

Legislative Assembly

Thursday, 8 September 2011

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

SCHOOL CROSSWALK — SOUTH GUILDFORD

Petition

MRS M.H. ROBERTS (Midland) [9.01 am]: I have a petition bearing 699 signatures that is addressed as follows —

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

We, the undersigned, say

We are concerned that the decision by the Children's Crossing & Road Safety (Applications) Committee to withdraw the children's crossing located in South Guildford at Great Eastern Highway near Kidman Avenue is a decision made without taking into account the lack of alternative options. The only option that these children have to get to the Guildford Primary School from South Guildford is to cross the bridge over the Helena River and to do this they have to cross the VERY BUSY Great Eastern Highway to access the bridge. We believe by the withdrawal of the crossing the Committee has put the lives of the children of Guildford Primary School at risk

Now we ask the Legislative Assembly

(To urge the Minister for Police and Road Safety to review and overturn the decision of the Children's Crossing & Road Safety (Applications) Committee and to reinstate the Type A status to the crossing)

[See petition 464.]

SCHOOL CROSSWALK — STRATTON

Petition

MRS M.H. ROBERTS (Midland) [9.02 am]: I have a further petition that bears 324 signatures and reads as follows —

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

We, the undersigned, say

We do not believe that 2 hour in 1 day is ample time to gain proper statistics as to the use of the school cross walk at Lewis Jones Cross near Drummore Elbow Stratton, and we also believe the agent doing the survey left the site before the children from the Middle Swan Childcare Centre used the crossing drastically reducing the numbers of children using the crossing in the survey. Due to this and the poor design of Lewis Jones Cross and poor street parking a dangerous situation is created for the children during pick up and drop off times at the school if traffic guards are removed. We believe that downgrading the crossing from Type A status and removing the Traffic Guards puts the children of Middle Swan Primary School and the Middle Swan Childcare Centre at undue risk.

Now we ask the Legislative Assembly

(To urge the Minister for Road Safety to review and overturn the decision of the Children's Crossing & Road Safety Committee and to reinstate Type A status to the crossing)

[See petition 465.]

NO PRIVATISATION OF HOSPITALS AND SCHOOLS BILL 2010

Petition

MR A.J. WADDELL (Forrestfield) [9.03 am]: I have a petition that has been certified as conforming with the standing orders of the Legislative Assembly. It contains 14 signatures and reads as follows —

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

We, the undersigned, say the State Government should not privatise services in any hospital including Midland Hospital, Fiona Stanley Hospital, Albany Hospital and the new children's hospital.

Schools and hospitals are essential services that should be publicly owned and run. Public ownership is crucial in providing a system of accountability and responsibility to ensure high standards of quality and care.

Privatisation of essential services in schools and hospitals has failed in the past and will fail again. The Western Australia government can afford to provide us with quality public services, and we the undersigned do not want our schools and hospitals privatised.

Now we ask the Legislative Assembly to urge the Premier Colin Barnett to vote in favour of, and encourage other Liberal Members of Parliament to vote in favour of, the No Privatisation of Hospitals and Schools Bill 2010.

[See petition 466.]

GNANGARA PRISON PROPOSAL

Nonconforming Petition

MR D.T. REDMAN (Blackwood–Stirling — Minister for Agriculture and Food) [9.04 am]: This is a petition of some 280 petitioners that says —

We, the undersigned ratepayers of Gnangara do NOT support the building of a prison in the Gnangara locality at ANY TIME

Mr Speaker, this is a noncompliant petition and I would like to table it on behalf of the member for Wanneroo, who passed it on to me.

The SPEAKER: It being noncomplying, you can table it, but not as a petition as such.

[See paper 3842.]

SELECT COMMITTEE INTO CHILD MIGRATION — DOCUMENT RELEASE

Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): Members, I rise to inform you that under the provisions of standing order 32, I have approved the release of information relating to the Fairbridge Farm School at Pinjarra gathered by the former Legislative Assembly Select Committee into Child Migration. The request was made by the former member Hon Mike Barnett. The select committee was terminated prior to the conclusion of its inquiry as a result of the dissolution of the Legislative Assembly on 14 November 1996. Although the committee tabled an interim report on Wednesday, 13 November 1996, documents and material collected by the committee were not tabled and were therefore not publicly available. Under Legislative Assembly standing order 30, any committee evidence or documents that were not published or publicly released cannot be disclosed until the expiration of 10 years and subject to the determination of the Speaker. With regard to the abovementioned documents, the 10-year period expired on 14 November 2006, and I have decided to release the documents.

PAPERS TABLED

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

HERITAGE — GOVERNMENT MISMANAGEMENT

Notice of Motion

Mr J.N. Hyde gave notice that at the next sitting of the house he would move —

That this house condemns the Minister for Heritage for —

- (1) mismanaging the review of the Heritage Act; and
- (2) failing to support adequate funding of regional heritage in WA, including for such important heritage buildings as the Bill Sewell Complex in Geraldton.

SCHOOL-BASED POLICE OFFICERS

Notice of Motion

Mr B.S. Wyatt gave notice that at the next sitting of the house he would move —

That this house condemns the Minister for Police; Emergency Services for —

- (1) his refusal to honour the government's election promise to reinstate school-based police officers in consultation with local communities; and
- (2) his attempt to mislead this house on Wednesday, 7 September 2011 by asserting that "school-based" no longer means "based in schools".

MEDICAL SCHOOL GRADUATES — EMPLOYMENT

Statement by Minister for Health

DR K.D. HAMES (Dawesville — Minister for Health) [9.08 am]: I am pleased to report that a record 290 domestic and international medical students graduating from WA medical schools have been offered internships in WA's public hospitals next year. This is a 20 per cent increase on internship numbers since 2009 and an increase of 25 on last year. The Liberal–National state government guaranteed to provide internships for all domestic graduates of WA medical schools, and we continue to deliver on that commitment. Furthermore, all 24 international medical students were offered placements.

An extra \$2.5 million was allocated in the 2011–12 budget for increased training and supervision, improved simulated learning support and medical education infrastructure in each hospital. Funding has been allocated for intern service, training and supervision at Sir Charles Gairdner Hospital, Royal Perth Hospital and Fremantle Hospital, as well as at country health services, community clinics and private hospitals. One hundred and ten interns will be based at Sir Charles Gairdner Hospital, with placements also at Joondalup Health Campus, Swan District Hospital Campus and Osborne Park Hospital. One hundred interns will be appointed to Royal Perth Hospital, with placements at Bentley Hospital and Royal Perth Hospital's Shenton Park Campus. Fremantle Hospital will host 80 interns, who will rotate through Armadale–Kelmescott District Memorial Hospital, Rockingham General Hospital, Peel Health Campus, and Kaleeya Hospital. All interns will rotate through country health services, community clinics and private hospitals.

VACSWIM PROGRAM

Statement by Minister for Education

DR E. CONSTABLE (Churchlands — Minister for Education) [9.10 am]: The Western Australian Vacswim program, which commenced in 1919, is the longest running vacation swimming program in Australia. It also attracts the greatest number of enrolments nationally for vacation swimming programs. Courses are available at over 200 swimming pool and beach locations across the state during the October and December–January school holidays.

Vacswim, along with the Western Australian government's in-term swimming program, promotes skills, safety, fitness and enjoyment of the many aquatic pastimes associated with our climate and environment. The courses are available to all students from across the government, Catholic and independent school sectors, and are promoted through schools and swimming centres. I am pleased to report that last year Vacswim recorded an increase in enrolments for the third year in succession. In recent years, over 55 000 Western Australians, as young as five years old, have had the opportunity to learn to swim properly and develop vital water safety skills under the guidance and encouragement of qualified swimming instructors. It is therefore pleasing to point out that Vacswim has also had an increase in applications from people aspiring to become instructors. The Western Australian government continues to work closely with training organisations and swimming centres to ensure that Austswim Teacher of Swimming and Water Safety courses are conducted in locations where there are predicted shortages of instructors—particularly in regional areas.

It is clear that Western Australian families appreciate the value of the classes, given that the return enrolment rate is approximately 80 per cent. Each year parents are surveyed following the classes and this year 95 per cent of parents said they were satisfied, or more than satisfied, with the management and operation of Vacswim in 2010. Support from the Western Australian government has allowed Vacswim fees to remain affordable for our families. They are \$10 per child or \$27.50 for a family for 10 lessons. I am very pleased to announce that enrolments for Vacswim opened on 1 August and I am confident that it will be another very successful year. Vacswim is an iconic program and its continued success is evidence of this government's commitment to enhancing the safety and lifestyle of Western Australians.

ENVIRONMENTAL COMMUNITY GRANTS PROGRAM

Statement by Minister for Environment

MR W.R. MARMION (Nedlands — Minister for Environment) [9.12 am]: I am pleased to report the success of the third round of funding under the state government's four-year, \$6 million environmental community grants program. The government proudly supports the dedicated efforts of community environmental groups and individuals and their vital contribution to conservation in Western Australia.

Since this Liberal–National government initiative was launched in 2009, 433 grants have been made to local community projects, totalling more than \$4.5 million. This year, the program has reached record numbers, with 164 grants being awarded—up from 129 last year. The program is providing ongoing conservation benefits to the community. Conserving the Western Australian environment would be much more difficult without the wonderful work done by community groups and individuals.

Grants are available in eight categories: biodiversity conservation; sustainable catchment management; fauna rescue and rehabilitation; regional parks; Bush Forever; interpretation and sustainable recreation in natural areas; support for major conservation and environment organisations; and protection by landholders of high-value areas on private land. More than \$1.58 million was allocated in this year's grants, for an array of significant projects undertaken by local community groups, not-for-profit organisations, conservation-minded private landowners, local governments and individuals. The projects funded are being undertaken in areas around the state, including the Kimberley, Albany, Perth metropolitan area, the Wheatbelt and Goldfields. Priority is given to projects that achieve on-ground actions and help build partnerships and community stewardship. This boosts the work being done by government to protect threatened species and their habitats, revegetate natural areas and waterways and conduct weed and pest control, and to provide environmental information and education activities.

One of this year's grant recipients, the Rottnest Conservation Foundation, received \$30 000 to assist in coastal stabilisation and improve visitor access to Little Parakeet Bay on Rottnest Island. Other examples highlighting the diversity of projects are the \$22 000 grant to Birds Australia towards a major survey of birds in the Great Western Woodlands, the most intact eucalypt woodland remaining in southern Australia, and grants of up to \$500 each for 30 volunteer wildlife rehabilitators to buy supplies for rescued wildlife.

Educational projects also feature in this year's list of recipients, with the Baldivis Children's Forest project, Bringing Back the Bush to Baldivis, receiving more than \$20 000 to provide more opportunities for young people to gain knowledge and awareness of forest conservation. I am sure members can appreciate the success of this initiative, and will continue to welcome this program. A full list of the environmental community grants recipients is available to view at the Department of Environment and Conservation website.

CURRICULUM COUNCIL AMENDMENT BILL 2011

Returned

Bill returned from the Council without amendment.

KARARA IRON ORE PROJECT — WATER LICENCE

Grievance

MR F.M. LOGAN (Cockburn) [9.15 am]: My grievance to the Minister for Water is about his recent decision to approve a water licence application for the Karara Iron Ore project allowing the company to extract five gigalitres of water from the Parmelia–Leederville aquifer near Mingenew, and the complaints by Mingenew farmers about that decision.

Mr I.C. Blayney: So you are against the mine.

Mr F.M. LOGAN: I am not against the mine—I heard the interjection from the member for Kalgoorlie—I am certainly not against the mine—sorry, the member for Geraldton! As Minister for Resources, I signed off its approval. It is a question of how this government deals with water licence applications. This is not the first incident in Western Australia, or Australia, in which there has been a clash between mining and farming, and the member for Geraldton should start thinking about that very carefully. It is going to bite the member!

Mr I.C. Blayney: I don't think so.

Mr F.M. LOGAN: The member should think very carefully about the clash between mining and farming that is happening not only in Western Australia, but across Australia. It is in the headlines this week—this week!—and it is the impact in the Karara area that I am coming to. It is not a question of whether Karara gets its water. I believe it should get its water, but that it should look to how it gets water, because, rather than taking water from the one source, there are other methods, including desalination and drawing water from other aquifers in the Mingenew area, that could contribute to Karara's overall water needs. I put this to the minister because of what will be lost. I would like to table some documents. I would like the minister to have a look at these photographs of a particular wetland in the Mid West. Wetlands in the Mid West of Western Australia are very, very rare. They are found hardly at all. This is an example of a sensational wetland on Errugulla station at Mingenew. It is an example of what will be lost to Western Australia.

[The papers were tabled for the information of members.]

Mr F.M. LOGAN: That is what will be lost to Western Australia if the company draws down the five gigalitres of water.

Even the team doing the hydrological study for KML—the company, Karara Mining Ltd—did not know about this wetland. When the team was asked to and visited the wetland, farm manager, Ben Copley, and other farmers from the area, asked point blank, “Will that wetland be impacted by the drawdown approved by the minister?” The team did not know whether the wetland would or would not be affected. The hydrological study team said that the aquifer could be, but that it did not really know. The minister knows, as not only Minister for Water but also Minister for Environment, that a precautionary principle should be applied. Here is an example of an

application for water from an aquifer that is not fully understood. I say that because it is in the minister's own documents—the final statement response to submissions—that came only recently from the Department of Water. These are the answers from DOW to questions raised by representatives of the community and owners of the land. I will quote from that document some of the issues raised by residents —

There is concern for the potential impact to springs and wetlands in the area. Including those to the north and east that were not identified in the GDE report.

That is the groundwater dependent ecosystems report. It continues —

Specific sites were mentioned including GDE site 20, the Yandanooka Springs and Erregulla spring.

Erregulla Springs is shown in the photo I have just tabled and I would like the minister to look at it. The response from the department is as follows —

Modelling indicates that drawdown may extend to GDE's located west and south of the borefield. KML will be required to construct and monitor observation bores north, west and south of the borefield.

It states earlier on —

KML provided additional information for the assessment of potential impacts to GDE not identified in the Soilwater report.

There is no mention in the hydrological report of either Yandanooka or Erregulla Springs and the surrounding wetlands because they did not know about them. It has since been brought to their attention. That amount of drawdown on an aquifer that size will impact on those springs for sure.

Mr W.R. Marmion: Are you a hydrologist?

Mr F.M. LOGAN: It will impact on those springs. If the minister can assure this house that it will not, fine. I am raising it with the minister today and tabling those photographs because when that drawdown impacts on those springs, which run 24 hours a day, 365 days a year, including through some of the driest periods ever recorded in the Mid West of Western Australia, and when they dry up and the wetlands are damaged, he will be responsible. He will be the minister who signed off on the environmental approval and the drawdown. I want it on the record of this Parliament of Western Australia that the decision he made will affect those springs, those farmers' lifestyles and their ability to access more water for their own farming needs.

The SPEAKER: Members, I indicate that the member has tabled documents and they are there for the remainder of this day's sitting.

MR W.R. MARMION (Nedlands — Minister for Water) [9.23 am]: Thank you, Mr Speaker; I know you too have an interest in this issue. I also thank the member for raising this issue; it is very important. I commend his interest in this important issue and, from the photos of the woodlands he tabled, I agree that it is a highly attractive place to visit. As the member for Cockburn is aware, last week the Department of Water granted Karara Mining Ltd a licence to extract five gigalitres of water per annum from the Parmelia aquifer for the mineral processing requirements of its mine. By way of background, Mr Speaker, you may be aware of the Arrowsmith groundwater allocation plan because it takes in the northern part of your electorate of Moore. Significant work and community consultation was carried out in the development of this plan. The plan defines the sustainable allocations for an interconnected groundwater area that covers large portions of the Shires of Coorow, Carnamah, Irwin and Three Springs and parts of Mingenew and the City of Greater Geraldton. It is based on the groundwater allocation plan under which the Karara licence application was assessed by the Department of Water. As the member for Cockburn may be aware, the application was referred to the Environmental Protection Authority for assessment in March 2011. The Environmental Protection Authority determined not to assess the application, as a process under the Rights in Water and Irrigation Act 1914 considers all environmental issues relating to the proposal and provides legally binding conditions to ensure the environmental impacts are managed. Subsequent appeals meant that the decision not to formally assess the abstraction licence from the EP act was referred to the Appeals Convener. The Appeals Convenor advised that the appeal should be dismissed, and I adopted this advice. This was not a carte blanche approval. The licence was assessed properly and in accordance with the legislation. I am advised that the Department of Water also undertook extensive community engagement on this application seeking feedback from the Mingenew community. This has included holding public meetings, extending the public comment period, meeting with individuals and issuing statements of response to all the issues raised.

In order to appreciate how the Department of Water determines sustainable allocations, it is important to understand the fundamentals of groundwater planning. The Arrowsmith allocation plan includes eight aquifers with a total allocation of 189 gigalitres per annum. This plan sets the volumes of water that can be sustainably extracted from the aquifers. In determining the allocations, the Department of Water allows for environmental values, including groundwater dependent ecosystems, such as the one tabled; social values, such as reserving public drinking; water for emergency use; and watering of stock. Only after all this is the remaining water

available for licensed abstraction. The Parmelia aquifer is extensive and the 5.3 billion-litre licence for Karara, which I think is actually five billion —

Mr F.M. Logan: Five.

Mr W.R. MARMION: Yes, they applied for 5.3 billion.

Mr F.M. Logan: They asked for 6.3 and then changed it to 5.3.

Mr W.R. MARMION: It represents 17 per cent of the total allocation for the Parmelia aquifer. I have a graph here that explains the situation. We can see that there is an allowance of 5.4 gegalitres in the aquifer for the environment; an allowance for stock and domestic use; 4.5 gegalitres as public drinking water sources for the future; an allowance of 1.36 gegalitres for the Water Corporation, which it is not using all of at the moment; a fair bit of licence water—18 gegalitres—because I think there are some cashew crops, which you will be aware of, Mr Speaker —

The SPEAKER: Almonds, I think.

Mr W.R. MARMION: Almonds, sorry. Thank you, Mr Speaker, for your help.

Karara Mining has been allocated five gegalitres; and the water that is yet to be allocated is 18.4 gegalitres. That amount of 18.4 gegalitres is available in the aquifer for people to apply for. I must highlight also the fact that there is still 4.5 gegalitres in reserve for drinking water for expansion of the town and 5.4 gegalitres is reserved for the environment.

Mr B.J. Grylls: Has any of that 18 gegalitres been applied for by the farmers?

Mr F.M. Logan: Not yet. Their point is that they may do so in future, so why cut it off now?

Mr W.R. MARMION: I do not have the figures here, but I have been advised that the farmers in the Mingenew area who do have licences, not counting the almond farmers, have an allocation and they are not using all the allocation at the moment. I have said that if the farmers in that area apply for an allocation, obviously we can look at that.

Mr F.M. Logan: The concern is that a hydrological study was undertaken by the company. It was assessed by the DOW—this is in the minister’s own words—as okay. When it was appealed to the EPA, the EPA said, “Well, DOW said it was okay and you signed off on it.” The only hydrological study has been done by the company. Companies go out there, do work and say it is all okay and all the government agencies say, “All right, thanks.”

Mr W.R. MARMION: The hydrologists within the Department of Water will analyse the information provided by the mining company. Another important point people do not understand is that all that water is available every year; it is sitting there to take. If we do not take it, it remains there every year, so it is a resource that should be used. That has been assessed by the Department of Water. Monitoring bores are in place so they can assess the drawdown of the five gegalitres. If the drawdown of five gegalitres does not adhere to the plan, the licence can be adjusted.

Mr B.J. Grylls: So, there’s constant monitoring to say what they said would happen and if it doesn’t they will have to reapply.

Mr I.C. Blayney: The watertable is rising!

Mr W.R. MARMION: Correct. I think it is a very safe system, in terms of benefit to the Mid West community.

LAND CLEARING LEGISLATION — REGROWTH CLEARING

Grievance

DR G.G. JACOBS (Eyre) [9.30 am]: My grievance is also to the Minister for Environment about the issue of land clearing legislation, particularly the clearing of regrowth. There has been significant confusion —

The SPEAKER: Member for Cockburn and member for Geraldton, I know you have some great interest in this topic, but I would prefer that you reveal that great interest to each other outside of this place, because I have given the opportunity to the member for Eyre to deliver his grievance.

Dr G.G. JACOBS: The issue is about vegetation management and particularly clearing of regrowth. This is a situation in which land has previously been cleared and then goes back to regrowth, with regrowth of the natural vegetation, and the issues with re-clearing that land, as I said in my letter to the minister, led to some legal entrapment of some farmers. Of course, this is a fairly widespread issue throughout the farming community. My introduction to this issue was through a Mr Max Szulz of Munglinup, who over time since the land was previously cleared in 1984 has been renovating and clearing in stages a private parcel of land on a 400-hectare lot. I do not want to go into the issues of Mr Szulz particularly, and I am sure that the minister does not. As I wrote to the minister previously, there are many rural landowner constituents contacting me over the issues

highlighted by the recent court proceedings of Mr Szulz of Munglinup. I understand that these are legal matters about which no comment should be made that could influence the outcome of the court proceedings. But it is the concept; there is a central issue that pervades the Department of Environment and Conservation philosophy and worries farmers immensely; that is, the re-clearing of previously cleared land due to regrowth. This issue potentially applies to over 1 000 farmers, and I ask the minister to look at this in a practical and commonsense way so that we can review the legislation and regulations to make them work. This is because, as I said in my letter to the minister, the prohibition of clearing of regrowth where previously clearing was permitted is causing impediment to farming operations, reduced profitability and in some cases legal entrapment.

Mr C.J. Tallentire interjected.

The SPEAKER: Member for Gosnells.

Dr G.G. JACOBS: I have already had some of my time eroded previously by the member for Cockburn, and now I am having it eroded by the member for Gosnells.

Mr C.J. Tallentire interjected.

The SPEAKER: Member for Gosnells, if you wish to make a grievance, and I would understand that you might on this particular topic, the opportunity is yours to rise in this place. Once again, I repeat, I have given the opportunity to the member for Eyre, and I do not want to hear any more interjections, member for Gosnells.

Dr G.G. JACOBS: Thank you, Mr Speaker; I have some material to cover.

Very recently, in fact, some unclear land clearing laws stung a Great Southern farmer, as was highlighted in a media release of 3 May this year, which states —

The ambiguous nature of the State's land clearing legislation has seen wheat and sheep farmers Matthew and Therese King in a Narrogin court last week, defending their actions in stick raking dead Mallee trees that had been killed in a severe fire on the property in December 2004 and had never regenerated. Trees in the area still have not regenerated more than 6 years later.

This is about the land clearing regulation 5, item 14, and DEC's guide to exemptions and regulations for clearing native vegetation that needs some clearing up—do not mind the pun—and that mentions clearing of land, which states —

Clearing of land that was lawfully cleared within the 10 years prior to the clearing if —

The “if” has the nature of interpretation, and causes much issue and legal entrapment for landowners. The guide continues —

1. The land must have been lawfully cleared within the 10 years prior to clearing.
2. The land must have been used as pasture or for cultivation or forestry within those ten years.
3. The clearing is only to the extent necessary to enable the land to be used to the maximum extent to which it was used in those 10 years. It does not allow for a greater area of clearing, or for more intensive clearing.

If someone has a plot that has regrown in the last 10 years and that area is cleared and initially used as pasture, intensive use for, say, cropping is potentially not allowed. I believe that this needs clarity, it needs addressing and it needs practical assessment so that it actually works. Just yesterday a media release was put out by WAFarmers entitled “Ongoing uncertainty with vegetation management”; that is, ongoing uncertainty with the state agency's interpretation of the land clearing legislation. It states that Western Australian farmers continue to be subjected to these restrictions without any recognition either of compensation for their diminished earning potential.

Western Australian farmers and I understand that the Department of Environment and Conservation is reviewing a number of cases involving farmers, but simple prosecution is not a good outcome for any of these parties. The issue with Mr Szulz is that he is facing a cost of around \$100 000 with the DEC prosecution alone. The issue of lost production for just three months—Mr Szulz was actually imprisoned—was \$30 000, and there are the obvious costs to the state. Mr Szulz is now receiving legal aid; therefore, we have the state funding legal aid against DEC, which is prosecuting. This is a very inadequate situation.

Mr C.J. Tallentire: You should be grieving the real vegetation, member.

Mr B.J. Grylls: Back off!

Dr G.G. Jacobs: You are saying that land that goes back to bush is more valuable than cleared land, are you?

Mr C.J. Tallentire: You are defending a criminal!

The SPEAKER: Member for Gosnells, I formally call you to order for the first time today. I have given the call to the Minister for Environment.

MR W.R. MARMION (Nedlands — Minister for Environment) [9.38 am]: I thank the member for a very important grievance. I cannot comment on the cases, as the member knows, but I can say that I met with the King family and I understand where they are coming from.

By way of background, as the member for Eyre knows, European settlement and agriculture have brought Western Australian prosperity and built successful communities, and this achievement is all the more remarkable when we consider how different our land is from the farming lands of Europe. However, our success has historically also led to levels of clearing that have resulted in land degradation through salinity and erosion, threatening the quality of our state's agricultural land as well as the survival of some of our most iconic plants and animals. Recognising the need for sustainable development, legislation has been progressively introduced in Western Australia to ensure that clearing does not compromise our natural resources. The first step towards clearing controls was made in the mid-1970s to reduce clearing in water supply catchments. In 1986, regulation of clearing was introduced under the Soil and Land Conservation Act 1945 to ensure that soil resources were protected. Then, on 8 July 2004, the clearing provisions of the Environmental Protection Act 1986 commenced. These provisions have introduced more consistent standards and a high level of transparency, and brought about accountability and applicability. But I take the member's point that perhaps we can look at the practicality of some of it, and I am doing that. Under the legislation, which is administered by the Department of Environment and Conservation, clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit or the clearing is subject to an exemption. Exemptions for clearing, which is a requirement of a written law or authorised under certain statutory processes, are contained in schedule 6 of the EP act. Exemptions for low impact routine land management practices are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. The regrowth clause to which the member for Eyre refers is contained in these regulations.

I would like to draw members' attention to a graph that I have with me today, which I will table. I will try not to spend too much time on this. It is a very interesting graph. It shows figures from 1986 to 2011. A fair bit of clearing was done until about 1990–91. Then it tapered off and in 1995–96 Hon Monty House announced an initiative to reduce clearing and improve management and protection of remnant vegetation. There was quite a big drop in 1995–96. Basically, it has remained pretty constant since then, even when the clearing provisions under the EP act were introduced in 2004.

Mr C.J. Tallentire: There's a dip at the end though.

Mr W.R. MARMION: Perhaps there has been a bit more clearing in more recent times. I table the graph.

[See paper 3843.]

Mr W.R. MARMION: It is evident from the graph that the levels of clearing approved since 2004 under the clearing provisions of the EP act are similar to clearing approved after the 1995 policy shift. The major reduction in approved agricultural clearing occurred between 1990 and 1997 as a result of our greater knowledge of the need to manage salinity and erosion and avoid loss of our native plants and animals.

Item 14 of regulation 5, or the 10-year regrowth provision, as it is sometimes referred to, allows for the continued use of land that has been lawfully cleared within the previous 10 years, as the member said, for pasture, cultivation or forestry, provided any re-clearing does not exceed the maximum extent to which the land was used in those 10 years. The exemption does not prevent the use of the land for any of these land uses provided that the clearing is only to the extent necessary to enable the land to be used to the maximum extent it has been used in the previous 10 years.

Mr C.J. Tallentire: You should get rid of that clause.

Mr W.R. MARMION: Some people have a different position.

Mr C.J. Tallentire: Regrowth is valuable to the —

Dr G.G. Jacobs: They got a clearing permit initially. It was allowed to be cleared and you are telling us —

Mr W.R. MARMION: This is not open for debate at the moment.

Under the Soil and Land Conservation Regulations 1992, a comparable provision restricted use to only two years' regrowth. Clearly, the 10-year time frame currently in place is a considerable extension of the previous regime. The member for Gosnells might prefer to go back to the previous regime.

The Soil and Land Conservation Regulations and the subsequent Environmental Protection (Clearing of Native Vegetation) Regulations both require lawfully cleared areas to be converted to their intended purpose, such as cropping or pasture. If land is not converted after being cleared, the exemption allowing it to be re-cleared does not apply. I believe that this represents a sensible approach—a balance between the need of farmers to maintain land for agriculture and for the community to share a healthy environment. The Department of Environment and Conservation has prepared a number of fact sheets and guidelines to assist people in understanding the clearing

provisions of the Environmental Protection Act. These fact sheets and guidelines are available on the department's website. I will be looking at those to try to make them a little clearer.

Dr G.G. Jacobs: They're still confusing, minister, and open to interpretation.

Mr W.R. MARMION: Perhaps they could be clarified a bit more.

I recognise that there is some confusion in the community about the application of clearing provisions in the Environmental Protection Act. I assure the member that the Department of Environment and Conservation is committed to working with farmers and the community to ensure a better understanding of the provisions and their practical application. More recent efforts by DEC to improve understanding of the application of the clearing provisions have included high-level meetings with both the WA Farmers Federation and the Pastoralists and Graziers Association of Western Australia and local government, with commitments made to continue to work closely with both these organisations. Separate to this, DEC is working on advice regarding possible options for legislative amendments for my consideration, with the aim of improving the practical operation and effectiveness of the clearing provisions.

Dr G.G. Jacobs: What are we looking at as far as a time line here because this issue has been going on for some time, in farmers' minds?

Mr W.R. MARMION: It is quite a broad issue and there are a number of issues within clearing. I have been advised that probably within the next month I should have something from the department to look at. I suppose it goes back to when Hon Monty House brought in his policy changes. I understand that clearing did impact on a number of farmers. The member probably knows some of those farmers. About 12 farmers were severely affected. The Department of Environment and Conservation is gradually working through those farmers to try to rectify their situation. I met with Mr King, one of those farmers. There are probably others in similar situations. Some people had a farm; a majority of it may have been in remnant bushland when the policy came in.

COLLIE COAL INDUSTRY

Grievance

MR M.P. MURRAY (Collie–Preston) [9.46 am]: My grievance is to the Minister for Regional Development and relates to Collie's future, something I am very concerned about. At his announcement in Collie that it was to become a super town, he was asked about the stand-off in contractual arrangements between two major investors in the Collie coal industry—Perdaman Industries and Lanco Infratech Ltd. Lanco has acquired Griffin Coal for a reported \$850 million and Perdaman has been developing a urea factory that will cost around \$3 billion. These are both great investments for Collie's long-term future but there seems to be a problem with the contracts that were signed before Lanco acquired Griffin Coal. When Griffin Coal was placed into receivership, a company named KordaMentha acted as administrators. It was the understanding of some that after the sale, existing contracts would be honoured. That does not seem to be the case, as it has been reported in the press that coal supplied to the Bluewaters power station was under threat, thus threatening 10 per cent of the state's electricity supply. However, I think there have been second thoughts on this, as well as meetings to work through the problems associated with the supply. This is a positive move but I understand it has yet to be finalised.

I move to the Lanco versus Perdaman issue and ask what the minister has done in his role as Minister for Regional Development and Minister Assisting the Minister for State Development to make sure these companies work towards honouring agreements and to make sure that both parties are able to be profitable and invest in the Collie region. Word is that Lanco is running the Griffin mine at a loss and Perdaman is sitting idle while the courts work through contract issues. It is time the minister and his government intervened in the process to make it clear that both these investors are needed in the south west. It is time the minister personally sat down with both companies and went through their issues with the view to settlement so that they can get on with their much-needed projects. With only 12 months left on the Worsley expansion project that employs 2 000 people, we need the Minister for Regional Development to do something more than swan into town, insult our coffee shops and leave. Will the minister talk with the administrators of Griffin Coal to understand the previous contractual arrangements and what the understanding was when Griffin Coal was sold to Lanco? Will the minister talk to both parties and the administrator to work through the problems associated with the sale of Griffin and its contracts?

As our other energy supplier, the gas industry, has a 15 per cent local supply content attached to the industry, will the minister and his government look at expanding the state agreement act that covers the coal companies to include a 15 per cent reservation policy for the coal energy division of WA? This will give local and intending investors a guaranteed source of coal supply and put a level playing field between the gas and coal industries with the supply of energy. I do not think, due to the minister's infatuation with the north west of the state, that he or his colleagues understand or are interested enough in the south west region to understand the impact on the job market and the economic wellbeing that these two industries will have on the short and long-term future of the south west region.

If one or the other company fails, it will mean a huge reduction of employment and income to the south west region. At the moment, we have people from all over the south west employed in the Shire of Collie working on projects such as the upgrade of Muja A and B, shutdown work at Bluewaters and Collie power stations, along with the previously mentioned Worsley expansion program. Most of the employment in these areas is due to finish in the Christmas period. Many of these workers were hoping to secure further work on the construction and maintenance phases of the Lanco–Perdaman projects. If this work is not available, they will move on and, in many cases, leave the south west. In my view, this will cause financial hardship for many small and large businesses in the south west due to lower disposable incomes and also loss of jobs in the support industries, such as fabrication, civil and construction companies.

Minister, there are many deadlines for contracts and finance provisions to be met over the next month. There needs to be government leadership shown so that these companies can move forward, because the failure of the companies to agree to move toward construction will do irreparable damage to the south west as a place to invest—not only in Western Australia but certainly the world. I ask the minister to immediately take a leadership role—something he has certainly been lacking—and work with both Lanco and Perdaman Industries to make sure contracts are honoured and differences of opinion sorted out. With around \$5 billion of investment hanging by a thread and the world watching, I believe the minister should act. The minister’s failure to do so will make his promise of Collie being a supertown and a place to invest ring very hollow, and the word “supertown” very quickly replaced with “ghost town”. No investment! No jobs! No supertown! Your government has already reneged on election promises worth over \$400 million of infrastructure in the Collie–Bunbury region, including the Eelup roundabout, the Bunbury–Albany pipeline, the Greenbushes–Bunbury rail line, the Collie river desalination plant and upgrade project, as well as stealing \$6 million from the Collie Coal Futures Group. Here is a chance for the minister to redeem himself somewhat by making sure both these projects continue—or are going to see what we have seen in the Ord region, where the rice industry, which was much touted, has now turned into chaff or fodder? I believe that if the minister does not take a positive stand here and work with both Lanco and Perdaman Industries, we are going to be very much —

Mr B.J. Grylls: Your leader was talking to me when you referred to the Ord region. What was your point about the Ord?

Mr M.P. MURRAY: If you will excuse me until I have finished this, I will take interjections if I think they are pertinent.

I am saying to the minister that here we have \$5 billion worth of work in the South West that is hanging by a thread, and the minister has not been seen. I have not heard of the minister being down that way. The companies are at loggerheads. There needs to be a circuit breaker; the minister can be that if he wants to be. How about a bit of focus in the South West? It is the same situation as with royalties for regions funding—it all goes north or out to the eastern areas pork-barrelling National Party seats. It is time the minister came down to the South West. I am very disappointed in the member for Bunbury, the member for Murray–Wellington and also down the bottom end, the member for Vasse. Those members of Parliament have let the South West down by not saying a word. Now is the minister’s chance to be a superstar—I do not think he ever will be—but he has a chance here to get at least a kick in the forward pocket and move on and get something done.

MR B.J. GRYLLES (Central Wheatbelt — Minister for Regional Development) [9.54 am]: Here I was thinking we were going to have an important debate about a very important issue to the state —

Mr M.P. Murray: So \$5 billion is not important!

Mr B.J. GRYLLES: The member for Collie–Preston has taken the opportunity to give me a nice little touch up about a whole range of issues. It is interesting that he spent about two minutes of his time talking about the Perdaman issue, which is important, and then spent the rest of the time contradicting the other members of his party who say I do not spend enough money up north. He said I am spending all the money up north! I do not exactly know how the Labor Party comes to an agreement on this, member for Collie–Preston, because we think that we are distributing the money fairly evenly across the state. We make no apology for there being a very strong focus on the north west. Our focus is very clearly on the Pilbara Cities development of the Kimberley. That is not to say that we do not have a very strong focus on Collie. I know that it is important for the member for Collie–Preston to stand up in this debate today, because he is under a bit of pressure in his seat. There has been renewed focus by government on the seat of Collie. The member regards that as his seat only; he has never really had to do too much there, but the fact that a little is now happening means the member has to stand up and raise a grievance in the Parliament. That is good. I look forward to a very hard-fought contest for the seat of Collie at the next election; it will be a very good thing.

The member for Collie–Preston will have the opportunity to repeat the statements he has made today; he will be able to make them down there as he tries to protect his seat. Again, that is a good thing. The people of Collie welcome the fact there will be a difficult stoush for whomever wins the seat of Collie–Preston in the future, and we welcome that.

I will move onto the issue, because it is important. The member for Collie–Preston is quite right when he says that both projects are very important. Collie is a very important economic driver of not just the South West region but also the state, and it is disappointing that with the collapse of Griffin Energy and the purchase of the Griffin assets by Lanco that we have now got to the stage that Lanco and Perdaman, the proponents of those two major expansion projects for Collie, are now at loggerheads and are in the court. It is not for me in the Parliament to run through that process. That has been widely covered. The criticism of the member for Collie–Preston was that the government was sitting on its hands. I want to take the time to assure the member for Collie–Preston that we are not, and that better than me meeting regularly with the two players, Lanco and Perdaman, I keep in very close contact with the Department of State Development. I am happy to inform the member for Collie–Preston that the Premier himself is meeting regularly with Lanco and Perdaman to try to solve the impasse and provide a solution. As Minister for State Development, the Premier has jurisdiction over this issue, but more importantly the level of importance placed on this by the government —

Mr M.P. Murray: Handball!

Mr B.J. GRYLLS: I am not handballing at all. I would love to do it, but I am happy that the Premier has made this a very clear priority of his leadership and government to try to broker this. I can think of no better person to try to bring those two parties together than the Premier. The important part of this issue is that under the Collie Coal (Griffin) Agreement Act 1979 there are some obligations for the holder of that resource to have some domestic contracts. I do not believe it is an option for a move to full export. It is in the realm of that state agreement that I believe the resolution to this issue lies. The member for Collie–Preston needs to understand that we are certainly not sitting on our hands. There was no sitting on our hands when the government moved, I think, in record time to develop Shotts industrial park and to give Perdaman the opportunity to pursue a financial close to the project —

Mr M.P. Murray: All the work was done by the Labor Party! You put a sign up.

Mr B.J. GRYLLS: You did no work!

Mr M.P. Murray: You put a sign up!

Mr B.J. GRYLLS: No, we did not. We have completed that industrial park in record time.

Several members interjected.

Mr B.J. GRYLLS: Now, I want to take the issue —

The SPEAKER: The member for Collie–Preston has made the grievance; the minister is responding to it. We do not need anybody else trying to contribute to this particular grievance.

