Therefore, there seems to be some confusion if the parliamentary secretary moves both those amendments in their current form before the chamber.

Hon DONNA FARAGHER: I think both members need to look at the definition of “CHOGM (Perth)” at line 25 where it says that it means the meeting to be held “during the CHOGM period”. CHOGM (Perth) is the meeting between the heads of government from 28 to 30 October, but, as I have indicated, other events and activities will occur outside the time of the actual meeting. Therefore, that is the CHOGM period. For example, as I have mentioned to members, the youth forum, which is a parallel event and part of CHOGM, will be held from 23 to 27 October. Hon Adele Farina and Hon Giz Watson refer to “CHOGM period” at line 26 and that is fine, but prior to that it says “during the CHOGM period”. That is why we are being more specific; there is CHOGM (Perth), which obviously means from 28 to 30 October, which is the actual meeting of the heads of government, and outside of that are other meetings, events, functions and activities that form part of CHOGM (Perth). That is why it is a longer period.

Hon ADELE FARINA: By the parliamentary secretary’s very definition, the other events form part of the CHOGM event, not CHOGM (Perth). That is where the definitions that are being provided confuse everything, because those other events that are part of the CHOGM event, from what the parliamentary secretary has just said to the house, are not part of CHOGM (Perth).

Hon DONNA FARAGHER: I go back to what I said before. I will not reflect on debate in the other place, but I will perhaps give some context for why this amendment is on the notice paper. There was a great deal of debate on what “CHOGM (Perth)” or a “CHOGM event” is and whether it is only from 28 to 30 October or encompasses those other events that will be held outside that specific meeting. As members can see from the amendments that I have on the notice paper, the definition has been expanded to clarify that we are referring to not only the meeting from 28 to 30 October, but also those other events, activities and functions that are part of CHOGM (Perth). I do not want to reflect on debate in the other place, but it arises from some confusion and concern that the definitions were not appropriately specific; albeit they do not specify events at this time because a number of them have not been finalised.

Hon GIZ WATSON: I am still grappling with this amendment. The definition of “CHOGM event” has been expanded to be more specific and to include all the associated things that have been contemplated at this stage. There is then a catch-all phrase that says anything else we think of we can make an order “under section 13A”. That is, therefore, comprehensive.

Hon Donna Faragher: Yes.

Hon GIZ WATSON: I then understand the parliamentary secretary to say that the definition of “CHOGM (Perth)” is the formal part, the heads of government bit.

Hon Donna Faragher: Correct.

Hon GIZ WATSON: Why then are we adding “associated meetings, events, functions and activities” if we are trying to make that differentiation, as that makes it a “CHOGM event” during the period?

Hon DONNA FARAGHER: Again, this goes back to debate in the other place where there was a view that the definition “CHOGM (Perth)” in this clause simply meant the leaders meeting between 28 and 30 October and that, therefore, all the other parallel events and the like that were discussed were not part of CHOGM (Perth). They are, and that is why the amendments I am moving broaden the scope and more appropriately reflect what CHOGM (Perth) actually is. It is broader than just the meeting of the heads of government between 28 and 30 October.

Hon GIZ WATSON: Perhaps then the question is: why does “CHOGM (Perth)” need to be defined separately from “CHOGM event”? If provisions and special powers are needed to deal with anything that happens around

CHOGM in Perth, surely that definition would suffice. I still do not see why the definition “CHOGM (Perth)” needs to be expanded to include “associated meetings, events, functions and activities”, because that will then recreate a definition that is very similar.

Hon DONNA FARAGHER: I thank the member and the chamber for their patience. I have some sympathy for where Hon Giz Watson is coming from. That is the reason I have taken a little moment to go through this a bit more clearly. The amendment needs to be looked at in the context of where a “CHOGM event” is referred to in later parts of the bill. A CHOGM event per se in proposed paragraphs (a) to (f) refers to the application of the powers that relate to those events. Where “CHOGM (Perth)” is referred to in the bill, it simply refers to the event of CHOGM (Perth) and its associated functions and activities and the like. I have not gone through the bill clause by clause—given that we are heading towards question time I will double-check this—but essentially wherever a “CHOGM event” is referred to in the bill, in effect it refers to the application of the powers that will be applicable to those events.

Hon ADELE FARINA: I will ask this question now as it will provide the parliamentary secretary with some time to provide the answer. I cannot see the words “CHOGM (Perth)” anywhere in the body of the bill. I have had a quick look through the bill and I am prepared to concede that I may have missed it.

Hon Donna Faragher: It is on page 5, for example.

Hon ADELE FARINA: Okay. Is that the only place where it appears?

Hon Donna Faragher: We can find out.

Hon ADELE FARINA: It seems to me that the parliamentary secretary has not addressed the key issue; that is, the two definitions are actually providing confusion.

Committee interrupted, pursuant to temporary orders.

[Continued on page 3798.]

QUESTIONS WITHOUT NOTICE

SYNERGY — RESIDENTIAL NET FEED-IN TARIFF SCHEME

373. Hon KATE DOUST to the Minister for Energy:

By postcode, how many Synergy customers are part of the government’s residential net feed-in tariff scheme?

Hon PETER COLLIER replied:

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

I am advised by Synergy that it is unable to provide the requested data in the time frame specified. Synergy has commenced data extraction in relation to this request and will provide the relevant information when it becomes available.

Hon Kate Doust: It’s a bit like its billing system. It can’t find anything or —

Hon PETER COLLIER: No. I am actually trying to do the member a favour. I could tell her to put the question on notice, but I am not going to. What I was going to say was that if the member asked a straight question such as, “How many has Synergy got signed up for the feed-in tariff?” it would not be an issue, but to ask Synergy to provide the information by postcode in a couple of hours makes it very difficult. What I have said—I will just repeat what I have just said—is that as soon as the information is available, I will give it to the member, and I will expedite it as much as I possibly can.

PERTH OBSERVATORY — FUNDING

374. Hon KATE DOUST to the minister representing the Minister for Environment:

(1) What funding was provided to the Perth Observatory for the following financial years —

- (a) 2007–08;
- (b) 2008–09;
- (c) 2009–10; and
- (d) 2010–11?

(2) Does the Observatory have any plans to upgrade its website to give a more up-to-date calendar of celestial events and a star guide for Perth; and, if not, why not?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of this question. The following information was provided to me by the Minister for Environment —

- (1)
 - (a) \$1 122 125;
 - (b) \$1 068 195;
 - (c) \$1 030 364; and
 - (d) \$1 167 071.
- (2) Yes. Perth Observatory is in the process of arranging redevelopment of the website to improve the updating of current astronomical news and will consider placing a calendar of celestial events and a star guide for Perth on the website.

DEPARTMENT OF ENVIRONMENT AND CONSERVATION —
INCOME FROM ENVIRONMENTAL OFFSET PROGRAMS

375. Hon SALLY TALBOT to the minister representing the Minister for Environment:

I refer the minister to the income that the Department of Environment and Conservation receives for environmental offset programs.

- (1) How much has DEC received, and from whom, for each of the following years —
 - (a) 2008–09;
 - (b) 2009–10; and
 - (c) 2010–11 to date?
- (2) What was this money spent on?
- (3) How will this money be used?
- (4) Does DEC have an offset policy; and, if so, will the minister table it?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of this question. The Minister for Environment has provided the following information —

- (1)–(3) Offsets may arise in a number of settings, and DEC's role may be as a regulator setting offsets as a condition of a clearing permit, receiving offset funds from projects assessed by the Environmental Protection Authority or assisting proponents to meet conditions set by the commonwealth under the commonwealth Environment Protection and Biodiversity Conservation Act. There is currently no single register of offsets across all business areas. I table as an attachment information on offset funds received by DEC in 2008–09 and 2009–10. Information for 2010–11 has not been compiled.
- (4) DEC has a guide to developing a clearing permit offset proposal available on its website and which I table. The Environmental Protection Authority has position statement 9, guidance statement 19 and environmental protection bulletin 1, which relate to environmental offsets. I also table these policies. Through the Directors General Working Group on approvals, development and sustainability, a whole-of-government policy on environmental offsets is in development. One of the commitments of this policy is a public register that will contain consolidated records of environmental offsets and meet government, community and industry expectations for transparency and accountability.

[See papers 3317 and 3318.]

ROE HIGHWAY EXTENSION — PREFERRED CONCEPT DESIGN

376. Hon KEN TRAVERS to the minister representing the Minister for Transport:

I refer to the recently released Roe Highway extension preferred concept design.

- (1) Has Main Roads done any work on the estimated cost to construct this design; and, if yes, what is the estimated indicative cost to construct this design?
- (2) If no to (1), why not?
- (2) How is the community expected to assess this concept design without any idea of the estimated cost for construction of this design?
- (4) Why is the government continuing to spend money on public consultation for this project now that it has removed the construction of this project from the state budget?
- (5) Can the minister confirm that the government does not expect to commence construction of this project until after 1 July 2015; and, if no, when does the government expect construction to commence?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question. On behalf of the minister representing the Minister for Transport, I provide the following response —

- (1) Yes; \$620 million.
- (2) Not applicable.
- (3) Indicative amounts have been discussed at community workshops and in the media.
- (4) Unlike the previous Labor government, which had a very poor record on project management, cost and time overruns, this government looks to undertake all relevant planning work relating to projects.

Hon Ken Travers: This has blown out already!

Hon NORMAN MOORE: If the member wants to talk about the arena, I am happy to do that. The answer continues —

The government is committed to developing the project scope and obtaining all relevant approvals so that it is in a position to commence construction once funding is identified.

- (5) Confirmation of the timing for construction is dependent upon obtaining the environmental approvals and funding arrangements being finalised.

DEPARTMENT OF JUSTICE — ABORIGINAL JUSTICE AGREEMENT PROGRAM

377. Hon GIZ WATSON to the parliamentary secretary representing the Attorney General:

- (1) Has the evaluation of the Aboriginal justice agreement program referred to in the Department of the Attorney General's 2009–10 annual report been finalised?
- (2) If yes to (1) —
 - (a) what measures have been used for the evaluation;
 - (b) has a report been issued; and
 - (c) will the Attorney General please table a copy of the report?
- (3) If no to (1) —
 - (a) what measures are being used for evaluation;
 - (b) will a report be issued; and
 - (c) will the Attorney General please table a copy of the report when the evaluation is complete?

Hon MICHAEL MISCHIN replied:

I thank the member for some notice of the question.

- (1) Yes.
- (2)
 - (a) A combination of quantitative data and qualitative information has been obtained from a number of key stakeholders, including from the AJA signatory departments, other government agencies, the state justice congress and local justice forum members.
 - (b) The findings of the report have been issued.
 - (c) Yes. This is a matter that the Attorney General will discuss at his next scheduled meeting with the Aboriginal Studies Association congress members, if the next meeting is imminent.
- (3) Not applicable.

MINISTERIAL COUNCIL FOR SUICIDE PREVENTION — RESIGNATION OF DR JOHN FRANKLYN

378. Hon LJILJANNA RAVLICH to the Minister for Mental Health:

I refer to Dr John Franklyn, OAM, and his position as chairman of the Ministerial Council for Suicide Prevention.

- (1) Can the minister confirm that Dr Franklyn notified the board last week of his resignation?
- (2) When was the minister notified about the resignation?
- (3) Will the minister provide reasons for the resignation of Dr Franklyn; and, if not, why not?
- (4) Will the minister confirm that this is yet another sign of the lack of confidence in the Mental Health Commission and in the minister's own performance?

Hon HELEN MORTON replied:

(1)–(4) I really appreciate the opportunity to say a few words about John Franklyn, because he is a fantastic guy. Let me tell members about John Franklyn. At one stage he was the chairman of Lifeline WA, and did a fantastic job in that position. When we were establishing the Ministerial Council for Suicide Prevention we thought, “Who in this state would have such a good overview of suicide prevention that we could actually ask that person to come on board and assist with establishing the process for suicide prevention and rolling it out in the state?” Of course, our minds immediately went to John Franklyn. John is a semi-retired gentleman who, as I said, was the chair of the Lifeline board. Over the years John has made a substantial commitment to the community and community services and, in particular, to suicide prevention in this state. He did an absolutely fantastic job in supporting the development of the strategy and helping us to get it up in the way that it is currently written. He assisted us when we brought on a non-government organisation, Centrecare, to undertake the legwork of the Ministerial Council for Suicide Prevention. He was heavily involved in helping to assist Centrecare to bed down its role and its strategies in undertaking the work of rolling out the suicide prevention strategy.

Hon Ljiljana Ravlich: So why has he gone?

Hon HELEN MORTON: If the member waits, she will hear.

Of course, he also had a significant role and was incredibly patient, diligent and comprehensive in developing, against enormous pressures, all of the foundation work that had to be undertaken to roll out the strategy. Many people on this side of the house have a copy of the suicide prevention strategy package—I am making an offer to people on the other side of the house—and I know that some members opposite have already taken those packages. That is the work that John Franklin did in assisting to develop the foundation work for the suicide prevention strategy.

As I commenced the rollout of the strategy and we were bringing to the ministerial council people who had more technical knowledge, in-depth understanding and national and international experience around suicide prevention, John came and spoke to me. About three weeks ago he said to me, “I think you might be better off putting one of those people at the front to lead some of this work.” I really appreciate his very keen understanding of what this strategy needs, the work that he set up over the last two years and his really clear appreciation of what it needs to take the strategy forward to the next stage. In discussions with me, John provided me with a copy of his resignation in writing, which I reluctantly accepted, and I am currently in the process of seeking an alternative.

ROEBOURNE REGIONAL PRISON

379. Hon MATT BENSON-LIDHOLM to the minister representing the Minister for Corrective Services:

I refer to the statement made by the Inspector of Custodial Services in his report on Roebourne Regional Prison in which he condemns the prison as suffering from ailing and outdated infrastructure, a lack of investment and a lack of clear strategic direction for the future.

- (1) What will the minister do to ensure that the Department of Corrective Services implements the 17 recommendations in the report, given that it has done nothing since receiving it?
- (2) What will the minister do to address the serious management issues identified at Roebourne prison, which suffers from low morale and poor relationships with staff and simple issues such as lack of maintenance and poor hygiene?
- (3) What will the minister do to address the inspector’s criticism that there is no prison support officer, women’s support officer or Aboriginal visitor scheme in this facility that has a 95 per cent Indigenous population?

Hon NORMAN MOORE replied:

I answer on behalf of the minister representing the Minister for Corrective Services. I thank the member for some notice of this question.

- (1) It is noted that a response was provided to the inspector as outlined in his report to Parliament on 5 April 2011. Detailed action plans are being created in order to operationally implement the actions detailed in the report. The Department of Corrective Services has a thorough critical review process to ensure action plans are monitored and implemented.
- (2) The department has and is working closely with the Roebourne management team to address current issues and enhance management, leadership, communications and teamwork capabilities. Training, team building, change management and leadership development is part of an overall program to enhance capabilities, management stability and harmonisation within the team.

- (3) The prison support officer commenced on Tuesday, 8 March 2011. The women's support officer commenced on Monday, 21 March 2011 and two Aboriginal visitor scheme staff commenced on Monday, 14 March 2011.

POLICE — PROSECUTIONS OF MENTALLY ILL PERSONS

380. Hon ALISON XAMON to the minister representing the Minister for Police:

I refer to prosecutions of mandatory sentencing for the assault of public officers. Have police or police prosecutors been directed not to pursue prosecutions under sections 297 or 318 of the Criminal Code when it has been found or it is suspected that the perpetrator has a mental illness by —

- (a) the Minister for Police;
- (b) the Commissioner of Police; and
- (c) any other senior police official?

Hon PETER COLLIER replied:

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

- (a)–(b) No.
- (c) Police apply prosecutorial guidelines before any matter is put before a court. Where it is found or suspected that a perpetrator has a mental illness, the officer in charge of police prosecutions in conjunction with the Senior Counsel from the Office of the Director of Public Prosecutions will duly consider whether a prosecution proceeds.

“CARINE VISION” — DEVELOPMENT PLANS

381. Hon ED DERMER to the parliamentary secretary representing the Minister for Lands:

I refer to LandCorp's project to redevelop the former Carine TAFE site.

- (1) What is the current estimated revenue to government from this redevelopment, and how much will be returned to the local community?
- (2) Why does the draft structure plan, which sees the removal of most vegetation on the site, including 50 per cent of significant trees and 25 per cent of tuart trees, not seek to protect any more of the remnant trees and vegetation?
- (3) How is this proposal in keeping with the state planning policy and “Directions 2031”?

Hon WENDY DUNCAN replied:

I thank the member for some notice of this question. The Minister for Lands has provided the following answer —

- (1) LandCorp will acquire the site of the former Carine TAFE subject to a valuation of the land having regard to an approved local structure plan. As the local structure plan has not yet been approved and is the subject of ongoing comment and debate, it is not possible to accurately estimate likely returns to state government from this or the ultimate development. Funds raised by the sale of the site to LandCorp will be returned to the state consolidated revenue fund.
- (2) The Western Australian Planning Commission approved amending the zoning of the site under the metropolitan region scheme from public purpose to urban development. The local structure plan presently before the City of Stirling provides for public open space in excess of statutory requirements, with preference for location of preserved vegetation in response to comments from a community reference group.
- (3) LandCorp and their development partners believe the submitted local structure plan aims to deliver the land uses, target densities and public open space requirements as provided for by state and local planning policies.

CUSTODIAL SYSTEM — ADULT ON REMAND

382. Hon LINDA SAVAGE to the parliamentary secretary representing the Attorney General:

I refer to the answer to Assembly question on notice 4882 where it stated that the longest current time a person has been held on remand in WA is 839 days.

