

# Legislative Council

Wednesday, 14 September 2005

**THE PRESIDENT** (Hon Nick Griffiths) took the chair at 2.00 pm, and read prayers.

## **SHIRE OF BRUCE ROCK PARKING AND PARKING FACILITIES LOCAL LAW, DISALLOWANCE**

### *Notice of Motion*

**Hon Ray Halligan** gave notice that at the next sitting of the house he will move -

That the Shire of Bruce Rock Parking and Parking Facilities Local Law published in the *Gazette* on 2 June 2005 and tabled in the Legislative Council on 23 June 2005, under the Local Government Act 1995, be and is hereby disallowed.

## **TOWN OF VICTORIA PARK LOCAL GOVERNMENT PROPERTY LOCAL LAW AMENDMENT, DISALLOWANCE**

### *Notice of Motion*

**Hon Ray Halligan** gave notice that at the next sitting of the house he will move -

That the Town of Victoria Park Local Government Property Local Law Amendment published in the *Gazette* on 21 June 2005 and tabled in the Legislative Council on 30 June 2005, under the Local Government Act 1995, be and is hereby disallowed.

## **WESTERN AUSTRALIAN PLANNING COMMISSION, PROCEDURES, PRACTICES AND CONDUCT**

### *Referral to Standing Committee on Public Administration, Motion*

Resumed from 31 August on the following motion moved by **Hon Simon O'Brien** -

That the Standing Committee on Public Administration be directed to inquire into the procedures, practices and conduct of the Western Australian Planning Commission in relation to applications for the subdivision of lots including, but not limited to, instances where approvals are given against the advice of the relevant local government and/or the subdivision contravenes the relevant town planning scheme, and any related issues the committee considers appropriate.

**HON SIMON O'BRIEN (South Metropolitan)** [2.04 pm]: I recollect that the Parliamentary Secretary to the Minister for Planning and Infrastructure was on urgent parliamentary business outside the chamber on Wednesday, 31 August when I moved the motion. When preparing for the resumption of this debate, I became aware that she has since examined my introductory remarks and the documents I tabled. I also recall that the Leader of the House, on behalf of the government, was actively listening to my comments on this matter. I see that he still has my tabled documents. I thank the government for its participation.

Members will recall that on 31 August I tabled three pairs of documents, as tabled paper 668: an aerial photograph and a ground plan of three different properties. Those three photographs simply illustrate some of the planning decisions of the Western Australian Planning Commission in approving the subdivision of lots. Frankly, those decisions have some local governments scratching their heads. As I indicated at the time, the three photographs were indicative. I did not verbally identify the specific locations, although obviously they were identifiable in the tabled paper. It is not my intention to revisit these three properties and thereby the subdivisions. I am sure that the new owners are living happily, or perhaps not happily, on some of these subdivided lots. Either way, I do not wish to bring them into the debate.

On 31 August I had the opportunity of discussing with members two of the examples. We first discussed the coffin-shaped block at the end of the Power Place cul de sac and the curious fishhook-shaped block that was contrived to be excised from the side, the back and a bit of the other side of that block. As the Leader of the House will recall, we looked at that the other day. I will not revisit it; it is on the record. Then we had the opportunity to look at the place in Benningfield Road, Bull Creek. As I recall the Leader of the House chuckled when he was looking at this photograph, which depicts a curious triangular block that was excised from the parent block. It had no frontage on Flinders Crescent, which was the address of the parent block, and instead introduced a new frontage on Benningfield Road. The thing that I know tickled the fancy of the Leader of the House and also tickled mine, and is reflected in *Hansard*, was the way in which the short side of the triangle was interrupted by two 90-degree twists. The boundary goes 1.36 metres out of alignment on a 90-degree dogleg and then comes 90 degrees back. As the Leader of the House observed -

From the photo -

Which goes with the plan -

it looks as though it wraps around the wall of the existing house and the eaves go over the top of it.

From the aerial photograph it appears to only just go around the bricks of the property next door. I indicated in response, with my tongue firmly in my cheek, that it was very cosy. I imagine that the planners at the relevant local government authority also thought that it was a bit cosy, and they noted that there did not appear to be the setback of just over a metre between the dwelling and the boundaries, which is a normal planning requirement. The Western Australian Planning Commission asked the local government authority for its advice on the plan, and it did not support the application as it went against the local planning scheme and all the rest of it. The council was very surprised when the WAPC approved the subdivision of that lot.

I now move to the third and final example, which I did not touch on when I spoke on 31 August. It concerns a block in Harrod Street, Willagee. The parent block is on the corner of Harrod and Harrison Streets. Members may have a copy of an aerial photograph of the block. It is a slightly irregularly shaped block, which contains a brick and fibro dwelling. The plan shows a quite extraordinary design for a block to be carved out of the parent block. Notionally, the new block has only six sides, but there are actually a few more. It includes an extraordinary line of division, which I will return to in a moment. The site to be excised will provide a new block of 440 square metres. The reduced parent block will be 441 square metres. I have not checked, but I have a sneaking suspicion that 440 square metres may be significant as an absolute minimum size for a residential block. That is not the only thing that is significant about this plan. The plan includes a proposal for two square metres of common property in a corner of the boundary between the proposed two blocks fronting Harrod Street. The use to which this two square metres of common property will be put is somewhat unusual. Common property is normally a shared driveway with a shared parking area, a shared crossover or some other form of shared facility. I believe that this common property will be used for a letterbox. Most people with street residences have letterboxes at the front of their blocks. Other people who live on sheep stations and so on have slightly different arrangements. In suburbia, most people have letterboxes at the front of their blocks. It is an attractive little brick thing or a tin thing on a stick or -

**Hon Kim Chance:** Or a hole in the wall.

**Hon SIMON O'BRIEN:** Yes, a hole in the wall. Members have a mature understanding of what a letterbox is. However, it appears from the plan for the subdivision of the block in Harrod Street, Willagee that this two square metres of common property will be the location for two letterboxes for the proposed two blocks. The plan does not provide for a letterbox on the driveway of one block and another letterbox on the other driveway; the blocks will have a special area of common property that will contain both letterboxes. The parent block remains on the corner and has the bulk of the building on it, and this area of common property is probably a reasonable place for a letterbox to be placed for that block as it fronts Harrod Street. It would not surprise me if a letterbox was already there and, in fact, I think there might be one. I do not know whether it will be convenient for the owners of the new rear block to have their letterbox wedged into that narrow area of land. That is a problem for those who must access such a letterbox in the future. I am sure that they will have the energy, initiative and resources to work their way through that issue. What interests me about this dual letterbox is that it appears to be a contrivance. Notionally and, according to this diagram, legally, this element of common property allows the proponent of the subdivision, using a clever consultant, to apply for a reduced block size and, therefore, undertake the subdivision. Admittedly, a quite absurd shape is required for the second block to achieve, in this case, an area of 440 square metres, but nonetheless it should meet the letter of the law. In spite of that, when the relevant local government recommended against the application for subdivision it referred to its town planning scheme. It also referred to the sorts of tactics sometimes engaged in, which I have just mentioned, such as the phoney allocation of common property and curiously shaped and dysfunctional blocks, as devices to achieve the subdivision of a block when the town planning scheme and the planning policy in the district suggest that a subdivision should not be approved. On this occasion, the proponents of the subdivision have done it really well.

The *pièce de résistance* with the Harrod Street proposal is that the proposed parapet wall that will partly divide the parent block into two blocks will actually cut across the existing building. When a lot is subdivided, a boundary is normally drawn so that the existing building, be it a dwelling or whatever, is wholly in one block and there is sufficient room in the newly created block for another dwelling to be built. Alternatively, everything on the block is demolished, and rebuilding starts with a clean slate and new boundaries. In this case the house will be kept and the boundary will run through the roof of the house. The plan states that the brick and fibro garage is to be removed, leaving the internal wall from the former garage as a proposed parapet wall. Therefore, the living room, or whatever it is, that is on the other side, will be a parapet wall, hard up against the new property. This example raises a smile when one reviews it in the light of this debate. It can be seen that tremendous imagination was resorted to by those who assist, for a fee, people who wish to subdivide their blocks, even if the local law or town planning scheme does not allow for it and the local council recommends against it, for the various reasons that councils provide when they are asked to comment.

Hon Barbara Scott interjected.

**Hon SIMON O'BRIEN:** I will pass the diagram to the member to have a look at. She may wish to comment, as I am sure other members do. This is a part of the tabled paper.

I raise those three examples purely as illustrations, and I will not labour them any more because I do not want to risk the focus of this debate being on those three examples. I am sure the Western Australia Planning Commission has provided

the government with all the reasons in the world and has shown great resourcefulness in providing to the parliamentary secretary all the reasons that these examples are not extraordinary and that the commission is justified in approving subdivision against the advice of the local authority. However, that is not the point of the debate. All these things have been done, and, for all I know, people are now living in either or both halves of these properties. It is not for us to revisit those examples specifically now. This is about looking at what arrangements will exist in the future.

I remind members that this motion concerns the procedures, practices and conduct of the Western Australian Planning Commission in relation to applications for the subdivision of lots. I have qualified the motion by drawing specific attention to instances in which those approvals are given against the advice of the relevant local government authority or when the subdivision contravenes the relevant town planning scheme. This is really what it is all about, because I understand that the disquiet expressed by local government is quite widespread. It is not just that one local government authority has raised this with me; there are examples of this all over the place. Clearly there is some misunderstanding between the WAPC and local government about what the rules are and what the procedures need to be in these matters. Since I spoke the other day, I have been given a copy of a letter to the local government authority in which these properties are situated. It was from the chief executive officer of the Western Australian Local Government Association. The letter states that, on the issue of public accountability in the Western Australia Planning Commission, the state council of WALGA resolved on 1 June 2005 as follows -

1. *That the Minister for Planning and Infrastructure be requested to make open and accountable, the decision making processes of the Commission, including:*
  - *Prior notice to be given to meetings of the Commission and associated Committees*
  - *Meeting agendas and officer reports be made available to the public prior to meeting being held.*
  - *Meeting of the Commission and Associated Committees to be open to the public attendance to observe proceedings.*
  - *Meeting minutes, and decision reasoning, be recorded and be made publicly available.*
2. *That the Minister for Planning and Infrastructure be requested to initiate amendments to the appropriate planning legislation to ensure that the Western Australian Planning Commission uses the open and accountable process detailed in Recommendation 1.*

I understand that the minister was notified of that resolution and her assistance was requested in addressing the matter. If this matter has come to the attention of the state council of WALGA, it is obviously a matter of concern for local government generally.

The question I raise with this motion is what we do about it now. The parliamentary secretary will no doubt acquaint the house shortly with advice about what the government is doing about this issue, which has been raised directly with the minister by the Western Australian Local Government Association, and which was raised by me in the last sitting week, when I tabled documents and moved this motion. The issue at this stage is, I understand, a little bit of a - I was going to say "a moving feast", but that is not the right word. It is very much a fluid situation, because I understand that, as we speak, processes are in place to try to resolve some of the differences of view about jurisdiction and rights. I am encouraged by that, because it lends weight to the sentiment implicit in my motion that there is an issue to be addressed. I understand that minds in the WAPC and local government, minds involved in consultant work and with sub-developers generally are being put to working out how to break the impasses that currently exist. I am also pleased to advise the house that it seems that, although there are occasions, such as the three I have just illustrated, that are held up as quite extraordinary situations, or shown as examples of how the system is not working and how the WAPC should be listening to local government more, all the participants and stakeholders are looking for some clarity in how the system will work in future.

I am not sure what, if anything, the government has in train, but it occurs to me that this would be a good time for one of the standing committees of this house to take advantage of the opportunity of this matter being raised to have a look at the issue, and to let the stakeholders know that the Parliament, which ultimately makes the laws in this state, is aware that there is a difficulty and wants to help resolve the issues. I do not know what processes may ultimately need to be amended or varied, but I suspect the Parliament may well have to be involved in that. Perhaps that is a further reason the Parliament should take an active role at this time. Another reason why it would be appropriate for a standing committee to conduct the inquiry that I propose is the Parliament itself ultimately provides the legal basis upon which all these activities are regulated. The Western Australian Planning Commission springs directly from the legislation of the Western Australian Parliament. We do not set up commissions and then wash our hands of them; planning decisions must be, and often are, reviewed very vigorously. The processes must be reviewed generically by this Parliament from time to time. It would be very beneficial to set up a parliamentary inquiry at a time when we know that a number of stakeholders are trying to work through these issues and find resolutions to them. Clearly, some differences need to be addressed. Indeed, the stakeholders would appreciate it if a parliamentary inquiry were set up.

I am suggesting that the matter be referred to a bipartisan committee. People could then give evidence and advice to the committee. That would help in an engaged but dispassionate focus on those issues that weigh heavily on the minds of

the stakeholders. The parliamentary committee process may be able to assist in finding some resolutions to the problems. Members know that one of the things this house does very well is hold bipartisan committee inquiries that are out of the gaze of the public eye and which get all sides of the story before reporting back to the house. In turn, that may assist the other stakeholders to reach a resolution. It may help also to inform the house in due course of the issues about which the house must be made aware regarding any legislative response the government might suggest. Similarly, the Parliament is ultimately the parent of the town planning schemes on which local governments are bound to rely when giving advice. Local governments rely also on their own planning processes. All these matters come back to this Parliament having a responsibility for these laws, which are our offspring. It behoves us to keep an active interest in their health and progress as time goes by.

I will quote from an e-mail sent to me by one of the local governments in my electorate. I can table it if members would like me to, but I will not refer to the officer personally except to say that he is employed at the director level. He is happy for me to quote this e-mail. I will read into the record his sentiments to draw together the threads of this debate. He states that his council -

is keen to work with officers from DPI -

The Department for Planning and Infrastructure -

and encourages open communication and two-way dialogue on issues relating to subdivisions.

The current Town Planning and Development Act states that the WAPC is "not fettered by provisions of a town planning scheme". The proposed Planning and Development Bill 2005 requires the WAPC to "have due regard to the provisions of any local planning scheme". The -

Relevant local government -

welcomes this change, however the issue is slightly more complex than it initially appears.

Despite the current Act, WAPC Planning Policy DC2.2, (July 2003) under clause 3.2.3 -

With which I am sure Hon Adele Farina is familiar, states the following regarding subdivision approvals -

"In considering variations, the Commission will have particular regard to the recommendations of the local government. Where a local government objects to a variation, the objection should be supported by reasons with reference to the criteria set out above. Where a local government objects to a variation and the Commission is of the view the application should be supported, further consultation will be undertaken with the local government before making a decision on the application". Historically, in most instances this section of the policy has not been followed. (It is, however important to note that in the last week officers from DPI and the City . . . have worked together and reached agreement on specific conditions applicable to a particular subdivision that DPI has recommended for approval and the City had objected.)

At least in one case they are talking about it. The e-mail continues -

Whilst the proposed new legislation is an improvement, the same legislation provides the opportunity for the WAPC to ignore a local planning scheme if "in the opinion of the Commission, the conflict is of a minor nature . . ." In the absence of more detailed definitions of what constitutes "minor" and without regulations or policy, potentially the current practice will remain unchanged despite the new legislation.

No doubt the WAPC would argue that in most cases where its decision is at odds with a local government it had formed the view that the variation was minor and this is the crux of the matter.

I guess it depends very much on the point of view of either the local government or the WAPC. My motion arises because one of my local governments told me that it disagrees with a decision of the WAPC. I imagine that the officers of the WAPC are presenting to the government - whose response we will hear in a minute - the alternative view that the variation was minor and that the WAPC was entitled to treat it as minor. However, all that proves is this is an unresolved disagreement. We have just heard from one of the senior officers from one of my local governments that there is a need for a definition of what is meant by "minor". Some mechanisms are needed that can differentiate whose view should prevail. The WAPC says that a matter is minor and yet a local government objects strongly to it and argues that the matter is against its town planning scheme and should not be approved. A mechanism does not currently exist to reconcile those types of disagreements, and clearly all sides are looking for it.

