Legislative Council

Wednesday, 14 October 2009

THE PRESIDENT (Hon Barry House) took the chair at 4.00 pm, and read prayers.

PARLIAMENT HOUSE — REDUCED ENVIRONMENTAL IMPACT POLICY

Statement by President

THE PRESIDENT (Hon Barry House): Members, Parliament House as a venue has an important and symbolic role for the people of Western Australia. The Speaker and I are pleased to advise members that a reduction in the use of energy and water and the recycling of waste is now a fundamental part of the operations of this iconic facility. Over the past several years, a raft of measures have been introduced to minimise our environmental impact, including decommissioning the fountains, replacing exotic flora with drought-tolerant native plants, installing low-energy lamps, introducing end-of-journey facilities to encourage bicycle and public transport use, fitting water restrictors to tap ware, recycling waste and replacing inefficient lift motors. Continuing with this theme, Parliament House has now installed an array of solar hot water panels on the roof to provide, on sunny days, 100 per cent of the hot water to our kitchens, main toilets and changing facilities. It is appropriate that this has coincided with Enviroweek throughout Australia. Members can be assured that both the Speaker and I are committed to continuing these improvements in the sustainability of Parliament House.

LEGISLATIVE COUNCIL WEB-BASED SERVICE

Statement by President

THE PRESIDENT (Hon Barry House): I wish to advise members of a new web-based service which began last evening, known as CouncilLinQ. Enhancements have been made to the live video of the Council's proceedings. That web page now provides a copy of the daily Business Program, which automatically points to the particular business under discussion. Many of the documents listed for discussion on the Business Program, such as bills and committee reports, can now be immediately viewed by simply clicking on the item on the Business Program. Further improvements are planned, such as an archive of footage of the previous 14 sitting days. I hope the members and the public find this facility useful.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY — ESTABLISHMENT

Statement by Minister for Environment

HON DONNA FARAGHER (East Metropolitan — Minister for Environment) [4.04 pm]: I am pleased to advise the house that the Liberal-National government is strengthening the independence of the Environmental Protection Authority and enhancing its effectiveness with a revitalised structure. The EPA will be bolstered with the establishment of the Office of the Environmental Protection Authority. The new office will be operational by December and have responsibility for parts of the Environmental Protection Act that deal with policy development and environmental impact assessments. The new office will have its own general manager, staff, budget and management capability, meaning that for the first time the EPA will have administrative independence to match its statutory independence. The office will work with and report directly to the EPA and ultimately to me as Minister for Environment.

Complementing its increased independence, the EPA will now also have not only the ability to recommend conditions for a project, but also responsibility for monitoring the effectiveness of ministerial conditions over the life of the project. This will provide for continuous improvement and currency of the conditions that are recommended for development proposals.

The Department of Environment and Conservation will retain responsibility for conservation and environmental regulatory matters, such as clearing of native vegetation, pollution and other works approvals. These changes will mean better environmental outcomes are delivered for Western Australia and will increase confidence in the environmental assessment and decision-making process. The new arrangements are consistent with a number of previous reports, including the review of environmental impact assessment undertaken by the EPA.

I have also today released a report of the environmental stakeholder advisory group chaired by Dr Bernard Bowen, which provided advice to me on the role and structure of the Environmental Protection Authority. I established this group earlier in the year to provide advice on matters that will deliver more efficient and effective environmental assessments whilst maintaining the highest environmental standards. The group comprises a broad range of industry, conservation and other stakeholder groups. The advice I received from my environmental stakeholder advisory group has contributed positively towards the steps we have taken today to bolster the independence of the EPA.

The strengthening of the Environmental Protection Authority complements the Liberal-National government's positive environmental stance and reflects our commitment to work with all stakeholders to develop genuine solutions to improve the effectiveness and efficiency of assessment processes whilst maintaining the highest environmental standards.

Consideration of the statement made an order of the day for the next sitting, on motion by **Hon Ed Dermer**.

PAPERS TABLED

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

DISALLOWANCE MOTIONS

Notices of Motion

1. Medical Radiation Technologists Amendment Regulations 2009.

2. Building Amendment Regulations 2009.

Notices of motion given by **Hon Robin Chapple**.

MEDIA CONSULTANT APPOINTMENTS

Withdrawal of Motion

By leave, on motion without notice by **Hon Ljiljanna Ravlich**, resolved —

> That motion 8, "Media Consultant Appointments", be withdrawn from the notice paper.

CHILD DEATH REVIEW — IMPLEMENTATION OF RECOMMENDATIONS

Motion

Resumed from 24 September on the following motion moved by Hon Sue Ellery (Leader of the Opposition) —

> That this house notes the recommendations of the "Group Analysis of Aboriginal Child Death Review Cases in which Chronic Neglect is Present" report of the Child Death Review Committee and calls on the Minister for Child Protection to provide quarterly reports to the house on the implementation of those recommendations.

The PRESIDENT: I give the call to the Minister for Child Protection.

HON ROBYN McSWEENEY (South West — Minister for Child Protection) [4.11 pm]: Thank you, Mr President. You did not say that, when I spoke on this motion on 24 September, they were my introductory remarks! This motion has given me three hours of opportunity to detail the reforms that I have made in the Department for Child Protection, and the ongoing reforms that have been made via these recommendations from the Child Death Review Committee following its review into the deaths of 21 Aboriginal children. The recommendations of the Gordon inquiry have also been incorporated into departmental practice. I make the point that it was like pulling teeth to get the Labor government to implement those recommendations. The Auditor General's report in 2004 on the Gordon inquiry showed that there had been great deficiencies in the implementation of those recommendations in the then Department for Community Development during Labor's term in office.

The Aboriginal reference groups in the Department for Communities and the Department of Health play an integral role in our reform processes and are working very well. I meet with former magistrate Sue Gordon on an informal basis to discuss issues. She is very pleased with the direction in which I am taking the department, and very pleased with the policies that I am implementing. I respect and value her professionalism.

Throughout my comments on this motion I have identified the very good work that is being done by the department. The departmental staff know that the culture of fear and intimidation that existed under Labor has well and truly gone. I actually go into the offices, and I say to the staff that that culture has gone, and if they want to tell me something, they can.

Hon Ljiljanna Ravlich: They are not supposed to reveal operational matters!

Hon ROBYN McSWEENEY: When I am in their offices and I am sitting down and talking to the staff, I say to them that if they have anything to tell me, because I am there in their offices, they can do so, and we have a question and answer session.

Hon Ljiljanna Ravlich: You cannot give them any instructions in relation to —

Hon ROBYN McSWEENEY: I certainly am not doing that, but, when I am in their offices, I have a question and answer session, so they certainly know that the culture of fear and intimidation has gone completely.

Yesterday, the Leader of the Opposition attacked—I thought rather unfairly—one of our members, Hon Helen Morton, for not doing enough in mental health. I put it to members of this house that these 22 deaths in the Aboriginal community between 2003 and 2007 happened on Labor's watch. What did Labor do about those 22 deaths? It did nothing. Year after year there were child death review reports that said that the same problems were occurring. This was mental health at its worst, and it was on Labor's watch. These children died, and their relatives suffered. Some of the children in this cohort had parents with mental health issues. Other issues were financial hardship and chronic neglect.

The government will not be supporting this motion. We are an honest and accountable government. We are not like the former Labor government. The former Labor government refused to entertain the thought of releasing to the public the Sanderson report on Aboriginal communities. That government had to be dragged kicking and screaming to release that report. It was only when the embarrassment became untenable that it released that report.

Hon Ken Travers: So will you release all similar reports that you receive?

Hon ROBYN McSWEENEY: I will continue to improve on what we have been able to achieve in a relatively short time, given the terrible history of this department. Child protection is a very emotive field to work in, and child protection workers have a very hard job to do, but they do that job because they love the children.

HON ALISON XAMON (East Metropolitan) [4.16 pm]: The Greens welcome this motion that has been put before the house, and we value the opportunity to contribute to the consideration of this important issue at this level. This is the sort of motion that is well worthy of consideration by the Council, and I thank Hon Sue Ellery for putting it forward. At a personal level, I am a mum of small children, and the welfare of children everywhere is a matter that sits very close to my heart. This report of the Child Death Review Committee does not make for easy reading. It is a very sobering report. It is, therefore, a very important report for this house to consider.

The Child Death Review Committee plays a critical role as the oversight body that is charged with looking into the deaths of Western Australian children who are known to government agencies. All reports of the Child Death Review Committee deserve careful scrutiny and action. It is, therefore, important that we are dealing with this matter now.

Now that the important functions of the Child Death Review Committee have been transferred to the Office of the Ombudsman, I hope that future reports of the committee will have fewer limitations placed upon them than is the case with the report that we are considering today. This is a very welcome change. I concur with the minister in making that comment, because the minister also believes that this will be a welcome change in how we assess these sorts of issues. The report that we are discussing today is on the committee's analysis of the 22 Aboriginal child deaths that were reviewed by the Child Death Review Committee between 2003 and 30 June 2007. Of course, tragically, this is only a small number of the hundreds of children who were known to the Department for Child Protection at the time who died during this period. The report found that many of these deaths were both predictable and preventable.

As I have said, the report makes for sobering reading. Although much of the information that is contained in the report has been provided in the annual reports of the Child Death Review Committee, the value of this new review lies in the provision of a very specific analysis of the Aboriginal child deaths in which chronic neglect was present, so it gave that issue the attention that it deserves. The report has some very concerning findings. I found it a particularly shocking finding in this report that the overall service system response in all 21 cases was inadequate. That can be found at page ix of the report. It was also found that there had been ad hoc case management and poor coordination between departments, a lack of focus on the possibility of cumulative harm, and inadequate referrals and monitoring of these. It is a pretty grim picture.

We recognise that children deserve at least the same right to protection and support as adults. Certainly the heartbreaking debates we had in this house against the mandatory sentencing of juveniles indicates that we are prepared to make children as liable as adults, so let us give children the same protections. The question that certainly comes through loud and clear in this report is: why are the best interests of the child often the last thing to be considered when it comes to protection? I argue that as children are the most vulnerable members of our society—particularly Aboriginal children—they need to be afforded the highest levels of support and protection available. Sadly, the report shows clearly that is far from the case. We have really got a long way to go until we start to get it right.

As I said, this review only considered the limited number of cases of children who have died as a direct result of neglect and whose deaths have been reviewed by the Child Death Review Committee. It was really only a small sample. It also raises in my mind the many more children whose lives have been, and continue right now to be, irreparably damaged due to the cumulative effects of chronic neglect. I quote from page 12 of the report —

> Neglect, especially emotional neglect, can have more negative consequences than other forms of maltreatment. In addition, the negative consequences appear to be cumulative.

Despite the growing recognition of the impacts of neglect on children, the report goes on to state —

> … statutory authorities and service providers continue to minimise the harms resulting from chronic neglect in comparison to other forms of maltreatment and abuse.

I understand that there were 1 464 substantiated cases of child maltreatment in WA in 2007 and 2008. In 621 of those cases it was substantiated that neglect was the most common type of maltreatment. These figures are generally considered quite conservative estimates of the actual instances of neglect of children within WA. It is a hidden area of child abuse and one that is often not very easy to uncover. Given these statistics I find it incredible that when the report we are discussing today was written the Department for Child Protection apparently had no clear processes for assessing the additional risk of chronic neglect associated with intergenerational child abuse and neglect; living in rural and remote communities; the increased vulnerability of infants and toddlers; the presence of chronic substance dependence; and the presence of family violence. I would have thought these processes would have been on a radar somewhere.

It is clear that we need to shift the posts to ensure that neglect in children is given the attention it requires. As the report notes, we need to make sure that neglect is no longer neglected. Some of the children whose deaths were reviewed in this report died at a particularly young age—I am talking about babies. The report demonstrates that every moment we delay dealing with these problems has the potential to result in tragic consequences. We have to get better at identifying, monitoring and preventing occurrences of chronic neglect. We have got to do it in a timely manner. To quote again from the report —

> While later negative life events also have an impact, it is during the pre-natal and first three years of life that they have the greatest capacity to change the way the brain develops.

I understand that it is only since last year that the Department for Child Protection has actually developed a comprehensive policy specifically on neglect rather than lumping neglect with other forms of maltreatment. That is good but it is only a start. Although I acknowledge the complex difficulties in identifying and dealing with cases of chronic neglect, I believe there is no excuse that is good enough. We simply cannot put it into the too-hard basket. We are going to have to get better at doing it.

I am interested to know what initiatives have been employed since the review was written to ensure that the drug and alcohol problems of families that the Department for Child Protection has contact with are not just accepted, but that real efforts are being made to address these as part of the department's efforts to protect children from neglect. I noted the minister's comments on the sorts of initiatives that are occurring in some of our more remote communities particularly around alcohol bans. I welcome these sorts of initiatives, particularly when they are supported by the community. I also concur with the minister's comments about the very strong leadership role that a lot of Indigenous women are taking in terms of ownership of these issues. It really highlights that we need to be engaging with communities on the ground in order to find real solutions to these problems and the systemic issues of alcohol abuse.

This report provides a really important focus on the particular challenges that are faced by Aboriginal and Torres Strait Islander families. As many in this house would be aware, even before an Aboriginal child is born he or she faces greater hurdles than most other Australian children. Aboriginal children are more likely to be born preterm and with a lower birth weight. They suffer higher rates of SIDS, infectious diseases and emotional and behavioural problems. Aboriginal children are subject to higher rates of abuse. I know that none of this is news to members, but it is important that we do not forget and that we keep reminding ourselves of our onerous responsibilities in terms of addressing these issues. Despite these challenges, many families at risk still scream out for appropriate, ongoing services and support that they so obviously need. I remind people at this point of the cuts to mental health that might have an effect on front-line services; but I certainly hope that they are not going to be affected.

I draw attention to the findings of this analysis that highlight the need for improvement across all relevant areas of service delivery to tackle Aboriginal disadvantage in our society. The issues canvassed in the report are not confined to improving processes simply within the Department for Child Protection. They are a lot broader than that. They are also about improving general living conditions and better service delivery to Aboriginal people, including more targeted support based on widespread and appropriate consultation with Aboriginal groups. I certainly hope that this report is being looked at by other ministers in addition to Hon Robyn McSweeney, because this is a holistic issue that also crosses issues of housing and employment and a range of other areas. It is very comprehensive and very complicated.

One of the limitations of the review was that there has been very little written to date on the chronic neglect of children within the Aboriginal context. Certainly there was not a lot of literature that could be drawn on in the review, which was a comment that the research team made. There is a lot of work to be done. Clearly, we have got to become better informed so that we can formulate and carry out the best possible policy in this area. A critical part of that is obviously to have better consultation with the Aboriginal groups and have them playing a key role in looking for solutions.

I find it disappointing that WA does not have an Aboriginal women's legal centre as we have in other states. That would provide a really important focal point for advocacy for many Aboriginal women and their families' needs and rights. An Aboriginal women's legal centre in Western Australia would help to provide a voice for Aboriginal women's perspectives, particularly around the rights of Aboriginal women, children and families. As an aside, I pay tribute to the fabulous work being done by the Women's Law Centre of Western Australia with its Fitzroy outreach program, so ably coordinated by the inimitable Kate Davis, who is the coordinator of the Women's Law Centre. I know a lot of work has been done on the ground, with very little money, trying to assist these women, which will hopefully translate into improved outcomes for the children of their community.

Another recent review that highlights the need to improve consultation with Aboriginal people is the Department for Child Protection's review in March this year of the West Australian Aboriginal child placement principles, which I believe the minister has been looking at. I will make a couple of comments on this review. Firstly, I commend the minister for conducting this important review, given the findings of the Child Death Review Committee and the fact that the national rate of Indigenous children in care is six times that of other children. The review found that Department for Child Protection field staff have not been using the placement principles as intended to ensure the best interests of Aboriginal children are put first. I am certainly not pointing the finger at the hardworking Department for Child Protection staff, because I am aware that so many of them do an absolutely amazing job under extremely difficult circumstances. It is a tough job, and their dedication to the job needs to be applauded and recognised. My concern here is that these workers are not given enough information, advice and support to enable them to make sure that the needs of these children are always the first consideration. It seems to me that that is the first port of call. The review also found that we need to provide better resources, including respite and financial support for Aboriginal families who are looking after their relatives' children. I hope and trust that the minister is also acting on the findings of this element of the report.

In order to tackle the problem of the neglect of Aboriginal children, we need better holistic and sustained programs aimed at ameliorating the long-term and intergenerational effects of neglect which—as the child death review report states—acknowledge the harms associated with dispossession, separation and institutionalisation and which have a focus upon healing and restoration. These are big asks, but above all we need to be courageous and committed to making a difference over the long term, which also means money, with the realisation—I would be one of the first to recognise this, and the Greens recognise it as well—that change is often slow, maybe too slow. This is a complex issue that takes time. In many instances, we are talking about people who are living at the core of poverty and disadvantage; this is a hard issue and there are no easy solutions. I appreciate Hon Sue Ellery's acknowledgement that successive governments have not been successful in addressing the complexity of the issues surrounding children and chronic neglect. However, I absolutely concur that this is simply too serious an issue to try to score political points over. We have reached a point in 2009 that is indicative of a long history of a very difficult issue. We can always look in hindsight at ways that things could have been done better, but we really need to look at where we are now, learn from our mistakes and find ways to move forward.

Hon Robyn McSweeney: I showed you that over three hours.

Hon ALISON XAMON: The minister certainly did, which is terrific. I am pleased to hear that that is the case. I am not prepared to accept that maybe there has not been at least some attempt at goodwill from successive governments in trying to address this. I acknowledge that it is a really complex issue.

Hon Robyn McSweeney: It is always continuing.

Hon ALISON XAMON: Yes, it is. I agree with the minister's comment that it is always continuing. It is complex and very deeply rooted, and that is why we also need to be looking at a multi-departmental approach to dealing with these issues, because the solutions are so much broader. I will say it again—this means money. That is basically what it comes down to.

I echo the comments of Hon Sue Ellery that by ensuring regular reports to this Parliament—which is why the Greens are supporting this motion—and by monitoring the process, all of us can be part of ensuring that these issues do not fall off the political agenda, and we can all take responsibility for being a part of the solution. I see this as something that is not limited to one party or even one government. This is something we all need to take responsibility for. As I said, regular reports play a part in that. Reporting to Parliament has a significant role. We grant powers to conduct child death reviews with the intention that what we learn from investigating a small group of child deaths is used to shape future policy and practice. If nothing else, let us learn from these tragic deaths and use what we learn to develop better and more targeted responses for the future. I would welcome an opportunity, through the proposed quarterly reporting process, to closely follow the government's performance in this area with the hope that substantial improvements are being made. Reports like the one we are considering today can be extremely useful, but only if they are used to enable positive change in the way we do things. In this case, if the recommendations are enacted to result in improvements in the lives of children for today and tomorrow, that is a wonderful thing.

The opportunity to consider the recommendations of the "Group Analysis of Aboriginal Child Death Review Cases in which Chronic Neglect is Present" report of the Child Death Review Committee is a valuable one. The purpose of the report was to enhance the quality and timeliness of the intervention by the Western Australian child protection service system, in future instances in which chronic neglect is a major presenting risk factor. As such, it is really important that the findings and recommendations of the review be given the serious attention and action that they warrant and that we receive regular reports about how we are going and whether the solutions are working. The Greens support this motion.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [4.38 pm] — in reply: In my comments in reply to the other speakers I want to acknowledge that the Minister for Child Protection did indeed give us a very comprehensive report on the progress that has been made since this review was first published, and how the recommendations of the Child Death Review Committee have been incorporated, embedded and built in to the reform projects and the ongoing implementation of those reforms in the Department for Child Protection. That was very useful. The motion was about asking the house to agree that we receive regular reports. I note that the minister gave us a very comprehensive report, but is not prepared to agree that we receive regular reports. It seems to me that there is a bit of an internal inconsistency there.

The Ford report, which resulted from the inquiry conducted by Prudence Ford, was commissioned by the Carpenter government to look at the very serious issues around the provision of child protection in Western Australia. That report was accepted in its entirety with the exception of one recommendation. The single recommendation that was not accepted by the Carpenter government was the recommendation in the Ford report that the government not proceed to introduce mandatory reporting of child sexual abuse. The Carpenter government did not accept that recommendation and, at the time that we announced that we would accept the rest of the Ford report's recommendations, we announced that we would introduce the mandatory reporting of child sexual abuse.

An important part of how to give effect to the Ford report's recommendations was the appointment of the new Director General of the Department for Child Protection, Terry Murphy. After Mr Murphy had been appointed, I remember very distinctly meeting with him in my ministerial office. I think it was a Sunday, and I asked him to come in before he started work on the Monday. I gave him a copy of the Ford report and I said to him, "That document is your framework and your major task is to ensure that all those recommendations are implemented" and that I, as the then minister, wanted to see an implementation plan that would satisfy me and give me confidence that those things would happen. Mr Murphy adopted a project management model for how he would prepare the implementation plan. The structure of that project management model was not dissimilar to that which had been applied in the Department of Health, which is where he had come from, when it was doing the health reform work arising out of the Reid report into the Western Australian hospital system. I am really pleased that the work of the reform project that Terry put in place has proceeded so well.

One of the important elements of that work is that the very nature of the way that those projects were put into operation went to changing the way that that department worked. The project teams were composed of relevant stakeholders, be they inside the department, outside the department but in other government agencies or, indeed, outside government completely and in the non-government organisation sector. The very nature of the way that the work was to be done in implementing the recommendations of the Ford review immediately caused the culture to start to shift. People saw the approach that Terry took as a breath of fresh air and they were engaged at the beginning of the planning process to make the changes that they and others had been calling for. The way that Terry tackled that—that is, by including those stakeholders at the very beginning—did much, I think, to begin to restore confidence both internally, in the sense that the workforce started to see that this was a new way of doing things, and externally. Those critics, particularly some of the non-government sector providers who had felt excluded from the decision making on how they were supposed to provide the services they were contracted to provide, really felt that they were being taken seriously because they were literally sitting around the table as the decisions were being made about how the new procedures would operate. That work begun by Terry Murphy reflects really well on him. Whatever else he does in his professional life, I certainly think that he needs to be very proud of how he met the challenge in addressing the cultural, structural and relationship issues reflected in the recommendations of the Ford report.