Mr B.J. GRYLLS: I want to run through some of the state agreement obligations that come with the Collie Coal (Griffin) Agreement Act 1979. Lanco has been advised in writing by the Premier that in considering any approval of contracts for the export of coal, the state agreement minister, who is the Premier, will amongst other matters consider a number of factors: existing reserves of coal within the company's coal mining leases; the reservation under clause 5 of the state agreement; the adequacy and certainty of supply to existing domestic contracts and markets; any other approvals required for the mining and export of coal; and the implications of any decision, not only for Griffin Coal's ability to effectively discharge its obligations under the state agreement, but also for the commercial reputation of the state and for the special standing accorded to state agreements as a resource development bid. It is crystal clear from the state agreement that Lanco, in purchasing the Griffin assets, has some obligations under that state agreement. As I have said, they are now in contractual dispute about that; that is before the courts. But I am very confident, and speak to the Premier regularly about this; I have been briefed on Lanco and Perdaman. I am very comfortable in the Premier's hands-on determined role to ensure that we get a solution for this. The Premier has spoken regularly about our excitement at the downstream processing aspects of the Perdaman urea project and the excitement that brings to that area to see some high level sophisticated downstream processing. But it is also exciting to see a new Indian investment from Lanco into the coal industry in Collie, with major expansion plans. Both those things are good for Collie and good for the state.

The Premier has taken very much a hands-on approach and made it very clear what he believes the obligations are under the state agreement act. We are in a contractual dispute in the courts. We will let that play its course. My understanding is that by the end of this year or early next year, that should have come to fruition, and hopefully we can quickly move on with the development, as the member for Collie has said.

I will just finish off, in my last 20 seconds. For the member for Collie to stand up in the Parliament and talk about Collie becoming a ghost town is very, very disappointing. That is typical, base opposition policy. Collie is not going to become a ghost town. We are very, very excited about its future. The coal resource is a very important resource for that area. We are seeing lots of interest in international investment in that area.

CRIMINAL PROPERTY CONFISCATION ACT 2000*Grievance*

MR P. ABETZ (Southern River) [10.00 am]: My grievance is directed to the Attorney General and relates to the Criminal Property Confiscation Act 2000. I wrote to the Attorney General in April this year on this matter. The matter is still unresolved and has recently received some media attention from no lesser person than Malcolm McCusker, QC, now our state Governor.

The legislation was passed to provide for the confiscation of property acquired as a result of criminal activity, and to allow for the confiscation of property, even legitimately acquired property, used for criminal activity. I agree that criminals should not be allowed to profit from their criminal activities and that their ill-gotten gains should be confiscated. However, this act, which allows for the confiscation of legitimately acquired property, has a major problem, in that it does not specify that the property needs to have been actively used in the commission of the crime in order for it to be confiscated. This is resulting in gross injustice.

For those not familiar with the Criminal Property Confiscation Act, I should point out that under the act, the Director of Public Prosecutions can apply to the court to confiscate an asset if the crime committed carries a penalty of imprisonment of not less than two years. The problem is that this act is being interpreted as meaning that even if the property was incidental to the crime, it can be seized. A criminal does not, of course, always use his own property to commit a crime. Therefore, the act provides that if the property used is not owned by the criminal, property of equal value owned by the criminal can be seized.

I will give members an example. A man takes a girl out on a little dingy and deals indecently with her and is sentenced to three years' jail. All that the DPP can apply to have confiscated is the dingy, worth, say, \$500. However, if the man commits exactly the same crime on a \$5 million yacht owned by a friend, the DPP can apply to have up to \$5 million worth of honestly acquired assets of the offender confiscated in substitution for the \$5 million yacht used in perpetrating the crime. So, effectively, we as a community are saying that if this man commits the crime on a luxury yacht, he deserves to be given his jail sentence, plus a \$5 million fine; but if commits the crime on a dingy, a prison term plus a \$500 fine is sufficient. With all due respect, I believe this makes a mockery of our legal system. It also serves to undermine confidence in our system of justice.

I have brought this matter to the attention of the Attorney General. In the Attorney General's written reply to me, he indicated that the DPP has discretion as to whether to confiscate, or not, in all crime-used property cases; and that, in the Attorney General's view, that is in itself sufficient to prevent injustice from occurring.

Not only does history bear out that this is actually not happening, but the principle seems to me to be wrong. The DPP is the prosecuting agency. The role of the DPP is not to make judgements as to whether a particular sentence is appropriate or not. This is the role of the court. In our Westminster tradition, the divisions of power are clear and do not support this duality of roles for the DPP. Therefore, I believe the act needs to be revised to spell out that only property actively used in the commission of the crime, and not just incidental to the crime, can be confiscated.

There are two other problems with this act that I want to touch on briefly, if time will allow. The act does not provide enough protection to the innocent co-owners of a property that has been legitimately acquired. It is true that an innocent party's share in a property cannot be confiscated. But, in practice, an innocent third party is often penalised. For instance, in the case of *Bowers v DPP*, which was eventually dropped by the state in view of the public outcry, the DPP was proposing to freeze Mr Bowers' interest in the matrimonial home. Once a property is frozen, the DPP may apply to have it sold. If the property had been sold, Mrs Bowers would have received her half share of the property in cash. But what could she have done with it? She would not have had enough money to buy even a modest home. If a home is very valuable, obviously it is possible to purchase another home. But even assuming that it would have been possible for Mrs Bowers to purchase another home, how just is it to force an innocent third party out of the family home when the home was never used for committing the crime, and the other family members were not involved?

The Attorney General responded to my concern, when I wrote to him, by saying that, in his view, the act is operating as it was intended to operate. I really find that difficult to believe. I also do not believe that was the intention of the house when it passed this legislation. I would say it is nothing less than a scandal if members of Parliament wish to inflict such injustice on criminals in this state. Criminals they may be, but they are still human beings, as are their families, and as human beings they certainly deserve justice—not a punishment that is totally out of proportion to the crime that they have committed.

From reading the second reading debate for this piece of legislation, I could not find any evidence in any of those speeches that members of Parliament were intending for incidentally-used property to be confiscated; nor could I find any evidence that members of Parliament thought that innocent third parties should be forced out of a modest family home that had been acquired by legitimate means. It is clear that the primary intention of the act is

to ensure that no person benefits from crime, and that innocent co-owners of property are protected. I would put it to the house that that latter part is actually not happening.

Finally, it can also be said that the act encourages criminals to default on their borrowings, because once a property is frozen, the mortgagee has no right to sell the property. It may take a long time for matters to be dealt with in a court. Therefore, that puts a lot of unfair pressure on a mortgagee who happens to have loaned money to a criminal.

It is patently obvious that an urgent review of this legislation should take place, in the interests of justice. I urge the Attorney General to take the necessary action to make that happen so that we can remedy this state of affairs, which is not satisfactory to say the least.

MR C.C. PORTER (Bateman — Attorney General) [10.07 am]: I thank the member for Southern River for his grievance. There is a difficulty that has been highlighted by the case of Bowers. I am not sure whether it is the difficulty that the member for Southern River has concentrated on. The matter of Bowers, with which I am very familiar, and which I understood, member, had been resolved to the satisfaction of the parties—that was the strong advice that I had received, but I will double check, because I understood, contrary to what the member has said, that it had been resolved —

Mr P. Abetz: Yes; that one has been resolved.

Mr C.C. PORTER: Okay. So the member is talking about the issue being unresolved. Right.

Mr Bowers pleaded guilty to three counts of sexually penetrating a child between the ages of 13 and 16 years, contrary to section 321 of the Criminal Code. All three of the offences were committed against the same complainant, on the same date, at the complainant's home; so at the child's home in Beechboro. It was a very serious offence. What the Criminal Property Confiscation Act allows for in those circumstances is that because the offence has been committed at some else's home—a home that the offender does not own—the offender's own home can be frozen and substituted in lieu of that crime-used property. That is the structure of the act and it has long been the structure of the act. This case has highlighted an anomaly. The anomaly is that in the act itself there is what I will just call loosely here a hardship provision. That provision says that the court may set aside a freezing notice or freezing order for a property if the objector establishes that it is more likely than not—a number of things follow—that the objector is an innocent party, the objector was usually resident on the property, and the objector would suffer undue hardship; and there are some other provisions. What that provision is meant to do, particularly with respect to a situation in which a property has been crime-used—say, for instance, to commit a sexual offence—is that, if an innocent third party who owns a half equitable share in that property will be put through undue hardship, the court can consider that situation and set aside the freezing order. The anomaly that has been identified here is that that hardship provision, it seems, certainly does apply to crime-used property, but not to substituted property. That is an anomaly in the Criminal Property Confiscation Act. The Director of Public Prosecutions has recognised that that is an anomaly in the act, and I have met with a range of parties on this case and have a view about how it should be resolved. Although I could not instruct the DPP about the specifics of this case, the DPP has resolved it in a way that I thought was appropriate in recognising that anomaly. That is an anomaly that should be fixed, and the next time this act is open for amendments—some amendments are contemplated for this act that are of a more technical nature, relating to mortgages and so forth—this will be fixed. In the meantime, the DPP is exercising its discretion in acknowledgment of the anomaly and watching this with a great deal of caution and exercising discretion in the way it has in this matter. That is an anomaly that has to be fixed.

It seems that the substance and the essence of the member's grievance is that the whole idea of a crime-used property substitution, or indeed crime-used property, when it affects and impinges upon an innocent third party, is unjust, and that needs to be completely revisited. The member put the view that that could not have been the intention of the original act because he says that the act is deficient in that it does not specify how the property has to be used. I must say, respectfully, that the member is incorrect on that. The act states that, generally speaking, for property to be considered crime-used property, there has to be something slightly more than the fact that somebody simply committed the offence on the property; there has to be some kind of nexus. If the member read the decision of White, which I will provide to him, he would see that the President of the Court of Appeal describes how, generally speaking, there has to be something more than just the fact that the crime was committed on the property; there has to be some nexus between the offending and the property. The exception to that general rule appears at section 146(3) of the act, and all the case law is quite clear on this. It states —

Without limiting subsection (1) or (2), any property in or on which an offence under Chapter XXII or XXXI of *The Criminal Code* is committed is crime-used property.

If the member likes, that is something more of a strict liability-type section, and the sections it is referring to are, if the member likes, sexual offences and offences against morality. After due and long debate, this Parliament decided that if a person commits a serious sexual offence on property, it is, in effect, enough that they used the

property for the purposes of committing the offence—that is, that they committed the offence on the property. This Parliament plainly decided that that is sufficient for that person to be at jeopardy of losing that property, or their share in that property, or, by extension, if they committed it on another person's property, of losing their own property by substitution. That is what this Parliament absolutely and unequivocally decided; there is simply no doubt about that when we look over the case law.

The member's view is that that is too harsh, potentially, on third parties. There is, of course, a hardship provision that can ameliorate that hardship. There is an anomaly that it does appear to apply directly to a substituted order, and that anomaly should be rectified. In the meantime, I am assured that there will be no injustices because of that anomaly because of the way in which the DPP is using its discretion.

But the member is correct in the general tenor of what he is suggesting—that innocent third parties can be affected by confiscation. When a crime is committed, it is not just the victim who suffers; it is very often the innocent wife or innocent children of the offender. I put to the member that often homes are lost because the primary breadwinner commits a sexual or some other serious offence, and is jailed for a period of time and cannot pay the mortgage. There is no hardship provision in sentencing that allows for that person not to be jailed for five years because an innocent third party is being adversely affected. Very sadly, that happens on a regular basis in sentencing, but unfortunately crime causes victims who are not just the immediate victim, but indeed the families of the offender. What occurs with confiscations, generally, is that if a person commits an offence at their house—say, a sexual offence—they are liable to have their share of the house confiscated. The innocent party never has their share of the house confiscated, but of course the confiscation of the half from the husband, if the member likes, could well cause flow-on effects negative to the wife. However, that fact was taken into full account by this Parliament when it devised these laws, and it occurs with great regularity in the sentencing process. The member has identified, I think, an anomaly in this that we will rectify.

REDRESS WA

Standing Orders Suspension — Motion

MR E.S. RIPPER (Belmont — Leader of the Opposition) [10.15 am] — without notice: I move —

That so much of standing orders be suspended as is necessary to enable the following motion to be moved forthwith —

That this house condemns the Barnett government for its heartless cuts to the Redress WA scheme and the impact this has had on many Western Australians, including Michelle Stubbs, who has today returned her letter of apology to the Premier in protest.

This is a sensational development in the whole Redress WA issue. One of the Liberal Party's own has exposed the government as cruel, heartless, and mean-spirited. This is a development that, in my view, requires a suspension of standing orders and a debate. I can go on to elaborate on the reasons why an urgent debate is required, and I can give much more information; however, I would be interested to know whether the government will allow a debate to occur on the substance of the issue, rather than simply on the need for a suspension.

While the government thinks about this, let me remind the house that Michelle Stubbs is a former member of the Liberal Party—not only a former member, but also a former candidate for the Liberal Party. She is outraged; she is incensed at the treatment she has received under the Redress scheme, and members of the Liberal Party are not going to be able to escape this issue because she will send to each of them a copy of her letter to the Premier.

Mr C.J. Barnett: I have not seen it yet.

Mr E.S. RIPPER: Oh, well —

Mr C.J. Barnett: She gave it to you first, did she?

Mr E.S. RIPPER: — let me lay on the table a copy of Michelle Stubbs' letter to the Premier.

Mr C.J. Barnett: Point of order!

The ACTING SPEAKER: Leader of the Opposition—just one at a time! Before I make a ruling on that, I call the Premier on a point of order.

Point of Order

Mr C.J. BARNETT: The motion before the house is to suspend standing orders. That is not an opportunity for the Leader of the Opposition to start laying documents on the table. If we agree to the suspension, he can certainly do that, but he is engaging in debate and starting to table documents. It is totally inappropriate.

Mr M. McGOWAN: Further to the point of order, I think that what the Leader of the Opposition is doing, to convince the government that it should permit the suspension of standing orders, is giving the government the

evidence, which is the letter to the Premier himself, so that the Premier can read it. I do not think it is entirely unreasonable for the Leader of the Opposition to make that offer to the house.

The ACTING SPEAKER (Mr J.M. Francis): I am going to make a ruling on that now. I am going to allow the Leader of the Opposition to lay that document on the table for the duration of today's sitting. You are not entitled to table that document.

Debate Resumed

Mr E.S. RIPPER: That gives the government and the Premier an opportunity to understand why this is such a sensational development and why there is a need for an urgent debate. The government has been exposed by one of its own for its arrogance and its meanness with its administration and policy decisions on the Redress scheme. She has written to every single Liberal member in this place; I wonder who will have the courage to reply to her letter; I wonder what Liberal members will say.

Let me say, as well, that she is so angry that she has asked for Western Australia Labor, through Hon Sue Ellery, to return to the Premier the Premier's letter of apology to her issued under the Redress scheme. She has asked Hon Sue Ellery, who has asked me, to return this letter of apology to the Premier. She is throwing back the letter of apology that she received from the Premier under the Redress scheme because she is so angry and so incensed at the policy decisions the government has taken, and at the way in which the scheme has been administered. As further evidence —

Point of Order

Mr C.J. BARNETT: Again, the Leader of the Opposition is not talking about the suspension of standing orders; he is arguing his substantive case.

A member interjected.

Mr C.J. BARNETT: Of course he is!

Several members interjected.

The SPEAKER: I do not need anybody else providing any advice to anyone in this place about a point of order. I have given the Premier an opportunity to make the point of order; I do not know whether the Premier wants to further continue with that. On that point of order, Leader of the House, I do insist that you return to the substance of this suspension—Leader of the Opposition; sorry.

Debate Resumed

Mr E.S. RIPPER: Please do not confuse us, Mr Speaker! It would be extremely embarrassing if I were to be confused with that man.

The SPEAKER: Leader of the Opposition.

Mr E.S. RIPPER: One reason that it is essential to suspend standing orders and have this debate is that a former Liberal candidate has approached the Labor Party to facilitate the public return of the letter of apology that the Premier sent her. That is a pretty strong action. Surely that requires a public response from the Premier. Publicly, she has asked the Labor Party to hand back this letter of apology. I would like to lay it on the table so that the Premier has further evidence of the need for the suspension of standing orders.

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

Mr C.J. Barnett: That's not the original letter you're tabling.

Mr E.S. RIPPER: I am handing back the Premier a copy of the letter.

Mr C.J. Barnett: It's a photocopy; it's not the original letter at all.

Several members interjected.

The SPEAKER: Members! I am going to give you the call on a point of order, Leader of the House. I would like the house to observe that I had previously given the call to the Leader of the Opposition. It is him, and only him, I want to hear from. I believe the Leader of the House has a point of order.

Point of Order

Mr R.F. JOHNSON: Yes, Mr Speaker. When the Leader of the Opposition sought to lay on the table of the house for the balance of this day's sitting a letter that had other attachments to it, he was allowed to lay it on the table, and now he has retrieved that letter and put there a photocopy of only one page. I believe that the Leader of the Opposition should table the original one that he was given permission to table.

Mr E.S. RIPPER: There are two letters. The first letter is from Michelle Stubbs to the Premier. It contains quite a number of pages. It is a heartbreaking letter, and I have laid that on the table. The second letter is a copy of a

letter of apology that the Premier sent to Michelle Stubbs pursuant to the Redress WA scheme, which letter she wants publicly returned to the Premier.

Mr C.J. Barnett: It's a photocopy.

Mr E.S. RIPPER: It is a copy of the letter, yes.

The SPEAKER: Quite simply, members, the first document that the Leader of the Opposition referred to will remain on the table for the remainder of this day's sitting. The second document, which he has indicated is a copy of another letter, will also remain on the table for the remainder of this day's sitting.

Debate Resumed

Mr E.S. RIPPER: It is disappointing to me that we need to make the case for why this issue is important.

Mr R.F. Johnson: No, you don't need to make the case. Allow me to stand.

Mr E.S. RIPPER: If the Leader of the House will say by way of interjection that the suspension motion will be agreed to —

Mr R.F. Johnson: We are prepared to allow standing orders to be suspended, but, obviously, with an amendment to the motion. It's not simply to be debated ad nauseam, but under time constraints. If you seriously want to discuss this, let me get up and make my comments. You can carry on talking; you don't have to agree to anything.

The SPEAKER: The Leader of the Opposition has allowed you to interject, Leader of the House. I am not quite sure where that process is going at this point. I am simply going to give the call back to the Leader of the Opposition to make the original case for this suspension of standing orders.

Mr E.S. RIPPER: I can continue to make the case for the suspension of standing orders in an effort to persuade the government to have a debate of substance on this issue. The Leader of the House has indicated, with some degree of vagueness, that the government will allow some sort of debate on this issue. I can discontinue putting my case if I can understand the detail of his offer. If, on the other hand, he is not going to provide that information to the house, I am compelled to continue to put my case so that I can get a satisfactory response from the government. If the Leader of the House is saying that the debate will be done under matter of public interest rules, I will sit down and we will have the debate on the substantive motion.

Mr R.F. Johnson: What I'm saying is that we would be prepared to agree to the suspension of standing orders along the lines of so much time for the government, so much time for the opposition and so much time for an Independent member should they so want it. You've already explained to me that you wouldn't take up all the time of an MPI. So I have come up with a proposition of 15 minutes for each side, which I think is adequate.

Mr E.S. RIPPER: Fifteen minutes is not adequate.

Mr R.F. Johnson: That's what we're prepared to do.

Mr E.S. RIPPER: If that is the case, I will continue to put the case.

Mr R.F. Johnson: If you don't want to debate it, so be it.

The SPEAKER: Thank you, members!

Mr E.S. RIPPER: I think the house needs to understand the seriousness of the issue being put before it. People need to know what Michelle Stubbs has said. She has said in her letter to the Premier —

Your government's decision to slash the maximum Redress payment was wrong and grossly inappropriate. How you could look into the faces of all those damaged souls that rallied for a fair go at Parliament House and not do everything in your power to fix such a wrong, is beyond me.

With that sort of information before the house, why has the government tried to restrict the opposition to a mere 15 minutes?

Mr C.J. Barnett: Because it's not an MPI; you've had your MPI for the week. It's as simple as that.

Mr E.S. RIPPER: The government is so arrogant, mean-spirited and hard-hearted. Let me give another reason why there should be a suspension of standing orders. Michelle Stubbs says —

To change the goal posts once the application period had closed was simply unfair, improper and totally ignorant of the costs (both financially and emotionally) so many applicants had already incurred during the process.

The letter is heartbreaking. When members get a chance to read it, they will see that it is absolutely heartbreaking. The experiences of Michelle Stubbs as a child were terrible. Her experiences under the Redress scheme have compounded the pain that she felt at that time. Therefore, in my view, there needs to be a suspension of standing orders. At the very least we need MPI rules.

Mr R.F. Johnson: You told me that you wouldn't be speaking that long.

Mr E.S. RIPPER: I do not think we will use the entire time, but 15 minutes is a ridiculous time for a debate on a topic such as this. Just agree to MPI rules and the government can have its response and it will all be done.

Mr C.J. Barnett: Fifteen minutes either side; take it or leave it.

Mr E.S. RIPPER: Fifteen minutes either side; take it or leave it!

Mr C.J. Barnett: It's a good deal; it's a better deal than you ever gave in government.

Mr E.S. RIPPER: This woman was —

Several members interjected.

The SPEAKER: Premier, I formally call you to order for the first time today. Leader of the Opposition, I am going to instruct you to speak to the suspension motion.

Mr E.S. RIPPER: We need this suspension of standing orders. This woman was sexually abused as a child in her home, was taken into care, was forced to have unsupervised visits with the person who abused her, ran away, was raped twice, was put into six different schools in eight months, was locked up in Nyandi having committed no crime, and was punished outside the rules of Nyandi by a horrendous time-out procedure. She has a very strong set of arguments to put to this house. That is the reason that we need a decent debate—at least an MPI-style debate—on this issue. She has publicly repudiated the apology given by the Premier under the Redress scheme. She has written to every Liberal member of Parliament. She has raised this issue today out of her deep hurt at what, I think, she would characterise as the further abuse she suffered by this government's policy decisions and administration of the Redress scheme. Surely we need at least an MPI debate to deal with those issues. This is what she says, and this is why we need a debate.

The SPEAKER: Leader of the Opposition, you have 10 minutes to put the case for the suspension at this point—10 minutes. I do not want to spend any more time on the case being put. If we agree to the motion, there is some substance in what you have to say and an opportunity. All I want to hear from you, Leader of the Opposition, is the case to suspend standing orders.

Mr E.S. RIPPER: The case to suspend standing orders is the significance of this issue—the damage that has been done to Michelle Stubbs and the unprecedented circumstance in which a former member and former candidate of the governing party has publicly repudiated a formal apology offered by the Premier, the leader of that governing party. Those circumstances require an urgent and immediate debate. The Premier will have to publicly respond to Michelle Stubbs today in any case. What better place for the Premier to respond than in a formal debate in this house? The house is a better place for a response than out in the media. The government cannot run away from this issue. The government will have to deal with this issue publicly, and the best way to deal with it is in the house. I can see what will happen. The government has the numbers and so it will restrict us all to a 15-minute debate. I have done my best, I think, to persuade —

Mr R.F. Johnson: You might not get that. We have not finished the debate yet.

Mr E.S. RIPPER: “You might not get that”—what arrogance! How can we possibly deal with this man when he makes an offer across the chamber and then withdraws it?

Mr R.F. Johnson: You rejected it, my friend!

Mr E.S. RIPPER: I will continue to put the case. That is my right. I have 48 minutes to put the case. As long as I stay within the terms of the motion, I will use those 48 minutes to put the case. Members will spend 48 minutes listening to the case and I will stay precisely within the terms of the motion to suspend standing orders.

The argument for the suspension is the public importance and urgency of the issue. I will demonstrate and provide even more evidence of the public importance and significance of the issue. Michelle Stubbs says that the administration of the Redress WA scheme was very, very hurtful to her. She writes —

For me the process of going through the Redress WA scheme made me feel belittled, threatened, humiliated, blamed, ignored, isolated, scapegoated, rejected and tormented.

That is a direct quote.

Mr C.J. Barnett: Have you spoken to Michelle Stubbs?

Mr E.S. RIPPER: Hon Sue Ellery has spoken to her and asked me to raise this issue. We do not want to put Michelle Stubbs through numerous conversations.

Several members interjected.

The SPEAKER: Many people wish to contribute at this point. There is only one person I want to hear contributing and that is the Leader of the Opposition.

Mr E.S. RIPPER: One other issue makes it absolutely important that we have a public debate—that is, what Michelle Stubbs revealed about the actions of Minister Robyn McSweeney. She says that Minister Robyn McSweeney phoned her on the day of the government’s announcement and asked her to “let this one go through to the keeper”. We have evidence of the government trying to muzzle and manipulate one of its supporters to allow a government decision to go through without public objection. That is an issue of standards in the government and requires an urgent debate.

There are three reasons for an urgent debate: firstly, the government’s policy decision to slash the maximum Redress payments in half; secondly, the humiliating treatment that Michelle Stubbs received at the hands of the people administering the Redress scheme; and, thirdly, the poor standards displayed by the relevant minister. All those things require an urgent debate. The arguments for an urgent debate are compounded when we know of the public and political role that Michelle Stubbs has played in the Liberal Party and on this very set of issues over a very long time in our community. All those things compel the government to have an urgent debate. I have made my case.

I hope that I am not making a political error, but I hope that the government will stand by the offer that the Leader of the House has made. If the government cannot abide by that and have some debate on the substance of the matter, there will be an immense price to pay in the conduct of the business of this house. If we cannot trust some sort of agreement to be reached on this sort of matter, there will be an immense price to pay.

MR M. McGOWAN (Rockingham) [10.36 am]: I will speak briefly. I want to explain why this matter is urgent. This letter is dated 8 September. I saw it for the first time only today. All I am saying to the government is that the letter has been tabled and government members should read it. This is a letter from a woman who was sexually abused, whose mother was murdered, and who went into state care—into a prison, in effect, without ever having committed a crime—and who has suffered for the rest of her life. All these things happened around the age of 13 years. According to my calculations, she is now in her early to mid-forties. She will suffer for the rest of her life as a consequence of those activities. She has taken the time to construct a seven-page letter.

Point of Order

Mr R.F. JOHNSON: The member of the opposition is putting the substance of the motion that the opposition wants to move. He is not giving the reasons that we should suspend standing orders.

The SPEAKER: The Leader of the House has raised a point of order. Member for Rockingham, I believe that you should stick very strictly to the reasons that you believe standing orders should be suspended. I do not want to hear any further detail on the case you might want to put afterwards. I simply want to hear your reasons for the suspension of standing orders. I think you understand that fairly well, member for Rockingham.

Debate Resumed

Mr M. McGOWAN: I was not going into a great deal of detail, but I take everyone’s point. I will make the final case. The reason the suspension is urgent is that this matter came to our attention today. The letter is dated today and it has gone to the Premier. The Premier has a copy and all government members now have a copy of this letter.

Several members interjected.

The SPEAKER: Whether members do or do not have a copy is not of a great deal of interest to me at the moment. I suggest to members who do not have a copy that there is the possibility and the opportunity to obtain a copy in this house at this very moment.

Mr M. McGOWAN: The simple point I am trying to make to government members is that a copy of the document was laid on the table of the house and they can have copies. Once members read this letter, they will understand the urgency of the matter. If members take the time to read this letter, they will understand the urgency of the matter.

Several members interjected.

The SPEAKER: Member for Mandurah! If I hear anybody talking about this copy, anybody apart from the member for Rockingham, who has the call at the moment, I am going to formally call them to order. I do not need any further interruption. I do not think anyone wants any further interruptions.

Mr M. McGOWAN: Mr Speaker, once you read a copy of this letter, you will understand the urgency of this matter. I will just briefly put the case for members as to why it is urgent.

Mr R.F. Johnson: No; we are prepared to suspend.

Mr M. McGOWAN: Will the Leader of the House let me speak, because I will keep making the point as to why it is urgent? I want to say just one thing about why it is urgent, and I would like you —

Several members interjected.

The SPEAKER: I instruct members on both sides of this place to remain silent while the member for Rockingham makes his very short case.

Mr M. McGOWAN: The reason it is urgent is that Ms Stubbs has written this letter, and I think her letter is a letter that is representative of thousands of Western Australians and how they feel about the way they have been treated post the establishment of this scheme. It is a letter that is representative of thousands of Western Australians, and if we cannot take the time in this Parliament to give the opposition half an hour to at least examine the issues of little girls who have been raped, well shame on you!

Standing Orders Suspension — Amendment to Motion

MR R.F. JOHNSON (Hillarys — Leader of the House) [10.40 am]: I move —

To insert after “forthwith” —

, and for the debate to proceed with 15 minutes available for government members, 15 minutes for opposition members and three minutes for Independent members

Amendment put and a division called for.

Bells rung and the house divided.

Several members interjected.

Point of Order

Mr E.S. RIPPER: Point of order, Mr Speaker.

Several members interjected.

The SPEAKER: Member for Bassendean, I formally call you to order for the first time today—the member for West Swan as well, and the member for Wanneroo for the first time today. I give the call to the Leader of the Opposition on a point of order.

Mr E.S. RIPPER: Mr Speaker, I seek your clarification on the question that is before the house.

The SPEAKER: The question before the house is the amendment moved by the Leader of the House. That is the question before the house and that is what we are dividing on.

Division Resumed

The division resulted as follows —

Ayes (28)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr J.J.M. Bowler
Mr I.M. Britza
Mr G.M. Castrilli

Dr E. Constable
Mr M.J. Cowper
Mr J.H.D. Day
Mr J.M. Francis
Mr B.J. Grylls
Dr K.D. Hames
Mr A.P. Jacob

Dr G.G. Jacobs
Mr R.F. Johnson
Mr A. Krsticevic
Mr J.E. McGrath
Mr W.R. Marmion
Mr P.T. Miles
Ms A.R. Mitchell

Dr M.D. Nahan
Mr C.C. Porter
Mr D.T. Redman
Mr M.W. Sutherland
Mr T.K. Waldron
Dr J.M. Woollard
Mr A.J. Simpson (*Teller*)

Noes (24)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Ms J.M. Freeman
Mr W.J. Johnston
Mr J.C. Kobelke

Mr F.M. Logan
Mr M. McGowan
Mrs C.A. Martin
Mr M.P. Murray
Mr A.P. O’Gorman
Mr P. Papalia

Mr J.R. Quigley
Ms M.M. Quirk
Mr E.S. Ripper
Mrs M.H. Roberts
Ms R. Saffioti
Mr C.J. Tallentire

Mr P.C. Tinley
Mr A.J. Waddell
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Pairs

Mrs L.M. Harvey
Mr T.R. Buswell

Mr T.G. Stephens
Mr J.N. Hyde

Amendment thus passed.

Standing Orders Suspension — Motion, as Amended

Question put and passed with an absolute majority.

Motion

MR E.S. RIPPER (Belmont — Leader of the Opposition) [10.45 am]: I move —

That this house condemns the Barnett government for its heartless cuts to the Redress WA scheme and the impact this has had on many Western Australians, including Michelle Stubbs, who has today returned her letter of apology to the Premier in protest.

Let me deal firstly with a couple of side issues raised by the Premier. The Premier objected that I returned to him a copy of the original letter of apology that he sent to Michelle Stubbs. I can rectify that; I can lay on the table the original letter that was sent by the Premier to Michelle Stubbs pursuant to the formal apology provisions of the Redress WA scheme. She has asked Hon Sue Ellery to arrange for this to be returned to the Premier publicly. As Hon Sue Ellery does not sit in the same house as the Premier, Hon Sue Ellery has asked me to return to the Premier this formal apology to Michelle Stubbs. I therefore do that by seeking to lay it on the table for the duration of this day's sitting.

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

Mr E.S. RIPPER: So, Premier —

Mr C.J. Barnett: Is that the original?

Mr E.S. RIPPER: That is the original.

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

Mr E.S. RIPPER: Listen! That is the original. The Premier objected to a copy being returned to him, so I have arranged for the original to be returned to him. The second red herring raised by the Premier was: had I spoken to Michelle Stubbs. My understanding is that Michelle Stubbs now lives in another state, and her discussions have been with Hon Sue Ellery. However, Hon Sue Ellery does not have the capacity to debate in this chamber because she is a member of the other place, so we here, as members of the Legislative Assembly, are taking up the case that Michelle Stubbs asked Hon Sue Ellery, for WA Labor, to take up.

Michelle Stubbs is seriously disillusioned with the way in which the Liberal Party has handled this issue. She says in her letter —

I believed that my rather unique life experiences could be an asset to the people of Western Australia.

That dream is over, thanks largely to your government's decision to cut the maximum amount payable to Redress WA applicants from \$80,000 to \$45,000.

She further goes on to say —

I became politically disillusioned. It became apparent to me that I could never again stand as a Liberal Party state candidate, as I had during the state election in 2005.

Someone the Premier trusted, someone the Liberal Party trusted and someone the Liberal Party made a Liberal Party candidate in the 2005 state election has thrown back her letter of apology from the Premier under the Redress scheme, has accused the Minister for Child Protection of improper behaviour and has poured out her heart about the mean way in which the Redress WA scheme has been administered in her case.

I repeat what I said earlier. Read this letter; it is heartbreaking! The experiences that she had are terrible. This is a person who was not looked after well in the first place—who was terribly neglected in the first place. She was abused in her own home, taken into care and forced to have unsupervised visits with the person who abused her. She ran away. She was unprotected and defenceless on the streets at age 13. She was raped twice during that time. And then, because she had run away, because she was forced to have unsupervised visits with her abuser, she was put into Nyandi. She was locked up, despite not having committed an offence. And then, in Nyandi, she was punished again. She was punished, according to her observations, outside the rules of the time. The letter also contains some disturbing information about the connection between the lobbying of the then minister, one Bill Hassell, and her ultimate detention in Nyandi. This is a very, very disturbing matter, and it reveals this government as being so hard-hearted and so mean-spirited. She has, in my view, been further damaged by what has happened as result of the policy decision to slash the payment amount and by the way that she has been treated by Redress WA. I have already quoted some bits from her letter. Let me give members another quote on this matter —

To learn that Redress WA did not accept that what happened with my education was wrong. That Redress WA did not accept even part responsibility for me being on the streets of Perth at the age of 13 and to suffer two more rapes. That Redress WA was not sorry that I was locked up in a maximum security facility when I was simply a victim of child sex abuse. And, finally to refuse to acknowledge that my experiences in 'time-out' caused me harm. Then, to make matters worse when I asked Redress WA for this information in writing they flat out refused to give it. They cited a lack of resources and the fact that no other applicants had requested such detail.

Michelle Stubbs has a series of complaints, including the policy decision—the heartless, mean policy decision in a rich state—to slash the maximum payments in half. Then she has complaints about the administration of the scheme and how she was made to feel, including how quite significant parts of her experiences were not acknowledged in the Redress WA scheme. Finally, she has complaints about the behaviour of the minister, Hon Robyn McSweeney. She states in her letter —

For the record, I would also like to express my contempt for Minister McSweeney who, the morning of your government's announcement to slash Redress WA payouts called me at home to ask if I would, and I quote, "let this one go through to the keeper". My response was no and I found the suggestion highly offensive.

Someone who has been so badly treated by the state was given the final insult of a call from her Liberal colleague, the Liberal minister responsible, asking her to stay silent. Think about abuse, and think about what it means when people are threatened and told not to talk. It adds to the abuse when someone is told not to talk about it—to stay silent. This is a political element to the long history of abuse that Michelle Stubbs says that she has suffered.

The Premier should apologise to Redress WA applicants for the way his government has behaved. The Premier should revisit the decision. We are a rich state. We can, apparently, afford to pay \$300 million more than we need to for a football stadium. We can spend \$27 million on a "Premier's Palace", but we cannot look after people who have suffered probably the most serious disadvantage of any group of people in our community. Remember, these people were, as little children, vulnerable. They were not properly looked after in their families of origin. They were taken into state care. The state failed absolutely in its responsibility for those people. They were further abused in state care. The Redress WA scheme is not full compensation. The Redress WA scheme is a measure of apology. It is only a measure of compensation for these people. For the government to slash it in half, for the government to maladminister the scheme, and for the minister to pressure people to stay silent is absolutely appalling, wrong, mean, arrogant and uncaring. The Premier needs to address this issue. He needs to apologise to the Redress WA applicants, and he needs to review his government's decisions on this issue and to review his government's administration of the scheme. Finally, the Premier needs to stand up for standards in his government. It is just not right for Robyn McSweeney to have done that. And Robyn McSweeney needs to have some sort of action taken against her by the Premier for that abusive action against Michelle Stubbs. That action needs to be seen by the people of Western Australia; it should not be a behind-closed-doors reprimand of a political nature in which the Premier says, "You got that one wrong; you shouldn't do it." We need a demonstration of the standards of behaviour this Premier has for ministers in his government.

MR C.J. BARNETT (Cottesloe — Premier) [10.56 am]: I think that it was reasonable for the government to agree to a 15-minute debate on this issue. This issue has been debated a number of times and it is important; I do not recoil from that at all. However, first let me comment with regard to Michelle Stubbs. I have not seen her for several years, but I do know her. I obviously got to know Michelle in the lead-up to and during the 2005 election campaign. She is now a young lady who had a horrific childhood, and she is a very brave spokesperson for those who have suffered. I respect her; I like her company, and I have great admiration for her courage. I take some exception with the comments made by members opposite, who probably do not even know Michelle but who have chosen to hurl insults across the chamber. Michelle is a fine young woman who has suffered abuse and who has had the courage to speak out.

Mr M.P. Whitely: We treat her with respect.

Mr C.J. BARNETT: I actually know her.

Mr M.P. Whitely: I do, too!

Mr C.J. BARNETT: Well, the member can get up and speak, too.

With respect to the motion, I want to retrace the history. A parliamentary committee examined and reported on this issue with bipartisan support. The Labor Party in government initiated the Redress WA scheme. A change of government occurred and this government implemented the Redress scheme. Yes, we did make a change—a significant change—to that scheme. However, the payments that have been made have all been made under the Liberal–National government. I would have thought that that at least would have continuing bipartisan support. It is true that, early in our time in government, we made a decision to reduce the maximum payable amount from \$80 000 to \$45 000. One of the difficulties—I think this was very wrong—was that many of the people who had suffered, and who had suffered quite severely, had an expectation that they would receive \$80 000. That was never, ever going to be the case. The Labor Party, in its own forward estimates, budgeted \$90 million for payments. The Labor Party in government was told that, at a maximum payment of \$80 000, the value of payments would probably total \$200 million. The Labor Party was told that. The minister of the day, Hon Sue Ellery, was told that the scheme would cost \$200 million. The Labor Party did not acknowledge that prior to the election. It let people have the expectation that they would receive \$80 000, but did not allocate the funding; it allocated only \$90 million. To this point, 4 963 people, including Michelle Stubbs, have received and accepted an ex gratia payment. It is not compensation and it is never described as that. It is simply an ex gratia payment in recognition that they were in the care of the state—be they state-run or religious institutions—and suffered harm. I can say, although it is no big deal, that the responsible minister, Hon Robyn McSweeney, and I personally signed every single one of those 4 963 letters.

I refer to the third last paragraph of the letter, which states, “On behalf of the state government, we extend to you our sincere apology.” That is a personal letter, personally signed, to 4 963 people to this point. Another 187 offers and payments will go out this week. It is a continuing process and in the next couple of months will probably get to its conclusion. I remind members that Labor allocated \$90 million to the process, ignoring the advice that it would cost \$200 million. Under this government, so far \$117.9 million has been spent in payments; not in administration, just in direct payments—that is, \$117 million. The government has also allocated a further \$30 million to finish the program. Therefore, this government will have basically spent \$148 million—that is, the estimate of the cost of the payment—and we continue to make those payments. Members opposite hurled insults —

Several members interjected.