The fellow whose e-mail I have just quoted shows by his words a very dispassionate interest in the matter. It is a dispassionate and unemotional address of the issues. He is hoping for a resolution and he has pointed out that some gaps exist in the procedures. He has made some suggestions about the types of things that could be applied to bridge those gaps and has he has referred to the fact that a bill is currently in the wings.

**Hon Adele Farina:** The Planning and Development Bill 2005.

**Hon SIMON O'BRIEN:** Yes. We have not yet dealt with the Planning and Development Bill 2005, which is a matter of some importance. For all those reasons, this is a rather good matter for the standing committee to inquire into. It can

get together and look at the relatively narrow scope of the issue that has been identified and provide an opportunity in the parliamentary forum for the stakeholders to state their concerns and to report them to the house. That would help inform the house when it is considering the bill in a way that would be beneficial to all the stakeholders, because we would be better informed about the true nature of the points of contention.

I offer this motion to the house in those terms and for those reasons. I hope members will see merit in having a committee directed to look into the question. My hope is that the scope of the inquiry would not impose too much on the committee's workload, and that the committee would find it a very good, instructive experience for the benefit of the members of the committee and the members in the house itself. In those terms, I commend the motion to the house.

**HON ADELE FARINA (South West - Parliamentary Secretary)** [2.40 pm]: The government opposes the motion. The motion of Hon Simon O'Brien seeks to have the Standing Committee on Public Administration inquire into the practices and operations of the Western Australian Planning Commission in regard to subdivisions, and in particular in instances in which the approval is given against the advice of the relevant local government authority or the subdivision contravenes the town planning scheme. I am pleased that Hon Simon O'Brien has raised this very important issue, because it provides me with an opportunity to correct some facts on the record.

Section 20 of the Town Planning and Development Act 1928 provides the head of power and also sets out the procedure by which subdivision approvals are considered by the WA Planning Commission. The motion that Hon Simon O'Brien has moved relates largely to section 20(5) of the Town Planning and Development Act. That section provides that the WA Planning Commission is not fettered by the provisions of a town planning scheme in determining subdivision applications, except when necessary for compliance with an environmental condition.

Section 20(5) has been the subject of much dissatisfaction within local government. This notorious section, as it has come to be referred to, was introduced by the former planning minister Richard Lewis in 1996. The then Minister Lewis introduced section 20(5) following a determination of the Supreme Court in 1994 in the matter of SPC v Wallasley Pty Ltd. That case established that the WA Planning Commission was constrained by the provisions of a town planning scheme. With this motion, we are facing the situation that the very section of the Town Planning and Development Act to which this motion relates was introduced by the Liberals when they were in government in 1996. It is interesting that the Liberals should now bring this motion before the house calling for an inquiry into the very section of the act that they introduced when in government. However, I am pleased to say that this progressive government, and in particular our progressive planning minister, has already investigated this issue. That investigation has resulted in proposed reforms to the planning legislation that will be effected by the Planning and Development Bill 2005, which has passed the other place and sits in this place awaiting its second reading. Therefore, there is very little benefit at this point in the standing committee inquiring into the matter, as the government is one step ahead of the opposition and has already undertaken the investigation and provided a resolution of the matter to the house.

The notorious section 20(5) is proposed to be amended by clause 138 of the Planning and Development Bill 2005. This clause replaces section 20(5) of the Town Planning and Development Act with a provision requiring the WA Planning Commission to have due regard to the provisions of a town planning scheme, and sets out the circumstances under which the WA Planning Commission may approve subdivisions at variance with scheme provisions.

At this point I will provide members with some information on the government's consultation process in this matter. I will read from some notes that have been provided to me so that I get that consultation process correct. The government has consulted widely in an effort to build a consensus position on amending section 20(5) of the Town Planning and Development Act and, more generally, the proper relationship between subdivision processes and local government schemes. This consultation included the release of a WA Planning Commission planning bulletin in September 2001 in which the WA Planning Commission sought public comment on the proposal to amend section 20(5) of the Town Planning and Development Act 1928 to withdraw the discretion for the commission to determine subdivision applications contrary to the town planning scheme provisions. It also included the release of a position paper titled "Consolidation and Streamlining of the Planning Legislation" in April 2002, which invited comments and suggestions on the repeal of section 20(5) or the retention of these provisions with or without modifications. The consultation processes also included the release of a green bill entitled "Planning and Development Bill 2004" in April 2004, which included a clause setting out a proposed compromise position requiring the WA Planning Commission to have due regard to the provisions of a town planning scheme, and setting out the circumstances under which the WA Planning Commission may approve subdivisions at variance with scheme provisions.

In addition to the release of the aforementioned documents, the government has posted public notices and held stakeholder forums and briefings with local government, the development industry, state agencies and other stakeholders. The result of this extensive consultation is that the consolidation of the planning legislation initiative, of which the proposed modification to section 20(5) of the Town Planning and Development Act is a part, has widespread and bipartisan support.

The position paper to which I have referred sets out some of the government's concerns with section 20(5) of the Town Planning and Development Act. In particular, it states that local government schemes are the central instrument for local planning in Western Australia, and the commission should not be able to disregard schemes in making subdivision

decisions. It is argued that section 20(5) undermines the certainty provided by schemes and conflicts with the democratic scheme-making process that provides the opportunity for community involvement.

The government has endeavoured to achieve, and I believe has been successful in achieving, a compromise position on the modification of section 20(5) of the Town Planning and Development Act and, more generally, the proper relationship that should be in place between the subdivision process and local town planning schemes. In this process, the Western Australian Local Government Association initially put forward a position that section 20(5) should be repealed so as to provide greater certainty and to require the WA Planning Commission to give proper consideration to schemes when determining subdivision applications. However, WALGA has also contended that section 20(5) should be amended to delete the word "unfettered" and to require the WA Planning Commission to take into account the principles of schemes in determining subdivisions. Therefore, that is a slight variation.

On the other hand, the development industry has argued strongly in support of the retention of section 20(5) on the grounds that many of the schemes are not up to date and that the government should retain overall control for consistency and to deal with exceptional circumstances. Also, there are many instances in which local governments recommend approvals for subdivisions contrary to scheme provisions for sound planning reasons. This has occurred, for example, when the subdivision reflects changing circumstances not considered in the scheme, overcomes delays on finalisation of a scheme or amendment, provides employment or economic development opportunities, or better reflects site constraints and planning impacts.

The common ground that was reached as a result of the consultation is an amendment to section 25 of the Town Planning and Development Act to provide scope for the Western Australian Planning Commission to approve subdivisions contrary to a scheme, but only in particular circumstances. The common ground, as I said, is effected by clause 138 of the Planning and Development Bill 2005, which requires the WA Planning Commission to have due regard for the provisions of town planning schemes. It sets out the circumstances under which the WA Planning Commission may approve subdivisions at variance to scheme provisions. The circumstances detailed in clause 138 are specific and read as follows -

- (a) the local planning scheme was not first published, or a consolidation of the local planning scheme has not been published, in the preceding 5 years and the approval is consistent with a State planning policy that deals with substantially the same matter;
- (b) the approval is consistent with a region planning scheme that deals with substantially the same matter;
- (c) in the opinion of the Commission -
  - (i) the conflict is of a minor nature; or
  - (ii) the approval is consistent with the general intent of the local planning scheme;
- (d) the local planning scheme includes provisions permitting a variation of the local planning scheme that would remove the conflict;
- (e) in the case of an application under section 135, the local government responsible for the enforcement of the observance of the scheme has been given the plan of subdivision, or a copy, under section 142 and has not made any objection under that section; or
- (f) the approval is given in circumstances set out in the regulations.

I reiterate that this common-ground position has been reached after extensive consultation with the community, relevant stakeholders and local government. The bill is currently before the house and there is a widespread community and industry expectation that it will progress expeditiously. There is no benefit in a standing committee inquiring into matters that have already been the subject of inquiry and extensive community and industry consultation, and on which a consensus position has been reached. In view of the opposition's position on this matter, I look forward to its strong support of the Planning and Development Bill and to its strong support in ensuring that it is expeditiously progressed through this house.

**Hon Simon O'Brien:** I look forward to your reciprocal enthusiasm for a committee inquiry, which will help facilitate that.

**Hon ADELE FARINA:** There is absolutely no need for that because all the issues have been dealt with.

It is important that I comment on the three examples raised by Hon Simon O'Brien, because they warrant closer examination. The three examples are all within the City of Melville and the relevant scheme is the City of Melville Community Planning Scheme No 5, which was gazetted in 1999, and which is due for review in 2004-05. I understand that the City of Melville has started reviewing that scheme. All three examples are survey strata grouped dwellings, and not green titles or single dwellings. That important fact has been overlooked in the comments made in this debate. It is also very important because of the application of the residential planning codes, or R codes as they are more commonly known. The R codes were first introduced by the WA Planning Commission in 1985 to provide the community with a set of common building and development standards that would be applied throughout WA.

Several members interjected.

**The PRESIDENT:** Order, members! There are too many unruly interjections. I cannot hear the honourable member.

**Hon ADELE FARINA:** The R codes have since been made a statement of planning policy by the WA Planning Commission and are mandatory requirements in town planning schemes throughout the state. Since their inception, the R codes have been amended twice - in 1991 and 2002. Table 1 of the R codes provides for general site requirements, including the standards for minimum and average lot sizes that should be achieved in any particular code. In 1991, table 1 of the R codes did not require group dwellings to achieve a minimum lot size; rather, they were simply required to achieve an average lot size as specified in table 1. The amendments to the Strata Titles Act in 1996 - I draw Hon Simon O'Brien's attention to the year because the Liberals were in government - saw the introduction of the survey strata lot, which enabled landowners, for the first time, to sell vacant strata lots. Since then there has been a significant increase in the use of survey strata applications to take advantage of the lesser group dwellings requirements rather than meeting the more stringent requirement for single dwellings. It is also important to note that the usual requirements that apply to single dwellings do not apply to survey strata lots of grouped dwellings. As a result of the Strata Titles Act in 1996, concern was generated about its impact on subdivisions. As a result, the WA Planning Commission amended the R codes in 2002 to exclude this practice. However, the amendments resulted in a significant reduction of the development potential for a large number of properties throughout the state. Consequently, it was necessary that the 2002 R codes include a transitional provision to enable landowners to continue to take advantage of the 1991 standards for a specific period. The transitional period for all R12.5, R15, R17.5 and R60 codes ceased on 31 December 2004. The 2002 R codes did not provide a cessation date for the transitional provisions of the R20 code. This was due largely to community and industry pressure at the time. However, the WA Planning Commission is about to complete a further review of the R codes, which should be released later this year. It is anticipated that the current review will address the timing of the R20 transitional provisions. This is important because the three examples provided by Hon Simon O'Brien with respect to the City of Melville subdivisions all have an R20 coding.

I will turn to each of those subdivisions. The Harrod Street subdivision presents a subdivision of a parent lot to create one survey strata lot of 440 square metres, one survey strata lot of 441 square metres and a common property lot of two square metres. It was approved conditionally by the WA Planning Commission in July 2005. The City of Melville recommended that the application be refused on the basis that the 450 square metre average lot size requirement of the R20 code was not satisfied. However, that refusal was not sustainable because clause 3.1.2A2i of the relevant 2002 residential design codes stipulates that, in the case of a corner lot, the area of the adjoining truncation shall be added to the area of the adjoining lot. The effect of this is that, when applying the 18-square-metre truncation, the total area of the parent lot increases to 901 square metres. The resulting average lot size is, therefore, 450.5 square metres. Accordingly, the 450 square metres average lot size requirement for the R20 code is satisfied. The created 440 square metre lot is of a suitable size and configuration for residential development. Therefore, there was no justification for the WA Planning Commission to refuse the application.

With respect to Hon Simon O'Brien's comment about the two square metres common property being used for the letterbox as being some contrivance, I state clearly that that was not the case - it did not affect the calculation at all. The truncation affected the calculation. It is very common for survey strata developments to have a common property letterbox. For example, I rent a unit in a survey strata lot. It comprises five lots, and we share a common letterbox in which each unit has a letterbox. It is common property.

**Hon Simon O'Brien:** Do you have any other common property?

**Hon ADELE FARINA:** Yes.

**Hon Simon O'Brien:** Is it a driveway - that sort of thing?

**Hon ADELE FARINA:** Yes.

**Hon Simon O'Brien:** It is absolutely convenient to have them all located in that way. It is a contrivance.

**Hon ADELE FARINA:** No, it is not. It is the same situation. It is a survey strata subdivision. It is usual and common to have a common letterbox. In relation to the Power Place example, the lot has a total area of 1 485 square metres. The subdivision application sought to create one survey strata lot of 505 square metres, one survey strata lot of 830 square metres and a common property lot of 150 square metres. This was conditionally approved by the Western Australian Planning Commission in September 2004. In this case, the City of Melville recommended that the application be refused because of the uneven distribution of land over the proposed two lots. The city's refusal was not sustainable because neither the applicable R code nor the City of Melville's town planning scheme required an even distribution of lots. Notwithstanding the unusual configuration of the parent lot, which I think Hon Simon O'Brien described as coffin shaped -

**Hon Simon O'Brien:** No. One is a coffin and the other is a fishhook.

**Hon ADELE FARINA:** The resultant subdivided lot and proposed rear lot had an effective area of 400 square metres, which was considered to be sufficient for residential development. In this day and age, one often gets a residence

developed on a 250 square metre lot. The subdivision on that site is fairly close to a rectangular rear subdivided lot. It is not as though it would be difficult -

**Hon Simon O'Brien:** Three hundred square metres of driveway and 200 metres of lot.

**Hon ADELE FARINA:** It is 400 square metres. Battleaxe subdivisions and strata lots are not unusual; they are commonplace. There is hardly anything untoward regarding that subdivision example.

The Benningfield Road lot has a total area of 911 square metres. The subdivision application sought to create one survey strata lot of 509 square metres and one survey strata lot of 400 square metres. This was conditionally approved by the WA Planning Commission in May 2003. The City of Melville recommended that the plan originally submitted with the application be approved. An amended plan was subsequently submitted by the applicant. Although there is no record on file of the amended plan being formally referred to the City of Melville, the planning officer's report to the WA Planning Commission referred to the City of Melville's support for the proposal. It is quite possible that the approval was sought over the telephone. In any event, the proposed survey strata subdivision satisfied the lot size requirements of the land's R20 zoning. The amended plan in my view presents a much better subdivision outcome, and there is no reason for the proposal to be refused.

In summary, in all three examples provided by Hon Simon O'Brien, the Western Australian Planning Commission did not rely on the notorious Richard Lewis section 20(5) amendment to the Town Planning and Development Act. In each case, the Western Australian Planning Commission's approval was entirely consistent with the R code and the City of Melville's community planning scheme No 5. Therefore, there is no need for an inquiry, not only based on the examples provided by Hon Simon O'Brien but also because this very progressive government is already in the process of addressing the issues resulting from the section 20(5) amendment to the Town Planning and Development Act made by former minister Richard Lewis. Extensive consultation has occurred with the community, industry, local government and other stakeholders, and a common ground position has been reached, which is reflected in clause 138 of the Planning and Development Bill that is currently before the house. On that basis, there is clearly no justification for this matter to be referred to the Standing Committee on Public Administration for further inquiry. I am happy to place on the record that this government is happy to continue to clean up the planning law messes created by the Liberals when in government. I look forward to the Opposition's strong support for the bill and for its expeditious progress through the house so that this issue can be dealt with.