However, the point made by both the minister and, most recently, Hon Alison Xamon is that we cannot rest on our laurels, and I am sure that the director general is not doing that. The very real challenge at this stage of the reform process is to maintain the momentum of ensuring that within and outside government we do not revert to the old ways of assuming that the Department for Child Protection is going to fix everything to do with children. That remains a fundamental challenge and it ought not be just the responsibility of the Minister for Child Protection to make that happen. That is in part why I thought it was a useful exercise to ask for regular reports, because if the minister's colleagues know that she has to provide a report to Parliament on, for example, the role that the Department of Housing or the Department of Education and Training might play, it kind of ups the ante a bit and lifts the focus beyond the singular to the whole picture.

I will give members an example of how that still has not changed and remains a challenge. Members may have read two really disturbing articles in *The Australian* over the past two days about a serial sex offender against children who is alleged to have raped a four-year-old girl in Broome. There is a range of issues associated with the reporting of that, but one of the results has been a request by the family to find emergency alternative accommodation in Broome because they did not feel that they could keep their children safe. One of the most tragic aspects of that case is that the child is four years old and it is the second time that she has been raped.

Hon Robyn McSweeney: Has that been reported?

Hon SUE ELLERY: Yes.

Hon Robyn McSweeney: That it is the second time?

Hon SUE ELLERY: Yes. It was in *The Australian* today.

Hon Robyn McSweeney: So it has been reported?

Hon SUE ELLERY: I read it in *The Australian* today.

The appalling aspect is that the alleged perpetrator was out on bail at the time that the offence was committed. That is not the point of my raising this issue in this place, as tragic and incredibly disturbing as it is. Part of the reports that have been made goes to the buck-passing in trying to find emergency alternative safe accommodation for the family. I do not know all the circumstances behind the communication between the Department of Housing in Broome and the Department for Child Protection in Broome, but it would not surprise me to find that in fact two separate arms of government were not able to meet the immediate needs of that family because that happens time and again. I am not standing here blaming anybody right now because I do not know all the background behind the case, but I am saying that as soon as I read that, I thought that at a time of enormous distress and anxiety, not to be able to find emergency alternative safe accommodation —

Hon Robyn McSweeney: She was offered safe accommodation.

Hon SUE ELLERY: I do not want to debate the circumstances. The point I am making is that the allegation has been made in the public reporting that basically two departments were not able to satisfy the family's needs. I am not accepting that on face value; the point I am making is that that kind of thing is not new. It happens far too regularly, and it is part of the reason why people lose faith in the capacity of governments—I do not mean this government—to deliver real change. I use that as an example of why driving this reform and fixing that kind of gap in service remains a very real challenge. I genuinely put forward this motion as a tool to shine an extra light on this issue and to ensure that Parliament is kept informed of how these issues are being tackled across government. I think that regular reports to Parliament could move that focus from one agency and one minister to across the board.

The government, for its own reasons, will vote the way that the government wants to vote. I urge members to think about the tools we can use to ensure that we continue to focus on this issue, that we really support those families who need our support and that we demand of government service providers that they put themselves in the shoes of the people they are serving and not get locked into that silo mentality—or whatever bit of jargon we want to use to describe it. With those comments, I commend the motion to the house.

Question put and a division taken with the following result —

Ayes (13)

Hon Helen Bullock	Hon Adele Farina	Hon Sally Talbot	Hon Ed Dermer *(Teller)*
Hon Robin Chapple	Hon Jon Ford	Hon Ken Travers	
Hon Kate Doust	Hon Lynn MacLaren	Hon Giz Watson	
Hon Sue Ellery	Hon Ljiljanna Ravlich	Hon Alison Xamon	

Noes (18)

Hon Liz Behjat	Hon Brian Ellis	Hon Alyssa Hayden	Hon Helen Morton
Hon Jim Chown	Hon Donna Faragher	Hon Col Holt	Hon Simon O'Brien
Hon Peter Collier	Hon Philip Gardiner	Hon Robyn McSweeney	Hon Ken Baston *(Teller)*
Hon Mia Davies	Hon Nick Goiran	Hon Michael Mischin	
Hon Phil Edman	Hon Nigel Hallett	Hon Norman Moore	

Pairs

Hon Matt Benson-Lidholm	Hon Max Trenorden
Hon Jock Ferguson	Hon Wendy Duncan

Question thus negatived.

KIMBERLEY LIQUEFIED NATURAL GAS PRECINCT

Motion

HON JON FORD (Mining and Pastoral) [4.53 pm]: I move —

(1) That this house expresses its concern at the comments made by the Premier to the Committee for Economic Development Australia conference on Tuesday, 3 March 2009 in which he referred to a proposed LNG precinct to the north of Broome and stated —

> …we are proceeding in developing an LNG precinct to the north of Broome. That's not the spectacular part of the Kimberley coast, it's flat tableland, no people living within probably 30 or 40 kilometres of the area … That's important, we're trying to do that by negotiation, the timetable is the end of this month. If we can't do it by negotiation, the State will resume the land. I'll do that reluctantly, but we will do it. We will not hold up economic development and we will not deny the people of the Kimberley—and particularly the Aboriginal people—the opportunity from some economic independence and some economic security.

(2) That this house calls on the Premier to —

(a) explain how he can claim to be negotiating in good faith when he put on public record that if he does not get a negotiated outcome, he will resume the land to develop an LNG precinct to the north of Broome; and

(b) explain why he is presenting a veiled threat to Indigenous people in respect of this matter and whether this is a sign of things to come.

This motion was placed on the notice paper some time ago—indeed, on 18 March this year. Given it is now October, we wonder about the relevance of some of these motions. Having given some thought to that and in light of what we have heard from the Premier to date, particularly on this matter and other matters I will raise, we can appreciate that it is indeed relevant today, and I hope to demonstrate to the house a pattern that has developed with the Premier's approach to these matters.

I would like first to deal with the comment that "That's not the spectacular part of the Kimberley coast, it's flat tableland, no people living within probably 30 or 40 kilometres of the area." Before I proceed, I must say that I support the concept of a single gas hub. In fact, I support the gas hub, as I understand it to be, being located in the James Price Point area, provided the proper environmental checks are in place and provided the deal is delivered that the Kimberley Land Council negotiated.

I remember my first visit to James Price Point with this particular development in mind. I was there about two hours before sunset. The first thing that came to my mind in a satirical sense was that, what this place needs is a whacking great big liquefied natural gas plant! It is a spectacular place, unique in its own way. Although there are a lot of pindan cliffs around the place, because it faces straight into the sunset, it is an amazing sight when the sun sets.

Negotiations around this site have been going on with local people, particularly the Kimberley Land Council and local Indigenous people, for years and years prior to the Premier making these points. It should be noted that this was not actually his first choice. I will go through the chronological history of this. North Head was the Premier's first choice, and that was going to go ahead no matter what until he was given information that suggested perhaps another place should be the site. Making a comment about it not being a spectacular part of the Kimberley coast fails to recognise all the other activities around the area. Indeed, the road that leads up to James Price Point is utilised extensively not just during the cooler tourist season months, but also throughout the summer months for fishing and camping by local people, particularly in the Broome surrounds. It is one of those last wilderness areas in that it is not specifically covered by a native title agreement under which access needs to be sought on a regular basis and it is not covered by a pastoral lease. People can go to any one of those creeks. I go fishing up there and always see people there. The tracks are always well utilised. It is a main recreational area. Naturally, the local people have some concern about access to that area. Even the people who support the project do not agree that this is not a spectacular part of the coast.

Then there are the concerns from the tourism operators with the large charter vessels to whom people pay a lot of money, sometimes up to $1 000 or $2 000 a night, to go up and down the coast. The comment was made to me that most of the time they go up in the dark. They are concerned that they will see flares.

Debate interrupted, pursuant to standing orders.

[Continued on page 7985.]

QUESTIONS WITHOUT NOTICE

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

985. Hon SUE ELLERY to the parliamentary secretary representing the Minister for Housing and Works:

I refer to the National Partnership Agreement on Remote Indigenous Housing.

(1) When was the agreement signed?

(2) How many dwellings for Indigenous people did the state commit to constructing and over what time frame?

(3) How much money did the commonwealth commit to this program and how much did the state commit?

(4) How many dwellings have commenced construction under this agreement?

Hon HELEN MORTON replied:

I thank the member for the question.

(1) The agreement was signed in December 2008 and the implementation plan was agreed to in June 2009.

(2) The state committed to constructing 295 units over the four-year agreement.

(3) The commonwealth has committed $496.53 million, of which $318.5 million is apportioned for capital works. The state has committed $66.23 million over the life of the agreement to provide standardised tenancy management and support services.

(4) The state will deliver 75 dwellings by 30 June 2010, and three houses have commenced construction.

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ENGAGED IN MEDIA AND COMMUNICATIONS

986. Hon SUE ELLERY to the parliamentary secretary representing the Treasurer:

I refer to each department and agency under the Treasurer's control, including his office.

(1) What is the total number of employees engaged in media, communications, marketing or speech writing, including public, corporate and media relations?

(2) What is the salary band for each of these employees?

(3) What is the job title for each of these employees?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of this question. Due to the time constraints in providing a response, I ask that the member place the question on notice for a detailed response.

GAS SUPPLY AND EMERGENCY MANAGEMENT COMMITTEE REVIEW — RECOMMENDATIONS

987. Hon KATE DOUST to the Minister for Energy:

I refer to the Gas Supply and Emergency Management Committee report that the minister tabled on Tuesday.

(1) When will the minister be responding to the report's recommendations?

(2) Does the minister agree with the committee's consultant, Evans & Peck, that gas storage is a cost-effective gas supply disruption mitigation option?

(3) If yes to (2), will the minister outline to the house if this option will be funded by the government or, as the consultant has suggested, by another increase in residential gas prices?

Hon PETER COLLIER replied:

I thank the honourable member for the question.

(1) I was very appreciative of the Gas Supply and Emergency Management Committee's work, in particular its report that I tabled in Parliament yesterday. The member is quite correct; the recommendations were quite extensive, and dealt with a raft of issues, not just mitigation but also management in the event of another disruption and gas market arrangements. I will be responding to those recommendations as a matter of priority. I can assure the member that I will be responding before the end of the year.

(2) With regard to the mitigation component, which is the incentive for electricity generators to move to retrofitting dual-fuelling or gas reservoirs, the concept of a gas reservoir is quite compelling. If we want to be better prepared in the event of another gas disruption so that we do not suffer the consequences of

the disruption, not just at the residential level but also throughout industry, commercial businesses and large business, we have to do something about it. We have to look at gas storage and the concept of dual fuelling. That is one of the recommendations of the committee.

(3) Cabinet will consider who will pay for the mitigation option. The costs to the consumer will be absolutely minimal. We are looking at about $5 to $20 per annum for local residents. As a direct result of the mismanagement of the electricity sector by the previous government, residents have suffered from electricity increases. They came under the jurisdiction of the previous government, which recommended in excess of 105 per cent increases in electricity charges.

The PRESIDENT: Order! That sounded like a bit of a rabble.

Hon PETER COLLIER: I was faced with the prospect of increasing electricity charges in excess of 100 per cent to get the cost reflectivity or pay hundreds of millions of dollars in community service obligations. That is the debacle that I was faced with. I am going to get to the point at which we fix the electricity system and we fix the gas system. The people of Western Australia will not mind that we will ensure supply so that if there is another disruption, we are better prepared because, quite frankly, what occurred last year was a disaster. There were simply no contingency plans in place. We are going to do something about it. We will be extremely proactive. We instigated the report. We have the report. We will act upon it. The report suggests that Western Australian householders will probably face an increase of about $5 to $20 per annum should we accept these recommendations. If householders want a guaranteed security of supply, I am sure that they will regard that as a small price to pay.

BOORABBIN NATIONAL PARK FIRE — CORONIAL INQUEST

988. Hon SALLY TALBOT to the Minister for Environment:

I refer to recent media reports on the evidence at the coronial inquest in response to the Boorabbin National Park fire in December 2007.

(1) What action has the minister taken to ensure that Department of Environment and Conservation firefighters are properly resourced and have the appropriate competencies should a similar situation arise in the future?

(2) What action has the minister taken to ensure better coordination between DEC and Fire and Emergency Services Authority firefighters when dealing with significant fires like this?

(3) Does the minister know when the review announced by the Premier in March this year into the state's bushfire readiness will be released?

Hon DONNA FARAGHER replied:

I thank the member for her question. I will just say at the outset that, as the member is obviously aware, the coronial inquest is underway, and I do not intend to make a specific comment on what was a very tragic incident.

(1)-(3) With respect to the department, following the incident in Boorabbin, a number of reviews were undertaken and a number of recommendations and learnings, if I can put it that way, were made to the department. It has certainly fulfilled most of those recommendations. A number of them relate to improved cooperation. There is a bill in this place relating to the very issue of the role of the Department of Environment and Conservation and FESA. Some of that obviously stems from other recommendations that arose from a committee report a couple of years ago.

It is very important to reflect on the fact that the Department of Environment and Conservation as well as the Fire and Emergency Services Authority and the bush fire brigade provide an absolutely vital service to the people of Western Australia, particularly to those in our south west communities. The department has obviously learnt and acted on a number of recommendations to improve its capacity to deal with fire and emergency incidents. I think it is fair to say that it will continue to do that because we do not want to see tragic situations like that which occurred in that particular circumstance or indeed like that which occurred in Victoria.

I understand that the report that was being undertaken through the Department of the Premier and Cabinet has been completed, but the member would have to refer to the Premier the question on when he intends to release it.

MILLENNIUM INORGANIC CHEMICALS — AUSTRALIND PROJECT

989. Hon GIZ WATSON to the Leader of the House representing the Minister for State Development:

I refer to the project relating to, and the agreement ratified by, the Pigment Factory (Australind) Agreement Act 1986.

(1) Is the agreement still in force?

(2) If yes, who is the current party to the agreement given that SCM Chemicals is now wound up and deregistered?

(3) If no to (1), has another agreement been made in its place; and, if so, with whom?

(4) What is the total amount of financial and in-kind support that government has invested in the project to date, including but not limited to its obligations under the agreement?

(5) Is the government currently leasing the Australind plant to Millennium Inorganic Chemicals, as suggested by clause 13A of the agreement?

(6) If yes to (5), and given that all the waste at the Dalyellup waste residue disposal facility originates from the Kemerton and Australind plants, does the government have a financial interest in the continuation of the site?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

(1) Yes.

(2) Millennium Inorganic Chemicals Ltd.

(3) Not applicable.

(4) Financial support for the project amounted to $16.3 million between 1988 and 1990.

(5) Yes.

(6) No.

TAXI PLATES — LEASE RATES

990. Hon KEN TRAVERS to the Minister for Transport:

(1) Does any agency in the minister's portfolio set a price for which taxi plates can be leased?

(2) If yes, what is the current price that owners of plates can charge?

(3) Does any agency in the minister's portfolio set rates for which taxi management companies can charge taxi drivers to use a taxi?

(4) If yes to (3), what are the current rates that companies can charge?

(5) Are there any additional charges a company can impose on drivers to pay, over the above rate?

Hon SIMON O'BRIEN replied:

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

(1) Yes; the Department of Transport.

(2) Shift lease fees are charged by taxi operators when their vehicle is leased. The current maximum shift lease rates are as follows —

> Friday and Saturday night shift $107.20; all other 12-hour shifts $74.00; peak period taxi plate lease per week $71.50—Friday and Saturday night; peak-period taxi plate lease per shift $35.75—other than Friday and Saturday night; and taxi plate lease rate per week $355.00—other than peak-period taxis.

(3) Yes; the Department of Transport.

(4) See the answer to (2).

(5) No.

GAS SUPPLY (GAS QUALITY SPECIFICATIONS) BILL 2009 — HOUSEHOLD CHARGES

991. Hon LJILJANNA RAVLICH to the Minister for Energy:

In relation to the gas specification legislation, why did the minister just advise the house that the proposal would probably add only $5 to household power bills when in fact he is quoted in an article written by Cortlan Bennett, the business editor of *perthnow*, on 13 October 2009 that the proposal would in fact add $5 to $20 a year; and has the minister not intentionally misled the house?

Hon PETER COLLIER replied:

I thank the honourable member for the question.

Several members interjected.

The PRESIDENT: Order! The member has asked her question. Give the minister a chance to provide an answer.

Hon PETER COLLIER: It is so difficult for me to answer questions from this member, I have got to say, because quite frankly they are rubbish.

Several members interjected.

Hon PETER COLLIER: I will get back to my teaching role and if the honourable member would listen, I will give her a response.

The proposal has absolutely nothing to do with the gas specification legislation. The member needs to understand that. I need to say to the member that she should get her facts right. This is to do with the gas supply and emergency management committee. I said in my response to the Deputy Leader of the Opposition that the anticipated increase in costs for those mitigation strategies would be $5 to $20 annually—per annum. I stated that in this chamber—$5 to $20.

Hon Norman Moore: Quite right. Read *Hansard*.

Hon PETER COLLIER: Check *Hansard*, then I will expect an apology tomorrow from the honourable member.

Hon Norman Moore: You won't get one.

Hon PETER COLLIER: Absolutely!

Mr President, I am really getting fed up with the fact that the member opposite, who was an unmitigated disaster as a minister, has got worse. I would not have imagined that she could have been worse in opposition than she was in government, but she is. I suggest to the honourable member that she gets her facts straight before she asks these ridiculous questions.

Hon Simon O'Brien interjected.

Hon PETER COLLIER: Yes, it is becoming very tiresome.

Several members interjected.

The PRESIDENT: Order! Members, I am quite at liberty to change the order of members to whom I give the call, and if members cannot ask their questions with the proper decorum and the proper standards that are applicable in this chamber, then I will change that order.

WEST ATLAS OIL LEAK

992. Hon ROBIN CHAPPLE to the Minister for Environment:

I refer to the West Atlas oil rig leak.

(1) What is the current daily leak rate in litres and drums from the West Atlas oil rig?

(2) Are funds being made available by any party to the Department of Environment and Conservation to prepare for the impact of the oil slick in Western Australian jurisdiction?

(3) If yes to (2), which company or government is providing these funds and how much is being provided?

(4) If yes to (2), what is the money being used for?

(5) Given that the oil slick has been going on for seven weeks, what preparation has DEC made for dealing with the impact on the WA coast and waters should it occur?

(6) What methods are currently being employed to capture or mitigate the oil leak and by whom?

Hon DONNA FARAGHER replied:

I thank the member for some notice of this question.

(1) The oil spill is in commonwealth waters and the response is being managed by the Australian Maritime Safety Authority—AMSA—under the national plan arrangements. This question should, however, be referred to the Department of Transport as the WA lead agency on this matter.

(2) The Department of Environment and Conservation has an undertaking from the commonwealth Department of the Environment, Water, Heritage and the Arts—DEWHA—that costs incurred by the department in undertaking oil spill response actions approved under the national plan will be covered by DEWHA. It is understood that DEWHA will seek reimbursement of those costs from the company PTTEP Australasia.

(3) See the answer to (2).

(4) Actions approved under the national plan, and currently being undertaken by DEC are —

(i) DEC has deployed an officer, trained in oiled wildlife response, to Ashmore Island to assist DEWHA's response to oiled birds and other wildlife; and

(ii) DEC has set up a joint oiled wildlife recovery centre in Broome to be utilised in the event that significant numbers of oiled wildlife are recovered in state and commonwealth waters.

This reminds me that I was in Broome last week and I saw the facility. It is a very good facility and if members happen to be in Broome in future, the department would be very happy to show them around.

(5) DEC is in daily contact with the Department of Transport, which is, in turn, in contact with AMSA. DEC has appointed an incident control officer to coordinate its response. DEC is monitoring the location of the oil. Oil spill trajectory modelling and risk assessment, based on predicted seasonal weather patterns, have been completed. An assessment of the sensitive environmental assets under threat, such as coral reefs, important turtle-nesting beaches and seabird rookeries in coastal areas at greatest risk, has been completed in order to plan protection action if this becomes necessary. DEC is currently planning to undertake a hydrocarbon survey in inter-tidal areas of the Kimberley region.

(6) AMSA is coordinating and managing the oil spill response. The two strategies being used are the application of chemical dispersants by vessel to freshly released oil and containment and recovery of oil using booms and skimmers.

JOHN NEWBY — WESTERN AUSTRALIAN FISHING INDUSTRY COUNCIL

993. Hon JON FORD to the Minister for Fisheries:

I refer to the claim by Mr Newby, the soon-to-be former chair of the Western Australian Fishing Industry Council, that the minister's chief of staff had left a message on his phone that suggested that the minister wanted him to resign from his position in WAFIC.

(1) Did the minister ring the WAFIC chairman, John Newby, today?

(2) If yes to (1), why has the minister left it until today to talk to Mr Newby?

(3) If no to (1), why has the minister not phoned Mr Newby?

Hon NORMAN MOORE replied:

I thank the member for the question. A question was asked yesterday by the member's colleague, in very similar terms to this.

Hon Sue Ellery: No; it was different.

Hon NORMAN MOORE: Well, congratulations!

(1)-(3) I rang Mr Newby today. I have to say that Mr Newby has made the public allegation that he has made calls to my office and they have not been returned. I have made a thorough check of that, and he has not called my office. Mr Newby has made his own judgements about his own future. I rang Mr Newby—having for the first time learnt from the media, not from him, of this so-called message being left on his phone—to explain to him the version that I have had explained to me in respect of that particular message. I have said to Mr Newby that if he has taken offence and believes that somehow or other my chief of staff thinks that he should be relinquishing his role as chair of WAFIC, I apologise on behalf of my office. But that is not my position. Indeed, Mr Newby is the chair of WAFIC. It is a decision of WAFIC as to whether he remains the chair and is re-elected at its annual general meeting. I do not know why the member is asking this question about who made phone calls to whom. I would have thought that this house has more important things to do than discuss who rang who on what day, but I guess that is an understandable state of affairs.