- (1) When did this person's incarceration commence and are they still on remand?
- (2) Where are or where were they being held and what offence were they charged with?
- (3) Has this person's trial commenced; and, if so, when will a verdict be handed down?

- (4) If no to (3), why not?
- (5) Why has this person been on remand for this period of time and does the minister think it acceptable for someone to be held on remand for well over two years?

Hon MICHAEL MISCHIN replied:

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

- (1) The Department of Corrective Services has advised that the commencement date was 4 August 2007. No, the person in question is not on remand.
- (2) The Department of Corrective Services has advised that the person in question is currently at Karnet Prison Farm and the major offence is sexual penetration without consent.
- (3)–(4) The person's trial commenced on 6 July 2009 and a verdict was handed down on 5 August 2009. The person was sentenced on 20 November 2009 and the sentence backdated to 3 August 2007.
- (5) In order to fully ascertain, this question will need to be put on notice as interagency consultation is needed.

BURRUP PENINSULA — EMERGENCY MANAGEMENT PLAN

383. Hon ROBIN CHAPPLE to the Minister for Mines and Petroleum:

I refer to facilities proposed for construction on the Burrup Peninsula, in addition to the existing Pluto project and North West Shelf facility.

- (1) Does an emergency management program exist for the Burrup–Dampier area dealing with a catastrophic explosive scenario at one or more of the existing or proposed facilities?
- (2) If yes to (1) will the minister table this plan?
- (3) If no to (1), is such plan in development?
- (4) If yes to (3), when is the plan expected to be completed.
- (5) If no to (3), why not?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

- (1) There is no single emergency management plan for the Burrup Peninsula. However, the major hazard facilities that operate in this area are required to develop their own emergency plans in consultation with the Fire and Emergency Services Authority and take into account adjacent facilities.
- (2) No. The emergency plans are made available to FESA and other parties as required.
- (3) A single emergency plan is not in development
- (4) Not applicable.
- (5) A single plan is not required.

EELUP ROTARY — FLYOVER

384. Hon ADELE FARINA to the minister representing the Minister for Transport:

I refer to the member for Bunbury's election commitment to build a flyover at the Eelup roundabout in this term of government, and the recently announced modifications to the Eelup roundabout and associated works.

- (1) Does the estimated cost of \$16 million for these works include the cost of the associated works, being the realignment of Estuary Drive with Austral Parade, and the installation of traffic lights at the intersection of these roads with Koombana Drive?
- (2) The Main Roads project overview available on its website states that Main Roads investigations have resulted in —

... the adoption of a layout that includes a flyover for traffic entering Bunbury CBD along the Australind Bypass with a large signalised roundabout underneath as the preferred option.

This being the case, why has the government funded only part of the project and refused to commit to a time line to fund and build the flyover as promised?

- (3) Why has the Eelup flyover been costed at about triple the cost of the construction of flyovers elsewhere?

- (4) Given the traffic volumes on the Eelup roundabout, and that the number of crashes exceed the number of traffic volumes and crashes at the Reid Highway–Mirrabooka interchange and the Reid Highway–Alexander Drive interchange, why is the government building flyovers at these interchanges but it will not honour its pre-election commitment to build a flyover at the Eelup roundabout in Bunbury in this term of government?
- (5) Will the minister table the concept plan, the traffic analysis and the business case for the project; and, if not, why not?

Hon NORMAN MOORE replied:

I answer on behalf of the minister representing the Minister for Transport. I thank the member for some notice of her concise question.

- (1) Yes.
- (2) The state government is committed to providing a flyover at this location. However, at a \$100 million-plus cost for the interchange option, a decision was made to identify and deliver a lower cost interim at-grade treatment which fitted with the ultimate grade separation and could deliver more immediate safety and capacity benefits for the community. Unlike its Labor predecessor, the Liberal–National state government is interested in achieving results to improve road safety, not political point-scoring, so the more immediate option is being progressed with the longer-term goal still intact. The timing and requirement for the construction of the ultimate flyover will be dependent on traffic growth and other variables, such as residential growth, construction of the port access road and the proposed closure of Estuary Drive.
- (3) Logistical reasons, including the proximity of the Preston River.
- (4) The state government is committed to providing a flyover at this location. However, at a \$100 million-plus cost for the interchange option, a decision was made to identify and deliver a lower cost interim at-grade treatment which fitted with the ultimate grade separation and could deliver more immediate safety and capacity benefits for the community. This seems like a repetition of the answer to (2). Unlike its Labor predecessor—which I have already said—this Liberal–National state government is interested in achieving results to improve road safety, not political point-scoring, so the more immediate option is being progressed with the longer-term goal still intact.

I will need to double-check to see there is an error of significant magnitude in this answer where one answer has been repeated twice.

- (5) The technical nature of the business case is not available for tabling and the traffic analysis was undertaken using computer micro-simulation and not able to be tabled. However, should the member require further explanation a briefing can be provided and will be arranged by the minister's office at a time convenient to all parties.

BUSSELTON FORESHORE REDEVELOPMENT PROJECT

385. Hon LYNN MacLAREN to the minister representing the Minister for Planning:

I refer to the Busselton foreshore redevelopment project.

- (1) Would the minister advise why the coastal study in relation to the project has not been made public?
- (2) Is it intended that the coastal study will be made public?
- (3) If yes to (2), when?
- (4) If no to (2), why not?
- (5) Did the coastal study include a coastal vulnerability assessment of the land affected by the project?
- (6) If no to (5), why not?
- (7) If yes to (5), to what extent is that land at risk from sea level rise or other impacts of coastal climate change, including extreme weather events and storm surges?

Hon HELEN MORTON replied:

- (1)–(7) I thank the honourable member for some notice of the question. I am advised that responsibility for this project lies with the Shire of Busselton.

MUNGULLAH ABORIGINAL CORPORATION

386. Hon HELEN BULLOCK to the minister representing the Minister for Housing:

I refer to the housing provided to Mungullah Aboriginal Corporation in Carnarvon.

- (1) How much was spent on maintenance work at Mungullah in the 2009–10 financial year?
- (2) Was any of this work undertaken by local contractors?
- (3) If not, which company or companies undertook the maintenance work?

Hon NORMAN MOORE replied:

I answer on behalf of the minister representing the Minister for Housing. I thank the member for some notice of this question.

- (1) The department commenced a direct housing management association with Mungullah Community Aboriginal Corporation in November 2009. During the remainder of the 2009–10 financial year \$212 000 was spent on standard repairs and maintenance at the community. In addition, \$266 000 was spent on a specific asbestos removal project. A further \$1.194 million was funded through the National Partnership Agreement on Remote Indigenous Housing for the refurbishment of eight houses.
- (2) The majority of the repairs and maintenance of the refurbishment work was contracted to Gascoyne Asset and Maintenance, which is owned by Mungullah Community Aboriginal Corporation and is located within the grounds of the community. This met the National Partnership Agreement on Remote Indigenous Housing objectives of local Indigenous employment and economic development. The asbestos removal project was completed by contractors with a regional presence.
- (3) Not applicable.

NEWMAN DISTRICT HOSPITAL

387. Hon KATE DOUST to the minister representing the Minister for Health:

I ask this question on behalf of Hon Jon Ford, who is unfortunately absent on parliamentary business today.

- (1) Does the minister have any plans to upgrade Newman District Hospital to allow residents to give birth in the hospital?
- (2) If not, why not?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of the question. The following information was provided by the Minister for Health —

- (1) No.
- (2) The standards and guidelines for the WA Country Health Service maternity and newborn services, which classifies maternity and newborn services in a scale of one to five—five being the highest in terms of complexity of care and service provision—has classified Newman hospital as a level 1 facility. Level 1 facilities do not undertake planned births but are quick to provide emergency care/resuscitation until transfer occurs to a higher level facility.

WATER TRANSFER

388. Hon ALISON XAMON to the minister representing the Minister for Water:

I refer to the transfer of water in Western Australia.

- (1) Has the minister requested the directors general, or any other officers, in the Department of Water and/or the Water Corporation, to investigate the transfer of water across the state?
- (2) If yes, when did the minister make this request and will the minister table the directive?
- (3) If yes, does the investigation include looking at options for the transfer of water from the Kimberley?
- (4) Are there any working groups within either the Department of Water or the Water Corporation that are investigating the transfer of water in the state?
- (5) If yes to (4), will the minister table their terms of reference?
- (6) Has the minister or his departments had any discussions with any other national government or Murphy Pipe & Civil in respect of the transfer or use of Kimberley water?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of the question. The following information was provided by the Minister for Water —

- (1) No.
- (2)–(3) Not applicable.

- (4) The Department of Water is establishing a working group to provide advice on options for long-term water supply for the state. This group will consider all options.
- (5) Not applicable.
- (6) No.

INDIGENOUS AFFAIRS — COMMUNITY GOVERNANCE AND LEADERSHIP PROGRAM

389. Hon SALLY TALBOT to the Minister for Indigenous Affairs:

I draw the minister's attention to the budget commitment to spend \$2.3 million of royalties for regions money on the development of a program to improve corporate and community governance and leadership, including a review of regional governance models for the Kimberley and Pilbara. Who will develop the program; who will do the review; will the development and the review be informed by the final report of the Indigenous Implementation Board; and, will the minister table the report?

Hon PETER COLLIER replied:

I thank the honourable member for some notice of the question. I will table the IIB report very shortly. As the honourable member would be well aware, one of the key components covered in the two preliminary IIB reports was the whole notion of Aboriginal governance. I will not go into the actual report as it has not yet been tabled. Suffice to say, we are not saying anything new from what came out in the first two reports. This initiative from royalties for regions for governance in those local communities is a very welcome step forward in empowering local communities. A common theme right through not just the two IIB reports but also a number of investigations is the ways we can improve outcomes for Aboriginal people. I assume that the member is referring to the IIB report.

Hon Sally Talbot: Yes, the third one.

Hon PETER COLLIER: I will be tabling the IIB report very shortly. Quite frankly, I did not want it to get lost in the budgetary processes because it is a significant report. It will create a fair degree of public discussion. I want to ensure that it does get that oxygen.

As to funding from royalties for regions, my department, the Department of Indigenous Affairs, will be directly involved in that consultation process and the investigation into those governance arrangements. We will work with all departments. That is how I am starting to move DIA. I spent the past three or four months establishing the actual role of DIA. It has come under a lot of criticism, unjustifiably in most instances. I want to see DIA as the governance body that articulates the decision making right throughout various departments. The Aboriginal Affairs Coordinating Committee is the coordinated body with all the government departments. Quite frankly, I would like to see DIA play a much more pivotal role in coordinating that decision making and then disseminating the policy framework through the office. It has been really good up to this point. When I first took over the portfolio, I wanted to find out what proposals and policies were in existence at the time. That has been a little problematic from not just a state perspective but also a federal perspective. There is a plethora of different programs for service delivery in the Aboriginal space. I wanted to ensure that we identified areas of duplication and wastage of resources before we decided to roll out any future policy frameworks.

In terms of the governance structure from royalties for regions, I am very appreciative of the funding, as I am very appreciative of a host of funding initiatives that have come through this budget for Indigenous affairs, a significant proportion of which have come through royalties for regions. I am extremely grateful. I am very confident that as a result of these initiatives, outcomes for Aboriginal people will be significantly improved.

TAXI RANK — MILLIGAN STREET, NORTHBRIDGE

390. Hon KEN TRAVERS to the minister representing the Minister for Transport:

- (1) What is the current estimated date for completion of the new taxi rank in Milligan Street, Northbridge?
- (2) What work has been undertaken on the construction of this rank since 1 January 2011?
- (3) Why did it take more than a year from the original announcement by the former Minister for Transport for work on this project to commence?
- (4) What is the reason for any delays in the construction of this project?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question. I provide the response on behalf of the minister representing the Minister for Transport.

- (1) Consistent with the Liberal–National government's policy of making Northbridge a safe and secure entertainment precinct, a commitment was made to considerably enhance the existing Milligan Street

rank to ensure Northbridge patrons can depart the area during peak periods in the safest and most timely manner. Unfortunately, such an initiative was ignored by the previous Labor government, despite community outcry over violence in Northbridge. Work is expected to be completed in the next six months.

- (2) The roadway layout, James Street intersection, car park entrance relocation and footpath work have been completed. The shelter manufacturing process has commenced.
- (3) Significant planning, design and consultation work will be undertaken prior to the commencement of construction of this project.
- (4) The location of a number of services under the western footpath where one of the shelters is to be installed caused a delay.

GOVERNMENT EMPLOYEES SUPERANNUATION BOARD — EXECUTIVE REMUNERATION

Question on Notice 3760 — Answer Advice

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [5.06 pm]: Pursuant to standing order 138(d), I wish to inform the house that the answer to question on notice 3760 asked by Hon Giz Watson on 24 March 2011 to the minister representing the Treasurer will be provided on 21 June 2011.

QUESTION ON NOTICE 3788

Paper Tabled

A paper relating to an answer to question on notice 3788 was tabled by **Hon Helen Morton (Minister for Mental Health)**.

COMMONWEALTH HEADS OF GOVERNMENT MEETING (SPECIAL POWERS) BILL 2011

Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman (Hon Brian Ellis) in the chair; Hon Donna Faragher (Parliamentary Secretary) in charge of the bill.

Clause 3: Terms used —

Committee was interrupted after the clause had been partly considered.

Hon DONNA FARAGHER: I will just go back to where we were as what I am about to say might help answer the questions that have been asked. I agree that the definition of “CHOGM” is somewhat circular as opposed to those definitions that relate to clauses within the bill. When we refer to “CHOGM (Perth)”, we are, in effect, referring to the collective of all the events, functions and activities associated with CHOGM, which is to be held in Perth—I will get to that in a moment—that relate to the CHOGM period; that is, it is not just the leaders’ meeting between 28 and 30 October but incorporates those other activities. That was a key issue that was debated at length in the other place. Some members thought that the definition was not clear enough to specify that the period also included those other activities, events and the like. However, when Hon Giz Watson referred to the “CHOGM event”, which is now the more expanded definition, we need to be able to refer to CHOGM events individually. For example, clause 8—again, I am referring to a clause that we have not yet reached—relates to the commissioner’s ability to declare additional security areas. If it was referred to as “CHOGM (Perth)”, in effect, it would mean that the commissioner would declare all events at the same time. Rather, by stipulating “CHOGM event”, he is restricted to declaring each individual event, activity, meeting or the like. Those events are considered on a case-by-case basis. “CHOGM (Perth)” is the more general, collective term, and “CHOGM event” is, in effect, in reference to specific individual events. The meaning of “CHOGM event” provided in the second amendment refers to “any meeting, event, function or activity that forms part of “CHOGM (Perth)”. If we were to follow Hon Adele Farina’s logic and remove the associated activities from the definition for “CHOGM (Perth)”, what then would we put there? We need to have something to refer to “CHOGM (Perth)”. If we just have “CHOGM”, we know what it stands for. However, “CHOGM (Perth)” refers both to the leaders’ meeting and the events, activities and functions associated with CHOGM. I appreciate that that is somewhat circular, but later clauses in the bill distinguish between the event and the more collective definition of what “CHOGM Perth” actually is.

Hon ADELE FARINA: I think the parliamentary secretary referred to clause 8 in that explanation. Can I clarify whether that was the case? There was some noise in the chamber and I had some difficulty hearing.

Hon Donna Faragher: Yes, clause 8(4), in reference to the safety of a CHOGM event. We are referring to individual events the commissioner would make decisions about on a case-by-case basis.

Hon ADELE FARINA: The parliamentary secretary is saying that the definitional difference between “CHOGM event” and “CHOGM Perth” is the inclusion in “CHOGM Perth” of the actual meeting and all the associated meetings and events.

Hon Donna Faragher: Yes.

Hon ADELE FARINA: So “CHOGM event” means any one of those sub-events?

Hon Donna Faragher: Yes, and it is particularised to the fact that CHOGM is being held in Perth, so it is defined as the CHOGM period in Perth. That is why Perth is referred to. We are clearly defining it as those activities, events, functions and the like.

Hon ADELE FARINA: So “CHOGM Perth” means the Commonwealth Heads of Government Meeting to be held in Perth during the CHOGM period, and associated meetings, events, functions and activities?

Hon DONNA FARAGHER: Yes, because when we refer to “CHOGM”, that is only the leaders’ meeting held between 28 and 30 October, but there are additional activities, events, functions and the like over a longer period, and they are captured by the collective term.

Hon ADELE FARINA: Would we not then need the words, “and associated meetings, events, functions and activities” after the word “CHOGM”? Because they are also being held in Perth during the CHOGM period. I think that the placing of those words is perhaps what has caused confusion. It should read, “CHOGM (Perth) means the Commonwealth Heads of Government Meeting and associated meetings, events, functions and activities to be held in Perth during the CHOGM period”, and that might actually clarify the confusion that has arisen.

Hon DONNA FARAGHER: I agree in part with what the member is saying, but there is a problem in accepting any such amendment to the clause that the member might potentially foreshadow. We do not have a finalised program for all the associated events, functions and activities so if, for example, one of those associated parallel events or activities were to be held outside Perth in regional Western Australia somewhere, it would perhaps not be actually covered because it would not be held in Perth. That is the problem; the powers would not be specific. If the leaders’ meeting and all the associated meetings, events, functions and activities are to be held in Perth, they will be covered under this bill. If, however, an event is organised outside Perth, a problem could arise, because the events are encompassed under the definition as being held in Perth.