**HON SIMON O'BRIEN (South Metropolitan) [3.06 pm]:** The parliamentary secretary has given us the Western Australian Planning Commission's view, and, by adoption, the government's view. May I say that she reads beautifully, Mr President? She indicated that it would be useful to read onto the record certain passages of the notes provided to her. I thank her for that, as they clarified certain aspects. Nevertheless, Hon Adele Farina read the government's view, as provided primarily by the WAPC. It must be a lot of work being a parliamentary secretary. I have never been a parliamentary secretary; I do not ever want to be one.

**Hon Bruce Donaldson:** You will go straight to being a minister next time.

**Hon SIMON O'BRIEN:** We will see about that. Is there a lot of work involved in being a parliamentary secretary?

**The PRESIDENT:** Order! Hon Simon O'Brien should not invite interjections in that manner. Perhaps he should direct his observations to me.

**Hon SIMON O'BRIEN:** I am sorry, Mr President. It was a rhetorical question offered to the ether.

**The PRESIDENT:** I should have appreciated that.

**Hon SIMON O'BRIEN:** I wonder whether it is a difficult job being a parliamentary secretary.

**Hon Louise Pratt:** You could resort to some real discussion of the issues, as opposed to making patronising statements about fellow members.

**Hon Bruce Donaldson:** What was that all about?

**Hon SIMON O'BRIEN:** I am not sure what that was all about.

Several members interjected.

**The PRESIDENT:** Order! Members should confine their observations to the matter under discussion rather than engage in cross-chamber interjections, as amusing as they may be.

**Hon SIMON O'BRIEN:** Thank you for your protection, Mr President. I was starting to get a sting from being slapped around by the wet bus ticket opposite. The job of parliamentary secretary must be difficult. There is a requirement to represent the government and a portfolio, without having the decision-making powers belonging to the office of the responsible minister. That is my understanding. The parliamentary secretary does not want to offer a response. Parliamentary secretaries must quite often be placed in an awkward position, but I suspect that they are very well paid for it.

**Hon Jon Ford:** They wish! They're not very well paid for it.

**Hon SIMON O'BRIEN:** Do they not get much pay?

**The PRESIDENT:** Order! I do not want to distract members from the subject of debate, but those who want to know what parliamentary secretaries are paid should look at the determination of the Salaries and Allowances Tribunal. They may then find that parliamentary secretaries do not get paid anything; they receive an allowance that they have to acquit. I move on. I hope the house will move on and debate the matter under discussion.

**Hon Jon Ford:** There's your answer.

**Hon SIMON O'BRIEN:** I have my answer. They are not paid anything.

**Hon Louise Pratt** interjected.

**Hon SIMON O'BRIEN:** I hope the member was not being patronising. I would not want any of that. I am sure that parliamentary secretaries are paid what they are worth! They have a difficult job because, although they are not ministers, they are constrained by ministers. We all know that government members, particularly of this government, must do as they are told. That is particularly the case for parliamentary secretaries who hope to move up the ladder some day.

**Hon Ljiljanna Ravlich:** No-one else could progress as quickly as you have to such dizzy heights! You shouldn't fall from that height!

**Hon SIMON O'BRIEN:** I am being paid as much as a parliamentary secretary!

**Hon Ljiljanna Ravlich:** You could get vertigo.

**Hon SIMON O'BRIEN:** I do not know whether parliamentary secretaries get vertigo. Did the Minister for Education and Training ever suffer from vertigo?

**Hon Ljiljanna Ravlich:** No, but you probably have a bit of vertigo being at such a height.

**The PRESIDENT:** Order! We are debating the motion moved by Hon Simon O'Brien. The Parliamentary Secretary to the Minister for Planning and Infrastructure engaged in the debate on the motion and Hon Simon O'Brien is responding to her observations as distinct from discussing the role of parliamentary secretaries.

**Hon SIMON O'BRIEN:** Indeed, Mr President. I wish members on the government side could understand that that is indeed what I am doing. I am responding only to the content, spirit and tone of the parliamentary secretary's remarks on this matter. I am making the observation that, as government representatives, parliamentary secretaries are often constrained in what they can say. They trot out what they have been told to say because they have no control over their portfolio. They do not make the policy and they do not dare depart from it. In that way, the parliamentary secretary has shown a capacity to naturally gravitate to higher office! Like the ministers in the Gallop Labor government, she does not understand the role of ministers and, therefore, she might as well join them. What is the role of ministers of the Crown? It seems to me that all the ministers in this government think their role is to serve the Australian Labor Party - beginning, end and middle - to the exclusion of anything else. They think their role is to be part of a thing called the Gallop ministry, which is some sort of self-sustaining, self-serving entity that knows no responsibility other than to try to guarantee and sustain its existence. They are called ministers of the Crown because they are meant to support the people. Their role is to act on behalf of the people of Western Australia. As much as anything else, their role is to provide a measure of protection for and a buffer between the forces of executive government and the people. Armies of bureaucrats - petty tyrants on some occasions - in all sorts of government departments, including the Department for Planning and Infrastructure, think they know everything. They think that the edicts they circulate are blessed with some sort of limitless and unquestionable wisdom that what they say is right. Everyone must not only recognise that it is right but also not question whether it is right. Those bureaucrats will regulate our lives according to whatever pattern excites and captivates them.

**Hon Adele Farina:** The WA Planning Commission supports a position that it should be fettered by town planning schemes, which I thought was what you wanted. Perhaps we got there too quickly for you.

**Hon SIMON O'BRIEN:** The parliamentary secretary has a rapier-sharp wit. Ministers have a responsibility not only to direct and introduce policy but also to restrain the excesses of government, and to lead in that way. Ministers also provide a point of interdiction between the people and the government as a monolithic and all-controlling organism. Ministers are part of the executive government, but in our system they are also part of the Parliament as the elected representatives of the people. When we hear government responses to perfectly good proposals raised in this house we hear empty mouthing of the words of bureaucrats who provide speech notes in response to proposals. They are not the words of the minister or the minister's representative. Invariably, the Gallop government - I am sure it is true of other governments - shows its intransigence not only by not entertaining the notion that it might have got something wrong and could do something better but also by thinking that it would be a heresy for anyone to inquire whether it has got it right. The more reasonable proposition is that if the government is satisfied that it is doing things right and is open to suggestion - as any reasonable government would be - that things can always be done better, why not engage with people who are prepared to help it do that?

**Hon Adele Farina:** I agree with you. We have engaged stakeholders, which is why clause 138 is in the Planning and Development Bill.

**Hon SIMON O'BRIEN:** I do not have a particularly strong political view on this issue.

**Hon Ljiljanna Ravlich:** You do not know anything about it.

**Hon SIMON O'BRIEN:** The minister's gratuitous remarks are not appreciated.

**The PRESIDENT:** Order! Hon Simon O'Brien could perhaps direct his comments to me. I did not hear any interjections.

**Hon SIMON O'BRIEN:** You did not miss anything, Mr President.

**The PRESIDENT:** Perhaps we will leave it at that. I look forward to Hon Simon O'Brien making his speech.

**Hon SIMON O'BRIEN:** Let me put it this way: I raised this motion in a constructive way because I am representing the views that have been brought to me in good faith by local governments in my area and that have been represented by the Western Australian Local Government Association. They are not views that I have sought or that I went out to find. I referred to a letter dated 1 June this year. I remind members that notice of my motion was given on 30 March this year. I brought forward this question in good faith. Any experienced member of this house would know that this would be a rather good subject for a brief committee inquiry, particularly as it has the capacity to inform the house about a bill that is unfortunately before the house, so I will not refer to it. I remind members that I gave notice of this motion on 30 March, which I think was my earliest opportunity to do so in this Parliament. It is not my fault that it has taken so long for the motion to come up for debate. I brought forward the motion in that spirit. I did not have any political motivation for raising this matter; it is simply an honest attempt to raise a question and suggest that the Parliament look at it for the reasons I mentioned earlier this afternoon.

I am disappointed that the government wants to start from the position that it cannot possibly go along with this motion because it is something that the government has not initiated. It cannot go along with it because it is something that the opposition sought to initiate. It cannot go along with it because it attempts to inquire into the processes of an instrumentality for which it is responsible. That shows, up-front, the shallowness of the government's approach, and does not reflect very well on the government. It shows a degree of immaturity that is not becoming of it. That is unfortunate. Of course, it is up to the house to decide what it wants to do. Indeed, the committee that is referred to in the motion or any other committee could have set up such an inquiry on its own motion, if it were of a mind to do so. Another avenue would be for somebody to petition the house on this matter. It is unfortunate that when a member has raised a matter in a patient way, having placed a motion on notice and simply presented it to the house, the government is not prepared to entertain it and simply looks for excuses not to.

Several statutes relate to these matters, which I mentioned in my opening remarks. The parliamentary secretary also spoke about some legislation that the house is about to consider. I thought that we might have been thinking along the same lines - that it is okay to hear some other views to help educate us.

**Hon Adele Farina:** We have already done that.

**Hon SIMON O'BRIEN:** With respect, I am not sure that that is the case. I mentioned in my opening remarks that there was evidence that various stakeholders were attempting to engage with each other but that there were still some clear levels of disagreement and a failure to reach a joint conclusion. The e-mailed comments that I read into the record from a senior officer of a major local government were dated 23 August. They were very recent, and certainly postdate the completion of the bill that the parliamentary secretary alluded to.

**Hon Adele Farina:** Perhaps he should check whether his collective representatives were consulted by WALGA through this process.

**Hon SIMON O'BRIEN:** In any case, some stakeholders want the opportunity to air their concerns in public, because they have not had the opportunity to do so.

**Hon Adele Farina:** They should have attended the stakeholder forums.

**Hon SIMON O'BRIEN:** The parliamentary secretary has told us that there has been consultation and that we should trust the government on that. Other stakeholders have said that they are not satisfied that they have been heard and would like to appear before a parliamentary committee inquiry. Who do I believe? Do I believe an increasingly inward looking government that does not like to be scrutinised and says that it has consulted everybody?

**Hon Adele Farina:** We are proposing a legislative amendment to deal with the issue that the member is addressing, so the government is hardly inward looking and not listening.

**Hon SIMON O'BRIEN:** I do not want to labour the point. I simply say that I am disappointed with the government's response and with its constant, carping negativity and references to ministers who were out of the Parliament before I came into it. I fail to see the relevance of that. The government has told us that it has found a satisfactory compromise. The compromise is satisfactory to the government; it has told us so. I believe that the parliamentary secretary believes

it to be a satisfactory compromise. Nobody else thinks so; however, that is their problem, because how could they possibly be right? The government is right about everything and nobody else is entitled to a contrary view!

**Hon Adele Farina:** I suggest you consult more widely, Hon Simon O'Brien.

**Hon SIMON O'BRIEN:** That is an interesting comeback to an opposition member from a government member who is in a difficult position. It has been my experience that opposition members generally know how to listen and that it is the increasingly arrogant governments that are showing their age that do not. This government thinks it has found a solution. I think I am quoting the parliamentary secretary faithfully in saying that the government is a step ahead and has found a solution. Okay; fine. It is a pity that the government does not have the courage to put that to the test. That is what weakens the government's credibility so much. We will find out, because the proof of the pudding is in the eating. The referral of this matter to the committee has been proposed in a bipartisan and dispassionate way. If the government does not want to go along with it, that is a pity. I hope that the house does. I submit the motion to the will of the house.

**The PRESIDENT:** Hon Simon O'Brien has spoken in reply and therefore has closed the debate. However, Hon Giz Watson may seek leave to speak. Before she seeks leave, I make the observation that if the house grants the member leave to speak, Hon Simon O'Brien has already responded.

**HON GIZ WATSON (North Metropolitan) [3.30 pm]** - by leave: I will make a brief statement.

**Hon Simon O'Brien:** I've got the capacity to withdraw leave, if I want!

Several members interjected.

**The PRESIDENT:** Order, members! There is no capacity to retrospectively withdraw leave.

**Hon GIZ WATSON:** I am aware that I more appropriately should have spoken before Hon Simon O'Brien, but I have been interested to listen to the exchange, and I was interested to hear the response. The Greens (WA) need to make a decision on whether to support this motion. It is not even my portfolio; my colleague is out of the house on urgent parliamentary business. However, I have listened with interest to both sides of this debate, and the Greens (WA) will not support this motion, largely because the matter will be debated in full when the house deals with the substantive bill. I am also aware that the house might choose to debate a referral to a committee at that stage as well, if that is what it chooses. I also believe that time has moved on a little from when the motion was originally moved.

**Hon Simon O'Brien:** Surely the referral of the whole bill will take a heck of a lot more time.

**Hon GIZ WATSON:** Yes, but the house might choose to refer a particular part of the bill. With those comments, the Greens will not be supporting this motion.

Question put and a division taken with the following result -

Ayes (13)

Hon George Cash	Hon Ray Halligan	Hon Helen Morton	Hon Bruce Donaldson ( <i>Teller</i> )
Hon Peter Collier	Hon Barry House	Hon Simon O'Brien	
Hon Anthony Fels	Hon Robyn McSweeney	Hon Barbara Scott	
Hon Nigel Hallett	Hon Norman Moore	Hon Donna Taylor	

Noes (14)

Hon Shelley Archer	Hon Kate Doust	Hon Paul Llewellyn	Hon Giz Watson
Hon Matt Benson-Lidholm	Hon Sue Ellery	Hon Louise Pratt	Hon Ed Dermer ( <i>Teller</i> )
Hon Vincent Catania	Hon Adele Farina	Hon Ljiljana Ravlich	
Hon Kim Chance	Hon Jon Ford	Hon Sally Talbot	

Pairs

Hon Murray Criddle	Hon Sheila Mills
Hon Margaret Rowe	Hon Graham Giffard
Hon Ken Baston	Hon Ken Travers

Question thus negatived.

**SELECT COMMITTEE INTO THE DEPARTMENT OF JUSTICE AND PRISONER ESCAPES,  
ESTABLISHMENT**

*Motion*

**HON SIMON O'BRIEN (South Metropolitan) [3.40 pm]:** I move -

- (1) A committee of three members is appointed.
- (2) The committee's powers and procedure are the same as those of a committee established under chapter XXII, the provisions of which apply with such modifications or adaptations as may be required.

- (3) The committee is required to inquire into and report on the extent to which -
- (a) the Premier;
  - (b) the Attorney General;
  - (c) the Minister for Justice; and
  - (d) any other minister of the Gallop government
- were involved in decisions which resulted in inappropriate prisoner classification, including but not limited to, Paul Keating and Brian Edwards.
- (4) The committee is required to inquire into and report on the extent to which government policy and budgetary considerations have impacted upon the Department of Justice.
- (5) The committee is required to inquire into and report on the policies and decisions of the Gallop government with specific reference to the Department of Justice that have resulted in community safety being put at risk, including but not limited to -
- (a) the consequences resulting from the abolition of sentences of less than six months;
  - (b) staffing issues, including but not limited to -
    - (i) the excessive workload on community corrections offices, and
    - (ii) the inadequate number of prison staff on duty at minimum-security prisons, especially at night;
  - (c) the sexual assaults by Paul Keating;
  - (d) prisoner escapes, including -
    - (i) the Supreme Court escapes of June 2004,
    - (ii) Brian Edwards,
    - (iii) Paul Cross,
    - (iv) Michael Moir, and
    - (v) Matthew Winmar;
  - (e) the following matters relating to persons sentenced by the courts to custody or supervision -
    - (i) security classification,
    - (ii) assessment for sentence management and planning,
    - (iii) details of custody arrangements,
    - (iv) recommendation for parole,
    - (v) approval for prerelease for life and Governor's pleasure prisoners,
    - (vi) reclassification of security of life and Governor's pleasure prisoners,
    - (vii) release to parole,
    - (viii) supervision on parole, and
    - (ix) declaring a breach of parole;
  - (f) whether there has been any change in the -
    - (i) basis for classifying of prisoners for security rating,
    - (ii) length of time spent at a minimum-security prison for a serious crime,
    - (iii) declaring of a breach of parole,
    - (iv) forensic case management team for assessment of repeat sex offenders,
    - (v) number or proportion of officers supervising prisoners of a particular security rating, either generally or at a particular time of the day; and
    - (vi) information provided to the Attorney General or Minister for Justice with regard to high profile-high risk prisoners and prisoners requiring executive council approval for transfer or parole and the reasons for those changes;
  - (g) responses by the Department of Justice to breaches of its systems and in particular, its response to the breach of security of the total offender management system including at the Bunbury Regional Prison and towards those persons who would be affected by that breach;

- (h) the use of the special handling unit at Casuarina Prison and its rate of occupancy;
- (i) the number of executive positions within the department that have not been filled or have been filled on a temporary basis and the amount of time those appointments have been outstanding;
- (j) the adequacy of perimeter fencing at minimum-security prisons; and
- (k) the handling of prisoners with mental health issues within the prison system.