Mr C.J. BARNETT: They did, and I will not forget what the member for Joondalup said; I have a long memory and I will not forget it. I will not forget what he said across the chamber.

Several members interjected.

The SPEAKER: Thank you members!

Mr C.J. BARNETT: We will continue to administer the program. Hon Robyn McSweeney and I will continue to personally sign an apology letter to every single person and over the coming months the program will be completed. The current estimate is that the cost of direct payments will be \$148 million; a lot more than the \$90 million that the Labor Party planned for. It is not compensation; it is an ex gratia payment. That is what it is and that is what is being delivered.

Mr P.C. Tinley: But they have to sign away their rights.

Mr C.J. BARNETT: They do not.

Mr C.C. Porter: They would have had to under your scheme.

Mr C.J. BARNETT: Yes, that is an interesting point once again. I will let the Attorney General explain that point, because the Labor Party’s scheme required them to give up their rights; under the Liberal–National government, they do not. But I will let the Attorney General —

Several members interjected.

Mr W.J. Johnston: You don’t know the scheme’s operation.

The SPEAKER: Member for Cannington, I hope the opportunity is available for you to stand and get to your feet. I will I advise you to do it at this stage, member for Cannington.

Mr C.J. BARNETT: Mr Speaker, no —

Mr W.J. Johnston: Your arrogance is disgraceful.

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

Mr C.J. BARNETT: No amount of money —

Mr P.B. Watson: You are heartless.

Mr C.J. BARNETT: You did not even have the courage to repeat it, did you? Mr Speaker —

Mr P.B. Watson: You are heartless.

Mr C.J. BARNETT: That was not what was said.

Mr W.J. Johnston: That is exactly what he said.

Mr P.B. Watson: That is exactly what I said.

Ms R. Saffioti interjected.

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

Mr C.J. BARNETT: No amount of payment, whether it is \$45 000 or \$13 000 or \$80 000, can make up for the abuse that these children suffered, but the apology is there and an ex gratia payment has been made. I also note that although this issue is dealt with appropriately through the committee report and we also had apologies and the like at the national level, to this point only Western Australia, Queensland and Tasmania have made any attempt to make ex gratia payments. The commonwealth has not put a dollar in. If we include forgotten children, migrants and the like, again, there was a great apology that was appropriate, but not a dollar was spent.

Mr D.A. Templeman: Your minister should apologise to Michelle Stubbs. What about your comments to the minister?

The SPEAKER: Member for Mandurah!

Mr D.A. Templeman: What about the phone call she had to Ms Michelle Stubbs; why don't you respond to that? It is outrageous what she did.

The SPEAKER: Member of Mandurah, I provide you with the same advice that I provided to the member for Cannington very recently. You know what that advice is. I also formally call you to order for the first time today.

Mr C.J. BARNETT: I will conclude my comments. I also make the point that there are many people in our community, in different circumstances, who suffer for all sorts of reasons. I stand by the decisions that this government has made and I stand by our commitment to spend the current estimate of \$148 million on this program. There are also people, for example, in the disability sector. This morning I opened the Asia Pacific Autism Conference. Remember, just in the recent budget handed down by the Treasurer, this government—the Liberal–National government—increased funding for disability contracts by 25 per cent across the board. That is \$600 million of additional money going in to support the 400 000 people in this state with a disability. The point I made is that governments have to meet differing and competing needs in our community. We have met the needs, we have responded in terms of the disability sector and we have committed \$148 million so far to do the Redress WA program. I think that is an appropriate balance. It cannot undo the harm done to those children.

Mr D.A. Templeman: The phone call from the minister was not appropriate; you haven't made any comment about that.

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

Mr C.J. BARNETT: My final comment is —

Mr M.P. Whitely: You really need to address it, Premier; what about that phone call?

Mr C.J. BARNETT: My final —

Mr M.P. Whitely: You do need to address it; what about that phone call?

Mr C.J. BARNETT: My final comment, if I may make it —

Several members interjected.

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

Mr C.J. BARNETT: My final comment is that I have not received the letter from Michelle Stubbs. I have now received a copy of this letter; it is dated today. How could I have received it today by normal postal methods? It was not given to me. It was handed to the opposition and the opposition has come into this place and made this play of putting it on the table. I simply say to Michelle Stubbs that I know and like her, and I respect her, and I will write to her and make the point that if she wants me to read the letter and understand her circumstances she should please write to me and send the letter to me.

MR C.C. PORTER (Bateman — Treasurer) [11.07 am]: Mr Speaker —

Ms R. Saffioti: Here we go—the tin man.

Mr C.C. PORTER: It is interesting, is it not? I listened earnestly to a speech that the member for Mandurah made not that long ago. It was quite a passionate speech and it pricked my ears up because it was sensible and he said in effect that the quality of debate in this place is diminished when people throw across the epithet, “You don't care”, and it becomes a competition about who cares the most. I would have thought that most people in this place genuinely care about people like Michelle Stubbs and the other people who eventually became recipients of payments under the Redress WA scheme. Constantly having this concept thrown in someone's face that they do not care or are a nasty person, I do not think, stands any of us in particularly good stead in the public's eye, should they have the misfortune to watch debates like this. Unfortunately, we seem to end up being measured as to how much we care by the amount of money we allocate. Perhaps that is just one of the brute realities of political life, that it does not often go much further than that concept of how much money —

Mr E.S. Ripper: Get used to it, Treasurer.

Mr C.C. PORTER: It is a sad thing, but if that is the measure in this place, I think something of an injustice is being done to the government in this matter, because the fact is that the previous government allocated \$90 million for this program and at the same time announced that there would be two tiers of payments of \$10 000 and \$80 000. The first point I make is that that was, in my view, a particularly unsophisticated way to approach a problem in which the gradients of harm that had been done to people over a long time were not reflected by two simple structures of \$10 000 and \$80 000. The second problem —

Mr D.A. Templeman: What about the phone call from Minister McSweeney to Ms Stubbs?

Mr C.C. PORTER: The member can talk about that, I will talk about something else.

The second problem was —

Several members interjected.

The SPEAKER: I would hope that this particular debate receives the respect it deserves from people on both sides of this house. There could be questions that are still unresolved at the end of this period of time, I think we all understand that. I simply want people to have a chance to put their perspective and I have given the opportunity at this point to the Treasurer.

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

The fact is—there is always silence in this place when this point is mentioned—\$90 million was allocated. A public announcement was made, either with information or without it. If it was made without information, it was outrageous to do so.

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro! I do not know whether you have been listening; I presume you have been, though. I formally call you to order for the first time.

Mr C.C. PORTER: An announcement was made that the maximum payment would be \$80 000 —

Point of Order

Mr E.S. RIPPER: The Attorney General is making the point that silence in the house is recognition of the strength of his argument, and it seems that in effect he is inviting interjections, Mr Speaker.

The SPEAKER: That is not a point of order, member.

Debate Resumed

Mr C.C. PORTER: The announcement was made that the maximum payment would be \$80 000. It appears that that announcement was made concurrent with the previous government having advice that the \$90 million that it had allocated would not be able to stretch the funds, given the maximum, and that what it would require was a budget somewhere near twice that much.

Several members interjected.

The SPEAKER: Member for Warnbro, I formally call you to order for the second time today. Although the point of order that the Leader of the Opposition was attempting to make was not in fact a point of order, and members in this place know that I tolerate interjections on a continuing basis, quite often unnecessary yelling across the chamber, member for Warnbro, is going to lead to a formal call to order.

Mr C.C. PORTER: An amount of \$90 million was allocated by the previous government. We have gone through that \$90 million. The Premier has given an indication as to what the total amount will be—I do not know whether his maths was perfect—but an extra \$30 million has been added to that \$90 million, in fact in a very recent decision of this cabinet, so that the allocation of direct ex gratia payments to these individuals will be \$120 million. So if we are, unfortunately, measured on how much we allocate, this government can stand by that figure of \$120 million. What we chose to do was to spend more money, and spread it further, by having a lower maximum amount available, and having a more tiered system than the other government was prepared to do. That is simply the fact of this matter.

Several members interjected.

Mr C.C. PORTER: We had a tiered system of \$5 000, \$13 000, \$28 000 and \$45 000 that actually recognised different gradients of harm.

Several members interjected.

Mr C.C. PORTER: You don't like it, do you!

The SPEAKER: Members, I do not want to see the 15 minutes provided to both sides, plus three minutes for Independents, turn into the rest of the day. I do not want to have to continually get to my feet so that I can understand what members in this place are trying to say.

Mr C.C. PORTER: Also, four major changes were made to the guidelines. I will read from the ministerial statement, "Another equally as important a decision was to remove the requirement for all applicants to sign a waiver when accepting an ex gratia payment". Many applicants did not lose their right to seek compensation through the court system if they were eligible.

Mr W.J. Johnston interjected.

Mr C.C. PORTER: I know that was the case, member for Cannington, because I provided the advice that that was the right thing to do—the right thing to do—and we did that.

Several members interjected.

The SPEAKER: Member for Kwinana, I formally call you to order for the first time today. Member for Cannington, I have given you some leniency. I am not going to give you any leniency in this instance, and I formally call you to order for the second time today. Attorney General, might I instruct you that yelling across the chamber is going to invoke a particular response in this place, and I formally call you to order for the first time today.

Mr C.C. PORTER: You are quite right, Mr Speaker. It should be said gently.

The member for Cannington was on the side of politics that would have removed the right of people to take legal action, and he is not brave enough to tell them that. That is it. That is the fact. There are other changes that were made to the guidelines. This government paid money to persons —

Several members interjected.

The SPEAKER: Order!

Mr C.C. PORTER: As well as getting rid of that terrible consequence of people not being able to take legal action, this government ensured that there was an independent review panel. This government took away the requirement for a psychological assessment for those people in the uppermost categories, which many of them said would have re-victimised them. This government took that away. These are difficult schemes. The administration of this scheme stands up against any scheme in Australia. The generosity of this scheme stands up against any scheme in Australia.

Several members interjected.

The SPEAKER: Member for Mandurah, I formally call you to order for the third time today; and member for West Swan, for the second time today. You are formally called to order.

Mr C.C. PORTER: I might just finish by reading another one of the letters that have come in, because there have been a great number. The letter says, according to my notes —

I have just finished spending the money that has been allocated to me and I just wanted to thank you for blessing me with this money. It was a difficult time reading through my childhood records, and after, to help with my application due to memory difficulties, but it was worth it in the end.

MR M. McGOWAN (Rockingham) [11.16 am]: I want to bring this debate back to the original subject matter; that is, the people who were the victims. The victim we have identified in this matter is Michelle Stubbs. I do not want to get into a petty accountant's argument, which is what the Treasurer has engaged in during this debate. I do not want to get into that. I want to talk about Michelle Stubbs, and her correspondence to this Premier, and to the house, in which she has thrown back the letter of apology, because of the government's behaviour. I think it is a matter of seriousness. It is a matter of compassion. We are judged by the choices we make. This government has made a choice to cut the maximum amount available to these people, who were raped, who were abused, as little children in this state, in the care of the state. The government has a continuing responsibility to those people, and for the behaviours and the outcomes that were forced upon them when they were defenceless children. The government makes the choices about what it will do, and it has made that choice, and it needs to be held accountable for that.

Michelle Stubbs received a payment of \$13 000, and because she had engaged a lawyer prior to the commencement of the government's halving of the scheme, she ended up with \$8 500. The Leader of the Opposition has already outlined to the house what occurred to her. She was raped as a child, put into prison, without having ever committed an offence, and her mother was murdered—a whole range of shocking things that should never happen to anyone in any society anywhere in the world occurred to her. She received, as an outcome of all that, \$8 500.

She has written a letter, which is obviously from the heart, about all of those events and about how harsh all of that was to her. All we are doing in this Parliament is raising that matter and asking the government why it does not review what it has done in light of what Michelle Stubbs has said. Why does the government not review what it has done, rather than come up with these petty accountant's defences of these matters?

Furthermore, now that we have this letter, and now that we have seen what has gone on, I want to raise the issue of the behaviour of the Minister for Community Development, Hon Robyn McSweeney. I want to read out to the house exactly what this letter says —

For the record, I would also like to express my contempt for Minister McSweeney who, the morning of your government's announcement to slash Redress WA payouts called me at home to ask if I would, and I quote, "let this one go through to the keeper". My response was no and I found the suggestion highly offensive.

What we know from that letter—I believe her—is that on the morning of the announcement to halve the maximum payment under the scheme, the government would have worked out what its strategy was going to be to neutralise the opposition.

The government would have identified this woman, with what has gone on in her life and her position as a former Liberal Party candidate and Liberal Party member, as someone who might be an obstacle or someone who might go to the press about this, and it undertook jointly, I expect—jointly; I cannot imagine Minister McSweeney did it off her own bat—to heavy that woman.

Mr C.J. Barnett: That is an appalling accusation!

Mr M. McGOWAN: That is what that is!

Several members interjected.

Mr M. McGOWAN: You have heaved and you have pressured that woman about using —

Several members interjected.

The SPEAKER: I do not think the member for Rockingham needs any assistance to make his points at this point, and I am going to ask members of both sides to stop interjecting.

Mr M. McGOWAN: Government members have sat around and worked out their strategy, and they have decided to heavy and pressure that woman, using her political loyalties —

Mr C.J. Barnett: That is untrue—untrue.

Mr M. McGOWAN: — to try to stop her from speaking publicly in relation to their decision. That is what they have done.

Mr C.J. Barnett: That is a totally false accusation.

Mr M. McGOWAN: You would not answer the question. During the debate, we asked you on numerous occasions what you did in relation to this matter—if Minister McSweeney heaved this woman—and you would not answer that question! Well, you need to now review this situation and come into this house and explain to us: did you and your minister decide deliberately, and who was involved in the pressuring of a woman who was raped as a child, to stop her speaking about those matters! You come in this house and explain it!

Mr C.J. Barnett: Untrue; you're better than this, member for Rockingham. You do not need to go down in the gutter like your mates; you are better than this.

Mr M. McGOWAN: You come in and explain who in your office—which of the political apparatchiks in your office—came up with this little dirty strategy.

Several members interjected.

Mr M. McGOWAN: Who did it? And Minister McSweeney needs to go out, stand in front of the house and explain exactly what she did!

Several members interjected.

The SPEAKER: Member for Warnbro, I formally call you to order for the third time today. Can I once again inform members on both sides that the member for Rockingham has the call, and he does not need any assistance.

Mr M. McGOWAN: I want to conclude with the final paragraph of Michelle Stubbs' letter. This is what she has written to the Premier —

Finally, I ask of you and your members of government...when you step back from political life and reflect on your good works, remember me. Remember what I gave to Western Australia, and remember what it gave me.

Sincerely

Michelle Stubbs

MR J.H.D. DAY (Kalamunda — Minister for Culture and the Arts) [11.22 am]: I think there is one minute left —

Mr M. McGowan: No, there isn't.

Mr J.H.D. DAY: No; there is not? There is one minute left.

Several members interjected.

Mr M. McGowan: That's mine. You should have given us half an hour.

Question put and a division taken with the following result —

Ayes (24)

Ms L.L. Baker	Mr F.M. Logan	Mr J.R. Quigley	Mr P.C. Tinley
Dr A.D. Buti	Mr M. McGowan	Ms M.M. Quirk	Mr A.J. Waddell
Mr R.H. Cook	Mrs C.A. Martin	Mr E.S. Ripper	Mr P.B. Watson
Ms J.M. Freeman	Mr M.P. Murray	Mrs M.H. Roberts	Mr M.P. Whitely
Mr W.J. Johnston	Mr A.P. O’Gorman	Ms R. Saffioti	Mr B.S. Wyatt
Mr J.C. Kobelke	Mr P. Papalia	Mr C.J. Tallentire	Mr D.A. Templeman (<i>Teller</i>)

Noes (28)

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

Pairs

Mr T.G. Stephens	Mrs L.M. Harvey
Mr J.N. Hyde	Mr T.R. Buswell

Question thus negatived.

PREMIER

Redress WA — Personal Explanation

MR C.J. BARNETT (Cottesloe — Premier) [11.27 am]: In accordance with standing order 148, I seek to make a personal explanation by way of explanation. In the debate we have just had I misinterpreted some factual data provided to me—my fault. The correction I wish to make is that the Labor Party had allocated \$90 million to the Redress scheme; the Liberal–National government has so far spent \$118 million. I referred to an additional \$30 million; that is \$30 million in addition to the original \$90 million that was allocated under Labor. So, the money allocated to the scheme is \$90 million, plus \$30 million—\$120 million to this point.

Mr P.C. Tinley: And administration?

Mr C.J. BARNETT: The administration is in addition to that. I just wanted to correct that. The correct figure of money allocated—I might say money allocated through this government—is \$120 million to this point.

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

Eighteenth Report — “Parliamentary Inspector’s Report Concerning the Procedures Adopted by the Corruption and Crime Commission when Dealing with Complaints of the Excessive Use of Force by Police” — Tabling

MR J.N. HYDE (Perth) [11.28 am]: I present for tabling the eighteenth report of the Joint Standing Committee on the Corruption and Crime Commission entitled “Parliamentary Inspector’s Report Concerning the Procedures Adopted by the Corruption and Crime Commission when Dealing with Complaints of the Excessive Use of Force by Police”.

[See paper 3844.]

Mr J.N. HYDE: This is one of the most serious reports that the JSCCCC has tabled in this Parliament. The report arose out of the parliamentary inspector’s concern that serious complaints alleging the excessive use of force by officers of WA Police were not being adequately investigated by the Corruption and Crime Commission. In the course of considering these complaints, the parliamentary inspector learnt that between 1 July 2009 and 31 March 2011, the CCC received 381 complaints of the use of excessive force by WA Police, but independently investigated only one. After having considered the parliamentary inspector’s report, which I table in full today, the committee resolved to table this report in Parliament, including the representations made by the CCC in response to the report.

The committee and the parliamentary inspector are in unison in our three recommendations. The CCC has to put more emphasis on independently investigating the most serious and credible complaints concerning the use of excessive force by police, particularly when it comes to the unnecessary discharge of a firearm or Taser. If resources are the reason the Corruption and Crime Commission is not doing this, consideration needs to be given to providing the CCC with additional resources.

In the parliamentary inspector’s report, which we are tabling, he uses two examples to illustrate his recommendations. The first concerns a 55-year-old woman who is just five feet, one inch tall, weighs 55 kilograms and has no criminal record. She was stopped by WA police officers and found not to have a valid

driver's licence. She was emotional, as she was rushing to take to the Department of Immigration and Citizenship documents that were needed to assist in the prevention of the pending deportation of some persons. When police refused to believe that she had no knowledge of her expired licence, she refused to leave her car and the documents. The allegation concerns being manhandled with unnecessary vigour and being placed in the rear of a van. A companion who arrived to take the documents from her was informed that the documents were impounded, along with the car. She was taken to Wembley Police Station and placed in a glass cell. She alleges derogatory remarks were made relating to her volunteer work with refugees. After more verbal aggravation, she was physically pulled from the cell, her shoes were thrown, she was threatened with removal to East Perth lockup and then she was placed in the police van and left for some time before finally being released.

The parliamentary inspector became aware of this complaint on 20 August 2010, just one year ago, after the lady had been informed four days earlier, on 16 August, that the police would not be acting on her complaint to the Commissioner of Police over her treatment in the original incident that occurred in August 2009. Why are the parliamentary inspector and our committee involved and concerned? Ideally, of course, any complaint made to the Commissioner of Police about internal processes should be self-managed. If there is a serious allegation that does not bring resolution, the CCC has an important role to play. If the CCC does not undertake that role, the inspector and the committee need to inform this Parliament. We are concerned that, according to page 15 of the inspector's report, the CCC wrote saying that the CCC has neither a legislative mandate nor sufficient resources to investigate all serious investigations, and that the CCC has resources to investigate only 10 per cent of all complaints made to it.

In referring to this first incident, as a member of the committee, I note that, from the gallery today, Ms Lyn Annandale is watching these proceedings. Ms Annandale is the female referred to in the inspector's report, although he does not name her. The committee has not met with her, although I, as a local member of Parliament, did meet with her today and have previously met with her through her advocacy work for refugees. Ms Annandale has given me permission to use her name, although her name is not referred to in the very detailed report. Ms Annandale told me that she is frustrated because there is nowhere for people such as her with serious complaints about the police to go. Ms Annandale went to the police and she went to the Commissioner of Police and she did not receive satisfaction. She then wrote to the Minister for Police and received no reply. She has also gone to the CCC. I certainly believe that the parliamentary inspector and the committee are fulfilling their oversight role in tabling this report fully today.

The second incident referred to in this report also concerns an incident in Fremantle. A Fremantle resident, a bespectacled solicitor with no record, was threatened with a move-on notice while walking through the streets with a female companion. The incident escalated to him being kicked, pushed onto the street and then tasered, along with his female companion. At the station, despite a shoulder injury, he was refused medical assistance. There was an eventual hearing at the Fremantle Magistrates Court in 2010, with the original charges against this citizen being dismissed. There was closed-circuit television footage from nearby that corroborated the citizen's version of events. Before the court hearing, the citizen's university office was broken into and a copy of the CCTV footage he had was stolen. However, the police copy of the CCTV footage made available in the trial had four gaps. The first gap just happened to be at about the time the citizen was being tripped and kicked. The second and third gaps were when the citizen and his female companion were being tasered. Remarkably, those bits of tape were missing from the police tape tabled at the trial. The magistrate said that the testimony by police was "extremely evasive" and "extremely vague". The magistrate cast doubt on denials of collusion by officers in their evidence.

So why is the committee alerting Parliament to these issues? Let us look at the context. Committee members have been working for several weeks on this report and have given the CCC the opportunity to comment on this report, the issues raised, why the CCC did not act on the complaints taken to it, and the issue of there being 381 complaints of use of excessive force by WA police, with the CCC independently investigating only one of these. With the CCC having full knowledge of this, and without informing the committee, the CCC tabled last Friday, after Parliament had finished sitting, a report dealing with issues of police investigations by the CCC. On 5 September, Acting Commissioner Mark Herron wrote to the committee stating —

I request that before deciding whether to table its report, the Committee consider and have regard to the Commission's report on the management of misconduct by Western Australia Police, tabled in Parliament on 2 September 2011.

I am happy to table this letter for the rest of the day's sitting for the information of members.

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

Mr J.N. HYDE: The committee considered this question and decided that it would table its full report, and the committee tabled the parliamentary inspector's full report.

The other context to this is that after the CCC tabled its report last Friday, the Commissioner of Police was quoted in *The Weekend Australian* the next day. The article states —

The report was dismissed by Police Commissioner Karl O'Callaghan, who said it was out of date and irrelevant because practices had changed.

He said the CCC should lift its own game.

"It's no good getting material from the CCC four or five years after the event. The stuff they do needs to be contemporary for it to have any impact on our method of operation," Mr O'Callaghan told *The Weekend Australian*.

These issues relate to the police refusing to give satisfaction to allegations made by citizens and also to the CCC failing to investigate these allegations. They are contemporary. These are refusals to act that occurred within the last 12 months. Although the incidents concerned may be up to 18 months ago, they are still contemporary. The two issues referred to are very serious issues. The committee and the inspector are firmly of the view that the CCC has the power under the legislation and a duty to investigate properly these serious allegations that are at the higher end of the scale. If for some reason the legislation we have all been operating under for 10 years does not give the CCC that power, the second recommendation by the inspector and the committee is that the legislation be changed through the amendments that are coming forward. This is a very, very important issue. Citizens in this state deserve the right to a fair hearing. They deserve the right, when aggrieved in matters of dealing with police, to be given a fair hearing. This Parliament has given WA Police enormous powers. For the upcoming Commonwealth Heads of Government Meeting, this Parliament has not only given police extra powers, it has also given the Corruption and Crime Commission extra powers to work with police. We as a Parliament probably believe that it is the CCC that will be oversighting WA Police over issues and allegations of excessive force and excessive use of powers. It is a very, very important issue. I urge all members of this Parliament to consider this report carefully, and also to consider this report in the context of further amendments to the Corruption and Crime Commission legislation.

EDUCATION AND HEALTH STANDING COMMITTEE

Eleventh Report — "Annual Report 2010–2011" — Tabling

DR J.M. WOOLLARD (Alfred Cove) [11.41 am]: I present for tabling the eleventh report of the Education and Health Standing Committee entitled "Annual Report 2010–2011".

[See paper 3845.]

Dr J.M. WOOLLARD: I am very pleased to table this report which really gives a summary of some of the committee's activities over the past year. In tabling the annual report, it is an opportunity to thank people. I would like to thank the members of the committee—the member for Southern River, who has been the deputy chair during the preparation of the three reports tabled this year; the member for Maylands; the member for Geraldton, who only left us recently; Mr Acting Speaker, the member for Albany; and, since March this year, the member for Eyre. Members give a lot of their time and often have to catch up on constituent work because of the additional time taken with committee work. All committee members also thank their electorate staff who really hold the office together while we are away at conferences or attending meetings on committee business. I also take the opportunity to thank our research staff for the duration of the three reports that we presented during the last financial year. Dr David Worth was our principal research officer. He did a wonderful job. I thank Lucy Roberts, our research officer. Brian Gordon is now the committee's principal research officer. It is an opportunity also for us as a committee to welcome Brian to our committee. I hope I will have a couple of minutes before I finish to talk about the next inquiry we look forward to undertaking with Brian as our principal research officer, and Lucy as our research officer.

The committee tabled three reports during the year. The first report was entitled "Alcohol Restrictions in the Kimberley: 'A Window of Opportunity' for Improved Health, Education, Housing and Employment", the second was entitled "Changing Patterns in Illicit Drug Use in Western Australia", and the third was entitled "Alcohol: Reducing the Harm and Curbing the Culture of Excess". The committee made 126 recommendations to the government through these three reports. The government has not responded yet. In fact, I think that is a good sign because it means it is looking seriously at the committee's recommendations. The three reports have shown there is a problem in relation to both alcohol and illicit drugs in Western Australia. We need to address both areas.

In relation to the issue of alcohol, there are three key factors that the committee has time and again highlighted to other members of Parliament: accessibility to alcohol, affordability and advertising. I am pleased the government is taking its time to look at these recommendations because, as we said in our third report, we believe the Liquor Control Act needs to be amended to address those three areas because of the harm that is occurring in the community to not only the individual, but also the family and the community at large because of the excessive consumption of alcohol and the fact that we have moved into a culture of binge drinking.

As I said before, several people have supported the recommendations in the committee's three reports. Others, as Mr Acting Speaker (Mr P.B. Watson) knows, have criticised the committee's reports. When they criticise

reports, they have not actually read them. They have made criticisms without reading the reports in full. For those members who have not read the three reports, they are very good reports. I ask that members look at them because we need to make changes in relation to the sale and supply of alcohol. We need to particularly look at children. As I have said previously in this house, I started working on a private member's bill six months ago but put it on hold while the committee completed its report.

I was very pleased that aspects of that bill in fact were supported by the report, particularly the recommendation in the committee's report that parental consent should be sought before another adult gives a child alcohol. As members would know, at the end of the year when school breaks up and lots of children are celebrating, we receive visits in our offices from parents complaining that when they drop their 14 or 15-year-old off to a party at which they were not told that alcohol would be supplied, and when their children are picked up, their children are inebriated. Supplying alcohol to minors without parental consent has caused tragedies in the eastern states. I hope that the government and the opposition will support legislation that prevents other people supplying children with alcohol without the parents' consent. It would not be us, unfortunately, setting a precedent because similar legislation already exists in several other states to protect children. I am very hopeful that both the government and the opposition will support changes to the legislation to protect children in that way.

Another issue addressed by our alcohol report relates to what people call "test purchasing" or "controlled purchasing". It was introduced in some countries, such as Scotland, several years ago. It means that police are able to send an underage child into a liquor outlet to test whether they will be served. If that child is sold alcohol, the police are able to say to the manager, "You know that this is against the law", and they are able to prosecute along those grounds. Under the Health Act, the Department of Health has that ability for tobacco, but the police do not have the power to do that for alcohol. In some areas, children aged 13, 14, 15, and 16 years purchase alcohol. One of the arguments put forward in opposing such a change is that this is entrapment. Because this system was introduced in Scotland several years ago, cases have been taken to the courts, and the courts in Scotland have said it is entrapment only when the person selling the alcohol asks the teenager how old they are and the teenager lies and says that they are 18 years old. I am sure that if teenagers told the truth, people would not sell alcohol to them. We have to encourage people who sell alcohol to become more aware of the problems with selling alcohol to younger people. As you know, Mr Acting Speaker (Mr P.B. Watson), as a committee we looked at the damage caused by alcohol and we were told during the inquiry that the brains of young people, particularly men aged in their early twenties, are still developing. Therefore, it is very important that, for as long as possible, we try to restrict young people from consuming alcohol. We also know that the earlier someone starts drinking, the more likely it is that a few years later they will binge drink and then, a few years after that, will be alcohol dependent.

In our third report on alcohol, "Alcohol: Reducing the Harm and Curbing the Culture of Excess", we recommended that the focus and main objective of the Liquor Control Act should become public health. If the focus becomes public health, we will see a reduction in the accessibility of alcohol and a reduction in the costs to the community. By cutting back on the number of places selling alcohol, we would not have the same level of aggression related to alcohol in the community. I am hoping that when the member for Maylands speaks to this report, she will talk about the liquor outlets in her area. She, like many members, is having problems with an excess of liquor outlets. Possibly in the next sitting of Parliament we will present to the house a report updating our ninth report, "Changing Patterns in Illicit Drug Use in Western Australia", which is our second report related to alcohol. Much of the factual information used in our ninth report came from the 2007 National Drug Strategy Household Survey. The 2010 survey has now been released; therefore, we will be able to update the house on changes that have occurred in WA since the 2007 survey.

I want to thank members for their hard work. We said that at the end of this inquiry we would look to do another inquiry on alcohol, but this week we have advised the house of the next inquiry that the committee will undertake. Several of our previous inquiries have been in the health area. Therefore, the key focus of our next inquiry will be education. We will conduct an inquiry into improving educational outcomes for Western Australians of all ages. We will look at methods and activities to improve educational outcomes such as e-learning, open source learning and school partnerships. Schools in the metropolitan area might have a sister school or another school in a regional area to work with. We will look at factors influencing positive or negative childhood development from birth to year 12. I hope that we can provide the government with further scientific evidence on the need for early childhood assessments. As members know, last week I presented a grievance on early childhood development to the Minister for Health. We know that although children may get an initial assessment in their first year, they are missing out on assessments in their second and third years. During the grievance I pointed out to the minister the old story of nature versus nurture; now we know that both nature and nurture influence a child's development. Early interactions shape a child's brain development and the architecture of the brain. That is why it is very important that children are assessed from when they are born to when they start at kindergarten and preschool and that we ensure that they meet the milestones. I hope that we will provide the government with further scientific evidence that will ensure that funding is provided,

particularly for those community child health nurse positions and school nurse positions that really are needed to try to help children progress through school and be able to contribute to society when they leave school.

Another area we will look at is facilitating greater opportunities to engage all students in years 11 and 12. This is important because the school leaving age was raised during the term of the last government. Therefore, a lot more children are staying at school than wish to stay at school. We need to make sure that opportunities are available for children to learn at school. We need to make sure that we help those students who are not easily engaged or who are not planning to go to university or TAFE or who have not identified a job that they want to go into. We need to make sure that we help those children learn during those final two years, because we now force them to stay at school under the legislation.

We will also look at access to and opportunities for adult education in regional and remote Western Australia. WA must do this under one of the national partnership agreements, but we also need to look at what types of services can be provided to people in remote areas and at better ways of enabling them to undertake further education in their local town so that they can use that knowledge when working in the regions, which will give some meaning to what they learn.

The final area that we will look at is foetal alcohol syndrome. We will look at the prevalence, prevention, identification, funding and treatment of foetal alcohol syndrome. This follows on from our first report into alcohol restrictions in the Kimberley. Foetal alcohol syndrome is not a problem just in the Kimberley; it was brought to the committee's attention that now a third generation of children are born with foetal alcohol syndrome. We need to know what the numbers are and try to encourage communities to take action to prevent foetal alcohol syndrome, because too many lives are being destroyed by this condition.

Once again, I thank the committee, and I look forward to working with them on our new inquiry.

DR G.G. JACOBS (Eyre) [12.00 noon]: I wish to endorse some of the comments of the chairman of our committee. I had the privilege of joining the Education and Health Standing Committee relatively recently. However, these are some of the issues which are close to my heart and in which I have an interest. Some of the committee's reports set out some of the experiences of the committee, particularly the report on the Kimberley and, of course, the report on the effects of alcohol on the community generally in a wider area—all those issues that the member for Alfred Cove talked about, such as accessibility and advertising. These are the issues that not in a small way lead to what I like to refer to as the culture of excess. Often when we talk about the culture of excess, people say, "Well, you're just a killjoy. You're a teetotaler and you're a killjoy, and you're spoiling people's fun." It is not actually about that. It is about reducing harm in the community if there is a culture of excess. We can see that from some of the reports. I commend the committee's reports to members of the house and recommend that they read them, because the reports refer to the culture of excess and how we can reduce harm in the community. I will give an example. I represent a component of Kalgoorlie-Boulder; I represent a significant amount of Boulder. One of the major issues in Boulder, particularly in Burt Street, the main street of Boulder, is again a culture of excess that is leading to significant social dysfunction such as street drinking, graffiti and break-ins. This social dysfunction is largely a result of a culture of excess.

During the committee deliberations, we looked at some of the issues of accessibility, as I have said, and affordability of alcohol. There is the concept of the blue box. The blue box is four litres of 9.5 per cent alcohol that people buy over the counter at a cost of \$9.50. That represents a significant quantity of quite cheap, relatively high content alcohol, and that does in fact contribute significantly to the abuse and excess consumption of alcohol. This leads to social dysfunction as a result of drunkenness in the community. So it is not about spoiling people's fun; it is about looking at some of those issues and reducing harm in the community.

I will touch on the whole issue of foetal alcohol spectrum disorder. I can remember very distinctly going to Fitzroy Crossing school. A principal I had known in Esperance had moved to the Kimberley to be principal of Fitzroy Crossing school. It was very interesting, because in discussion with him in the staff room, he basically told us that probably about 25 per cent of his student cohort suffered from some spectrum of this disorder and that this was leading to learning difficulties in the classroom—not only cognitive abilities, but also significant social and behavioural disorders in that cohort of students. Also on a visit to the Kimberley, I noticed that a study was proceeding of the whole cohort of kids in the Fitzroy Valley. It was important for the committee to look at the magnitude of the issue, the spectrum of the disorder and how that impacted on the community, by just tabulating and doing some scientific work on that cohort of kids, who were largely Aboriginal kids in that community. This brought home to me the significant issue of education and educating those kids with a significant foetal alcohol spectrum disorder component. Paul, the principal of the school, told me that there were hardly enough resources to deal with that 25 per cent cohort of kids who were affected by this disorder.

If we look at the Schools Plus criteria for assistance in the classroom in educating children, we see that there is the allocation of teacher aides and assistants for assisting children with disorders and disabilities. However, foetal alcohol spectrum disorder does not rate. It is not a criterion within the Schools Plus program. Therefore, it was with a certain amount of satisfaction that the committee recognised that and took this component on board.

It is a great privilege and a pleasure to announce that, as the chairman said, the committee has in its terms of reference for its next inquiry that component as a criterion for deliberation. This is a very important issue, and it does not happen only in the Kimberley. It is not only a very important health and education issue, but also a social issue. I look forward to the continuing contribution and participation of our committee in making a difference for those important people in our community, particularly in the education of the children. Obviously, the committee wants to make a difference in communities such as those in the Kimberley.

MISUSE OF DRUGS AMENDMENT BILL 2011

Second Reading

Resumed from 18 August.

MS M.M. QUIRK (Girrawheen) [12.09 pm]: The Misuse of Drugs Amendment Bill 2011 is said to fulfil the Liberal Party election commitment to introduce laws to toughen the penalties for the sale of drugs to children and to prohibit the sale of drug-related paraphernalia by providing differential penalties for the sale of such paraphernalia to children and adults. In addition, this bill most significantly makes provision for increased penalties, and, in some cases, the imposition of a mandatory sentence of imprisonment, for the exposure of children to drug manufacturing.

Before discussing some more general issues, I will talk about the scheme of the legislation. First, proposed section 7B will create offences in relation to the sale of drug paraphernalia. Display of such items for sale will attract a fine of \$10 000, while the sale to an adult will attract a penalty of \$10 000 and sale to a child attracts a fine of \$24 000, two years' imprisonment or both. A defence will be created for a person authorised to sell drug-related paraphernalia in circumstances prescribed by way of regulation; however, I have some problems with the proclamation of these provisions, because it seems that in this legislation we are passing a section that permits exemption without contemplating those exemptions. I can readily think of at least three examples for which I think an exemption is needed. I suggest that the government defer proclamation of this proposed section until such time as the regulations are in force. As I said, I can think of three particular circumstances that fall within the definition of drug paraphernalia that should be exempted. The first of these is hookahs. Hookahs are quite often used for smoking tobacco rather than illicit drugs. In many cultures, a hookah is used in contexts that should not be subject to regulations or laws. Therefore, I think hookahs should be part of any exemption. The other two areas of activity that may cause some problems, unless an exemption is granted, include the so-called Fitpacks. A chemist should be able to sell a Fitpack without falling foul of the law. And of course, the activities of needle exchanges may also need to be exempted from this proposed section. People who work to ultimately prevent the spread of AIDS, hepatitis or similar serious diseases should not find themselves in jeopardy under the law. I hope that the minister in his response will indicate or give some commitment that those particular provisions will not come into force until such time as the regulations have been promulgated.

Also, in this proposed section, if detectable traces of a prohibited drug are found on such paraphernalia, a simple offence is created with a fine of \$36 000 or three years' imprisonment applying. This replaces the existing provision, which relates only to smoking implements and not to other kinds of paraphernalia.

As I said earlier, the second part of this legislation deals with the sale of drugs to children, and proposed section 34(3) makes it an offence to sell or supply a prohibited drug to a child. On a first offence, the court is required to impose a term of imprisonment, suspended imprisonment or conditional suspended imprisonment. For a second or subsequent offence, the court will be required to impose a term of imprisonment of at least six months. I will shortly talk more generally about the opposition views on the imposition of mandatory imprisonment, because those views apply to other provisions in the legislation.

The third area dealt with in this legislation is the exposure of children to drug manufacture or cultivation. The bill provides that when a person manufactures or cultivates a plant or possesses a quantity of precursors and in doing so endangers the life of a child, on a first offence the court must impose a term of imprisonment, suspended imprisonment or conditional suspended imprisonment. For a second or subsequent offence, the court will be required to impose a term of imprisonment of at least six months. The bill provides that when actual bodily harm is caused to the child, a mandatory term of imprisonment will apply—namely, 12 months. It should be stressed that this relates to drug manufacture not only in premises, but also in cars. Most significantly, and we take issue with the government on this, it applies also to plant cultivation. Given the scheme of the legislation, it appears that there is potential for injustice. I also think that the application to plant cultivation is arbitrary and not consistent with any evidence that we need to legislate in this area to deter conduct. Given that and given the scenarios that the opposition will canvass with the minister in consideration in detail, the range of culpability can vary quite substantially, and, accordingly, this is where Labor takes issue with the mandatory sentencing provisions.