I made a statement to the house yesterday about the circumstances surrounding WAFIC. I do not resile from the fact that the government wants WAFIC to lift its game. The WAFIC board has been told by me that if it wants the government to continue to collect money from fishermen compulsorily to give to WAFIC so that it can spend that money on its representative role, it really does need to do a better job. There are some very serious issues that WAFIC needs to be looking at. Those issues relate to the whole fishing industry, not just the component parts that currently dominate the discussions of WAFIC. The people on WAFIC spend half their lives arguing with each other about where the money should go and to which particular sector. I am saying to WAFIC, "You can have all the money, provided you work out how to represent the industry better than you are doing now." Mr Newby understands that and probably agrees—in fact does agree—as do many other people in the fishing industry. I would have thought that instead of going to the puerile level of asking who rang who today, and why or why not, the member might have lifted his game a bit and started talking about the bigger issues.

CARNARVON POLICE AND JUSTICE COMPLEX — ENVIRONMENTAL ASSESSMENT

994. Hon MATT BENSON-LIDHOLM to the Minister for Environment:

I refer to the assessment by the Department of Environment and Conservation of the contamination of the site of the proposed police and justice complex at Carnarvon.

(1) Can the minister confirm that DEC has yet to receive the results of the water and soil analyses?

(2) When were these samples submitted?

(3) Once these results are received by DEC, can the minister estimate how long it will take DEC to finalise its assessment?

Hon DONNA FARAGHER replied:

I thank the member for some notice of the question.

(1)-(2) The accredited contaminated site auditor engaged by the occupier of the site is currently reviewing the site investigation and remediation works undertaken at the site and is preparing his mandatory auditor's report. This report will be submitted to the Department of Environment and Conservation once it is completed, and will include a report on the soil and water analyses.

(3) Once the mandatory auditor's report is received, DEC expects to complete its assessment within four weeks.

ROE HIGHWAY STAGE 8 — AECOM CONSULTANCY

995. Hon LYNN MacLAREN to the Minister for Transport:

I refer to the consultation process on the Roe 8 extension by the AECOM South Metro Connect consulting group.

(1) What is the total cost of this consultancy process?

(2) Will the minister table the terms of reference for the AECOM South Metro Connect project?

(3) Does the consultation process include an option for the Roe 8 extension not to be built; that is, a no-highway option?

(4) If an option not to proceed with building Roe 8 through the Beeliar wetlands is not provided to participants, how can this be called a genuine consultation process?

(5) Is the minister aware of a community survey of 500 residents in the South Metropolitan Region, conducted by the North Lake Residents Association in 2001, in which 95 per cent of respondents said that the Roe Highway extension should not be constructed?

Hon SIMON O'BRIEN replied:

I thank the member for some notice of this question.

(1) The consultancy contract is for defined services, with an estimated value of up to $10 million.

(2) Yes. AECOM has been engaged under a services agreement, which I will table in a moment. However, it should be noted that the scope of work is continually developed during the course of the project.

(3) No. South Metro Connect has been asked to develop a sustainable option for extending Roe Highway from Kwinana Freeway to Stock Road, generally along the existing metropolitan region scheme reserve, and progress that option through the environmental approvals process. This is in line with the government's commitment to this project.

(4) South Metro Connect will work collaboratively with the community to identify the best option within the project boundaries. Many aspects of the project can be influenced by community involvement. These include the road alignment and what it will look like; interchange and intersection locations and layouts; the passage of the road between Bibra Lake and North Lake; opportunities to improve the social and environmental aspects of the project; and the methods by which we manage social impacts, including noise impact, visual amenity and public art.

(5) Yes. However, South Metro Connect will be undertaking a much broader and representative survey.

I table the document to which I referred.

[See paper 1421.]

BUSSELTON HOSPITAL SITE — WESTERN RINGTAIL POSSUM HABITAT

996. Hon ADELE FARINA to the minister representing the Minister for Health:

I refer to the site of the proposed new Busselton hospital and the report titled "Significant Fauna and Flora Values—Busselton Hospital Redevelopment Site", undertaken by consultants Coffey Environments Pty Ltd, which states at page 15 that the hospital site is within a core habitat for the western ringtail possum, and that the clearing of vegetation associated with developing the Busselton hospital site will impact on a population of western ringtail possums within the core habitat for this threatened species.

(1) In view of this finding, does the government propose to proceed with building the new hospital on the current hospital site?

(2) How does the government propose to protect the western ringtail possum habitat and build the new hospital on the current site?

(3) What mitigation strategies are being investigated, or have been put in place, by the government, to minimise the detrimental impact on the western ringtail possum while expanding the existing hospital or building a new hospital on the current hospital site?

Hon SIMON O'BRIEN replied:

I thank the honourable member for notice of the question and provide the following answer —

(1) Yes.

(2) The western ringtail possum habitat will be protected by abiding by the environmental approval process and putting in place any mitigation required by that approval process.

(3) The mitigation strategies required will not be determined until the scope of the project and the building footprint has been finalised. The environmental approval process will address these issues.

WATER CORPORATION — HOWARD AND MARILYN KING — ASBESTOS-CONTAMINATED HOME

997. Hon HELEN BULLOCK to the parliamentary secretary representing the Minister for Water:

I refer to the asbestos-contaminated home supplied by the Water Corporation for its employee, Mr Howard King, and his wife, Marilyn, at Millstream in the Pilbara.

(1) Is the minister aware that Mr and Mrs King are living in the open while they wait for their home and possessions to be professionally decontaminated of asbestos?

(2) What steps is the minister taking to speed up the process by which the report on this contamination is undertaken and to ensure that its recommendations are acted upon?

(3) Why are Mr and Mrs King being treated in such slow and discourteous manner by the minister's agency?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of the question. The Minister for Water has provided the following response —

(1) The house in question is not a Water Corporation property. It is provided by Government Regional Officers' Housing. Mr and Mrs King have been living in the Water Corporation's short-stay quarters at Millstream during this period.

(2) Coffey Environments has completed its investigation and assessed that the house is suitable for reoccupation, and professional decontamination is not required. This information has been provided to Mr King via his representative, the union.

(3) The Water Corporation has done everything possible to assist Mr and Mrs King in this situation and has advised them that the property is suitable for reoccupation.

WATER RESOURCES MANAGEMENT BILL — DRAFTING

998. Hon ALISON XAMON to the parliamentary secretary representing the Minister for Water:

(1) What is the current status of the water resources management bill?

(2) When will the minister be reissuing drafting instructions to continue the early progress of the bill made under the previous government?

(3) What stakeholder consultation will be conducted during the drafting phase of the water resources management bill?

Hon HELEN MORTON replied:

I thank the member for the question. The Minister for Water has provided the following response —

(1) The government is intending a consultation process to determine a range of policy positions that will underpin the water resources management bill.

(2) New instructions will be issued once the consultation process referred to in (1) is completed.

(3) Please see answer to (1).

HILTON POLICE STATION — CLOSURE

999. Hon ED DERMER to the minister representing the Minister for Police:

I refer to the answer to question without notice 979 relating to the closure of Hilton Police Station. What did the review and analysis of crime activity find in respect to levels of reported crime, crime trends, antisocial behaviour, incident tasking and traffic conduct?

Hon PETER COLLIER replied:

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

Hilton Police Station's conversion to a day service centre in May 2007 was due to a reduction in crime and antisocial behaviour in the area and a management review of resource deployment efficiencies by management. There has been a realignment of the subdistrict boundaries for Fremantle, Palmyra and Murdoch Police Stations to increase the capacity of the south metropolitan district to provide a greater level of service and increased patrolling to the Hilton police subdistrict. The south metropolitan district is currently achieving agency-committed response times. The south metropolitan police district monitors crime trends on a daily and weekly basis through the tasking and coordinating group business process. In the year to date there has been a reduction in volume crime offences for the district and an increase of 25 per cent in committed traffic patrols.

LOCAL GOVERNMENT — DEVELOPMENT ASSESSMENT PANELS

1000. Hon LYNN MacLAREN to the minister representing the Minister for Planning:

(1) Does the minister still anticipate creating only one local development assessment panel?

(2) Does the minister still anticipate creating five metropolitan and nine non-metropolitan joint development assessment panels—that is, panels servicing more than one local government area simultaneously?

(3) Given the answers to (1) and (2), will the minister please estimate the total number of unelected specialist development assessment panel members that will be needed statewide if the proposed system of development assessment panels is implemented?

(4) Given an anticipated return to times of labour shortages in specialist professions as development gears up on Barrow Island and elsewhere in the north west in coming years, where does the government imagine these specialist development assessment members will come from?

(5) Will the minister consider extending the deadline for submissions on the discussion paper "Implementing Development Assessment Panels in Western Australia", as many new locally elected councillors may want an opportunity to comment following local government elections next Saturday and the induction processes for councils?

Hon ROBYN McSWEENEY replied:

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

(1) Yes. At this stage it is anticipated that only one local development assessment panel will be created, which would be for the City of Perth.

(2) At this stage it is anticipated that a minimum of 14 joint development assessment panels will be created across the state. The number of panels may change following the analysis of submissions received regarding the discussion paper "Implementing Development Assessment Panels in Western Australia".

(3) As three specialist members will be appointed to each local and joint development assessment panel, there will be a minimum of 45 specialist members appointed to panels across the state.

(4) The specialist members appointed will come from a range of professions to ensure that an appropriate balance in the membership of each panel is achieved. In the discussion paper currently out for public comment, it is proposed that the range of expertise required of specialist members may include planning, architecture, urban design, engineering, landscape design, environment, law, property development or management. The government does not anticipate that it will be difficult to find 45

appropriately qualified members from this broad range of expertise, particularly as specialist members may be permitted to sit on more than one development assessment panel at a time.

(5) The government is willing to give a two-week extension to submitters when a request has been made in writing to the Department of Planning.

DISABILITY SERVICES COMMISSION — EMPLOYEE REMUNERATION INCREASE

1001. Hon SUE ELLERY to the Minister for Disability Services:

I refer to the minister's answer to question 575 regarding the pay discrepancy between Disability Services Commission employees and those in the non-government sector.

(1) Has the minister now finalised a model to reduce the pay discrepancy between DSC employees and non-government employees to ensure that the sector can continue to attract and retain quality staff?

(2) If yes to (1), what are the details of that model?

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

Hon SIMON O'BRIEN replied:

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

(1) No.

(2) Not applicable.

(3) Indexation for Disability Services Commission funded organisations will be paid during 2009-10. Organisations are expected to pass on indexation funding for wages and other cost drivers. Commission direct care staff wages are not indexed; therefore, the discrepancy between DSC direct care staff and direct care staff in the non-government sector will be reduced.

It should be noted that there is no consistent basis for comparison between DSC and the non-government sector. For example, there is a wider range of services with a wider mix of staff within the non-government sector with different award structures. The commission, in contrast, focuses on a distinct client group with high and complex support needs using a narrower range of models and within one award structure.

PUBLIC SECTOR — SUPERANNUATION REFORMS

Question on Notice 731 — Correction of Answer

HON HELEN MORTON (East Metropolitan — Parliamentary Secretary) [5.38 pm]: I would like to correct some of the information provided in answer to parliamentary question on notice 731. The answer was provided based on information provided by the Government Employees Superannuation Board on 3 June 2009. Part of the question on notice sought information about the percentage increases in salary for the GESB chief executive officer and senior executives over the previous three years. The answer provided on 3 June set out these increases as being 8.5 per cent in 2005-06, 11.43 per cent in 2006-07 and 11.53 per cent in 2007-08. After the release of the GESB 2008-09 annual report, it came to light that these figures may have been incorrect. GESB has now provided updated information on executive salaries. To correct the parliamentary record, I provide the following information: salaries of the CEO and senior executives employed at GESB increased by 11.43 per cent in 2005-06; 11.53 per cent in 2006-07; and 28 per cent in 2007-08.

KIMBERLEY LIQUEFIED NATURAL GAS PRECINCT

Motion

Resumed from an earlier stage of the sitting.

HON JON FORD (Mining and Pastoral) [5.39 pm]: Before question time, I was referring to the comments attributed to the Premier contained in my motion, particularly "that's not the spectacular part of the Kimberley coast, it's flat tableland, no people living within probably 30 or 40 kilometres of the area".

Hon Ed Dermer: Does the member think the Premier lacks aesthetic appreciation?

Hon JON FORD: I think at the very least he lacks empathy and respect for the people who live in those areas. Nobody was very happy with those comments, not even the project proponents, because it just adds oil to the fire. A lot of people are users of that area of the coastline, although not necessarily due to the fact that they walk over the area. Many people go there fishing and camping, especially on the way up to that area, but there are also people who pass that area. Very high-end tourist operations go up and down the coast. We have also heard the debate from the environmental lobby that this area is at the end of the journey for migrating whales. What seems spectacular about this is the Premier's comment, and why he would say that, but he has a history of that, and

later on in the debate I will talk about that history. We will come to understand that this is his modus operandi on these issues.

The Premier said that he was trying to work by negotiation, but the timetable is for the end of the month, and if he cannot do it by negotiation, the state will resume the land—albeit reluctantly. In almost the same breath he says that we will not hold up economic development and we will not deny the people of the Kimberley, particularly the Aboriginal people, the opportunity for some economic independence and security. On one hand, the Premier is saying that the government will take the land if the people stand in front of him. This is in the context of years and years of negotiations between the state government and local Indigenous people over a whole range of different areas. None of those people has at any stage said that he or she was not willing to negotiate or discuss. All those people wanted was a fair cop, remembering that there has been a long history of Indigenous people not getting the benefits they had been promised in the past. On the other hand, the Premier is trying to hold up a sword saying that he will protect their economic interests and their future. That is a hard thing to cop, but we will find in the course of this debate and other debates that that is what the Premier does time and again.

Then there is the matter of the timetable. We must remember that we are not talking about just anybody making these comments; this is the Premier of Western Australia. He talks about a very important timetable. He says that he is trying to do it by negotiation, but the timetable is the end of the month. The Premier is saying that there is a real urgency in this matter—we have to push to get it cleared up—but we have also heard comments from the Premier saying that this is where the project is going to go. That was when James Price Point was eventually decided upon, after we had been told that North Head would be the location and there would be no negotiation about that. Now we are down to James Price Point. A few weeks ago, in a radio broadcast about gas processing at James Price Point, we heard that the proponents of the Browse Basin gas development appear as divided as the Broome community over where the gas should be processed. Gail McGowan from the Department of State Development, the government department responsible for overseeing this project, said that the Burrup Peninsula remains under consideration. The Roebourne shire president, Brad Snell, said that he was pleased that the Burrup was still being considered.

We know that that is a fact, because Woodside has been lobbying everybody. I would expect that it has been lobbying government members, as it has been lobbying the opposition. I remember going to a presentation on the Browse attended by many members from both houses, including ministers, and federal members from both sides of politics. Don Voelte was lobbying all the members present to put pressure on the commonwealth government to change the rules about how joint project participants can be overruled. Currently they are either all in or none in. Mr Voelte was suggesting that we get the commonwealth to change the rules so that they do not need to have consensus across the board among the participants, just a majority. Woodside itself is having trouble selling the concept of the gas hub, particularly at James Price Point, to its participants. They are saying that the Burrup may well be a better place. They say that if a new project is built in the Kimberley, all of a sudden all the support services that have been developed over years and years around the Burrup may have to be duplicated, and that represents extra cost. It is a lesser cost if those processors and support contracts are expanded at the Burrup. The additional cost of an extended pipeline represents less financial risk and less overall cost for the project if it is moved down the coast where all the infrastructure already exists. The infrastructure includes companies that rewire intrinsically safe electrical motors and service gas safety valves, which are constantly being serviced with regular maintenance as part of the safety management scheme, and as part of corrective maintenance when they fail. All the engineering services must either be divided between the two sides, or have the logistics to move them back and forth. There are all sorts of reasons why it should not move.

There is a real debate going on there, but this early in the piece the Premier is dictating to everybody, not just Aboriginal people, other local Kimberley people and the people of Western Australia, but also now to the project proponents, that the facility will be at James Price Point. In that context, the comments of the Premier of Western Australia are extraordinary, and it seems to me they could be politically dangerous from his perspective, because what happens in the end if the project proponents do not want to put it where the Premier wants it? Where will the Premier go? Will he get up and change his tune and say it now definitely has to go to the Burrup? We know that he was very pro-development at Burrup until he thought he was going to retire. Then, in a reflective moment, in the debate about the Burrup rock art, he said that, on reflection, perhaps the government had let too much go on at the Burrup; the site had been put at risk and projects there should not be expanded. However, I bet that his position has changed now that he is the Premier.

Hon Ed Dermer: How many times has his position changed since you put this motion on the notice paper?

Hon JON FORD: Lots of times, and I will go through each one of them in detail, supported with all the evidence and the public commentary in the press. That goes to the issue of the Premier claiming that he is negotiating in good faith. Where the heck does threatening to resume land fit within the concept of good faith?

Hon Ed Dermer: It's a curious understanding of good faith, isn't it?

Hon JON FORD: It is a curious understanding of good faith. For arbitrated outcomes within the industrial relations concept of good faith, there is always a big stick at the end in that if the parties cannot reach agreement, the commission will make a decision, but the preference is that the parties proceed in good faith and give and take along the way.

Debate adjourned, pursuant to standing orders.

CRIMINAL CODE AMENDMENT (GRAFFITI) BILL 2009

Third Reading

HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary) [5.50 pm]: I move —

That the bill be now read a third time.

HON KEN TRAVERS (North Metropolitan) [5.50 pm]: During the committee stage of the Criminal Code Amendment (Graffiti) Bill a number of questions were asked of the parliamentary secretary. I am a little disappointed because I had hoped that he might come back into the house and give us some of the answers that we encouraged him to provide during the committee stage last night. I hope that he will provide those answers before the third reading of the bill is put to the vote, so that members can be fully aware of all the facts before the bill is finally passed and becomes legislation.

Nonetheless, the questions that we must now ask are: what is the state of the bill as it has come out of the committee stage and does the house still wish to pass that legislation? A number of issues were raised during the committee stage. Although it may not be a ground on which to defeat the bill, questions were certainly asked about whether the policy of the bill as was outlined in the second reading speech will be achieved by the provisions in the legislation and whether they are adequate to deal with the issues that I believe all members of this house wanted them to deal with when the second reading of the bill was agreed to a couple of weeks ago.

I think it is clear that the provisions of clause 4 are lacking in the way in which they will deal with people under the age of 18 years. It became demonstrably clear to all members last night that this legislation will not have any meaningful impact in preventing people under the age of 18 from accessing graffiti implements. During the second reading and committee stages, the parliamentary secretary was asked about the provisions in the South Australian legislation for controlling graffiti. Although the parliamentary secretary did not care to do any research on the situation in South Australia, I did and I very quickly this morning found a copy of the legislation that was referred to—that is, the South Australian Graffiti Control Act 2001. Interestingly, it seemed during the debate at the committee stage that that legislation had only recently been passed, but the only legislation that I could identify from South Australia was passed in 2001. The South Australian act is far more substantial than the legislation that we are dealing with today. The South Australian act deals with the key policy issue of preventing people under the age of 18 from accessing graffiti implements in a far more comprehensive manner than does the bill that has come out of the committee stage. We now have a piece of legislation that is nothing but a sham. It will not prevent people under the age of 18 from accessing graffiti implements.

I suspect that some of my colleagues will make further points in their third reading contributions, particularly about some of the issues which were dealt with during the committee stage but which I believe were unsatisfactorily responded to by the government.

Hon Norman Moore: The chamber has made a decision on those particular matters. It debated every clause and you were here and voted for them all. The chamber has made a decision. Whether or not you like it is bad luck. Plenty of bills were passed through this house that I did not like either.

Hon KEN TRAVERS: Thank you for that advice, Mr Moore. I was aware of that. As you would know, Mr Moore, we are now on to the third reading debate.

Hon Norman Moore: And you are retreading the committee stage; that is what you're doing.

Hon KEN TRAVERS: No, I am not. I am going through the third reading debate —

Hon Norman Moore: And after you've done that, you'll retread the second reading, I guess; and, if you could get your own way, probably the first reading.

The PRESIDENT: I have been listening very carefully to the member's comments. The member will be aware that the third reading is a very narrow debate about why the bill should or should not be read a third time. The member cannot retrace the steps of the debate during the second reading or committee stages, because the chamber has considered those matters and has made its determination. Any comments that are made in addition to that need to specifically relate to why the bill should or should not be read a third time.

Hon KEN TRAVERS: Thank you Mr President; I appreciate your guidance on those matters. Certainly, it is my intention to demonstrate during the third reading debate why the bill as it has come out of the committee stage should or should not be read a third time. I understand that this is a very narrow debate. Before we make the

decision whether the bill will be read a third time, it is important for the house to acknowledge and understand exactly what the bill seeks to achieve. I do not intend to, and I am not suggesting that we should, re-canvass the policy of the bill. There is almost unanimous agreement within the chamber on the policy of the bill, but I believe it is important that we understand whether this bill, as it has been agreed to by the Committee of the Whole, will be good legislation that achieves the policy implications as were agreed to in the second reading debate.

Hon Simon O'Brien: It is exactly the same as what you agreed to in the second reading debate. Are you voting against it now?

Hon KEN TRAVERS: No.

Hon Simon O'Brien: Then you're a phoney and a fraud in what you're saying and so are all your colleagues!

Hon KEN TRAVERS: Hon Simon O'Brien would probably know more about phoneys and frauds than anyone else in this chamber.

Hon Simon O'Brien: Yes, because I've sat here and stared at them for 12 years!

The PRESIDENT: Order!

Hon KEN TRAVERS: Hon Simon O'Brien has sat next to them for 12 years; he has not stared at them for 12 years, although I have occasionally seen him do googly eyes at those who sit next to him.

Withdrawal of Remark

Hon ED DERMER: I am not at all sure that "fraud" is appropriate language to be used in this chamber. I would like your advice on that, Mr President. I think that Hon Simon O'Brien should withdraw that very inappropriate comment.

Hon SIMON O'BRIEN: The standing order is quite clear that if any member takes objection to any expression that is used, it shall be withdrawn. Accordingly, I withdraw.

The PRESIDENT: I do not have to make a decision.

Debate Resumed

Hon KEN TRAVERS: I was going to say, Mr President, that I certainly hope that that is not the new interpretation of the standing order, which refers to unparliamentary language; otherwise, we could end up with members taking points of order —

Hon Simon O'Brien: That is the standing order. You ought to look them up. You might also learn something about what the third reading debate is supposed to be about.