This is a very serious motion that deals with some important matters. The matters contained within the motion are of great concern to all Western Australians who are concerned about the security of our community and the security of their families. The management of our justice system and of those who are in the custody of the Department of Justice is a matter of concern to all members of the community and it most certainly should be of concern to members of Parliament. The Department of Justice should be properly managed having regard to the circumstances that brought the people into that department's custody. The threat that some of those prisoners may represent to the safety of our community and all those who are involved with the Department of Justice if they are not managed effectively, is of great concern also. The motion calls into question also the ability of elected members who have responsibilities to this house to faithfully discharge their duties as is provided for in law and which duties touch upon matters such as the custody of prisoners and the safety of the community.

As you have observed, Mr President, the motion is physically long. It is a coherent motion that covers a large number of very serious and interrelated issues. In the course of this debate, I intend to specifically address a number, but not all, of those issues. The detail of such a motion cannot be effectively dealt with on the floor of the house and needs to be referred to another part of the Parliament and, in this case, in accordance with the motion, I am proposing that it be sent to a select committee. I cannot remember offhand when a select committee was last held. Recently select committees of this house have gone out of fashion, and there are some reasons for that.

Past committees have inquired into some very complex and important political matters of the day that were important also in the eyes of a large portion of the community. I recall, for example, the Travers committee that was set up to inquire into a range of matters relating to the finance broking industry back in 1999 or 2000. Hon Ray Halligan was a member of that committee. I am sure that, in the debate we are about to have, some familiar arguments will be raised about whether a select committee is needed to consider this series of interrelated issues.

During the course of this debate we will hear references from government members - be they ministers, backbenchers or parliamentary secretaries - pointing out that the Premier has already established an inquiry, known colloquially as the Mahoney inquiry, into the management of offenders in custody and in the community. As surely as night follows day, the government will say that it has set up the Mahoney inquiry and, therefore, the Parliament cannot possibly look at a related set of issues. I guarantee that will happen. That will be the bolthole through which this government will scurry to try to avoid at all costs an inquiry into the matters raised in this motion. As I said in my opening remarks, these matters are of great moment to the community at large, to people who are concerned about community safety and to elected members of Parliament - or at least they should be.

I have no doubt that the government will fight the establishment of this select committee tooth and nail. That will put an interesting and heavy burden on the Greens (WA), of course, as its members consider whether such a select committee should be established. I know that Hon Giz Watson was a member of this house when the establishment of a committee into the finance broking industry was debated. She will probably be familiar with the arguments that were raised then, which I am sure will be raised again. It is interesting that similar matters are again being raised five, six or seven years later.

Another preliminary comment I will make about the physical size of this motion and the number of its parts is that each clause, paragraph and subparagraph is an issue in itself. Each of them relates to a matter of concern and to issues that have arisen and incidents that have occurred that have shaken the confidence of the Western Australian community, and of us as elected members, in the competence and the ability of this government to discharge its responsibilities for Department of Justice matters. Some definite political interests are at play. I will state up-front that I have no confidence at all that this government will be in any way amenable to receiving this motion. It will be up to other observers to ask why that is the case. I may be surprised when a government representative tells me something different, but I do not think that will happen.

One of the other things I will deal with is the reason I have proposed a select committee as opposed to a standing committee. My reason can probably be distilled to simply this: I believe the matters contained in the motion are sufficiently serious that they deserve a separate panel being set up to inquire purely into them. The terms of reference would potentially disrupt the normal routine of business of a standing committee, which must consider many matters. My preference is to have a smaller group of members - namely, three - engaged in examining this matter. It is probably putting the cart a bit ahead of the horse, but if we get there, I would like a representative of government, a representative of the opposition and a representative from the crossbench to make up the three members of this committee. In that way, I feel the committee would have a good prospect of reaching findings on the terms of reference.

As I have already observed, the terms of reference themselves - I am sure Mr President has already noted this himself in having to read the motion into the record - are many. That reflects the problem that this government has had for a long time with matters related to the Department of Justice. What have we seen happen? We have seen prisoner escapes.

**Hon Robyn McSweeney:** Haven't we ever!

**Hon SIMON O'BRIEN:** Hon Robyn McSweeney says with some feeling, "Haven't we ever!" I will touch on those matters in the debate. We have seen some errors of judgment on policy. Under the terms of reference in this motion, some of those errors need to be examined. We have also seen - I know Hon Robyn McSweeney would agree with this as well - some quite extraordinary decisions on prisoner classification. In many cases, decisions have been made that the community finds at once baffling, disturbing, alarming and damaging, as we find that there are, for example, numerous instances of dangerous criminals being able to get out of custody and pose a threat to members of the public.

**Hon Robyn McSweeney:** Including children.

**Hon SIMON O'BRIEN:** Yes, including children. Some quite extraordinary and very disturbing incidents have taken place; for example, with an offender at the Bunbury Regional Prison who was not managed properly under the watch of this government. One of the unfortunate things about being in government is that the government must take responsibility for what happens on its watch. Sometimes it is the case that this can seem very unfair to the minister or the cabinet involved when things go wrong over which they have no direct control but for which they will ultimately bear responsibility.

**Hon Robyn McSweeney:** Ministers need to be on top of their portfolios.

**Hon SIMON O'BRIEN:** Hon Robyn McSweeney makes the observation - it is a relevant one - that ministers need to be on top of their portfolios, and indeed they do need to be. However, in the case of some of the problems with the Department of Justice, which are referred to in the terms of reference in my motion, it is not just bad luck that this government happened to be on watch when people escaped from this or that venue, from this court building, from that prison or on that outing into the community.

**Hon Robyn McSweeney:** Or indeed they have walked out when there is no fencing.

**Hon SIMON O'BRIEN:** Or they have simply walked out. In many cases, it is actions that have been taken by the executive government that have created the circumstances that have allowed these things to happen. In that case, the government has nowhere to hide, and it has no-one else to blame if the policies, the practices and the decisions that have led to those unfortunate outcomes are authored by the executive itself. The terms of reference for my proposed select committee of inquiry are aimed at just that. We are concerned about the extent to which certain ministers of the Crown were involved in decisions resulting in inappropriate prisoner classification, and I have suggested that that should include, but not be limited to, the cases of Paul Keating and Brian Edwards - notorious cases of prisoner mismanagement by this government in this state. This government has not been brought to book for it; this government has not been held to account for the decisions that it made regarding those prisoners, among others, and for the consequences that accrued when those prisoners behaved in the way that they did.

If there is no other way of getting at the truth about what happened and discovering the level of culpability of those involved, the Parliament must do it; yet this government claims, and will claim again in the course of this debate, "Oh, no, it's all right. Trust us. We're already looking into it. We're investigating ourselves. We've set up the Mahoney inquiry." Yes, it has set it up, but under the Public Sector Management Act. The Premier says, "Yes, but I've told my ministers to cooperate." I do not have any faith in this government investigating itself. I believe we will find some other examples that will prove that I am right to be concerned about that. A number of other examples that will shortly come into the public domain will further weaken my confidence in our ability to take this government's word that it is looking to its own house and that it is a true referee of its own behaviour. If the government cannot manage a justice system, I do not believe it will be the sort of government that will admit that it cannot manage a system. Therefore, if no other mechanism is available to us - I submit there is not - the Parliament itself must inquire into these matters. Ministers of the Crown and the executive are responsible to this Parliament. Unless we inquire into what they do, how else will they remain responsible to this Parliament? Oppositions, of course, often speculate publicly about whether governments are doing a good or bad job. The motion on the notice paper standing in my name refers to matters of public concern in the justice portfolio. It is almost two pages long and its many parts and sub-parts list a range of government scandals that remain unresolved. I will touch on some of those in the brief time available to me this afternoon. I will touch on some of them but, as I said in my earlier remarks, it would be impossible and self-defeating to attempt to examine every single one of them on the floor of the house today. That is why we need a select committee to look into this matter. The incomplete list - I think it is getting bigger all the time - that is part of my motion is nearly two pages long. Does this government suggest that there is no need for an inquiry, that everything is all right and that we can trust it? I do not think so. I will look at the detail of some of the issues contemplated by my motion.

Firstly, with regard to the involvement of Gallop government ministers in decisions, how many Ministers for Justice has it had? The Gallop government has some fairly durable ministers. I can only assume that the reason for that is that it does not have anyone to replace them. Indeed, some of them deserve to be replaced. The Gallop government has stuck

with Hon Alannah MacTiernan, the Minister for Planning and Infrastructure, from day one, despite the controversy that has followed her. I am sure it will continue to stick by her. Hon Michelle Roberts has been the Minister for Police from day one. There have been some extraordinary events -

**Hon Kim Chance:** Such as the reduction in crime on her watch.

**Hon SIMON O'BRIEN:** The Police Service has done a great job to achieve that.

**Hon Kim Chance:** It is an extraordinary achievement.

**Hon SIMON O'BRIEN:** If the Leader of the House wants to engage me, I am happy to accommodate him. Let us look -

**Hon Kim Chance:** I was listening; I was just resting my eyes.

**Hon SIMON O'BRIEN:** I know.

Hon Michelle Roberts has had other ministerial responsibilities, has she not?

**Hon Kim Chance:** She has the portfolios of police and emergency services.

**Hon SIMON O'BRIEN:** The Leader of the House has been Minister for Agriculture from day one. He has provided a steady contribution. Issues have come and gone, as they do; however, there has been no change in the leadership of that portfolio.

**Hon Kim Chance:** And no controversy.

**Hon SIMON O'BRIEN:** There has been a little.

**Hon Kim Chance:** In agriculture? I do not think so.

**Hon SIMON O'BRIEN:** Issues always arise from time to time. Hon Kim Chance has remained in that portfolio and it has never seemed - nor does it seem likely - that he would be removed from that portfolio.

**Hon Barry House:** The Labor caucus is light on for farmers.

**Hon Kim Chance:** Likewise in the Liberal caucus.

**Hon SIMON O'BRIEN:** With farmers? No; they are a dime a dozen in the Liberal Party.

When we consider the record of Ministers for Justice in the Labor government, it has been a different story altogether, because there has been a shuffling around of responsibilities -

**Hon Kim Chance:** Mostly because cabinet was expanded.

**Hon SIMON O'BRIEN:** Is that the reason?

**Hon Kim Chance:** As there has been with the fisheries portfolio, for the same reason.

**Hon SIMON O'BRIEN:** If a ministry is beset by scandal -

**Hon Kim Chance:** Fisheries?

**Hon SIMON O'BRIEN:** Not fisheries - the Department of Justice! That this government would remove a minister from a ministry because it is beset by incidents that give rise to a great deal of disquiet is, I suggest, an unusual thing given that this government tends to persevere with its ministers. However, that has not been the case in the Department of Justice. How long will the current Minister for Justice last? Why on earth would such an important portfolio be taken from minister McGinty?

**Hon Kim Chance:** You could ask the same question about fisheries.

**Hon SIMON O'BRIEN:** That portfolio was not taken away from the minister in the midst of a scandal and public disquiet.

**Hon Kim Chance:** No, it was taken away at the same time when cabinet expanded and for the same reason.

**Hon SIMON O'BRIEN:** If the minister's view is that everything is well in the Department of Justice, I beg to differ. That is why the motion contains so many examples of community concern. I did not move the motion as a stunt to produce a motion of the size we are debating. The motion details, albeit incompletely, matters of concern that have arisen about the Department of Justice. I do not think that Parliament has any choice but to inquire into those matters.

In relation to some deliberate policy actions taken by the Gallop government, there have been some disturbing trends. One thing specifically referred to in the terms of reference proposed in my motion is the consequences for community safety as a result of the abolition of sentences of less than six months. This is a genuine concern, because, under previous Western Australian legislation, courts were prohibited from imposing jail sentences of three months or less. There was a time, of course, when extremely short sentences were available in lieu of paying fines. Some offenders being dealt with in local courts would, of their own volition, opt to serve seven or 14 days in jail instead of paying a

fine. More recently, courts have been prohibited from imposing jail sentences of three months or less. That provision existed largely because a jail term provides little deterrent or rehabilitative value to offenders, such as fine defaulters, who would be looking at prison sentences of a small duration. Typically, if someone receives a sentence of five or 10 years, that person has been convicted of a pretty serious offence that probably had some significant element of violence attached to it. A community safety issue arises. Offenders who were fine defaulters and did not pose a threat to community safety were subject to short custodial sentences. However, that option was done away with some time ago. It was generally agreed that both such offenders and the prison system would be better served through community-based sentences. However, the Gallop Labor government extended that prohibition to bar Western Australian courts from imposing any jail sentences of six months or less. It would be interesting to discover the impact of that change on the demographics of the prison population; I refer here to the average sentence represented in the prison population and the types of offences involved. The government has already put up its arguments about why it made that change. Basically, it was keeping fine defaulters and minor traffic offenders and so on out of jail on the basis that it was expensive, unnecessary and probably counterproductive and inappropriate to apply such sentences. I think the government was also looking as a prison management tool to abolish six-month sentences or less for certain offences to alleviate some pressure on the prison system. The change was enacted through a provision of the Sentencing Legislation Amendment Repeal Act that became law in May 2004, even though the bill was introduced back in 2003. That legislation abolished the right of Western Australian courts to impose sentences of six months or less. In cases in which another option was needed, a community service order or some similar order was to be prescribed. Therefore, offenders in those situations were released into the community with varying levels of supervision. Certain requirements apply to community-based orders, such as reporting conditions, drug rehabilitation session participation and so on. It is well known anecdotally now that when a large number of people undertake community-based orders, the supervision in many cases is not as we would like it to be. A double-whammy results: people who in other circumstances would have been given a relatively short, sharp custodial sentence feel that they are virtually being let off with some order that is not particularly effective. These people can pay lip-service to the order or ignore it, and nothing seems to happen to them. The government has pursued that policy, which is probably to the detriment of our community's safety. A committee needs to look at that matter to discover the true situation with such orders.

I have obtained some figures. In 2000-01, 591 offenders were sentenced to jail terms of six months or less for offences other than fine default. Of these offenders, more than half had previously served a jail term. Therefore, these were not just casual minor penalties for low-level offenders.

**Hon Kim Chance:** But perhaps the previous term was also for fine default.

**Hon SIMON O'BRIEN:** I do not know specifically about that aspect. Some of the offences included car theft and drug trafficking. In 2001-02, 215 offenders were sentenced to jail terms of six months or less for serious offences. Of these, 101 were sentenced for assault, 55 for aggravated assault, 21 for car theft, 25 for burglary and four for sexual assault. That trend has continued.

Debate interrupted, pursuant to sessional orders.

*Sitting suspended from 4.15 to 4.30 pm*

### QUESTIONS WITHOUT NOTICE

#### PERRY LAKES LAND AND AK RESERVE

**615. Hon NORMAN MOORE to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

I refer to the announcement made today in relation to the future of Perry Lakes Athletics Stadium?