The third issue is the dichotomy between endangering a child and “actual bodily harm”. Although the term “actual bodily harm” is defined in the Criminal Code, and its meaning is accepted and known generally, in some

situations—for example, clandestine labs—there will be a blurring between whether a child is in danger or whether actual bodily harm occurs. In particular, we contemplate a young child who might be exposed to toxic fumes and who may suffer some form of brain damage, which may not be known at the time charges are laid. It may well become apparent only years later. In our view, it would be a more elegant piece of drafting if the mere presence of a child in a clandestine lab was enough to attract the penalty and that there was no divide between endangering a child and the actual causing of bodily harm. That is simply another element of the offence that the prosecution has to prove. As I have stated, it will be, in some cases, debatable whether the prosecution will be in a position to prove that actual bodily harm has occurred but that it is of a nature that is not readily apparent.

I have previously talked about the great opprobrium in the community for dealers or drug manufacturers who have kids on the premises and why that is the case. I want to reiterate some of the comments I made earlier. Children are found in about 30 per cent of clandestine labs and we would say that is 30 per cent too many. I do not know because I have not checked in a couple of days, but the last time I looked more than 133 clandestine drug labs had been found. Is the minister able to enlighten us, as of today, about the number of clan labs that have been found this year in Western Australia?

Mr R.F. Johnson: I have asked for that information.

Ms M.M. QUIRK: He has asked for that information.

Mr R.F. Johnson: Yes; I will be able to give you the most up-to-date information, hopefully, in my response.

Ms M.M. QUIRK: Thank you very much.

Mr J.M. Francis: I will get you that if you give me one second.

Ms M.M. QUIRK: Thank you very much, member for Jandakot. It is very handy to have someone who is a “twit” in the chamber.

Ms R. Saffioti interjected.

Ms M.M. QUIRK: Yes. However, in excess of 133 clan labs have been discovered this year, which is in fact equal to the total number found last year. I have said on previous occasions and in other places that the clandestine lab activity is escalating; it has almost increased threefold in the same number of years. It is a major concern that needs to be addressed. The fact that in 30 per cent of cases children are found is totally unacceptable to not only the opposition, but also the community. Certainly police have been militating for some years for a legislative provision. During the debate on the Misuse of Drugs Amendment Bill 2010 on 7 September 2010 I quoted Detective Inspector Alan Morton who said —

Of serious concern to us is the fact that in some of these houses we find children living in the same rooms as the clandestine drug labs and the associated chemicals.

Mr R.F. Johnson: There are 142 labs.

Ms M.M. QUIRK: There are 142; goodness me!

Mr J.M. Francis: There are 142; PerthNow tweeted it this morning.

Mr R.F. Johnson: There are 142.

Ms M.M. QUIRK: Thank you very much, minister. Detective Inspector Alan Morton continued —

In one instance we found chemicals being stored above a child’s cot. It is a great concern that some parents have a total disregard to the dangers they expose their children to, in their pursuit of illicit drugs.

The United States Department of Justice has outlined some of the issues of concern to children and they are extensive. It has produced an excellent report titled “Children at Clandestine Methamphetamine Labs: Helping Meth’s Youngest Victims”. That report states in part —

Children who live at or visit these sites or are present during drug production face acute health and safety risks, including physical, emotional, and sexual abuse and medical neglect. The manufacture of methamphetamine may involve hazards such as fires and explosions. The age-related behaviours of young children (such as frequent hand-to-mouth contact and physical contact with their environment) increase the likelihood that they will inhale, absorb, or ingest toxic chemicals, drugs, or contaminated food. Their physiological characteristics (such as higher metabolic and respiratory rates and a developing central nervous system) leave them particularly vulnerable to the effects of toxic chemical exposures. Exposure to drugs and alcohol before birth places infants at increased risk for neurological abnormalities and respiratory problems, which may be compounded by ongoing environmental exposures.

It goes on to say —

A child living at a clandestine methamphetamine laboratory is exposed to immediate dangers and to the ongoing effects of chemical contamination.

...

The chemicals used to cook meth and the toxic compounds and byproducts resulting from its manufacture produce toxic fumes, vapors, and spills. A child living at a meth lab may inhale or swallow toxic substances or inhale the secondhand smoke of adults who are using meth; receive an injection or an accidental skin prick from discarded needles or other drug paraphernalia; absorb methamphetamine and other toxic substances through the skin following contact with contaminated surfaces, clothing, or food; or become ill after directly ingesting chemicals or an intermediate product. Exposure to low levels of some meth ingredients may produce headache, nausea, dizziness, and fatigue; exposure to high levels can produce shortness of breath, coughing, chest pain, dizziness, lack of coordination, eye and tissue irritation, chemical burns ... and death.

This is a matter that we treat very seriously and I think there is also the collateral problem that I need to mention, which is that because parents are so focused on producing these drugs, their children suffer general neglect and have no prospect of flourishing or sometimes even surviving under these conditions. The same report goes on to state —

The inability of meth-dependent and meth-manufacturing parents to function as competent caregivers increases the likelihood that a child will be accidentally injured or will ingest drugs and poisonous substances. ...

Children developing within the chaos, neglect, and violence of a clandestine methamphetamine laboratory environment experience stress and trauma that significantly affect their overall safety and health, including their behavioural, emotional, and cognitive functioning ... Without effective intervention, many will imitate their parents and caretakers when they themselves become adults, engaging in criminal or violent behaviour, inappropriate conduct, and alcohol and drug abuse.

Those passages illustrate some of our concerns, which are that some of these effects are long term, some are short term, some are physical and some are psychological. Some of those effects will be latent and some will be obvious immediately. The way the legislation has been structured around endangered or actual bodily harm means that the police will have to prove some of these medical elements. We think that it may well have been better to draft the legislation in terms of the mere presence of a child at that site rather than having to create this extra element of an offence.

Another issue we are very concerned about is that the legislation, as I understand it, includes the cultivation of plants and kids being exposed to the cultivation of a plant—I say it in the singular. I have thought of one scenario in which one marijuana plant is being grown at a house and a young child who is crawling around on the ground knocks over the pot plant, thereby grazing or hurting himself in some minor way. That is a world away from having a child in a clandestine laboratory where toxic fumes are being emitted. It is worlds apart. As I understand from a briefing with police, this is not something that they initially recommended and it is not something that I think we need to address in Parliament. There are not endemic problems in this regard as far as I am concerned and I think it should be distinguished from those examples that we have talked about—the 144 clan labs, 30 per cent of which have had kids present. We are dealing with something that, frankly, does not need to be dealt with at the moment. It makes things confusing. I think the mandatory sentencing regime has a major potential to cause injustice. Our amendments to the legislation certainly address that issue and they remove the distinction between actual bodily harm and endangering the child, as well as delete the clause that deals with the cultivation of plants.

The final thing I want to talk about is mandatory sentencing. As I think the Commissioner of Police would say himself, the majority of these cases do not involve high-level organised criminals; they involve addicts who manufacture these drugs in a desperate attempt to obtain them for their own usage, unlike those people who are cashed-up and buy the purer amphetamine that is sent to Western Australia in increasing volumes from organised criminals in the eastern states. Therefore, we have a cohort of addicts who cannot afford to support their addiction other than by manufacturing the drugs themselves. As I said earlier, the profile of such people tends to be that they neglect their children, and that is why such a large number of children are present at clan labs. These people, who frankly cannot help themselves, face the prospect of imprisonment when addiction counselling and/or some parenting counselling might be preferable.

Mr R.F. Johnson: Member, can I just clarify something? You said 144 labs. That is not what I said. I said 142.

Ms M.M. QUIRK: Sorry; 142. Thank you very much, minister.

In our amendments, we have left in conditional imprisonment and suspended imprisonment for all tiers of offences. That means that the courts will have the discretion to say that, in cases in which the parent is the carer of the child, the best outcome for the child is that the parent is not imprisoned but attends addiction counselling

or parenting counselling, or whatever. We have done that because we believe that, now that the minister has widened the net to include plant cultivation, it is not appropriate in all circumstances, given the profile of the offenders, to imprison the offender, because the person we will be hurting is the child. So, yes, we believe it is important to send a signal. Yes, we believe this is a case in which a fine per se is not important. But the way this legislation is structured, we do not believe it will act as an effective deterrent.

When we advocated and lobbied the government to act decisively on this issue—some time ago now—we had contemplated that a circumstance of aggravation would be inserted into the Misuse of Drugs Act, so that one penalty would apply, but the courts would take into account the presence of a child, and that, as a circumstance of aggravation, would have the effect of increasing the penalty. In that regard, I think that quite a high proportion of these offenders are now not going to prison. I think it is as high as 40 per cent. The minister might be able to provide the figures. I meant to ask the minister's advisers the other day. I would like some advice, when the minister responds, as to how many people who were arrested for manufacturing drugs in clandestine drug labs in Western Australia last year were in fact imprisoned. There was the very high profile case of the police commissioner's son, but I think that is the exception rather than the rule.

Another way that I think this particular conduct that we want to prevent could have been handled is by an amendment to the Children and Community Services Act. I have referred to that act on a previous occasion. Section 101 of that act states —

- (1) A person who has the care or control of a child and engages in conduct —
 - (a) knowing that the conduct may result in the child suffering harm as a result of any one or more of the following —
 - (i) physical abuse;
 - (ii) sexual abuse;
 - (iii) emotional abuse;
 - (iv) psychological abuse; or
 - (v) neglect as defined in section 28(1);
 or
 - (b) reckless as to whether the conduct may have that result,
 is guilty of a crime, and is liable to imprisonment for 10 years.

We believe that section also needs to be amended, because it relates only to someone who has care or control of a child, and that may need to be broadened. We believe that would better reflect the nature of the conduct that we are dealing with here and how that should be controlled.

Those are the preliminary remarks that I want to make. As I said, during the consideration in detail stage we will address a number of the issues that I have highlighted. But we do intend to vote against those clauses of the bill that deal with mandatory imprisonment. We do intend to move amendments on those particular provisions. We do think that reference to the cultivation of plants simply blunts this legislation, and I think it loses focus. It is very arbitrary. This is not conduct that we believe is so prevalent that it needs a legislative response at this stage. We say that there is some blurring between the provisions relating to endangerment of a child and the actual causing of bodily harm.

Dr J.M. Woollard: Member for Girrawheen, with the Children and Community Services Act, the section that you just read out, what is it that you believe needs to be done?

Ms M.M. QUIRK: There is an issue, member for Alfred Cove, as to those cases in which the child is not under either the care or control of an adult, but may be at the premises. My advice was that there may be circumstances in which a child is gratuitously on the site but is not under the care or control of the person on the site manufacturing the drugs. We believe this section could be amended to change that in some ways. This bill is purportedly about the welfare of children. But that may well have been more properly inserted in that piece of legislation.

As I was saying, I think the distinction between endangering a child and causing a child bodily harm is a little blurred in the context of latent injuries that might not be readily apparent, and of course psychological injury as well.

Finally, we will be seeking a commitment from the government in relation to the proclamation of those sections of the bill that deal with exemptions to the sale of drug paraphernalia. We believe there are a number of circumstances—they are not isolated—that might expose people who are engaged in legitimate activities, such as needle exchange, or the sale of Fitpacks, or are of a culture that uses hookahs with tobacco, so we believe all those exemptions should be in place at the time these sections are proclaimed.

MR D.A. TEMPLEMAN (Mandurah) [12.38 pm]: I want to make a brief contribution to the debate on the Misuse of Drugs Amendment Bill 2011. This is an important bill that will be debated today at the second reading stage and in the consideration in detail phase. I listened closely to the comments of the member for Girrawheen, the opposition spokesperson, with regard to this bill. It is important to put on the record that, like all members I am sure in this place, we are abhorred by the rapid growth that we have seen in the last few years in the number of clandestine drug laboratories to which the general public have been exposed. There have been some very high profile examples of these clandestine drug laboratories. As has been reported, many of these laboratories have been exposed and raided by the police, and people have been taken into custody. But, tragically, a number of children have been present in some of these houses that people have been using as clandestine drug laboratories. Certainly in my electorate, a number of these clandestine laboratories have been raided and people taken into custody. All of us are very concerned to learn that up to 30 per cent of these laboratories have had children living in them, or present in them, when they have been discovered.

One of the things that I am particularly concerned about—this actually does go to the issue of police resourcing—is ensuring that we are confident that all the information that is provided by the general public is acted upon as soon as is humanly possible. I know a lot of people in our communities—mine is no different—watch the goings on in their neighbourhood, and report what they believe are suspicious activities that could lead to a particular property being identified as a place where illegal drug use is taking place or the illegal manufacturing of drugs is taking place. In fact only last year, not far from where I live in Mandurah, the SWAT team, I think they call it—what do they call it?

Mr P. Papalia: Tactical response group.

Mr D.A. TEMPLEMAN: The TRG surrounded a house, and there was quite a major uncovering of a particular drug activity not far from where I live. So, it is always a concern for people in the community that they can have confidence that the resourcing of the police service goes hand in hand with new or amending legislation that is introduced. I think the current figure is that 142 clandestine drug labs have been found in the last two years.

Mr R.F. Johnson: As at today—no; that is this year.

Mr D.A. TEMPLEMAN: This year? That is a very significant number—almost one every second day, I think, so far this year.

Of course, that many being uncovered means that reports are being responded to and good police work is being done to cover and act, which is great. I commend the men and women of our police service who are responding to this. But if this trend continues, it seems that there is the potential for these clandestine laboratories to already be in existence in neighbourhoods throughout Western Australia. It means that neighbourhood people need to be very vigilant and report activity they notice to the police service and Crimestoppers et cetera. Again, as long as the police service is resourced appropriately to respond to those reports, this phenomenon of the manufacture of illegal drugs in residential and industrial areas will be uncovered and acted upon as soon as possible.

I am interested in the clauses in the Misuse of Drugs Amendment Bill 2011 that relate to the penalties to be imposed on people who are guardians and/or parents of children under the age of 16, I think is the determination.

Mr R.F. Johnson: I think it is anybody who puts children in harm.

Mr D.A. TEMPLEMAN: Okay; that is important. Penalties need to be in place for anyone who places a child in harm's way with regard to the manufacture or cultivation of drugs; that needs to be of paramount importance.

I think it is really important now, more than ever, that all elements of the community become vigilant. We know that a number of these clandestine laboratories have been operating out of public housing, and there has been a reaction to that. But I think we also need to reinforce the importance of intelligence and actions from agencies that manage or oversee rental properties. Clearly, some of these properties where these clandestine laboratories are operating are in fact rental properties that are, by law and by tenancy agreements, supposed to be inspected by the relevant agent on behalf of the property owner. I think that as part of a response to this phenomenon, estate agents, or other agents who act on behalf of landlords, perhaps need to be one of the key stakeholders in consultation with regard to the thrust of this bill.

I will be listening very carefully to the consideration in detail of this bill, because I think it is actually a very important bill and that it is and should be of interest to all of us in this place. I do not think there would be any electorate that potentially does not have people operating illegal operations such as the one that this bill is attempting to target. It is for all of us as community leaders to be vigilant ourselves, as I am sure many members are, because this is a serious issue. If children, in particular, are involved, or are potential victims of the impacts of these particular operations, then that should be of paramount importance and priority for all of us.

DR J.M. WOOLLARD (Alfred Cove) [12.45 pm]: I am very pleased that the Misuse of Drugs Amendment Bill 2011 is on the table to be debated in this house, because we have seen an increase in the number of backyard laboratories, and we need to deter people from establishing them. The member for Girrawheen listed some of the

toxic chemicals that are found in these so-called laboratories where people are making illicit drugs. Unfortunately, a lot of people do not realise how dangerous those chemicals can be. I think one of reasons they do not realise is that they can walk into the shops and just pick them up off the shelves. A lot of chemicals used in these laboratories are readily available. Also, people do not need scientific kits; they are making these drugs in buckets and cans, and it is all cobbled together. I am hoping that the minister's response to the second reading debate will inform the house of, in particular, the range of over-the-counter medications that are, or could be, used in the manufacture of illicit drugs, because I think we need to know. Many of us have seen it reported in the newspapers that Codral is being used because it has —

Ms M.M. Quirk: Pseudoephedrine.

Dr J.M. WOOLLARD: I was just trying to see how much it has in it; I think it is 30 milligrams. Yes, pseudoephedrine hydrochloride, 30 milligrams for the day and night cold and flu preparation; also, Sudafed has 30 milligrams of pseudoephedrine hydrochloride in it. The Misuse of Drugs Act mentions ephedrine, but not pseudoephedrine. We have heard that some pharmacies do not stock these medications now because there have been so many break-ins by people particularly targeting these drugs. These people use over-the-counter medication, and some of the other things they use are readily available. As reported in *The West Australian*, the chief executive of the Australian Crime Commission, John Lawler, stated that, "WA drug cooks used highly volatile chemicals, including LPG and ammonia gases", and that these are, "toxic, corrosive, explosive and carcinogenic and pose a significant risk to the community." I know people have approached the minister in relation to the ingredients that are being used in these labs and how the government can try to put a restriction on the easy access to some of those substances so that people have to think twice. When the police find these clandestine laboratories, does the forensics team go in there? The minister has said that so far this year the police have managed to close down 142 laboratories.

Debate interrupted, pursuant to standing orders.

[Continued on page 7119.]

KINGSLEY JUNIOR FOOTBALL CLUB

Statement by Member for Kingsley

MS A.R. MITCHELL (Kingsley) [12.50 pm]: The Kingsley Junior Football Club is one of the largest junior football clubs in Western Australia. It falls within the Subiaco district and boasts 728 players registered this season, up 59 players from last year. The club comprises 23 Auskick teams, 13 modified-rules teams and eight open-rules teams. To cater for this number of teams and players, there are 45 coaches, 21 assistant coaches and 49 managers. This does not include the additional volunteers, who are the water runners, boundary runners, coaches' runners, interchange stewards, orange cutters, jumper washers et cetera who make up a football club. There are also 18 volunteers on the club committee.

The Kingsley Junior Football Club is an excellent example of how a club can involve many people to support the junior teams and create a positive experience for players and supporters. Many parents start with the Auskick teams and continue to be involved until their sons finish in the 17s. Registrar Alison Supanz had all the players signed up and ready for the start of the season, and the former registrar, Duncan McKinnon, served as registrar for eight years from 2001 to 2008. Congratulations to Shane Hawkins, president of the club this year, on continuing the fine tradition and success of this club. The club has 38 life members, which demonstrates the commitment that people have to the club and its success and the tradition it has. Players from the Kingsley Junior Football Club who have gone on to play in the Australian Football League include Jarrad Schofield for the West Coast Eagles and Josh Hill for the Western Bulldogs.

BALLAJURA — POLICE PRESENCE

Statement by Member for West Swan

MS R. SAFFIOTI (West Swan) [12.51 pm]: I take this opportunity to update the house on law and order issues in the suburb of Ballajura. Last Thursday, police held a community forum in Ballajura to discuss the law and order issues that have arisen in recent years. I believe that the forum was held as a result of significant community pressure. Some of the key things that came out of the forum were that police response times have not been adequate in Ballajura and have been less than the average in other suburbs; crime has increased in recent years; and we need to do more to monitor police presence. I thank the police for responding to community pressure and coming out to Ballajura to talk about law and order issues. It is something that both the community and I will continue to campaign on to ensure that Ballajura gets the police presence it deserves. A petition is currently out there. It has more than 2 000 signatures, and I hope to bring it to Parliament in the next few months. A community forum will be held on 21 September by the Ballajura community group to discuss not only policing, but also wider issues throughout Ballajura such as how to better engage local youth and other issues. I urge all Ballajura community members to attend that forum.

Again, I thank the police for coming to the forum. But they also need to understand that more needs to be done to ensure that the people of Ballajura get the police presence they deserve.

WANNEROO DISTRICT NETBALL ASSOCIATION

Statement by Member for Wanneroo

MR P.T. MILES (Wanneroo) [12.53 pm]: I recently attended the celebrations hosted by the Wanneroo District Netball Association to mark the completion of the refurbishment of the Kingsway netball complex. The association was first established in 1974, beginning with a few courts and only six teams. It has now grown to 4 000-plus playing members and 57 outdoor courts, which I believe makes it the biggest outdoor netball facility in the Southern Hemisphere. Anyone who drives down Kingsway on a Saturday morning cannot help but see the massive number of netball players out there participating in this very popular sport. I would like to congratulate Ms Trish Robinson, president of the association, and her board members for the great job they are doing organising such a large competition over the many age groups. This includes well over 100 participants in a new program called NetSetGO!, which is designed for the young five to seven-year-olds who are just starting out in netball. I would also like to congratulate Ertech Pty Ltd in Wangara for providing the NetSetGO! program and the machinery that operates it. It is great that players of all ages can now enjoy resurfaced courts, improved lighting, a PA system, shelters and improved disability access at the Kingsway netball complex.

GRANDPARENTS

Statement by Member for Mandurah

MR D.A. TEMPLEMAN (Mandurah) [12.55 pm]: I rise to pay tribute to the grandparents in our community who continue to make a positive impact on the lives of their grandchildren. I am aware of the vast number of grandparents in the Mandurah community and in the wider community who support their grandchildren in so many ways. Indeed, there are a significant number of grandparents who are parenting for a second time in our community; that is, they care for, or substantially care for, their grandchildren because their grandchildren's own parents cannot or are unable to do so. We also have many grandparents who, as foster carers, care for children, giving them the love and support they need so that they can have the best possible opportunity to enjoy a happy, safe and positive life. There are also grandparents who continue to share with their own grandchildren their wisdom, love, compassion and guidance. Grandparents support their own families in various ways so that their children and grandchildren can enjoy a good life. I am particularly fortunate that I have had remarkable grandparents who have left an undeniable mark on my life. My grandparents provided me with wonderful opportunities, love and great wisdom as I was growing up and right through my adult life. My only surviving grandparent, my nanna, Win Bates, celebrated her ninetieth birthday on 7 September. My nanna is a very special person. My nanna has always been there for her children, grandchildren and great grandchildren. I am proud of her and am thankful for her life. Like so many people from my nanna's generation, she has seen great changes during her lifetime. With great gratitude, I thank her and all grandparents who have had, and continue to have, such a positive impact on the lives of their grandchildren.

VICTORIA AND THOMAS BROWN

Statement by Member for Eyre

DR G.G. JACOBS (Eyre) [12.56 pm]: I would like to recognise the Esperance branch of the Liberal Party. It was a privilege to see that the branch was acknowledged at the state conference, winning the Marcia Sullivan Award for its contribution to the O'Connor division. This award was awarded by the Premier at the state conference. I must pay tribute to Victoria and Thomas Brown, who have taken over the president and treasurer-secretary roles. They are farmers from Hill Plains out Mt Howick way. They have taken on this role and of course contributed very much to the award in the fastest growing branch of the Western Australian Liberal Party. I would like to pay tribute to those two people for another reason. Thomas Brown has recently been awarded the Australian Fire Medal for his contribution to country firefighting. He is a captain in the volunteer fire brigade. I also pay tribute to Victoria Brown who is actually the president of the Bijou Theatre, which is a heritage building, and has been contributing to its heritage recognition through the minister. I thank her for that contribution and wish her well in the upcoming council elections in Esperance.

SUICIDE PREVENTION — R U OK? DAY

Statement by Member for Maylands

MS L.L. BAKER (Maylands) [12.57 pm]: Members, 15 September is R U OK? Day, which is a national day of action that aims to prevent suicide by encouraging Australians to connect with someone whom they care about, and help stop little problems turning into big ones. To take that a step further, the R U OK at Work? initiative helps combat work stress by urging employers and business leaders to actively encourage positive conversations between staff, to ensure they know who to turn to when they are not okay. Stress and depression are the largest contributors to lost productivity in Australia, directly costing employers an estimated \$10.11 billion a year.

Workplace counselling for anxiety and stress increased by more than 70 per cent between 2008 and 2010. Staying connected with others is crucial to our general health and wellbeing. More than 2 100 Australians take their own lives each year. According to Lifeline, for each person who dies in this way, another 30 people attempt to end their life. Men are four times more likely to die by suicide than women. R U OK? is an independent, not-for-profit organisation that provides a national focus, and leadership on suicide prevention. The best thing we can all do is regularly ask the people we care about, “Are you okay?” regardless of whether they are at risk, because connection is good for us all.

Sitting suspended from 1.00 to 2.00 pm

QUESTIONS WITHOUT NOTICE

MINISTER FOR EMERGENCY SERVICES — MEETINGS WITH FIRE AND EMERGENCY SERVICES AUTHORITY BOARD

573. Mr E.S. RIPPER to the Minister for Emergency Services:

Before I ask my question, on behalf of the member for Cannington I welcome the year 9 students from St Norbert College into the Parliament.

When asked in the other house yesterday how many times he had met with the Fire and Emergency Services Authority board since 2008, the minister answered —

- (1) The minister has not attended a FESA board meeting.

Yet on 30 August 2011, the minister stated in this house that he had met with the board probably once or twice a year —

Yes, I met the board, I think, at least once last year.

...

I think it was in December ...

- (1) Did the minister mislead Parliament on 30 August or yesterday?
 (2) Will the minister immediately apologise to the house for misleading Parliament?
 (3) Can the minister explain why, as Minister for Emergency Services, he has never met with the FESA board?

Mr R.F. JOHNSON replied:

(1)–(3) Jeepers, you have really got me now! I was expecting this question.

Mr M. McGowan: You misled Parliament!

Mr R.F. JOHNSON: No, I assure the member that I have not misled Parliament. A little while ago the Leader of the Opposition asked me how many times I had met the board; correct? I said that I thought it was once or twice a year. I have met the board once or twice a year, certainly. The Leader of the Opposition never asked me whether I have attended an official board meeting. I am not a member of the board. The Leader of the Opposition asked me whether I had met the board. I have met the board at least once or twice a year. The question that the Leader of the Opposition’s colleague in the upper house —

Mr E.S. Ripper: What sort of meetings are those? Give us an example.

Mr R.F. JOHNSON: What sort of a meeting? It was a meeting at which I had the opportunity to address the board and talk to each and every one of its members. I have also met with the chairman of the board many, many times. How many times did the Leader of the Opposition attend the Government Employees Superannuation Board meetings? How many times did he attend Insurance Commission of Western Australia board meetings? How many times did he attend Gold Corporation meetings? I would suggest, never. The Leader of the Opposition asked me a question and I gave an answer. If the Leader of the Opposition wants to get someone in the upper house to ask me a different question, both members will get truthful answers. I have not attended a FESA board meeting as such; no, I have not. But I have certainly met with the board. I have met with the whole board once or twice a year; that is what I have done.

MINISTER FOR EMERGENCY SERVICES — MEETINGS WITH FIRE AND EMERGENCY SERVICES AUTHORITY BOARD

574. Mr E.S. RIPPER to the Minister for Emergency Services:

I have a supplementary question. If the minister’s colleagues in his own government and people on this side of the house cannot trust the minister to be straight on such a simple matter of fact, why should they or we believe anything he has to say about fire management?

Mr R.F. JOHNSON replied:

That is not a question. That is just some verballing again and some insults from the Leader of the Opposition.

Mr E.S. Ripper: You were not straight!

Mr R.F. JOHNSON: If the Leader of the Opposition asks me a question, I will give him an answer, but he has to ask the right question.

CRIMINAL APPEALS AMENDMENT (DOUBLE JEOPARDY) BILL 2011

575. Dr M.D. NAHAN to the Attorney General:

Before I get to my question, I first recognise in the gallery the year 11 students from St Brigid's College in Lesmurdie in the electorate of my esteemed colleague the member for Kalamunda.

I understand that the Liberal-National government today introduced a bill that will make significant reforms to the criminal justice system in this state. Would the Attorney General please advise the house of the nature of this bill and its potential benefits?

Mr C.C. PORTER replied:

I thank the member for his question. Indeed, the Criminal Appeals Amendment (Double Jeopardy) Bill 2011 goes to the issue of double jeopardy. The bill was introduced in the Legislative Council, primarily because it must go off to a committee, where I hope it does not spend too long. It is a very, very important piece of legislation because it modifies a very longstanding rule, the rule against double jeopardy, of which everyone would have a basic conception. The double jeopardy rule is, in effect, the idea that someone should not be tried twice for the same offence.

This bill represents the end of a very long process of reform that began with the consideration of the case of Carroll in Queensland in which Mr Carroll was accused of murdering a 17-month-old baby named Deidre Kennedy. That baby was found on the roof of a toilet block, very sadly, in Ipswich, in 1973. She had been abducted, dressed in women's underwear, sexually abused and strangled. A key piece of evidence that later emerged was a bite mark found on the baby's left thigh. The original trial of Mr Carroll centred around forensic odontology on the bite mark. The ultimate outcome of the trial was that Mr Carroll was found not guilty. The jury could not be convinced to the requisite very high standard of beyond reasonable doubt. Forensic odontology developed very dramatically in the following 10 years and prosecutors considered that their case had fundamentally improved since the first trial because of computer-simulated use of dental markings and moulds from Mr Carroll's mouth. A prosecution then ensued in Queensland against Mr Carroll for perjury. That prosecution was successful and the idea was to use the evidence to show that he lied at the first trial albeit it was not a second trial for murder. In effect, the prosecutors thought that was a way to get around the rule of double jeopardy. That trial was successful in determining Mr Carroll was guilty of perjury.

The decision was appealed, but the appeal was knocked back in the Queensland Court of Appeal. The case eventually went to the High Court and the High Court said that the prosecutors had tried to get around the rule of double jeopardy via charging for another offence on the same set of facts, and that if people want to change the law, they should do so. The law is now being changed in Western Australia, as has flowed through in other jurisdictions. It is a very important change and no doubt it will be debated in great detail. For the members present, the basis of this change is to provide that for the first time in the history of this jurisdiction, a person can be tried twice for the same offence in certain circumstances. Fresh and compelling evidence emerging after the time of the first acquittal at trial will form the basis of one type of retrial. Another type of retrial will be when there is a tainted acquittal. When evidence emerges that some form of bribery or corruption, bullying or pressuring of a juror or a witness, or things of that nature, took place at the first trial, there can be a retrial. In both those circumstances, whether fresh and compelling evidence or tainted acquittals, the retrial will be allowed to occur only when the offence is a very serious matter. This legislation provides that the first trial must have been for a crime that attracts a term of imprisonment of more than 14 years. I have undertaken to provide to the shadow Attorney General a list of the types of offences that will entail. There are quite a few of them, but they are all very serious offences. Serious sexual offences, murders, manslaughters and offences of that nature will all fall within the auspices of this legislation. It is a very significant change.

The third change that will occur relates to administration of justice offences. If evidence later emerges that administration of justice offences, such as bribes or intimidation of jurors, took place in the first trial, which resulted in an acquittal, those offences can later be the subject of a separate prosecution. The prosecution would not be against the crime on which the accused was first acquitted, but for the secondary offence of, for instance, perjury. In those circumstances, those prosecutions will not be limited. Those prosecutions can be undertaken for any indictable offence. This bill provides for three very important and significant changes to the law. I can inform members of the answer to a question that I have been asked many times by the media this morning: are the police sitting on matters and waiting to reopen and reinvestigate those matters should this legislation succeed

in both houses of Parliament? The best information I have had is that it is not the case that the police are sitting waiting for this legislation to be passed because of specific individual investigations that they would like to proceed with. That is not to say that in the ensuing years, if this legislation is passed, there may not be matters in which forensic evidence emerges that casts doubt on an original acquittal.

I look forward to speaking with the opposition about this legislation and to what will no doubt be a high quality of debate in the ensuing weeks.

REDRESS WA — MICHELLE STUBBS — MINISTER FOR COMMUNITY SERVICES

576. Mr E.S. RIPPER to the Premier:

I refer to the letter from abuse victim Michelle Stubbs, which states that Minister McSweeney called her on the morning that the government made its announcement to slash Redress WA funding to ask her to “let this one go through to the keeper”.

- (1) What involvement in this matter did the Premier or his office have?
- (2) Who in government arranged this discussion with Minister McSweeney or her office before it happened?
- (3) Has the Premier instructed Minister McSweeney to apologise to Michelle Stubbs for this action?

Opposition member: Good question!

Mr C.J. BARNETT replied:

Yes, it is a good question, and I have a good answer.

- (1)–(3) We debated this issue this morning, and I want to restate very briefly, if I may, that the previous government, the Labor Party, allocated \$90 million to this scheme. It did not cost it properly. It put out and raised an expectation that the victims of abuse under the Redress WA scheme would receive payments up to \$85 000, with only two categories. When coming to government we were aware that the previous government had ignored advice that the scheme was under-costed and would probably run, at that rate, to some \$200 million—and, yes, in a difficult economic environment, but, also, I think, on proper grounds, this government did reduce the maximum payment from \$80 000 to \$45 000. We introduced four categories; and, indeed, the payments have flowed and, as I said this morning, the vast majority of people have been assessed and have received not a compensation payment, but an ex gratia payment.

The Attorney General also made clear this morning, and I will repeat what he had to say, that apart from the change to the maximum payment, this government also introduced a number of changes—changes very much to the benefit of Redress victims. There was no longer a requirement for psychological and medical assessments, as had been required by Labor. We also removed a requirement under Labor that applicants had to sign a waiver that they would not sue the government. We removed that and protected their legal right, if they chose to, to sue the government. We also introduced a payment of \$5 000 for those applicants who may have died during the process. A number have, and their estate, and therefore their families and descendants, has received \$5 000.

Under Labor, applicants had no right of appeal at all. Labor did not allow that. We allowed a right of appeal —

Ms M.M. Quirk: We didn’t need to.

Mr C.J. BARNETT: Well, a number of people have appealed. So the previous government took away the right for legal action and it took away the right to appeal; and, to make sure it is correct, once a person had accepted a payment, they had to accept that that was the end of the process and they would not have an appeal. But the former government did not allow that even from the beginning. If their level of assessment, in their mind, was wrong, as may have been the case with Michelle Stubbs, those opposite denied them a right of appeal from the outset. They denied them a right of appeal; they denied them access to the law to take legal action. So I would not be too —

Mr M. McGowan: You said all that this morning.

Mr C.J. BARNETT: And what did the member say this morning? I will tell the member for Rockingham what he said this morning. What he —

Mr W.J. Johnston: What is the answer to the question? Instead of coming in here and telling lies —

The SPEAKER: Member for Cannington!

Mr C.J. BARNETT: You did not even know the system.

Mr R.F. JOHNSON: Mr Speaker —

Withdrawal of Remark

The SPEAKER: Take a seat, Premier; take a seat, Leader of the House. Member for Cannington, I request that you withdraw that comment.

Mr W.J. JOHNSTON: I withdraw.

Questions without Notice Resumed

Mr C.J. BARNETT: Members opposite hurled accusations across the chamber. I will remember what the member for Joondalup said in particular.

Mr W.J. Johnston: What did he say?

Mr C.J. BARNETT: I will remember.

Mr W.J. Johnston: What did he say?

The SPEAKER: Member for Cannington!

Mr C.J. BARNETT: I also recall very distinctly the member for Rockingham accusing Hon Robyn McSweeney of heavying—that was his expression —

Mr M. McGowan: Yes.

Mr C.J. BARNETT: — Michelle Stubbs.

Mr M. McGowan: That's what her letter says.

Mr C.J. BARNETT: Jumping to conclusions and jumping to assertions.

Several members interjected.

Mr C.J. BARNETT: Maybe the member should listen for a little while.

Hon Robyn McSweeney has professional experience, and years of experience, in dealing with children who have been abused. At least respect that. She is a professional in the area and has years of experience.

Mrs M.H. Roberts: That's why she should have known better, isn't it?

Mr C.J. BARNETT: Why do you not listen for a moment? Members opposite do not treat this seriously.

Mrs M.H. Roberts: You don't.

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

Mr C.J. BARNETT: I just remind the house that Hon Robyn McSweeney has had years of experience in dealing with abused children. If anyone in this Parliament is sensitive to that situation, it would be her. If anyone has years of personal and professional experience in the area, it would be her—it would be Hon Robyn McSweeney—yet members opposite, and in particular the member for Rockingham, without any true knowledge of the situation, accused Hon Robyn McSweeney of ringing Michelle Stubbs and heavying her. They were the words that the member for Rockingham used.

Mr M. McGowan: They were.

Mr C.J. BARNETT: So I have taken the trouble, my office has taken the trouble, of being in contact with Hon Robyn McSweeney, and members opposite might be interested in the truth. "Don't let the truth get in the way" is the Labor paradigm. But members opposite might be interested this time.

Mr E.S. Ripper: I am interested.

Mr C.J. BARNETT: Okay; well, why don't you listen? I will tell you what happened. On the day —

Several members interjected.

Mr C.J. BARNETT: I will tell you what happened. On the day the announcement was made to reduce the maximum payment from \$80 000 to \$45 000, and the other changes that I have just outlined, Michelle Stubbs—Michelle Stubbs is a good person; I know her reasonably well—was appointed by Hon Robyn McSweeney —

Mrs M.H. Roberts: Now you're saying she's a liar.

Mr C.J. BARNETT: I have never, Mr Speaker, accused Michelle Stubbs of lying—ever—have I? I actually regard her as a friend. Never ever have I said that. You should withdraw and apologise.

The SPEAKER: We have been through some of this this morning and some of you know where you are with it at this point.

Mr C.J. BARNETT: I know Michelle Stubbs reasonably well. I have a great deal of respect and admiration for her. I like her as a person, and I fully recognise the incredible hardship that she suffered. No-one should doubt that, and certainly not people who know Michelle.

Michelle Stubbs was appointed to the Ministerial Advisory Council on Child Protection by Hon Robyn McSweeney. They obviously had many conversations, including conversations about the Redress scheme and the like. On the day in July 2009 when the minister announced that the maximum payment would be reduced from \$80 000 to \$45 000 and the other changes which were outlined by the Attorney General this morning and which I have just repeated, Michelle Stubbs rang Hon Robyn McSweeney. She made contact with Hon Robyn McSweeney's office and left a message. Hon Robyn McSweeney, the minister, dutifully returned that call and they had a lengthy conversation. Understandably, Michelle Stubbs was upset, she was emotional, and the conversation went on for some time. They know each other well. It was Michelle Stubbs who rang the minister to discuss the issue. She was on the advisory council; she knew what was going on. So to come in here and accuse, as the member for Rockingham did —

Several members interjected.

Mr C.J. BARNETT: No, you have to be big enough and man enough to take it now. This is a test of all of you now.

Several members interjected.

The SPEAKER: Member for Joondalup, I formally call you to order for the first time today. Member for Kwinana, I formally call you to order for the second time today. Leader of the Opposition, do you have a supplementary question?

Mr C.J. BARNETT: Mr Speaker, I am still —

Ms M.M. Quirk: Did the minister say those words?

The SPEAKER: Member for Girrawheen!