Hon KEN TRAVERS: I am amazed. I do not know that we want to get into a debate now, but I know that the Standing Committee on Procedure and Privileges will be keen to look at the standing orders of this house and to make sure that it clarifies in plain, simple English for members of the house the rules on the withdrawal of comments. I am not sure that it is quite that literal; it needs to be unparliamentary language.

Sitting suspended from 6.00 to 7.30 pm

Hon KEN TRAVERS: Before the dinner break I was providing the house with a summary of the opposition's view on the Criminal Code Amendment (Graffiti) Bill 2009 as it has emerged from the committee stage, and was questioning whether we could be passing a better bill if some of the suggestions that we put during the committee stage had been taken up by the government. One thing we very quickly discovered in this place is that there is probably not much point in moving amendments. However, the opposition will continue to put forward suggestions on how to improve legislation. If the government is not prepared to take note of our suggestions, so be it. It is clear that the government will exercise its numbers. Therefore, it is a case of the opposition continuing to put forward suggestions for amendments to legislation in the vain hope that the government will adopt some of its suggestions. The result would be better legislation. That was the procedure followed by this house for some considerable time prior to the last election.

This bill could have been improved in a number of areas that would have obviated the need for the opposition to, in this third reading debate, raise issues that would have achieved the aims that were agreed to in the second reading stage. I refer to limiting the supply of these implements to juveniles to, hopefully, more accurately and effectively reduce the incidence of graffiti.

I was informing the house that although the parliamentary secretary was unwilling to get a copy of the South Australian Graffiti Control Act 2001 to substantiate his comments, I was very quickly able to get a copy of it. If we had adopted a number of the measures contained in that legislation, this bill would have been better legislation.

I said before the dinner break that one of those measures—I am sure some of my colleagues will talk about it in more detail—would have been to require a sign to be prominently displayed in premises from which cans of spray paint are sold indicating that it is unlawful to sell cans of spray paint to persons under the age of 18 years. In addition, the sign should indicate that persons may be required to produce evidence of age when purchasing cans of spray paint. An amendment along those lines would have substantially improved this bill. It also would have dealt with some of the concerns that members on this side of the house have about a shop assistant working in those outlets not knowing what his or her requirements are. As the bill is currently framed, many people will not have any idea of their responsibilities.

The South Australian legislation also includes provisions for the appointment of authorised persons, and that is enforced by local government. That state's legislation requires that cans of spray paint in a retail outlet must be secured. It includes a similar provision to our legislation about selling spray paint to minors, as well as some requirements for providing proof of age. The South Australian legislation also contains a range of offences to do with the marking of graffiti. That is, again, a matter that I do not think is adequately addressed in the bill that we will be completing tonight.

Another provision in the South Australian legislation is that a person who carries a graffiti implement with the intention of using it to mark graffiti, or who carries a graffiti implement of a prescribed class without lawful excuse in a public place, or in a place in which the person is trespassing or which the person has entered without invitation, is guilty of an offence. A number of the concerns were raised by members during the committee stage. One of those concerns is that the bureaucratic process that will effectively be set up under this bill will not prevent people under the age of 18 from gaining access to graffiti implements. All that these young people will need to do is find an 18-year-old who is willing to buy these implements for them and pass them on to them. If a provision along these lines had been included in the bill, it would have helped to resolve that concern, because it would have put in place a mechanism to ensure that a person who passes a graffiti implement to another person for the purpose of committing graffiti is guilty of an offence. That would have been a far better situation.

The very limited measures that are contained in this bill are so poorly drafted that people will be able to drive a truck through them. Having listened to the debate yesterday, it is clear to me that a voluntary code of conduct such as the one to which the parliamentary secretary referred—the one that has been implemented by The Butcher Shop in Northbridge—would be a far more effective mechanism to control the supply of graffiti implements, not only to juveniles under the age of 18, but also to people over the age of 18 who are likely to use those implements for unlawful purposes, which I think is the criterion that the parliamentary secretary advised us of. A provision along the lines of that voluntary code of conduct would be far more productive than the very limited measures that are contained in this legislation that we are being asked to support tonight.

Unfortunately, we have received no advice or evidence from the parliamentary secretary about the basis for this legislation and about the government's expectations about how this legislation will achieve its aims. The parliamentary secretary did not provide that information to us at the commencement of the third reading debate. Perhaps it is the intention of the parliamentary secretary to provide that information to us in his summation of the third reading debate. This is a sad day for this Parliament. We are being asked to finalise this piece of legislation, yet that important information about this legislation has not been given to the Parliament, and it has not been given, through the Parliament, to the people of Western Australia. The Parliament and the people of Western Australia have not been given important information that will enable us to understand what research and analysis has been carried out by the government to ensure the aim of this legislation, with which we all agree—namely, to reduce the incidence of graffiti—will be achieved.

It is a sad indictment of this government that the response that was given by the parliamentary secretary to this house was, "I was not involved." Of course the parliamentary secretary would not have been involved. That is why parliamentary secretaries are given briefings. They are given briefings so that they are aware of the legislation that they are dealing with. They can then come into this house, as the representative of the minister, and put all those matters before the house so that when we make the final decision about whether we will vote for a piece of legislation, we are fully informed about what we are doing. Unfortunately, we will not be in that position tonight. We will be asked to vote for the third reading of this legislation without having any understanding of key criteria. We will be asked to pass legislation that is manifestly inadequate in its capacity to achieve the policy aims and objectives outlined to us at the commencement of debate. Again, I think that is a very sad indictment of the government. It shows we have a government that is prepared to bring to the house sloppily prepared, inadequate legislation and then refuse to engage in debate during the committee stage on the development of amendments to improve the legislation. We have a government that is prepared to just ram legislation through Parliament by using its numbers in this place. This legislation is a sham, and it will mislead the people of Western Australia into a false sense of security.

Hon Michael Mischin: We used your numbers!

Hon KEN TRAVERS: The opposition will support this legislation.

Several members interjected.

The DEPUTY PRESIDENT (Hon Jon Ford): Order, members.

Hon KEN TRAVERS: As I was about to say to members, the opposition will support this legislation because it is what we have before us tonight. This is the legislation that has come out of the committee stage of the passage of this bill. We are left with a decision; we support the principle and the policy of the bill. We engaged in a productive debate with the government during the committee stage to try to improve the legislation. We were not able to do that; we were not successful. Hon Giz Watson unsuccessfully moved amendments that were designed to make the bill reflect more accurately the government's policy in the lead-up to the last election. We are now left with only one piece of legislation to deal with, and that is the legislation before us, which was adopted by the Committee of the Whole House. We have to decide whether to vote for it or against it. Do we vote for inadequate legislation that may do something, or do we reject it? The difficulty is that if we reject it, the very meagre benefits of the legislation, if any, will be lost. We have wasted time putting this legislation through when we could have been producing wonderful legislation that would have gone a lot further towards achieving the policy aims and objectives that the house agreed to at the commencement of this debate. However, we cannot do that because we are now left to make a decision on the legislation before us.

The opposition will support the legislation on that basis, just as we supported the bill during the second reading debate, because we oppose graffiti and we want to do something about it. It is a shame that the government was not prepared to do the hard work of writing proper, decent legislation and presenting it to the Parliament. Instead it brought inadequate and lazy legislation to Parliament and refused during the committee stage to allow the opposition to improve it for the people of Western Australia. We are left with that dilemma. I do not wish to re-canvass earlier debates about whether this legislation will do anything, but we may as well pass it because at least it will not do any harm. However, I doubt whether it will achieve anything either. The government is using very poorly drafted legislation to try to spin a view to the community that it is doing something. However, it has been demonstrated during this debate that the government is not doing anything other than bringing legislation to the Parliament that has more holes in it than a sieve. We could use this legislation to drain the beans after they have been boiled in the pot! That is the nature of this legislation—there are holes all the way through it. The government is not interested. It just wants to use its spin to say, "We put a bill through the other day to ban graffiti!" Yet it will probably achieve nothing. The option for the house tonight is to reject or accept the bill. Unfortunately we only have the option of the legislation as it has come out of the committee stage. We will be supporting the legislation but it is a shame that the government is not prepared to use this chamber, as governments in the past have used this chamber, to seek to improve legislation and to seek to gain the views of the broad community and not just use brute numbers, as this government is showing on a daily basis its willingness and desire to do.

I will support the legislation but I am very disappointed that we will not achieve any of the policy objectives. I am more than happy to provide the parliamentary secretary with a copy of the South Australian legislation so he can go away and study it as part of his homework. Unfortunately, the government is not going to meet its policy objectives in this bill. Maybe the parliamentary secretary can look at the South Australian legislation and take up some of the measures. He can then come back to this house in the future and bring in the legislation that should have been brought in in the first place or, at the very least, should have been amended during the committee stage to reflect and pick up some of those issues. There are many measures out of the South Australian legislation that we could talk about. If the parliamentary secretary wants a copy, he can come and see me and I will give him a copy of it after this debate. I will leave the opportunity now because I think some of my colleagues wish to speak. They will be far more eloquent in putting forward arguments about the state of this legislation as it has come out of the committee stage and some of the areas in which it could have been improved to not only ensure we reduce graffiti but to protect innocent people out there doing the right thing; innocent people working in the shops and the like to ensure that we are able to defeat the scourge of graffiti in Western Australia.

As an opposition member I think I have adequately explained to the house why I will be supporting this legislation tonight.

Debate adjourned, on motion by **Hon Norman Moore (Leader of the House)**.

FISH RESOURCES MANAGEMENT AMENDMENT BILL 2009

Introduction and First Reading

Bill introduced, on motion by **Hon Norman Moore (Minister for Fisheries)**, and read a first time.

Second Reading

HON NORMAN MOORE (Mining and Pastoral — Minister for Fisheries) [7.49 pm]: I move —

That the bill be now read a second time.

This bill amends the Fish Resources Management Act 1994. The amendments contained in this bill will implement changes to the Offshore Constitutional Settlement fisheries arrangements, abolish three statutory advisory committees and modify some of the penalty provisions that currently apply under the act. With respect to the OCS, the amendments reflect an agreement taken by the Natural Resource Management Ministerial Council in 2004. These changes allow fisheries arrangements between the Australian Government, the states and the Northern Territory to operate with more flexibility and efficiency. They also provide an option for managing fisheries by commonwealth and state-territory jurisdictions through regional fisheries agreements. The amendments to part 4 of the act will abolish the Rock Lobster Industry Advisory Committee, the Recreational Fishing Advisory Committee and the Aquaculture Development Advisory Council. Other amendments to this part will provide more flexibility in the establishment of any advisory committees in the future. These amendments will not result in less consultation with the commercial fishing, aquaculture and recreational fishing sectors; rather, they reflect my view as minister that the Department of Fisheries should be my principal source of government advice, after it has consulted with relevant stakeholders.

After these amendments are in place, it will be my preference for the Department of Fisheries to seek advice from the Western Australian Fishing Industry Council, as the fishing industry peak body, on the management of the western rock lobster fishery, other commercial fisheries, and aquaculture. Recfishwest will continue to advise the Department of Fisheries on matters regarding the sustainable management of recreation fishery. WAFIC and Recfishwest, as the relevant peak bodies, will also provide advice to the Minister for Fisheries on behalf of their relevant sectors.

The amendments to section 224 provide a one-year mandatory suspension of a licence, instead of complete cancellation after convictions for three serious offences have been recorded in a 10-year period. Before the commencement of this act, it was long-established practice to reissue cancelled licences after an appropriate period of exclusion; however, the power to reinstate a cancelled licence under the existing act is limited. Because of this, and the previous established precedents, exemptions have been issued to allow fishing to resume. Unfortunately, there is no capacity to charge the exemption holder managed fishery fees that are payable by all other authorisation holders operating in the fishery. The amendments will provide a mechanism to issue new licences upon the payment of fees that would have been payable had the person been fishing under an authorisation and not an exemption. This will restore equity with respect to other authorisation holders in the fishery.

The bill also contains amendments that will close an existing loophole that enabled authorisation holders at risk of incurring a penalty contained in section 224 to permanently remove entitlements from an authorisation prior to a court conviction, thereby avoiding the full intent of the impact of section 224. I now wish to table an explanatory memorandum in relation to the bill. I commend the bill to the house.

[See paper 1422.]

THE DEPUTY PRESIDENT (Hon Jon Ford): Members, I am advised that whilst this debate will stand adjourned, in accordance with standing order 230A, this bill will be referred to the Uniform Legislation and Statutes Review Committee.

Hon NORMAN MOORE: I beg your pardon.

The DEPUTY PRESIDENT: I will seek some advice on that.

Hon NORMAN MOORE: So will I, because to my knowledge it has nothing to do with any uniform legislation.

The DEPUTY PRESIDENT: The advice I was given was that there is a section of the bill that deals with uniform legislation provided to this house in regards to certain fisheries matters.

I will take some advice from the Clerk.

Members, the debate stands adjourned. It is not in accordance with standing order 230(a), which relates to the situation following the first reading stage. If members do not understand it, as appears to be the case, the bill in fact relates to an agreement between the commonwealth minister and the state minister. The debate stands adjourned.

Debate adjourned, pursuant to standing orders.

ROAD TRAFFIC LEGISLATION AMENDMENT (REGISTRATION LABELS) BILL 2009

Introduction and First Reading

Bill introduced, on motion by **Hon Simon O'Brien (Minister for Transport)**, and read a first time.

Second Reading

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [7.57 pm]: I move —

That the bill be now read a second time.

The Road Traffic Legislation Amendment (Registration Labels) Bill 2009 seeks to discontinue registration labels for light vehicles. Currently section 27 of the Road Traffic Act 1974 requires the director general to issue a registration label evidencing the grant of vehicle licence and the label must be affixed to the respective vehicle as long as the licence remains valid. This bill will remove the requirement of the Director General of the Department of Transport to issue a registration label to every vehicle. The bill instead provides for regulations to prescribe the classes of vehicles to which the director general is to issue the label. As such, the regulations will not require the director general to issue a registration label to light vehicles; that is, vehicles and trailers of 4.5 tonnes or less gross vehicle mass. The requirement to issue and display registration labels for heavy vehicles will remain and be prescribed in the regulations. Registration labels will continue to be issued for heavy vehicles in accordance with the national heavy vehicle registration scheme. The bill also removes section 38 of the Road Traffic Act 1974 relating to the issue of registration labels to overseas vehicles while temporarily in Australia. The bill instead provides for regulatory provisions to prescribe the classes of vehicles that are to be issued a registration label under this section. Historically, the vehicle registration label has been issued primarily for enforcement purposes; however, the Commissioner of Police has advised that he no longer objects to the discontinuation of the label. Ceasing registration labels for light vehicles will provide financial and environmental benefits. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2009

Second Reading

Resumed from 6 May.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [8.00 pm]: The opposition will support this bill. I want to touch briefly on a bit of its history, on the report that was prepared by the Standing Committee on Uniform Legislation and Statutes Review and on the amendments. Before I do that, though, I want to place on the record my appreciation of the Attorney General's office for providing me with a briefing from Mr Peter Richards, who, as ever, gave a very comprehensive briefing, was generous with his time and provided me with the answers to the questions that I sought. So I want to thank him in particular for that.

This bill has in fact been before the house pretty much in a previous life. The 2009 bill was referred after it was introduced into the Council on 6 May of this year. It is, as explained in the second reading speech, very similar in substance to the Statutes (Repeals and Minor Amendments) Bill 2008, although it has some differences in the range of legislation that it canvasses. As is required, the bill was referred to the Standing Committee on Uniform Legislation and Statutes Review, and the committee gave it due consideration. I thank the committee for the report that it has prepared. It makes it that much easier for the house when we are considering the bill.

There are really four elements to the matters that are before the house in respect of this bill arising from the report. One goes to the matter of white versus yellow phosphorous and matches, which people might think is a somewhat intriguing matter to be the subject of some debate when we are dealing with a piece of legislation such as this. The other is a series of what might be described as typographical errors that need to be corrected, although I note that in one matter that the committee raised, thanks, I suspect, to the research of Mr Peter Richards, who traced back literally the original version of the bill in question to check where the apostrophe correctly sat in the title, he found that in fact it was correctly recorded in the government's bill.

The other matter that the committee raised—I expect that someone from the committee will talk to this—was about the format of the explanatory memorandum. It is worth touching on that a little, because members can imagine that an explanatory memorandum whose purpose is to set out the explanation for each of the clauses, clause by clause, on a bill that is dealing with so many different pieces of legislation to be amended, is a very useful tool. I understand that the parliamentary secretary will advise us that what happened was somewhat of a technical formatting issue, and that there is no issue on the government's part with ensuring that future explanatory memorandums are set out in such a way that they are easy for committee members, and, indeed, members of the house, to follow.

This is the kind of bill that is described as an omnibus bill, in that it seeks to make administrative changes and typographical changes. It also seeks to make corrections to update references to other pieces of legislation or to delete those pieces of legislation that are no longer relevant. The approach that is taken by government and is, I guess, checked by the Standing Committee on Uniform Legislation and Statutes Review in this sense is to ensure that it does not in fact try to sneak into the legislation matters of substance and changes of policy. Certainly, the committee found that that was not the case in this instance.

I will touch briefly on the question of white phosphorus versus yellow phosphorus, but I will not go through it in great detail. The explanatory memorandum of the 2008 bill explained that the White Phosphorus Matches Prohibition Act 1912 was no longer required as it had been superseded. The explanatory memorandum set out that it had been superseded principally by the Poisons Act 1964, under which the use of yellow phosphorus as a

listed poison is restricted, and more generally by the Occupational Safety and Health Act 1984, in relation to the safety of workers. When the committee looked at the issue, it could not satisfy itself that those two acts superseded the white phosphorus act. The committee found that if the house were to proceed to repeal the act dealing with white phosphorus, the manufacturing of matches using yellow phosphorus and the sale of matches made with yellow phosphorus would no longer be prohibited in Western Australia. The committee undertook some correspondence with the Department of the Attorney General, the Department of Health and the Department of Commerce to ascertain and to seek commitments on whether that was the case. As a result of that correspondence and engagement between the committee and the government agencies, the Standing Committee on Uniform Legislation and Statutes Review made recommendation 11 in report 39 that that particular clause—that is, 3(1)(k)—of the bill be deleted. I understand that the government has agreed to that recommendation.

It is the case that a piece of legislation such as this canvasses a very broad range of legislation, and in some cases legislation that goes back to the 1960s. One piece of legislation that caught my eye was the Workmen's Wages Act 1898. This act required wages for manual labourers to be paid weekly unless agreed otherwise. The information in the explanatory memorandum was that the act had been superseded by the state Industrial Relations Act and the Minimum Conditions of Employment Act and the commonwealth Workplace Relations Act. I asked Mr Richards to advise me whether those acts superseded the Workmen's Wages Act. The sense that I had was that the payment of wages and securing the right of workers to get access to payment for outstanding wages in the event that a company collapsed, for example, was covered by another piece of legislation related to corporations. I am pleased to say that, thanks to the research done for me by Mr Richards in response to my query, he was able to satisfy me that the pre-Federation law of the Workmen's Wages Act had been overtaken by new state and commonwealth laws. The Industrial Relations Act 1979 provides for awards that cover a range of matters, including those matters that were covered by the Workmen's Wages Act.

Hon Kate Doust: I am just curious; is that the same piece of legislation that required workers to be paid in cash, or was that the truck act of 1890 something?

Hon SUE ELLERY: I can quickly tell the member the answer to that. No, I do not think it went to the cash question; I think it went to the first port of call in the event that something went awry with the company.

As I was trying to indicate, but was distracted, the bill covers a wide range of legislation that goes as far back as 1898, including such things as white phosphorous matches, workmen's wages, the Dampier to Bunbury pipeline and superannuation amendments. These bills come before the house from time to time as a cleaning-up exercise. The Standing Committee on Uniform Legislation and Statutes Review has established that there are no changes of substance and policy in the amendments that are proposed in the substantive bill that is before us, and with those words I am happy to support the bill.

HON GIZ WATSON (North Metropolitan) [8.10 pm]: The Greens (WA) support the Statues (Repeals and Minor Amendments) Bill 2009, and I want to say a few words about the bill. It has taken a while for this bill to finally come to this chamber for debate, as is often the case with these omnibus bills. I have noticed over the years that they tend to languish and take time in committee to be assessed, which is the appropriate course of action. They are somewhat lengthy to examine because they involve so many different statutes. The standing committee must ensure that the bill complies with the requirement that the amendments are minor and non-controversial. I note with interest that in the time I have been a member in this place, this is probably the fourth or fifth omnibus bill of this nature that I have had the opportunity to look at. The thirty-ninth report of the Standing Committee on Uniform Legislation and Statutes Review comments on page 5 about the inadequacy of the explanatory memorandum, noting —

> … the Second Reading Speech indicates that "*The various amendments* [proposed by the 2009 Bill] *are explained in detail in the explanatory memorandum*." However, the Committee found the *Explanatory Memorandum* to be uninformative with regard to many of the clauses of the 2009 Bill. For example, the comments relating to clause 3, which proposes to repeal 12 Acts and two items of subsidiary legislation, merely list the titles of legislation which are proposed to be repealed.

I wanted to point out that the first recommendation of the standing committee's report is that the government ensures that the explanatory memorandum relating to omnibus statute review bills provides a full explanation of the reasons for the repeal or minor amendment. It is incumbent on the government, especially for these types of bills, to provide sufficient explanation. Inevitably, the work can be done, but it will be a lot quicker if the explanatory memorandum provides more information.

With those comments, the Greens are happy to support the bill, and the recommendations that the Standing Committee on Uniform Legislation and Statutes Review made on this bill.

HON ADELE FARINA (South West) [8.14 pm]: I am pleased to be able to speak to this bill as Chair of the Standing Committee on Uniform Legislation and Statutes Review. This is the fourth omnibus bill that has been reviewed by this committee. As members have already indicated, this 2009 bill is very similar to the 2008 bill, which slipped through due to the election being called and that bill falling off the notice paper.