- (1) Who owns the land on which Perry Lakes Athletics Stadium, the rugby ground and the basketball stadium are located?
- (2) What is the current zoning of the land?
- (3) Will the government be required to pay compensation for the resumption of the land; and, if so, to whom will the compensation be paid and on what zoning is it based?
- (4) What is the estimated value of the compensation?
- (5) Who owns AK Reserve?
- (6) Will any of the proposed new sporting facilities be built on land that is not part of the former City of Perth endowment lands; and, if so, which facilities and where will they be built?

**Hon ADELE FARINA replied:**

I thank the member for some notice of this question.

- (1) The Town of Cambridge.

- (2) It is unzoned under the Town of Cambridge operative town planning scheme and zoned "urban deferred" under the metropolitan region scheme. The metropolitan region scheme rezoning from "reserve" to "urban deferred" was made following an agreement with the Town of Cambridge that proceeds would, in part, be directed to a fund to finance new basketball and rugby facilities and 52 per cent of the athletics facility. When introducing the amendment to rezone the land to "urban deferred" on 22 August 2002, the minister noted that both she and the Western Australian Planning Commission considered rezoning to "urban" to be premature and that it should not occur until the town had made suitable provision for adequate replacement of the sporting facilities nearby. She also noted that the rezoning of Perry Lakes Athletics Stadium had been left as "urban deferred" rather than "urban" to make sure this took place.
- (3) Under legislation to be introduced to deal with this matter, separate arrangements are to be made for the present sports facilities site - the Perry Lakes land - and the land known as AK Reserve. Rather than provide for compensation at the point of resumption of the Perry Lakes land, it is proposed that a trust fund be established to receive the proceeds of the sale of that land. Subject to a limited range of purposes for which funds can be deducted, the remaining proceeds of any sale of the Perry Lakes land will go to the Town of Cambridge together with any Perry Lakes land unsold on completion of the project. Allowable deductions will be prescribed in the bill and will include contributions to the cost of construction of replacement sporting facilities, a capped \$5 million contribution to the maintenance of the new athletics stadium and the government's reasonable development expenses. No developer profit will be taken from the proceeds of the development of the land. It is proposed that compensation be based upon the AK Reserve land being restricted to use and development solely for recreational purposes because the land is currently reserved as "parks and recreation" under the MRS.
- (4) The trust fund arrangements mean that the issue of compensation does not apply to the Perry Lakes land. Given that AK Reserve is to be limited to recreational purposes, we have been advised that determining the quantum of value is problematic. However, we have received preliminary advice that it could be from as low as \$160 000 to \$400 000 to in the order of \$1.5 million at the top end of the range.
- (5) The Town of Cambridge.
- (6) The proposed legislation provides for flexibility in designing and implementing the required sports facilities but it will require that the facilities be developed on AK Reserve or adjacent land.

#### ELECTORATE OFFICERS

#### 616. Hon NORMAN MOORE to the Leader of the House representing the Premier:

- (1) How many FTEs are provided to or engaged by -
- the office of the Leader of the official opposition;
  - the office of the Leader of the National Party; and
  - the office of the Greens (WA)?
- (2) How many electorate officers in total have been provided to -
- Australian Labor Party members of the Legislative Assembly;
  - Australian Labor Party members of the Legislative Council;
  - Liberal members of the Legislative Assembly;
  - Liberal members of the Legislative Council;
  - National Party members of the Legislative Assembly;
  - National Party members of the Legislative Council;
  - Independent members of the Legislative Assembly; and
  - Greens (WA) members of the Legislative Council?
- (3) Which members of the Legislative Assembly are entitled to more than one electorate office and which party do they represent?
- (4) How many term of government FTEs are employed by the government in each ministerial office?

#### Hon KIM CHANCE replied:

I thank the member for some notice of this question.

- (1) (a) 13 FTEs;
- (b) 5 FTEs; and
- (c) none.

- (2) (a)-(h) Members of the Legislative Assembly are entitled to one electorate officer and one research officer. Members of the Legislative Council are entitled to one electorate officer and 0.4 FTE research officers. The Premier, Deputy Premier and Leader of the Opposition are each entitled to an additional electorate officer. Members may employ a combination of full-time and part-time staff provided they do not exceed the above entitlements.
- (3) The government has agreed to fund a second electorate office for members representing the following Legislative Assembly electorates : Kimberley, ALP; Central Kimberley-Pilbara, ALP; Murchison-Eyre, ALP; North West Coastal, ALP; Merredin, NPA; and Roe, LP.
- (4) The answer to this part is lengthy. I therefore table the answer.

**Hon Norman Moore:** I bet it is; there will be thousands of them.

**Hon KIM CHANCE:** I will read it if the Leader of the Opposition wishes. There is an answer for each minister.

**Hon Norman Moore:** I was making the point that there will be a lot of names.

**Hon KIM CHANCE:** There are 17 ministers. I seek leave to have it incorporated in *Hansard*.

Leave granted.

The following material was incorporated -

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(4)	(As at 14 September 2005)	
	Hon Dr G I Gallop MLA:	12
	Hon E S Ripper MLA:	6
	Hon K M Chance MLC:	7
	Hon L Ravlich MLC:	9
	Hon J C Kobelke MLA:	2
	Hon J A McGinty MLA:	5
	Hon Dr J M Edwards MLA:	6
	Hon M H Roberts MLA:	11
	Hon A MacTiernan MLA:	11
	Hon A J Carpenter MLA:	8
	Hon S M McHale MLA:	7
	Hon R C Kucera MLA:	9
	Hon M McGowan MLA:	8
	Hon F M Logan MLA:	7
	Hon J Bowler MLA:	8
	Hon J B D'Orazio MLA:	6
	Hon J B Ford MLC:	8

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#### LEWANDOWSKI AFFIDAVIT COVER SHEET

**617. Hon SIMON O'BRIEN to the parliamentary secretary representing the Attorney General:**

I refer the Attorney General to the Lewandowski affidavit provided to the Director of Public Prosecutions on 6 January 2002.

- (1) Will the Attorney General confirm that the affidavit had a cover sheet marked "Confidential and only to be used in a court of criminal appeal"?
- (2) If so, will the Attorney General table the cover sheet; and if not, why not?
- (3) Will the Attorney General advise whether this instruction was removed prior to his receiving the affidavit?
- (4) If so, who removed the instruction, and when?

**Hon SUE ELLERY replied:**

I thank the member for some notice of this question.

- (1) The Director of Public Prosecutions has advised me - the Attorney General - that when he received the Lewandowski affidavit on 6 June 2002 no cover sheet was attached to it.
- (2)-(4) Not applicable.

#### PROFESSIONAL FISHERMEN AND LOCAL USERS, DISAGREEMENTS

**618. Hon BARRY HOUSE to the Minister for Fisheries:**

I refer to the disagreements and occasional conflict that has arisen during the past few years between professional fishermen, who largely hail from outside the area, and local users, particularly surfers. Is the minister working to resolve this issue before the busy summer holiday season?

**Hon JON FORD replied:**

I thank the member for this question.

This issue has been going on for a number of years. Although it is not a fisheries issue regarding sustainability, I have the authority to resolve the issue. As the member said, this goes to the two main stakeholders being surfers and commercial rock lobster fishermen. My predecessor put in place a process to enable the two groups to reach consensus, but they failed to reach a resolution earlier this year. I extended that time and they still failed to reach consensus. This means, of course, that I have been left with making that decision. I intend to announce that decision in about four weeks. That time frame is needed because I am seeking further consultation with the Department of Fisheries and am having a final attempt at getting some consensus between the two parties. Four weeks is the cut-off for me to make that decision.

LOT 62 HOCKING ROAD, KINGSLEY

**619. Hon GIZ WATSON to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

Further to my question of 13 September on environmental issues regarding lot 62 Hocking Road, Kingsley, I ask -

- (1) Was the position statement of the Water and Rivers Commission concerning the minimum 50-metre buffer to protect conservation category wetlands on the Swan coastal plain considered during the rezoning and subdivision of lot 62 Hocking Road, Kingsley?
- (2) If no to (1), why not?
- (3) What is the actual buffer distance from Walluburnup Swamp to the nearest proposed aged care dwellings?
- (4) Did the Western Australian Planning Commission declare a financial interest in lot 62 Hocking Road, Kingsley when it overturned the Environmental Protection Authority's recommendation that a road act as an interface between the regional parks and recreation reserve and the proposed aged persons village development?
- (5) If no to (4), why not?

**Hon ADELE FARINA replied:**

I thank the member for some notice of this question.

- (1) The submission of the Water and Rivers Commission on metropolitan region scheme amendment 1037/33, which was tabled in Parliament on 22 October 2002, advised that this section of the wetland was degraded but was still an important part of Lake Goollelal. Considering this, the commission was prepared to waive the buffer requirement for this wetland.
- (2) Not applicable.
- (3) Notwithstanding my response to question (1), a variable buffer of between 20 and 55 metres exists between the wetland and the boundary of the adjoining property to be developed as an aged persons complex.
- (4)-(5) The ownership of the property by the WA Planning Commission was fully understood by all relevant decision makers. The recommendation of the Environmental Protection Authority for the establishment of an interface road related to advice given on the City of Joondalup's town planning scheme 2, amendment 12. The EPA noted that the Department of Conservation and Land Management was to be consulted on the amendment. At the same time, a management plan for the Yellagonga Regional Park was being prepared by CALM. The area of the Yellagonga Regional Park adjacent to the aged persons complex, including the wetland, is to be managed for recreation rather than conservation under the management plan. An interface road was considered inappropriate in this case, given the proximity to the future grade separation of the Whitfords Avenue-Wanneroo Road intersection and the existence of Mooro Street. However, a suitable interface that clearly separates private development and parks is necessary. In this case, the aged care complex is to be developed with a brick boundary fence with open style infill panels, with the aged care accommodation units oriented to look into the regional park. CALM is to install a shared-use path adjacent to the development as part of the park cycle and pedestrian access plan.

SHAKEN BABY SYNDROME, COST OF SCREENING TELEVISION CAMPAIGN

**620. Hon BARBARA SCOTT to the parliamentary secretary representing the Minister for Community Development:**

- (1) Will the minister inform the Parliament of the total cost of screening the television campaign on shaken baby syndrome during National Child Protection Week, 4 to 10 September?

- (2) What funds came from -
- (a) the Department for Community Development;
  - (b) the Department of Health;
  - (c) the Princess Margaret Hospital for Children Foundation;
  - (d) the Disability Services Commission; and
  - (e) the Ministerial Advisory Council on Child Protection?

**Hon KATE DOUST replied:**

I thank the member for some notice of this question.

- (1)-(2) The total cost of screening the television campaign on shaken baby syndrome during Child Protection Week was nil. The coverage was a community service provided by Channel Nine.

**ROCK LOBSTER MANAGEMENT PACKAGE**

**621. Hon BRUCE DONALDSON to the Minister for Fisheries:**

- (1) Has the minister received any adverse feedback from professional rock lobster fishermen on the rock lobster management package for the 2005-06 season?
- (2) Has the management package been put in place by way of a notice, an order, regulations or ministerial decree?

**Hon JON FORD replied:**

- (1) Yes, I have received some feedback. A number of people have written to me, but not too many. Some have responded well to it and others think, strangely enough, that I was not hard enough. That seems to be the main comment, particularly about the moon closures. Some believe that it provides open season to octopuses and that all we will end up with is a lot of well-fed octopuses. However, that depends on the zone.
- (2) I have signed off on the management plan, which I believe will be introduced to the Parliament in the form of regulation changes.

**EAST PERTH GATEWAY PROJECT, ELIGIBILITY FOR AFFORDABLE HOUSING FORMULA**

**622. Hon RAY HALLIGAN to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

I refer to the East Perth gateway project.

- (1) Has the government decided on the formula that will determine eligibility for its affordable housing?
- (2) If so, what is the formula?
- (3) If not, when will this formula be determined?
- (4) What other criteria will the government apply in determining eligibility?

**Hon ADELE FARINA replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) Affordable housing could be provided through either -
  - (a) private sector delivery;
  - (b) not for profit community housing rental; or
  - (c) social housing.

The eligibility criteria for private sector delivery of owner-occupied affordable housing involves a person -

- (i) who has an annual maximum assessed household income of \$50 000;
- (ii) who is able to pay a deposit of not less than \$2 000 or two per cent of the purchase price, whichever is the lesser amount, towards the purchase price of the housing unit;
- (iii) whose loan repayments do not exceed 33 per cent of the annual assessed household income;
- (iv) who, apart from the housing unit, has no interest as owner in another property; and
- (v) who has no liquid assets at the time of purchase that exceed 10 per cent of the purchase price of the affordable housing unit.

The eligibility criteria for rental housing under (2)(b) and (2)(c) is to be set by the service provider, which will generally be the Department of Housing and Works.

- (3) Not applicable.
- (4) No other eligibility criteria have been set.

ABUSE OF STATE WARDS IN FOSTER CARE

**623. Hon ROBYN McSWEENEY to the parliamentary secretary representing the Minister for Community Development:**

I refer to the abuse of state wards in foster care.

- (1) Were any state wards abused in foster care from March 2005 to September 2005?
- (2) If yes, how many, and what was the nature of the abuse?
- (3) Of the 267 relative carers who have had criminal record checks, how many have a criminal record?

**Hon KATE DOUST replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) There have been substantiated allegations of abuse against 12 children, five of which were physical, two were emotional, two were sexual and three were neglect.
- (3) This information cannot be provided in the required time frame.

YEAR 11 STUDENTS, TERTIARY ENTRANCE SUBJECTS

**624. Hon ANTHONY FELS to the Minister for Education and Training:**

- (1) Will rural year 11 students who wish to study tertiary entrance subjects be deemed to be bypassing their local district high school if they attend senior secondary schools that offer residential accommodation in 2006?
- (2) Will the parents of those students remain eligible to receive the Assistance for Isolated Children boarding allowance in 2006?
- (3) Will distance education deliver tertiary entrance subjects to year 11 students enrolled in district high schools in 2006 and to years 11 and 12 students in 2007?

**Hon LJILJANNA RAVLICH replied:**

I thank the member for some notice of this question. I do not seem to have a response to it.

LOTS 22, 23 AND 24 KINGSWAY ROAD, LANDSDALE, SUBDIVISION

**625. Hon PETER COLLIER to the minister representing the Minister for the Environment:**

I refer to a letter to Greg Rowe and Associates from the Western Australian Planning Commission in relation to the approval for subdivision of lots 22, 23 and 24 Kingsway Road, Landsdale, dated 1 October 2004. In particular I refer to point 19, relating to approval of the plan of survey for those lots, which states that a site remediation and validation report from the subject land must be prepared by the subdivider prior to the commencement of the earthworks at the subdivider's cost, and that remediation works must be undertaken at the subdivider's cost for all identified contamination and should be validated as being free of contamination above accepted guidelines to the satisfaction of the Western Australia Planning Commission.

- (1) Has the Land and Water Quality Branch of the Department of Environment received two reports, carried out by MPL Pty Ltd, in relation to the subdivision of lots 22, 23 and 24 Kingsway Road, Landsdale?
- (2) If yes, based upon these reports, will the Department of Environment confirm that condition 19 in relation to lots 22, 23 and 24 Kingsway Road, Landsdale has been fulfilled? If so, when will notification of approval be provided to the Western Australian Planning Commission?

**Hon LJILJANNA RAVLICH replied:**

I thank the member for some notice of this question, and I provide a response on behalf of the Minister for the Environment.