Mr C.J. BARNETT: Mr Speaker —

Ms M.M. Quirk: Did the minister say those words?

The SPEAKER: Member for Girrawheen, I am formally going to call you to order for the first time today. You have a bit to make up, member for Girrawheen.

Mr P.C. Tinley interjected.

The SPEAKER: Member for Willagee, just for the form, I call you to order as well.

Mr C.J. BARNETT: It was Michelle Stubbs who called the minister's office to try to persuade the minister to not reduce the maximum payment. That is clear from her letter today. The minister returned her call, later in the day, and they had a quite lengthy conversation. As I understand it, they talked about the scheme. Point number one: Michelle Stubbs contacted the minister, not the other way around. Point number two: I hope that the member for Rockingham is man enough to apologise, because Hon Robyn McSweeney did not ring Michelle Stubbs to "heavy" her, which he accused her of in this Parliament and which is on the record of this Parliament. I hope he is man enough to apologise to the minister; if not in here, when he sees her in the building.

Several members interjected.

Mr C.J. BARNETT: The final point—by way of interjection!—is that Robyn McSweeney said, in the context of a lengthy conversation in which Michelle was extremely emotional, and understandably so, that she did use words along the lines of "let it go through to the keeper", but that is very different from the accusation that the member for Rockingham made; namely, that the minister got on the phone and "heavied" her. The other accusation made by —

Several members interjected.

The SPEAKER: Member for Joondalup, I formally call you to order for the second time today. Member for Willagee, I formally call you to order for the second time today. Member for Midland, I formally call you to order for the second time today. I am not particularly interested in being continually on my feet formally calling members to order. It is not something that I want to do on a daily basis, let alone on a minute-by-minute basis!

Mr C.J. BARNETT: Mr Speaker, I will conclude. The question had an implied accusation from the Leader of the Opposition that I and my office had in some way encouraged or got Robyn McSweeney to ring up Michelle Stubbs and "heavy" her. That was the tone of the question. I will tell the Leader of the Opposition that he might do that, the Labor Party might do that, but I do not!

REDRESS WA — MICHELLE STUBBS — MINISTER FOR COMMUNITY SERVICES

577. Mr E.S. RIPPER to the Premier:

I have a supplementary question.

How is the Premier's characterisation of these events at all consistent with Michelle Stubbs' letter in which she states —

... I would also like to express my contempt for Minister McSweeney who ... called me at home to ask if I would, and I quote, "let this one go through to the keeper". My response was no and I found the suggestion highly offensive.

Mr C.J. BARNETT replied:

As I have just said, the minister returned a call from Michelle Stubbs. It was Michelle Stubbs who called the office. Robyn McSweeney returned —

Mr E.S. Ripper: Then why is she so angry about it?

Mr C.J. BARNETT: Why is she angry? I do not know. I have not spoken to Michelle Stubbs for some time. I hope to speak to her for some time in the future—if that happens.

Mr M. McGowan: She was under pressure. You pressured her.

Mr C.J. BARNETT: No, you are wrong. You are just wrong.

Mr E.S. Ripper: A person with an application that had not yet been considered was pressured by the minister!

Mr C.J. BARNETT: There is no doubt —

Mr E.S. Ripper: She had not had her application resolved. She was pressured by the minister.

Mr C.J. BARNETT: She was not pressured by a minister at all! I would ask the Leader of the Opposition to withdraw that comment.

Mr E.S. Ripper: I am not going to withdraw it.

Mr M.P. Whitely: Just let it go through to the keeper!

Several members interjected.

The SPEAKER: Member for Bassendean, I do not know whether that it is necessary, but I formally call you to order for the third time and give the call to member for Jandakot.

PUBLIC SCHOOLS — PLAYGROUND EQUIPMENT

578. Mr J.M. FRANCIS to the Minister for Education:

We all know that happy and healthy kids concentrate better in class. Will the minister please tell the Parliament what the government is doing to provide playground equipment to those public schools that most need it?

Dr E. CONSTABLE replied:

I thank the member for Jandakot for his question and also for his interest in this new government initiative in the last budget to provide playground equipment, or funds for playground equipment, at older schools, particularly older schools in low socioeconomic status areas within which schools and parents and citizens associations often struggle to provide replacement equipment.

Several members interjected.

The SPEAKER: Thank you, members; spectacular progress, today! I formally call the member for Girrawheen to order for the second time today. If members want question time to continue, they might remain a little quieter.

Dr E. CONSTABLE: In the last budget \$2 million was allocated over four years to assist schools to provide replacement playground equipment for students, thereby allowing older schools with old playground equipment to modernise their playgrounds and provide more stimulating play areas for the children. We called for expressions of interest and a large number of schools put up their hands for this funding. I am really pleased that in the first round, in October this year, 27 schools will receive \$20 000 each for playground equipment, which will go a long way to providing really interesting playgrounds for children to play in. In round two, in early 2012, 25 schools will receive funding. We have brought round two forward to allow those schools to get on with providing this new equipment for children. I think this tells a story about what is really important to P&Cs. I have received a number of letters from the first 52 schools selected thanking me for the government providing this money, because it is much needed. Often, it is the relatively small things such as this that make a huge difference to parents and to children. The schools were chosen when they were able to demonstrate a need for the new equipment because the current equipment was inadequate. As the member for Jandakot's question

suggests, the program will deliver new, safe play equipment to schools. The importance of play equipment in schools is that it provides students with opportunities to engage in physical activity during childhood. We know that good play equipment is good for children's creativity, physical strength and wellbeing. Children who have the opportunity to play and be very active during breaks concentrate better in class and will, hopefully, learn better. This is part of our program to have fit and healthy children in our schools. I am happy to table the list of the first 52 schools that will receive funding.

[See paper 3846.]

PARLIAMENTARY INSPECTOR OF THE CORRUPTION AND CRIME COMMISSION —
EXCESSIVE FORCE BY POLICE REPORT

579. Ms M.M. QUIRK to the Minister for Police:

I refer to the Parliamentary Inspector of the Corruption and Crime Commission's report tabled today regarding the use of excessive force by WA Police and the two separate contemporary incidents that he refers to.

- (1) Why did the Minister for Police not address, or even respond to, the issues raised in the letter that the first complainant, Ms Lynne Annandale, wrote to him late October 2009?
- (2) Has the minister seen the CCTV footage that the police produced concerning the tasing of two Fremantle residents, referred to by the parliamentary inspector, that has mysteriously had erased four sections that recorded the alleged kicking and tasing of two people by police; and will the minister table the CCTV footage?

Mr R.F. JOHNSON replied:

(1)–(2) The member for Girrawheen wants me to table some CCTV footage!

Ms M.M. Quirk: Have you seen it?

Mr R.F. JOHNSON: Does she think that I have in my possession, in any way, CCTV footage of that incident? What a stupid question!

Ms M.M. Quirk: Well, give us a stupid answer!

Mr R.F. JOHNSON: I cannot believe it. The member is all over the place today. Is the member referring to the report tabled today by the Parliamentary Inspector of the Corruption and Crime Commission?

Ms M.M. Quirk: Yes.

Mr R.F. JOHNSON: I have not had a chance to read that yet. Once I —

Mr E.S. Ripper: Why didn't you respond to the letter?

The SPEAKER: Leader of the Opposition!

Mr R.F. JOHNSON: I do not believe anything that the member for Girrawheen says.

Mr E.S. Ripper: You don't believe what the complainant says!

Mr R.F. JOHNSON: I will have to check my records in the ministerial office to see, firstly, whether I had a letter and, secondly, whether I responded to it. I cannot tell members today whether that is or is not the case.

Mr E.S. Ripper: It's a pretty serious issue. Don't you remember?

Mr R.F. JOHNSON: There are many, many serious issues, my friend, in Police and Emergency Services.

Mr E.S. Ripper: And you're not dealing with any of them!

Mr R.F. JOHNSON: No, no! They are very difficult portfolios, seven days a week, fifty-two weeks of the year—I assure members. I will find out that information for the member for Girrawheen. Certainly —

Mr E.S. Ripper: You were written to and you did nothing.

The SPEAKER: Leader of the Opposition!

Mr R.F. JOHNSON: Just be quiet. He is getting all his facts wrong, today!

Mr C.J. Barnett: How many questions do we have here?

Mr R.F. JOHNSON: Obviously, there are many questions. Quite frankly, I have told members what I will do. I will look into it and if there is information that I can give to members, I will certainly give it to them.

PARLIAMENTARY INSPECTOR OF THE CORRUPTION AND CRIME COMMISSION —
EXCESSIVE FORCE BY POLICE REPORT

580. Ms M.M. QUIRK to the Minister for Police:

Will the minister undertake to provide by close of business today advice on why he did not respond to Mrs Annandale's letter of October 2010?

Mr R.F. JOHNSON replied:

The short answer is, no, because I do not think I will be able to because it will take some time. Okay? If the member gives me some information that she thinks that I have not —

Ms M.M. Quirk: Have you got a computer in your office?

Mr R.F. JOHNSON: Yes, I do, but I am also working in this chamber for most of the afternoon today.

MIDLAND HEALTH CAMPUS — PUBLIC–PRIVATE PARTNERSHIP —
AUSTRALIAN LABOR PARTY CAMPAIGN

581. Mr F.A. ALBAN to the Minister for Health:

I have become aware that Dave Kelly and the Australian Labor Party are seeking to influence local government to spread misinformation on the use of public–private partnerships for hospital developments. Is the minister aware of action being taken in that regard that could delay the development of the Midland Health Campus?

Dr K.D. HAMES replied:

We have always been aware that the Labor Party dances to the tune of the unions, particularly the miscellaneous workers' union. Sometimes what falls off the back of a truck is amazing. The first thing that fell off the back of a truck was a letter from a certain lawyer to Mr Dave Kelly of United Voice in response to a question from him about the ability of local governments to run a referendum in conjunction with an election campaign. In the letter, it was asked of the lawyer, "Is a council able to run a referendum in conjunction with its elections?" His response was, yes, it was. That was to Mr Dave Kelly.

The next thing is the trail of emails. I will leave names out, even though I have them here. The first email is from the media and lead political organiser of United Voice. She sent an email to the office of the member for Midland. The email reads —

Hi Michelle,

Attached is the referendum question for City of Swan and the legal advice. Could you please pass these onto the Councillors?

Several members interjected.

The SPEAKER: Members!

Mr E.S. Ripper interjected.

The SPEAKER: Leader of the Opposition!

Dr K.D. HAMES: Included with that was a referendum question that asked —

Do you support the State Government's plan to privatise the new Midland Health Campus that will replace Swan Districts Hospital when it closes?

That is the first clue—the email. The email goes to Michelle Roberts and then to her electorate office—her non-political electorate office. Then from her non-political electorate office comes an email to Sandra—in this case Sandra Gregorini, who is a councillor with the City of Swan. It states —

Hi Sandra

Michelle has asked me to forward this email and attachments to you.

The attachments were the questions for local government. Then from there was an email to "Dear all", which again includes a few names that I will not read out to protect their privacy, and states —

I have received this ... request to forward on from Michelle Roberts office to all councillors. Can it be done at the coming council elections?

This is an issue in which the United Voice is once again pulling the strings of the Labor Party, and, through the member for Midland, the Labor Party is trying to pull the strings of local government. It is one thing to have a position that opposes what the state government does, but it is a totally different matter for a member of this Parliament, through her electorate office, to try to run a political campaign through local government at a state election; it is a totally different thing. We are aware that Sharryn Jackson ran a very strong campaign during the last federal election against that hospital and against the contracting out of services at the hospital. How did she go? Not only did she lose the seat to the now federal member, Ken Wyatt, but I had a look at all the polling booths around that hospital to see whether our decision had in any way negatively influenced Mr Wyatt's vote. What did I find? I found that the vote —

Several members interjected.

The SPEAKER: Thank you, members! I do not think members want this to be the last question today, but they are certainly heading in the right direction for that to happen. If members want more questions asked, I suggest less interjecting. I might be looking at members on my left, but I include members on my right in that comment.

Dr K.D. HAMES: There is nothing wrong with members on the other side having a campaign, led as it is by United Voice—they dance to its tune—against what has been done at Fiona Stanley Hospital, even though it was done under the Labor government’s previous policy to contract out services in areas within the hospital system, and even though it is done throughout the rest of Australia under Labor. It is important for local governments not to fall victim to this sort of influence that the member for Midland is trying to have. In my view, it will do one thing; that is, it will delay the project into the future. We will have that hospital ready, as we said, in 2015, but that campaign will delay it. If the council wants to spend money on issues attached to the hospital, it is more than welcome to put money into assisting to provide better services or facilities at that hospital. However, in my view, it should not waste its money going out and campaigning. Every polling booth around the hospital during the federal election, where the Labor candidate ran that campaign, had the biggest swings against the Labor Party in that whole election.

WOODMAN POINT WASTE WATER TREATMENT PLANT — TREATED SEWAGE WATER SPILL

582. Mr F.M. LOGAN to the Minister for Environment:

I draw the minister’s attention to the massive uncontrolled spill of 10 million litres of treated sewage water from Woodman Point waste water treatment plant to Cockburn Sound, one of WA’s most important fish breeding grounds.

- (1) When did the minister become aware of this incident and what has he done about it?
- (2) As he is both water and environment minister, why has he refused to inform the public and the media about this disgraceful environmental spill? The minister said nothing about it until this morning.
- (3) Why is there no mention of this giant pollution spill by either the Department of Environment and Conservation or the Cockburn Sound Management Authority, agencies charged with protecting the sound?

Mr W.R. MARMION replied:

- (1)–(3) I thank the member for Cockburn for the question. The member for Cockburn is being mischievous. He is trying to make a firecracker of an issue into a grenade. It is true —

Mr F.M. Logan: Would you drink the water? The health department is saying, “Don’t eat the fish.”

Several members interjected.

The SPEAKER: You have asked the question, member for Cockburn. I will give the Minister for Environment the opportunity to answer the question. I do not need answers from anyone else at this point.

Mr W.R. MARMION: The Woodman Point waste water treatment plant produces about 120 million litres of highly treated waste water a day, and three days ago, on Monday, about lunchtime, one of the valves was stuck open. It is a gravity valve and, unfortunately, because it has remained open, when there is an excess of treated waste water at Woodman Point, some of it goes out through the secondary pipe. This pipe is 1.6 kilometres long. Under the licensing arrangements with the Water Corporation, this pipe is allowed to be used when there is maintenance —

Mr F.M. Logan: It is for emergency purposes only.

Mr W.R. MARMION: — and emergency treatment.

The SPEAKER: Member for Cockburn!

Mr W.R. MARMION: I am trying to respond to the member, but he keeps interjecting. The water that is going —

Mr F.M. Logan: Sorry.

Mr W.R. MARMION: The member for Cockburn likes to have a bob each way. Sometimes he likes to comment on the water treatment, and how we should recycle water and use it, but now he says that it is dangerous to the environment. I can assure the public of Western Australia —

Mr F.M. Logan: Well, recycle it—don’t dump it in Cockburn Sound!

Mr W.R. MARMION: I can assure the public of Western Australia and the member for Cockburn that the Department of Health, the Department of Environment and Conservation and the Water Corporation are working together on the issue. The Water Corp should have the valve fixed by the end of the day, if not tomorrow, and I can assure members that there is not an issue.

WOODMAN POINT WASTE WATER TREATMENT PLANT — TREATED SEWAGE WATER SPILL

583. Mr F.M. LOGAN to the Minister for Water:

I have a supplementary question. The Water Corporation even acknowledges that the spill will continue during the rest of this week, over the weekend and possibly into next week. Will the minister now prosecute the Water Corporation over this environmental vandalism? This is the third spill from that plant.

Mr W.R. MARMION replied:

This is not the third spill; the member is being misleading again.

Mr F.M. Logan: Over the last few years, it's the third spill!

The SPEAKER: Member for Cockburn!

Mr W.R. MARMION: This is the normal treated waste water. Under the licence conditions, I have been advised by the Department of Environment and Conservation, there has been no breach of the conditions. If there is a breach of the conditions, it will suffer the consequences.

OLYMPIC GAMES 2012 — WESTERN AUSTRALIAN ATHLETES — STATE GOVERNMENT SUPPORT

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

I note that it is less than one year until the 2012 London Olympic Games. What role is the Liberal–National government playing in supporting our Olympic athletes in their preparation for this important event?

Several members interjected.

The SPEAKER: Member for Kwinana, I formally call you to order for the third time today. I suggest again to members in this place that, particularly when someone is on their feet asking a question, they remain silent. I am sorry, member for Kingsley, I ask you to read the entire question again.

Ms A.R. MITCHELL: I note that it is less than one year until the 2012 London Olympic Games.

Ms M.M. Quirk interjected.

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

Ms A.R. MITCHELL: What role is the Liberal–National government playing in supporting our Olympic athletes in their preparation for this important event?

Mr T.K. WALDRON replied:

I thank the member for Kingsley for her support for our Olympic athletes. In fact, it is only 323 days until the Olympic Games get underway. I am sure that will come around very quickly. I am sure that we will all hold our breath when that all happens! Particularly as the games are being held in London, it will be fantastic. The beach volleyball in The Mall will be fantastic.

Mr E.S. Ripper: Are you going?

Mr T.K. WALDRON: No, I do not think that I am. I would like to go—I have got a daughter—but I do not think that I will be going.

Equally exciting is that our Paralympians also get to show off their talents. The Paralympic Games will start exactly one year, I think, from today. It is great that we have that event and we do very well in it. I am eagerly awaiting it and I will certainly pay attention to our Western Australian athletes. We do very well and we fight well above our weight with the athletes we produce to make part of that Australian team. That began way back with Frank Schryver, who took part in the fifth modern Olympic Games at Stockholm in 1912. That will be continued by athletes such as Steve Hooker, Eamon Sullivan, Kim Mickle, Cameron Meyer, Justin Everson, and, of course, the indomitable Lauren Mitchell, who has had so much success recently.

These extraordinary athletes, of course, are backed by the Australian Olympic Committee—which is represented in Western Australia by the WA Olympic Council—and the Australian Paralympic Committee, which is the body responsible for delivering the Paralympic sports program. The role of both these organisations is to assist in raising funds for the Olympic Games and to promote the Olympic Games in Western Australia. They do a fantastic job. Some members will have been, as I have, to some of their fundraisers. They work really, really hard; they raise a lot of money from the general public. I think they get good support. If members have the opportunity to go, I urge them to support some of those fundraisers as they are well worth it.

The state government has a long history of providing assistance to our Western Australian athletes who are selected for Olympic and Paralympic teams. The Liberal–National government is obviously committed to continuing that support. In addition to the quadrennial funding of \$220 000, which I previously approved to support the activities of the WA Olympic Council, I was delighted to recently approve \$266 000 as the state

government's contribution to the 2012 Olympic team appeal. Furthermore, I have also approved a grant of \$150 000 for the 2012 Paralympics team appeal, which is in addition to the quadrennial funding of \$120 000. Therefore, we strongly support athletes who set great examples for other sportsmen and women in the community to follow. When we combine this funding with the \$2 million we have committed towards planning for the new Western Australian Institute of Sport facility, we certainly support high-level sport and also other levels of support. High-level sport sets a fine example for others to follow. I wish all our athletes all the best as they prepare for the games.

The member for Albany is not here, but I will finish by extending to the members for Jandakot and Albany our condolences for Collingwood this weekend. All the best; do the best you can. To John Worsfold and his team, all the best. Also, young Shaun Marsh makes his debut for Australia today; best of luck, Shaun.

SCHOOL PSYCHOLOGISTS AND BEHAVIOUR MANAGEMENT SPECIALISTS

585. Mr B.S. WYATT to the Minister for Education:

I refer to supplementary information provided by the minister to the Legislative Council Standing Committee on Estimates and Financial Operations in which the minister stated that the election commitment to provide an additional 10 behaviour management specialists —

... has been incorporated into the commitment to provide 50 additional school psychologists.

- (1) Is the minister's target to meet the two election commitments now to provide 60 additional school psychologists; and, if not, how exactly have the two commitments been incorporated?
- (2) Why have two commitments that were separate commitments for all intents been merged in this way?
- (3) Does this represent another broken election promise?

Dr E. CONSTABLE replied:

(1)–(3) We certainly promised that we would add 50 school psychologists to the number that were there—I think it was 202, or close to that number—when we came into government. We are now, I think, well ahead of the target with 48 extra school psychologists. For the time being that incorporation is being made with behaviour management specialists being psychologists often incorporated into that. Because we are ahead of our target, I would see us probably exceeding that target before the next election.

SCHOOL PSYCHOLOGISTS AND BEHAVIOUR MANAGEMENT SPECIALISTS

586. Mr B.S. WYATT to the Minister for Education:

I have a supplementary question. Again, I refer to the Liberal Party election document "Better Behaviour in Public Schools" and the Liberal Party commitment that a Liberal government will commit, firstly, to 50 school-based psychologists, and another commitment to commit to an additional 10 behaviour management specialists. Can the minister guarantee that those additional 10 behaviour management specialists will be employed before the next election?

Dr E. CONSTABLE replied:

As I understand, a number of the psychologists —

Mr B.S. Wyatt: So is that 60 psychs you're doing then?

The SPEAKER: Member for Victoria Park!

Several members interjected.

The SPEAKER: Members!

Dr E. CONSTABLE: As I understand it, within the 50 school psychologists are a number of behaviour management specialists.

Mr B.S. Wyatt: So you're not doing the extra 10?

Dr E. CONSTABLE: I have not said that; the member has said that.

Mr B.S. Wyatt: What are you saying, then—you are?

Dr E. CONSTABLE: We are ahead of the target of 50 —

Several members interjected.

The SPEAKER: One person has asked the question and that is the member for Victoria Park. One person is answering the question and that is the Minister for Education. I am sure that the member for Victoria Park does not need any assistance, nor does the Minister for Education.

Dr E. CONSTABLE: We are ahead of the target now. We are well ahead of the target and have been —

Mr B.S. Wyatt: For the school psychs.

Dr E. CONSTABLE: The behaviour management specialists are also school psychologists; that is what they do —

Mr B.S. Wyatt: So you're not doing an extra 10 is what you're saying? Why were there two separate commitments then, minister?

Dr E. CONSTABLE: Let me finish. I would expect that by the next election we will have reached a target of 60. They are all school psychologists and within that number the 10 behaviour management psychologists are contained.

MUIR'S CORELLA — POPULATION INCREASE

Question on Notice 4854 — Answer Advice

MR M.P. MURRAY (Collie–Preston) [2.48 pm]: Under standing order 80, on 7 April 2011 in answer to question without notice 4854, the Minister for Agriculture and Food said he would table a report on the agricultural impact of Muir's corellas dated 30 June 2008. I ask that he honour his commitment.

MR D.T. REDMAN (Blackwood–Stirling — Minister for Agriculture and Food) [2.49 pm]: I will chase up that and I thank the member for bringing it to my attention.

PUBLIC ACCOUNTS COMMITTEE — INQUIRY INTO AWARDING SERCO CONTRACT FOR NON-CLINICAL SERVICES AT FIONA STANLEY HOSPITAL

Terms of Reference — Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): I have received a letter from the Chairman of the Public Accounts Committee advising that the committee has resolved as follows —

That the Public Accounts Committee inquire into and report on the processes utilised and outcomes reached in awarding Serco Australia the contract for the provision of non-clinical services at Fiona Stanley Hospital. In particular, the committee is to examine the —

- (1) Project definition processes undertaken to identify both the services required at the hospital and which of those services are to be provided by Serco Australia;
- (2) the procurement plan, including the public sector comparator, endorsing the private sector delivery of non-clinical services at Fiona Stanley Hospital;
- (3) risk management planning undertaken;
- (4) compliance management arrangements for the contract;
- (5) and objectives, including service quality and value for money, and the extent to which the contract, as signed, is likely to meet those objectives.

The committee will table the associated inquiry report by 1 December 2011.

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION — INQUIRY INTO THE USE OF PUBLIC HEARINGS BY CORRUPTION AND CRIME COMMISSION; INQUIRY INTO PROCEEDS OF CRIME AND UNEXPLAINED WEALTH: A ROLE FOR THE CORRUPTION AND CRIME COMMISSION?

Extension of Reporting Time — Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): I have received a letter dated 7 September 2011 from the Chairman of the Joint Standing Committee on the Corruption and Crime Commission, advising me that the committee has resolved to extend to 29 March 2012 the reporting date for its inquiry into whether the Corruption and Crime Commission should continue to conduct public hearings in the exercise of its misconduct function. The committee has also resolved to extend to 29 March 2012 the reporting date for its inquiry into whether the Corruption and Crime Commission should have the jurisdiction to recover proceeds of crime and unexplained wealth.

MISUSE OF DRUGS AMENDMENT BILL 2011

Second Reading

Resumed from an earlier stage of the sitting.

DR J.M. WOOLLARD (Alfred Cove) [2.51 pm]: As I said prior to the lunch break, I am very pleased to see this bill brought to the house. As the Minister for Police said in his second reading speech, this bill follows from a Liberal Party commitment at the last state election to address the problems apparent in the Cannabis Control

Act 2003. The Cannabis Law Reform Bill 2009 was assented to last month, and it has been very good to see that Hon Helen Morton has commenced a campaign to educate the community about the dangers associated with cannabis. Cannabis is still a problem, and we know from the national household survey that it is an increasing problem. Unfortunately, many people think that this is not a major issue; however, it remains a major issue and we need to get the message out to the community that the use of cannabis results in not only mental illness but also the same health problems associated with smoking tobacco. Cannabis has all the toxic chemicals that tobacco has, so we really need to get that message out to the community. It is a problem with younger people as well, so we need to continue to highlight the dangers in smoking cannabis.

One of the other three initiatives that the Liberal Party said it would address was a crackdown on drug dealers who sell or supply illicit drugs to children. This is such a serious problem, because we know that —

The SPEAKER: There are numerous conversations going on, members. I know some of you are interested in seeking the call next. If you are having conversations that are not relevant to the bill before the house and you want to pursue them, I ask that you please pursue them outside so that Hansard and I can hear the member for Alfred Cove.

Dr J.M. WOOLLARD: We know that there are drug dealers waiting near schools when children finish school in the afternoon. We know that there is a big problem of drug dealers supplying illicit drugs to children, so we have to do all we can to get the message to the people in the community who are selling these drugs that this will not be tolerated. We have to stop that type of behaviour happening; many of us have children, and we know that they sometimes have good days and bad days, and it is when children have bad days that they might be tempted to buy and use those illicit drugs. If they have used them once, they are then more likely to purchase them again and to develop a dependency.

Another area the government said it would look at is the tightening of sentencing for exposing children to harm as a result of the manufacture of prohibited drugs. In his second reading speech, the minister talked about the storage of category 1 and 2 items that can be dangerous. He stated —

Category 1 and 2 items include an array of chemicals, commonly referred to as precursors, including pseudoephedrine, chromic acid, hydrobromic acid and benzyl bromide. These chemicals are dangerous on their own, and even more so if mixed with other chemicals. The possession and storage of these items can potentially endanger or harm children, even if the person manufacturing prohibited drugs has not yet commenced the manufacturing process.

I ask whether the minister could, as part of his reply to the second reading debate or during consideration in detail, advise the house as to whether the government is willing to consider, as part of the regulations, having some of these substances, which can sometimes be bought in hardware stores, locked behind cages to make it that much more difficult to purchase them. I also ask whether the minister could identify over-the-counter medications that could be diverted for use in the manufacture of illicit drugs. I am not sure what the percentage is, but I have been informed that a lot of the amphetamines that are being made and used illegally at the moment are actually being made from Codral Cold and Flu tablets, or the 20 or 30 pharmacy derivatives of that type of drug, containing pseudoephedrine, such as Sudafed. In relation to those products, yes, pharmacies ask to see a person's driver's licence and can see whether someone has purchased these medications recently at another pharmacy. However, if a lot of the drug labs are using these tablets, maybe we should consider similar initiatives to those that have been taken up in New Zealand and Oregon, where they have basically made these drugs prescription only. In some ways, making these drugs prescription only would mean that the 99 per cent of the community who use these medications in a safe manner would be excluded from purchasing and using them; however, that is why I ask the minister whether we have forensic reports and whether we know, from the 140 drug labs that have been closed down this year, what was being used to make illicit amphetamines. Whether these drugs be Codral, Sudafed or the trademarked generic pharmacy equivalent, perhaps we need to move to the way other countries have moved and make these drugs available by prescription only. This is why I ask the minister whether he has the forensic reports from these laboratories. Do we know which drugs are being used? If the minister knows which drugs are being used and they are not these drugs, we need not worry about them. However, we know that pharmacies in some areas are repeatedly broken into for these medications and that some pharmacies now refuse to keep them on their premises because they have had so very many break-ins.

Mr R.F. Johnson: I think we are trying to encourage pharmacies to put those particular drugs in a safe overnight to save them from being broken into, and stolen obviously.

Dr J.M. WOOLLARD: But does the minister have the information on which drugs those clandestine labs are using?

Mr R.F. Johnson: Yes, we do. The forensic experts that go in can analyse exactly which chemicals are being used in those clandestine labs. They know which ones are being used, yes.

Dr J.M. WOOLLARD: I certainly do not want tabled in the house any report on chemicals that will enable or encourage people to make drugs. However, if the list of chemicals is not tabled in the house, I hope the minister will take into consideration the issue of how these drugs are managed in the community.

The third area the minister is considering is a ban on the sale of all illicit drug-use paraphernalia. The member for Girrawheen raised the issue of Fitpacks.

Mr R.F. Johnson: Hookahs and shishas, I think, they are called.

Dr J.M. WOOLLARD: Apart from discussing the “hookers and shookahs” —

Mr R.F. Johnson: Shishas!

Dr A.D. Buti: No, that’s in the prostitution bill!

Dr J.M. WOOLLARD: I know that often people refer to them as hookers!

Apart from the sale of hookahs and other drug-use paraphernalia, the member for Girrawheen mentioned Fitpacks. The minister in his second reading speech said that the regulations would detail the people who could officially sell items such as Fitpacks. Currently, Fitpacks cost \$10. I am not sure whether that includes water, but they are roughly \$10, which includes a needle, a syringe and a swab. It might be a little more if it comes with an ampoule of water. Currently, a Fitpack can be sold to adults and children for \$10. When the minister is considering the regulations, I ask that he also consider that aspect. I checked with a pharmacy today to ask whether that was still the case, as the issue of children buying these Fitpacks for \$10 was brought to my attention a while back. They still can buy them and there is nothing to prevent them from buying them. I ask the minister, when he considers the regulations in this legislation for the sale of drug-use paraphernalia, to consider addressing the question of who should be legally allowed to sell Fitpacks. I hope he will also consider the question of selling these Fitpacks to children. Personally I do not believe it is a good idea for 14 and 15-year-olds to be able to buy these packs and I hope the minister will address that issue in the regulations.

I am pleased to see this bill on the table. I think there will be a lot of discussion over many of the proposed amendments to the legislation. I hope that this bill goes through Parliament speedily so that some of the harm being done in the community at the moment because of these clandestine labs, particularly the harm being done to children who are able to buy these illicit drugs, can be prevented.

MR J.C. KOBELKE (Balcatta) [3.04 pm]: I wish to make a few comments in support of the Misuse of Drugs Amendment Bill 2011. It is clearly taking up Liberal Party election commitments to toughening up the sale of drugs to children and to the prohibition of the sale of drug paraphernalia. It also contains a very important issue relating to the exposure of children to drug manufacture and cultivation. This legislation has been driven by the explosion—I use that word meaningfully—in the number of drug laboratories that have been uncovered. This is causing great concern in the community, and it is obviously a matter about which the minister needs to do something. This legislation is, in part, an attempt to deal with this growing problem. Although the bill is a good bill insofar as the objectives it is trying to achieve, I suspect that unless it has a whole lot of other provisions around it, it will not be effective. I will say a bit more about that later.

The issue of people trying to make methamphetamines and other like drugs in their kitchens or backyard sheds has been going on now for four or five years and involves the use of quite dangerous chemicals. Some of the chemicals themselves are dangerous, but when they are mixed together and chemical reactions take place, they produce even more dangerous drugs. Some of those drugs then go through to becoming the drugs that people wish to inflict on themselves and to abuse their bodies with, but other drugs continue to pose a fire risk and an explosion risk to them, to other people who may be using their property and to their neighbours.

The minister’s first media statement related to this matter was released on 6 April 2009 when he was asked a question by *The West Australian* about these drug labs. The question put to him was about the minister’s reaction to the high number of drug labs uncovered in Western Australia. The minister’s response was that drugs are a scourge in our society, but that he was heartened to see police appearing to be doing a good job of uncovering more of these illegal laboratories.

I totally back the minister in his statement that drugs are a scourge in our society. However, the second part of that very brief statement could lead one to believe that the police were actually out there tracking down organised crime and doing a good job in locating those drug laboratories. That is not really the fact. The fact is that drug laboratories are exploding! Police do not have to go out looking for them; they are literally exploding and causing great concern. The police are called because neighbours either witness the explosion, or, if it has not got to the point of explosion, they smell substances that cause them great concern and they ring the police and the police simply turn up. That is not to say that police intelligence does not find some of these drug laboratories early. Through following up on investigations that they do, they actually find some of them and close them down. However, we are well aware that many of these labs are happening and that the police respond to the emergency created by people producing or attempting to produce illegal drugs through these backyard or kitchen laboratories.

The minister in his second reading speech indicated that in 2010 a total of 133 clandestine laboratories were uncovered in Western Australia, and that 110 of those, or 82 per cent, were in the metropolitan area. Again, this bill seeks to address the fact that in 34 of those cases, or 34 per cent, children were present at or in close vicinity of those clandestine drug laboratories. The minister in his second reading speech indicated that 46 individual children were present or resident at those properties where clandestine laboratories were detected. That is certainly very, very concerning. We now know—because other members have already mentioned it—that with only eight and a bit months of 2011 gone, we have already passed the total number of laboratories that were identified or located in 2010. It is certainly a very serious problem, and a growing problem.

The minister then put out a media statement on 14 August this year. I will quote one sentence from that statement —

“We have reached a point in this State where the number of clandestine drug laboratories uncovered by WA Police has spiralled out of control,” ...

We have a minister here who very often simply fudges the truth—gets it half right or half wrong. In this case I think that particular statement by the minister is 100 per cent correct; that is, the number of clandestine drug laboratories has spiralled out of control. Under this minister’s watch he has totally lost control of it, and he acknowledges that in the press release. I welcome for once a statement by the minister which is supported by the facts and shows that this minister and this government has absolutely failed when it comes to controlling clandestine drug laboratories.

I do not underestimate the problem; it is a very difficult problem. We need to tackle it. This legislation is part of that attempt. But it is a social problem, it is a drug addiction problem, and such problems, unfortunately, often do not have a single simple solution. If it was simply a matter of passing a law, we would have the most law-abiding and peaceful community anywhere in the world. This government has passed law after law saying it is tough on crime and it is about law and order. Do our people feel any safer? People are invading homes with guns and discharging them. People are being seriously assaulted on our streets. We see it night after night on our TVs. If the government conducted a proper survey, it will clearly see that people do not feel any safer, yet the government has passed umpteen laws to try to convince people that it is serious about law and order. I do not think the government is believed. It is not that some of these laws are not good; some of them are necessary. But the point I make is that if the government thinks that passing tough laws actually solves problems, the government that is doing that is the problem. It will simply not find meaningful solutions. Although we need to change the law—we need to toughen up the law in a number of areas—a lot of other things need to be done if we are to effectively tackle the problem and try to make our streets safer and make our communities safe from a range of issues, particularly, with this bill, clandestine drug laboratories.

Again, in the media release of the Minister for Police; Emergency Services of 14 August 2011, it is stated —

Mr Johnson said the laws were aimed at protecting children from the insidious drug trade, as well as the dangers posed by clandestine drug laboratories.

Again, I am sure the intentions of the minister are fully behind that, but achieving the outcome takes more than just a piece of legislation—it actually requires good legislation. This legislation could be a lot better. It also requires a whole lot of programs to be put in place to deal with social problems and to give police the resources to be more effective. I will not get into an argument with the minister on whether police resources are adequate. They can always use more, but it is about how those resources are provided and how they are marshalled and applied, as well as a range of other social issues. The minister says the laws are aimed at protecting children. Clearly that is his intention—I accept that—but whether these laws will be effective in protecting our children is a totally different matter. There might be some minor aspects of the bill, and they are quite minor, that will drive more children to be involved in drugs. I will come to that later. I know that is clearly not the intention; we are dealing with difficult issues here. Simply making a tough law does not necessarily solve the problem.

The change between the minister’s statement in April 2009 and his statement of August this year about the legislation, I suspect, is informed by the fact that the earlier view that drug labs were being run by organised crime has been largely dispelled. The view I have, and the minister might like to make comment, is that most drug laboratories are being run by addicts who simply want to get the drugs they need to feed their addictions. We are not generally dealing with clandestine drug laboratories being run by organised crime organisations that are professional and produce large volumes, although I suspect there are some of them there; the hundreds that we are now dealing with, in most cases, are run by addicts who are simply making drugs for their own use. If I am right in that advice I have received, does the minister accept that that is now a change, and that a lot more of these laboratories now comprise addicts making drugs for themselves?

Mr R.F. Johnson: There are quite a few of them, certainly.

Mr J.C. KOBELKE: The point is: does the minister have any measure of whether it is more than 50 per cent, less than 50 per cent, or the majority?

Mr R.F. Johnson: I do not know, but there is no doubt that a lot of these people are making drugs not only for their own use, member for Balcatta, but also to sell on to other people to feed other drug habits. I am told there is an influence of organised crime in some of these drug labs, particularly the more commercial ones that produce a lot more drugs. I will get further information for the member on that.

Mr J.C. KOBELKE: Thank you. The issue is very important, minister. If we actually want to solve the problem, we have to clearly identify it. If we do not understand the nature of the problem and the drivers of the problem, we will not craft a process to tackle the problem because we will be tackling the wrong part of the problem.

If the issue is organised crime, there is a range of tougher penalties. Within the legislation we already have, such as that dealing with proceeds of crime and all the rest, there is a whole armoury of weapons that we can use. There are also the powers that are available to police, the Corruption and Crime Commission and national crime-fighting bodies, including the Australian Federal Police. Organised crime, obviously, is a national and international thing, not just local to Perth. We have all those areas. I know police are working there—that is not a debate for today—but all of those things are paramount, along with increased penalties, if we are to deal with organised crime organisations as the main instigators of clandestine drug laboratories. If, on the other hand, the larger part of the problem is addicts cooking up their own drugs, that is a very different issue. That is when the particular provisions in this bill, I suspect, will fail, and fail spectacularly. These people are addicts; they will not be worried about the fact there are heavy penalties—they are addicts.