The omnibus statutes are expected to not make any substantial changes. They are supposed to deal only with minor changes to the law. As members will be aware, an omnibus bill is an avenue for making general housekeeping amendments to legislation. It is designed to make only relatively minor and non-controversial amendments to various acts and to repeal acts that are no longer required. It is a way of expediting amendments to numerous bills by consolidating them into the one bill. It is for that reason that when we are dealing with a vast array of amendments to a vast array of pieces of legislation, it is very important that the explanatory memorandum is actually that—namely, it explains what the various amendments will do. Certainly, the committee had some difficulty in dealing with this omnibus bill due to the deficiencies in the explanatory memorandum, so the committee felt it was necessary to draw that to the house's attention and to ensure that in future explanatory memoranda are actually far more detailed to assist the committee and, in fact, members of this house in their consideration of such bills.

The Statutes (Repeals and Minor Amendments) Bill 2009 contains 17 clauses and proposes to repeal 12 acts, declare that seven other acts have previously been repealed, repeal two items of subsidiary legislation and make minor amendments to another 38 acts and one other item of subsidiary legislation. Therefore, this is a substantial piece of legislation for us, and the lack of an adequate explanatory memorandum created a few problems for the committee. Fortunately, the explanatory memorandum that was associated with the 2008 bill was far more comprehensive, so we were able to use that to get a better understanding of the various amendments that are included in the bill. I would like to acknowledge the work done by the committee officers, particularly in annotating the 2008 explanatory memorandum into a workable document for committee members and now members of this house. I also draw the house's attention to recommendation 1 in the report, which states —

> **The Committee recommends that the Government ensure that explanatory memoranda relating to omnibus statutes review bills provide a full explanation of the reasons why the repeal or minor amendment of the affected legislation is required.**

I trust that the government will take that recommendation on board.

In keeping with the committee's approach to reviewing omnibus bills, although the committee reviews every single aspect and component of the bill, the committee tends to simply focus its report on those matters that are worthy of comment. At pages 6 and 7 of the thirty-ninth report, the committee notes a number of typographical errors, and pages 8 and 9 of the report make a range of recommendations for each of those areas. As the Leader of the Opposition has correctly pointed out, it appears that one item that we thought was an error is in fact not an error, so apologies on behalf of the committee for that. Those recommendations are straightforward so I do not propose to go through all of them.

I will talk a little about the repeal of the White Phosphorus Matches Prohibition Act 1912. Clause 3(1)(k) of the 2009 bill proposes to repeal this act, which prohibits the manufacture of matches using white phosphorus and the sale of matches made with white phosphorus. The WPMP act was the outcome of an international agreement, the Berne Convention, made in 1906 by the League of Nations to ban the use of white phosphorus during the manufacture of matches. The ban was in response to concerns about the health risks posed by white phosphorus to consumers of matches, and particularly to workers during the manufacturing process. Although the convention was binding on only its signatories, it led other countries to enact legislation that either taxed or banned white phosphorus matches, effectively abolishing the practice of manufacturing matches that contained white phosphorus. Red phosphorus, a less toxic alternative to white phosphorus, is now used in the manufacture of matches. In looking at that proposed amendment, the committee discovered that the 2008 explanatory memorandum explained that the WPMP act was no longer required as it had been superseded by other legislation, including, principally, the Poisons Act 1964, under which the use of yellow phosphorus is a listed poison and is restricted, and, generally, in relation to the safety of workers, the Occupational Safety and Health Act 1984. The 2008 explanatory memorandum also advised that the equivalent legislation to the WPMP act in most other states has been repealed. As a result of the committee's consideration of whether those two acts actually superseded the WPMP act, we found that it was not the case, and that the explanatory memorandum is incorrect in that regard. I commend Denise Wong, the committee advisory officer, for the work she did in researching that. It required quite extensive research and double checking to ensure we were correct in our assumptions. As explained by the Leader of the Opposition, the committee corresponded with the ministers in relation to the proposed repeal of these acts and drew to the ministers' attention our concern that there was not a replacement act, that they had not actually been superseded. If we had proceeded with the repeal of this act, the restriction on the use of white phosphorous would have been lifted. We could then have found that people could use white phosphorous in the manufacturing of matches or whatever else it is used for.

Hon Ed Dermer: The astuteness of the committee is commendable.

Hon ADELE FARINA: Yes. Given the very severe health ramifications that can result from extended contact with white phosphorous, which is detailed at paragraph 5.7 of the report, it is very important that the committee managed to pick up this matter.

I commend the government ministers for responsibly acknowledging that this was an oversight and that it is a matter that requires much further examination by government agencies and the ministers. A commitment was given to the committee that the government would move an amendment to ensure that the clause is deleted from the omnibus bill so that the act is not repealed and a position does not arise in which the use of white phosphorous would be permitted and result in the sort of health implications that have been identified.

I foreshadow that in the event that the government does not proceed to move the amendment, I will move it. In recommendation 11, on page 17 of the report, the committee recommends the following —

> …that clause 3(1)(k) of the Statutes (Repeals and Minor Amendments) Bill 2009 be deleted via the following amendment:
>
> Page 3 line 17 — To delete the line.

With the exception of the recommendation to delete that line and the correction of the typographical errors identified at pages 6 to 7 of the report, the committee recommends that the bill be passed by the Parliament. However, I would like to make sure that members are aware of the importance of deleting that line and the consequences of not doing so. With that, Mr Deputy President (Hon Jon Ford), I will conclude my comments and commend the report to the house.

HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary) [8.23 pm] — in reply: I thank honourable members for their contributions to the debate. I also record the government's appreciation of the committee's work. I trust it will not be seen as patronising from someone who has been in this chamber for a relatively short time to say that the work the committee has done in analysing the legislation reflects the best traditions of a house of review, having picked up several problems with the proposed repeals. Those repeals fall into fairly small categories. I should say that one of the recommendations of the committee was in respect of the explanatory memorandum. The government has noted the committee's recommendation in that regard. By way of explanation for how that has come about, I feel that I should read to the house the contents of a letter that was sent, I believe, to the Clerk Assistant (Committees) in respect of recommendation 1. The Attorney General responds as follows —

> The explanatory memorandum for this Bill was prepared in a narrative/portrait style while in previous years it was done in landscape with three or columns; the first reproducing the old clause, the second the clause as amended and the third detail of why the amendment was necessary.
>
> The Bill was originally prepared by the Department of the Premier and Cabinet. When responsibility for the Bill was transferred to the Department of the Attorney General the explanatory memorandum as it then was was also transferred electronically but because of internal difficulties it could not be corrected. In an effort to get the explanatory memorandum completed a landscape style was used. The concerns of the Committee are noted and in future the explanatory memorandum will be done in a landscape style.

In short, the government appreciates the difficulty that was occasioned to those wishing to understand the bill and it will be attended to and corrected.

So far as the amendments and other recommendations that are proposed by the committee go, it will be easiest if I go through them in the order in which they appear in the bill. The first is in respect of clause 3(1)(d), whereby the Friendly Societies' Association of Kalgoorlie Investment Validation Act 1919 will be repealed. The committee pointed out that a comma should appear after the word "Act" and before the date. It also recommended that the apostrophe after "Societies" be deleted. The committee was correct about the lack of a comma but when one goes back to the original bill—the 1919 version—one can see that the word "societies'" did have an apostrophe after it. We take issue with that but it is accepted by the committee that the Attorney General's research on the matter is correct and so we will agree to the insertion of a comma after the word "Act". I believe that the Attorney General has written to the Clerk Assistant (Committees) and inquired into whether that can be dealt with by way of a clerical amendment. I understand that that will be done.

The second amendment relates to clause 3(1)(j), where the Uniforms Act 1895 is cited. The committee has recommended, and the Attorney General has accepted, that the Uniforms Act should appear with a capital T in the word "the".

The third amendment is to delete the reference to the repeal of the White Phosphorus Matches Prohibition Act 1912, and the Attorney General accepts that. The remaining amendment is to clause 4(e), where there should be a full stop after the word "Act". Those amendments can also be dealt with by way of clerical correction. Otherwise, there is nothing that I can usefully add to the matter. I move that the bill be read a second time.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Jon Ford) in the chair; Hon Michael Mischin (Parliamentary Secretary) in charge of the bill.

The DEPUTY CHAIRMAN: We are dealing with the Statutes (Repeals and Minor Amendments) Bill 2009. I need to take members through something. The Standing Committee on Uniform Legislation and Statutes Review has made certain recommendations in statute form relating to this bill. Standing order 234A states —

> (1) Where amendments to a Bill:
>
> (a) are recommended by a standing committee; and
>
> (b) no other amendments have been published at the time at which the order of the day for the committal of the Bill is called,
>
> …
>
> (2) In a Committee of the whole House on a Bill reported from a standing committee with recommended amendments:
>
> (a) the Chairman, before putting any question on the Bill shall put the question "*That the amendments recommended by the [title] standing committee be read into and deemed part of the Bill*";

On this basis, the first question is that the amendments recommended by the Standing Committee on Uniform Legislation and Statues Review, report 39, be read into and deemed part of the bill.

The Standing Committee on Uniform Legislation and Statutes Review's recommended amendments were as follows —

The Committee recommends that clause 3(1)(d) of the Statutes (Repeals and Minor Amendments) Bill 2009 be amended as follows:

Page 3, line 9 — To insert after "*Act*" —

,

The Committee recommends that clause 3(1)(j) of the Statutes (Repeals and Minor Amendments) Bill 2009 be amended as follows:

Page 3, line 16 — To delete "the" and insert —

The

Page 3, line 16 — To insert after "*Act*" —

,

The Committee recommends that clause 4(a) of the Statutes (Repeals and Minor Amendments) Bill 2009 be amended as follows:

Page 3, line 28 — To insert after "*Act*" —

,

The Committee recommends that clause 4(b) of the Statutes (Repeals and Minor Amendments) Bill 2009 be amended as follows:

Page 4, line 2 — To insert after "*Act*" —

,

The Committee recommends that clause 4(c) of the Statutes (Repeals and Minor Amendments) Bill 2009 be amended as follows:

Page 4, line 4 — To insert after "*Act*" —

,

The Committee recommends that clause 4(d) of the Statutes (Repeals and Minor Amendments) Bill 2009 be amended as follows:

Page 4, line 6 — To insert after "*Act*" —

,

The Committee recommends that clause 4(e) of the Statutes (Repeals and Minor Amendments) Bill 2009 be amended as follows:

Page 4, line 8 — To insert after "*Act*" —

.

The Committee recommends that clause 4(f) of the Statutes (Repeals and Minor Amendments) Bill 2009 be amended as follows:

Page 4, line 10 — To insert after "*Act*" —

,

The Committee recommends that clause 4(g) of the Statutes (Repeals and Minor Amendments) Bill 2009 be amended as follows:

Page 4, line 12 — To insert after "*Act*" —

,

The Committee recommends that clause 3(1)(k) of the Statutes (Repeals and Minor Amendments) Bill 2009 be deleted via the following amendment:

Page 3, line 17 — To delete the line.

The DEPUTY CHAIRMAN: Now that I have put that question, I need to draw members' attention to the remainder of the same standing order, which states —

(b) the question in relation to a clause agreed to by the standing committee without amendment (evidenced by its report) shall be put, clause 1 excepted, without debate unless it is proposed to amend such a clause.

(3) If the question in paragraph (2)(a) is agreed to, the relevant clauses are amended accordingly.

(4) Nothing in paragraph (2)(b) prevents reference to the provisions of such a clause in the course of debating other clauses where the reference is otherwise relevant.

If members accept the question that I put, the effect will be that the debate will be restricted on all other clauses except for clause 1.

Point of Order

Hon SUE ELLERY: I wonder whether I might seek clarification. If I can repeat what I understand and ask that you correct me if I am wrong, Mr Deputy Chairman, as I understand it, the effect of the standing orders is that the motion that you put is that all the amendments recommended in the report be deemed to be part of the bill and voted on accordingly. On the amendment in which there is a question about an apostrophe and the government's position is that the committee got it wrong, and the chairperson of the committee has acknowledged that the committee got it wrong, how do you pull that out?

The DEPUTY CHAIRMAN: As it is in effect a clerical error, the Clerk has the ability to make that amendment.

Hon SUE ELLERY: Okay.

Committee Resumed

Hon MICHAEL MISCHIN: In accordance with standing order 234A(1), I move that the amendments recommended by the committee be agreed to. This simply alerts the chamber to the clerical amendment required to that one paragraph in the bill.

The DEPUTY CHAIRMAN: The motion that you moved has the same effect as the question I put to the chamber.

Hon MICHAEL MISCHIN: I understood that the standing order required the minister or the member in charge of the bill to move.

The DEPUTY CHAIRMAN: What the parliamentary secretary referred to would be needed to be moved prior to our going into committee, but because we are in committee, I moved it. The net effect is the same. This is the first time that we have done this.

Hon MICHAEL MISCHIN: I am not going to argue with you.

Question (adoption of standing committee amendments) put and passed.

The DEPUTY CHAIRMAN: Members, bearing in mind what I said about available clauses, we will now deal with clause 1.

Clause 1 put and passed.

The DEPUTY CHAIRMAN: Notwithstanding that now members cannot talk to any other clause, the question is that clauses 2 to 17, as amended, be agreed to.

Clauses 2 to 17, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

GAS SUPPLY (GAS QUALITY SPECIFICATIONS) BILL 2009

Second Reading

Resumed from 16 September.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [8.40 pm]: I rise tonight to say a few words in support of the Gas Supply (Gas Quality Specifications) Bill 2009. It feels as though we have been waiting quite some time for this bill to come on for debate. I do not mean just this week; I mean that we have been asking for a period of time when it would happen. I know that industry has certainly been asking when it was going to happen. It is very keen to get this legislation through Parliament before the end of the year because it will have a flow-on impact on industry in terms of a range of decisions that it will need to make about future projects in the state. This is indeed, therefore, a very important bill to both the state and industry.

I note when this bill went through the other place that it went through fairly rapidly and that no amendments were made to the legislation at that time. It is interesting to note that since the bill was read in this place, we have received not only one supplementary notice paper of amendments, but also on Tuesday this week a second supplementary notice paper with further amendments. I look forward to the minister providing in committee—not necessarily in his reply to the second reading debate—a detailed explanation of what the amendments are about. I follow a number of them, but there are a couple of more recent amendments about the coordinator on which we will need some clarification. I will ask the minister in due course for an explanation of the timing of those amendments. Although a couple go to making adjustments to this legislation to bring it in line with the National Gas Access (WA) Act that we passed in this place prior to the parliamentary break at the end of June, as I recall, for some reason it sat on the notice paper in the Assembly without being finally ticked off. I would therefore like an explanation from the minister of the timing of the amendments to deal with that particular aspect of the legislation and why they were not moved when the bill was in the other place, rather than waiting until it came here. I was quite surprised at that.

This legislation has a very detailed long title. It provides an amazing framework for what this bill is about. I congratulate all the Office of Energy staff, industry players and others who have been involved in the gestation of this legislation. When I was briefed, I think Peter Adams was one of those key people and some other people came along as well. The detail that they provided in the explanatory memorandum was excellent. I encourage any member of this chamber who does not at this time have any understanding at all about this type of legislation to get a copy of the EM, because although it is a bit more advanced than a dummy's guide to gas facts, it is very good for those who do not have an extensive background in the area. I find myself going back over it time and again to get my head around the key issues. I thank them for the amount of work that has gone into this legislation. I know that this is not a piece of legislation that has only just arrived in this place and has been worked on over the past six to 12 months. It is a piece of legislation that has been built on for more than 10 years, even going back to the 1990s, as alluded to in the minister's second reading speech, when the current Premier was involved as the energy minister. It has taken a long time and an enormous amount of work has gone into it, including a very good report, which I will allude to later, prepared by the EnergySafety people. The report goes into great detail on the issue of the gas appliances that will need to be replaced. The volume of work is immense and the level of detail is very impressive.

We are fortunate in Western Australia to have people of such high skill and knowledge in this area. I could probably branch off and start talking about how we should be developing those people's skills in the area of science and maths and education and training. However, that debate is for another day. I had that discussion with some industry players earlier this week. Minister, we might have a talk about those things another time.

The Gas Supply (Gas Quality Specifications) Bill 2009 deals with proposed changes to the gas specification, which will bring Western Australia into line with other states in terms of the heating value of the gas that we use. I am quite impressed that I can get to that point, because a couple of months ago I would have found it a struggle to understand that. I know the minister is on a learning curve with that as well. I could probably even tell the minister later in my speech what a Wobbe Index is. I have been studying these things very hard. I am still not sure about some of the other technical jargon, but I am sure Hon Robin Chapple or Hon Jon Ford, the opposition's esteemed gas man, will be able to provide that level of detail.

I am fortunate to not only have had briefings from the Office of Energy staff and others involved in the drafting of the bill, but also BHP Billiton, the Australian Petroleum Production and Exploration Association, the Chamber of Minerals and Energy and Woodside have been very keen to share their views with me on this legislation. On Monday I had another discussion with representatives from BHP Billiton. They were asking where was the legislation and I assured them that we were very keen to support it and get it through this house as quickly as we could.

Although the opposition supports the legislation, as I proceed I will raise a couple of questions. I did raise some questions with the minister's advisers. Perhaps when we get to the committee stage it might be useful for the

minister to provide a response. I am not too worried about the minister addressing the questions in his reply to the second reading debate. I will raise them in my speech, and when we get into committee the minister might want to deal with them.

This is a very technical bill and thank goodness we have a detailed explanatory memorandum. The bill is in seven parts. For the information of members, I will briefly go through the general areas: part 2 deals with gas quality and capacity of PIA pipelines; part 3 deals with modifying gas contracts; part 4 relates to compensation; part 5 deals with the rectification program; and part 6 deals with a range of general provisions. Those are the areas I will refer to in my contribution to this second reading stage.

It is not a controversial bill and I believe there is broad support for it amongst the parties. Having looked at some of the initial submissions about the proposals, I know that there were concerns about some aspects of this legislation. I note that most of those have been resolved. I was looking at some of those again tonight. I looked through the APPEA submission, particularly its comments on the proposals in this legislation. Obviously, it has changed its view. I hope the minister will not mind, but I will read into the record what it said, because it is interesting to get these points of view from industry. APPEA states in its submission —

> Whilst APPEA welcomes this partial acknowledgment of the benefits moves to a broader gas specification, one more in line with the Australian Standard, will bring, APPEA is disappointed that these acknowledged public benefits have not shaped the approach taken in the Bill, particularly as it relates to "compensation" arrangements, arrangements that effectively place any and all costs associated with such a move at the feet of the producers, without adequately reflecting the broader public benefits such a move will bring.

I might come back to that matter later, because I have a couple of questions about how the cost will be shared, not just at this point, but in the future. The minister made a comment at the end of his second reading speech on this bill about the review of the bill, and about how the cost may be borne in the future. Therefore, I might touch on that later.

APPEA states at page 3 of its submission —

> APPEA's view, as is expressed in our 3 November 2008 submission to the OoE and 9 February 2009 letter, is that it is important that the costs and benefits of the move to adopt a broader specification are shared efficiently and effectively.
>
> With that in mind, APPEA notes that in no other jurisdiction has a change to gas specifications (such as the adoption of AS 4564—2005: *Specification for general purpose natural gas*) been accompanied by "compensation" arrangements of the kind proposed in the Bill.

That is an interesting comment and also one that I would like to come back to later. I would like the minister to explain what the gas specification arrangements are in the other states, and also why it was decided that in Western Australia it would be the producers who would pay compensation at this point in time. I am interested in how that decision was arrived at.

What does this bill seek to do? As members would be aware, natural gas is the largest energy source in Western Australia's energy mix. About 70 per cent of the demand for gas comes from the south west. This state is again about to step up into—I hate to use this word—a boom, and things are getting busier in the resource and mining industry in this state. That will increase the demand for that energy source. That is particularly the case in the mid-west with the iron ore and magnetite industries, and also in the north west. The demand is there. Therefore, the state will need to ensure that there is security of supply and access to gas in the long term. This bill is very important, because it will provide the opportunity for industry to make decisions about new gas projects, and also about projects that might be in abeyance or might not be on the planning board because they do not meet the current gas specification standards. This bill will provide the potential for those projects to come online. This bill is particularly important for projects such as the Macedon gas project. In fact, someone said to me that this bill could really be called the Macedon bill, because, as I understand it, until this bill is passed, those types of decisions about where we go in future will not be made. This bill will enable gas producers to supply gas to transmission pipelines at a broader gas quality than the current specifications, but within Australian standards. It deals with the compensation scheme between producers, some large consumers, storage facilities such as Mondarra, near Geraldton—I note that Mondarra was referred to in the gas emergency report tabled yesterday by the minister—and pipeline owners, to ensure that none is disadvantaged by the effects of the broader specification gas. Existing gas contracts can be modified under certain provisions to override any provisions that may hinder the intent of this bill.

The bill also deals with compensation for pipeline operators in situations in which, due to changes in the gas specifications, they may have to make alterations to their pipelines. I understand—the minister can correct me if I am wrong because I am still working through this—that they will receive compensation only after the gas flows. That is correct, is it not, minister?

The bill provides for the establishment of a 10-year program, funded by gas producers, to replace where necessary pre-1980 domestic gas appliances used by small retail gas consumers that may be made unsafe by the new gas specifications. I was wondering what sort of appliances were being referred to. There has been a lot of development and there are many new homes and renovated homes, and it might be thought that there would not be many people who would have pre-1980 appliances, but I understand from reading the report that there are actually a lot of pre-1980 appliances around. We are talking about appliances such as hot plates, freestanding cookers, freestanding flueless space heaters, flued space heaters, wall furnaces and outdoor instantaneous water heaters. A range of types of small appliances are referred to.

I would like to pick up on that and take members through some of the information provided in this report; it is a very good report. I will not take members through the extensive detail. For the information of Hansard, the title of the report is "Report on survey to determine the number of pre-1980 domestic gas appliances connected to the Perth metropolitan natural gas distribution system". It was released in September 2008 by EnergySafety WA for the Department of Consumer and Employment Protection. As I understand it, between April and July 2008, EnergySafety inspected a sample of about 750 residential gas installations around the metropolitan area, to identify and quantify the number of converted town gas and early natural gas appliances that remained connected. I had to find out what "town gas" was; it is gas derived from coal. We all learn something as we go through these bills! The number of converted town gas appliances was 4 156, the number of early natural gas appliances was 29 955 and the number of pre-1980 appliances was 34 111. That is quite a substantial number, and that was an interesting starting point.