Hon GIZ WATSON: Could they not then all be encompassed under the definition of “CHOGM event”? That definition does not specify that they have to be held in Perth. Also, if we leave it as it is, the associated meetings, events, functions and activities do not have to fall within the CHOGM period; they could be any time, so it makes for a much broader definition. I hate to say that I pointed this out a week ago, but it is pretty hard to follow. I would have thought that the point referred to by the parliamentary secretary would have been covered by the broader definition of “CHOGM event”, which means all the associated meetings, functions, accommodation and travel to and from the airport. It does not specify that any of that has to take place in Perth. I do not know whether we have done so before, but it might be useful to suspend the sitting briefly to see whether we can agree. Nobody is trying to disagree on purpose, but I respectfully suggest that might be a good way to deal with this.

Hon DONNA FARAGHER: Mr Deputy Chairman (Hon Brian Ellis), I ask that you leave the chair until the ringing of the bells.

The DEPUTY CHAIRMAN: Considering the situation, I will leave the chair until the ringing of the bells.

Sitting suspended from 5.22 to 5.30 pm

Hon DONNA FARAGHER: We have come to an agreement on a particular matter, which I think will help resolve the problem. It refers to amendment 3/3 on the supplementary notice paper, which I have referred to. I propose to withdraw that amendment and move another amendment that will clarify that. In effect, I will move to take out “period” so the words will just be “and associated meetings, events, functions and activities during the CHOGM period”. That will be placed after “in Perth” and before “during the CHOGM period”. We will deal with the other two amendments first, but I foreshadow that is what I am proposing to do. I therefore move —

Page 2, after line 16 — To insert

attend an event includes

- (a) be involved in the event; and
- (b) in the case of an event that consists of the provision of accommodation, be accommodated in the accommodation provided;

Hon KATE DOUST: Can the parliamentary secretary give me an example of the type of event that we are talking about where provision of accommodation would occur, or is that just generally about people staying in Perth to attend any of the CHOGM events or, as we discussed earlier, will it apply if they have to go to a regional area? I am curious about what that is about.

Hon DONNA FARAGHER: It needs to be looked at in the context of amendment 2/3 and the meaning of “CHOGM event”, which reads —

- (d) the provision of accommodation for people attending CHOGM (Perth), CHOGM officials or other officials associated with the organisation of CHOGM (Perth);

For example, if those people went to part of regional WA, that could fall within the gamut of this legislation. It is there to reflect the more expansive definition of “CHOGM event”.

Hon GIZ WATSON: I had not thought of that question until Hon Kate Doust raised it. I am not seeking to prolong this or to be difficult, but does the parliamentary secretary not then need to make some reference to that accommodation? I get the point Hon Kate Doust made. From the way it reads at the moment, it could be anyone being accommodated during that period, could it not?

How does the definition link back to the CHOGM event? Would we not have to make that link at that point? The amendment would have to state that “attend an event” includes —

- in the case of an event that consists of the provision of accommodation, be accommodated in the accommodation provided at the CHOGM event.

We need something that links the definition to CHOGM; otherwise it seems to me to be very broad.

Hon DONNA FARAGHER: By virtue of this amendment we are simply trying to expand the definition of “attend an event” to encompass accommodation, because clearly that is part of CHOGM (Perth). Delegates need to be able to stay overnight. This amendment is simply the way of incorporating, if I can put it that way, accommodation into the definitions of “CHOGM event” and “attend an event”.

Hon ADELE FARINA: I am not sure that that explanation makes the amendment any clearer. The amendment is very clumsily worded —

- (b) in the case of an event that consists of the provision of accommodation, be accommodated in the accommodation provided;

I think the lawyers will have fun making sense of that in the law courts. I really think we need to take another break and have a look at those words, because they do not make sense at all. It just occurred to me that this definition refers to “involved in the event”. Should that not be “the CHOGM event”? I am not clear why we have a definition of “CHOGM event”, which can include the whole of the CHOGM meeting and associated activities or a particular event within it, but then we go on to use “event” without “CHOGM” in front of it. I am a little confused about what events we are talking about; are these non-CHOGM events?

Hon GIZ WATSON: I will see whether I can help with this; I am not quite sure. It seems to me that what the parliamentary secretary is trying to do is clarify “attend” and give it a meaning that is more specific than its normal meaning. I have not got a problem with that, but it seems to me that rather than simply say “the event”, the definition needs to say —

- (a) be involved in the CHOGM event; and
- (b) in the case of a CHOGM event that consists of ...

The definition would then be fixed. There is no ambiguity in that and I do not see why we would not make that amendment.

Hon DONNA FARAGHER: Again, we need to look at this in the context of the following amendment. Where proposed paragraph (a) refers to an “event”, it refers to “any meeting, event, function or activity”.

Hon Adele Farina: Under “CHOGM event”?

Hon DONNA FARAGHER: Under “CHOGM event”. But “CHOGM event” is not specified in this amendment; otherwise it would incorporate all matters surrounding arrival, departure and the like.

Hon Adele Farina interjected.

Hon DONNA FARAGHER: I will go through this matter and the member can ask another question.

The paragraph on accommodation is written in that way essentially because the accommodation covered by this bill refers to accommodation that is provided for the purposes of the CHOGM program. If a delegate or an official chooses their own accommodation and not the accommodation that is provided for the purposes of CHOGM (Perth), that accommodation will not be covered by this legislation. It is specified as “be accommodated in the accommodation provided” because the accommodation is provided for the purposes of CHOGM (Perth).

Hon GIZ WATSON: I am reading the two amendments together.

Hon Donna Faragher: That is the problem, in part, of what we are dealing with here.

Hon GIZ WATSON: Yes. I am not quite sure how else I can put it. Perhaps I can seek this further clarification. The first amendment at 1/3, to narrow the definition of “attend” so that it involves specific circumstances, is intended to deal with involvement in any CHOGM event, and the definition of “attend” also includes being accommodated at accommodation that is provided for CHOGM; is that correct?

Hon Donna Faragher: Yes.

Hon GIZ WATSON: I still do not see why the clause would not make that clear by saying “involvement in a CHOGM event consists of providing accommodation”. In fact if the parliamentary secretary moved the first part, she would not need to move the second, as “accommodation” is already covered in the following definition. As Hon Adele Farina pointed out, it would not capture the other things in the definition of “CHOGM event”, because it says “or” between those things. It is not all of those things. Each one of those things is individual. I am sorry, I do not quite know how to make myself clear on that. Could the parliamentary secretary indicate in the bill where the definition is required? That might help us to understand the context in which it needs to be defined?

Hon DONNA FARAGHER: Again, I refer to clause 8(4), which states —

... in promoting the security or safety of a CHOGM event, people attending the event ...

There we have an example of attending the event. That would then bring into question the proposed amendment, which states —

attend an event includes —

(a) be involved in the event; ...

Hon Giz Watson: Is that the only place in which it is used in the bill?

Hon DONNA FARAGHER: The member asked me for one example.

Hon Giz Watson: I am just trying to clarify it.

Hon DONNA FARAGHER: That is an example. Another reference is at clause 9(1)(b), which states —

... would significantly compromise the security or safety of a CHOGM event, people attending the event or the public.

Hon GIZ WATSON: It begs the question: why does it need a definition at all? I would have thought “be involved in the event” is a fairly usual interpretation of what “attend” means. What we are trying to deal with is perhaps a situation in which “be accommodated” is not what we would usually mean by attending. Is that what the amendment is trying to deal with?

Hon Donna Faragher: Yes.

Hon GIZ WATSON: Yes, I see the problem.

Hon DONNA FARAGHER: I suppose it comes into play because we are widening the definition to include the accommodation aspect; if that is helpful.

Hon ADELE FARINA: Would it not be easier to say “attend an event includes staying in accommodation provided for the CHOGM event”?

Hon DONNA FARAGHER: There would then be the problem of looking at it in the context of other parts of the bill that refer to attending an event. They might not relate to accommodation, but to an event, a function, a meeting and the like.

Hon ADELE FARINA: But the word “includes” does not provide an exclusive definition; it just expands the ordinary definition of the word. I would have thought that everyone fairly clearly understands what the word “attend” means, except, as Hon Giz Watson has pointed out, in the case of accommodation that is being provided for the event.

Hon DONNA FARAGHER: Again, if we go to paragraph (a), an example of “be involved in the event” might be that a person attends a function but is not actually involved in it. A person might attend Parliament, but that person is not necessarily involved in the process of Parliament. That is why we have that definition. That limits it to being involved in the event, but it also expands it to include accommodation, which is obviously referred to in paragraph (b).

Hon ADELE FARINA: I am sorry; I am not able to let it go because the way the amendment is currently worded simply does not make sense. We are trying to expand the definition of the word “attend” because there is a view that people involved in an event do not actually attend it. I thought that a person had to attend an event to be involved in it. It is a bit difficult for people to be involved in it if they are not there, unless they are using teleconferencing that has been provided by the Nationals! It is simply unclear what paragraph (b) is referring to,

so this amendment needs some work on it. The whole point of introducing these amendments is to help clarify the bill. Regrettably, they are not providing that clarification that is sought to be provided, and it would be negligent of us to simply pass the amendment in its current form because, standing on our feet, we cannot come to an easier solution to the problem. This goes to illustrate the value of referring bills to committees so that committees, which have the time to consider these issues, can come back to the Parliament with recommendations that can be considered, rather than trying to draft amendments on our feet while we are in this chamber and trying to understand how this definition is going to apply wherever it comes up in the provisions of the bill. For us to just pass this amendment in its current form, when we cannot make any sense of it, would be negligent. I really think that the parliamentary secretary needs to provide the chamber with a clear understanding that this definition will clarify the use of the word “attend” in every instance in which it comes up in the bill.

Hon GIZ WATSON: I think the point is that the definition of “attend” is broader than “involved”. This amendment narrows it to “involved”. People could attend —

Hon Donna Faragher: The official delegates are the ones who will attend and be involved in the event.

Hon GIZ WATSON: That is right.

Hon Donna Faragher: Others might come along, but they are not actually involved in CHOGM Perth.

Hon GIZ WATSON: Exactly. So the amendment has narrowed the definition rather than broadened it. Does the parliamentary secretary want to do that?

Hon DONNA FARAGHER: We want to define it and narrow it down to only those delegates and officials who are, in effect, part of CHOGM Perth. It cannot be for just anybody. We are making it narrower, which I would have thought Hon Giz Watson would think was a good thing.

Hon GIZ WATSON: That is fine. I thought the intention was to add to the definition rather than narrow it, but I understand now that the intention is to narrow it.

Hon Adele Farina: Then the word needs to be “means” rather than “includes”.

Hon GIZ WATSON: Yes; that is a good point.

Hon Adele Farina: I am sorry; I cannot answer the question when you are talking —

Hon GIZ WATSON: Yes. The proposition is that if that is the case, and it is seeking to narrow or restrict the definition, the amendment has to say “means” rather than “includes”; otherwise it still leaves it open.

Hon DONNA FARAGHER: I believe that the amendment, as put, is appropriate. I have identified the reason for including “be involved in the event”. With respect to the accommodation, as I have said, it relates to accommodation that is provided for the purposes of CHOGM Perth. It was expanded to include that element because some confusion had been created. That is what we have sought to achieve, and I believe we have done that.

Hon ADELE FARINA: At the very least the parliamentary secretary, given the advice that she has given this chamber, needs to accept the deletion of the word “includes” and the insertion of the word “means”, because “includes” seems to suggest that it is the ordinary meaning of the word “attend”, which means that a person does not have to be involved in the event, and, in addition, also includes being involved in the event and staying in the accommodation. If the intention is to restrict, the word “includes” needs to be deleted and the word “means” needs to be inserted in its place. If the parliamentary secretary is not intending to restrict it, that is fine, but that is contrary to the advice that she has just given the chamber.

Hon GIZ WATSON: I think that perhaps the problem is that in trying to put these two things into the same definition—one gives an unusual definition of “attend” regarding the accommodation and the other seeks to restrict it—it has created a dilemma with the choice of the word “includes”. The word “includes” is relevant to paragraph (b) but it is not relevant to paragraph (a). I am not trying to be difficult; I am just trying to make sure that the amendment says what we think it says. Perhaps in the intervening one and a half hours, consideration could be given to splitting that into two concepts. I do not think we are disagreeing with either of them, but one is about making an unusual change to what “attend” means to include accommodation, and the other is about restricting those attending and who will be subject to this legislation to those who are involved, rather than anyone else who happens to be there but is not —

Hon Donna Faragher: Such as spectators.

Hon GIZ WATSON: Spectators are the only people I can think of who would be covered by the normal definition of attending but not involved.

Hon Adele Farina: And we are not trying to protect the ones who actually attend to witness CHOGM.

Hon GIZ WATSON: I am not quite sure why a person is not involved when that person is attending.

Sitting suspended from 6.00 to 7.30 pm

Hon DONNA FARAGHER: To clarify: the amendment was proposed in response to the concerns raised in the other place about what it means to attend an event and whether the definition of attendance incorporated any provided accommodation. I appreciate that, in part, it is, in effect, repetitive, but the amendment is for clarity. In the other place, the opposition was concerned that clause 3 was not clear enough. We are making it clearer by ensuring attendance at an event incorporates the accommodation of those involved. The amendment was moved to clarify, for the opposition and for anyone else, that attending an event includes accommodation where that accommodation is provided as a part of the event. I appreciate that might mean the bill is repetitive, in part, but the opposition raised the concern. Advice was sought and we now have this amendment before us.

Hon ADELE FARINA: I appreciate the concern may have been raised in the other place, but the previous definition of a Commonwealth Heads of Government Meeting event applied. In those circumstances, the need to define attendance was completely reasonable and sensible. However, the proposed definition for a CHOGM event, makes the definition of attendance unnecessary because it is picked up in the definition of a CHOGM event. I believe that a lot of issues were raised in the other place; that is, members identified what was a problem and asked what this or that meant. The government has now tried to move an amendment for every single question asked or issue raised by the opposition and as a result we are presented with another confused picture. One amendment might have resolved four or five of the issues that were raised. I am simply trying to point out that we cannot simply work on the basis of what was debated in the other place but that we have to deal with the words in front of us and what makes sense for the person who will pick up the act, once this bill is enacted, and make sense of it. I am saying that once we change the definition of a CHOGM event to include the accommodation factor, we have dealt with the concerns raised about a CHOGM event and the concerns raised about what was meant by “attending” an event. By providing a definition for both, the government has now muddied the water again and provided us with another confused picture. I do not think that it is in the best interests of the people of Western Australia for this house to pass a bill that does not provide any clarity, which was the purpose of the amendments in the first place. I think the parliamentary secretary needs to stand back and objectively analyse the impact of the proposed amendments. I mentioned earlier that, had we sent this bill to a committee, these matters could have been much more easily and quickly resolved than when we try to deal with these matters on our feet in this place. That is why the committee system works as well as it does. Sadly, in this term of Parliament, we do not appear to use the committee system as frequently as we should and we therefore have these types of problems. The parliamentary secretary is asking me to pass a bill, which has a very confused picture. I do not think it in the best interests of the people of Western Australia, it is certainly not good law and I am not prepared to do it. In my view, we should adjourn the debate, sit down behind the chair and sort out these issues or refer them to a committee to sort out because the problem is that these issues are unclear and we will therefore leave the police exposed. I do not think it in the best interests of the police officers or the CHOGM event for us to do that.

Hon DONNA FARAGHER: I appreciate Hon Adele Farina’s comments and her views about the committee system; albeit we do not have a motion before us to deal with that. Having said that, the amendment simply adds clarity to what an event includes. I appreciate that the member is saying the definition of a CHOGM event has now been expanded to incorporate accommodation. However, this amendment simply provides added clarity. I do not think it a fatal flaw to the bill, as Hon Adele Farina has perhaps proposed. It is simply to add clarity to what attending an event is. I am not quite sure what is the major problem with us being clearer, for anyone who might need clarity, about what attending an event includes. That is all we are trying to do. From what Hon Adele Farina has said, I do not understand why defining what it is to attend an event is a fatal flaw in the bill. It could be seen as repetitive, but we are seeking to clarify and fix the problem for anyone who is not sure—and clearly there were some in the other place who were not sure.

Hon GIZ WATSON: We are dealing with the question of whether we are going to insert a definition that states —

attend an event includes —

- (a) be involved in the event; and
- (b) in the case of an event that consists of the provision of accommodation, ...

This amendment is trying to do two things. The first is to include a more novel interpretation of the word “attend”, which is about accommodation; and the second is to limit the word “attend” so that it applies to those involved in the event, as I understand it. Casting ahead to clause 4, the purpose of the bill is to promote the security and safety of people attending the Commonwealth Heads of Government Meeting. This amendment will change the definition of “attend” to limit the word to apply to those people involved, but, as I understand it, the word “involve” applies to a more limited subset of the people who might be somewhere in the CHOGM area. Those in the CHOGM area might include delegates, the people providing security, the people servicing the delegates and the general public in some way. It seems to me that if we limit the word “attend” so that it applies to those involved in the event, we would then have a problem with the purpose of the bill, which is to promote the safety of everybody, including the public. CHOGM is inclusive. Surely we do not want to provide a

definition that limits the security and protection that this bill seeks to provide to only those people who are defined as being involved. That is what we will do if we agree to this amendment. That is why I am trying to say that it is not a good idea. I think the government has it covered anyway, as Hon Adele Farina said, with the new comprehensive definition. We do not need to define the word “attend” because we want to cover the field. We want to promote the security and safety of everybody, including those who are involved and members of the general public, who, I think, would not fall within this definition. That is the problem.