- (1) Yes; the Land and Water Quality Branch of the Department of Environment received complete copies of two environmental site assessment reports prepared by environmental consultants MPL Pty Ltd in relation to the subdivision of lots 22, 23 and 24 Kingsway Rd, Landsdale on 31 August 2005.
- (2) No; additional information is required from the developer and/or its consultant to fulfil condition 19 of Western Australian Planning Commission subdivision approval 125154. The Department of Environment has already advised the developer and MPL Pty Ltd by telephone that further information is required, and will provide written advice to this effect by 16 September 2005.

## REGULATED NON-JET REGIONAL AIRLINE NETWORK

**626. Hon KEN BASTON to the parliamentary secretary representing the Minister for Planning and Infrastructure:**

I refer to the minister's announcement on 10 August 2005 of Skywest as the preferred applicant for an exclusive licence to operate a regulated non-jet regional airline network to nominated centres in the north west.

- (1) Is the minister aware of the Skywest advertisement in the *Sunday Times* of 28 August 2005 - only 18 days later - offering a special airfare to Exmouth for \$388, including two nights accommodation, and a special airfare to Broome for \$366, including three nights accommodation?
- (2) Given that this airline has a monopoly on air travel into Exmouth and no monopoly to fly into Broome, does the minister agree that the lack of airline competition is disadvantaging tourist operations in Exmouth?
- (3) Will the minister table the tender guidelines?

**Hon ADELE FARINA replied:**

I thank the member for some notice of this question.

- (1)-(2) The review into intrastate air services has clearly demonstrated that Exmouth could not sustain competition. The government has worked hard to ensure services are maintained to Exmouth and other regional communities in the intrastate non-jet network, and the recent tender process has delivered this. Indeed, this government worked with Skywest and the resources sector to ensure that Exmouth also received a jet service during the tourism season, which the government would like to see as a year-round service. The government notes that there is a \$22 difference in the cost of the packages. However, these are starting prices only and it is interesting to note that the range of accommodation listed in the advertisement is generally cheaper for Exmouth than for Broome. Further, if a tourist wanted to stay an extra night in Exmouth under the \$388 package - airfare plus two nights - it would cost an extra \$47.50 or a total of \$435.50 to have three nights. This would make this package cheaper than 10 of the 12 packages listed for Broome under the same advertisement.
- (3) The tender guidelines are available to the public and I table the tender document.

[See paper 700.]

**QUESTION WITHOUT NOTICE 624***Answer*

**The PRESIDENT:** The Minister for Education and Training, I understand, has an answer to the question asked by Hon Anthony Fels.

**HON LJILJANNA RAVLICH (East Metropolitan - Minister for Education and Training):** Yes, I do. Thank you very much for your indulgence, Mr President. I do not know whether I have answered this question before, but it does not matter. It has been brought in to me, and I provide the following response.

- (1) The current Department of Education and Training policy allows year 11 students wishing to study tertiary entrance subjects to continue to attend senior secondary schools, including those with residential accommodation.
- (2) Yes.
- (3) Yes. Schools of isolated and distance education deliver a range of year 11 and year 12 subjects and will continue to do so to accommodate the new courses of study.

## VASSE MIDDLE SCHOOL

**627. Hon BARRY HOUSE to the Minister for Education and Training:**

In relation to planning for the Vasse middle school, I ask -

- (1) Given the projected underutilisation of the original Vasse middle school, why was it decided to remove the library-performing arts building from the program instead of one of the learning communities?
- (2) When will stage 2 commence and what is its estimated cost?
- (3) Has the Shire of Busselton been approached to contribute to the funding of the library-performing arts building?
- (4) If so -
  - (a) when was this approach made;
  - (b) how much money was requested from the Shire of Busselton;
  - (c) what has been the response from the Shire of Busselton; and
  - (d) will the construction of the library-performing arts building proceed without shire involvement?

**Hon LJILJANNA RAVLICH replied:**

I thank Hon Barry House for his question. I signed off on that question at about two o'clock today. It is not in my file, and hopefully somebody will deliver it to me very shortly.

## SEA LIONS, MORTALITY

**628. Hon GIZ WATSON to the Minister for Fisheries:**

- (1) What is the estimated annual mortality of sea lions as a result of interaction with crayfishing equipment?
- (2) Are sea lions a threatened species?
- (3) Does the Department of Fisheries have an obligation to prevent mortality of sea lions; and, if so, is that occurring?

**Hon JON FORD replied:**

I thank the member for some notice of this question. I will have to put some of the question on notice.

- (1)-(3) My understanding is that the mortality rate of sea lions is very low - between one and three sea lions per annum. The Department of Fisheries does have a role in protecting other native species, including fish as well as mammals, from the effects of bycatch fishing. In fact, the department is currently undertaking further research on implementing sea lion exclusion devices for craypots. That is a requirement of the commonwealth ecologically sustainable development assessment, which determines whether we can actually export native species. It is a licence requirement for Western Australia to ensure that the impact of any bycatch is minimised. I will take the rest of the question on notice, check the details and get back to the member.

## CURRICULUM BRANCH DIRECTOR

**629. Hon NORMAN MOORE to the Minister for Education and Training:**

- (1) Who was the director of the curriculum branch who was removed from the position and moved to a district office?
- (2) Why was the officer removed?

**Hon LJILJANNA RAVLICH replied:**

(1)-(2) I do not know, because matters of staffing are not my area of responsibility, as the member will be aware.

**Hon Norman Moore:** So you do not know?

**Hon LJILJANNA RAVLICH:** Actually, I do not know the name.

**Hon Norman Moore** interjected.

**Hon LJILJANNA RAVLICH:** The member asked me a question, and I am telling him that I do not know the officer. I am happy to take the question on notice, if the member would like to put it on notice, but matters in relation to staffing are the responsibility of the Director General of the Department of Education and Training.

## QUESTION WITHOUT NOTICE 627

*Answer*

**The PRESIDENT:** I understand that the Minister for Education and Training has an answer to the question asked by Hon Barry House.

**HON LJILJANNA RAVLICH (East Metropolitan - Minister for Education and Training):** I do, and I apologise to the honourable member.

- (1) To provide the opportunity for the Busselton Shire Council to provide funding to enhance the facilities for community use and to accommodate its potential funding time line.
- (2) Stage 2 will be considered when the enrolment pressure indicates that further accommodation is required. At present, it is considered that \$5 million will be required to fund these works.
- (3) Yes.
- (4) (a) May 2005.  
(b) No specific funds were requested.  
(c)-(d) The council considered that it would be in a position to consider funding shared facilities in five to seven years. A library and performing arts theatre will be provided as part of stage 2 of the school.

## ROAD SAFETY AND BICYCLE EDUCATION PROGRAMS

**630. Hon BARBARA SCOTT to the Minister for Education and Training:**

I apologise to the Minister for Community Development and the parliamentary secretary for the typo in the copy of the question I asked earlier.

In light of the deletion of the school-based police officer program and the officers' involvement with bicycle safety education, will the minister provide the Parliament with the details of the Department of Education and Training's program on road safety and bicycle education and inform the Parliament of the following -

- (i) how many schools are expected to have a road safety and bicycle education program;
- (ii) what ages will it be targeted at;
- (iii) how many teachers are trained to conduct this program;
- (iv) what is the expected cost to the Department of Education and Training, or is this an optional program to be offered and funded by individual schools; and
- (v) did the Minister for Education and Training agree that it would be better for teachers rather than police to provide this program?

**Hon LJILJANNA RAVLICH replied:**

I seek leave to have the answer incorporated into *Hansard*.

Leave granted.

The following material was incorporated -

- 
- (i) All schools will receive road safety resources, but it is the choice of each school whether or not to offer road safety and bicycle education programs.
  - (ii) 0 - 20 years of age.
  - (iii) 383 have been trained in the use of the 15 - 20 year old *keys for life* materials.
  - (iv) The School Drug Education and Road Aware SDERA project is fully funded. All resources and professional development are free of charge to all schools.
  - (v) The Department of Education and Training has not been approached by the Western Australian Police to take on this program.
- 

## SOCIAL HOUSING DEVELOPMENT, SUBI CENTRO

**631. Hon RAY HALLIGAN to the parliamentary secretary representing the Minister for Housing and Works:**

I refer to the government's decision to build a \$4 million social housing development in Subi Centro and ask -

- (1) What part of the \$4 million is taken up by the 20-unit apartment building, comprising the first stage of the 55 units already promised by the government?
- (2) Has there been any cost revision of the original announcement of \$4 million?
- (3) If so, what is the current estimated cost?
- (4) What would have been the most likely cost of the development if it had been developed by private enterprise rather than for the provision of social and affordable housing?

**Hon KATE DOUST replied:**

I thank the member for some notice of this question.

- (1)-(4) The minister assumes that the member is referring to the Department of Housing and Works development at lot 545 Tighe Street, Subiaco. A contract to build seven units at Laurino Terrace was awarded on 19 March 2004 for \$966 022. A contract for 20 units to be built on Hay and Tighe Streets was awarded on 18 March 2005 for \$5 140 597. It is not possible to determine what the cost of the project would have been if it had been developed by a private developer. Obviously that would depend on the scope of work that such a developer intended to pursue.

## QUESTIONS ON NOTICE 2511 AND 2512

*Answer Advice*

**HON KIM CHANCE (Agricultural - Leader of the House)** [5.03 pm]: Subject to standing order 138, I inform the house that the answer to question on notice 2511 asked by Hon Simon O'Brien on 16 August 2005 to me representing the Minister for Justice will be provided on 20 September 2005.

**MINISTER FOR EDUCATION AND TRAINING***Personal Explanation - Question without Notice 599*

**HON LJILJANNA RAVLICH (East Metropolitan - Minister for Education and Training)** [5.04 pm] - by leave: Yesterday I indicated that I would take this course of action regarding a question asked of me yesterday by Hon Barry House. I have further information to provide to Hon Barry House regarding the answer I gave yesterday about the government's package of \$19 million for improved curriculum support and professional development days.

Part (1) to the answer given yesterday stands, and I add that the money is additional to the 2005-06 education budget that was announced in May, including approximately \$9 million in additional resources that was approved by the cabinet expenditure review committee. The balance has been provided by resource re-allocations, transfer cost minimisations and identified savings within the agency concerned. Parts (2) and (3) to the answer given yesterday also stand.

**QUESTION ON NOTICE 2516***Answer Advice*

**HON ADELE FARINA (South West - Parliamentary Secretary)** [5.05 pm]: Subject to standing order 138, I inform the house that the answer to question on notice 2516 asked by Hon Robyn McSweeney on 16 August to the parliamentary secretary representing the Minister for Planning and Infrastructure will be provided by 20 October 2005.

Also subject to the same standing order, I inform the house that the answer to question on notice 2512 asked by Hon Ray Halligan on 16 August to parliamentary secretary representing the Minister for Planning and Infrastructure will be provided by 20 October 2005.

**FIRST HOME OWNER GRANT AMENDMENT BILL 2005***Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Ljiljanna Ravlich (Minister for Education and Training)**, read a first time.

*Second Reading*

**HON LJILJANNA RAVLICH (East Metropolitan - Minister for Education and Training)** [5.05 pm]: I move -

That the bill be now read a second time.

The purpose of this bill is to amend the First Home Owner Grant Act 2000 to provide access to the first home owner grant to applicants who have a licence or right of occupancy granted by a local government. The grant has always been available to applicants who have a licence or right of occupancy granted by the commonwealth or the state. This bill will rectify the anomaly for those home buyers who acquire their first home by way of a licence or right of occupancy granted by a local government. The amendments will apply retrospectively from 1 July 2000, the date of commencement of the First Home Owner Grant Act. This will ensure parity between applicants who have been granted a right to occupy land by the commonwealth, the state or a local government.

The bill proposes a grace period of one year to allow those first home owners who have not previously applied for the grant to apply where their relevant interest in land meets the amended definition. A series of transitional provisions will ensure equity and allow those who previously did not apply because of the ineligibility of their interest in land to make an application for the grant. Currently, an interest held in residential property under a licence or right of occupancy granted by a local government prior to 1 July 2000 does not disqualify a person from obtaining a grant when the person subsequently purchases a home. This will change upon commencement of this legislation so that a person who enters into a contract to purchase a home will no longer be eligible for a first home owner grant if they, or their spouse or de facto partner, held such an interest prior to 1 July 2000.

The stamp duty concession that came into effect from 1 July 2004 will also apply where the relevant instrument relating to a licence or right of occupancy granted by a local government was executed on or after 1 July 2004 and on or before the commencement date of this legislation. It is estimated that the cost to government will be \$0.4 million in the first year, as a result of the retrospective amendments, and \$0.1 million for each subsequent year.

I commend the bill to the house and table the associated explanatory memorandum, which contains a detailed explanation of all of these measures.

[See paper 704.]

Debate adjourned, pursuant to standing orders.

**STAMP AMENDMENT (ASSESSMENT) BILL 2005***Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Ljiljanna Ravlich (Minister for Education and Training)**, read a first time.

*Second Reading*

**HON LJILJANNA RAVLICH (East Metropolitan - Minister for Education and Training)** [5.08 pm]: I move -

That the bill be now read a second time.

This bill, together with the Stamp Amendment (Taxing) Bill 2005, seeks to amend the Stamp Act 1921 by rewriting part III F, which contains provisions relating to the duty payable in respect of policies of insurance. It also provides an exemption from insurance duty for that part of an insurance policy that relates to property or risk outside Australia.

The insurance duty provisions are being rewritten ahead of the rewrite of the entire Stamp Act because the two-year time frame associated with the Stamp Act rewrite would result in significant compliance costs for insurers in the interim. The need for the rewrite of the insurance duty provisions was identified by the Office of State Revenue as a result of recent audit activity in the insurance industry. These audits have identified that the insurance provisions of the Stamp Act do not reflect the commercial practices of insurers, and are out of step with the stamp duty regimes in other jurisdictions. A particular area of concern that was identified related to policies of insurance involving property or risk outside Australia. As the legislation currently stands, a policy of insurance that relates to risk both within Western Australia and overseas is charged with duty on the entire premium, including the amount of the premium attributable to the overseas risk. I do not believe this was the outcome envisaged by the Parliament of this state when the current insurance provisions were last overhauled in 1979; rather, this situation has arisen because the provisions have not kept pace with developments in the insurance industry and the products offered by insurers.

To address this problem, amendments are proposed by this bill to provide an exemption for the portion of an insurance premium that relates to property or risk outside Australia. These amendments are proposed to be retrospective to 1 July 1997. Although retrospective legislation is generally undesirable, it is considered necessary in this case to ensure that liability in respect of property or risk outside Australia for past assessment years is largely removed; otherwise, significant assessments relating to overseas property or risk will be likely to arise for a large number of businesses, which in turn may seek to recover that cost from their customers.

The Commissioner of State Revenue has not been raising assessments in relation to offshore risk insurance on the basis of the government's announcement of its intention to legislate this exemption on 29 June 2004. However, these amendments are required to give legislative support to the commissioner's treatment of offshore risk insurance and to enable refunds to be paid to those who may be entitled to a refund as a result of these amendments. The cost to the revenue of this exemption is estimated to be about \$1.8 million per annum, with refunding of past duty estimated to be about \$3 million. However, any refunds required as a result of this legislative change will not be made until the legislation is passed.

In addition to providing this exemption, the bill also seeks to rewrite the insurance duty provisions of the Stamp Act to bring the Western Australian provisions largely in line with the regimes operating in other jurisdictions, and to reduce compliance costs for taxpayers. The rewrite of the insurance duty provisions has been conducted on a policy-neutral basis, such that the current duty base has been maintained under the rewrite legislation. There are considerable compliance and administrative benefits to be realised from harmonising administrative provisions and having consistent definitions of key concepts where possible. The provisions have been based on the regimes operating in other jurisdictions, with modifications to accommodate specific Western Australian policy parameters. The provisions have been drafted so that stamp duty is payable on premiums paid to insurers in respect of contracts of general insurance. Definitions of relevant terms have been included to make the provisions easy to understand.