I then wondered about the cost; that is another issue we face as we go through the legislation, and it is one of the reasons the issue of compensation arises. The report estimates the replacement cost for 11 000 appliances to be $16.5 million, which is a substantial figure. I can give the minister the page number so that he can refer to this detail; it is page iv of the report. Reference is made in the report to other types of gas points, including Negas bayonet point connections. It is estimated in the report that replacement of these gas points would cost $720 000. There are quite substantial dollars involved. Page v of the report relates to a program to replace appliances. The report states —

> Stringent controls to be put in place to ensure that only appliances that need to be replaced are replaced and the old appliances are destroyed to prevent any recycling.

From memory, I think that was an issue that I raised. I think that once this gets going, it will actually be quite a substantial piece of work. I did not ask the question but I am interested to know who will have the responsibility to check on these appliances and, if need be, remove them? What flows from there is the type of education or advertising program that will come into play to alert the community about the changes that need to happen once this legislation is through. I imagine that a lot of people, particularly pensioners, would not have replaced a lot of appliances they may have had prior to 1980. Once we get to a certain point in life, we do not tend to constantly change ovens, cookers, heaters and things like that. People tend to make do. These are quite expensive items for people to replace. I am interested to know how the minister intends going about providing that information to people and also encouraging them to make the exchange.

It is a very detailed report. Another interesting part in this report is that it goes through a range of options. We need to have a range of options to reduce the impact because of the expense associated with replacing these types of items for the domestic user. The first option of course was to replace all converted town gas appliances. Looking at that one option, this report says that there are about 4 200 converted town gas appliances. The total cost to replace those is estimated at $6.5 million. The second option is to replace all pre-1980 gas appliances. Again that comes back to that larger number; that is, 34 111. There is an interesting comment in the report under this option. It states here —

> This serves to limit the potential for consumer displeasure when appliances operate with reduced performance or exhibit lower reliability and to remove any safety concerns that may arise with these appliances.

I would imagine that from time to time there could be issues if a consumer changed the gas specification and, because of the combination of the various elements in the gas that come down through the pipeline, the heating value was lower than it was previously. Consumers may become agitated if they are not getting the full access that they may have been used to or they are not getting the same heating value. That might be an issue.

One of my colleagues pointed out to me today that another issue relates to safeguards in terms of the types of appliances that will be allowed to continue, or how appliances with the changed specification can be used. The estimated cost to go for this option was $16.5 million. The report goes on to state —

> If all pre-1980 appliances were replaced this would increase the number of appliances to be replaced from 11,000 to 34,100 and the cost would increase by $37,050,000 to $53,550,000. On a safety related basis alone this additional expenditure can not be justified. However, it would remove all the appliances that may prove troublesome operating on gas with a low Wobbe index.

I suppose the question is: who will pay for all of this? I do not know whether the compensation amount that has been talked about in relation to the Gas Supply (Gas Quality Specifications) Bill 2009 would cover that type of option. I would be interested to know the answer to that question, minister.

The next option that the Department of Consumer and Employment Protection considered was the modernisation of all pre-1980 appliances. The report states —

> This option would require appliances to be fitted with modern safety interlocks and their performance tested with limit gases.

Further, the report states —

> … the cost of fitting them is usually much higher than the replacement cost of the appliance. Replacement is therefore the preferred option.

That is commonsense, but I suppose they have to go through all of the different options to ascertain what will work best.

The fourth option was to maintain priority 3 appliances. This option did not appear to be terribly attractive, I think because it would require quite a bit of servicing to be done and also amendments to be made to some regulations to make the servicing of these appliances compulsory. The workload involved in that option seems fairly onerous.

The fifth option was to use Negas bayonet point connections; the recommendation contained in this report was that all of those bayonet points be replaced. I thought the level of detail in this report was very useful, as was the very matter-of-fact approach that was taken to which options would work, which would not, and which they thought would be in the best interests of both the consumer and also the group who would be paying for the replacement.

Page 16 of the report contains a list of fairly straightforward recommendations, and we have probably talked about a number of them. Recommendation 3, the key one, is picked up in the legislation. That recommendation states —

> A program is implemented to identify all Pre-1980 appliances installed in schools and institutions supplied by natural gas.

It is interesting that that has been picked up, because most of the discussion around this legislation has been about industry or domestic consumers. I had not really considered schools, but I would be interested to know how they will be managed. A lot of schools were built pre-1980, and I am not too sure what types of appliances they may still have.

Hon Peter Collier: Some of those old heaters are pre-1980.

Hon KATE DOUST: Yes, I was just thinking that. I do not know how often they are checked, or whether they are checked by EnergySafety. I would like some information on that, because if this exercise has to be gone through for the domestic user, I think it is very important that schools are also dealt with. I hope that as the maintenance programs sweep through the various schools, these types of issues are picked up. I do not know whether that would be included on a maintenance checklist.

Recommendation 6 advises that —

> A public advertising campaign is carried out to alert the public to the safety concerns and the need to replace appliances, or have them serviced.

We have already talked about that. I have some questions related to that recommendation. How will the campaign be paid for? Has money already been allocated in the current budget to deal with that specific type of campaign, and, if so, how much; or will that money have to be sought in the next budget?

For members who are interested, appendix 1 of this report lists the different types of components of a gas specification. I thought that was quite useful, because "gas" is such a generalised term that I do not think people consider what it may be constituted of, such as ethanes, propanes, methanes, sulfurs and a range of other chemicals. I thought that was quite a useful piece of information. I do not know whether the minister has had the opportunity to have a look through that report.

Hon Peter Collier: I have had a brief look at it.

Hon KATE DOUST: He has had a brief look. This kind of work is very important. As I was going through and looking at some of the references in the report, I realised that I know one of the people who was involved in the writing of this report, as it turns out. He is eminently qualified, and knowing that individual and looking at the detail I could see that he has done an excellent job.

The replacement program over 10 years will be a very interesting exercise to pursue. It is picked up by part 5 of the bill. I hope that the minister will correct me if I am wrong—I have to get it right in my head—but I recall some provision or some discussion to the effect that if people refuse to have their appliances replaced, they will have their gas turned off. Is that right?

Hon Peter Collier: Yes, they will.

Hon KATE DOUST: That it is a pretty drastic way to do it, and hopefully it will never come to that.

Hon Peter Collier: I will go through that with you.

Hon KATE DOUST: I would be interested to know how the minister will go through that process, because I would hate to think that some people might have their gas cut off, for whatever reason, thus creating a whole set of other problems. I assume that this is mainly a metropolitan replacement program. The minister might be able to tell me whether there is any similar requirement in any regional areas that have access to natural gas.

Hon Peter Collier: I'll follow up on that.

Hon KATE DOUST: I know that some places are on tank gas, but I am interested to know how that will be dealt with, because I imagine that there might be a greater reluctance to part with the product. As I understand it, people will be given a choice of appliances. I think there is a range of options within each category. I understand also that the appliances will be installed free of charge, so no cost burden will be imposed on the consumer. That is a very positive thing. The Office of Energy has obviously tried to think this through very carefully to make it as attractive as possible for people to make the switch. Has a unit been set up to handle this area of work?

Hon Peter Collier: Yes.

Hon KATE DOUST: I understand that the value of the package is about $35 million, and that money will come from the producers. The minister will explain to me why that decision was made, because, as we have already discussed, the Australian Pipeline Industry Association view at the time, which I would imagine has now changed, was that, given that there would be much broader benefits to the community, perhaps the government should have picked up part or most of that tab. I will be interested in having that information.

The passage of this bill will allow several new gas fields to be developed, including Macedon. It will enhance energy security and increase competition in the industry. It is timely that we are dealing with this legislation now given that the minister has just tabled the gas emergency report. Although I have not had the opportunity to go through all of that, it is very important that this legislation be passed. We have already dealt with the National Gas Access (WA) Bill 2008, so quite a bit of work is being done to address the issues of security and access to ensure supply into the future. I know that that is a concern. When I talk to people in the industry, one group says that there will not be enough gas in the future, while another group says that if we pass these kinds of bills that enable them to go out and do the work, of course there will be. I think we are at a very interesting point, and the passage of this bill will perhaps allay some of those concerns.

I understand that the gas resource at Macedon is of a different, higher quality, in that it has fewer impurities and the mix of gases that reduce the energy component. For that reason, that gas has been prevented from gaining access to the Dampier to Bunbury gas pipeline and thus to the market. This bill is about making changes to the mix of the quality of the gas that is allowed into the Dampier to Bunbury gas pipeline. That will bring WA into line with national standards. I understand that the gas quality specifications in WA have been higher than those in the other states for the past 30 years.

Hon Peter Collier: That is right.

Hon KATE DOUST: It is about that time. The specification is usually about how the chemicals are arranged. Also, as I understand it, the gas cannot have any contaminants such as dust or mercury, or a mix of town gas, natural gas and liquefied petroleum gas.

This legislation will impact upon a number of players in the industry. For some, it will impact in terms of the contracts. Some contracts will need to be changed to enable the broader gas specification to be used. The bill provides, as I understand it, the capacity to deal with any unforeseen issues that arise regarding changes that may have to be made to those contracts. The Office of Energy advisers said to me that regulations will have to be drafted to deal with those situations or arrangements. I do not know whether that is currently in process or whether that will happen when the legislation goes through.

Hon Peter Collier: It is in process, but it will take a while.

Hon KATE DOUST: A lot of detail is required, I imagine. We have already talked about the issue of compensation. An amount of $35 million will be paid into a fund, I imagine, by the producers. Who will actually manage —

Hon Peter Collier: You are talking about the appliance rectification program?

Hon KATE DOUST: Yes. Who will manage that?

Hon Peter Collier: I will check on that.

Hon KATE DOUST: I do not know whether it comes down to that amendment that the minister is proposing.

Hon Peter Collier: No.

Hon KATE DOUST: Whether it is the coordinator —

Hon Peter Collier: No, it is not.

Hon KATE DOUST: Okay. Part 4 of the bill deals with compensation, and it also refers to the different types of pipelines. There is a PIA— a pipeline impact agreement—which I think I referred to fairly early on. This enables there to be commercial negotiation fallback arrangements. Producers can choose to have a default contract. I understand that the Dampier to Bunbury natural gas pipeline and the goldfields gas pipeline will be compensated before the gas actually flows. I understand that there are three different types of pipeline impact agreements. They deal with construction and warehousing, which is that Mondarra storage example, and also there are agreements regarding blending contracts. The other type of contract, as I understand it, is a part 4 pipeline gas delivery contract—I think that is the right term.

Hon Peter Collier: Just to get back to the implementation, the Director of Energy Safety will be responsible for the rectification program.

Hon KATE DOUST: Okay. Is that why the minister will move that amendment?

Hon Peter Collier: Yes.

Hon KATE DOUST: All right. I understand that this part 4 pipeline contract is slightly different. For the producer to be eligible for compensation, the contract had to be in place as of 1 January this year, and the contract has to be able to continue until 2029.

Hon Peter Collier: Until 2029; that is correct.

Hon KATE DOUST: I understand that, aside from the Dampier to Bunbury natural gas pipeline and the goldfields gas pipeline, part 4 pipelines will supply to every other type of producer. I hope that is correct.

Hon Peter Collier: That is as I understand it.

Hon KATE DOUST: That is as I understand it, too. It all gets a bit confusing sometimes.

Part 4 provides for sharing information about the quantity and quality of gas at a specified time—that is, what is currently confidential information. This is probably an important point in how contracts are dealt with if they need to be amended. Part 4 also provides for a dispute resolution arbitration process. There is also provision in the bill for a review after a period of 10 years.

The minister referred in his second reading speech to a review of the compensation regimes. He implied that, as part of that review, industry would pay beyond the 10 years. I thought that was an interesting comment to make in a second reading speech well and truly in advance of a review process. I imagine that industry might have a few questions about that point. If it is paying $35 million now, why would it want to continue paying after that 10-year period if, hopefully, all the appliances will have been replaced, as is covered by the rectification program? It would be interesting to know why the minister made that particular comment.

Hon Peter Collier: Are you talking about compensation for the gas or compensation for the rectification process?

Hon KATE DOUST: I would probably need to have another quick look at the minister's second reading speech. That particular comment is not in my copy of the minister's speech, and I do not have the *Hansard* with me. I think it was a comment he made at the end of the speech. I would not mind if the minister could look at the comment he made about industry paying beyond that 10-year period and clarify exactly what he meant by it, given that the review will not take place under after that 10-year period.

I also understand that the first gas supply with the broader specification will not come online until 2012, which I think is an interesting time and probably fits in quite well with the proposals for Macedon in particular. I imagine it takes quite some time to get all these things up and moving. That is an interesting point.

I have a couple of other questions. When I wrote my questions quite some time ago, I had not read the EnergySafety report, so I have probably answered a few of my own questions. I have already asked the minister who will manage the program. The questions I wrote pretty much focused on the compensation issue—that is, how it will be managed, how long it will continue, and why Western Australia is the only state in which compensation will be paid to producers. Is there any possibility that this arrangement could be exploited in any way by producers or consumers?

Hon Peter Collier: Exploited?

Hon KATE DOUST: Yes, exploited.

The other question I have relates to comments made in the submission by the Australian Pipeline Industry Association that if WA benefits generally, should gas producers foot the bill or should funding come from consolidated revenue, but I have already canvassed that issue.

That is a general overview of the bill, and I know that other members want to go through some issues in this bill. It is an important bill that has been around for a long time. This bill will determine the direction this state takes with access, supply and distribution of gas. It is an important bill that is needed so that we can meet national standards and allow other projects to come on stream. It is very positive that the work has been done. I must say that the EnergySafety report was finished just as Hon Peter Collier was coming on board as the minister, so I would not want him to take the sole credit for that report. The minister has to give members on this side a tick occasionally. All parties have worked quite hard to get the legislation to this point.

I will be very interested in the reasons these amendments were not passed through the other place first, and I would also like a very detailed explanation of them. I appreciate the eagerness of industry members to have this bill passed so they can make those very important financial decisions about where they will move in exploration and construction. I would be interested to hear some of the matters that Hon John Ford might raise, given his personal experience in this industry and his far greater knowledge of the chemical composition of gas. I am sure that he can ask more articulate questions about those matters.

The opposition is very happy to support this bill. As I said, we have some questions about it but we are not going to do anything to slow the passage of this legislation; it is an important piece of legislation. We look forward to the minister's responses and to the passage of the bill.

HON ROBIN CHAPPLE (Mining and Pastoral) [8.27 pm]: The Greens (WA) will be supporting this legislation. We have a number of questions that will be put in the committee stage and we will go through the bill on a clause-by-clause basis. Like the opposition spokesperson on these matters, I am interested in the two supplementary notice papers and the rationale for their coming at this late stage. This is the first legislation of this type and it will facilitate development of many small gas fields that are suitable for domestic supply only. The domestic supply criteria are established in this bill because of the different standards of gas that we are now dealing with in this regard. The Gas Supply (Gas Quality Specifications) Bill 2009 has seven parts and is quite a significant bill in what it does and what it will achieve and set in train.

The Macedon gas development is a domestic gas project very much akin to the potential Reindeer gas deposit and a number of others that are waiting in the wings. It is in lease WA-12-R and the gas field was discovered in or around 1992. BHP Petroleum, through its parent company BHP Billiton, is the operator of retention lease WA-12-R and is a 71.43 per cent shareholder, with Apache Northwest holding the remaining 28.57 per cent. The proposal is to bring the gas ashore in the vicinity of the Griffin pipeline, although it will actually have nothing to do with the Griffin pipeline itself; it will simply come ashore in that vicinity. The development will have up to four subsea developments that will feed into the pipeline, which will be about a 100 to 120-millimetre electro-hydraulic umbilical cord between the various wells. Because it is quite a small field, the company can use that sort of structure. The 20-inch, approximately 510-millimetre, gas pipeline will take the material from the subsea structures onto the mainland. The plant will be quite small in comparison with the North West Shelf gas project and it will have an enclosed flare system, although the flare gas will be limited due to the quality of the gas or the reduced amount of impurities and other commodities within the gas. It has a very small carbon dioxide release—I think it is about five per cent—and the gas will be purified at the Macedon onshore development.

In terms of what the Gas Supply (Gas Quality Specifications) Bill 2009 does, gas pipelines are currently designed to accept gas of a specific specification and that usually is determined in the nature of the steels, the carbon levels in the steels and the different types of pipelines associated with the impurities in the gas and the quality of the gas. Currently, Western Australian gas must be within specification for a particular pipeline if a gas producer wants to sell gas to that particular pipeline owner or operator. The bill, if passed, will enable gas producers to supply gas to a pipeline that is outside the specification required by that pipeline. Immediately alarm bells go off: is it terrible gas? In fact it is not; it is very good gas. This means that the gas fields that contain gas that does not fit within the specification stipulated by WA pipelines—for example, the Dampier to Bunbury gas pipeline—can now be brought on stream. As I said, a number of other gas developments are waiting in the wings, which are inherently relatively small fields with a specific type of gas that is mainly suited for the domestic market. I will talk later about the domestic market and where we are going with some of this.

The bill provides for a reference specification to be set out for each pipeline in WA, which will be the same specification set for the pipeline in January 2009. Gas supplied to a pipeline either below or above this specification is out-of-specification gas. The bill also establishes a standard specification that is the broadest specification for which gas may be supplied to consumers and users. This means entities that may now purchase

out-of-specification gas from producers must still ensure that when the gas comes out of the pipeline at the consumer end, it is within a certain specification so that all our ovens do not blow up. These two specifications will be set in the regulations when they are written. To a degree, I am concerned that we do not have any idea what the regulations may be and in what way they may be altered from time to time in the future. As gas fields decline—which we know they are in the process of doing—will gases of various qualities be allowed to be used? Those qualities might be substandard to the gas we are talking about here. Regulations give me some concern given that we are not seeing very clearly what may eventuate from those regulations.

Hon Peter Collier: Essentially, the bill overrides the contractual rights of a particular contract and they are confidential, so it will be quite difficult.

Hon ROBIN CHAPPLE: I appreciate that. Again, putting too much in regulations does tend to concern us, but I am not saying it is a deal breaker.

For the supply of out-of-specification gas from a pipeline, the bill gives gas producers a choice of either modifying their out-of-specification gas to bring it within specification of a certain pipeline or to compensate the pipeline owners for the loss the pipeline may suffer as a result of being given out-of-specification gas. In that regard, I hope all the potentialities of out-of-specification gas have been dealt with in the legislation, given that this legislation sets in place a train of events in operations that may be dealing with other gas fields in the future which might have more sulfur, nitrogen oxide, carbon dioxide or whatever in them, and which may have the impacts on the pipeline.

Loss that a pipeline may suffer must have relevant effects on the pipeline for compensation to be awarded. These can include greater operating costs for the pipeline because the pipeline will have to work harder to cope with the out-of-specification gas, greater maintenance costs for the pipeline and reduced capacity of the pipeline because a different specification gas may be just as voluminous but less calorific—the pipeline is full but there is less energy in it. The reference specification provides the trigger for determination of whether compensation is payable to a pipeline operator. Details of the extent of the nature of compensation, including when the payment must be made, will be set out in the regulations when they are written. Again, we are awaiting the regulations, and I will refer to them a number of times.

A pipeline that is used at full capacity—at this stage that is the Dampier to Bunbury natural gas pipeline and maybe the goldfields gas pipeline—is a pipeline impact agreement pipeline under the bill. Before a producer can supply gas to a PIA pipeline that is out of the pipeline's reference specification, the producer and pipeline operator must enter into a PIA. The PIA will set out the relevant effects on the operator of the pipeline for being supplied with out-of-specification gas. The terms of the PIA are negotiated between the parties. Pro forma PIAs and dispute resolution mechanisms will be set out in the regulations once they are written—again, we await the regulations. Pipelines that are not used at full capacity are part 4 pipelines. These pipelines are entitled to compensation for being supplied with out-of-specification gas only after the gas is supplied to them. That way these pipelines can claim compensation only for losses they have actually suffered rather than being entitled to speculate a loss, as PIA pipelines are entitled to do. Part 3 of the bill relates to modifying gas contracts. There are a lot of types of gas contracts, including between a producer and a transporter; a producer and a pipeline operator; a transporter and an operator; an operator and a transporter; and, at the other end, between an operator and a supplier; and a supplier and a consumer et cetera. There are a number of permutations. They are predicated on gas being supplied at a particular pipeline's reference specification. If gas is supplied out of that specification, this may constitute a force majeure event in the event of a default, giving rise to the right to award damages or to terminate a contract. Now that the legislation will allow specification gas to be supplied, these contracts need to be amended so that the outer specification gas does not trigger default clauses. The regulations, once written, will set out how this will work. Again, we are dealing with, I would hope, a process that will be very thorough in regulation. However, it is rather difficult to deal with all the aspects of what this bill will do when we do not know some of the potential outcomes.

Part 5 deals with the gas appliance rectification program. My honourable colleague who spoke before me mentioned the types of gas appliances that will potentially have to be replaced. These range from small gas appliances in the household to large gas appliances for major thermal heating units in power stations and the like. The bill allows broader specification gas to be supplied to consumers. This would cause some pre-1980 gas appliances to become dangerous. The bill is quite clear about the compensation packages and the rectification that will occur and BHP Billiton is sponsoring a replacement service program for these appliances. This is no mean feat because a significant amount of dollars could be associated with this. Advertising will make people aware of the coming changes. The program will offer to either service or replace dangerous appliances.

As I have said, the Greens (WA) support the bill in principle. The fact that the bill will allow a greater number of gas fields to become viable has the potential to significantly enhance security of supply. I note that in the debate on this bill we have not heard mention in any way, shape or form that this gas is just another CO_2 producer. It is marginally less harmful than coal but is just another major CO_2 producer. I point out that because of the nature of

the gas, the CO_2 point source at the plant that produces the gas will be far less harmful than the gas that is exported. The Greens support the bill for this reason. The Greens support extraction only if it occurs in an environmentally responsible manner. We do not wish to stand in the way of industry development and we recognise the benefits that the security of supply of this important natural resource offers Western Australia.