I will come briefly to some components in the bill before I come back to that more general approach. If a person who is an adult at the time an offence was committed is convicted of manufacturing or preparing a prohibited drug, and the offence was committed in circumstances that endangered the life, health or safety of a child under the age of 16, the court must use only one of the following sentence options, according to the minister's second reading speech. I believe that is what the bill does. Those options are, firstly, suspended imprisonment; secondly, conditional suspended imprisonment; or, thirdly, a term of imprisonment. There is a graduation of penalties, all of which involve imprisonment. I have great sympathy for addicts, if we are trying to deal with drug addicts, because the court can actually impose a sentence of imprisonment, suspend it or make it conditional upon the person going into rehab and trying to get their life together. Those provisions have great strength as part of a bigger program of trying to deal with the issue, if we assume the issue is mainly drug addicts. I am leaving aside organised crime, which is clearly an important part, but if we are just looking at addicts who bake their own drugs, that approach has a lot of strength to it when put together with a lot of other programs to try to offer rehabilitation, if people take it up. If they do not, they will go to jail, but opportunities are available. Those provisions apply only when the circumstances might endanger the life, health or safety of a child. If the child is injured, we are mandating imprisonment, which is totally contrary to the approach taken when dealing with drug addicts. There is a dichotomy—a total split—between organised crime and addicts. Of course, it is not as clear-cut as that; there are people in between. If we really want to deal with the addicts who are making their own drugs—it would appear that they are behind a great number of these clandestine drug laboratories—simply mandating imprisonment for a first offence when a child is harmed, perhaps in a minor way, will not help. They will take no notice of that; they are addicts. They will not worry about the toughness of the penalty; they need their drugs and they do not think they will get caught—until the place blows up.

Mr P. Abetz: They need rehab.

Mr J.C. KOBELKE: Exactly; I thank the member for his interjection. That is the point I am making; this law will have very little effect if it does not also include measures for enforcement, proper process through the courts and rehabilitation. We need to offer support to some of these people to get them away from drugs. If we do not do that, the suggestion that these tougher laws will somehow fix the problem is a total nonsense. The legislation will not do what the minister wants and what we want, which is to try to reduce the scourge of drugs. I would like to eliminate it, but let us be realistic. Let us try to reduce it. Drug use is a major problem in Western Australia and people are aware of the flow-on problems. Figures released just a week or two ago—I cannot quote them exactly—show that the number of children who are wards of the state or in care across Western Australia has doubled. A lot of that relates to drug addiction. Their parents were unable to care for them adequately and some of those children were in dangerous situations. Having parents cook up drugs at home is just one of those dangerous situations to which this bill directly relates, but there are a range of other situations in which children are in danger and are not being cared for properly because their parents are drug addicts. That is all part of the mix. We will perpetuate the problem and get another generation of delinquents who are likely to be on drugs if we do not deal with all aspects of it.

[Member's time extended.]

Mr J.C. KOBELKE: We need to take a broader view than seeing this as a tough law that will somehow produce the effect we want. Tough laws without all the necessary measures to go with them will not deliver what we want.

I am concerned that the minister may be more interested in fulfilling an election commitment, which is certainly commendable, than he is in taking a more integrated, holistic view of what he and his other ministerial colleagues need to do to tackle this problem. The minister has already admitted that the problem is out of control and that he has lost control of it. That is causing great concern in the community; people know that.

Mr R.F. Johnson: I never said that. You are putting words in my mouth.

Mr J.C. KOBELKE: The problem with this minister is that he tries to make ignorance a virtue. Day after day, he tries to say that his ignorance is a virtue and that he can say whatever he likes because he does not know what is happening. That is the view of this minister. He must have not been paying attention, because in his media statement of Sunday, 14 August 2011, he stated —

“We have reached a point in this State where the number of clandestine drug laboratories uncovered by WA Police has spiralled out of control,”

Mr R.F. Johnson: I thought you said I was out of control. I’m sorry; I misheard you.

Mr J.C. KOBELKE: Again, the minister does not believe that the truth is important. Knowledge and truth are absolute strangers to this minister. He likes to think that ignorance is somehow a virtue. Perhaps I am more old school than the minister, but, to me, knowledge and truth are virtues, not ignorance. The minister continually tries to promote his ignorance. He did it today earlier when the member for Girrawheen asked him a question without notice. She asked the minister whether he could provide an update on the number of clandestine laboratories uncovered in 2011. The minister with the bill before the house said that he did not know. Again his ignorance is his virtue. It took one of the government members to tell the minister the number.

Mr R.F. Johnson: I think he got it wrong actually; it was 142.

Mr J.C. KOBELKE: I did not say a number. Yes, but he had a go at it and he was close. The minister could not even say that as of a day or two days ago it was such and such.

Mr R.F. Johnson: I knew that it was 139 a few days ago.

Mr J.C. KOBELKE: Yes, but you did not give that answer to the member for Girrawheen.

Mr R.F. Johnson: That is because I wanted to give her an exact answer.

Mr J.C. KOBELKE: No, it is because the minister does not like to deal in facts. He finds the truth and facts abhorrent to the way he wants to operate. The same applies to the minister’s statement about meeting with the Fire and Emergency Services Authority board. He met with the FESA board, but not at a board meeting. This is beautiful! He actually met them fishing on the North Mole! He was down there fishing on the North Mole and he had all the FESA board members lined up and met them! He did not want to meet them at an actual board meeting.

Mr W.J. Johnston: It is impossible to meet a board if it does not exist!

Mr J.C. KOBELKE: I thank the member for Cannington for his interjection.

The ACTING SPEAKER (Ms A.R. Mitchell): Member for Balcatta, I suggest that you come back to the legislation.

Mr J.C. KOBELKE: The issue with the legislation is that if one does not have a commitment to put the law into place with the services and the backup around it, it will be a total failure. If one addresses the changes to the law for political purposes rather than deals with the underlying issue, the legislation is set up for failure. This minister has a track record of simply wanting to play games. The allusion to the FESA board and the untruths he was telling is a prime example, which happened within the last hour. This minister simply does not want to deal with the truth, be factual or show that he understands key issues within his portfolio. If a minister does not understand the functional operation of his portfolio in these issues, the law will not be applied in a way that will give effect to the desire that we all have—that is, to provide greater protection for our children from this insidious drug trade. We all agree on that and we all understand the consequences of drug use and the havoc it wreaks on individuals and their families. It is no good to just beat the drum about how bad the problem is and to say that we will be tough on it.

The minister likes to beat the drum on cannabis. Again he put out a media statement in the last week or so about the problems with cannabis under Labor and how Labor was soft on crime and soft on cannabis. That reflects the minister’s ignorance and unwillingness to deal with the truth, because the surveys have quite clearly shown that under that Labor regime, cannabis use fell markedly. It is wonderful to try to have fewer people using it.

Mr P. Abetz: The last National Drug Strategy Household Survey indicated that in the previous two years cannabis use has gone up.

Mr J.C. KOBELKE: I thank the member for his interjection; I saw those same reports. The minister attacks the last government because it reduced cannabis use in the community. Under this minister, cannabis use has gone up since 2008.

Mr P. Abetz: That was the effect of your laws, though, that it went up.

Mr J.C. KOBELKE: No, the member is wrong.

Mr R.F. Johnson: Why did Jim McGinty admit that it had?

Mr J.C. KOBELKE: Again, we know that this minister does not want to deal with the truth. The truth is that there was an informal cannabis infringement system under the Court government. When the Labor Party came into government, we formalised that system. It was basically the same system; it still kept the use of cannabis as a crime. It did not decriminalise cannabis use; it was still a crime. The method to the system was to try to reduce cannabis use and get people off drugs, and it was successful. The review that was done during the last Labor government suggested that changes needed to be made to toughen up the system, which we agreed to and which this minister largely picked up. That is good. He picked them up and brought them in largely from the report which was done during the Labor period in government and which we were committed to. But now he wants to play politics with it. He has already been responsible for driving up the use of cannabis in our community. It is the Liberal government that has talked up cannabis use by saying things about it that are totally false. When people are told false things about cannabis use, in my view, it encourages its use, and that is the basis of my accusation that this government encourages cannabis use, because it talks about it in ways that are false and dishonest. If the government talks about it in false and dishonest ways, it is encouraging people to use it. Look at the change in the usage; it has gone up under this government. According to the survey that the member also alluded to, cannabis usage has gone up under this government.

Dr J.M. Woollard: It is because people don't know how damaging it is, and that's why we need a good educational campaign to let the community know, and particularly to let children know, how harmful cannabis is.

Mr J.C. KOBELKE: I accept the last part of the member's interjection; that is, that cannabis use is dangerous and that we need to do more to educate people to try to dissuade them from embarking on the use of cannabis and the addiction that that may lead to. The first part suggests that because of that, its usage has gone up. I am not sure whether that is true. We need to make sure that the problems associated with cannabis use are more widely known and that we do more to deter people. But we have to recognise that it is in wide usage, and if we do not treat the people using it as people with a health problem, a drug addiction, we will not solve the problem.

Mr R.F. Johnson: But you didn't do that. All you did was fine them.

Mr J.C. KOBELKE: The numbers went down.

Mr R.F. Johnson: Hardly anybody took the counselling sessions; they all paid the fine. Jim McGinty acknowledged that. Give him his credit.

Mr J.C. KOBELKE: Again, this is the minister for ignorance and untruths. The fact is that there were clearly ways of improving the law under our government. I am not saying that it worked perfectly; I am saying that it delivered a reduction in cannabis use. A review showed that it could be improved. The Liberal government came in and did most of those improvements, and I thank it for that, but Labor was already committed to those improvements. The current government did it; it can claim the glory. That is good, because, hopefully, it will improve the system and convince more people to actually —

Mr R.F. Johnson: You were gunna do a lot of things. You were a gunna government.

Mr J.C. KOBELKE: The minister should look at his track record. He is seen as a joke in the community—an absolute joke. I do not have to tell jokes when I go to a public function. I just say “Rob Johnson” and I get a laugh before I say anything else. So the fact is out there. The minister is seen as a failure because he does not deal with the facts of the issue. He comes in here and wants to talk tough, but he is too lazy or not competent enough to get across the details of the issue. What I am pointing out to the minister is that in some respects the minister has not handled this legislation well. He is not going to take account of the full complexities of the issue.

Banning drug paraphernalia is something that is quite good. Previous Liberal governments had a problem because one of their members and ministers, Mike Board, used to run Joynt Venture and sell drug paraphernalia. So we have seen a bit of a change in the Liberal Party. It no longer wants to sell drug paraphernalia; it actually wants to ban it, and that is absolutely good. I fully support the Liberal Party in that. But we need to make sure that we have in place the support services and an understanding of the cause of these problems if we are to be successful. The community does not feel safer under this minister. All the tough law and order bills have not made us feel safer, and this particular tough approach to clandestine drug laboratories, which we support, will not of itself reduce the number of laboratories. Along with this legislation, we need a range of other steps to try

to get people away from drugs, to reduce drug addiction and to make sure we can get people away from having to bake their own drugs because they are addicts. The issue of organised crime being involved with some of the drug laboratories is quite separate. I think this law will deal with that in a very positive way, but, again, it is a question of enforcement and removing the proceeds of the ill-gotten gains from people involved in the drug trade.

Dr J.M. Woollard: So, member, would you support some of the chemicals being used to make these drugs being kept in locked areas in hardware stores and maybe looking at what drugs are being sold over the counter?

Mr J.C. KOBELKE: I am running out of time. But a whole range of those issues can be taken up. We need to be careful that we are not impinging too much on the community as a whole, but the community will have to have restrictions imposed on it to try to remove these drugs. But that is a balancing act. Four years ago the pharmacies in Queensland were all on a web-based system, so they would know if the same person had bought those drugs somewhere else. I think that has been rolled out here, but I have not seen any judgement of how effective it is. Locking up the drugs and making them hard to get is clearly one part of the solution. But there is not a single thing, and we need a competent minister who will bring all the parts together; otherwise this legislation will not be effective.

MR P. PAPALIA (Warnbro) [3.35 pm]: I rise to address the Misuse of Drugs Amendment Bill 2011, and I want to focus specifically on one of the areas just touched on by the member for Balcatta. I feel that the Minister for Police does not approach this problem or many other problems in his portfolio from the point of view of wanting to gather information prior to constructing his response. The part of this legislation that I particularly want to refer to is the component that suggests mandatory sentencing in response to people who endanger children by exposing them to harm, or the danger of serious harm, as a result of their manufacturing prohibited drugs and cultivating prohibited plants. That indicates to me that the minister's intent is to be seen to be doing something. It does not appear as though the minister has looked at the problem, attempted to identify what the challenge actually is and then constructed a solution in conjunction with other ministers. It is without doubt a fact that the minister is incapable on his own and his department is incapable on its own of responding to this problem. They cannot, in isolation from assistance from other departments and other ministers, deal with this issue. The evidence lies within the minister's desire to introduce mandatory sentencing as a response.

We know from the questions that were posed to the minister earlier by the member for Girrawheen that the minister has no idea how many clandestine laboratories have been discovered this year, but I suggest also that the minister has no idea of the make-up of the people who have been responsible for those clan labs. We know that the member for Balcatta asked how many of them were just drug addicts as opposed to organised crime figures. The minister was incapable of answering that question. I find that absolutely incredible. Members on the other side who are interested in this matter—I know that many members are interested—would, I think, also be a little shocked that their minister, who has walked into this place with part of the supposed solution to the problem, cannot answer that question.

Mr P. Abetz: What question?

Mr P. PAPALIA: The question of how many of those clan labs that have been discovered were operated by drug users who were manufacturing for their own use as opposed to commercially manufacturing for sale to others as part of an organised crime operation. I would imagine that any police officer responsible —

Mr P. Abetz: But you don't know that because —

Mr P. PAPALIA: No, hang on; hang on. Is the member telling me that an organised crime figure cannot be differentiated from an individual such as the police commissioner's son? Is the member suggesting to me that our police—bearing in mind that I have a brother who is a senior police officer—are incapable of differentiating between users who are operating on a small scale and those who are operating as part of an organised crime operation? Does the member know what these clan labs are? Predominantly, there are a few bottles and household containers and household goods that are manufactured and comprise —

The ACTING SPEAKER (Ms A.R. Mitchell): Member, I suggest you direct your comments through the Chair.

Mr P. PAPALIA: I am sorry; I beg your pardon, Madam Chair.

Predominantly these things are on a small scale. I suggest that by virtue of the increasing rate of discovery of these clan labs, which reflects the increasing usage of drugs and the desperation of minor drug addicts to prepare their own drugs for usage, they are predominantly people who are preparing, on a small scale, drugs for their own use, and possibly for distribution to a couple of friends, but they are not operating on a commercial scale as part of an organised crime outfit. That is what I am talking about. If the minister is suggesting it is impossible for the police to determine that, I am really disappointed. I think that is disparaging of WA Police.

Dr J.M. Woollard: Member for Warnbro, from *The West Australian* of 26 June this year —

Mr O’Callaghan told a parliamentary estimates hearing yesterday that the WA laboratories were all “addiction-based”, generating small amounts of drugs, and they were not organised crime operations.

Mr P. PAPALIA: Thank you, member. Therefore, would the member not agree with me that our minister should know that when he is asked about it by someone on this side of the house?

Dr J.M. Woollard: I am sure that he knows that.

Mr P. PAPALIA: That being the case, does any member think that imposing a mandatory jail sentence as a first response without determining whether it will be effective might not be the best course of action?

I am trying to be reasonable about this. Information is available to the minister; I reference a 2007 study by the UK Matrix Knowledge Group. The minister can look it up on the web. That group undertook a comparative analysis of the effectiveness of drug treatment programs in prison versus secure residential facility treatments in the community. Its comparative analysis determined that a secure residential treatment facility was 2.3 times more likely to reduce offending at one-fifth of the cost of prison treatment. Comparing it from only those points of view, I would expect that the police minister would have consulted the corrective services minister prior to bringing in this legislation to consider whether the two of them, in conjunction with the health department and other agencies, might have been able to construct a better, more effective and cheaper response. Beyond that, what does the minister think will happen to these people if his mandatory sentencing is imposed and they enter the prison system? Does the minister know how many of those individuals will receive drug treatment in the prison system? I ask the minister, through you, Madam Acting Speaker.

Mr R.F. Johnson: You give your speech and I will give a response.

Mr P. PAPALIA: Okay. I will expect the minister to respond. When he stands to respond, I will expect him to tell me the current percentage of drug offenders who are receiving treatment in our prisons; I refer to those who require treatment. I asked the question when I had the shadow portfolio in 2009. I am hoping that the now Attorney General, the former Minister for Corrective Services, was correct when he said that he had improved the rate of delivery. However, in 2009, 54 per cent of the adults who went to the prison system and were identified as requiring drug treatment or substance abuse programs were not getting treatment. The Minister for Police might find it interesting to note that those programs are split into three categories; namely, low intensity, medium intensity and high intensity. Will the minister impose mandatory sentences on individuals knowing full well that they are minor offenders; that is, drug addicts producing the substance for their own use? Will the minister impose mandatory sentences knowing full well that in 2009, 54 per cent of those in prison identified as needing, and as eligible for, treatment did not get treatment? How does the minister justify doing that? How does the minister say to Western Australians that these people will have to go to jail, that the judge will not have a choice, because the minister thinks it will result in a better outcome for Western Australia? The minister does not know how many will get treatment in jail. If he had bothered to do some research, he would have found proof of more effective treatment programs—the sort conducted by Dr George O’Neil; that is, the 24-hour, seven-day-a-week treatment programs. I do not wish to debate Dr O’Neil’s treatment program—I am a supporter of his. That aside, the types of residential facility that he runs in which addicts are supervised have been proved to be a massively more effective drug treatment program than has sending them to prison—let alone sending them to prison without a drug treatment program. What does the minister think will happen to these people when they go to prison without a drug treatment program? They are going to network. They will still get their drugs. There are plenty of drugs inside the prison system. They will network with other crims and end up, when they come out, being capable of even worse behaviours. They will have a bigger criminal network than the one they had before they went in.

I know that the minister does not want to listen because he thinks the only solution is to impose a prison sentence on these types of people. He has been an abject failure as a minister. His incapacity to do a bit of research and link to other —

Mr R.F. Johnson: So you don’t think that somebody who harms a child should go to prison? That is what you’re saying, my friend! That is what you’re saying! It will come back to bite you. You wait and see. You should be ashamed of yourself.

Mr P. PAPALIA: There is nothing in here about harming a child.

Mr R.F. Johnson: Isn’t there? You’d better have a good read of it. You obviously haven’t read it!

Mr P. PAPALIA: No; it refers to exposing a child to harm.

Mr R.F. Johnson: And harming. Read it carefully before you stand up.

Mr P. PAPALIA: Karl O’Callaghan’s son exposed a child to harm. He is an addict. Does the minister think he will be better off for going to jail or, as Karl said when the offence first occurred, that he should receive treatment? Does the minister think it is better for him to go to jail to be one of the 54 per cent —

Mr A.P. Jacob: Are the two mutually exclusive?

Mr P. PAPALIA: The member for Ocean Reef was not present and has missed half of what I have said. I have just presented evidence that, the last time I had the figures, 54 per cent of people in the prison system who were identified as requiring substance-abuse programs did not receive those programs. I am asking the minister whether Karl O'Callaghan's son will be better off in jail if he is one of those 54 per cent. What will be the outcome? Will it be better or worse? Is it better for him to go to jail? Yes, we achieve our objective if it is simply to punish him, but —

Mr A.P. Jacob: He will do less harm in there.

Mr P. PAPALIA: If we want to do less harm, is it a better option? Is it reducing harm? Is it reducing harm, member for Ocean Reef? It does not reduce harm after he comes out of prison. He will be in there for only a short period of time, but it will be long enough for him to go to "Crime University" and meet some serious crims and better deliverers of drugs for him and his colleagues. He will network, but will he be better when he comes out and less likely to reoffend? The studies and the analysis do not back up what members opposite are claiming. There is no evidence that says putting him into prison without treatment, which is a high likelihood noting our prison system and its overcrowding and under-resourcing, will make things better. There is a high likelihood that when he comes out he will reoffend at a worse rate than before he went in. What is the benefit, other than the minister being able to walk out the front of Parliament House and say that he has done something? That is the only benefit of this headline feature of mandatory sentencing.

I cannot for the life of me understand why the minister included the cultivation of prohibited plants under the mandatory sentencing component of the act, but that is the minister's decision.

My objective today was to place on the record the observation that I find it incredible that a minister of the Crown could come into the Parliament of Western Australia and propose mandatory sentencing as a solution, without having considered what the outcomes may be. The minister has no idea about the people he is talking about; he has no idea about the seriousness of the crimes they have committed or the nature of their personalities and whether they are indeed a drug addict or not a drug addict. We have heard that these people are drug addicts. However, the minister has constructed a response on behalf of the government that could result in these individuals coming out and reoffending at a higher rate. Therefore, the objective of this bill will completely fail to be met, and all the minister will do is add to the cost. Treatment in a supervised secure facility outside of prison is 2.3 times more effective and only one-fifth of the cost than treatment in prison. I do not understand how in the current economic climate that can be justified, when people right across the state are suffering at the hands of this government by virtue of its massive increases in utility costs.

MR P. ABETZ (Southern River) [3.50 pm]: The issue of drugs is obviously one that goes very close to my heart, having run a drug rehabilitation support group for a number of years in my previous role in the community. The reality is that drug addicts are people who have a serious problem. Often they do not recognise the seriousness of their problem and the difficulty is that something like 95 per cent of drug addicts definitely want to give up their drugs; the only problem is that they want to use drugs just that little bit more than they want to give them up. Often it is not until a crisis occurs that they are actually ready to take that important step of seeking help. Many drug addicts are people who have a very broken past. They are people who self-medicate; they have issues from their past that are psychologically very difficult for them to deal with. We say that people may drown their sorrows with alcohol; many drug addicts self-medicate in the same kind of way. There are of course also others who come from a fairly solid kind of background, who are introduced to drugs and then become addicted, and that then takes over their lives. The tragedy is that so often people talk about so-called recreational drug use. I refuse to use that term because there is no such thing as recreational drug use. It is the beginning of drug use; people think that they have it under control and then they realise that they are no longer in control, and it is all too late.

This legislation is only one part of the strategy that the government has to deal with the drug issue. As the member for Warnbro indicated, if this bill was the only thing in our strategy for dealing with drugs, I would agree with him that it is a waste of time. This government recognises that rehabilitation is absolutely important and that it needs to be funded well. I draw the attention of the house to the fact that in the last budget the government gave a 25 per cent across-the-board increase to the non-government organisations that run programs for the government, including those organisations that run drug rehabilitation support groups or rehab establishments. There has been a 25 per cent increase in funding for drug rehabilitation by this government; let us not overlook that.

But by the same token, we need to address the issue of clandestine drug labs. Pharmacists face a problem with people breaking in and stealing drugs. My daughter is a pharmacist and she has had a break-in at her pharmacy. Someone broke into the pharmacy in the middle of the night and they went in and were out within two minutes. They did not touch money, they did not touch the till; they went in and grabbed every bit of Sudafed. They were probably a customer who knew exactly where it was in the shop and grabbed it off the shelves and ran. It was as simple as that; it is not uncommon. Depending on what sort of manufacturing system the drug addict has for

manufacturing the particular brand of drug they want to use, they grab different medications off the shelf. I think it was the member for Balcatta who mentioned that Queensland had a web-based registration system for purchasers of medication. That is something that some pharmacists have been advocating for in this state, but unfortunately because of so-called privacy issues, it has not been done. I believe that that would be a tremendous step forward because the issue at the moment is that to buy, say, Sudafed a person needs to show their driver's licence, the details of which are written down somewhere, and at the end of the month those details are sent to, I think, the Department of Health, or wherever they go. However, people can buy Sudafed from 17 different pharmacies in the space of a day and then go ahead and do their manufacturing. By the time it is realised that this one person has done all that, they have probably moved on to another address anyway. It is very, very difficult to track them down. If we had a web-based system, it would be far superior and would prevent or at least reduce the number of people in a legal way, without breaking in, getting hold of those medications.

Dr J.M. Woollard: Member, I believe some pharmacies have a web-based program run amongst their pharmacies and so we just need to extend it; I know it happens. When I went to get these drugs for the chamber for this presentation, they told me that I had bought a packet of Codral in 2009. They checked that and they could see that I had bought it elsewhere in the area.

Mr P. ABETZ: That is interesting. I will have to chase that up with my daughter.

The other issue I take the opportunity to draw to the attention of the house is that although this legislation certainly addresses the important issue of clandestine labs, the member for Warnbro raised the issue of treatment for drug addicts, particularly in prison. One of the interesting things is that Dr George O'Neil has sought to provide naltrexone implants for prisoners but unfortunately that treatment is not available. Part of the reason that it is not available is that the commonwealth government, under the watch of Nicola Roxon, as Minister for Health, has made it much more difficult to work with naltrexone implants. In fact, Professor Gary Hulse from the University of Western Australia, an addictions specialist who has done a lot of clinical trials with naltrexone implants, presented a paper at the Fresh Start conference that I attended at UWA, last month or the month before, and he documented how there has been interference by the National Medical Health and Research Council in the ability of Dr O'Neil to make available his naltrexone implants. Although naltrexone implants are not registered at this time with the Therapeutic Goods Administration, they are available under the special access scheme. The special access scheme allows them to be available if the medication reduces the risk of premature death. There is no question that naltrexone implants have a massive impact on reducing the deaths of people addicted to opioids.

Mr P. Papalia: Would you approach the current Minister for Corrective Services and ask that he allow George's program to be given to prisoners who are nearing the end of their sentences, with a view to having them be supported as they leave?

Mr P. ABETZ: I believe that would be a very valuable step because I have had people who have been imprisoned and released tell me that they used their time in prison to become drug-free and yet the parole board required them, as a condition of parole, to get onto the methadone program. Methadone is harder to get off than heroin. It is absolutely absurd; it is an amazing situation. These guys, if they did not meet the condition of taking their methadone, would lose their parole, but once they had finished that parole time they could have gone to George O'Neil, got a naltrexone implant and got on with their lives. I certainly think a naltrexone implant is a much better way to go. But unfortunately, the drug legalising brigade, which is very strong in Sydney with Dr Alex Wodak as doyen, is very powerful and very influential. It had a literature review posted on the NHMRC website that did not go through the normal procedures of a literature review, and now it has been posted in the guidelines section. It has not gone through any of the consultative processes and when questions are asked of the CEO of the National Health and Medical Research Council about who wrote this, all of a sudden the scientists want to be anonymous. Scientists want their names out there—it is a case of publish or perish—because it builds their credibility, but all of a sudden nobody wants to own up to who put this document together. It is in the guidelines section and actually states that naltrexone implants should not be used under the special access scheme anymore, which has resulted in the naltrexone clinic in Melbourne being closed. That has led to people from Melbourne flying to Perth and putting extra pressure on the clinic here. That is totally unacceptable, and I am still awaiting a reply from the CEO of the National Health and Medical Research Council. I know that other people have also asked questions about this.

We need to recognise that the Misuse of Drugs Amendment Bill 2011 is part of the government's overall strategy for dealing with drugs. I certainly believe that it is a very valuable contribution to dealing with drugs. It is not a panacea; it will not solve all the problems. However, as I mentioned earlier—I will conclude with this—the government's 25 per cent increase in funding for the non-government sector has meant that most of the drug rehabilitation groups have had a 25 per cent increase in funding, which will hopefully enable them to expand their services and continue their good work. Let us be very clear that if the places that run the rehab facilities, such as Teen Challenge, Cyrenian House and the Salvation Army, can help people get off drugs with the small amount of money that we provide, that is so much more effective for the community than eventually having to lock people up. There is no question about that. It costs about \$25 000 for a person to go through Teen

Challenge's one-year program in Esperance and I think it costs about \$100 000 to have someone in prison for a year. Therefore, we need to divert people and provide help when they are ready for that help so that we can reduce this drug problem. I support the bill and I believe that the increased penalties, particularly for offences when children are present, are very, very appropriate.

MS L.L. BAKER (Maylands) [4.02 pm]: This is an opportunity for me to comment on the work of the Education and Health Standing Committee, of which I am a member, and to refer specifically to two reports that we have produced over the past 12 to 18 months. As a new member of Parliament, one of the great joys has been to understand that committees offer so many opportunities to learn about particular subjects. It has been quite a remarkable learning curve for me and I am sure for some of my colleagues too, particularly the reports on illicit drugs and alcohol and the report on illicit drug use in the Kimberley. These reports provided a great insight into and bear direct relevance on the changes proposed in the Misuse of Drugs Amendment Bill 2011.

I will start by echoing the concerns I have heard expressed by many members from both sides of the house that the most important aspects of dealing with illicit drug use is to prevent the causes that drive people to use illicit drugs and to find alternative ways of dealing with drug addiction. There is absolutely no doubt in my mind, and I am sure there is none in my parliamentary colleagues' minds, that this legislation clearly attempts to sheet home the message very strongly to people who are involved in the production of illicit drugs that it is simply not acceptable to have children anywhere near these clandestine laboratories. My concern is that this legislation draws the conclusion that by increasing penalties we will necessarily get that outcome. Clearly, we are talking about people who are involved in illicit drug production either as an economic pursuit or for their own personal drug use. We have debated that and a little earlier this afternoon we heard that the Commissioner of Police has said that most of these labs are for personal, private production and use. I am not at all clear from any of the research that we have been privy to that mandatory sentencing will have the necessary outcome that is sought; that is, increasing the criminal punishment in this instance will lead to people being less inclined to have children around when —

Mr R.F. Johnson: What about harming a child? You're all on about keeping people out of jail —

Ms L.L. BAKER: The minister was not listening; I mentioned that no-one in this house disputes the fact for a second that —

Several members interjected.

The ACTING SPEAKER (Mr A.P. O'Gorman): Members, only one person has the call; there is no opportunity for other members to have discussions across the chamber. The member for Maylands is the only voice I wish to hear at the moment.

Ms L.L. BAKER: As I said earlier—if members had been listening—no-one in this house disputes that children should not be involved in or be around these kinds of pursuits. My point is that it is absolutely unclear to me how these mandatory provisions to jail people for having children on the premises will have a net decreasing effect on the crime of illicit drug production. Some people who produce drugs are clearly economically driven; therefore, I question whether they really care about who is around their house, particularly if they are other people's children, at the time. Are they going to cringe in fear at the thought of a mandatory sentence? I am not sure that I have seen anything in the research and information presented to my committee over the past 18 months that would make me think that sentencing someone to jail will necessarily make them more concerned about whether a child is present when they undertake illicit activities. That is my concern.

I refer to the inquiry that my committee was involved in that dealt with the issue of illicit drug use in the Kimberley. It was very clear to all committee members that co-morbidity is the biggest issue that must be dealt with—that is, the combination of illicit drugs, licit drugs and alcohol. A combination of one, two or three of those factors can be fatal. I think that when we talk about drug use in the community, the huge missing area in this debate is the biggest drug in our community—namely, the abuse of alcohol, which of course is a legal drug. It was interesting to read in the minister's media release on this issue and, indeed, in the bill that it is about requiring mandatory jail sentences for drug offences. I understand that "drug offences" is sort of a populist term and probably a legal term that automatically means "illicit drug offences". It is not clear, again, why the government would not use the term "tough new illicit drug laws", because we are not dealing with alcohol or pseudoephedrine or the other drugs that many members of this house referred to this afternoon as matters of concern to them.

The big issue is: where is the government's equal commitment to prevention and education? I heard mention of the government releasing funding to non-government organisations. Again, I applaud the government for that funding release. However, when the cannabis intervention program and the cannabis interventions were being debated in this house earlier this year, the non-government sector made a great deal of contact with me personally to say that the funding being provided to implement the cannabis intervention program would in no way meet the demand. The reality for these NGOs was that they already had their hands full trying to deal with

offenders who were being released and who needed to go into programs, and they were doing that without additional funds. I am not at all convinced that any additional effort is being put in by this government to make sure that the non-government organisations on the ground have the capacity to deliver the interventions that might help stop people continuing on or, indeed, starting down the path to drug addiction.

The three big As of alcohol are availability, affordability and advertising, and it would be remiss of me to not mention that availability, affordability and advertising issues are very close to my heart in my electorate at the moment. We have seen the emergence of enormous destination liquor outlets that are applying for licences to open new premises. As recently as last week, the Liquor Commission knocked back the application of the Woolworths liquor chain, Dan Murphy's, for a destination retail liquor outlet that would have been about 1 200 square metres in size. It was knocked back on the grounds that there was no proven demand for it.

One of the great concerns that has priority over many of this government's attempts to stem the spread of drugs and alcohol is that we are not spending enough time looking at the kind of legislative reform that needs to take place. I am speaking in particular about the balancing act that seems to be failing in the objects of the Liquor Act. It is not at all clear how public interest can be balanced against the industry's interests. These applications for destination liquor outlets are being referred to the Liquor Commission for hearings because it is simply not clear in the legislation, and it should be; it should be an issue of priority for this government to sort out. At the moment I am waiting for a new hearing date to be set for a Coles First Choice liquor store application in my electorate. The planning approval has lapsed, but it is to be 1 200 square metres in size, with a turnover of \$7.5 million in the first 12 months. The site is within half a kilometre of a number of Aboriginal hostels that every day treat people for renal dialysis, alcohol-related diseases and other dreadful illnesses. People are brought in from the country for treatment, and this huge destination liquor retail outlet is proposed to be built within 500 metres of one of those hostels, and within one kilometre of three of them. With 15 liquor outlets already within a one square kilometre radius of where this destination outlet is to be built, my community regards it as an unacceptable proposal.

These are the kinds of things that relate back to the issues of availability, affordability and advertising for this drug that is endemic in our society. I started this discussion by acknowledging the fact that everyone in this house sees the need to protect children from these destructive environments. I end this discussion by saying that I am not convinced that slapping mandatory sentences on people will necessarily protect children.

MR M.P. WHITELEY (Bassendean) [4.13 pm]: I will pick up on a point that was made by the previous speaker, the member for Maylands; that is, the title of this bill, the Misuse of Drugs Amendment Bill, really does not accurately describe what the bill deals with. The title should really be the "Misuse of Illicit Drugs Amendment Bill", because we have a huge problem with the abuse of licit drugs and licitly obtained drugs that are illegally diverted. The member for Maylands spoke about the problems of alcohol abuse, and we are all familiar with that. Some work was done by the Education and Health Standing Committee on the problems of alcohol abuse, but we have an enormous and growing problem with the abuse of prescription drugs.

I have spoken at length on this issue and published detailed information on my website about the history of the problem of the abuse of dexamphetamine in Western Australia, and I do not intend to go back over that again in detail, but I will just highlight what we should learn from that. When we had a massive downturn in child prescribing rates of dexamphetamine, we had a massive downturn in the abuse rates of amphetamines by teenagers. Because we stopped giving kids amphetamines, they stopped getting a government-subsidised supply of amphetamines. We dried up the market and prevented kids from using amphetamines. When there was a massive decline in prescribing rates in the order of 60 to 70 per cent—I will not go through the details again—we saw a greater than 50 per cent decrease in the rate of amphetamine abuse by teenagers. That did not cost money; it required a bit of intellect. It required a realisation, in some ways, of the blindingly obvious: if we give away free abusable drugs to children, we will have a problem with drug abuse.

We have a growing problem, and not just with amphetamines. I obviously know much more about the problem of dexamphetamine abuse and the growing problem of methylphenidate, or Ritalin, abuse because I have made the issue of ADHD a centrepiece of my parliamentary work. However, what I say is equally applicable to other prescription drugs. A range of prescription drugs are being abused, and the frustration, from my perspective, is that the solution is so simple. This has been identified by people like me and Lenette Mullen, who was the WA branch president of the Pharmacy Guild of Australia. We need to have pharmacists with a central database that actually collects information about who has been prescribed what drugs, and when they have been dispensed, so that we can actually stop the problem of the diversion of prescription drugs. That would address the problem of doctor shopping, indirectly, because the collection point for dispensed drugs would be cut off. This is something that is absolutely missing from this debate, and it is so disappointing to see the debate being driven by someone like the Minister for Police. I feel sympathy for him at the moment, because he is obviously doing a job in which he is way out of his depth; he has been promoted way beyond his abilities and he is being humiliated publicly. That is very sad for him personally, but it is even sadder for the people of Western Australia, because we actually need people who are bright enough to grasp these issues. I had hoped that the Deputy Premier would be

in the chamber, because I know this is going to go floating over the head of the Minister for Police and that he will not get any of this stuff, but the Deputy Premier has the intellect to understand; there are some other members in the chamber who might comprehend what I am on about.

Dr J.M. Woollard: I don't know if you saw the article in *The West Australian* in June, but it talked about pseudoephedrine and it said that the US introduced a regime in 2003 in which pseudoephedrine was only available by prescription, and after the legislation was introduced, the number of illicit drug laboratories dropped from 473 in 2003 to 21 in 2008.

Mr M.P. WHITELY: That is the sort of information that is useful to this debate.

Dr J.M. Woollard: It's very useful, and that's why we have to look at prevention first, so we can stop those drugs being made in the community and then passed on to children.

Mr M.P. WHITELY: There are even other products that are actually usable in the form that that they are prescribed in; drugs like Stilnox have a high potential for abuse, as do other drugs, and I am going to talk about that in a little more detail in a moment. We need a greater in-depth debate along the lines of bringing in facts as the member for Alfred Cove has just drawn in. However, there is a very simple solution for stopping the problem of the illicit use of licitly prescribed drugs, and that is by using pharmacists as a central control point—by having a computer database through which pharmacists' computers can all talk to each other. They would know how much has been dispensed. If a person got a six-month supply of a certain drug from a pharmacy 50 kilometres down the road three weeks ago, they cannot get another supply today. It is really simple to do. It requires some cooperation from the federal government and it requires some cooperation from the state government, but it would be relatively inexpensive and it would go a long way to end the problem of prescription drug abuse.

The problem with criminalising and putting penalties on drugs such as cannabis is the potential to divert people from them to what they consider a legally safer—by “legally safer” I mean safer from legal prosecution—form of drug abuse, and that may encourage them to use other drugs that are in fact more dangerous to use. That is how prescription drugs fit that category, because it is quite easy to get a prescription drug. If someone is caught with prescription drugs on their person, it is a lot easier to make a plausible excuse as to why they are carrying those prescription drugs than it is with illicit drugs. If someone is caught with cannabis in their possession, they are obviously doing something that is against the law. If someone is caught with licitly prescribed but illicitly used drugs on their person that they are abusing, it is much easier to explain them away. Even if they are not prescribed to that person, they may say that they are carrying them for a friend or delivering them to a friend and it therefore gives legal protection to the people abusing those drugs. The statistics indicate that the abuse of cannabis is almost mainstream behaviour. I am not condoning the use of cannabis; it is a concern and it does have mental health impacts, but criminalising that behaviour is inviting people to take less legally risky approaches with often more dangerous drugs than cannabis.

We therefore need to take a more intelligent approach to the problem of drug abuse. We need to recognise that certain incentives push people towards the illicit use of prescription medications. Not only do they have that legal protection—in other words, a legal excuse for having the drugs in their possession—but also they have a subsidised source because these drugs are typically subsidised via the pharmaceutical benefits scheme. Be it dexamphetamine, Stilnox or any other legally prescribed drug, including opioids, they are funded through the PBS, and an incredible amount of diversion goes on.