General insurance has been defined in relation to the current duty base. Therefore, insurance that is exempt under the current provisions, such as life insurance and workers' compensation insurance, will also be exempt under the new provisions. The provisions operate such that an insurer that writes general insurance is required to be registered with the commissioner. An insurer is also required to lodge returns and pay duty in relation to the premiums paid to the insurer in respect of that insurance. The method of calculating the duty payable on the return is also specified in the provisions. The current rate of duty of 10 per cent has been maintained under the new provisions.

There is also a requirement that an insured person lodge a statement and pay the duty in certain circumstances. Further, a requirement has been included that imposes an obligation on certain insurers and intermediaries to notify the commissioner of any premiums paid to the insurer or intermediary in respect of contracts of general insurance entered into by the insurer. This is to ensure compliance by insured persons with the requirement to lodge a statement and pay duty. Apportionment, refund and record-keeping provisions are also set out in the provisions.

It is intended that the new provisions operate from a date to be proclaimed, and apply to premiums paid in respect of contracts of insurance entered into after the date of proclamation. A detailed explanation of the operation of the new insurance duty provisions is contained in the associated explanatory memorandum. I commend the bill to the house and table the associated explanatory memorandum.

[See paper 705.]

Debate adjourned, pursuant to standing orders.

**STAMP AMENDMENT (TAXING) BILL 2005***Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Ljiljanna Ravlich (Minister for Education and Training)**, read a first time.

*Second Reading*

**HON LJILJANNA RAVLICH (East Metropolitan - Minister for Education and Training)** [5.15 pm]: I move -

That the bill be now read a second time.

The amendments in this bill complement the amendments contained in the Stamp Amendment (Assessment) Bill 2005. Together, these bills seek to amend the Stamp Act 1921 by rewriting part IIIF, which contains provisions relating to the duty payable in respect of policies of insurance.

The amendments contained in this bill relate to the second and third schedules of the Stamp Act, which specify the duties imposed on certain classes of instruments, and the exemptions that are applicable to those instruments. The amendments to the second schedule contained in this bill impose insurance duty on returns and statements lodged in accordance with the provisions of new part IIIF. The insurer required to lodge a return, or the person required to lodge a statement, is liable to pay the duty at the rate set out in new part IIIF. The current rate of duty is 10 per cent of the premium. The third schedule has been amended to remove the exemptions from insurance duty. These exemptions have been included in the new part IIIF to make the provisions easier for taxpayers to understand.

A detailed explanation of the operation of the new insurance duty provisions is contained in the explanatory memoranda associated with this bill and the Stamp Amendment (Assessment) Bill 2005. I commend the bill to the house and table the associated explanatory memorandum.

[See paper 706.]

Debate adjourned, pursuant to standing orders.

**EMERGENCY MANAGEMENT BILL 2005***Second Reading*

Resumed from 13 September.

**HON KEN BASTON (Mining and Pastoral)** [5.17 pm]: As I was saying last night, I believe the Emergency Management Bill contains some good provisions, in the sense that it seeks to help pool the resources that are needed in an emergency and to bring them together to give the whole-of-government approach. I gave many examples last night of things going wrong in emergencies, such as with floods, fires and cyclones in the north. I notice in this bill that the definition of "hazard" includes tsunamis and terrorist acts. It is fine to pool the resources, but if there is no funding to back the central control of an emergency, it all falls down, as in the examples I gave of local government sitting back and waiting for somebody to come forward with the funds before it acted. That is not good enough. I have not found anything in the bill that covers that, but I presume the government intends to do that.

Last night I also alluded to the fact that satellite imagery can play a major role in fire control. I am very proud to say that the Department for Planning and Infrastructure in Western Australia is a leader in the area of fire control by satellite imagery. However, it is quite expensive to subscribe to that. Any individual can subscribe to it, and that person can announce when a bushfire starts on any large tract of pastoral land or near any local town. I see that as very much a necessity; that is, if there is central management of an emergency, the committee in the town should have that facility available to it.

Other parts of the bill are a little disturbing. Part 8, clause 85, refers to the \$50 000 penalty that is applicable if a person obstructs or hinders a hazard management officer or an authorised officer in the exercise of his or her power. The fine for failure to comply with a direction, which is dealt with under clause 86, is also \$50 000. The fine for failure to give help, which is dealt with under clause 87, is also \$50 000. More penalties are listed for matters that are a little more serious.

During emergency situations, many people - dare I say it - become a little power hungry when they put on their blue or orange overalls. Conflict may arise when people are ordered to leave their homes. Some people do not want to leave their homes because they believe that they can defend their castle better than anyone else can. If they refuse to leave, they will be liable and, if taken to court, could be fined up to \$50 000. That is an excessive amount. Part 8 of the bill, which deals with offences, is the most offensive part of the bill.

A centralised body must have, at all times, a list of available infrastructure and it must know who will pay for that infrastructure. A sinking fund should cover that aspect. Items such as bulldozers, graders and firefighting equipment are often badly needed during a fire. Aeroplanes and helicopters are often needed for airlifts during a flood. That issue must be covered; it is no good sitting back and asking for funding after a disaster occurs. I will certainly be raising the issues of funding and offences when the bill reaches the committee stage.

**HON GIZ WATSON (North Metropolitan)** [5.23 pm]: On behalf of the Greens (WA), I will make a few comments about the bill. We will support the bill, although we will raise questions during the committee stage. As I understand it, Western Australia is the only state currently without emergency management legislation. The argument has been advanced that there is no right or imperative in statute to establish an emergency management framework. Under current arrangements, emergency situations are managed under policy statement 7, which is titled "Western Australian Emergency Management Arrangements". That policy flowed from a 1985 cabinet minute. As much as there is the argument that every other state has special emergency management legislation, I would like to know what problems exist with the process in place at the moment. I support the intention to ensure that any person who is acting in good faith or as a volunteer in an emergency situation should be covered for liability and should be provided with compensation if, for example, his or her equipment is commandeered. That is admirable. I understand the need to cover that aspect of emergency situations. However, I am interested to hear the government outline the specific evidence that suggests the existing provisions are inadequate. The first point we must take into account as legislators is that there is no point passing laws for the sake of it. This bill provides significant powers. Arguably, those powers are already being used. I understand the desire to have some certainty and to ensure the force of law behind people who are responsible for giving directions during emergency situations, so that their directions are complied with.

I note Hon Ken Baston's comments about the penalties that are applicable if people do not comply with certain provisions. I agree that those penalties are very high. They are disproportionate by at least 10 times with the aims of legislation such as this. A \$5 000 fine might be somewhat nearer the mark. A penalty of \$50 000 is the type of fine that one would expect a corporation to pay if it broke the law or to relate to significant criminal offences. Interestingly, I had not considered the issue of penalties until it was raised by Hon Ken Baston in his contribution to the second reading debate. The Greens would like to know where the \$50 000 figure has been plucked from. Does it compare with similar provisions in other legislation? A considerably smaller fine would probably still achieve the objective.

Another factor that the Greens always take into account when considering legislation is whether it imposes an unreasonable burden on personal liberties. I read this bill very thoroughly because the provisions that are established in law for emergency situations are likely to constrain people. We must be careful to achieve a balance. As I said, having been through the bill in some detail - I received a good briefing on it - I am reasonably comfortable that a balance has been struck. However, I will raise some matters with the government. It is fair to say that this legislation will assist in dealing with an emergency. However, I note that the second reading speech states that the bill -

... provides the framework for the state to mitigate against, prevent, prepare for, respond to and recover from incidents of a large scale or catastrophic nature.

I query how a management bill can prevent an emergency. It can certainly help us plan for an emergency situation and allow us to put contingency plans in place. It could probably prevent an emergency escalating. However, it certainly cannot prevent an emergency situation from arising. By its very nature, an emergency situation is usually unforeseen or is predicted only to a certain extent. I do not see how this bill can prevent such situations from arising. The bill is drafted to deal with both man-made and natural disasters and emergencies. I note that the second reading speech, which is fairly enthusiastic in its tone, places a lot of emphasis on international events and the threat of terrorism. Again, the Greens (WA) always find this sort of language alarmist. As much as we acknowledge the dangers of acts of destruction and terror, it is also very important not to overplay that card. Known risks and likely increases in risks are very much centred around so-called natural disasters, but many of these natural events are being exacerbated by human activity. I refer particularly to increases in dramatic weather events as a result of global warming. All members are very aware of recent circumstances in the southern states of America, and in New Orleans in particular. As mentioned by other members, that event of catastrophic proportions was driven by weather.

While dealing with these hazard and natural disasters, it is worth noting that climate change driven natural disasters are forecast to cost the world's financial centres as much as \$150 billion a year within the next 10 years, according to the United Nations' environmental program financial initiative report. Between 1950 and 2003, there has been a massive increase in major weather-related natural catastrophes. Between 1994 and 2003, there were almost three times as many weather-related catastrophes as occurred in the 1960s. If members are interested in statistics in the likelihood of natural disasters - this is relevant to debate on emergency planning - and if we want to understand the probability of certain events, members should refer to an excellent presentation made by a representative of the Insurance Australia Group at an event organised by the government's Western Australian Greenhouse Strategy office a few weeks ago. Some extraordinary statistics were presented about the likelihood of not only increased frequency in, but also increased intensity of, storm events in Australia, whether that be cyclones, associated floods or dangers of severe storms and tornados, such as those we are beginning to experience in the south west of the state. For that reason alone, the likelihood of a severe weather events affecting Western Australia is statistically on the rise, which undoubtedly is linked to ongoing global warming factors. Therefore, this sort of emergency management legislation has a place; the Greens accept that.

It is important to understand that this bill deals with a range of hazards. Clause 3 reads, in part -

"**hazard**" means -

- (a) a cyclone, earthquake, flood, storm, tsunami or other natural event;

I note that this bill was introduced in the previous Parliament, but its passage was interrupted when Parliament was dissolved. The Indian Ocean tsunami occurred at the end of last year. I note that "tsunami" is now included specifically in the list of hazards, which was not the case with the earlier version of the bill. The clause continues -

- (b) a fire;
- (c) a road, rail or air crash;
- (d) a plague or an epidemic; -

I do not know whether other members saw *Lateline* last night and the discussion about the potential for an avian flu pandemic in Australia. It was a sobering presentation by Tony Abbott about the preparations currently under way for the possibility of such an epidemic. It got me thinking specifically about this legislation. It was suggested that there was a 10 per cent chance that such a pandemic could occur in Australia. It is important that this legislation has the capacity to deal with such horrors. I was particularly interested that "hazard" is also defined as follows -

- (e) a terrorist act as defined in *The Criminal Code* section 100.1 set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth.

That caused me to visit that commonwealth act to see how terrorism is defined. The Australian Greens opposed that legislation when it passed the federal Parliament, and we still have some concerns about the definition of terrorist act. For members' information, the schedule in the commonwealth Criminal Code Act 1995 on page 95 reads -

**terrorist act** means an action or threat of action where:

- (a) the action falls within subsection (2) and does not fall within subsection (3); and
- (b) the action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and
- (c) the action is done or the threat is made with the intention of:
  - (i) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or
  - (ii) intimidating the public or a section of the public.
- (2) Action falls within this section if it:
  - (a) causes serious harm that is physical harm to a person; or
  - (b) causes serious damage to property; or
  - (c) causes a person's death; or
  - (d) endangers a person's life, other than the life of the person taking the action; or
  - (e) creates a serious risk to the health or safety of the public or to a section of the public; or

This is the paragraph about which I have some concerns -

- (f) seriously interferes with, seriously disrupts, or destroys, an electronic system including, but not limited to:
  - (i) an information system; or
  - (ii) a telecommunications system; or
  - (iii) a financial system; or
  - (iv) a system used for the delivery of essential government services; or
  - (v) a system used for, or by, an essential public utility; or
  - (vi) a system used for, or by, a transport system.
- (3) Action falls within this subsection if it:
  - (a) is advocacy, protest, dissent or industrial action; and
  - (b) is not intended:
    - (i) to cause serious harm that is physical harm to a person; or
    - (ii) to cause a person's death; or
    - (iii) to endanger the life of a person, other than the person taking the action; or
    - (iv) to create a serious risk to the health or safety of the public or a section of the public.

That definition is not too bad. I am concerned when a definition of “terrorist act” includes damage to things like financial or information systems. That is very broad. The Greens (WA) will not oppose the fact that “terrorism” is defined in the state bill as under the commonwealth act. That approach makes the definition uniform, as it is how I assume the other states have dealt with the matter. However, the Greens still have some concerns that that is a very broad definition of an act of terrorism.

**Hon Jon Ford:** This bill is designed to deal with the results; it is not proactive other than to plan for emergencies.

**Hon GIZ WATSON:** Why is it necessary therefore to go to the length of providing that definition?

**Hon Jon Ford:** As we said, it is to be consistent with definitions from other jurisdictions.

**Hon GIZ WATSON:** I assumed that. Given the speed with which the commonwealth legislation was introduced, and that that definition is all encompassing, I am somewhat uncomfortable about including it in the state statutes. Nonetheless, that is what we have; we will not die in a ditch over it.

I seek a response from the minister on whether this legislation will deal with an emergency resulting from an accident on a visiting nuclear-powered or armed vessel that is moored out of Fremantle. In light of this issue, I looked for the current Fremantle Port Authority safety plan for such an emergency. The issue has been raised of what exactly is in place to deal with an emergency that might arise on a visiting United States warship, for example, because of a faulty reactor or a defective warhead. As we know, the US Navy neither confirms nor denies the presence of nuclear warheads on its vessels. Would this emergency management plan also deal with those sorts of foreseeable emergencies? The Fremantle Port Authority web site does not mention any contingency for accidents involving radioactive material. That is interesting because I have read a document, inadequate as it is, but it might not now be operational or part of the Fremantle port’s safety plan. The port safety plan that I have read contains no contingency for any evacuations in the event of a nuclear accident aboard a nuclear-powered or armed vessel. Will this emergency management framework provide for such an emergency? I understand that it is Australian Labor Party policy to not support visits of nuclear-powered or armed vessels to Fremantle. Not allowing them to visit would be one way of ensuring an emergency does not arise.

**Hon Jon Ford:** It is a commonwealth issue.

**Hon GIZ WATSON:** They are not in commonwealth waters when they are in Gage Roads. I suggest we get those ships to park much further away - in the US, for example.

In his second reading speech, the minister states -

The Bill makes provision for powers to address gaps in the existing legislative authority of emergency management agencies that have limited the ability of the responsible agencies to take appropriate action to ensure the safety of people and minimise damage to property.

Can the minister provide specific examples of when those gaps have been a problem. I have not heard of any specific evidence that the existing arrangements have caused problems other than the issue of liability insurance coverage for emergency workers. It seems to me that emergency situations have been well responded to. I am loath to legislate for a process unless there is a clear need for doing so. We have a very laudable and good system in WA under which the community responds to emergency situations cooperatively. If some procedures are prescriptive in legislation, there is a danger of undermining that sort of cooperation. However, I accept that it is important to clarify who has authority and how it can be used. I am interested in some examples of those gaps, if there are any.

Another issue that has been raised with me and that other members have raised is the concern some local authorities have expressed through the Western Australian Local Government Authority that the legislation will add to their costs. I discussed that in a briefing and I phoned the WA Local Government Authority, but none of its members has returned the call; therefore, their lack of response indicates that they are not terribly anxious about the matter. I understand local authorities provide quite a lot of cooperation and assistance under the present arrangement. I have heard the argument that this is not an additional impost to what occurs under the cooperative arrangement to date.