The Gorgon development is having an impact on some turtle nesting areas. We are cognisant that Macedon, under the referral of the Environmental Protection and Biodiversity Conservation Act, has identified that its operation also has the potential to impact on turtle breeding areas. One wonders if we will ever look at the holistic impact that these gas developments will have on turtles, whether it be Scarborough, Macedon, Griffin Energy or Gorgon. They are all being developed on beachfront areas. Macedon is making a reasonable attempt to minimise the impact that light has on turtles, which is the biggest problem that the turtles face. Rather than a physical impact, the biggest impact on turtles is always related to light. Macedon is attempting to undertake significant measures to mitigate the impact it will have on the turtles, but we will need to continue to monitor that aspect.

We note that the first paragraph of the bill's second reading speech mentions security of supply for the WA domestic gas market. This is not the case. The bill does not guarantee any greater security of supply to the people of WA. Security of supply is, indeed, a benefit of this bill but there is no guarantee in this legislation or in any other legislation that any percentage of WA gas currently being extracted or that will be extracted will, under the bill, be reserved for the use of the people of WA. For a true security of supply, the policy of 15 per cent of extracted gas being reserved for domestic gas should be enshrined in legislation to ensure that security of supply offered by this bill is security of supply for the people of WA and not just for the gas producers who extract the gas. What was stated was about security of supply. The Greens are supporting this bill on the basis that it will allow some gas fields that contain gas that is only used by our domestic market, such as the Macedon gas field, to come on stream. Those gas fields could not viably come on stream before.

The Greens would support this bill much more wholeheartedly if it came with a separate bill that guaranteed supply of gas to the WA domestic market. The Greens put this Parliament on notice that if we continue to sell our gas to other countries, even for good profit, and keep none of it for ourselves, the day will come where we will run out of our own gas. Some 10 months ago Jeroen van der Veer, the head of Shell, wrote an email to the holdings corporation—the email was made public—warning of the decline of oil and gas and the need for it as a corporation to husband gas reserves so that it remains competitive into the future. I see nothing that this government, or indeed this country, is doing to husband or manage or reserve its supplies for the future. Given that this state is a resource-rich state, we need to be making sure that reserves are retained for WA. A lot of detail remains to be seen.

Finally, we caveat our support on this bill on the basis that a lot of the important details in the bill seem to be left to the regulations, which we have not seen. For example, we have not seen the details regarding how gas contracts will be amended, what the pipeline impact agreements will look like and how compensation will be dealt with. While the Greens understand that many details do not properly belong in the text of the act itself, we are wary of what these regulations might end up saying. We ask the government to ensure that this broader ability to extract gas has the potential to confer great benefit if exercised in an environmentally responsible way and it confers benefit to the people of WA through enhanced security of supply for WA.

It also needs to be noted that we have had very good briefings from departmental officers. We had an exceptionally good briefing from BHP Billiton on this project. We really want to talk a little bit more about gas security. I refer to a fact file by the Australian Petroleum Production and Exploration Association Ltd on the Western Australian gas market. It states —

> Will the State Government gas reservation policy guarantee gas supplies?
>
> Since Western Australia has plenty of gas the real issue is not a shortage of gas but the need for more gas production infrastructure. The Western Australian gas market is too small to support the development of many large, high cost and remote offshore gas fields. But once the infrastructure is in place for LNG production and the price for domestic gas is sufficient to attract investment in exploration and production for domestic purposes, the supply of more gas for the Western Australian market will follow.

That statement in many ways is true, but it is also misleading. It is misleading in the context that it says that Western Australia has plenty of gas. Whether it is the North West Shelf, Browse Basin, Ichthys or Bass Strait fields, the whole of Australia's gas reserves amount to 1.74 per cent of the world's reserves, so it is a very small proportion of the world's gas. With gas reserves declining, and oil reserves declining at an even faster rate, we see gas becoming a very valuable commodity, not for sale but for retention. We are now seeing production rates going up and gas fields coming on stream. The Pluto gas field has come on stream literally within three to four years, which is exceptionally fast in comparison with the normal production times for a gas field. This is a long-term warning: we need to be mindful of the notion of how we retain gas for our state for future benefit, for

transport and to resolve the issues of declining oil reserves, so rightly identified by Jeroen van der Veer, the head of Shell.

I go back to 2002 in this chamber when we debated the Chinese liquefied natural gas contracts when Woodside, through the North West Shelf joint venture, came up with a three million tonne a year for the next 25 years contract. It was noted at that time that although China does not record its gas reserves on the open market, assessments made by the gas industry indicated that China had total gas reserves of about 29 964 billion cubic metres. The total Western Australian remaining reserves add up to 8.29 per cent of what China is predicted to hold in its own right. At the time many commentators said that here we were going again selling off the family silver for five minutes of warm fuzziness with no thought for tomorrow or the fate of our children.

At virtually the same time as we sold that gas, China started a $17 billion project, which is still being finalised, to get its national gas transmission in its own country to the coast, ready to sell its own gas at the same time as we were selling our gas to China. China has a significant potential resource of natural gas. Some 54 large and medium-sized gas fields have been identified in China, mainly in the Ordos, Sichuan, Tarim, Junggar and Qaidam areas, as well as the South China Sea. Exploration and production activities in China in 1988 to 1991 resulted in newly added proven reserves totalling 835 billion cubic metres. While China is developing its gas, it is using ours. I therefore come back to the whole notion of securing domestic supply in a competitive market for Western Australia. In the past few years world leaders have acknowledged energy security as pivotal to national security and economic sustainability for every nation in the world. We do not do that in Western Australia. In Western Australia we have a notional 15 per cent retention of gas.

I was talking to an engineer employed by a major corporation that is developing gas fields in WA and is committed to saving 15 per cent. I asked him which 15 per cent the corporation was committed to saving. He replied that it was, obviously, the last 15 per cent because the corporation did not need its current 15 per cent because our market was full. I said that he and I knew the industry fairly well and that by the time he got to the last 15 per cent the company would not actually make any money on it; and that it would have to be extracted using the profit from previous years because it would require a huge re-injection of CO_2 or formation water to get that last 15 per cent out. I then asked when he talked with the government about this 15 per cent whether anybody had asked about that. He said no, and he had not proffered the information either. The notion, therefore, that we are retaining 15 per cent of our reserves to ourselves might be anathema; it might cost us more to get it out than it would cost to put it on the market.

Energy security, therefore, is now recognised as a key factor in geopolitics and the major driver of long-term national security strategies. This was stated by our own Prime Minister. Here in Western Australia we are the most energy and gas-dependent economy in Australia. Natural gas supplies more than half of WA's primary energy requirements. Natural gas also fuels at least 60 per cent of the state's electricity generation, and WA's gas use continues to grow rapidly. We know that Western Australian households and industries currently use 0.3 trillion cubic feet of natural gas per annum. At a modest growth projection of three per cent per annum the state will require 30-plus trillion cubic feet of gas—a continuing amount of TCF of gas—through to 2055. On current predictions that will not be available. We therefore really do need to get our act together in terms of securing domestic gas.

The demand in the future is equivalent to the existing market for gas. If we have an immediate need to ensure security of supply in a competitive domestic market, how do we achieve that? By the way, this is not about compromising the liquefied natural gas industry; these two can and must co-exist. It is about ensuring our domestic gas supply. In this case we are dealing with Macedon, which is a very small and very clean gas field; we have Little Knox; and, as I say, limited CO_2. It does not require a big plant to improve the gas or to do many of the things that we require in the North West Shelf, or indeed if we were to bring the Browse or Gorgon developments on stream.

As I have indicated, the Greens will be supporting the legislation, but we are urging the government to seriously look at the future energy securities of this state. I do not say that from some environmental perspective; I say it from the terms of the security of our industries, the security of our children and the security indeed of the geopolitical nature of Western Australia.

I think I get the intent of the amendments that we will be dealing with at the committee stage of the bill, but I will be seeking more clarification at the committee stage. Again, as I indicated, we will be requiring more detail on many of the clauses within the bill. One thing I would be interested to know from the minister when he responds to the second reading debate is that while there is a limited CO_2 emission from the single enclosed flare and as this is an energy supply, will Macedon, or any other subsequent gas supplier, have to buy in renewable energy certificates to offset that CO_2 emission?

Debate adjourned, pursuant to standing orders.

POLICE AMENDMENT BILL 2009

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Peter Collier (Minister for Energy)**, read a first time.

Second Reading

HON PETER COLLIER (North Metropolitan — Minister for Energy) [10.01 pm]: I move —

That the bill be now read a second time.

The government is introducing the bill in response to a need identified by the Commissioner of Police for there to be a provision in the Police Act 1892 that enables the appointment of police auxiliary officers with limited policing functions. The function performed by the police auxiliary officers will primarily be to assist in completing many of the secondary or associated functions currently done by police officers that, broadly, are not front line. It will allow the focus of deploying police officers to be on attending to their important front-line duties and to free them up from the many such secondary functions they presently undertake. In this regard, the police auxiliary officers will not be police officers but will be a specific category of appointee. The bill is drafted in a broad manner so that the Commissioner of Police will not be constrained in determining the nature of the secondary policing functions that will be assigned to the police auxiliary officers.

The bill provides the police auxiliary officers with the same powers as police officers when performing the secondary policing functions, unless the Commissioner of Police determines that such powers are not required. This will broadly be done on a case-by-case basis.

The appointment of the police auxiliary officers is to be done through a written document or appointment instrument signed by the Commissioner of Police. There will be an ability to limit via that appointment the powers they hold; when such powers may be exercised; the offences in which such powers may be exercised; the places, circumstances or times in which such powers may be exercised; and the purposes for which such powers may be exercised.

The bill is drafted so that the appointment instrument can specify the details of any terms and conditions by which the police auxiliary officers are appointed. However, it is important to note that these terms and conditions cannot be less than any relevant industrial award that may be in place under the Industrial Relations Act 1979 or the provisions set out in the Minimum Conditions of Employment Act 1993.

The bill provides that the police auxiliary officers will come within the disciplinary regime that currently exists with respect to police officers and Aboriginal police liaison officers. It further provides that they will be subject to such rules, orders and regulations that the Commissioner of Police may seek to impose, again in the same way that they apply to police officers and Aboriginal police liaison officers. The police auxiliary officers will be provided with the protection from personal civil liability when performing the functions of their position without corruption and malice. This is in the same manner by which police officers and Aboriginal police liaison officers are currently provided such protection.

There are also consequential provisions in the bill with respect to the Bail Act 1982, Civil Judgments Enforcement Act 2004, Criminal Code, Criminal Investigation Act 2006, Criminal Investigation (Identifying People) Act 2002, Cross-border Justice Act 2008, Food Act 2008, Juries Act 1957, Misuse of Drugs Act 1981, Public Interest Disclosure Act 2003, Spent Convictions Act 1988 and Stock (Identification and Movement) Act 1970. This is to clarify or, where appropriate, remove redundant references to the term "police officer" within these statutes. There is a consequential amendment in the bill to the Workers' Compensation and Injury Management Act 1981. This is to ensure that the police auxiliary officers are covered by normal employee workers' compensation arrangements.

The bill also contains a consequential amendment to schedule 3, clause 2(3) of the Industrial Relations Act 1979 to clarify that the jurisdiction of the public sector arbitrator does not extend to the police auxiliary officers. This is consistent with the current position with respect to police officers and Aboriginal police liaison officers. The Police Act 1892 contains specific appeal procedures to the police appeal board with respect to disciplinary offences and to the Western Australian Industrial Relations Commission with respect to dismissals.

This bill is important in the ongoing fight against crime as it provides the Commissioner of Police with the flexibility to appoint the police auxiliary officers to assist police officers in the completion of many non-operational duties. As a result, this will free the police officers from many such duties, enabling there to be a greater front-line policing presence. I commend this bill to the house.

Debate adjourned, pursuant to standing orders.

ADJOURNMENT OF THE HOUSE

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [10.04 pm]: I move —

That the house do now adjourn.

Jarrahdale — Forests — Adjournment Debate

HON ALISON XAMON (East Metropolitan) [10.04 pm]: I rise tonight to speak on the future of Jarrahdale and its forests. Those members who have not had the pleasure of visiting Jarrahdale will be interested to know that it is a beautiful spot on the very edge of the east metropolitan region, about 50 kilometres south of Perth in the Darling Range. Jarrahdale has a long history since white settlement, and obviously an even longer history prior to that. It was originally established as a timber milling town, and it has remained a timber milling town for more than 100 years, so it has a very long history of milling.

About 12 years ago, the final timber mill was closed suddenly, and the nearby bauxite mining also ceased. At that point, the town's economic future was looking a little dire. It is a credit to the residents of Jarrahdale that they have successfully managed in the past 12 years to reposition Jarrahdale as one of only seven historic towns in Australia. They have also taken advantage of what is a stunning setting in the jarrah forests to reposition Jarrahdale as a very popular tourist destination. Jarrahdale is a unique town, and it is only a one-hour drive from the city.

The combination of what are easily accessible historical sites and buildings, and also the very beautiful and rejuvenated jarrah forests, attracts a wide range of tourists, and also a lot of popular activities such as hiking, cycling and other forms of ecotourism such as scientific and historic interpretive tours. The Jarrahdale residents have been working extremely hard to develop their tourism industry and to address the limited employment opportunities that are available within this community. There is a strong sense of pride in this close and supportive community about how it has fared.

The issue that I would like to bring to the attention of the house tonight is that the forests that Jarrahdale is relying upon so heavily are unfortunately back under threat. The most immediate threat is the plan by the Forest Products Commission to log Mundlimup coupe 03 in the very near future, but there is also the ongoing threat from the Wungong catchment thinning trial, which residents feel is threatening to substantially alter and reduce the forest cover across that area. In addition, Alcoa is planning to resume open-cut bauxite mining from 2011. There is great concern that this will entirely remove the forests in the residents' area of interest.

Mundlimup coupe 03 is only one kilometre from the Jarrahdale town site. It was last logged 70 years ago. It contains regrowth forest interspersed with a lot of old-growth trees. These are mostly giant marris, and also some big, old jarrahs that were considered unsuitable for sawmilling. That is terrific for the local birds, I might add. The forest is home to a number of endangered species. One of those species is the forest red-tailed black cockatoo. The value of that forest is far greater than the timber that it can produce, and it forms an essential part of Jarrahdale's sense of place.

I advise members that the residents of Jarrahdale are conducting regular tours around Jarrahdale. I encourage members to look at these sites for themselves, because it is quite spectacular and quite stunning to look at the difference between the areas of regrowth and the areas that have been very recently logged and the desolation in those areas. The implications of allowing logging in the Mundlimup coupe 03 are grim. Parts of the bush are already infested with dieback—it can be seen by driving through it—and the community is really concerned that this devastating disease will be further spread by the proposed logging. Frankly, the sanctions that currently apply to contractors for breaching dieback hygiene requirements are weak and are really an insufficient deterrent. Dieback will kill many forest plants and will seriously reduce the area's biodiversity.

There is no question that logging in this forest will leave devastation in its wake. Even the relatively benign-sounding "selective logging" entails the use of a machine that leaves a wide area of destruction to and from any particular tree, and I have seen these machines; it is basically indiscriminate logging. It just goes in and takes everything in its path. Jarrahdale residents have estimated that 1 500 square metres of forest has to be cleared to harvest as few as five jarrah trees. The visual appeal of the logged area will be reduced to zero, substantially decreasing the value of the forest for the tourism activities that Jarrahdale residents have worked so hard on. The noise of logging machinery at such close range will also have a negative impact on the town, as will the increase of heavily laden logging trucks going in and around the town site.

I have no doubt that the Forest Products Commission will undertake some sort of post-clearing rehabilitation of the forest, but trees take a long time to grow. Even the 70-year-old and 80-year-old trees we see now are babies compared with the huge stumps that are the only remnants of the old-growth trees. Local businesses will lose the use of the forest not only during logging, but also for decades to come.

I would like to voice my concern about why it is felt necessary to recommence logging in this area after such a long time. An initial examination of the figures indicates that, far from there being an economic imperative to

decimate these forests, the revenue generated by logging may not even adequately cover the costs of managing our forests sustainably, due to the extremely low prices being charged by the Forest Products Commission. That is without even taking into account the costs involved in the Department of Environment and Conservation's role in ongoing forest management and in planning and preparing logging operations. Nor does it take into account the role of the Conservation Commission, which is involved in forest management. The work of these agencies represents a range of hidden subsidies to the FPC and the native forest logging industry.

The logging of Mundlimup coupe 03 cannot be considered in isolation. It is one of a number of threats to the forests in this area, all of which will have an adverse impact on the ecology of the forests. In this context, any logging has the potential to damage the businesses in Jarrahdale that rely on both unspoiled and regrowing forests for their survival. Mundlimup coupe 03 should not be logged; we should leave it alone. This forest is vital to the economic future of Jarrahdale, and it is also an important recreational area for people in the wider Perth community. It is in our interest to maintain this beautiful area on our doorstep. The areas used by Jarrahdale tourist businesses and other businesses that require unspoiled and regrowing forests for their successful operation need to be protected and supported. Those businesses should not be destroyed along with the forests for the sake of allowing the FPC to continue with contracts that bring in minimal or negligible revenue to the state.

I urge members to visit Jarrahdale if they have not been there already, to walk in the forest and, very importantly, to talk to the residents and business owners. I hope that members will then join me in opposing this really quite needless destruction. I call on the Minister for Forestry to commit to the future of the Jarrahdale community and put Mundlimup coupe 03 off limits to logging.

Armadale Health Service — Member for Armadale's Comments — Adjournment Debate

HON HELEN MORTON (East Metropolitan — Parliamentary Secretary) [10.14 pm]: I have been hearing some absolute rubbish from the member for Armadale in the other place, and I want to set the record straight about some issues she has been discussing. Basically I want to prevent the member for Armadale from trying to rewrite history in a way that might suit her conscience better than the reality of what actually happened. The member for Armadale was a senior member of cabinet, as was another East Metropolitan colleague, Hon Ljiljanna Ravlich, at the time Labor deliberately dismantled the private hospital maternity service in Armadale. The member for Armadale's hypocrisy in this matter is absolutely stunning. She has allowed her government to deliberately ruin any hope that young mums had of a private hospital maternity service in Armadale. When Armadale Health Service was constructed eight years ago, a tender was given to a private operator. That private operator paid $12 million to the government for the right to operate a private hospital and specialist centre co-located on the Armadale Health Service campus. The private operator was going to operate only the private hospital section. The $12 million was paid upfront. The government used that money to construct the private hospital, but the private hospital was owned by the government—the bricks and mortar were owned by the government.

The private operator, in handing over that $12 million, signed an agreement with the government to lease the facility for 20 years. The $12 million was going to pay the rent for 20 years. When the hospital was built, the agreement to lease was supposed to cease and the 20-year lease was to commence. The lease agreement had a number of other conditions that the government signed up to. There are three conditions that I will mention. One was that the shared theatre arrangements, basically the engine room of a private hospital, had to remain operational for the full term of the lease; the second condition was that the emergency department had to remain operational for the full term of the lease; and the third condition was that the high dependency unit had to become operational and remain operational.

Construction of the facility was completed in 2001. It was opened in 2002, but the 2001 election had resulted in a change of government and there was quite a hard-fought battle on health issues. The Fremantle doctors took a full-page ad in *The West Australian* slamming the Court government of the day. Fremantle Hospital doctors did not want that high dependency unit to become operational because it would stem the flow of high dependency patients from Armadale to Fremantle. They needed those patients to continue flowing through to Fremantle Hospital to justify their claims for expanded services in high dependency and intensive care unit services.

In case members think I am making that up, that was confirmed by the South Metropolitan Area Health Service only last week. The Labor government did not sign the lease. When the hospital was built and was to become operational, the Labor government refused to sign the lease because at that time Minister McGinty did not want to let his Fremantle Hospital doctors down. So, despite repeated warnings from people all over the place that this would create a problem and make it very difficult for the private hospital to attract specialists and retain them, the government went ahead and did it anyway.

Mr McGinty and Alannah MacTiernan were ideologically opposed to the public-private partnership and refused to sign the lease. At this stage Armadale Health Service had turned around from being the hospital in Perth that the local people most bypassed to the hospital in Perth that the local people most utilised. I add that in that time a

massive range of specialists had been recruited. Since then, of course, they literally have drifted off. The three obstetrician-gynaecological specialists have gone, and that is one of the reasons we have the problem that we have out there. Haematology and chemotherapy services that had commenced have now ceased; plastic surgeons are not available out there; and general surgery is down to one surgeon.

The private operator struggled for two years to operate without a lease to try to give tenure to specialists to encourage them to relocate their businesses from wherever they were. I can remember recruiting a young cardiologist from Boston on the basis that that high dependency unit would be operational; he relocated his business and set up practice in Armadale on that basis. The private operator struggled for two years without a lease, but was finally left with no option other than to sue the government for breach of contract. As I was central to the process on both the private operator's behalf and the government's behalf, I was being briefed by both for their day of reckoning in court. It was very clear to me and the previous government that the government would lose. In late December 2004, two days before Christmas Day, the former Minister for Health, Mr McGinty, reached an out-of-court settlement of $15.3 million for breach of contract, and sold that to the community by saying that the government had bought the hospital. I ask: how could he buy the hospital, because the government already owned the hospital? He did not buy anything. He was sued and he settled out of court. Mr McGinty misled the community at the time, and Hon Alannah MacTiernan knew exactly what was happening because I had personally briefed her on many occasions.

The following March, the private operator walked away from the hospital; it finished because it could not remain viable without a contract. The previous government agreed to keep the maternity unit—now called the Bickley ward—operating as if it were a private hospital or private unit. But it was not a private ward, it was a government ward, and it has continued to have both public and private maternity patients in there ever since. We now have a hospital at Armadale with one maternity section at one end of the hospital and another maternity section right at the other end of the hospital. The public hospital maternity unit has a full complement of maternity-unit-competent nurses and obstetric and gynaecological specialists. That unit has a 24-bed capacity, but it has been operating only 18 beds, and is operating at 60 per cent capacity. The small unit at the other end of the hospital has 12 beds. Both units have a mixture of public and private patients, but no specialists want to provide services in the small unit. The administration at Armadale hospital was trying to bring about some efficiencies and some safety and risk management to the mums there by bringing them together in the one facility that had plenty of capacity. The specialist obstetricians left the Bickley ward more than 12 months ago.

My point is that it is absolutely a bit rich right now for the member for Armadale to be out there saying that the Labor Party really and truly wants to give these young mums in that facility double beds and the opportunity for the dads to sleep overnight, and all of the add-ons that are normally provided in a private hospital, when she was personally involved in dismantling any hope that young mums in Armadale had of having a private hospital service.