I will return to talk about dexamphetamine and attention deficit hyperactivity disorder drugs because I know so much about them. The “2005 Australian Secondary School Students' Alcohol and Drug Survey” of 12 to 17-year-old high school children found that 47 per cent of those who had used ADHD drugs—just under half—had never been diagnosed with ADHD. They had actually diverted and used ADHD drugs. Almost half the people in the 12 to 17 years age group who had taken those drugs did not actually have a diagnosis. That even understates it, because some kids who were diagnosed were actually abusing their own medication. The exact number is not available, but certainly more than half the kids in that 12 to 17 years age group who had taken ADHD medications—that is, a form of amphetamine; either the amphetamine dexamphetamine or the near amphetamine Ritalin—were not taking them for ADHD. We therefore have a huge problem here, and it is not just with ADHD drugs.

Over two years ago I was approached by a constituent—although not a constituent of my electorate—who had concerns about prescription drug abuse in their own family. The person approached me back in 2008 and provided me with evidence of prescription drug abuse, notably dexamphetamine and Stilnox in great numbers. Family members had been going around from pharmacist to pharmacist day after day getting scripts filled and then abusing the drugs. This particular case got some publicity early this year when a de-identified article on the case was published in *The West Australian*. I will not mention the names. The article referred to a video of a mother who was high on a range of prescription drugs. I have seen the video. It was described in *The West* and it referred to a little baby having been found neglected on the floor of the home. The father had come home from work, mum was sitting on the bed as high as a kite and the baby was asleep in a mess of a house along with stuff

strewn on the floor. The kid was suffering from severe neglect because mum had a prescription drug problem. That constituent, who does not live in my electorate but came to me because of my advocacy in the area, first approached me in 2008. We tried to get something done about the problem, and I must say even at that time I could not get any media to buy into the case. The constituent warned that this problem was a disaster in waiting. He was right. It turned out that another family member—I will not name names—tragically died of prescription drug abuse.

I have a letter with me from the State Coroner in response to a letter I wrote to the coroner about the death of this particular individual, who died just over a year ago, in September 2010. The constituent detailed his concerns to me in a letter, highlighting the fact that he had not been able to get any attention paid to the issue. I forwarded his letter to the coroner as part of the information process by which the coroner came to a determination. I will read some excerpts from the letter but I will not identify the person concerned. The constituent identified in his letter that he thought Stilnox might have been the problem. He was aware that the individual had a particular problem with the abuse of Stilnox and also with the abuse of dexamphetamine. I will read a few paragraphs of the letter of 15 August from the coroner to my constituent that was sent to him via me. The coroner states —

For your information the stillnox tablets were not a significant contributing factor in the death. Methadone was found at fatal levels and promethazine was found at toxic levels. Promethazine is a sedating antihistamine, commonly found in medications such as fenurgen.

This woman, therefore, died from having a fatal dose of methadone in her system. The coroner elsewhere in the letter states —

I do propose to forward a copy of your letter to WA Police as I understand that there is a current investigation into inappropriate prescription of medications to addicted persons.

The letter goes on —

For your information the investigation obtained a comprehensive letter from ...

The deceased's —

general practitioner in Geraldton who advised that he was alert to the fact that she was addicted to over the counter codeine preparations when he first began treating her. She was also dependent on diazepam (valium) and zolpidem (stillnox).

The letter refers to the doctor's response and that the deceased —

... was put on the methadone program with a view to harm reduction and efforts were made to limit her access to drugs through her pharmacy.

In other words, she was put on a methadone program to deal with her problem of prescription drug abuse, and it was methadone that killed her! This shows just how out of control this problem is.

Let me recap the history I have just given. Over two years ago this person comes to me and goes to a whole bunch of other people trying to get some attention paid to this issue of prescription drug abuse. I do the best that I can for him but we run up against brick walls because people will not take this problem seriously. I do not hear from him for about 18 months and he comes back and says that there has been a death in the family. Prescription drug abuse is widespread within the family. Kids have suffered through the loss of parents and through neglect from this prescription drug abuse. The system responds by putting this person on a methadone program. It is recognised by the general practitioner that this person has a prescription drug abuse problem and is put on a methadone program. There are insufficient controls in place to save the person's life and they go on to abuse methadone. As the coroner's letter said —

Methadone was found at fatal levels and promethazine was found at toxic levels.

It just shows how out of control this problem is. When we reduce the debate to “We're tougher than you on drugs; you were soft on cannabis”, it does an enormous disservice to the people of Western Australia. The problems of drug abuse are complex and they require intellect. They require a bipartisan approach. They require us to use our combined intellect to actually make things better. We hear, “We're tougher than you; you could grow two plants”, despite the fact that the evidence is that those reforms were associated—whether they caused it or whether they were just associated with it, we do not know—with a fall in cannabis abuse. Cannabis is harmful—I acknowledge that—but it is probably not as dangerous as amphetamines and many other prescription drugs.

[Member's time extended.]

Mr M.P. WHITELY: If we push down on cannabis, we may push people towards another sphere. People have this thirst to abuse drugs. If we push them towards a safer, cheaper option—when I say “safer”, I mean safer in terms of legally safer; less likely to be prosecuted and less likely to face jail time because a plausible excuse for

possession of these drugs can be found—and we push them towards a government-subsidised form of drug abuse via the pharmaceutical benefits scheme, that is where they will go. The economics and the legal risk will drive them towards that. We need to have a far more informed debate.

I think the first time I said this was in about 2006: in effect, the federal government—it was a conservative federal government at that time, and it is equally valid of the current federal government—is a major sponsor of illicit drug abuse in Australia. It sponsors these drugs through the pharmaceutical benefits scheme —

Mr P. Abetz interjected.

Mr M.P. WHITELY: All of them—a whole range of prescription drugs are abused; and it sponsors them. I understand it requires a degree of cooperation between the state and federal governments, but they will not collectively take a step that is really quite easy to take; that is, to use the pharmacist as the clearing house, as the bottleneck by which we can control the rate at which these drugs are dispensed. If people cannot get their scripts filled because they were filled the other day—except perhaps through identity fraud, if that is the only way a person can get around it—and if we make it a lot harder for people to do it, it will not stop “doctor shopping” but it will not allow scripts to be filled. It is really simple. People do not seem to grasp it and do not seem to want to do anything about it.

It is really tragic that when we come in here to debate serious issues such as problems with drug abuse, we get dross, frankly. We get a dumbing down of the debate to, “I’m tougher on drugs than you are.” It is a great disservice to young people and it is a great disservice to potential drug abusers. It is a great disservice to the constituent who came and saw me with these concerns a couple of years ago, who could not be taken seriously, and now there has been a death in the family. What rammed home to me just how out of control this is, is that this person died from the prescription of a drug that was supposed to save her life. In other words, she died abusing a drug that was supposed to prevent prescription drug abuse. If that does not highlight how absurd this situation is, I do not know what does. I have previously got up and said it, and as long I have a voice in this chamber I will continue to say these sorts of things. Sometimes the simplest things that do not cost a lot of money are actually the most effective. In 2003 when we took away block authorisation for dexamphetamine prescriptions, it effectively led to a halving of the rate of amphetamine abuse amongst kids. I have spoken about this at length, and I have also written about it in my blog. If members want to google “Perth’s Dexamphetamine Hangover”, they can read about a generation of 20 and early 30-somethings who have an amphetamine abuse problem. The information is there. It is time that people took it seriously. I wish that one of the heavy hitters from the government was in here. I think the Minister for Health has the capability to understand the sorts of issues I am talking about, and perhaps could be a driver of this, or the Premier. Unfortunately, I am saddled with the Minister for Police! I know it will not go anywhere because it is beyond his wit and wisdom. If that sounds elitist, I think we actually should have people in here with sufficient intellect to carry these sorts of debates. If that is cruel, so be it.

Nonetheless, one last plea—no, it is not; it will not be a last plea because I will keep pleading for as long as I have a breath—we need an intelligent debate about drug abuse. We need to understand the complexities of the issues. What scares me about this tough-on-drugs and tough-on-cannabis approach is that if we push people, we will make them go somewhere else. It is much easier and cheaper, and legally much safer, to abuse prescription drugs. Nothing could demonstrate that problem more, of how out of control the system is, than the death of an individual from the abuse of a prescription drug that is prescribed to prevent abuse of other prescription drugs. If this death is to have any meaning and lead to systemic changes, it is up to all of us to lift the quality of the debate, frankly, and address the real problems of drug abuse in our society.

MR R.F. JOHNSON (Hillarys — Minister for Police) [4.36 pm] — in reply: I have just witnessed nothing but a torrent of abuse and the typical insults I get from members opposite, particularly the member for Bassendean. He has never said a good word about hardly anybody on this side of the house, particularly me. I take offence at a lot of the comments he makes. I would not say those things to somebody like him. But, nevertheless, when one is a minister one has to take abuse, vitriol, insulting remarks and all the rest of it.

Apart from the last speaker, there were some genuine requests for information on statistics and the number of clandestine laboratories that organised crime organisations are or are not involved in. There is quite a lot of detail that members want to know. I would like to do justice to the comments, particularly of the member for Girrawheen, who has a genuine interest in this area. I actually respect her knowledge in this area; there is no question about that. I will look very seriously at her proposed amendments. To be able to do justice to that information, I sent my advisers home, because, once I realised what was going on, there was no point in them remaining here. They will read *Hansard*; they will advise me properly. I would like to bring in the information that members are seeking.

[Leave granted for the minister’s speech to be continued at a later stage.]

Debate thus adjourned.

CAT BILL 2011*Second Reading*

Resumed from 7 September.

MR B.S. WYATT (Victoria Park) [4.38 pm]: I rise to make some comments on the Cat Bill. As the Minister for Local Government stated in his second reading speech, what we are trying to achieve with the Cat Bill 2011 are certainly intentions that the opposition supports. I do not think there is any doubt that the regulation of cats is a necessity. The minister, in the second paragraph of his second reading speech, sets out the reasons we need a system of regulation in Western Australia. He made the point that approximately 5 000 cats are euthanased in Western Australia each year. From some of the comments made by other members, it may be that those figures are actually considerably higher.

I want to start by reading part of an email that I received from a constituent that highlights his and his wife's frustration with the unregulated system in which we now operate —

Our life has been made a misery over nearly 40 years with stray, wild, and people letting their cats out at night, etc. Fighting in the vacant block next to us, under our bedroom window, killing bird life we try and attract to our garden and fouling our garden & house ... are a common occurrence. We became so desperate several years ago that we set a Cat Trap (from the Cat Society) & caught at least three wild/straycats; one with an abscess the size of a teacup on its head. We gave the Society a donation to have the cat put down humanly. The people at the Cat Society said that the cat must have been suffering terribly for many, many months.

That email sets out some of the frustration of my constituents. I have not had many emails; I have had only a couple of emails or contacts about the Cat Bill. On the one hand, we have people who are frustrated with wild cats and, on the other hand, we have the impact that wild cats may have on wildlife. Many arguments have been raised about how we humanely deal with cats that are ultimately euthanased.

The minister's bill has a number of components, but it particularly provides for sterilisation, registration and microchipping. The minister made the point in his second reading speech that, effectively, the legislation is trying to get some consistency and, perhaps, create a regime similar to the Dog Act. I dare say it is more onerous than the Dog Act. Indeed, some members have made the point that it is a comparison with the Dog Act. It is important to note that the government has already been quite critical of the Dog Act. The government has said that it does not think the Dog Act is a terribly efficient way to manage dogs in Western Australia. The government has been very critical of the regulation contained in the Dog Act having a weighing impact on our overall economy. Certainly the shadow Minister for Local Government, the member for Wambro, raised this point. He said that we all agree that cats have to be regulated; nobody disputes that. During consideration in detail, the opposition will ask the minister a number of questions about whether this particular regime that he is establishing is too onerous, whether it goes far enough in other areas and why some areas are included.

The minister would have heard the shadow Minister for Local Government make the point—the member for Forrestfield made a similar point—that we will have microchipping, so why will we also have a tagging process involving local government? That very question was considered by that very impressive organisation of some time ago, but which we no doubt all recall—the Red Tape Reduction Group. The Red Tape Reduction Group had the pleasure of the member for Scarborough and Hon Ken Baston travelling all over the state to examine areas of red tape within which to free up our apparently highly constrained economy, so that we could all go about living better lives and conducting business better. When we look through the recommendations in “Reducing the Burden: Report of the Red Tape Reduction Group”, we see that the recommendations, incredibly enough, were specific to the Dog Act. The group specifically looked at the Dog Act as a piece of legislation that was putting unfair and unwarranted weight on the operation of the Western Australian economy. The group made two recommendations specific to the Dog Act. Recommendation 15.7 —

Legislate to introduce the option of lifetime dog registration.

That is, pay the fee —

Ms L.L. Baker: Such as microchipping.

Mr B.S. WYATT: I thank the member for Maylands; I will come back to that in a minute. Recommendation 15.8 relates to the maintenance of a dog register. Much has already been said about the maintenance of a dog register. I will question the minister on this issue in consideration in detail. After all the minister's merges that did and did not happen, I have forgotten how many local government authorities there are. How many do we have now?

Mr G.M. Castrilli: We have 138.

Mr B.S. WYATT: That means we will end up with 138 different systems to manage cats. The Red Tape Reduction Group highlighted that as a terribly inefficient way to manage dogs. Recommendation 15.8 of the Red

Tape Reduction Group's report, "Reducing the Burden", prioritised centralised dog registrations. That clearly makes the point that having nearly 140 different systems on which to register dogs is not an efficient system. In fact, the Red Tape Reduction Group went on to state that by centralising dog registrations —

... this recommendation has the potential to result in increased efficiency to the local government sector and a potential saving of \$151 000.

That is not a huge amount of money, I guess, when we are talking about the entire Western Australian economy. Bear in mind that the Red Tape Reduction Group found only \$44 million in savings. The member for Cannington already made the point that \$44 million is effectively the margin of error. However, this was something on which the taxpayer spent a fair amount of money and it is worth considering what the Red Tape Reduction Group found when it came to the Dog Act, bearing in mind that many members and the minister have said that we will model the Cat Bill on what occurs under the Dog Act. Our eminent members on the Red Tape Reduction Group even quoted in the report a representative from the Shire of Serpentine–Jarrahdale on lifetime registration as saying —

"It would easier if we just had to register a dog once. It should be up to the owner to inform [local governments] if their details change."

The member for Maylands made that point that the cost of microchipping is a one-off payment. It is paid once and that is the end of the story. I took the trouble of calling a friend of mine who is a vet and we had a discussion about the Dog Act and the Cat Bill and various bits and pieces, because I did not understand it all. The minister will be pleased to know that, as a vet, my friend is supportive of the Cat Bill. He told me that a microchip is the size of a grain of rice, which I did not know. He also made the point that there is a \$65 fee for the lifetime of the cat and that includes the microchip. The information about the owner is then on a database. Apparently, two companies in the east maintain these databases, but for all intents and purposes they share the information so that there is, effectively, one database. It costs \$65 for the lifetime of the cat. All the information that I assume the minister wants in the local government databases is in the microchips.

I dare say the minister will make some comments on enforcement. Ultimately, the minister wants enforcement to be at the local government level. No doubt, the minister will make some arguments to that effect. The media release, going back now to January 2009, that led to the Red Tape Reduction Group was put out by the then Treasurer, the member for Vasse. He made the point that he not only established the Red Tape Reduction Group, but also introduced "a best practice system of screening and amending registration overseen by a regulatory gate-keeping unit within DTF". The then Treasurer said that he was "acting resolutely to correct the state's performance in regulation".

I know that the minister is deep in conversation with someone other than me, but he is keenly listening. I FOI-ed where we are with the regulatory gatekeeping unit and the process we go through with new legislation. The minister's second reading speech made the point that the elements of the bill were prepared as part of the regulatory impact assessment process. Under FOI, I was fortunate enough to receive the notes and overheads of the former Department of Treasury and Finance when it went about educating government departments on what the regulatory gatekeeping unit does and on the regulatory impact assessment process. The process is a two-tiered system, Mr Acting Speaker (Mr A.P. O'Gorman), I know you will be delighted to know. Initially, there is a preliminary impact assessment, which must be undertaken for all regulatory proposals, and no doubt the minister was keen to get a PIA done for the Cat Bill. However, if the PIA makes the assessment that the proposed regulations in the bill will have a significant negative impact, another assessment is done—the regulatory impact statement process. That is a much more significant process. The Department of Treasury went on to state —

Once a RIS —

That is, the regulatory impact statement process —

has been triggered, an economy wide assessment of the proposal is conducted—which includes examination of social and environmental impacts if they occur.

The question is: did the PIA throw up the fact that there would be a significant negative impact? No doubt the minister can answer that in his response to the second reading debate, or it is a matter we can pursue during consideration in detail. However, the Department of Treasury did state —

If the regulatory proposal **substantially alters or limits the way the activities of a business are undertaken**, then a significant impact may exist.

As the minister said in his second reading speech, this bill, the Cat Bill, is a major initiative in this state. We know that. It is a significant initiative in this state, so I dare say that the PIA process triggered the fact that this bill will substantially alter the way activities are undertaken. Further, are there any new compliance burdens that would result if the proposed measure was introduced? I do not think there is any doubt that the legislation that

the minister has introduced, the Cat Bill, will create a significant negative impact on the way in which those businesses that breed and sell cats, or pet shops, currently operate. No doubt the RIS process was triggered, and I look forward to the minister making some comments about that in his reply.

Further, I would like the minister to enlighten the Parliament, either in his reply or during consideration in detail, on another matter. The Department of Treasury went on to make the point that businesses may be affected. Clearly, in this situation, businesses will be impacted on by the Cat Bill; therefore, the minister must consult with the Small Business Development Corporation. I am sure that the Minister for Local Government will be very keen to honour what the then Treasurer said was a commitment to act resolutely to correct the state's performance in respect of regulation. No doubt he spoke with the Small Business Development Corporation to see exactly what impact this bill will have on the small business sector. We know that the Red Tape Reduction Group in its "Reducing the Burden" report said that the Dog Act is inefficient and that with the two recommendations that it identified, over \$200 000 could be saved in efficiencies. Yet the Cat Bill is replicating the Dog Act and creating another set of inefficiencies, in the government's own words. The minister may convince us that these inefficiencies are needed to achieve the desired aim of regulating cats and cat ownership in Western Australia. Maybe he will; and, if so, so be it, because again I want to make the point that the opposition agrees with the minister that we need to regulate cats and cat ownership.

I will not go through the bill clause by clause—we have consideration in detail for that—but I want to highlight a couple of questions. Again, whether the minister answers them in his second reading reply or in consideration in detail does not really concern me at the moment. However, I note that clause 6 is headed "Cats to wear tags". I come from a family that has owned cats. We have owned cats for most of my life, except perhaps for the last few years, and every time I have tried to get a collar on a cat, it has been terribly difficult, minister. Cats are notorious collar wearers, from memory, and I put that to that friend of mine who is a vet, and he made exactly the same point. Cats will do all they can to get rid of their collars, so it suggests to me that perhaps this clause has been drafted by a dog lover and not a cat lover. Otherwise, why would we require a cat to wear a collar, bearing in mind that if that cat is picked up by the local ranger without a collar, and the microchip says, "This cat is owned by Paul Papalia", Paul Papalia is guilty unless under clause 6(3) he can prove a number of things—that it was somebody else's fault that the cat had no collar; that it was an accident that the cat had no collar; or some other cause beyond the accused's control. If a fictional Paul Papalia cannot prove why his cat was not wearing a collar, even though his cat is microchipped and identified, he will have to wear a fine of \$5 000. I am curious as to why we have a situation in which a cat that must be microchipped also has to have a tag that is effectively worn as a collar.

[Member's time extended.]

Mr B.S. WYATT: One other question has intrigued me. In regard to registration, microchipping and sterilisation, the bill mentions six months of age. Clause 5(1) states —

The owner of a cat that has reached 6 months of age must ensure that the cat is registered —

Or sterilised or microchipped —

with the local government in whose district the cat is ordinarily kept.

I am curious about this. I understand that when a person's kitten hits six months of age, that person is required to register that cat. But what if the Town of Victoria Park, my local government authority, resents the fact that it now has to go about registering cats—I am not saying that it will; this is a hypothetical situation—and it says, "Right. We will comply with the legislation, but you've got until the cat is 20 years old to register it"? That is what I am curious about. I understand that once the cat is six months old it has to be registered, but there is no time frame within which that cat must be registered. The Town of Victoria Park may say, "Well, once it's six months old you've got to register it, but you've got until the cat is 20 years old to register it." Therefore, one cat and, I dare say, 10 000 or 20 000 others will come across the books as having to be registered. If the minister could guide me to where in the bill there is a time frame within which a cat has to be registered once it hits six months, I would appreciate it.

I want to raise two other issues before I sit down. The first is cat control notices. Under part 3, "Management of cats", clause 25 states —

A local government may give a cat control notice to a person who is the owner of a cat ordinarily kept in its district.

I assume that the purpose of a cat control notice is simply to tell the owner of a cat to obey the law, but it must be borne in mind, I assume—the minister can correct me if I am wrong—that a local government has to go through the cat control notice process before it goes about seizing the cat. Is it something that must happen before the local government can go about busting down doors and seizing cats or is it simply another process that the local government authority has to try to get people to comply with the law regarding cat control notices?

I will raise one other issue in my second reading contribution, because I know that I can question the minister about this later. Clause 54 deals with warrants for entering premises and states —

A justice may issue a warrant authorising an authorised person to enter premises if ...

- (a) there are reasonable grounds for suspecting that there is at the premises anything that may afford evidence of the commission of an offence against this Act;

I will be very interested to hear what sort of evidence the minister expects to be found. Would it be tag removal devices perhaps? I am not exactly sure. We are giving considerable powers to local government to manage cats, and those powers may indeed be necessary. However, I am very keen to hear from the minister about why we have microchipping, plus tagging of cats, and the introduction of the local government authority into the process of cat management.

At the beginning of my contribution, I stated that all members agree that cats must be managed. I read out a constituent's email about the angst he and his wife have experienced as a result of stray cats in their garden and the destruction caused to native wildlife and fowl on their property. I want the minister to answer my questions about the regulatory gatekeeping unit and about the PIA and the RIS, and the process. I want to know whether the PIA said that there would be a significant negative impact and that it would be necessary to go through the RIS and whether the minister considered this impressive report, "Reducing the Burden: Report of the Red Tape Reduction Group", that made the point that the Dog Act is weighing down the Western Australian economy.

Mr J.H.D. Day: It is a serious matter!

Mr B.S. WYATT: That act must be amended! The weight of the Dog Act on the Western Australian economy is so significant that two recommendations of the Red Tape Reduction Group were to amend it, firstly, by centralising the registration of dogs. I wonder whether the minister considered doing that, because what he proposes now with the Cat Bill will add another burden to the Western Australian economy. The member for Scarborough and Hon Ken Baston have both highlighted some of the key findings of the government's own report. After travelling the length and breadth of Western Australia, they found out—they found out!

I also want the minister to tell the house whether local governments will be able to register a cat for life, or will it be a year-by-year proposition? I do not know. Again, minister, this report, "Reducing the Burden", highlighted the fact that lifetime registration would save over \$50 000 a year for the Western Australian economy, which, when combined with central registration, would represent a dramatic saving of more than \$200 000 a year. I am curious: is the government reading its own reports? Is the government serious about red tape at the same time as being serious about the control of cats in Western Australia? I want to conclude by referring to the media release put out by the former Treasurer, the member for Vasse, when, as part of the Red Tape Reduction Group, he outlined the regulatory gatekeeping processes because he was acting resolutely to correct the state's performance in its regulation-making practices. I look forward with some anticipation to the minister's response to the questions about the system he is setting up under the Cat Bill and whether, under the processes identified by the Red Tape Reduction Group, the minister has looked at whether the regulations he has set out are warranted, bearing in mind the findings of the Red Tape Reduction Group.

Debate adjourned, on motion by **Mr R.F. Johnson (Leader of the House)**.

TRUSTEE COMPANIES (COMMONWEALTH REGULATION) AMENDMENT BILL 2010

Returned

Bill returned from the Council with amendments.

ADJOURNMENT OF THE HOUSE

Special

On motion without notice by **Mr R.F. Johnson (Leader of the House)**, resolved —

That the house at its rising adjourn until 2.00 pm Tuesday, 20 September 2011.

House adjourned at 5.03 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

SINO IRON PROJECT — MINISTERS' TOUR

5682. Mr M. McGowan to the Premier

I refer to the Regional Cabinet Meeting held in Karratha over the period 23–25 October 2010 and the tour of the Sino Iron Project organised as part of the Cabinet Meeting, and ask:

- (a) which ministers participated in the helicopter flight to Cape Preston as part of the Sino Iron Project tour?

Mr C.J. BARNETT replied:

- (a) Eight ministers:

Hames
Moore
Constable
O'Brien
Day
McSweeney
Marmion
Dr Jacobs (former minister)

MINISTER FOR PLANNING — NORTH AMERICAN TRAVEL COST

5803. Mr J.N. Hyde to the Minister for Culture and the Arts

In relation to the Minister's brief ministerial statement on 21 June 2011 regarding his travel to North America, I ask:

- (a) the Minister stated that the delegation included himself and three other people. How many Western Australian officers or public servants actually travelled and/or met with the Minister during the travel and what are their positions;
- (b) what was the total cost of the Minister's, his Ministerial advisers, any public servants, agency staff or members or associated personnel's travel;
- (c) were any travel costs for any of the above paid for by non-Government sources; and
- (d) while the brief ministerial statement fails to mention any arts or arts agency personnel travelling with the Minister, the official Ministerial Travel Report mentions that Art Gallery of Western Australia director Stefan Carboni was part of the Ministerial delegation. Could the Minister please list the full delegation?

Mr J.H.D. DAY replied:

- (a) Director General, Department of Planning; Principal Policy Adviser to Minister Day; and Policy Adviser to Minister Day (Department of Planning placement)
- (b) Department of Planning total: \$36,344.79
Ministerial Office total: \$36,919.31
- (c) No
- (d) The Director of the Art Gallery of WA, Dr Stefano Carboni was already in North America on business related to the organisation of the future MOMA exhibition and was not part of the Minister's delegation. Refer to part (a).

PERFORMING ARTS MUSEUM — RECOGNITION BY MINISTER

5805. Mr J.N. Hyde to the Premier

In relation to the visit the Premier had with Queen Elizabeth II, I ask:

- (a) is the Premier aware that the Queen has attested to her enjoyment of the film *The King's Speech*;
- (b) is the Premier aware of the strong Perth connections to the story of Lionel Logue, the Perth thespian and elocutionist who helped the Queen's father deal with his stutter;

- (c) Why has the Premier not ordered the Minister for Culture and the Arts to progress Labor's Bill to recognise the Performing Arts Museum at His Majesty's Theatre in a timely manner so Queen Elizabeth II can be invited to launch the museum during her visit; and
- (d) is the Premier aware that Western Australia's own Performing Arts Museum, curated by Ivan King at His Majesty's Theatre, contains significant memorabilia regarding Logue's time in Perth?

Mr J.H.D. DAY replied:

Department of the Premier and Cabinet advises:

- (a) No
- (b) Yes
- (c) The Government of Western Australia already supports a museum function for the State in the form of the Western Australian Museum. I acknowledge this collection, however it is not the core function of His Majesty's Theatre.
- (d) Yes.

PUBLIC HOUSING — PROPERTIES SOLD SINCE 2008

5811. Mr P.C. Tinley to the Minister for Housing

Since 23 September 2008:

- (a) how many Homeswest properties, including vacant blocks of land, have been disposed of; and
 - (i) what was the value of each property; and
 - (ii) what was the address of each property (if the address cannot be provided, please provide a suburb by suburb breakdown); and
- (b) how many Homeswest properties, have been constructed; and
 - (i) what was the value of each property; and
 - (ii) what was the address of each property (if the address cannot be provided, please provide a suburb by suburb breakdown)?

Mr T.R. BUSWELL replied:

- (a)–(b) Much of the requested information is available via the Department of Housing's Annual Reports and in answers to previous questions on notice (for example questions on notice 5301, 5302 and 5303). Provision of the detailed information sought would require considerable research diverting staff from their normal duties. I am not prepared to divert the significant resources required to provide the requested information.

PUBLIC HOUSING — PERTH ELECTORATE

5813. Mr J.N. Hyde to the Minister for Housing

- (1) How many new Homeswest units or properties are currently being built in the State electorate of Perth; and
 - (a) where are they located; and
 - (b) when will they be ready for occupation?
- (2) How many joint venture properties or units are being built in the State electorate of Perth, for example with Foundation Housing; and
 - (a) where are they located; and
 - (b) when will they be ready for occupation?
- (3) What is the Government's and the Department's current desired optimum percentage mix of public to private housing in the metropolitan area?
- (4) What is the current percentage of public housing in the following suburbs: Highgate, Perth, East Perth, Northbridge, Mt Lawley, Mt Hawthorn, North Perth, West Perth, Glendalough and Leederville?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

- (1) No Public Housing Dwellings are currently under construction in the State Electorate of Perth.
- (2) (a) East Perth, Perth, Northbridge and Leederville.

- (b) Varying times but all are expected to be completed by the end of 2012.
- (3) The Department has a guiding target of maintaining public housing stock levels at around 1 in 9 or 11 per cent in any one location. The percentage of public housing in some locations may be slightly higher than this target and reductions in these locations will occur as part of longer term portfolio management strategies.
- (4) Figures below based on 2006 Census.

Suburb	Percentage
Highgate	18.52%
Perth	4.97%
East Perth	8.83%
Northbridge	18.51%
Mount Lawley	3.38%
Mount Hawthorn	1.48%
North Perth	3.04%
West Perth	5.61%
Glendalough	15.72%
Leederville	4.45%

BOULDER UNITED FRIENDLY SOCIETY BUILDING — DEMOLITION

5815. Mr J.N. Hyde to the Minister for Regional Development

- (1) With reference to the Minister's \$1.35 million pledge to preserve the façade of the historic Boulder United Friendly Society (BUFS) building in Boulder, what will happen to this funding now the building has been demolished?
- (2) Can the Minister provide the expert advice that led to the building being demolished in March; and
- (a) if not, why not?
- (3) If the integrity of the building was past repair following the earthquake and storm, why was the façade not kept or rebuilt with funding as promised?
- (4) Is the Minister aware that many historic buildings in Australia have the facades rebuilt or restored as reminders of our heritage?
- (5) What are the plans for the state-owned land?

Mr B.J. GRYLLS replied:

- (1) The funding is still available within the Royalties for Regions budget and can now be utilised for redevelopment of the site. The release of funding is subject to the City of Kalgoorlie Boulder (City) providing a business plan to the Department of Regional Development and Lands outlining the plan for the site. It is my understanding that the City is currently developing this plan.
- (2) Yes, copies of the advice are available on the Department of Finance, Building Management and Works web site at www.finance.wa.gov.au
- (a) Not applicable.
- (3) In the interests of public safety and to minimise the ongoing disruption to local business, a decision was made for the total demolition of the building
- (4) Yes.
- (5) The Government has agreed to transfer the cleared BUFS site in freehold to the City.

BUREKUP MEAT INDUSTRY PRECINCT — PROPOSAL

5817. Mr M. McGowan to the Minister for Regional Development

I refer to the proposed Burekup Meat Industry Precinct, and ask:

- (a) what consultation was undertaken with local residents prior to the decision to establish a meat industry precinct in this location;
- (b) what environmental studies have been undertaken in relation to this;
- (c) what consultation was undertaken with the alternative communities in relation to this precinct;
- (d) why did the Government select the Burekup site over others;
- (e) what community representation is on the steering committee;

- (f) what guarantees can the Government give that residents of Burekup and the Ferguson Valley will not be impacted by odours from this facility;
- (g) what financial contribution has Doral made to this project; and
- (h) will the Government consider moving this precinct to Capel?

Mr B.J. GRYLLS replied:

- (a) A public meeting was held with members of the Burekup community on 30 September 2010 to provide preliminary information on the concept of establishing an agri-food processing precinct on land owned by the mining company Doral.
- (b) A Technical Due Diligence Study has been completed on the proposed site. The study was commissioned to provide an informed assessment of the risks (fatal flaws) across four broad areas: physical constraint, regulatory-zoning, environmental and social, and Government policy. No fatal flaws were identified. The study was released to the public in June 2011.
- (c) Nil.
- (d) The site was selected as the preferred site for a food processing precinct by the South West Agri-Food Processing Precinct Steering Committee through an advertised Expression of Interest process.
- (e) A community representative has been appointed to the South West Agri-Food Processing Precinct Steering Committee.
- (f) The issue of odour and other emissions will be thoroughly examined during the environmental approvals process.
- (g) Doral has contributed \$6,000.00. This includes \$4,500.00 to develop a draft waste water management plan for the proposed site and \$1,500 for planning workshop expenses.
- (h) No site has been identified in Capel.

YANGET BOARDING HOUSE — REPLACEMENT

5819. Mr M. McGowan to the Minister for Housing

I refer to the former Yanget Boarding House in Bunbury, and ask:

- (a) when will the replacement of Yanget Boarding House commence construction;
- (b) when is the replacement building expected to be completed;
- (c) why has the Government declined to provide the Bunbury Housing Association with the right to manage the replacement service;
- (d) does the Government recognise that the Bunbury Housing Association provides a good service with local control and therefore would be ideally suited to manage the replacement of Yanget Boarding House;
- (e) was Bunbury Housing Association promised the right to manage the replacement of Yanget Boarding House; and
 - (i) if not, what promises were held out to the Bunbury Housing Association?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

- (a) The contract was awarded on 21 July 2011 with expected commencement in September 2011.
- (b) November 2012.
- (c) The Department of Housing advertised an Expression of Interest in 2009 to appoint a preferred regional housing provider for community housing accommodation in the South West region. Bunbury Housing Association was a respondent, however Access Housing Ltd was appointed as preferred provider. Bunbury Housing Association was advised and supported this decision.
- (d) The Department of Housing recognises the services of Bunbury Housing Association in the area. However, the decision to award management of the new building to Access Housing was based on the Department's strategic goal to build the capacity of registered growth providers in the South West enabling them to achieve further growth in the social housing sector. Access Housing is a major growth provider of community housing stock and also has an established presence in the Bunbury area. Senior Department staff have met with Bunbury Housing Association executive and understands that their organisation supported this decision as they were pursuing other accommodation options to manage.

- (e) No
- (f) During the early development period in 2008, the Department did make an undertaking to advertise a specific Expression of Interest for management of this particular facility before completion of construction. However, this was subsequently overtaken by the broader Expression of Interest outlined above.

PREMIER — CONTACT WITH GEOFF PROSSER

5822. Mr M. McGowan to the Premier; Minister for State Development

Other than in a social capacity, has the Premier met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Mr C.J. BARNETT replied:

Office of the Premier advises:

No meeting has taken place between 1 May 2011–7 August 2011 with Hon Geoff Prosser.

DEPUTY PREMIER — CONTACT WITH GEOFF PROSSER

5823. Mr M. McGowan to the Deputy Premier; Minister for Health; Tourism

Other than in a social capacity, has the Deputy Premier met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Dr K.D. HAMES replied:

No.

- (a) Not applicable.

MINISTERS — CONTACT WITH GEOFF PROSSER

5824. Mr M. McGowan to the Minister representing the Minister for Mines and Petroleum; Fisheries; Electoral Affairs

Other than in a social capacity, has the Minister met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Mr W.R. MARMION replied:

Time period 1 May 2011 to 7 August 2011

- (a)–(b) The Minister has met Mr Prosser on a number of occasions at Liberal Party functions.

MINISTERS — CONTACT WITH GEOFF PROSSER

5825. Mr M. McGowan to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

Other than in a social capacity, has the Minister met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Mr B.J. GRYLLES replied:

No.

- (a)–(b) Not applicable.

MINISTERS — CONTACT WITH GEOFF PROSSER

5826. Mr M. McGowan to the Treasurer; Attorney General

Other than in a social capacity, has the Treasurer met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Mr C.C. PORTER replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH GEOFF PROSSER

5828. Mr M. McGowan to the Minister representing the Minister for Finance; Commerce; Small Business

Other than in a social capacity, has the Minister met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Mr C.C. PORTER replied:

No.

MINISTERS — CONTACT WITH GEOFF PROSSER

5829. Mr M. McGowan to the Minister for Police; Emergency Services; Road Safety

Other than in a social capacity, has the Minister met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Mr R.F. JOHNSON replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH GEOFF PROSSER

5830. Mr M. McGowan to the Minister for Sport and Recreation; Racing and Gaming

Other than in a social capacity, has the Minister met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Mr T.K. WALDRON replied:

Time Period: 1 May 2011 to 7 August 2011

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH GEOFF PROSSER

5831. Mr M. McGowan to the Minister for Planning; Culture and the Arts; Science and Innovation

Other than in a social capacity, has the Minister met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Mr J.H.D. DAY replied:

(a) Nil

(b) Not applicable

MINISTERS — CONTACT WITH GEOFF PROSSER

5832. Mr M. McGowan to the Minister representing the Minister for Energy; Training and Workforce Development; Indigenous Affairs

Other than in a social capacity, has the Minister met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Mr J.H.D. DAY replied:

No.

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH GEOFF PROSSER

5833. Mr M. McGowan to the Minister for Transport; Housing

Other than in a social capacity, has the Minister met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Mr T.R. BUSWELL replied:

(a)–(b) Not applicable

MINISTERS — CONTACT WITH GEOFF PROSSER

5834. Mr M. McGowan to the Minister representing the Minister for Child Protection; Community Services; Seniors and Volunteering; Women's Interests; Youth

Other than in a social capacity, has the Minister met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Mr J.H.D. DAY replied:

No.

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH GEOFF PROSSER

5835. Mr M. McGowan to the Minister for Local Government; Heritage; Citizenship and Multicultural Interests

Other than in a social capacity, has the Minister met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Mr G.M. CASTRILLI replied:

The following answer refers to the period 1 May 2011 to 7 August 2011.

No.

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH GEOFF PROSSER

5836. Mr M. McGowan to the Minister for Agriculture and Food; Forestry; Corrective Services

Other than in a social capacity, has the Minister met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Mr D.T. REDMAN replied:

No.

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH GEOFF PROSSER

5837. Mr M. McGowan to the Minister for Environment; Water

Other than in a social capacity, has the Minister met, or had contact with, the former federal Member for Forrest, Hon Geoff Prosser, since 1 May 2011, and if yes:

- (a) on what date or dates did the meeting/s take place; and
- (b) what was the nature or subject of discussion for which the contact/s or meeting/s took place?

Mr W.R. MARMION replied:

No.

- (a)–(b) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES —
HOSPITALITY OR BENEFIT ACCEPTANCE BY SENIOR STAFF

5840. Mr M. McGowan to the Minister representing the Minister for Finance

For each agency within the Minister's portfolio of responsibilities, has any officer above level 7.1 within those agencies, since 1 January 2011 accepted any hospitality, invitation to an event, free accommodation or free travel from a private company or individual; and if so

- (a) how many officers have accepted any hospitality, invitation to an event, free accommodation or free travel from a private company or individual;
- (b) what was the nature of the hospitality, event, free accommodation or free travel, and what is the name of the individual or private company that offered them;
- (c) what is the estimated individual value of the hospitality, event, free accommodation or free travel; and
- (d) does the agency have any commercial or financial relationship with the private company or individual; and
 - (i) if so, what is the nature of that commercial or financial relationship?