Hon DONNA FARAGHER: Mr Deputy Chairman, to assist, perhaps I could ask that you leave the chair until the ringing of the bells.

The DEPUTY CHAIRMAN (Hon Max Trenorden): Members, I will leave the chair until the ringing of the bells.

Sitting suspended from 7.40 to 8.02 pm

Hon DONNA FARAGHER: Before we took that short break, we were dealing with the amendment to insert a definition of “attend”. As I indicated, the amendment is to clarify what we are referring to when we refer to “attend an event” within the bill, whether that is being involved in the event or in the case of accommodation. For clarity for the Committee of the Whole and so that it is on the record, if there was any misunderstanding, I indicate that part (a) of the amendment—that is, “be involved in the event”—means the ordinary meaning of attending an event. For example, in the case of CHOGM, it is those who are delegates who in effect sit around the table but also includes a further restrictive category that would relate to those persons who would attend the event for a specific purpose but would not necessarily be a delegate. That might be a guest speaker who might come along to an event and say a few words and then leave and that would be the end of his or her role. That is the reason for that. Again with respect to accommodation, that was simply to clarify that that is incorporating “attend an event”, and that was in response to concerns raised in the other place. I hope that that has clarified the situation for members.

Hon ADELE FARINA: I just want to make it very clear, because the second reading speech is used as an interpretation tool in the courts, that the comment that was made earlier that the intention of this definition was to limit the usual definition of attending is actually incorrect; that the intention of this definition is to actually expand the definition of attending to include being at accommodation and also those who may just speak at an event rather than those who are attending the event.

Hon DONNA FARAGHER: Yes. As I just said before Hon Adele Farina spoke then, I have clarified what it actually means.

Amendment put and passed.

Hon DONNA FARAGHER: I move —

Page 2, lines 20 and 21 — To delete the lines and insert —

CHOGM event means —

- (a) any meeting, event, function or activity that forms part of CHOGM (Perth); or
- (b) any function held for the benefit of people attending CHOGM (Perth); or
- (c) any entertainment event held for the benefit of people attending CHOGM (Perth); or
- (d) the provision of accommodation for people attending CHOGM (Perth), CHOGM officials or other officials associated with the organisation of CHOGM (Perth); or
- (e) the arrival at, or departure from, any airport of people attending CHOGM (Perth), CHOGM officials or other officials associated with the organisation of CHOGM (Perth); or
- (f) any other meeting, event, function or activity that is declared to be a CHOGM event by an order made under section 13A;

Hon DONNA FARAGHER: I wish to amend paragraph (d) of the amendment. I move —

To delete in paragraph (d) “provision of” and insert after “accommodation” —
provided

Amendment on the amendment put and passed.

Amendment, as amended, put and passed.

Hon DONNA FARAGHER: I will not be moving amendment 3/3 on the supplementary notice paper. The amendment I do move is as follows —

Page 2, line 26 — To insert after “period” —

and includes associated meetings, events, functions and activities held during that period

This amendment seeks to clarify that those associated activities are part of the definition of “CHOGM period” and must be held during that period.

Amendment put and passed.

Hon GIZ WATSON: The bill states at page 2 —

CHOGM period means the period prescribed by the regulations for the purposes of this definition;

I know that the regulations have not been completed yet, but what is the intended CHOGM period that will be prescribed in the regulations?

Hon DONNA FARAGHER: I did refer to this earlier, but the member is right; the period will be prescribed by the regulations. A number of events will be held outside of the leaders meeting. The youth forum, for example, will commence on 23 October, which is the Sunday prior to the leaders meeting. Therefore, that event will obviously be incorporated in the CHOGM period. We would obviously expect people would arrive the day before and the like. The CHOGM period also includes arrivals and departures. The CHOGM program is not yet finalised. Once we have that further information and the program is finalised, that will help define what the CHOGM period will be. The challenge with this sort of legislation is that we do not have that level of detail six months out. That is why we will have the regulations.

Hon GIZ WATSON: Am I right in thinking that the CHOGM period is unlikely to be more than a few weeks? Can the parliamentary secretary give me some parameters?

Hon DONNA FARAGHER: I cannot be specific. I am sure the member would appreciate that. The expectation is a couple of days beforehand and a couple of days afterwards in terms of arrival and departures. It might be around 10 or 12 days. For some people, it will be a lot shorter than that. I cannot be specific on that, and I would not like to be held to account on the specifics, because I do not know the itineraries of delegates and the like. As I have said, the youth forum, which is the first parallel event to commence, will start on 23 October.

Hon GIZ WATSON: The bill states at page 3 —

prohibited item means any of the following —

It then lists a range of items. What was used to inform that list? Why are some items on that list and other items not on that list? I recognise that the list also includes the catch-all of “any other things prescribed by the regulations”, so obviously there is a capacity to add other things. Can the parliamentary secretary indicate what was used to come up with that list?

Hon DONNA FARAGHER: Those items identified in the definition of “prohibited item” essentially follow the Asia-Pacific Economic Cooperation legislation, but the ability to add things, which is at paragraph (l), is needed for those items that might not be apparent at this point in time. The police are still undertaking site assessments and inspections as information is finalised on events and the like. It may be that one of those future site inspections may reveal some element of vulnerability with respect to the use of a particular weapon that might not have been listed, which is why we have the capacity to add them by regulation. It is simply there to ensure that if a vulnerability were to arise that had perhaps not been thought of, there is capacity to add to that list.

Hon GIZ WATSON: My understanding of this list is that it is basically naming a range of items that, under normal circumstances, would not be considered to be weapons or offensive things, such as marbles, spray cans—although we have legislation around spray cans and juveniles—and chains. Those are things that, under certain circumstances, would be considered to not be prohibited. This list adds to the provisions defined in the Weapons Act for items that would be prohibited from certain areas during an event. A question has been raised with me about paragraph (h), which refers to “flammable or noxious liquids or substances”, as to whether a cigarette lighter, for example, would fall under that definition.

Hon DONNA FARAGHER: I will first respond to the member’s earlier question or comment about marbles, for example. The member is right; it would not be a problem if someone had marbles at a normal event. We have included that because, for example, someone might throw marbles underneath the horses. As to the question about a cigarette lighter, that would obviously be looked at in the context of the other items the person had—the same goes for marbles and the like. If someone was found with a cigarette lighter and some other device that, together, could cause an explosion or whatever it might be, then obviously that would be further examined. But it would need to be looked at in context, much the same as marbles and other things. I think commonsense would apply.

Hon KATE DOUST: I am also interested in the listed items. I am not sure whether the parliamentary secretary, during the second reading debate, touched on how information about the Commonwealth Heads of Government Meeting would be circulated in the general community, and this is obviously the sort of information that people need to know so that they do not bring these items into these areas either deliberately or by mistake. Sometimes people can be carrying things on them that they do not realise they have at the time. How will that information be disseminated into the community? Will there be some sort of advertising, promotional activities or signage?

Hon DONNA FARAGHER: It is the view of the government and WA Police that the member is right, as we want to make sure that people know this information in advance. As part of providing further information, as we get it, about road closures and all those sorts of things, this information will be provided through a number of methods, such as in general advertisements or in the public forums that will be held closer to the event. Also, it is likely that some of the signage will include that information. I cannot tell the member the specific detail, but we obviously want to make sure that people have as much information as possible so that issues do not arise of people coming along and having to be told to leave or whatever because they have these items.

Hon GIZ WATSON: If people are coming along to stand on the side of the road and wave as the cars go past, would the carrying of a prohibited item be a problem? If that is so, the level of public communication needs to be much higher than if we are simply saying that if people are in a restricted area they cannot have these things. This is where I am slightly confused about the definition of “security area”. Will the cavalcade route, for example, be declared a security area; and, if so, will this issue of having a prohibited item apply to people standing at the side of the road; or, is it envisaged that this will actually relate only to core security areas and additional security areas? I am just trying to work out where these items will be a problem for people.

Hon DONNA FARAGHER: It does relate to the core and additional CHOGM security areas. I think the member mentioned St Georges Terrace—if that was determined to be a CHOGM security area, then, yes, the items would be prohibited. But in saying that, if that was the case, signage, advertising and the like would make clear what the prohibited items are.

Hon GIZ WATSON: I am just suggesting that it would be quite a logistical challenge to declare the whole of that route—say, between hotels and the convention centre—as a security area. I can understand why it might be decided that that was the right thing to do. It will be very hard to determine whether people in the crowds are in possession of those types of items because there are no control points that I can see—unless the government is planning on setting some up—at which people can be checked when they come into the city from a range of areas. I am suggesting that it is arguably an impracticable proposition. I can understand having a control point in an area with an entrance and a defined boundary, but the entire length of St Georges Terrace does not meet that criteria.

Hon DONNA FARAGHER: I acknowledge the difficulty that the member raised. Essentially, not every person who comes to St Georges Terrace will be searched. However, we will have signage and we expect people to do the right thing. In later clauses we refer to prohibited items. Clause 26, for example, refers to the power to surrender, seize or detain prohibited items, for which a police officer or authorised person “may” conduct a search. Obviously, the police will consider the time, place and circumstance and the like. If someone is stopped and searched and found to be carrying prohibited items, the appropriate procedures would follow. I recognise what the member is saying. The provisions are there and we hope that people will not bring prohibited items with them. We will advise the public of the list of prohibited items. In addition, the police will consider all the factors such as time, place and circumstance and the like.

Hon GIZ WATSON: I notice that one of the prohibited items is handcuffs. Is there an exception for the police to carry handcuffs as a matter of routine?

Hon DONNA FARAGHER: I refer the member to clause 69. We have not got there yet, but I hope we will get there at some time. Clause 69(2) provides special justification for a police officer or an authorised person who is on duty in the area to be in possession of handcuffs.

Hon GIZ WATSON: My final question on this clause relates to the definition at the bottom of page 2 of “CHOGM security area”, which is a core security area or an additional security area. I am curious that the definition does not specifically name a restricted area.

Hon DONNA FARAGHER: The reason for that is a restricted area automatically falls within a core security area, and a restricted area is separately defined.

Clause, as amended, put and passed.

Clause 4: Purpose —

Hon DONNA FARAGHER: I move —

Page 4, line 31 — To insert after “associated” —
meetings,

In effect, this amendment is consequential to the earlier amendments that we have passed.

Amendment put and passed.

Hon DONNA FARAGHER: I move —

Page 5, line 3 — To delete “that meeting.” and insert —

CHOGM (Perth).

This amendment clarifies what is being referred to.

Amendment put and passed.

Hon DONNA FARAGHER: I move —

Page 5, lines 7 and 8 — To delete “CHOGM (Perth) and associated events, functions and activities; and” and insert —

CHOGM (Perth); and

Again, this amendment is consequential to the earlier amendments that we have passed.

Amendment put and passed.

Hon DONNA FARAGHER: I move —

Page 5, lines 10 and 11 — To delete “that meeting or those events, functions and activities.” and insert —

CHOGM (Perth).

I have moved this amendment for the reasons that I have stated previously.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5 put and passed.

Clause 6: Core security areas —

Hon KATE DOUST: I do not know whether the parliamentary secretary can provide specific information about whether core security areas will be only those places such as Fremantle where the youth forum will be held—I think it will be held there—or the Perth Convention and Exhibition Centre, or Government House where the Queen will stay. Are there expected to be many more core security areas? I imagine that the ones I have mentioned are the very serious core security areas, but what are some of the ancillary security sites?

Hon DONNA FARAGHER: The member is right, I cannot give specifics at this point. Having said that, it relates, for example, to meeting places and events. At this point the youth forum is expected to be held in Fremantle. I expect the venue at which it is held could be declared a core security area. The difference between this legislation and perhaps the legislation for the APEC meeting is that the APEC meeting essentially restricted the entire CBD. That was where the “lockdown” term came from. When we talk about it here, we are really trying to keep it to a minimum; that is, to those venues and places where these events will be held. Fremantle would be an example at this point. I cannot be specific on all of those areas because not everything has been finalised.

Hon KATE DOUST: Once the events and venues are finalised, and everything is listed, will that information be provided to the community about what is a core security area and what is an additional security area so people can make a decision whether they dare to try to get close to these places or avoid them like the plague because it is just too difficult? Will that information be made public?

Hon DONNA FARAGHER: Yes. It is fair to say that with the information we have to hand with respect to, say, the Perth Convention and Exhibition Centre, and Frasers, that is already known. That information has already been put forward in public forums. Obviously, as we get closer to the event we will have more concrete details. Those details will be provided through a variety of means, not only through public forums and advertising. For residents who live in the centre of the CBD, it is important they get that information not only for them but also for the smooth running of this event. WA police and others involved in CHOGM want to get that information out.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Additional security areas —

Hon GIZ WATSON: Clause 8(1) states —

The Commissioner may, with the approval of the Minister, by order, declare an area of land within the State (other than an area that is in a core security area) to be an additional security area for the period stated in the order.

I want members to be aware this is a very broad provision. It almost goes without saying that it has to be within the state. I do not think a state law could declare a security area anywhere else, but just to make sure!

Hon Donna Faragher: Everyone wants to be clear on this.

Hon GIZ WATSON: Yes. This is a very broad catch-all clause that means any area of land within the state can be declared by order. That is something not subject to any parliamentary review and it is not by regulation. The Commissioner of Police and the Minister for Police can declare an additional security area for the period stated in the order. It seems, from the way it is worded, there is no reference to the CHOGM period. What would stop an order being made for —

Hon Donna Faragher: Read subclause (3).

Hon GIZ WATSON: “Must be within the CHOGM period”; thanks. Can the parliamentary secretary provide the rationale for why “additional security areas” was considered necessary?

Hon DONNA FARAGHER: It is there to deal with a situation that might arise in which there is a very late change in the program and there is no time to have it dealt with through regulations. Obviously we are trying to get that information out through regulations a lot earlier so that people are informed. It is there to provide for a situation in which there might be a very late change to the program; a change in venue and the like. That is the reason for it. If we look at subclause (4) there needs to be satisfaction that by declaring the area it will substantially assist in promoting the security or safety of a CHOGM event. It needs to relate directly to CHOGM itself. The commissioner could not just go out and declare an area for the sake of it. It has to relate back to CHOGM.

Hon GIZ WATSON: The way I read it, for example, if information came to the commissioner’s attention that a group of people was organising some sort of demonstration in Fremantle or Midland —

Hon Ljiljanna Ravlich: By the Greens!

Hon GIZ WATSON: Could be! Is it correct that area could be declared an additional security area?

Hon DONNA FARAGHER: If I can use the example of Midland: if there was a decision to protest by a Greens group—unlikely of course, but one never knows!—if there is not an activity or meeting associated with CHOGM in Midland, that cannot be declared.

Clause put and passed.

Clause 9: Urgent order declaring additional security area —

Hon GIZ WATSON: This provision is even more open-ended in that the commissioner may make an order without the approval of the minister and without publishing the order in the *Government Gazette*. A number of matters need to be satisfied in terms of urgency. I point out this is an extraordinary power. I am not even sure that any other legislation in this state provides this level of discretion to the Commissioner of Police. It is one of the clauses we object to. It seems to be unnecessary. That is all I have to say about it. We will be opposing it.

Hon ADELE FARINA: As Hon Giz Watson has pointed out, this is quite an extraordinarily extensive power. It will result in a security area being identified. I want to know what steps the commissioner is required to take in exercising the power under clause 9 to actually inform the public that this is a security area and that certain restrictions might apply, and they could receive a fine under the provisions of this act if they enter that security area with, for example, a prohibited item? In fact they would be fined under the provisions of this act because the act is very clear: if a person is in a security area with a prohibited item, they will be fined. I would like to know what measures are in place for the Commissioner of Police to notify members of the public that this additional security area has been established, given that it will not be identified through regulations or through a gazetted order. It is a bit unclear to me how the public will be informed that the area that they enter is now an additional security area.

Hon DONNA FARAGHER: There is an issue with the situation that the Commissioner of Police would find himself in. If, for example, there was an imminent threat such as a bomb or something of the like, it might not be practical at that time to undertake the avenues set out in clauses 9(2)(a) and 9(2)(b). Having said that, if there was an imminent threat, people were within its vicinity and the area was to be declared an additional security area, people within that area would be informed by the police and other authorised persons, if they were there, that the area would become an additional security area. Hon Adele Farina also referred to the wider notice of the general public who might not be within the immediate vicinity of the threat. In that case, the other steps in clause 9(2)(b) state that —

as soon as practicable after the order is made, the Commissioner must —

- (i) inform the Minister of the making of the order and its terms; and
- (ii) ensure that the order is published in the *Gazette*, unless section 10 applies.

That section refers to security and the like. There are two elements and I hope I have explained them.

Hon GIZ WATSON: I am somewhat surprised by that example, because I cannot imagine that in this state we do not have provisions to deal with an emergency, such as the threat of an explosive device being detonated, by which the police have powers to close off areas and order people out of or into them. As Hon Adele Farina says, they do it all the time. That is one of the reasons I strongly suggest that this clause is not necessary unless the provision of this clause is to somehow deal with protests. Even in that case, there are many public disorder provisions in legislation. Is riot still in the Police Act? I think it is. There are all of those provisions. If this clause were to be used, I assume it would be by a police officer who, observing that something in his or her opinion warrants the area being declared a security area, goes up the line and says he or she needs an order to make it a declared security area and acts on it. I heard the parliamentary secretary say that people within that area would be warned, but that is not always practical in all circumstances, particularly if the area was a building or if there was a crowd of people —

Hon Kate Doust: A large shopping centre.