Breast Cancer Month — "Touch of Pink" Breakfast — Adjournment Debate

HON ALYSSA HAYDEN (East Metropolitan) [10.24 pm]: I rise tonight to inform members of a very successful event I attended last Friday—the launch of the National Breast Cancer Foundation Western Australia's Volunteer Committees 2009 Breast Cancer Month.

The committee's "Touch of Pink" breakfast was held at the Burswood entertainment complex and more than 460 people were in attendance. I was joined by my colleagues Hon Helen Morton and Hon Donna Faragher, along with Andrea Mitchell, the hard member for Kingsley.

Hon Ken Travers: The hard member?

Hon ALYSSA HAYDEN: The hardworking member for Kingsley.

Hon Ken Travers: I always found her a bit of a softie, myself.

Hon ALYSSA HAYDEN: She is a lovely lady!

Hon Ken Travers: Yes. I'm going to tell her you called her hard; I think that's very unfair!

Hon Liz Behjat: No-one's ever called you that!

Hon ALYSSA HAYDEN: Congratulations must go to all the members of the Western Australian volunteer committee for their untiring devotion to the cause and their hard work in organising such a large event. All funds raised from the breakfast went to the National Breast Cancer Foundation to fund research. Dr Andrew Redfern, the leading researcher from the Western Australian Institute of Medical Research and Royal Perth Hospital consultant medical oncologist informed those in attendance of the very important research work he and his team have been doing and the continued advances in life-saving treatments for women with breast cancer. Funding for research into breast cancer is vitally important in the pursuit of prevention and finding a cure.

Dr Redfern advised that breast cancer is not a new or recent disease. The first statement of breast cancer therapy dates back to 2600 BC. At this time, the ancient Egyptian oncologist knew how to recognise the disease, but concluded that breast cancer was "an ailment with which one could not contend". The dedication of professionals such as Dr Redfern in developing new treatments has resulted in more women surviving the disease. One in nine Australian women is expected to be diagnosed with breast cancer in her lifetime, which means most of us know someone who is affected personally.

Dr Redfern's research studies breast cancer cell resistance. He received national funding in 2007 for a four-year research grant to ascertain whether a suite of proteins found by WA researchers could be used to develop new treatments for breast cancer, and whether these proteins are responsible for resistance to hormone treatments. Dr Redfern's task is to examine whether the newly discovered proteins will recognise the chance of breast cancer returning and, more importantly, if their presence predicts the success or failure of a given hormonal treatment. This would then allow for different treatments to be selected for different patients, thus minimising side effects and maximising their chances of beating the disease.

Another significant campaign undertaken for drawing attention to the need for breast cancer research is the illumination of buildings and icons around the world, arranged by the Global Illumination Project, which is in its tenth year in 2009. It continues to reinforce the message for funding for research into prevention and finding a cure for breast cancer. During the month of October, members may notice icons around Perth illuminated in pink, such as the Perth Wheel, the Burswood Entertainment Complex, the Perth Concert Hall, the University of Western Australia's Winthrop Hall and Swan Bells. I ask that when members pass these places and notice the pink lighting, they take a second to reflect that one in nine women will be diagnosed with breast cancer at some stage in her life. Male members in this place may be surprised to know that breast cancer is not gender specific—about 100 men in Australia have been diagnosed this year with breast cancer. Another successful fundraising campaign by the committee is Pink Ribbon Day. October is internationally known as Breast Cancer Month and Pink Ribbon Day is always on the fourth Monday in October. This year, Pink Ribbon Day is on Monday, 26 October.

I congratulate the members of the Western Australian volunteer committee who have given their time, resources and expertise to make the Global Illumination Project and the pink ribbon campaign a real success. I also acknowledge the member for Carine in the other house, Tony Krsticevic, for his fundraising and sponsoring efforts in supporting Breast Cancer Month. I encourage all members to be aware of and to take part in activities in their own electorates during Breast Cancer Month that raise funds to take us one step closer to preventing and curing this disease.

Sheep Industry — Adjournment Debate

HON PHILIP GARDINER (Agricultural) [10.30 pm]: I thank Hon Ken Travers for allowing me to speak this evening. I want to brief members for a short while about the malaise of our sheep industry. It is an industry that for many years, as all members would know, was very important to Western Australia and Australia. About the mid-1990s, we had a flock of about 170 million sheep. In about three or four years, that flock is likely to be about 20 million to 30 million sheep. It is currently about 70 million sheep.

The industry has been overtaken by a number of things. A lot of it has been through very poor management by the industry itself, especially for the wool part of the industry. It is a wonderful fibre. Unfortunately, with some wool, the spectrum of the fibre diameter is so wide that wool just is not wool. Some wool is right for one part of the market and other wool is right for a different part of the market. Unfortunately, our leadership over the years has seen the malaise of our marketing. It has also led to difficulty with treatments such as mulesing, which is deeply caught up with wool marketing. There is still a lack of leadership, in my view, on mulesing. Mulesing is an unwinnable battle. The consumer does not want it, because people will make a story about it outside retailers' premises. It is an easy story to have a photograph of a mulesed lamb with a few bells, and someone outside a large or small retailer saying, "Who would want to buy wool when the owners and the people in the industry treat their sheep like this?" Let me tell members that mulesing is not a fail-safe method of controlling fly, but there are fail-safe methods available that, unfortunately, the industry is refusing to open its eyes to, because, in an industry that has a lot of history to it, there is the attitude that "no-one is going to tell us what to do". It is a very sad reflection on an industry that should be progressive and going beyond that to change the situation.

However, the real issue is the fall in sheep numbers. When stock are grown for meat, quite a different dynamic occurs from that which occurs when sheep are grown for wool. When stock are grown for meat, be it cattle or sheep, they are being sold into a market. If the market is rising, people can never be sure for how long it will be rising, so they keep selling into it because they want to get that cash while they can. Therefore, the meat market is a roller-coaster market. If the price ever remains up, every producer decides that they will not sell their cows or their ewes; they will keep them because they will breed from them. When everyone does that, of course, we all overdo it. Then the market plunges down again. Unfortunately, a meat industry has an underlying dynamic that makes it a roller-coaster market. However, when a person has a sheep for wool as well as for meat, the

situation is different, because the wool on that sheep's skin gives a producer a longer term perspective to hold it. It changes that person's vision, because he knows that he is going to get an income if he does hold it. If he shears the sheep and sells the wool, he will get an income. Then he can sell the body of the sheep, if he wishes to, to someone else for breeding or for fattening, or to the meat market. However, wool has a price, which, unfortunately, has been damaged over the years, to the point that now people do not find it profitable to run sheep for wool. Therefore, the long-term incentive for holding sheep has almost gone.

This has led to all of us selling into the meat market while the prices are high, not being sure for how long the prices will stay high. There are also lambing percentages, which the season affects. Around much of Western Australia, the lambing percentages have been very bad over the past couple of years, while at the same time we are selling our ewes into the current high-priced meat market. If people sell their breeding stock into the meat market, they take away the foundation for their future flock. The projections that I know the Department of Agriculture and Food have run suggest that in this state in about three years, we will virtually have no sheep, because the underlying foundation for the flock is almost gone. I am not saying this to try to get some sympathy; I am just informing members that the state of the industry is very serious. This is just part of the news to let members know that this is where we have finally got ourselves.

Another point about the sheep industry is that it is more difficult to manage and run than the grain industry. Nearly all the young people who come into the agriculture industry prefer to get into a big machine or a big spray unit and take it around the paddock or test the soil than to get into the yards where they have to physically handle an animal and deal with all the physical things that animals do and have. It is much less attractive than getting into a lovely clean cabin with a global positioning system and all the other electronic tools to help them put in and take out a crop.

It is not a good outlook. The only way to try to rebuild our flock is to somehow cause people to have a longer term view that the meat market is not going to suddenly peter out and to start rebuilding our ewe numbers. It is possible. I think the Department of Agriculture and Food is now taking the view that the wool industry will be very difficult to resurrect, that meat will be the focus and that we will have to build the long-term future of the meat area.

Many members would know that a number of people who run sheep have diversified away from their merinos, even though the merinos still comprise about 88 or 90 per cent of the flock, to new breeds that are more meat oriented, such as the Damaras, Dorpers, Awassis and so on. I think that that is the right way to go in many respects, not that I am personally doing that; I am afraid that I am very much a laggard in that respect. But many people are doing this because that is where the future will be. Europe used to be a great wool-producing part of the world in the 1700s and 1800s. It has hardly any wool sheep now; it has mostly meat sheep. Perhaps that is just a natural transition; as things change, it goes more towards meat production. Europe has a lot of sheep for meat production and it has a lot of people who consume meat. Of course, meat is almost an essential food, whereas wool is not an essential fibre. It is a wonderful fibre. I thought that with global warming, it could almost re-emerge as an essential fibre. If we had to change the setting of the air-conditioning in this chamber from around 26 degrees down to 20 degrees, we would all need to wear wool again, but that may be too far away from now to save the wool industry.

The processors of wool also must be finding it very tricky, because the quantity of wool being produced is getting lower and lower. China has a much bigger flock than Australia has; it has had a bigger flock than Australia for some time, but the quality of its wool is such that people cannot wear it against their skin. Women will not buy that wool to wear against their skin; it is too prickly. Australia is the only country in the world that produces this quality of wool. New Zealand produces a bit and it markets it very well, but, again, it does not have the quantity that Australia has. We have failed to put in place our marketing strategy. The only thing I can say in conclusion is that I think that the woman who heads Australian Wool Innovation Ltd has got it right. I am afraid that I am not so confident about her board colleagues in that organisation.

Standing Order 97 — Inappropriate Language — Adjournment Debate

HON KEN TRAVERS (North Metropolitan) [10.40 pm]: I am glad that Hon Phil Gardiner got the call before me because I found his speech very interesting. I also enjoyed Hon Alyssa Hayden's speech. As someone who lost a sister to breast cancer, it is an issue that is close to my heart and I congratulate the member on the work that she is doing, and I support her. It is good to be reminded in this house of the common links that we have across issues and to show support for each other.

Having said that, now to the differences.

Hon Helen Morton: Are you going to say that you liked my speech, too?

Hon KEN TRAVERS: I am going to make some references to Hon Helen Morton's speech, and I will get to it a little later on.

What I wanted to say before the house rises related to a debate that we had earlier tonight, during which a point of order was taken about the use of inappropriate language in the house. I have never sought to hide behind that. I am happy for members to throw whatever they want at me, and I will throw it back at them. I am that sort of a person; I do not mind the language that people use. I have a high tolerance for robust language, and I am prepared to cop it and to give it back. That is the way that I have always operated in this place.

The Minister for Transport suggested to the house that it was clear that if any member takes objection to any expression that is used it shall be withdrawn. I pointed out that I thought that was a narrow interpretation of the standing orders, and that if that were the case we would end up taking points of order on just about everything that is said in this place. I was told by the minister to go away and read the standing orders and I might learn something. I thought I was right, and I did go away and read the standing orders. For the benefit of members, standing order 97 reads —

> No Member shall use offensive or unbecoming words in reference to any Member of either House, and all imputations of improper motives and personal reflections on Members shall be considered highly disorderly, and when any Member objects to words used, the presiding officer shall if he considers the words to be objectionable or unparliamentary, order them to be withdrawn forthwith.

That is slightly different to what Hon Simon O'Brien suggested to the house earlier tonight. I thought it was important that we clarify that matter. It is not just because someone takes offence at what is said; it also needs to be considered to be unparliamentary or objectionable by the President. In fact, not that long ago the President made a ruling about some words and the context in which they had been used, and ruled they were not objectionable in terms of the context.

In conclusion—so that Hon Helen Morton does not think I was not listening to her comments—I believe in a strong robust debate in this place, but we probably do need to moderate our comments when we refer to members in the other chamber, because they are not here to defend themselves. It becomes a problem in the chamber if we start doing that. We will get tit-for-tat, as I could go away and talk to Hon Alannah MacTiernan and get her side of the story and then bring it back into this chamber. That is not to say it is unreasonable to have a debate in this place about members in the other place, and we will do that I am sure from time to time and will make reference to ministers in the other place, but that would be the only area in which we need to modify our language and be a little more careful in the language that we use because members in the other place do not have that opportunity to defend themselves, unlike all of us in this place who have that capacity. If members throw it at me, I can get up and throw it back in the robust nature of the debate. Hopefully, as we often do, we will walk out of this place and be civil to each other, having had that robust debate, which is the great thing about the democracy in which we live: it is done on the floor in this place with robust debate, not outside of the chamber with guns, and sticks and stones, as it is done in many other parts of the world.

Question put and passed.

House adjourned at 10.44 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GINGIN MEATWORKS SITE — POLLUTION CONCERNS

1167. Hon Giz Watson to the Minister for Environment

With reference to the Gingin Meatworks, located Lot 195 Cockram Road Gingin, Department of Environment and Conservation (DEC) licence No. L6112/1996/9, I ask -

(1) Is the Minister aware of issues of pollution at the Gingin Meatworks site?

(2) Does the Minister agree that the abattoir poses a risk to the Lennards Brook and paddocks bordering the Gingin Meatworks site?

(3) Has the Department or any independent body conducted testing on soil and water samples from Lennards Brook and paddocks bordering the Gingin Meatworks site?

(4) If no to (3), why not?

(5) If yes to (3), please table the complete results of such testing?

(6) Is the Minister aware that a member of the Gingin community has been waiting since 30 April 2009, for a response from the DEC on questions relating to the Gingin Meatworks?

(7) With reference to (6), when will the DEC respond to the member of the Gingin community?

(8) Is the Minister aware of the concerns from the Gingin community regarding the impact of the Gingin Meatworks on adjacent property owners, as evidenced by the Shire of Gingin motion carried on 21 July 2009, requiring Gingin Meatworks to 'show cause' as to why the Shire should not initiate a prosecution for its failure to comply with previously agreed operating protocols?

(9) How is the Minister ensuring the licensee's compliance with licence conditions regarding noise and odour emissions?

(10) Is the DEC investigating whether the alleged breaches by the licensee amount to 'unreasonable emissions' as per section 49 of the *Environmental Protection Act 1986*?

(11) What action has or will the DEC take to ensure that the licensee is held accountable for any breach of licence?

Hon DONNA FARAGHER replied:

(1) I am aware that there is community concern about odour and noise emissions from the Gingin Meatworks. I am also aware of the allegation about a discharge of wastewater to Lennard Brook.

(2)-(3) The Department of Environment and Conservation (DEC) and the Shire of Gingin have investigated the allegation of a discharge into Lennard Brook and found no evidence to substantiate the claim. Should further evidence to substantiate the allegation be provided, DEC will conduct an investigation, including laboratory testing, where required. DEC has further advised me it is not aware if any independent body has carried out any testing.

(4) See the answer to (2)-(3).

(5) Not applicable.

(6)-(7) DEC has advised me that it responded to questions from a community member relating to the Gingin Meatworks by telephone on 1 May 2009, followed by a written response on 3 September 2009.

(8) See the answer to (1).

(9) It is the responsibility of DEC under the Environmental Protection Act 1986 to ensure a licensee complies with their licence conditions.

(10)-(11) Yes, DEC is investigating alleged breaches of the Environmental Protection Act by the licensee. DEC is also conducting an investigation to determine the Gingin Meatworks' compliance with its licence conditions. Once it has completed its investigations, DEC will take the appropriate action in accordance with the Environmental Protection Act and its Enforcement and Prosecution Policy 2008.

PUBLIC TRANSPORT AUTHORITY — PARSONS BRINKERHOFF CONTRACT

1172. Hon Ken Travers to the Minister for Transport

(1) Will the Minister table a copy of the proposal submitted by Parsons Brinkerhoff, dated 7 May 2009 to the Public Transport Authority, and schedule one of the contract to Parsons Brinkerhoff, dated 15 May 2009?

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

Hon SIMON O'BRIEN replied:

(1)-(2) No. The Public Transport Authority has already provided edited access to the proposal document submitted by Parsons Brinkerhoff dated 7 May 2009 to the Hon Ken Travers MLC in response to his Freedom of Information application dated 14 July 2009 regarding "All documents held by the Minister for Transport or any of his agencies in his portfolio, which relate to the Ellenbrook Rail Link Route Definition Study". Edited access was provided on the basis that the document contains some exempt matter in accordance with Schedule 1 Clauses 4(1), (2) and (3) of the Freedom of Information Act.

I provided an answer to the Hon Member on the 19 August 2009 with respect to his question about providing a copy of schedule 1 of the contract to Parson Brinkerhoff of 15 May 2009.

SWINE FLU — RISK TO EDUCATION STAFF

1179. Hon Alison Xamon to the Minister for Energy representing the Minister for Education

I refer to the ongoing swine flu pandemic, and ask -

(1) What measures have been put in place to limit the exposure of those Department of Education and Training (DET) employees in high risk categories (including pregnant women), to swine flu?

(2) Does the DET provide its employees, including all teachers, with adequate advice on the risks of the swine flu so that they are able to make fully informed decisions regarding their work and their personal circumstances?

(3) If yes to (2), -

(a) how is this information disseminated; and

(b) how often is this information updated and re-issued?

Hon PETER COLLIER replied:

(1) The Department has maintained close liaison with the Department of Health throughout the period of the Human Swine Flu pandemic. As issues have arisen the advice of the Department of Health has been sought. This was the case with staff considered to be potentially at higher risk, particularly pregnant women. As a result, a bulletin was prepared and distributed to all schools and displayed on the Department's website on 18 August 2009. Frequently asked questions and their answers, supplied by the Department of Health, were provided in this bulletin.

(2) Yes.

(3) (a)-(b) During the period of the Human Swine Flu pandemic, the Department distributed a total of eight bulletins to all schools. These were also displayed on the Department's website. The first bulletin was distributed on 25 May 2009 and the most recent on 18 August 2009. Most bulletins contained web links to appropriate State and Federal websites in order for people to obtain further information if required. All bulletins were made available for use by the Catholic Education Office and the Association for Independent Schools in WA.

Information for public sector employees was provided to the Department by the Department of the Premier and Cabinet and immediately posted on the Department's website.

A dedicated 1800 telephone line for the Human Swine Flu was established for principals at the end of May. The telephone line was extensively used by principals over a period of months.

FREMANTLE PORT — CONTAINER CAPACITY

1181. Hon Lynn MacLaren to the Minister for Transport

(1) What is the current container capacity of the Port of Fremantle?

(2) What is the optimal container capacity of the Port of Fremantle?

(3) What new rail infrastructure projects are planned in the future to cope with increased container capacity at the Port?

Hon SIMON O'BRIEN replied:

(1) In 2008/09, 565,491 teus (Twenty Foot Equivalent Container Units) were handled through the Port of Fremantle.

(2) Current estimates are that the optimal capacity of the port is 1.2 million teus although this figure is currently being reviewed by the Fremantle Ports Optimum Planning Group.

(3) A number of potential rail projects are being considered to assist with the movement of future container trade include:

- North Quay Rail Terminal Stage 2;
- Increasing clearances to allow for double stacking of containers on trains;
- Kewdale/Forrestfield Intermodal Terminal; and
- Crossing loop, possibly located in the vicinity of Robbs Jetty.

TUARTS AND ENDANGERED BUSHLAND — SOUTH METROPOLITAN REGION

1182. Hon Lynn MacLaren to the Minister for Environment

(1) How many Tuarts are currently under threat by road building in the South Metropolitan region?

(2) How many Tuarts are under threat with the Mundijong Road extension from the Kwinana Freeway to Old Mandurah Road?

(3) How many Tuarts were destroyed on the upgrade to Paganoni Road in March 2008?

(4) How many would have been destroyed had there been no 'walk through' with representatives from the Southern Gateway Alliance and the Conservation Council Western Australia and Friends of Paganoni?

(5) Could you list the fauna in Paganoni Swamp currently listed as rare, threatened and endangered?

(6) Could you list the flora in Paganoni Swamp currently listed as rare, threatened and endangered?

(7) How many Tuarts grow in Paganoni Swamp and what is the age of the oldest?

(8) How many areas of the size and condition of Paganoni Swamp, a 550 hectare Bush Forever site currently remain in Perth?

(9) How many areas of this size and condition remain in Perth that are not invaded by major weed species such as Geraldton Carnation Weed, Veldt grass, the Cape tulip and gladioli?

(10) Since the inception of Bush Forever, how many Bush Forever sites in the South Metropolitan region have been partially or totally cleared?

(11) Were environmental offsets provided for the loss of any Bush Forever bushland, and if so were the offsets 'like for like'?

(12) How are these sites being maintained, monitored and managed?

Hon DONNA FARAGHER replied:

(1) It is not possible to identify the number of tuart trees that are proposed to be cleared. Clearing permits for roadworks specify the area of vegetation to be cleared, not the number of individual tuart trees.

(2) See the answer to (1).

(3) Southern Gateway Alliance has advised that the number of tuarts removed was not documented at the time of the works but that the recollection of the site coordinator is that less than six tuarts were cleared.

(4) Southern Gateway Alliance has confirmed that up to 27 trees were protected following Southern Gateway Alliance's consultation with the Department of Environment and Conservation, the Conservation Council and the Friends of Paganoni. Of these, five were not tuart trees.

(5) Fauna listed as specially protected as threatened fauna under the Wildlife Conservation Act 1950 recorded from the Paganoni Swamp bushland are Carnaby's black cockatoo (ranked as endangered) and the Australasian bittern (ranked as vulnerable).

(6) The Paganoni Swamp bushland supports the largest known population (about 2500 plants) of the Glossy Leaved Hammer Orchid which is declared rare flora under the Wildlife Conservation Act 1950 and has a threat ranking of 'critically endangered'.

(7) The Paganoni Swamp bushland contains over 290 hectares of tuart woodland. Within this area there are many hundreds of individual tuart trees. Detailed on-ground assessment would be required to determine the age classes present.

(8) There are 13 bushland areas of similar or greater size to the Paganoni Swampbushland on the Swan Coastal Plain in the Pertharea. The majority of these areas are inferior in condition to Paganoni Swamp.

(9) See the answer to (8).

(10)-(12) These parts of the questions should be referred to the Minister for Planning, as the administration of Bush Forever program is the responsibility of the Department of Planning.

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