Mr C.C. PORTER replied:

Department of Commerce

- (a) Ten
- (b)–(c) Two x tickets to Fremantle versus Geelong at Subiaco Oval (including meals and drinks) from Burrup Fertilisers — \$200
One x ticket to West Coast Eagles versus Sydney Swans at Subiaco Oval (including catering) from QBE Insurance — \$100
Breakfast provided at an Economic Update talk by Dr Chris Caton received from RSM Bird Cameron — \$30
Inaugural President's Dinner from Motor Trade Association — \$60
One x ticket to West Coast Eagles versus Melbourne at Subiaco Oval (including catering) from SGIO Insurance — \$100
Three x dinner and drinks from the Association of Hydraulic Services Consultants Australia Incorporated — \$60 each
Two x tickets to the Dockers versus Brisbane at Subiaco Oval (including catering) from Horizon Power — \$100 each
An invite to the Dockers versus Essendon in the President's Function Room from Burrup Fertilisers — \$100
Two x tickets to the Petroleum Club of WA Annual Ball from Australian Marine Complex Management (WA) Pty Ltd — \$440

- (d) No

Department of Finance

- (a) 16
- (b)–(d) Digital ID World Seminar in Sydney — Terrapin (officer paid own air fare and accommodation) — \$2,777
Coffee vouchers for ICT staff — Low Down Café — \$150
Gala Dinner — Australian American Leadership Dialogue Forum 2011 — Perth — Cisco Australia — Approx \$100 — IT equipment supplier
Accommodation — Leadership Forum Brisbane — Oracle Australia — \$500 — Oracle built computer system used to provide corporate services functions to government agencies
Flights and accommodation — Shared Services and Outsourcing Week Conference — Melbourne — International Quality and Productivity Centre — \$1,100

Invitation to International Women's Day Forum Luncheon — Jones Lang LaSalle — \$50.00 — Property management consultancy

Invitation to Property Market Update Breakfast — Jones Lang LaSalle — \$50.00 — Property management consultancy

Invitation to Cocktail Function — Aurora Projects — \$15.00

Invitation to Western Australian Heritage Awards — Colliers International — \$50.00 — Property management consultancy

Invitation to cocktail party — Incoll and Savells — \$10.00 — Project management services consultancy

Invitation to meet with Cbus Owners — Jones Lang LaSalle — \$25.00 — Project management consultancy

Invitation to Opening of New Offices — Jones Lang LaSalle — \$25.00 — Property management consultancy

Invitation to work lunch — Colliers — \$35.40 — Property management consultancy

Invitation to Property Council Breakfast — Colliers International — \$70.00 — Property management consultancy

Invitation to 40th Anniversary Function — Bruechle Gilchrist & Evans — \$15.00 — Engineering services consultancy

Invitation to Boardroom Luncheon — Colliers International — \$50.00 — Property management consultancy

Invitation to Luncheon — Jones Lang LaSalle — \$20.00 — Property management consultancy

Small Business Development Corporation

No

(a)–(d) Not applicable

Workcover

(a) Three

(b)–(d) Two tickets to Festival of Perth “Waltzing the Wilara” \$109 from PricewaterhouseCoopers who are a contracted actuary.

Tickets to AFL match (West Coast Eagles v Sydney) \$200 from QBE Insurance who contribute annually (with other insurers, via a levy) to fund the workers' compensation scheme.

1 x Easter Basket — \$20 from Reliance Workplace Solutions

Business lunch at ‘Balthazar Restaurant’ to discuss the role of Brokers in the workers' compensation scheme — \$100 from Mr E Pope, CKA Risk Solutions.

Department of the Registrar, WA Industrial Relations Commission

No

(a)–(d) Not applicable

MARKETFORCE AND COOCH CREATIVE — CONTRACT

5842. Mr M. McGowan to the Minister for Regional Development

Could the Minister advise what specific services will be provided by the companies Marketforce and Cooch Creative as part of the \$600,000 contract awarded to them in April 2011?

Mr B.J. GRYLLS replied:

(1) Provision of creative advertising and production services to market and communicate Royalties for Regions projects, grants and services to a range of stakeholders. Assistance in planning and developing appropriate advertising strategies and communications campaigns.

PUBLIC HOUSING — WAITLIST

5843. Mr M. McGowan to the Minister for Housing

With reference to the wait-list for Department of Housing accommodation as at 31 July 2011, could the Minister advise the number of:

(a) applicants on the wait-list for Department of Housing accommodation;

(b) children and dependents associated with applicants on the wait-list for Department of Housing accommodation;

- (c) children and dependents associated with applicants on the wait-list for Department of Housing accommodation per district;
- (d) applicants on the priority housing wait-list;
- (e) applicants on the priority housing wait-list per district;
- (f) children and dependents associated with applicants on the priority housing wait-list; and
- (g) children and dependents associated with applicants on the priority housing wait-list per district?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

- (a) As at 31 July 2011 there were 22 914 applicants on the waiting list.
- (b) 23 158 children and dependents (as at 31 July 2011). (Includes dependent children, adult non dependent children and shared custody children)
- (c) Children and dependents on waitlist per district (as at 31 July 2011):

Metro North — 9 553;
 Metro Fremantle — 2 815;
 Metro South East — 5 382;
 Southern — 529;
 South West — 1 192;
 Goldfields — 420;
 Mid West/Gascoyne — 1 046;
 Pilbara — 697;
 Kimberley — 1 278; and
 Wheatbelt — 246

(The figures above consist of children which includes dependent children, adult non dependent children and shared custody children).

- (d) 3 166
- (e) Priority Wait list by application per district (as at 31 July 2011):
 Metro North — 1 349;
 Metro Fremantle — 579;
 Metro South East — 508;
 Southern — 108;
 South West — 54;
 Goldfields — 42;
 Mid West/Gascoyne — 99;
 Pilbara — 146;
 Kimberley — 244; and
 Wheatbelt — 37;
- (f) 3 629
- (g) Children and dependents on priority waitlist per district (as at 31 July 2011):

Metro North — 1 528;
 Metro Fremantle — 525;
 Metro South East — 646;
 Southern — 95;
 South West — 60;
 Goldfields — 35;
 Mid West/Gascoyne — 171;
 Pilbara — 211;
 Kimberley — 315; and
 Wheatbelt — 43

(The figures above consist of children which includes dependent children, adult non dependent children and shared custody children).

PUBLIC HOUSING — WAITLIST

5844. Mr M. McGowan to the Minister for Housing

What is the total number of people associated with the public housing wait-list as at 31 July 2011?

Mr T.R. BUSWELL replied:

There are 22 914 applications on the waiting list as at 31 July 2011.

PUBLIC HOUSING — LAKELANDS AND MEADOW SPRINGS

5845. Mr M. McGowan to the Minister for Housing

I refer to the Lakelands and the Meadow Springs Department of Housing developments and ask, as at 5 August 2011:

- (a) what percentage of the dwellings at Lakelands are occupied; and
- (b) what percentage of the dwellings at Meadow Springs are occupied?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

- (a) The dwellings at Lakelands are 100 per cent occupied.
- (b) The Social Housing rental properties at Meadow Springs are 97 per cent occupied.

ROYALTIES FOR REGIONS PROGRAM — PROMOTIONAL MATERIAL

5846. Mr M. McGowan to the Minister for Regional Development

Since 1 January 2011, has the Department of Regional Development and Lands produced any promotional paraphernalia, apparel or items promoting or advertising the Department, or the Royalties for Regions programme, and if so:

- (a) what specific items have been produced;
- (b) what has been the cost of each item produced; and
- (c) where have the promotional items been circulated or distributed?

Mr B.J. GRYLLES replied:

- (a)–(b)
- | | |
|---|---------------|
| 1) Overarching Brochure | = \$2,190.00 |
| 2) Region specific publications | = \$3,566.00 |
| 3) Royalties for Regions pens | = \$5,060.00 |
| 4) Royalties for Regions lip balm | = \$3,265.00 |
| 5) Royalties for Regions calico bags | = \$5,042.00 |
| 6) Pilbara Cities promotional candy | = \$1,590.00 |
| 7) Pilbara Cities notebooks | = \$4,500.00 |
| 8) Pilbara Cities temporary tattoos | = \$840.00 |
| 9) Pilbara Cities balloons | = \$820.00 |
| 10) Pilbara Cities pens | = \$800.00 |
| 11) Pilbara Cities highlighters | = \$1,640.00 |
| 12) Royalties for Regions banners | = \$3,454.00 |
| 13) North West Expo display panels | = \$2,140.00 |
| 14) FeNaCING Festival display panels | = \$2,100.00 |
| 15) Royalties for Regions teardrop banners | = \$2,327.50 |
| 16) Pilbara Cities teardrop banners | = \$1,415.00 |
| 17) RDL teardrop banners | = \$1,840.00 |
| 18) Royalties for Regions outdoor display banner | = \$1,085.00 |
| 19) Ord banner | = \$710.00 |
| 20) State Land Services banners | = \$2,045.00 |
| 21) Pilbara Cities pull up banners | = \$506.00 |
| 22) Pilbara Cities construction site shade cloth | = \$2,686.37 |
| 23) Community Resource Centre (CRC) PVC Keychains | = \$20,925.00 |
| 24) CRC Bookmarks | = \$2,110.00 |
| 25) CRC Keyboard short cuts | = \$2,680.00 |
| 26) CRC mouse mats | = \$13,650.00 |
| 27) SuperTowns banners | = \$12,670.00 |
| 28) SuperTowns brochures | = \$4,778.27 |
- All figures are excluding GST.
- (c) The items have been distributed at regional shows and events, conferences and awards ceremonies. Many of these items have also been distributed to key stakeholders and to the nine Regional Development Commissions to save on ongoing courier costs and unavailability of equipment due to event clashes.

REGIONAL DEVELOPMENT COMMISSIONS — REVIEW COST

5847. Mr M. McGowan to the Minister for Regional Development

I refer to the Hon Wendy Duncan review of the functions and responsibilities of Regional Development Commissions, and I ask:

- (a) what were the final costs associated with the review committee in terms of staffing costs and travel expenses; and
- (b) what were the final costs associated with any additional activities of the review committee, such as the PricewaterhouseCoopers Report?

Mr B.J. GRYLLES replied:

- (a) \$171,085.09
- (b) \$215,637.95

STATE GOVERNMENT BOARDS AND COMMITTEES — DATABASE

5848. Mr M. McGowan to the Premier

I refer to Premier's Circular 2010/02 and the statement that the Public Sector Commission (PSC) is developing a publicly accessible database of all State Government boards and committees, and that the database will include information on the purpose, membership, remuneration and term of operation of each board and committee, and ask if the Premier could advise when the database will be publicly available?

Mr C.J. BARNETT replied:

Department of the Premier and Cabinet advises:

An interim list of Government boards and committees was established and published on the website of the Department of the Premier and Cabinet in March 2011. This interim database contains a list, by Minister and portfolio, of each Board and Committee with paid external members. It was recently temporarily withdrawn from that website to be updated and will be restored shortly. Work is also continuing to include in this database the further information for each paid board and committee as described in Premier's Circular 2010/02.

PUBLIC HOUSING — INSPECTION GUIDELINES

5849. Mr M. McGowan to the Minister for Housing

- (1) Could the Minister advise the guidelines or requirements for the inspection of public housing dwellings in Western Australia by Department of Housing officials?
- (2) Could the Minister advise if this requirement is being met; and
 - (a) if no, how many dwellings have failed to be inspected according to the guidelines or requirements as at 31 July 2011?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

- (1) Inspections are completed in accordance with the requirements of the Residential Tenancies Act 1987 (RTA).
- (2) The intent is to achieve 100 per cent inspection of tenancies. Give recent events an independent review has been commissioned to examine and address these issues.

TRAIN STATIONS — PARKING INFRINGEMENTS

5850. Mr M. McGowan to the Minister for Transport

Could the Minister advise the number of parking infringements issued for the financial year 2010–2011 at the following train stations:

- (a) Rockingham;
- (b) Warnbro;
- (c) Mandurah; and
- (d) Stirling?

Mr T.R. BUSWELL replied:

- (a)–(d) 3 285

The member would clearly appreciate the Liberal–National Government’s initiative to provide additional 3 000 parking bays on the North/South rail line which is progressing successfully. This policy initiative and delivery is reversing the years of neglect in this policy area under the previous Labor Government.

DEPARTMENT OF HOUSING — WEBSITE UPDATE

5851. Mr M. McGowan to the Minister for Housing

I refer to the Department of Housing’s website and the statement on the website as at 18 July 2011 that the Department of Housing is currently updating this website and expects to launch the new-look website in early 2011, and ask could the Minister advise when the updated website will be launched?

Mr T.R. BUSWELL replied:

The website has been launched.

HALE HOUSE — REDEVELOPMENT APPROVAL

5852. Mr M. McGowan to the Minister for Housing

(1) Could the Minister advise if works associated with the redevelopment of Hale House have been approved by the Heritage Council, and if yes:

- (a) on what date was approval given;
- (b) on what date was the application for works submitted to the Heritage Council; and
- (c) from whom was the application submitted?

(2) Did the Heritage Council receive any representations from the Premier’s Office or the Premier’s Department with the view to expediting any approval processes; and

- (a) if yes, from whom?

Mr T.R. BUSWELL replied:

I ask the Member to refer this question on notice to the relevant Minister, Minister for Heritage.

DEPARTMENT OF HOUSING — WEBSITE UPDATE

5853. Mr M. McGowan to the Minister for Housing

I refer to the *How Long Will It Take?* table contained within the *Waiting Times for Public Housing* section of the Department of Housing website, and ask:

- (a) why is the information almost one year old; and
- (b) when will the information be updated?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

- (a) The Department is reviewing the way it presents “waiting times for public housing” information in order to best reflect customer demand for housing.
- (b) By the end of this year.

DEPARTMENT OF HOUSING — TENANT NEWSLETTER

5854. Mr M. McGowan to the Minister for Housing

Could the Minister advise when the last tenant newsletter was published and distributed to all Department of Housing clients?

Mr T.R. BUSWELL replied:

The Department of Housing advises that the last tenant newsletter was distributed to Department of Housing tenants from 18 May 2011. The next edition is currently in production.

SOCIAL HOUSING — STOCK INCREASE UNDER FORMER GOVERNMENT

5862. Mr M. McGowan to the Minister for Housing

I refer to the Minister’s comments in Parliament on 22 March 2011, when he stated that it is an undeniable fact that the social housing stock grew by 230 dwellings per annum under the former government, and I ask:

- (a) how was the 230 dwellings figure calculated and does the Minister stand by his statement;
- (b) what was the increase in social housing stock for each financial year from 2001–2002 until 2010–2011; and

- (c) what was the Commonwealth contribution to Western Australia's social housing stock for each financial year from 2001–2002 until 2010–2011?

Mr T.R. BUSWELL replied:

The Liberal–National Government has built or facilitated the construction of more public housing stock in three than the failed previous Labor Government did in eight.

- (a) By mathematics — the correct figure for the average Social Housing stock growth per annum under the previous Government is 203 dwellings. This is calculated using the subtracting the closing Social Housing Stock balance in 2007/2008 from the opening Social Housing stock balance in 2001/2002, the last and first full financial years the previous Government was in power and dividing it by the number of years the Government was in power. In Hansard for that day the figure of 203 is quoted numerous times, with only one reference to 230 in error. I stand by my comments on that day that Social Housing stock grew by an average of 203 dwellings per annum under the previous Government, representing yet another failure of the former Labor Government and its Ministers.

(b)

2001/2002	103
2002/2003	137
2003/2004	118
2004/2005	-88
2005/2006	-254
2006/2007	490
2007/2008	919
2008/2009	527
2009/2010	266
2010/2011	2 118

(c)

2001/2002	\$ 90 779 000
2002/2003	\$ 89 913 000
2003/2004	\$ 79 794 000
2004/2005	\$ 81 493 000
2005/2006	\$ 82 772 000
2006/2007	\$ 83 808 000
2007/2008	\$ 85 756 000
2008/2009	\$ 122 834 000
2009/2010	\$ 423 745 000
2010/2011	\$ 386 649 000

REGIONAL GRANTS SCHEME — TRUFFLES PROJECT

5864. Mr M. McGowan to the Minister for Regional Development

I refer to the \$25,000 from the Regional Grants Scheme provided to Taste Pty Ltd towards the creation of new down-stream products using French black truffles, and ask:

- (a) has the project been completed; and
 (i) if yes, when; and
 (b) what was the outcome of the project?

Mr B.J. GRYLLES replied:

- (a) Yes.
 (i) The Regional Grant Scheme funds were acquitted 11 May 2011.
 (b) The work to date has provided proof of concept for a novel extraction method pertaining to truffles and other raw materials using a low temperature, high pressure technique.

DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS — ADVERTISING

5865. Mr M. McGowan to the Minister for Regional Development

- (1) Could the Minister advise the names of all websites on which the Department of Regional Development and Lands has advertised since 1 January 2011?
 (2) What was the cost of advertising on each website?
 (3) What was the purpose of the advertising?

Mr B.J. GRYLLES replied:

- (1) The Department of Regional Development and Lands (RDL) have advertised the Regional Development Council (RDC) Action Agenda Funding Scheme on websites through Adconion. It is not possible to name the individual websites as it is an audience that is bought rather than space on specific websites.
- (2) \$6 750 ex gst
- (3) To inform the public of and target potential applicants for the regional grant funding opportunity in the opening of the RDC Action Agenda Funding round. The objective was to receive a sufficient quality of proposals applying for the available \$75 million in funding for state-wide and cross regional strategic projects.

PHOTO IDENTIFICATION PROGRAM

5867. Mr C.J. Tallentire to the Minister for Transport

Does the Minister intend to have a photo identification program in operation for people with no driving licence or passport by the end of the Barnett Government's first term in March 2013?

Mr T.R. BUSWELL replied:

The Department of Transport is currently examining options.

MINISTERIAL OFFICES — STAFF CREDIT CARD USE

5869. Mr M. McGowan to the Premier

- (1) On how many occasions since 23 September 2008 has the Department of Premier and Cabinet or the Public Sector Commission written to, or contacted, ministerial staff regarding the use of a staff member's credit card outside the guidelines for the use of that card?
- (2) Which ministerial staff have been written to or contacted, and what did it relate to?

Mr C.J. BARNETT replied:

Time period: 23 September 2008 – 9 August 2011.

Department of the Premier and Cabinet's records indicate:

- (1) None.
- (2) Not applicable.

Public Sector Commissioner advises:

- (1) Since 23 September 2008 nil officers of the Public Sector Commission has written to, or contacted, ministerial staff regarding the use of a staff member's credit card outside the guidelines for the use of that card.
- (2) Not applicable.

MINISTERIAL OFFICES — STAFF CREDIT CARD USE

5870. Mr M. McGowan to the Premier

- (1) On how many occasions since 23 September 2008 has the Department of Premier and Cabinet or the Public Sector Commission written to, or contacted, a minister regarding the use of a minister's credit card outside the guidelines for the use of that card?
- (2) Which ministers have been written to or contacted, and what did it relate to?

Mr C.J. BARNETT replied:

Time period: 23 September 2008 – 9 August 2011.

Department of the Premier and Cabinet's records indicate:

- (1) None.
- (2) Not applicable.

Public Sector Commissioner advises:

- (1) Since 23 September 2008 nil officers of the Public Sector Commission has written to, or contacted, ministerial staff regarding the use of a staff member's credit card outside the guidelines for the use of that card.
- (2) Not applicable.

PREMIER — CONTACT WITH JOHN McCOURT

5872. Mr M. McGowan to the Premier; Minister for State Development

Other than in a social capacity, has the Premier had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr C.J. BARNETT replied:

Office of the Premier advises:

No meeting has taken place between 23 September 2008 to 7 August 2011 with Mr John McCourt.

DEPUTY PREMIER — CONTACT WITH JOHN McCOURT

5873. Mr M. McGowan to the Deputy Premier; Minister for Health; Tourism

Other than in a social capacity, has the Deputy Premier had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Dr K.D. HAMES replied:

No.

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH JOHN McCOURT

5874. Mr M. McGowan to the Minister representing the Minister for Mines and Petroleum; Fisheries; Electoral Affairs

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr W.R. MARMION replied:

Time period 23 September 2008 to 7 August 2011

The Minister did not meet with registered lobbyist Mr John McCourt

MINISTERS — CONTACT WITH JOHN McCOURT

5875. Mr M. McGowan to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr B.J. GRYLLS replied:

No meetings with John McCourt in his capacity as a lobbyist.

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH JOHN McCOURT

5876. Mr M. McGowan to the Treasurer; Attorney General

Other than in a social capacity, has the Treasurer had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr C.C. PORTER replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH JOHN McCOURT

5878. Mr M. McGowan to the Minister representing the Minister for Finance; Commerce; Small Business
Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr C.C. PORTER replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH JOHN McCOURT

5879. Mr M. McGowan to the Minister for Police; Emergency Services; Road Safety
Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr R.F. JOHNSON replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH JOHN McCOURT

5880. Mr M. McGowan to the Minister for Sport and Recreation; Racing and Gaming
Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr T.K. WALDRON replied:

Time Period: 23 September 2008 to 7 August 2011

- (a) One
- (b) Meet Minister with Surf Life Saving WA.

MINISTERS — CONTACT WITH JOHN McCOURT

5881. Mr M. McGowan to the Minister for Planning; Culture and the Arts; Science and Innovation
Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr J.H.D. DAY replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH JOHN McCOURT

5882. Mr M. McGowan to the Minister representing the Minister for Energy; Training and Workforce Development; Indigenous Affairs
Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr J.H.D. DAY replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH JOHN McCOURT

5883. Mr M. McGowan to the Minister for Transport; Housing

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr T.R. BUSWELL replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH JOHN McCOURT

5884. Mr M. McGowan to the Minister representing the Minister for Child Protection; Community Services; Seniors and Volunteering; Women’s Interests; Youth

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr J.H.D. DAY replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH JOHN McCOURT

5885. Mr M. McGowan to the Minister for Local Government; Heritage; Citizenship and Multicultural Interests

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr G.M. CASTRILLI replied:

The following answer refers to the period 23 September 2008 to 7 August 2011.

I have attended various meetings with the Kimberley Regional Collaborative Group of local governments where Mr McCourt has attended as the then Executive Officer to that group. I have not had any meetings with him as a lobbyist.

MINISTERS — CONTACT WITH JOHN McCOURT

5886. Mr M. McGowan to the Minister for Agriculture and Food; Forestry; Corrective Services

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr D.T. REDMAN replied:

(a)–(b) The Minister has not had any official meetings with Mr McCourt, however Mr McCourt is a member of the National Party and a former Senate candidate for the National Party and the Minister has had contact with Mr McCourt at National Party functions.

MINISTERS — CONTACT WITH JOHN McCOURT

5887. Mr M. McGowan to the Minister for Environment; Water

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Mr John McCourt, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr W.R. MARMION replied:

No

(a)–(b) Not applicable.

PREMIER — CONTACT WITH HON PAUL OMODEI

5889. Mr M. McGowan to the Premier; Minister for State Development

Other than in a social capacity, has the Premier had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr C.J. BARNETT replied:

- (a) Three times between 23 September 2008 to 7 August 2011.
- (b) Local Book Project, Upcoming Trip to China and the National Centre Asbestos Related Diseases.

DEPUTY PREMIER — CONTACT WITH HON PAUL OMODEI

5890. Mr M. McGowan to the Deputy Premier; Minister for Health; Tourism

Other than in a social capacity, has the Deputy Premier had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Dr K.D. HAMES replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH HON PAUL OMODEI

5891. Mr M. McGowan to the Minister representing the Minister for Mines and Petroleum; Fisheries; Electoral Affairs

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr W.R. MARMION replied:

Time period 23 September 2008 to 7 August 2011

- (a) Twice.
- (b) (i) The Minister met with Mr Omodei at a meeting with representatives from Cazaly Resources to discuss the Parker Range Iron Ore Project.
(ii) The Minister met Mr Omodei at Cue Parliament, where Mr Omodei attended as the Shire Commissioner.

MINISTERS — CONTACT WITH HON PAUL OMODEI

5892. Mr M. McGowan to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr B.J. GRYLLES replied:

Yes.

- (a) One.
- (b) Briefing by Cazaly Resources on their Parker Range Iron Ore Project and a potential new industry in Manjimup Shire.

MINISTERS — CONTACT WITH HON PAUL OMODEI

5893. Mr M. McGowan to the Treasurer; Attorney General

Other than in a social capacity, has the Treasurer had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr C.C. PORTER replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH HON PAUL OMODEI

5895. Mr M. McGowan to the Minister representing the Minister for Finance; Commerce; Small Business

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr C.C. PORTER replied:

Yes

- (a) Twice
- (b) Resource industry matters

MINISTERS — CONTACT WITH HON PAUL OMODEI

5896. Mr M. McGowan to the Minister for Police; Emergency Services; Road Safety

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr R.F. JOHNSON replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH HON PAUL OMODEI

5897. Mr M. McGowan to the Minister for Sport and Recreation; Racing and Gaming

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr T.K. WALDRON replied:

Time Period 23 September 2008 to 7 August 2011

- (a) One
- (b) Liquor Licensing.

MINISTERS — CONTACT WITH HON PAUL OMODEI

5898. Mr M. McGowan to the Minister for Planning; Culture and the Arts; Science and Innovation

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr J.H.D. DAY replied:

No.

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH HON PAUL OMODEI

5899. Mr M. McGowan to the Minister representing the Minister for Energy; Training and Workforce Development; Indigenous Affairs

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr J.H.D. DAY replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH HON PAUL OMODEI

5900. Mr M. McGowan to the Minister for Transport; Housing

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr T.R. BUSWELL replied:

- (a) Two
- (b) Briefing by Cazaly Resources regarding Parker Range Iron Ore Project and Meeting with Cazaly Resources regarding strategy for the future.

MINISTERS — CONTACT WITH HON PAUL OMODEI

5901. Mr M. McGowan to the Minister representing the Minister for Child Protection; Community Services; Seniors and Volunteering; Women's Interests; Youth

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr J.H.D. DAY replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH HON PAUL OMODEI

5902. Mr M. McGowan to the Minister for Local Government; Heritage; Citizenship and Multicultural Interests

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr G.M. CASTRILLI replied:

The following answer refers to the period 23 September 2008 to 7 August 2011.

I have not had any meetings with Mr Omodei in his capacity as a lobbyist.

I have met with Mr Omodei in his capacity as Commissioner for the Shire of Cue.

MINISTERS — CONTACT WITH HON PAUL OMODEI

5903. Mr M. McGowan to the Minister for Agriculture and Food; Forestry; Corrective Services

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr D.T. REDMAN replied:

- (a) Once.
- (b) 14 March 2009 — Meeting of the Warren Blackwood Strategic Alliance in Manjimup to discuss forestry issues. Mr Omodei was present in his capacity as community representative.

Mr Omodei is a constituent in the Minister's electorate and a prominent member of the local community and as a result the Minister has also had contact with Mr Omodei at various community meetings and local events.

MINISTERS — CONTACT WITH HON PAUL OMODEI

5904. Mr M. McGowan to the Minister for Environment; Water

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Paul Omodei, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr W.R. MARMION replied:

No

- (a)–(b) Not applicable.

MINISTERS — CONTACT WITH SANTO SANTORO

5906. Mr M. McGowan to the Premier; Minister for State Development

Other than in a social capacity, has the Premier had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr C.J. BARNETT replied:

Office of the Premier advises:

No meeting has taken place between 23 September 2008 to 7 August 2011 with Hon Santo Santoro.

MINISTERS — CONTACT WITH SANTO SANTORO

5907. Mr M. McGowan to the Deputy Premier; Minister for Health; Tourism

Other than in a social capacity, has the Deputy Premier had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Dr K.D. HAMES replied:

No

- (a)–(b) Not applicable.

MINISTERS — CONTACT WITH SANTO SANTORO

5908. Mr M. McGowan to the Minister representing the Minister for Mines and Petroleum; Fisheries; Electoral Affairs

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr W.R. MARMION replied:

Time period 23 September 2008 to 7 August 2011

- (a) Once.
- (b) The Minister met with Mr Santoro and representatives from Prysmian Group to discuss the Western Australian Government's local content requirements in relation to the Gorgon project.

MINISTERS — CONTACT WITH SANTO SANTORO

5909. Mr M. McGowan to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr B.J. GRYLLES replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH SANTO SANTORO

5910. Mr M. McGowan to the Treasurer; Attorney General

Other than in a social capacity, has the Treasurer had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr C.C. PORTER replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH SANTO SANTORO

5912. Mr M. McGowan to the Minister representing the Minister for Finance; Commerce; Small Business

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr C.C. PORTER replied:

Yes

- (a) Once
- (b) Transport infrastructure

MINISTERS — CONTACT WITH SANTO SANTORO

5913. Mr M. McGowan to the Minister for Police; Emergency Services; Road Safety

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr R.F. JOHNSON replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH SANTO SANTORO

5914. Mr M. McGowan to the Minister for Sport and Recreation; Racing and Gaming

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr T.K. WALDRON replied:

Time period 23 September 2008 to 7 August 2011

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH SANTO SANTORO

5915. Mr M. McGowan to the Minister for Planning; Culture and the Arts; Science and Innovation

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr J.H.D. DAY replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH SANTO SANTORO

5916. Mr M. McGowan to the Minister representing the Minister for Energy; Training and Workforce Development; Indigenous Affairs

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr J.H.D. DAY replied:

Yes.

- (a) Four
- (b) - Meeting with Electrical and Communication Association. Hon. Santo Santoro present.
- Meeting with Prysmian Power Cables & Systems Australia Pty Ltd. Hon. Santo Santoro present.
- Meeting with ERM Power. Hon. Santo Santoro present.
- Meeting with Gerard Group. Hon. Santo Santoro present.

MINISTERS — CONTACT WITH SANTO SANTORO

5917. Mr M. McGowan to the Minister for Transport; Housing

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr T.R. BUSWELL replied:

- (a) One
- (b) To introduce Craig Southward and Ansaldo–STS to the Minister and to discuss with him the activities of Ansaldo–STS in Western Australia and some of its future plans.

MINISTERS — CONTACT WITH SANTO SANTORO

5918. Mr M. McGowan to the Minister representing the Minister for Child Protection; Community Services; Seniors and Volunteering; Women's Interests; Youth

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr J.H.D. DAY replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH SANTO SANTORO

5919. Mr M. McGowan to the Minister for Local Government; Heritage; Citizenship and Multicultural Interests

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr G.M. CASTRILLI replied:

The following answer refers to the period 23 September 2008 to 7 August 2011.

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH SANTO SANTORO

5920. Mr M. McGowan to the Minister for Agriculture and Food; Forestry; Corrective Services

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr D.T. REDMAN replied:

No

(a)–(b) Not applicable.

MINISTERS — CONTACT WITH SANTO SANTORO

5921. Mr M. McGowan to the Minister for Environment; Water

Other than in a social capacity, has the Minister had occasion since 23 September 2008 to meet with registered lobbyist Hon Santo Santoro, and if yes:

- (a) on how many occasions; and
- (b) what was the purpose or subject of the meeting/s?

Mr W.R. MARMION replied:

No

(a)–(b) Not applicable.

DOG REGISTRATION FEES — CONCESSIONS

5930. Mr C.J. Tallentire to the Minister for Local Government

Will the Minister ensure the Government continues the rebate for currently eligible applicants on dog registration fees to the end of the Barnett Government's term in March 2013; and

- (a) if not, why not?

Mr G.M. CASTRILLI replied:

The Dog Regulations 1976 provide for a 50% reduction for registration fees payable for the registration of dogs owned by eligible pensioners as defined in the Rates and Charges (Rebates and Deferments) Act 1992.

I have no intention of removing this eligibility.

PUBLIC HOUSING — RENTAL REBATE

5934. Mr C.J. Tallentire to the Minister for Housing

Will the Minister ensure the Government continues the rebate on rental for currently eligible applicants on government housing at the current percentage to the end of the Barnett Government's term in March 2013; and

- (a) if not, why not?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

Public housing rents are set at a maximum of 25 per cent of a tenant's assessable income. There are no plans to increase the percentage of income charged as rent in the foreseeable future.

(a) Not applicable

ELECTRICITY SUPPLY CHARGES — CONCESSIONS

5936. Mr C.J. Tallentire to the Minister representing the Minister for Energy

Will the Minister ensure the Government continues the rebate for currently eligible applicants on supply charges, account establishment fees and reduced meter testing, plus the rebate for dependent children, to the end of the Barnett Government's term in March 2013; and

(a) if not, why not?

Mr J.H.D. DAY replied:

The Government has no intention of reducing the rebates, concessions and hardship assistance currently available to eligible households. The 2011–12 Budget assumes funding for these items over the forward estimates period to 2014–15.

As part of the Tariff and Concession Framework Review undertaken by the Office of Energy in partnership with the Western Australian Council of Social Service, existing energy concessions have been considered. However, while the structure of assistance may change as a result of the review, the level of assistance will not be reduced.

PUBLIC TRANSPORT — CONCESSIONS

5937. Mr C.J. Tallentire to the Minister for Transport

Will the Minister ensure the Government continues the rebate on public transport, including TransWA, for currently eligible applicants at the current percentage to the end of the Barnett Government's term in March 2013; and

(a) if not, why not?

Mr T.R. BUSWELL replied:

The Government is not considering changes to current public transport subsidies.

(a) Not applicable.

TAXI CHARGES — CONCESSIONS

5938. Mr C.J. Tallentire to the Minister for Transport

Will the Minister ensure the Government continues the subsidy on taxi charges in the Taxi Users Subsidy Scheme for currently eligible applicants at the current percentage to the end of the Barnett Government's term in March 2013; and

(a) if not, why not?

Mr T.R. BUSWELL replied:

The Government is not considering changes to the current Taxi Users Subsidy Scheme.

(a) Not applicable.

COUNTRY STUDENT TRAVEL — CONCESSIONS

5939. Mr C.J. Tallentire to the Minister for Transport

Will the Minister ensure the Government continues the metro school student flat fare at the current level and the country student subsidised travel for currently eligible applicants at the current percentage to the end of the Barnett Government's term in March 2013; and

(a) if not, why not?

Mr T.R. BUSWELL replied:

The Government is not considering changes to current student transport subsidies.

(a) Not applicable.

PENSIONERS' TRAVEL — CONCESSIONS

5940. Mr C.J. Tallentire to the Minister for Transport

Will the Minister ensure the Government continues the pensioner free trip schemes for currently eligible applicants to the end of the Barnett Government's term in March 2013; and

(a) if not, why not?

Mr T.R. BUSWELL replied:

The Government is not considering changes to current pensioner transport schemes.

- (a) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — ACT OF GRACE PAYMENTS

5945. Mr M. McGowan to the Premier; Minister for State Development

Will the Premier advise as to any Act of Grace payments made by any agencies or departments under the Premier's portfolio responsibilities between 1 January 2011 and 1 August 2011, including:

- (a) the name of the person or company receiving the payment;
 (b) the amount of the payment;
 (c) the reasons for the payment; and
 (d) the processes undertaken between the application, or proposal for such a payment to be made, and the making of that payment?

Mr C.J. BARNETT replied:

Government agencies in the Premier's portfolio advise:

Public Sector Commissioner:

- (a) Mr Dalibor Krajsek
 (b) \$884.22
 (c) The payment was made to reimburse the costs incurred by Mr Krajsek to relocate his daughter's personal effects following her untimely death. Ms Krajsek was a PSC employee who relocated from Canberra, was employed by the Commission on contract and fell terminally ill midway through the term of her contract.
 (d) The recoup proposal was recommended by Ms Krajsek's superior, the Deputy Commissioner Capability and Development and the Manager Organisational Development (Human Resources Manager) and paid by the CFO. The payment was made in May 2011, identified as an act of grace payment by an Office of the Auditor General review conducted in July, and subsequently endorsed by the Premier.

Department of the Premier and Cabinet; Department of State Development; Gold Corporation; Lotterywest; Salaries and Allowances Tribunal:

- (a) None
 (b)–(d) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — “IN LIEU OF NOTICE” PAYMENTS

5962. Mr M. McGowan to the Premier

Since 1 January 2011, have any 'in lieu of notice' payments been made to an officer by any agencies within the Premier's portfolio of responsibilities, and if yes:

- (a) how many of these payments have been made;
 (b) which agencies made the payments;
 (c) what was the amount of each payment; and
 (d) in which agency or office did the recipient of the payment work?

Mr C.J. BARNETT replied:

Time period 1 January 2011 – Wednesday 10 August 2011

Government agencies in the Premier's portfolio advise:

Department of the Premier and Cabinet:

- (a) Six
 (b) Department of the Premier and Cabinet
 (c)–(d) Payment 1: \$23,496 — Office of the Premier
 Payment 2: \$22,689 — Office of the Minister for Agriculture and Food; Forestry; Corrective Services
 Payment 3: \$7,687 — Office of the Minister for Planning; culture and Arts; Science and Innovation

Payment 4: \$10,231 — Office of the Minister for Energy; training and Workforce Development; Indigenous Affairs

Payment 5: \$5,935 — Office of the Treasurer; Attorney General

Payment 6: \$61,031 — Office of the Leader of the Opposition

Public Sector Commissioner:

- (a) 8 payments have been made in Lieu of Notice under Regulation 4A of the Public Sector Management (Redeployment and Redundancy) Regulations 1994;
- (b) Public Sector Commission
- (c) Amount of Each In Lieu Payment
 - Payment 1: \$12,923.16
 - Payment 2: \$18,473.40
 - Payment 3: \$12,628.74
 - Payment 4: \$11,590.68
 - Payment 5: \$18,473.40
 - Payment 6: \$28,028.22
 - Payment 7: \$13,714.74
 - Payment 8: \$24,377.40
- (d) Public Sector Commission.

Gold Corporation; Salaries and Allowances Tribunal:

- (a) Nil
- (b)–(d) Not applicable

Department of State Development:

- (a) Three
- (b) Department of State Development
- (c) Payment 1: \$18,473.40
Payment 2: \$11,276.40
Payment 3: \$14,488.32
- (d) Department of State Development

Lotterywest:

- (a) Yes 2 payments have been made (to employees taking voluntary severances).
- (b) Lotterywest
- (c) (i) \$10,903.85
(ii) \$4,347.60
- (d) Lotterywest

BROWSE LNG PROJECT — BROOME COST-OF-LIVING INCREASES

5999. Mr M. McGowan to the State Development

I refer to the James Price Point ‘gas hub’ and ask, in relation to Broome:

- (a) have any figures, statistics or other information been prepared regarding estimated increases in the cost of the following items as a result of the gas hub:
 - (i) living expenses;
 - (ii) housing; and
 - (iii) rent; and
- (b) if yes to (a), what are the estimated increases for each of these costs over the next ten financial years?

Mr C.J. BARNETT replied:

Department of State Development advises:

- (a) Quantitative data is not available, however, the Department of State Development conducted a Browse LNG Precinct-level social impact assessment as an input to the Strategic Assessment Process under the agreement between the State and Commonwealth Governments.

Each proponent will also conduct a project specific assessment that will build on the available information.

The Department of State Development assessment, which includes modelling of potential development scenarios, is available on the Department's website.

- (b) Not applicable.