Hon GIZ WATSON: Yes. The real risk with this clause seems to be that people will unwittingly find themselves in a declared additional security area and then be subject to the other provisions in the bill that state that the carrying of a prohibited item or the refusal to provide personal details will result in very substantial fines; I think up to \$6 000. I am unsure how it will be ensured that people are not unwittingly caught in this declared additional security area. I am not sure people even have the defence that an additional security area was declared around them. Somebody may be sleeping under a bush and have an additional security area declared around them. They might get picked up by the police and asked why they are in this area with a pocket full of marbles or a Zippo cigarette lighter or whatever it is.

Hon Robyn McSweeney: I don't think that anyone would be sleeping under a bush; the feds would make sure of that for sure!

Hon GIZ WATSON: That is the clearing out of the homeless; I thank the minister for reaffirming that.

Hon Robyn McSweeney: That was off the cuff!

Hon GIZ WATSON: I know; it was very off the cuff!

Hon DONNA FARAGHER: There are a couple of elements to what Hon Giz Watson has referred to. There are clauses further in the bill pertaining, for example, to prohibited items and the like that refer to reasonable excuse. If a person is not told, that is a defence within the bill, as I understand it. The honourable member is right; if there is a threat, obviously the police already have powers to deal with it. It must be remembered though that in the case of CHOGM Perth, there will be delegates who may be internationally protected persons and the like. They may be moved away from the immediate area of concern to another venue. That area would then be declared an additional security area because those delegates would have been moved to a safe area. Dealing with a situation like that is an example in which this clause would be needed.

Hon ADELE FARINA: In response to the question I asked earlier, the parliamentary secretary pointed me to clause 9(2)(b)(ii) saying that the Commissioner of Police would be required to gazette the order and therefore the community would be informed by way of that gazetted order. I point the parliamentary secretary to the beginning of clause 9, which states —

- (1) The Commissioner may make an order under section 8 without the approval of the Minister and without publishing the order in the *Gazette* if the Commissioner is satisfied —

That is followed by a range of provisions. Clause 9(2)(b)(ii) states that sometime later, the commissioner needs to get on with the gazetting of the order. The provision the parliamentary secretary pointed to will not be very helpful in notifying people of an additional security area established under this provision. The parliamentary secretary may wish to put her retraction of that statement on the record, because simply gazetting something days after the event is not a means of notifying the public about an additional security area and it is wrong of the parliamentary secretary to mislead the house in that way. I also point the parliamentary secretary to the question of whether anything in this bill restricts the commissioner's power of delegation. If there is not such a restriction in this bill, does the commissioner have the power to delegate his ability to use the provisions under clause 9? Can he delegate that ability to a more junior officer?

Hon DONNA FARAGHER: Firstly, I will not retract what I have said because I have clearly read out clause 9(2)(b), which states "as soon as practicable". I do not intend to retract, but with respect —

Hon Adele Farina: But the parliamentary secretary provided that as the explanation of a means by which the public can be notified. How can the public be notified if the gazetting is after the event?

Hon DONNA FARAGHER: I will respond through you, Mr Chairman, because that is obviously the most parliamentary way of dealing with this now. I have indicated that this would be an emergency situation, and one could occur. Hon Adele Farina needs to look at this clause in the context of an emergency situation. Clause 9(1)(b) states —

... significantly compromise the security or safety of a CHOGM event, people attending the event or the public.

This clause would be utilised in an emergency. I would have thought that Hon Adele Farina would think that an appropriate clause for the circumstances, which, we would hope —

Hon Adele Farina: That is not my point. The parliamentary secretary is choosing to mislead the chamber.

Hon DONNA FARAGHER: This clause refers to a situation that none of us wants to happen; but if it should, this clause enables an urgent order to be made. I refer the member to clause 77, “Power of delegation”.

Hon GIZ WATSON: I wish to pursue the scenario the parliamentary secretary outlined about moving a delegate and declaring another area at short notice. I understand the logistical reason that might be necessary. However, I want to be clear, and will use the example of a concern about a risk at a hotel necessitating the removal of the delegate or delegates to another hotel. Everyone in the new hotel would then be subject to all the provisions. I heard the parliamentary secretary mention the defence of “reasonable excuse”; nevertheless, I assume the people would be subject to the stop-and-search provisions. In practical terms, securing the area means the police have to check what people are carrying. The logistical complications of suddenly declaring an additional security area, with all the attendant restrictions and prohibitions that go with that, and by doing it at short notice, mean a lot of people would then be subject to search provisions and be required to provide proof of identity. Logistically, they could not be warned ahead of time. It is extraordinary.

Hon DONNA FARAGHER: If I understand correctly, Hon Giz Watson’s accommodation example refers to the logistics of moving delegates away from one accommodation area to another area—an area in which there might be other people who did not realise that they were going to be in a suddenly declared security zone. WA Police would not expect to declare another accommodation area, but the police would seek out a secure area that did not contain anyone, thereby negating the situation in the example Hon Giz Watson referred to, whereby the police declare a second area where people might be sleeping peacefully. The police will identify a secure location area to prevent the type of situation the member outlined.

Furthermore, subclause (2)(e) of clause 69, which refers to matters of justification or excuse, states —

the person resides (whether on a temporary or permanent basis) in premises that are located in the area;

Therefore, there is an element of that. However, I believe the first call is that the police will identify an area in which that provision will not apply.

Hon ADELE FARINA: It is important to put on the record that the special power that clause 9 states will be exercised by the commissioner, can, by courtesy of clause 77, be exercised by an officer “who is, or is acting as Deputy Commissioner or an Assistant Commissioner”. It is not always the case that this power could be exercised only by the commissioner.

Clause put and passed.

Clause 10: Gazetting of order can be dispensed with —

Hon ADELE FARINA: Will the parliamentary secretary explain the circumstances in which clause 10 might be put into effect?

Hon DONNA FARAGHER: I will refer to the example I gave Hon Giz Watson; namely, if the delegates were moved to another secure area and the remaining threat was such that the police did not want others to know the location of the new secure area, the police would not advise of the new safe haven—if I may put it in that context.

Clause put and passed.

Clauses 11 and 12 put and passed.

Clause 13: Public notification of restricted area —

Hon GIZ WATSON: I move —

Page 11, line 5 — To delete “or part”.

This clause allows for the physical delineation of the whole of, or a part of, the restricted area. The amendment I propose requires that public notification be for the whole of the perimeter. This goes to a point I made in the second reading debate; namely, the review of the APEC provisions stated that it was important for the public to

know of any security area boundaries, because the consequences of being found within a security area are quite significant, including fines, searches and the requirement to provide identification details. I understood from the briefing we had that it is the intention that the perimeters of the areas that are to be declared will be clearly marked. Therefore, it seems to me that this clause should not allow for the erection of signs or barriers around only part of the perimeter. Surely the point is to let people know that that is where a security area starts and that if they go into that area, certain provisions will apply to them. It would certainly make sure that people do not inadvertently wander into an area. The amendment provides that signs or barriers should be erected around the whole of the perimeter of the restricted area, which I think is the intention.

Hon DONNA FARAGHER: The government does not support this amendment for a couple of reasons. The amendment would create a mandatory requirement to erect signs or barriers where there are already natural barriers, building lines or fenced areas. The intention of the Western Australia Police is to minimise the potential disruption to the community by having as few barriers as possible. This amendment would mean that there would be a mandatory requirement for signs and barriers to be erected around the whole perimeter. If the member's intention is to protect those people who might inadvertently enter those areas, there are defences in the bill. Clause 61(2) provides a defence for a person being inside a restricted area if no steps have been taken to notify the public. Clause 60, "Unauthorised entry to CHOGM security area", provides some broad exceptions. I would think that those elements would address the concern of Hon Giz Watson. If we were to delete these words from the paragraph, there would not be any requirement for restricted areas to be published, as the proposed alternative—I am stepping ahead a bit—that the member has proposed in new clause 15A does not pick up those areas.

Hon ADELE FARINA: I support the amendment moved by Hon Giz Watson. I do not think that it is an unreasonable expectation to require the erection of signage around the whole of the perimeter of a restricted area given the ramifications and implications of being caught in a restricted area. It seems to me that it is reasonable to erect a sign. Even if there is a natural barrier there, it cannot be difficult to erect a sign. If penalties are to be imposed on people who are in a restricted area, the government needs to go out of its way to make sure that people know that the area is a restricted area. The erection of signs is not a huge burden.

The problem with what the parliamentary secretary said about clause 61 containing reasonable excuse provisions for unauthorised entry into a restricted area is that it will not prevent a person from being taken to the lockup and charged. The clause provides a defence when the person is in court. It will not prevent people from being arrested or charged and going through the stress and the financial cost of defending themselves in court. It provides them with a defence once they are in court. It is of little comfort. I do not think it is unreasonable to require signage to be put along the whole of the perimeter of a restricted area. I strongly support the amendment moved by Hon Giz Watson, because I think it is a reasonable and sensible amendment.

Hon DONNA FARAGHER: The intention is that there will be signage, and I have been clear on this. It might not be necessary to have signs right next to one another all along Fraser Avenue, for example; a number of signs might be separated by small distances. If the signs were continuous, they would be expected to be all the way along Fraser Avenue. We are not saying that there will not be any signage, which I think is what Hon Adele Farina was suggesting. That is not what we are proposing. There will be signage, but it might not be a continuum along, say, Fraser Avenue. Having said that, if it is not clear—I hear what Hon Adele Farina says—there is a defence in the bill.

Hon GIZ WATSON: Perhaps we could just look at a practical example, such as the route between the hotels and the Perth Convention and Exhibition Centre. It seems to me that it is not a big problem. If this paragraph were amended, it would state —

the erection of signs or barriers (or both) around the whole of the perimeter of the restricted area concerned.

There would probably be something like tape along that route. I agree that we do not want big concrete barriers or that kind of thing, and that is great.

Hon Donna Faragher: That is what we are trying to avoid.

Hon GIZ WATSON: A length of tape or a fairly unobtrusive barrier would make the point that the area is a security area. I note that, under this clause, the public notification relates only to restricted areas, which are areas within the core security areas; in other words, they are the most secure of the secure areas. We are talking about the areas in which the maximum consequences will apply. From what I understood from the briefing, we are talking about the area around Fraser's Restaurant and maybe one other area that will be a restricted area. It is not a big ask for there to be some continuous indication of where that line is. I heard the response that there would be an issue if a building or a wall were in the way. It seems to me that that creates a natural barrier, which is there anyway; therefore, I do not know whether that argument has a lot of clout. We would create a continuous indication either by a physical barrier or by the erection of signs that this is the edge of the restricted area, apart from obviously where the entrances are. I simply do not see why that is practically challenging.

Hon DONNA FARAGHER: I suppose the example might be that if we were to take a particular venue, there is one entrance. Obviously, there would be signage at that entrance because that is where people can come in. Around that is a natural barrier because there are walls—obviously, a person cannot walk through walls unless they are Superman.

Hon Giz Watson: You can with enough practice!

Hon DONNA FARAGHER: I thank the member for her profound interjection, but I might just keep to the question that was put. I was being a bit facetious there, for the benefit of *Hansard*.

Yes, it would certainly be the intention that entrances will be signposted. But for those other areas, I suppose there could be an example whereby the member could say that we would put tape all around the wall, albeit people cannot enter through that wall. It is those areas where there are entry points as such.

Hon KATE DOUST: I was just thinking this through as the parliamentary secretary was talking. I suppose that the example would be the convention centre where the bulk of these activities will occur. I am trying to think of the entry points to the convention centre. There is the underground car park leading to a number of access points throughout the convention centre. There are stairs and lifts to a range of different places in the convention centre. Road access also leads to a number of access points through glass doors. There are probably four or five of those and they are all quite open. There is also the stairway entry coming up from William Street, which again is very open. In fact, I think there is lift access as well from William Street. I do not know whether the convention centre can be accessed coming off Riverside Drive. I know people can exit that way but I am not too sure whether people can actually come in that way. Possibly if somebody was committed, they would find a way. All I am saying is that I think that is an example of what I imagine will be a core secure area, which we could facilitate partitioning off with signage and some sort of barrier rather than a partial barrier, because it has multiple access points. I think that would be a difficult site to manage otherwise; I do not know how we would do it. Just thinking off the top of my head, even the Fremantle facility—I understand it is mooted that the youth forum will be held at the Esplanade Hotel—has a number of entries. Will the youth forum be rolled out into other venues around, say, the University of Notre Dame? I do not know; I am just saying that that might be done and therefore a series of other places would need to be secured. I imagine that it would be quite hard to partition all that off. The convention centre I think is an interesting challenge in that regard.

Hon DONNA FARAGHER: I think therein lies the answer to why this amendment is difficult. It is not something that we can literally put a bit of tape around. That is the circumstance in which the entry points would be signposted because we cannot have a situation such as that suggested—to put some tape around it—because we cannot do that with the convention centre. Therefore, we will focus on areas where there are entry points and in those places there would be signage. We want to focus on not trying to get a big bit of tape around the convention centre, but those areas that are entry points, whether it is from the Riverside Drive entry, the entry from the Parmelia Hilton or over the top and the like. We want to focus on those areas to which entry can be gained; that is where signage would be.

Hon KATE DOUST: I have another query about the use of the convention centre. Given that the vast bulk of the people attending the convention centre would be overseas visitors and therefore would either be walking from their hotels or getting dropped off by car at the main entry point, will the underground parking be barricaded off for the duration of those three formal days as a way to reduce any potential problems?

Hon DONNA FARAGHER: I understand that that aspect to which the member refers is actually—I am not trying to handball the question—a matter for the Australian government to determine at this point because matters have not been finalised for all aspects of CHOGM. However, having said that, once it is finalised, that would be identified through the regulations because it would be restricted—or not. I cannot give a definitive answer on that at this time because that has not been finalised by the Australian government.

Hon GIZ WATSON: I indicate that I will pursue this amendment, particularly given that the review of the APEC Meeting (Police Powers) Act 2007 at page 16 stated —

Clear and accurate identification of the parameters of declared areas and when an excluded person is and is not in a declared area is vital.

It seems to me that it is not that difficult to do. Clause 13 deals with restricted areas and not all security areas. Therefore, we are not talking about, say, all of St Georges Terrace or large areas; we are talking about the most secure areas for this event. If I think of Fraser's Restaurant, I cannot see why we would not have some tape around it or a sign to indicate that it is a restricted area. That would be visible to people from wherever they approach the perimeter. That is the key point. By leaving the wording loose in the clause that it can be “part of the perimeter”, the government is not taking note of what is almost the only significant point raised about the APEC meeting legislation. We need to get that right because it caused problems.

Hon KATE DOUST: Having listened to Hon Giz Watson and her reasoning, I indicate that the opposition will support her amendment on this occasion.

Amendment put and a division taken with the following result —

Ayes (12)

Hon Matt Benson-Lidholm
Hon Robin Chapple
Hon Kate Doust

Hon Sue Ellery
Hon Adele Farina
Hon Lynn MacLaren

Hon Ljiljana Ravlich
Hon Sally Talbot
Hon Ken Travers

Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
Hon Mia Davies
Hon Wendy Duncan
Hon Phil Edman
Hon Brian Ellis

Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran
Hon Nigel Hallett
Hon Alyssa Hayden

Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton

Hon Max Trenorden
Hon Ken Baston (*Teller*)

Pairs

Hon Helen Bullock
Hon Jon Ford
Hon Linda Savage

Hon Jim Chown
Hon Simon O'Brien
Hon Peter Collier

Amendment thus negated.

Hon GIZ WATSON: Under clause 13, public notification is required only for restricted areas. However, the consequences and penalties that will apply to members of the public who are in a security area will be the same whether it is a restricted area, a core security area or an additional security area. I therefore intend to move —

Page 10, line 18 to page 11, line 14 — To oppose the clause.

We need to consider this amendment in light of new clause 15A, which we propose to insert in division 4. I will touch on that so that members will understand the logic behind my motion to oppose this clause. It is proposed under new clause 15A that the penalty for entering or remaining in a CHOGM restricted area or in a CHOGM security area will be 12 months' imprisonment. That will be a significant penalty. The same penalty will apply for both offences. However, the requirement that people be notified is set out for only restricted areas. The insertion of a new clause 15A will address the need for notification, and also the need for delineation, of all security areas. That will include core and additional security areas, as well as restricted areas. The need for the delineation of security areas was highlighted in the APEC review. It has also been raised with me by constituents, who have brought to my attention their concern that they might inadvertently enter a security area and thereby incur a significant penalty. If an area is clearly delineated as a security area, and people know that if they go into that area, they may be subject to a search, they may make the decision not to go into that area, because they will be in breach. However, if people inadvertently find themselves in a security area, they will not have the luxury of making that decision. As Hon Adele Farina has pointed out, the person may have a defence; however, that may not stop the person from being charged and taken away. We want to ensure that the requirement to notify the public, and to erect signs and barriers, will apply to all the security areas. Therefore, the deletion of clause 13 is moved in anticipation of new clause 15A.

Hon DONNA FARAGHER: I want to clarify the concern that we have, and the concern that I think the member may have. Clause 13 refers to public notification of a restricted area. Proposed new clause 15A does not refer to a restricted area. I agree that there is obviously the larger security area, and there is then the core security area, and within that there is the restricted area. I am probably now foreshadowing an amendment that the member will no doubt make, but proposed new clause 15A will mean, in effect, that there will be no requirement for the police to notify the public of a restricted area.

In terms of the general, or core, security area, there will be requirements outside the general cases we have already referred to, such as urgent orders and the like, and they will be stipulated through regulation in the *Government Gazette*. These additional steps will be required for the public notification of restricted areas, given, obviously, that they are at a higher level of security, if I can put it that way.

Hon GIZ WATSON: This is obviously rather complicated. Proposed new clause 15A seems to state, in the way it is written, that it relates to a security area, and a restricted area is within a security area so I would have thought it was covered. That was the intention, anyway; if the parliamentary secretary can suggest a useful amendment, we are happy to take that.

Hon DONNA FARAGHER: No, I will not do that. I will refer back to the definitions, as much as I do not want to go back to the definitions because we spent a long time on them. The definition states that —

CHOGM security area means —

- (a) a core security area; or
- (b) an additional security area;

The words “restricted area” are not included, albeit a security area includes a restricted area. There is a separation definition for “restricted area”.

Hon GIZ WATSON: Yes, which is why I suggested, when we were talking about clause 3, that we put it all in the same definition; but there we go! The Commonwealth Heads of Government Meeting (Special Powers) Bill 2011 could have defined “CHOGM security area” as the core security area, the additional area, and a restricted area. I think it is an interesting argument, because there cannot be a restricted area unless it is within a core security area, so it is already included.

Hon DONNA FARAGHER: Yes, I am not disagreeing with the member, but there are notification requirements, except in the circumstances we have already referred to around urgent orders and the like, if we are talking about CHOGM security areas where there is a requirement for notification of regulations in the gazette; these are additional requirements. Given the fact that restricted areas have a higher level of security requirement, we wanted to make sure that we are even clearer in the public notification of those restricted areas. I do not disagree with the member; I have said that they form part of the CHOGM security area, but this is a higher threshold, if I can put it that way, for what is required for the public notification of restricted areas.

Hon GIZ WATSON: Correct me if I have this wrong, but as to the penalties for a breach committed in a security area, a higher penalty does not exist for doing something in a restricted area; equal penalties apply. So if the public inadvertently breaches these provisions, it does not matter whether they are in a security or restricted area, the penalty is 12 months’ imprisonment. That is why I think the security area needs to be delineated as much as the restricted area. I understand the hierarchy in the minds of the police in terms of setting this up, but in terms of how this operates the penalties do not reflect that hierarchy, unless the parliamentary secretary wants to tell me that I have that wrong.

Hon DONNA FARAGHER: I think that Hon Giz Watson is making a fair argument on the issue of penalty, but I think she needs to consider it in the context of the exercise of police powers when they are in a security area or the restricted area. There are further requirements in a restricted area, and people will be searched. The member needs to think not so much in terms of the penalty, but rather the extent of the powers that WA Police will be able to utilise depending on the area.

Progress reported and leave granted to sit again, pursuant to temporary orders.

ASHDALE SECONDARY COLLEGE — FIRE DAMAGE

Statement

HON LIZ BEHJAT (North Metropolitan) [9.45 pm]: During members’ statements I usually stand to talk about wonderful events I have attended in my electorate or functions we have been to that have been particularly memorable. Tonight, unfortunately, I stand to bring to members’ attention a very sad event that happened in my electorate on Thursday, 19 May. At around 10.00 pm, a cleaner at Ashdale Secondary College raised the alarm and reported that a fire had broken out at the school. Members will recall, from previous statements I have made in the house, that Ashdale Secondary College is a school dear to my heart as it is where my son, Ali, is a year 8 student. It was particularly distressing for me, not only as a member of Parliament for that area but also as a parent of a child at that school, to learn that the school had burnt down. I would have thought that it would have been every child’s dream for their school to burn down so that they would not have to go, but I can assure members that when the phone started ringing at 6.30 am on Friday morning and I had to tell Ali that he would not be going to school because there had been a fire, he was greatly distressed; he loves going to that fabulous school. A number of fire engines attended promptly at the school, and it was ascertained that the fire had started in the ceiling space in one of the wings and had quickly taken hold. Before it could be extinguished it had demolished a staff study area, 11 classrooms, and the specialist autism unit.

A fire never has an upside, but if any comfort is to be gained from this fire, it is that the school alarms were not compromised, indicating that arson was not the cause of this fire. It appears from the report that it was an undetermined electrical fault in the roof space, and I think there will be some ongoing inquiries into that.

I was made the aware of the fire by early morning news reports and phone calls from colleagues and my ever-vigilant research officer, and I also received an SMS from the Department of Education, which I thought was a great idea, advising that there had been a fire at the school and asking parents to keep children at home for the day and that there would be further updates as they came to hand. It would seem that the notifications by SMS and other means were quite successful, because I understand from the Principal, Carol Strauss, that only six of 530 students arrived at school that day. SMS notification is a new system that has been put in place by the education department and it is obviously working. At 1.00 pm on Friday—only 15 hours after the fire—the Minister for Education invited me to visit the school with her to inspect the damage and to meet with the principal and teachers. Again, I was quite pleased that she asked me to do that not only as a member of

Parliament, but also as a concerned parent. We saw the damage that had been done to the building. It was heartbreaking and distressing to see the mess, considering that this is only the third year of the school's operation and stage 2 is still under construction. The buildings can be rebuilt but the losses suffered by the teachers and students have been quite devastating, as some things have been lost forever. The staff study area was used by 20 teachers in the science and maths departments. Some of the teachers told us that they had lost work such as photos, CDs, DVDs, books and other memorabilia that they had accumulated over 15 years of teaching. New graduates on their first posting were putting together files to start their careers and have lost that work. Those are the types of things that cannot be replaced. When the Minister for Education and I arrived at the school, the teachers had already regrouped, set themselves up in another area of the school and were planning how to deal with the difficulties they will face over the next few months. Carol Strauss, the principal, advised us that the Director General of the Department of Education had been constantly in touch with her that morning and was arranging for demountables to be brought in for readiness on Monday.

The six students who arrived at the school were given the option to go home but decided to stay and help the staff, who were writing a letter to let the parents know what had happened. Sure enough, on Monday morning in our letterbox was a letter from the school advising us of the fire and of the arrangements that were being put in place. We were asked to keep our children at home on Monday morning because the staff wanted to ensure that the school would be up and running by Tuesday. All steps were being taken to ensure that classes would return to normal as quickly as possible. I received another SMS from the Department of Education on Friday advising what the arrangements for the following Monday would be. Again, no children turned up for school on the following Monday.

Of particular concern to the staff and the principal was the welfare of the six students who are part of the special autism unit, which was destroyed. As members know, autistic people—particularly autistic children—are usually all right as long as their routines are not disrupted and nothing in their life changes. Imagine the impact the fire had on the six boys who discovered that the place they considered to be safe and comfortable had been destroyed. Carol explained to me today that the boys have been brought back to the school one by one. They and their parents were shown what happened to the autistic unit and saw the new area where the boys will be housed in the interim. I am told that they are all feeling comfortable about their new location. I thought it was fantastic that, among the mayhem, the school took the time to look after those six boys in particular. My hat goes off to the staff. A new area is being built for those boys.

The school's library has been turned into five makeshift classrooms. Carol explained to me that it is a bit tight for comfort, but that two of the demountables arrived today and the others will be arriving in the coming week. I got an update from Carol today when I spoke to her to let her know that I would bring this tragedy to the attention of the house this evening. She told me that she was pleased to say that today—on Tuesday morning—all the classes had started on time and the timetable went ahead as normal. The one thing she wanted me to let members know about was the wonderful support that Ashdale Secondary College had received from the other schools throughout the district. They all immediately got in touch with the school and offered to provide whatever the school needed, whether it was teachers, books, papers or pencils. Kingsway Christian College, which is next door to Ashdale Secondary College, turned up with a few baskets of goodies to help ease the pain being suffered by students and teachers alike. I understand that the State School Teachers' Union of WA will provide morning tea there tomorrow. Absolutely everyone has got behind the school. The three feeder primary schools for Ashdale Secondary College are Madeley, Ashdale and Landsdale Primary Schools. They have been incredibly supportive of what has been going on.

The principal and teachers are to be warmly congratulated for stepping up at this time of dreadful tragedy. My son said to me, "Thank goodness there were no students there at the time. That is what we have to be grateful for", and he is right. The Minister for Education and I were blown away on Friday when we saw the calmness and professionalism that was on display throughout the school. Everyone was getting on with what they had to do to make sure that the school was up and running so that our students were not disadvantaged by this incident for an undue length of time. It will take six months to rebuild the classrooms, but I am sure that the school will get on with the job and do it in a great way. I congratulate the Department of Education on its SMS messaging service. Often we throw brickbats at departments, but they also deserve bouquets when they are warranted. As a parent, I was grateful to receive the SMSs from the school. I got another one today thanking everyone for their patience and letting people know that classes had returned to normal.

When I spoke to Carol this morning to get her approval to speak about this tragic event tonight, I congratulated her on being the leader of such a wonderful team and for doing a fantastic job. Her response to me was great. She said, "But we are teachers; it is what we do." Everyone at Ashdale Secondary College is doing a great job. We are sorry that the school burnt down but I am pleased that it was not as a result of arson. I am sure that the school will find out what the electrical fault was that caused it. I am a huge supporter of Ashdale Secondary College. Carol Strauss and everyone on the team are doing a fantastic job, and I thank them very much.

CURTIN DETENTION CENTRE*Statement*

HON ALISON XAMON (East Metropolitan) [9.56 pm]: A few weeks ago I took the opportunity to travel to the Kimberley where I met with a number of people and organisations about a range of issues pertaining to several of my 16 shadow portfolios. While I was there, my colleague Hon Robin Chapple and I took the opportunity to visit the detention centre at Curtin Airbase. I wish to speak about that experience tonight. Members will be aware that I have spoken previously in this place about my experiences of, and subsequent concerns about, the Leonora detention centre that currently houses primarily families and children. I relayed in this place some of the personal experiences of people who are being kept in detention at Leonora. It is with great sadness that tonight I am speaking about an entirely different detention centre where, appallingly, many of the personal stories of the people at that detention centre are disturbingly similar to those experienced by the people I visited at the Leonora detention centre.

I state at the outset that the Department of Immigration and Citizenship has never denied me entry to a detention centre. I acknowledge that I was given the opportunity to speak freely to the detainees, which is why I am in a position to speak about this matter tonight. I note also that this is not the experience of many refugee advocates and supporters, and in that regard I suggest that DIAC and Serco will have to improve the way in which they work with those people. It must be remembered that the agenda of the advocates and supporters is only to ensure that Australia is meeting its legal and moral obligations to uphold the human rights of detainees. We must also remember that we are talking about refugees, who by their very definition are entitled to seek asylum in Australia because we are a signatory to the United Nations Convention Relating to the Status of Refugees. Australia enjoys a level of safety and security that is in no way experienced in the countries from which these refugees are fleeing.

Curtin detention centre is huge and isolated. Unfortunately, it was reopened in June last year. The security at the centre is like a prison, from the guards at the gate who treated Robin Chapple and me with suspicion until they realised who we were, to the massive razor wire fences that surround the centre. On the day we arrived, just over 1 200 men were being detained, but the centre has the capacity to hold 1 500 men. The men are mostly Afghans and there is also a large group of Tamils from Sri Lanka. Most of the detainees were sent to Curtin detention centre after first arriving at Christmas Island and being kept at the Christmas Island detention centre. The majority of the men will stay at Curtin detention centre until their refugee status is determined. Only people who are suffering from extreme adverse health conditions are moved on, ordinarily to a larger centre at either Perth or Darwin.

Like Leonora, the overwhelming sense at the Curtin detention centre is one of hopelessness and despair, and the distress is manifesting itself in disproportionate levels of mental illness and depression. For one man this year the sense of despair was so great that, tragically, and I believe much to our nation's shame, he took his own life. Others in the centre have tried and are continuing to try to do the same. We need to remember these are people who have already fled terrible trauma and have risked their lives to come here in the most dangerous of ways. We then imprison them for indeterminate periods under what are quite harsh circumstances, yet these people have committed no crime; they are guilty of nothing. They have simply done what any one of us may choose to do if faced with an Australia that had fallen into war, poverty and danger in the way the countries these men have fled have.

For detainees at the Curtin Immigration Detention Centre, two consistent things keep emerging. The first source of distress is the sheer length of time these men are detained. This is the same primary issue that emerged in Leonora. These men have no idea how long they will be there. There are men in detention who have been there for up to two years waiting for their status to be processed. The blocks to this process seem to be many. It takes several months for refugee status to be determined. If unsuccessful in the first instance, it can take many, many months for an appeal to be heard. The men are without any information as to how long that is likely to be. I should point out that after these processes have been undertaken—both those who have been successful in the first round and those who have been successful on appeal—the vast majority of men are found to be genuine refugees. But then there are the security checks. It appears this is where the real delays seem to be. Put simply, there are not enough people employed by the Department of Immigration and Citizenship to undertake the number of security checks required in a time frame that is anything close to humane. Of course we need security checks and we need to have them done well—no-one disputes that—but they are taking too long to be done.

I remind members that the majority of countries allow refugees to live in the community while awaiting their refugee status to be determined. They live in communities, staying mentally well, and learning English. They are getting jobs and they are learning how to become members of that community. But the second principal source of distress is one that I had not heard about at Leonora—that is, the crippling anxiety that so many experience at not knowing what has happened to their loved ones.

There is a lot of misinformation floating out there about the status of these men. I have heard some of the worst misinformation on talkback radio, but unfortunately I have also read some misinformation in newspaper opinion

pieces. To be clear, these men have not abandoned their families. In fact it is actually the opposite. These are men who have made the heart-wrenching and difficult decision, in conjunction with their wives, to undertake a dangerous and treacherous journey to another country to seek asylum in the hope that if they manage to arrive somewhere safe, they can then bring their families safely with them. They are making that trip on their own because they dare not risk the lives of their wives and children. They are then kept in detention for lengthy periods, unable to contact their families, not able to find them, no idea where they are, and no way of knowing if their families are still alive. This has been happening for years. I have to say if I was in that position, if I had fled terror and could not contact my husband or children, I think I would go mad with the grief and distress. That is what we are talking about here. That is a reality for far too many of these men. The situation is grim. Even most prisoners know when they are getting out; most prisoners have an end in sight. Certainly we need to process people for basic health and preliminary checks, as well as security checks, but this should be done in a matter of weeks, as happens in other countries. We simply should not detain these people indefinitely.

The reopening of the Curtin detention centre has brought pressures to the local Derby community. Despite the assurances of DIAC, locals told us of significant housing problems in the town that have been aggravated quite considerably, as well as the exorbitant rents, since the detention centre was reopened. This is obviously an issue that is already felt right across the Kimberley, but the detention centre has not made the situation easier at all. Remember that the reason the pressure has been brought to bear is to house the detention centre staff, the vast majority of whom are not even local—they are fly in, fly out workers. The services provided are intended to be in addition to those already available, but due to the area's remoteness, people are already suffering from a lack of services and it is creating resentment within the local community. There are still not the medical specialists who are needed. The mental health services available could in no way be considered sufficient to meet the needs of these men. Serco staff are not qualified to deal with suicidal detainees.

Much has been said in the past few weeks about the future of refugees in this country. My federal colleagues have clearly put on the record the Greens' concerns about the so-called Malaysian solution and similar proposals. I am not here to talk about that tonight. I note there have been recent calls for an inquiry into detention centres. I note that depending on the terms of reference, there is a possibility that the Greens will end up supporting an inquiry as well. I hope, no matter how it occurs, the shame of our detention centres is inquired into. I hope the true state of these places is revealed. In the meantime I urge members to consider visiting a detention centre—not just tour it, talk to these people, hear their stories and look them in the eye. I do not believe anyone in this place would feel comfortable telling them they deserve to be there. I am clear: these places need to be closed, we need to completely change our approach, we need to stop demonising these people, and we have to start learning the real meaning of compassion.

NATIONAL SKILLS TRAINING FUNDING

Statement

HON LJILJANNA RAVLICH (East Metropolitan) [10.06 pm]: I have waited all afternoon to make this adjournment speech. I was waiting to get onto the bills that I thought we would get onto. I want to make some comments about the very, very tricky Minister for Training and Workforce Development. On the ABC news the other day it was reported that WA is going to turn away from the national skills funding deal, reported to be in the order of \$7 billion. That must have been a real shock to the people in the state's training system. But anyway, there was not much information wrapped around this story apart from the fact the minister said he is not going to put up with the federal government trying to impose policies on the state by linking them to funding and he is just not going to sign up. In question time I asked the minister some fairly straightforward questions about why he has made the decision not to sign up given he does not know what is contained in the new national agreement, which seems a bit odd to me. Why would he refuse something if he did not know the detail? It may well be a very good agreement.

Secondly—I cannot figure this out—why knock it back in terms of saying we will not be party to this because they are imposing standards and outcomes, dare I say, on the states? We have a Minister for Training and Workforce Development who clearly does not believe he should be accountable for obtaining money through a funding agreement with the commonwealth. He believes there should be no conditions attached. He thinks that this is extraordinary. I have to say there is nothing extraordinary about it. Every time a commonwealth–state agreement is signed and funding is handed over, just as every time this minister hands over funding to a private training provider to deliver training to people throughout the state, he too has an agreement with them. That agreement is about outcomes and standards. I thought it quite strange that the minister adopted this position without knowing any of the agreement's detail. The minister went on and on about what great mates he is with Chris Evans and how he went to university with his wife. Of course they will probably not be great mates for much longer! The minister went on to say, “Hon Ljiljanna rabbits on day in, day out ad infinitum”! These things really get to me. Can members believe that!

Hon Peter Collier: I rest my case!

Hon LJILJANNA RAVLICH: The minister was pictured with a horse, and I rabbit on—can members believe it! I could not tell which one was which! After he said I rabbit on, he says there are now 3 000 fewer apprentices and trainees in training than when I was in office. He then went on to say —

Let me give members a few figures. In 2006—who was minister then? Oh, Hon Ljiljanna Ravlich was! There were 31 662 trainees and apprentices. How many do we have now? We have 40 855.

That is correct, but he always picks a low-base year and compares it —

Hon Peter Collier: Was 2006 a low-base year?

Hon LJILJANNA RAVLICH: Yes it was, because we left office in September 2008 and there had been phenomenal growth by 2008. In fact, by 2008 the minister's State Training Board's "Western Australian State Training Plan 2010–2012" states that we had well over 38 000 trainees and apprentices by September 2008. That means that from 2006 to 2008 the number went from 31 000 to 38 000. The minister should figure it out. It is a significant increase, lots and lots. Compare that to the minister's statement, on the public record, that after three years in office the minister has only increased the number of apprentices and trainees from 38 000 to 40 855. That is less than 3 000 more. Only somebody really naive would want that information on the public record, because it shows exactly why the minister is afraid of the new national training agreement. The minister cannot cut it. He cannot deliver; he does not have the capacity to deliver, as has been demonstrated by his own figures. He went on to say, after all of that, that he would definitely not sign the agreement under any circumstances and he would not be bullied around. He went on and on, and in the last line of his presentation—I was killing myself laughing—he saw the light. He said —

Yes, we will sign an agreement, but we will sign the agreement for funding only if it is not to the detriment of Western Australia.

How hopeless is that? Does that mean that everybody else signs an agreement that is to the detriment of Western Australia? It is a given that it should not be to the detriment of Western Australia. The minister's comments are absolutely pathetic. That is the most pathetic reason to put on the public record that the minister will not sign an agreement.

Finally, I do not know whether the minister is trying to court me, but I have read his pick-up line in *Hansard* a number of times; it is —

She is as appealing as a doublegee!

I tell the minister that that will not cut it. He says it all the time. Every time I read one of his speeches I find it buried there, "She is attractive or as appealing as a doublegee"! That is a pretty pathetic effort. Every time the minister puts a figure on the public record—he does this all the time and I can give 100 examples—he uses a base year. He goes back five or seven years and compares those figures to his highest figures. That is fundamentally not honest. If he wants to compare his achievements to those of the previous government, he should compare his figures to those of September 2008. I expect to see all the minister's cube data, with all its training information, accessible on the internet, not taken off the internet, as it is currently, because the minister has something to hide.

NATIONAL SKILLS TRAINING FUNDING

Statement

HON PETER COLLIER (North Metropolitan — Minister for Training and Workforce Development) [10.15 pm]: I really cannot let that one go. I am sprung; I have been trying to crack on to Hon Ljiljanna Ravlich for the last six years, but I have not succeeded! Hon Eric Ripper obviously has something far more appealing than I have.

Hon Robyn McSweeney: It must be hidden then!

Hon Ljiljanna Ravlich: Everyone has; it's a given. Everyone has something more appealing than the minister!

Hon PETER COLLIER: I want to clarify couple of things about the comments regarding the federal budget. At the time I said, "I will not be blackmailed into signing an agreement", because the federal government made the comment that the funding under the agreement from here on in would be conditional, unlike the current productivity places program. As always, I can assure members that we will be very receptive to having a funding model with the federal government. However, the federal government has form on this matter. It has said that it —

Several members interjected.

The PRESIDENT: Order!

Hon PETER COLLIER: I get into trouble when I respond to interjections; therefore, I will not take any. If members want to interject from now on, they can put their hands up.

Hon Sue Ellery interjected.

Hon PETER COLLIER: No.

Hon Sue Ellery: You're not the President, mate!

The PRESIDENT: Order! Let the member on his feet speak.

Hon PETER COLLIER: Is "mate" the same as Hon Peter Collier?

Hon Sue Ellery: You don't like me calling you mate?

Hon PETER COLLIER: I am not allowed to call a woman a woman.

Hon Ljiljanna Ravlich: Calling someone a doublegee is not nice either, so cop it sweet.

Hon PETER COLLIER: Hon Ljiljanna Ravlich should trawl through *Hansard* and read what she has called me over the years.

Hon Sue Ellery: Who is defensive?

Hon PETER COLLIER: I am not precious at all. I do not care; I have a very thick skin.

The federal government tried to inflict a national regulator upon us. We said no, we would not do it and we would not sign up. I am proud of that. We have a very good regulatory system in Western Australia and I refuse to have the federal government impose its will upon this state with regard to the regulation of our training providers. It is exactly the same situation with the funding model being determined at the moment. We have a Ministerial Council for Tertiary Education and Employment coming up and I will go to that and be with my state colleagues working shoulder to shoulder with the federal government to ensure that we have good outcomes for all states, but I stand by what I said. I have no problems negotiating with federal governments; we did so very effectively with the PPP. We are the only state that had such positive outcomes with the PPP in all jurisdictions; we have form on that.

I have no problems at all providing the figures mentioned by Hon Ljiljanna Ravlich. I brought them up in response to a question from Hon Ljiljanna Ravlich; I would not have stated them if she had not asked me the question. I used figures from 2006 because she was Minister for Education and Training at that time.

Hon Ljiljanna Ravlich: You know that you were being tricky with the figures.

Hon PETER COLLIER: No. For the last two years all I have heard from Hon Ljiljanna Ravlich is, "You now have 3 000 less trainees and apprentices than we did when we were in office." The problem is that that statement is not accurate. Just after we took government, the global financial crisis happened. I have said it at least 20 times. I know that sometimes Hon Ljiljanna Ravlich is a little slow on the uptake, but I really hope that she will listen to this. As a result of the global financial crisis, the numbers of apprentices and trainees declined appreciably right across the nation. In Western Australia, the negative impact of the global financial crisis for trainees and apprentices was much lower than the national average. As a result of initiatives that we put in place, including almost \$50 million for a stimulus package, including a whole raft of initiatives and including the extra \$33 million we put in this year's budget for another 12 000 places, we now have 40 855 trainees and apprentices. Therefore, when Hon Ljiljanna Ravlich tells the media and the leader of the Labor Party that we now have 3 000 fewer apprentices and trainees, she is absolutely wrong. We now have 40 855 apprentices and trainees. And yes, as at 1 December 2008 we had 35 763. Last year we had 38 372 and we now have 40 855. I will not keep the house any longer, but suffice it to say I stand by what I said. I will negotiate in good faith with the federal government to get a good outcome for training positions for Western Australia, but also, as a direct result of the initiatives that we have put in place over the last two and a half years we now have more apprentices and trainees in training than ever before in the history of Western Australia. That means that we have come out of the global financial crisis better than any other state. As far as the training sector is concerned, we can hold our heads up high.

House adjourned at 10.19 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

DISABILITY SERVICES COMMISSION — PROVIDER CONTRACTS

3755. Hon Sue Ellery to the Minister for Disability Services

Can the Minister provide the following information for all non-Government organisation disability service providers, providing services to the Disability Service Commission —

- (1) On what date/s do their current contracts with the Disability Service Commission expire?
- (2) What is the frequency of the contractual payments made by the Disability Service Commission to these providers?
- (3) Are the contractual payments made in advance or arrears?
- (4) When will the indexation amounts paid under the Government's Non-Government Human Service Sector Indexation Policy, due for the first six months of 2010–2011, be paid to the service providers?
- (5) How much will each service provider receive in indexation payments for the six months ended 31 December 2010?

Hon HELEN MORTON replied:

- (1) The Disability Services Commission has a contract (Service Agreement) with approximately 115 disability sector organisations. The organisations are generally placed on a five year contract renewal cycle. Therefore, each year, the contract (Service Agreement) is renewed or extended for twenty-two to twenty-three organisations. This renewal or extension is negotiated from March to June of the year for renewal, with approvals completed by 30 June of that year. All contracts require the sign-off of the 'Principal' to the contract, namely the Chairperson of the disability sector organisation involved and the Chairperson of the Disability Services Commission.
- (2) The payments related to the contract (Service Agreement) are paid on a quarterly basis. From July 2011, these payments will be:
 - 30% (of the total annual allocation) for the July quarter paid prior to the end of July;
 - 30% for the October quarterly payable prior to the end of October;
 - 20% for the January quarter payable prior to the end of January; and
 - 20% for the April quarter payable prior to the end of April.

Each payment is processed and paid within five working days of the sign-off of the Variation to the Service Agreement (contract variation) by the Chief Executive Officer of the organisation concerned.
- (3) As reported in response 2 above, the contractual payments are paid in advance. The schedule of payments outlined (30%, 30%, 20% and 20% of the total annual allocation) enables the organisation to build a small cash reserve to assist with the management of cashflow during the course of the financial year.
- (4) The indexation payment was paid on the full annual allocation during January, once the rate and the funds were released by the Department of Treasury.
- (5) The indexation rate for 2010/11 was 3.95% and was paid on the total annual allocation during January 2011.

COMMUNITY POLICE — CONTROLLED GRANTS AND SUBSIDIES

3776. Hon Alison Xamon to the Minister for Energy representing the Minister for Police

I refer to my question No. 3515, regarding page 419 of the Budget, and specifically the response to part two of my question, and I ask —

- (1) Can the Minister please specify —
 - (a) what the Community Policing Initiatives are;
 - (b) how much finding is received by each Community Policing Initiative; and
 - (c) which Agency is responsible for managing each Community Policing Initiative?
- (2) If no specific Community Policing Initiatives can be identified, please explain how the money in this line item is currently being spent?

Hon PETER COLLIER replied:

- (1) (a) The community policing initiatives provided through the Special Plates Fund include a broad range of services to the community, including provision of community grants; delivery of strategic projects such as Neighbourhood Watch, Eyes on the Street and Burglar Beware; support to local crime prevention response; and statewide policy and research coordination.
 - (b) 'Finding' does not make sense.
 - (c) Funding from the Department of Transport's 'Special Plates Fund' is exclusively allocated to the WA Police Office of Crime Prevention consolidated budget.
- (2) Not applicable.

MINISTER FOR HEALTH — HAYDN LOWE RELATIONSHIP

3778. Hon Ken Travers to the Minister for Mental Health representing the Minister for Health

- (1) Has the Minister ever had any professional, business or commercial relationship, with Mr Haydn Lowe?
- (2) If yes to (1), what was the nature of the relationship?
- (3) Did the Minister ever do any work for, or with Mr Lowe prior to becoming a Minister in 2008?
- (4) If yes to (3), what was the nature of the work?
- (5) Has Mr Lowe ever been involved in any of the Minister's election campaigns?
- (6) If yes to (5) —
 - (a) in which campaigns; and
 - (b) in what capacity was Mr Lowe involved?

Hon HELEN MORTON replied:

- (1) No.
- (2) Not applicable.
- (3)–(4) Yes, Mr Lowe was the former Chief Executive Officer of the Aboriginal Affairs Department when the Minister was the Minister for Aboriginal Affairs.
- (5)–(6) These questions do not relate to the Minister's portfolio responsibilities.

COMMUNITY POLICE — CONTROLLED GRANTS AND SUBSIDIES

3780. Hon Alison Xamon to the Minister for Energy representing the Minister for Police

I refer to my question No. 3515 regarding page 419 of the Budget, and specifically the response to part two of my question, and I ask —

- (1) Can the Minister please specify —
 - (a) what those Community Policing Initiatives are;
 - (b) how much funding is received by each Community Policing Initiative; and
 - (c) which Agency is responsible for managing each Community Policing Initiative?
- (2) If no specific Community Policing Initiatives can be identified, please explain how this money has been spent?

Hon PETER COLLIER replied:

- (1) (a) The community policing initiatives provided through the Special Plates Fund include a broad range of services to the community, including provision of community grants; delivery of strategic projects such as Neighbourhood Watch, Eyes on the Street and Burglar Beware; support to local crime prevention response; and statewide policy and research coordination.
 - (b) It is not possible to break down the specific contribution of the Plates Fund allocation as part of the overall Office of Crime Prevention budget.
 - (c) Funding from the Department of Transport's 'Special Plates Fund' is exclusively allocated to the WA Police Office of Crime Prevention consolidated budget.
- (2) Not applicable.

DALYELLUP WASTE DISPOSAL FACILITY — USE BY MILLENIUM ORGANIC CHEMICALS

3783. Hon Giz Watson to the Minister for Mental Health representing the Minister for Environment

Regarding the time constraints on Millenium Organic Chemicals (MOC) in its use of the Dalyellup Waste Residue Disposal Facility under Licence L6130/1989/12, I ask —

- (1) What preparations is MOC undertaking to move its waste disposal to a different site?
- (2) Can the Minister give his assurance that MOC will re-locate to a suitable waste disposal facility by 3 March 2013?
- (3) Can the Minister please provide details of any breaches of conditions since the new licence was issued?
- (4) Has the Department received any complaints regarding the Dalyellup Waste Residue Facility since the new licence was issued?
- (5) If yes to (4), please provide details?
- (6) Have there been any site visits by the Department of Environment and Conservation?

Hon HELEN MORTON replied:

The Minister for Environment has provided the following response:

- (1) The Department of Environment and Conservation (DEC) understands that Millenium Inorganic Chemicals (MIC) is in discussion with a third party regarding acceptance of waste material once operations cease at Dalyellup. DEC understands that MIC has commenced consultation on the proposal with key stakeholders, including the Shire of Dardanup. The third party has approached DEC on a preliminary basis regarding acceptance of the material.
- (2) MIC's licence expires on 3 March 2013. The Environmental Assessment Report associated with this licence states 'DEC expects that this will be the last licence issued for this site and it is DEC's understanding that MIC is working towards this end point.' DEC has not received an application to extend the licence past this date.
- (3) On 15 February 2010, MIC advised DEC that the duration of the dust monitoring for the period 3 to 4 February 2010 was less than the duration required under the licence. MIC advised that this was due to failure of the generator supplying power to the monitoring equipment. DEC issued a formal letter of warning consistent with its 'Enforcement and Prosecution Policy 2008', on 6 April 2010.

DEC has advised that there are pending investigations into 10 potential administrative non compliances with licence conditions, however, these did not result in emissions or discharges to the environment. As these matters are still under investigation, it would not be appropriate to comment further on this issue.
- (4) A search of DEC records indicates that no complaints have been received regarding the site since the new licence was issued on 25 January 2010.
- (5) Not applicable.
- (6) DEC undertook a licence compliance inspection on 23 November 2010.

SUNSET HOSPITAL SITE — HERITAGE SIGNIFICANCE

3786. Hon Giz Watson to the Minister for Child Protection representing the Minister for Heritage

Regarding the site of the former Sunset Hospital in Dalkeith that was closed in 1995, I ask —

- (1) Does the Minister acknowledge the heritage significance of the former Sunset Hospital in Dalkeith?
- (2) Is the Minister aware that the Sunset Hospital complex has been nominated several times by the National Trust as an Endangered Place?
- (3) When will the Minister present a plan compatible with the site's heritage values and commit to preservation of the site as a whole?
- (4) Has the Minister or the Department had any discussions with the University of Western Australia about the future of the site?
- (5) If yes to (4), please provide details?
- (6) Has the Minister or the Department had any discussions with any other individuals or organisations about the future of the site?
- (7) If yes to (6), please provide details?
- (8) What barriers are there to securing a future for the site that protects its heritage value?

- (9) Will the Minister ensure that remnant native vegetation is protected in any future development?
- (10) Can the Minister please provide an update on any progress toward a resolution of the conversation of this heritage asset?

Hon ROBYN McSWEENEY replied:

(1)–(2) Yes

(3)–(10) I request that the Member refers the questions to the Minister for Health, who is responsible for the site.

BKM 102 BEACHING, BARROW ISLAND — ENVIRONMENTAL DAMAGE

3788. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment

I refer to the below-waterline damage, beaching on Barrow Island, and subsequent towing to Dampier of the vessel 'BKM 102' operated by Boskalis Ltd which resulted in the damage and contamination to surrounding waters visible in photographs entitled '2011-01 BK102 Hull Damage.pdf', available at www.robinchapple.com/qdata, and ask —

- (1) What was the quantity of fuel oil released into the surrounding area as a result of the damage?
- (2) Was any other material released into the surrounding area, and in what quantities?
- (3) Were all released materials including fuel oil cleaned entirely from the affected area?
- (4) If no to (3), why not?
- (5) If yes to (3) —
 - (a) how was this accomplished;
 - (b) what quantities of each material were recovered;
 - (c) how long did the cleaning process take; and
 - (d) do the cleanup efforts shown in the photographs accord to the Department of Environment and Conservation (DEC) standards for remediation of fuel contamination?
- (6) Was the BKM 102 towed through or near a marine protected area when it was towed to Dampier?
- (7) If yes to (6), was the leak of fuel oil or any other material successfully stopped prior to the BKM 102 being refloated and towed to Dampier?
- (8) If no to (8), how long was the BKM 102 in transit through, or in transit near a marine protected area, and what contamination resulted?
- (9) Will the Minister table the route of the vessels involved in the towing from Barrow Island to Dampier?
- (10) If no to (9), why not?
- (11) Was permission sought or acquired from the DEC prior to the movement of the holed BKM 102?
- (12) If no to (11), why not?

Hon HELEN MORTON replied:

The Minister for Environment has provided the following response:

- (1) As reported in the pollution report submitted by Boskalis Australia to the Department of Transport, approximately 150 litres of engine oil was released.
- (2) The Department of Environment and Conservation (DEC) has advised that no other material was released into the surrounding area.
- (3)–(4) Chevron Australia has advised that all oil was recovered.
- (5)
 - (a) The vessel was landed at the Pioneer Materials Offloading Facility, which has been reclaimed using dredge spoil. Earthen bunds were formed around the bow of the vessel and absorbent booms deployed around the stern, which remained in the water. This allowed the released oil to be contained and cleaned up.
 - (b) All engine oil released was recovered. In addition to the recovered oil, various oiled absorbents and contaminated sand were recovered.
 - (c) Less than 24 hours.
 - (d) DEC requires that contaminated material is removed and disposed of correctly. Chevron has advised that all the oil released was contained, cleaned up and disposed according to approved protocols and the site does not need further remediation.

(6)–(8) The vessel was not towed through a marine park or reserve. The incident occurred in the Barrow Island Port and the vessel remained within port waters until it departed for Dampier. The vessel was prepared for the voyage to minimise any risk of spill during towing, which included emptying the oil tank adjacent to the compromised tank. The closest the vessel came to a marine park or reserve was approximately 4.5 kilometres and it took approximately 9 hours to travel between Barrow Port and Dampier. There was no contamination of the waters along the tow route.

(9)–(10) [See paper 3319.]

(11)–(12) No. DEC is not the approval authority for this matter.

KIMBERLEY SCIENCE AND CONSERVATION STRATEGY

3789. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment

I refer to the Government's Kimberley Science and Conservation Strategy documents, 'Protecting the Kimberley — a synthesis of scientific knowledge to support conservation management in the Kimberley region of WA', (May 2009) and 'Foundations for a Kimberley Strategy' (4 September 2009), and ask —

- (1) Will the Kimberley Science and Conservation Strategy (KSCS) be finalized and tabled during this term of Government?
- (2) If no to (1), why not?
- (3) What have been the specific outcomes under the initiatives of the KSCS to date?
- (4) How much of the promised \$9 million has been allocated to date?
- (5) What has been expended to date?
- (6) What specifically has this been spent on?
- (7) Will the Minister provide a budget breakdown of all works under the KSCS?
- (8) If no to (1), why not?
- (9) What expenditure is planned for the remaining two years of the Strategy?

Hon HELEN MORTON replied:

The Minister for Environment has provided the following response:

- (1)–(2) Yes.
- (3) The Government has announced that the Kimberley Science and Conservation Strategy includes the creation of four new marine parks, additional terrestrial conservation reserves, significant investment in partnerships delivering fire, feral animal and weed control at a landscape scale, upgrades to tourism facilities in the region's parks and opportunities for Aboriginal people to be involved and employed in land management.
- (4) All of the \$9 million has been allocated.
- (5)–(6) As at 9 May 2011, \$317,000 had been expended against the strategy, on program planning and establishment, consultation with stakeholders, purchase of equipment for weed control, feral animal control and prescribed fire management, and the commencement of seasonal fire management and weed control activities. Further fire management work, aerial operations for feral animal control, on-ground weed control, biodiversity monitoring and upgrades to tourism facilities are scheduled to occur as soon as access is possible following an unusually long wet season in the Kimberley.
- (7)–(9) The 2011-12 budget contains an unprecedented level of funding of almost \$41.4 million for conservation initiatives across the Kimberley under the Liberal-National Government's Kimberley Science and Conservation Strategy. Initiatives are being progressed under the Environment, Fisheries and Science and Innovation portfolios.

Further details will be announced in the near future.

URANIUM IN WESTERN AUSTRALIA — RADIATION BODIES' ADVICE

3790. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Health

I refer to Radiation Health Branch (RHB) of the Department of Health (DoH) and the Radiological Council of Western Australia (RCWA), and I ask —

- (1) Have the Radiation Health Branch (RHB) and the Radiological Council of Western Australia (RCWA) provided assistance or advice to any other agency in relation to uranium exploration, mining, and transport?

- (2) If yes to (1):
- (a) what is the expenditure in relation to this assistance and/or advice from each body;
 - (b) which Agency is bearing the cost of this assistance and/or advice from each body; and
 - (c) how much time in working hours has been spent by each body in providing this advice and/or assistance?
- (3) How many FTE staff from DoH, Department of Mines and Petroleum, and any other Agency have worked with the RCH and/or RCWA in the year 2009–2010 in relation to uranium exploration, mining, and transport?

Hon HELEN MORTON replied:

- (1) The Radiological Council is the Statutory Authority for all aspects of radiation safety in Western Australia. In its role as the regulator, authorised officers of the Council liaise with several other Government agencies. Suitably qualified staff of the Radiation Health Branch are designated as authorised officers of the Council.
- (2)
 - (a) The work carried out by authorised officers of the Radiological Council is a standard part of the officer's duties and, consequently, expenditure has not been separated from routine operations.
 - (b) The Radiological Council's functions are supported from within the budget assigned by the Department of Health to the Radiation Health Branch. The Council does not have a budget in its own right.
 - (c) Approximately 1.2 FTEs from the Radiation Health Branch of the Department of Health are currently allocated to the regulatory issues surrounding the radiation aspects of the mining and milling and transport of radioactive ores. This includes aspects associated with both minerals sands and uranium mining. This has been ongoing since September 2008, when the State Government lifted the ban on uranium mining.
- (3) Approximately 1.2 FTEs from the Radiation Health Branch of the Department of Health are currently allocated to the regulatory issues surrounding the radiation aspects of the mining and milling and transport of radioactive ores. This includes aspects associated with both minerals sands and uranium mining.

The Minister for Health cannot respond for agencies that are not within his portfolio. The question should be referred to the relevant Minister for information relating to any other agency.

CHILDREN AND ADOLESCENT MENTAL HEALTH SERVICES — WAITLISTS

3793. Hon Sue Ellery to the Minister for Mental Health

- (1) How many children are on waiting lists within the Children and Adolescent Mental Health Services by districts?
- (2) What is the length of the waiting time for the following services —
 - (a) counselling;
 - (b) psychology services;
 - (c) psychiatry services;
 - (d) dieticians services; and
 - (e) any other services?

Hon HELEN MORTON replied:

1. There are 301 children on the waitlist with the metropolitan Child and Adolescent Mental Health Service (CAMHS).
There are 89 children on the waitlist with WA Country Health Service (WACHS) CAMHS.
2. (a)–(e) Waiting times for access to mental health staff at CAMHS is based on a priority system, so that children with high risk are seen as quickly as possible.
The length of the waiting time is not routinely collected as waitlists are frequently reviewed and re-prioritised according to urgency and need. Every effort is made to minimise waiting times.
Dieticians are employed within the Eating Disorders Team, once a child has been accepted into this service; there is no waitlist for dieticians.

PRISONERS WITH MENTAL IMPAIRMENT — STATISTICS

3794. Hon Ljiljana Ravlich to the Minister for Finance representing the Minister for Corrective Services
For each year since 2008 please advise —

- (1) How many people who have been found to be insane or not fit to stand trial have been incarcerated?
- (2) How many people with a serious mental illness are incarcerated?
- (3) Given the increase in the prison population, what has been the increase in —
 - (a) mental health services to this population;
 - (b) prison inreach to this population;
 - (c) inpatient facility to this population; and
 - (d) community services to this population?

Hon SIMON O'BRIEN replied:

- (1) The Total Offender Management System records numbers of those ordered to be held in prison under the Mentally Impaired Accused Act to be as follows:
 - 2008: 4
 - 2009: 3
 - 2010: 3
 - 2011: 0 (up until 28 February 2011)
- (2) Due to data reporting limitations only the number of prisoners on medication for a mental illness on any given day is available. As of 1 April 2011 there were 615 prisoners which equates to 14 per cent of the population on antipsychotic medication.
- (3)
 - (a) There is no specific allocated budget for Prison Mental Health Services. Mental Health Services are funded out of the overall allocated budget for the Health Service Directorate. Since 2008 the allocated budget for the Health Service Directorate was as follows;
 - 08/09 — \$24 432 245
 - 09/10 — \$27 797 500
 - 10/11 — \$27 867 204

An increase in Mental Health Services has occurred whereby peer support prisoners at all sites across the state have undertaken "Mental Health First Aid" training, funded by the Mental Health Commission.
 - (b) A Commonwealth funded (COAG) through care service will be commencing shortly to aid the transition of Aboriginal prisoners to the community. This will include prisoners with mental health issues.
 - (c) There is no dedicated inpatient facility in the prison setting however, Crisis Care Units and Safe Cells are available to provide constant observation and care, for those suffering from psychiatric emergency prior to possible transfer to the Frankland Centre subject to bed availability.
 - (d) Community services are provided to community-based offenders, while prison-based services are provided to the prison population.

COMMUNITY MENTAL HEALTH SERVICES — MONITORING PROGRAM

3796. Hon Ljiljana Ravlich to the Minister for Mental Health

I refer to the role of the Chief Psychiatrist in monitoring the Service Standards for Non Government Providers of Community Mental Health Services, and the Standards of Care provided to residents of accommodation licensed as Psychiatric Hostel under the provisions of the *Hospital and Health Services Act 1927*, and I ask —

- (1) When was the decision made by the Chief Psychiatrist to institute a monitoring program for non-Government organisations that consists of a self assessment process, whereby Agencies provide an assessment of their performance in relation to each of the services standards?
- (2) Was the decision authorised by the Minister for Health?
- (3) If yes to (2), when?
- (4) If no to (2), who approved the decision?
- (5) On what basis was this decision made?

- (6) Had any modelling been done on how much a move to a self assessment process might save the Health Department?
- (7) If yes to (6), what did it show?
- (8) If no to (6), why not?

Hon HELEN MORTON replied:

- (1) The Mental Health Commission (MHC), through contractual agreement requires that non government organisations (NGO's) and Licensed Psychiatric Hostels (LPH's) meet the 'Service Standards for Non Government Providers of Community Mental Health Services'.
- The decision to institute the Chief Psychiatrist's monitoring program, as part of his responsibilities under the Mental Health Act 1996 [Section 9(2)], was an agreement between the former Mental Health Division and the Chief Psychiatrist in 2007. The self -assessment is one part of the Chief Psychiatrist's monitoring program. Self-assessments for NGO's commenced in 2008 following a pilot program. The self-assessments for LPH's commenced in 2011 following a pilot in 2010.
- (2) No.
- (3) Not applicable.
- (4) The Director General of Health in 2007.
- (5) The basis of the decision was to assist the former Mental Health Division with contract monitoring and to enable the Chief Psychiatrist to meet his statutory responsibilities.
- (6) No.
- (7) Not applicable.
- (8) Cost saving was not an intention in the development of the Chief Psychiatrist's monitoring program. The monitoring of NGOs and Licensed Psychiatric Hostels has two parts: Self Assessments and Comprehensive Reviews conducted on site. Monitoring is conducted within the allocated budget of the Office of the Chief Psychiatrist as a core activity to guide quality improvement.

INDUCED ABORTIONS

3805. Hon Nick Goiran to the Minister for Mental Health representing the Minister for Health
For the calendar year from 1 January 2010 to 31 December 2010, what was the number of —

- (a) induced abortions;
- (b) induced abortions over 12 weeks gestation;
- (c) induced abortions for women under the age of 20; and
- (d) induced abortions over 20 weeks gestation?

Hon HELEN MORTON replied:

- (a) 8,414
- (b) 525 ^a
- (c) 1416
- (d) 27 ^{bc}

Notes:

^a Induced abortions over 12 weeks include those abortions over 20 weeks gestation.

^b Does not include abortions with exactly 20 weeks gestation.

^c If abortions with 20 weeks gestation (the cut-off at which approval is required for abortion under section 334 (7) of the Health Act) are included, the answer to part (d) is 45 (i.e. this is the number of abortions of 20 weeks or more gestation).

ABORTIONS — LIVE CHILD BIRTH

3806. Hon Ed Dermer to the Minister for Mental Health representing the Minister for Health

I refer to the answer provided to question on notice No. 3211 by the Minister then representing the Minister for Health, which included the words, 'As at 20 January 2011, a total of 14 incidences of abortion procedures resulting in the live birth of a child have been reported between July 1999 and June 2010', and I ask —

- (1) In any of the 14 incidences referred to above, was treatment of the child not withdrawn?

(2) In any of the 14 incidences referred to above, was the child resuscitated?

Hon HELEN MORTON replied:

- (1) No treatment was reported as being performed in any of the 14 incidences.
- (2) No resuscitation was reported in any of the 14 incidences.

PILBARA WILDLIFE CARERS ASSOCIATION — BARROW ISLAND OPERATIONS

3809. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment

I refer to the activities of the Pilbara Wildlife Carers Association and the treatment of injured and/or orphaned wildlife on Barrow Island, and ask —

- (1) Is it correct that Chevron or another company or Agency is no longer permitting injured and/or orphaned wildlife to be taken off Barrow Island for treatment?
- (2) If no to (1), where are these animals being taken to and who is treating them?
- (3) If yes to (1) —
 - (a) which specific company or Agency is not permitting injured or orphaned wildlife from being taken off the island; and
 - (b) why?
- (4) Is the Minister aware of the historical work of the Pilbara Wildlife Carers Association in treating injured and/or orphaned wildlife from Barrow Island?
- (5) If no to (4), why not?
- (6) If yes to (4), will the Minister ensure that injured and/or orphaned wildlife from Barrow Island will have access to treatment and care from this group?
- (7) If no to (6), how will the Minister ensure that injured and/or orphaned wildlife from Barrow Island will be treated and cared for?
- (8) What are the current numbers of injured or deceased animals on Barrow Island per month by species?

Hon HELEN MORTON replied:

The Minister for Environment has provided the following response:

- (1)–(3) The Department of Environment and Conservation (DEC) and Chevron Australia have agreed that injured and/or orphaned animals will not be taken off Barrow Island unless there is a sound conservation reason, or as part of an approved DEC conservation program. This restriction does not apply to marine turtles or seabirds/shorebirds as these are highly mobile. A very small number of animals have been sent off Barrow Island over the past decade for treatment and rehabilitation on the mainland. However, they have not been returned due to disease and parasite risks to fauna on the island.
- (4)–(5) I am advised that the Pilbara Wildlife Carers Association has been involved in the care and rehabilitation of injured and orphaned native fauna for many years.
- (6)–(7) Injured and/or orphaned animals are assessed on Barrow Island to determine if they can be treated or rehabilitated. They are then either cared for on a short-term basis on Barrow Island by trained fauna handlers or humanely euthanased in accordance with approved codes of practice.
- (8) Chevron has advised that 1,027 vertebrate fauna casualties have been recorded from the commencement of construction on the Gorgon Project on Barrow Island in September 2009 until the end of April 2011. This includes seven boodies, 59 golden bandicoots, 54 spectacled hare-wallabies and 4 Barrow Island euros reported in the 2009/10 annual environmental performance report for the Gorgon Project, which covered the period September 2009 to August 2010. Some of the casualties recorded are due to natural events, for example turtle hatchlings dropped onto a construction site by gulls. The fauna casualties are recorded by Chevron per month by species and include both Gorgon Project and WA Oil records, and will be provided to DEC for the 2010/11 reporting year.

URANIUM — PRODUCT TRANSPORT TO SOUTH AUSTRALIA

3842. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to question on notice No. 3624, answered by the Minister for Transport on 13 April 2011, and ask —

- (1) Is it correct that BHP Billiton or a subsidiary corporation thereof has conducted a trial transportation of uranium product from Western Australia to South Australia?
- (2) If yes to (1) —

- (a) how many times has this been done and on what dates;
 - (b) what quantity of uranium was transported;
 - (c) what was the route taken by the shipment;
 - (d) did the shipment pass through Kalgoorlie or its environs;
 - (e) from where was the uranium sourced;
 - (f) what was the ultimate destination of the uranium; and
 - (g) was the uranium sold for export having been transported to South Australia?
- (3) What regulations cover the transportation of uranium in Western Australia?
 - (4) What are the reporting requirements for the Department of Transport under these regulations?
 - (5) What requirements are there with regards to consultation with stakeholders and communities along a shipment route where radioactive materials are involved?
 - (6) Will the Minister table all reports by his Department relating to any transportation of uranium in 2010–2011?

Hon NORMAN MOORE replied:

- (1)–(6) Please refer to Legislative Council Question on Notice LC3623.

URANIUM — PRODUCT TRANSPORT TO SOUTH AUSTRALIA

3879. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to question on notice No. 3624 answered by the Minister for Transport on 13 April 2011, and ask —

- (1) Is it correct that BHP Billiton or a subsidiary corporation thereof has conducted a trial transportation of uranium product from Western Australia to South Australia?
- (2) If yes to (1) —
 - (a) how many times has this been done;
 - (b) on what dates;
 - (c) what quantity of uranium was transported;
 - (d) what was the route taken by the shipment;
 - (e) did the shipment pass through Kalgoorlie or its environs;
 - (f) from where was the uranium sourced;
 - (g) what was the ultimate destination of the uranium; and
 - (h) was the uranium sold for export having been transported to South Australia?
- (3) What regulations cover the transportation of uranium in Western Australia, and what are the reporting requirements for the Department of Transport under these regulations?
- (4) What requirements are there with regards to consultation with stakeholders and communities along a shipment route where radioactive materials are involved?
- (5) Will the Minister table all reports by his Department relating to any transportation of uranium in 2010–2011?

Hon NORMAN MOORE replied:

- (1)–(5) Please refer to Legislative Council Question on Notice LC3623.
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