Clauses 61 and 62 provide for the identification of authorised officers. Wherever possible, people who are given authority under this legislation will be issued with identification. I support that because in an emergency situation it is important to know that the person giving instructions has the appropriate qualifications and is authorised to give instructions. If an emergency system is to be established under a legal framework, it makes sense to provide people with ID who are authorised to direct people to leave their house, hand over their car or whatever. That would be one good thing about formalising these arrangements. There is a tension. The coordinator will not always have time in an emergency situation to provide identification cards to all the people he wants to authorise. The bill contains a mixture of authorisation. Clause 61 states that authorisation can be given orally or in writing, but if given orally, it must be put in writing as soon as practicable. Clause 62 deals with the identification of authorised officers and states that the State Emergency Coordinator may issue an identification card to an authorised officer. The coordinator should do that; that should be the default position. Whenever possible, an authorised person should be identified. Authorised officers may need to direct people to do things that they might be reluctant to do, such as leaving their homes or handing over their

car keys, and those people need to know that they are dealing with someone who is authorised to issue those directions. The clause leaves quite a lot of room. For example, clause 62(2) states -

An authorised officer should -

- (a) carry his or her identification card while performing functions under this Act; and
- (b) if it is practicable to do so, -

That is the bit I have some problems with -

produce it before exercising a power of an authorised officer under this Act.

If an authorised officer has a card, he should carry it and show it. Otherwise, what is the point of going through that process? It has been suggested to me that the words "if practicable" must be included because we are dealing with emergency situations and there might be some reason that an authorised officer cannot show an identification card, such as if he does not have it with him. In that case we might as well get rid of the clause. Oral authorisation will be able to be given, so a person so authorised will not have ID. I was somewhat inclined to delete that clause because it was -

**Hon Ken Baston:** Wishy-washy.

**Hon GIZ WATSON:** Yes, because the authorised officers do not have to have a card, and if they do have to have it, they do not have to show it.

**Hon Jon Ford:** The intention is for as many people as possible who are identified in local plans to have the cards. I will outline some situations in which some problems would be caused if you were prescriptive.

**Hon GIZ WATSON:** I understand. The clause is too rubbery to have much effect, because it basically says that if a card can be provided, it will be, and that if it is practicable to show it, it will be shown. The clause does not have a lot of impact.

Clause 66 relates to obtaining identifying particulars. The bill makes reference to and provides the powers prescribed under the Criminal Investigation (Identifying People) Act 2002, which drew my attention. Clause 66(1) states -

The office of hazard management officer is prescribed for the purposes of the *Criminal Investigation (Identifying People) Act 2002* and any holder of that office may exercise the powers in Part 3 of that Act during an emergency situation.

Subclause (2) states that the office of authorised officer is prescribed in the same way. What concerned me was that, having been part of the debate on the Criminal Investigation (Identifying People) Act, I knew that those powers were quite broad and the penalties quite strong. Section 16 of the Criminal Investigation (Identifying People) Act 2002, which is headed "Officer may ask for name, address, etc." states -

- (1) In this section -
  - “**Personal details**”, in relation to a person, means -
    - (a) the person’s full name;
    - (b) the person’s date of birth;
    - (c) the address of where the person is living;
    - (d) the address of where the person usually lives.

That is not a problem. However, the next bit states -

- (2) If an officer reasonably suspects that a person whose personal details are unknown to the officer -
  - (a) has committed or is committing or is about to commit an offence; or
  - (b) may be able to assist in the investigation of an offence or a suspected offence, -

It does not need to be an identified offence; it can just be suspected -

the officer may request the person to give the officer any or all of the person’s personal details.

- (3) If an officer reasonably suspects that a personal detail given by a person in response to a request is false, the officer may request the person to produce evidence of the correctness of the detail.
- (4) A person to whom a request is made under subsection (2) or (3) may request the officer making the request to identify himself or herself.

That could be interesting if the officer does not have his card with him, and goes back to the clause I was just discussing. It continues -

- (5) An officer who is requested by a person to identify himself or herself must do so.

- (6) A person who, without reasonable excuse, does not comply with a request made under subsection (2) or (3) commits an offence.

Penalty: Imprisonment for 12 months.

That is a high penalty. My concern is that it is not clear that these powers, which also deal with a situation in which someone is suspected of an offence, will be limited to the offences contained in the bill. The way it reads is that it could relate to any law of the state. The Criminal Investigation (Identifying People) Act relates to police powers and criminal matters. My issue with clause 66 was that these powers should relate only to hazard management officers and authorised officers who are carrying out these particular emergency management powers. I understand that the government has accepted the need to clarify this matter. I am pleased that a couple of amendments are standing in the name of the minister on the supplementary notice paper. We will clearly support that clarification.

The only other point I raised on the bill during the briefing concerned clause 72, which relates to the exchange of information. I understand that this clause will ensure that relevant information can be shared with other relevant agencies, such as the Australian Red Cross or other voluntary or non-government organisations that are likely to become involved in an emergency situation. Clause 72(1) contains a definition of "relevant information". Paragraph (a) refers to the personal details of a person. Clause 3, which is the definition clause, provides a definition of "personal details", being a person's full name, date of birth, the address of where the person is living and the address of where the person usually lives. That is all fine, but it struck me that relevant information ought to include a photograph, because if people are missing, one of the first things that is useful to exchange, whether it be on web sites or by other means, is visual identification. I note that clause 72(1)(d) provides a catch-all provision of information of a kind prescribed by the regulations. I understand that, at this stage, the government does not wish to add an additional point to the definition on photographic information; it would rather think about that a bit more. Of course, that matter could be dealt with by way of regulation. Clause 72(1)(d) could, at a later date, enable a photograph to be included as relevant information by way of regulation. It was a helpful suggestion. I did not want the bill to be limited in a way that meant that relevant information, including a photograph, could not be circulated. I urge that issue to be part of the matters that are considered. I look forward to the committee stage of the debate. The Greens (WA) will support the bill.

*Sitting suspended from 6.00 to 7.30 pm*

**HON HELEN MORTON (East Metropolitan)** [7.30 pm]: I am concerned that some of the sentiments expressed in the second reading speech of the Emergency Management Bill 2005 cannot be backed up by the government. Hon Giz Watson talked about some of the big-ticket items that will be addressed by the bill. Hon Robyn McSweeney talked about local issues in the south west area, while Hon Ken Baston talked about local issues in the mining and pastoral area. I will raise issues pertinent to the east metropolitan area.

The second reading speech states -

In Western Australia there are other more frequently occurring and predictable natural and technological emergencies. The bill supports the government's response to these hazards, including tropical cyclones, bushfires and floods.

It continues -

Emergency management is a vital element of community safety, which is a key priority of this government.

People in the east metropolitan area are completely surrounded by hills with lots of forests and orchards. The biggest natural emergency they are likely to face is a fire. I will highlight the government's record in responding to fires from a statewide point of view. The government's record is detailed in the Productivity Commission's "Report on Government Services 2005". In particular, I will consider the fire services in that report. The introduction of the report indicates that, in 2003-04, Western Australian fire services attended 25 705 incidents of which 53.9 per cent were fires and 46.1 per cent were other emergencies and incidents. Fires within or involving a structure were the least attended type of fire for all jurisdictions, except the Australian Capital Territory. In Queensland, Western Australia, Tasmania and the Northern Territory, the highest proportion of fires attended were landscape, bush and grass fires. In other words, householders pay the emergency services levy when the reality is that most fires in Western Australia do not involve a structure. In fact, in 2003-04 Western Australia had the second lowest number of accidental residential structural fires after the Northern Territory. In the same year, Western Australia recorded the third highest number of total fire incidents attended by fire service organisations. It was just behind the Northern Territory and Tasmania.

The Productivity Commission's report also refers to the importance of volunteers, especially in rural and remote areas, and states that there has been a reduction in the number of volunteers in Western Australia over the past couple of years. In 2002-03, there were 23 608 volunteers. By 2003-04, that figure had decreased to 21 987.

The report also refers to response times. WA has the longest response time in the nation. Response times and containment of structural fires are indicators of the effectiveness of fire service organisations and their ability to respond to and suppress fires. The response time is defined as the interval between the receipt of a call at the dispatch centre and the arrival of a vehicle at the scene. The fiftieth percentile response time in 2003-04 was the highest in WA with

8.6 minutes. The lowest response time was 5.1 minutes. The ninetieth percentile response time in 2003-04 was second highest in Western Australia with 16 minutes, while Tasmania recorded the highest with 16.6 minutes. For major cities, the fiftieth percentile response time in 2003-04 was again the highest in Western Australia with eight minutes. It was also the highest in remote areas at 13 minutes. For major cities, the ninetieth percentile response time in 2003-04 was highest again in Western Australia at 12 minutes. For outer regional areas, it was also highest in Western Australia at 23 minutes. For very remote areas it was again the highest in Western Australia at 60 minutes.

Western Australia also has the second lowest level of direct government funding for fire and emergency services. The lowest level is in South Australia. Funding is seen as a percentage of total funds spent on fire and emergency services. In other words, the government has transferred its fire service funding responsibilities to the householders of Western Australia. Expenditure per person is included as an output indicator of governments' objective to deliver efficient emergency management services. The indicator is defined as fire service organisation expenditure per 1 000 head of population. Nationally, the total expenditure on fire service organisations per 1 000 head of population in 2003 was \$81 352. Across jurisdictions it ranged from \$119 140 in the ACT to \$57 232 in WA.

The fire injury rate is also recorded in the report. The three-year average fire injury rate was highest in Western Australia. The fire injury rate is an indicator of governments' objective to minimise the adverse effects of fire on the Australian community. Fire injuries are represented by hospital admissions. Fire injury rates are volatile over time, given the small number of fire injuries. To overcome data volatility, a three-year average fire injury rate is reported. Nationally the three-year average fire injury rate for 2001-2003 was 14.5 per 100 000 people. Across jurisdictions, Western Australia had the highest three-year average fire injury rate of 18.3 per 100 000 people, with Victoria the lowest at 10.3.

Losses from structure fires are considered, again, as a measure of efficiency. The real median dollar loss increased in Queensland and Western Australia in 2003-04 and decreased in all other jurisdictions. The median dollar losses from structure fires are included as an outcome indicator of the government's objective to minimise the adverse effects of fires on the Australian community. This indicator is defined as the median dollar losses from structure fires adjusted for inflation. Lower median dollar losses represent a better outcome and, as I said, across jurisdictions this increased in Queensland and WA while all other jurisdictions decreased. So here we have a government introducing an emergency management bill to tackle terrorism and other big-ticket items, saying that community safety is a key priority. I have just said that the evidence indicates something else.

I will go on to comment on the part of the second reading speech that stated the government depends upon and values its volunteers. The second reading speech said, equally, that this bill also provides even more protection to volunteers. Western Australia relies heavily on volunteers from a wide range of organisations, not only the emergency services, in responding to and recovering from emergencies. I have already mentioned that the number of emergency services volunteers has reduced.

I want to show members an advertisement that appeared in the *Hills Gazette* on Saturday, 10 September. It is a half-page advertisement that was paid for by the Mundaring volunteers. It states across the top -

**MUNDARING VOLUNTEER FIRE BRIDGE IS CONCERNED FOR SAFETY OF LOCAL COMMUNITY  
AFTER MINISTER BACKS DOWN ON HER WRITTEN PRE-ELECTION PROMISE**

The advertisement contains a photocopy of a letter written by the honourable Minister for Police and Emergency Services to Ms Jaye Radisich, the member for Swan Hills, and reads -

I am writing to advise that contrary to reports in the media, no re-location of the Mundaring Volunteer Fire and Rescue Brigade will occur unless any new location allows the brigade to maintain its response times.

On the basis of the representations that you have made to me, I have made this decision to ensure the long term viability of the Brigade, and to support the current women and men who volunteer to protect the local community in Mundaring.

As per your request, I have arranged to meet the Captain of the Brigade Peter McMahon this week to assure him that the final decision will be made in accordance with this principle.

Please be assured that I value the hard work of our fire and rescue volunteers.

It was signed "Michelle Roberts". One part of the letter states in handwriting -

In light of recent discussions in the community, I thought you would be interested to receive this information.

Jaye Radisich

This letter was photocopied many times over and placed in letterboxes throughout the Mundaring community in a letterbox drop three days before the last election. The advertisement then notes seven points that the volunteers are concerned about. It states -

The Minister's letter was a result of the petition being signed by concerned community members one week prior to the last election.

The volunteers had more than 2 000 signatures on that petition one day before the minister wrote the letter. The points go on to state -

1. Minister's back down shows lack of support for community safety and "the women and men who volunteer to protect the local community in Mundaring."
2. Response times will not be able to be maintained if brigade is forced to move to industrial area. FESA originally agreed that the industrial area site was unsuitable due to sharp increase in response times.

The advertisement goes on to refer to a number of other issues and concerns expressed by the volunteers at Mundaring.

I reiterate that first point -

1. Minister's back down shows lack of support for community safety and "the women and men who volunteer to protect the local community in Mundaring."

What led to this appalling situation in which the volunteer fire brigade staff paid for their own half-page advertisement at a cost of \$997, the same volunteers about whom Michelle Roberts wrote in her letter? She said -

As per your request, I have arranged to meet the Captain of the Brigade Peter McMahon this week to assure him that the final decision will be made in accordance with this principle.

What led to this appalling situation is that Minister Michelle Roberts sold out the Mundaring volunteer fire brigade after a stunning act of deception to sway voters at the last election. The Minister for Police and Emergency Services wrote to Jaye Radisich six days before the election saying that contrary to reports in the media, no relocation would take place unless the new location allowed the brigade to maintain its response times. Three days before the election, Jaye Radisich distributed copies of this letter to the letterboxes of Mundaring residents. Five months later the Mundaring fire and rescue brigade found out that action to relocate it to an industrial block out of town had continued, with the minister's support, despite the fact that the move will double the service's response time. The 22 volunteers were originally thrilled to get the news prior to the election that they would not be forced to move to the industrial site, and they put aside the petition that already had 2 000 signatures. When the volunteers found out that they had been tricked into not continuing with their petition, they were devastated, many wanting to drop out of the brigade. The deception by the minister and the local member of Parliament, Jaye Radisich, has left the brigade members feeling angry and distrustful of any further assurances that may be made to them.

The Fire and Emergency Services Authority of Western Australia owns land in the townsite of Mundaring, to which the Mundaring volunteer fire brigade and the communications centre were due to relocate. The Shire of Mundaring offered huge financial incentives to FESA to use a block in the industrial site instead, and the shire went ahead and bought that land. The State Emergency Service has a block of land and is already located in the industrial site and wants to stay there. The Mundaring volunteer fire brigade and the SES believe that they are being bullied into accepting an outcome that is far less acceptable. The block of land in the middle of Mundaring townsite is the same size as the land in the industrial area, but because the one in the townsite has had easements increasingly placed on it, it is now considered that the land is not big enough for the co-location of services there. As was indicated by Peter McMahon in his comments in the advertisement, FESA initially agreed with the volunteers that this site in the industrial section was not suitable. However, when the Mundaring shire made money available to entice the volunteers there, the chief executive officer of the Fire and Emergency Services Authority said that he could not walk away from that sort of money. How much are we talking about? The total cost of the proposed new facility is \$920 000 and the shire has agreed to contribute 50 per cent of that amount, conditional on the Fire and Emergency Services Authority using the site in the industrial centre. No wonder the fire and emergency service people feel they are being bullied.

**Hon Graham Giffard:** Why did FESA say it would not support the industrial estate site?

**Hon HELEN MORTON:** The volunteers?

**Hon Graham Giffard:** You said that FESA originally -

**Hon HELEN MORTON:** Because of the increased response times.

**Hon Graham Giffard:** Did FESA say that?

**Hon HELEN MORTON:** It did originally but the money made the difference. As a result, the Mundaring volunteers feel that the standards they want to maintain are being sold out for the sake of \$460 000.

**Hon Graham Giffard:** Who did they say that to? You said the FESA chief was reported as saying they couldn't -

**Hon HELEN MORTON:** He said that to the volunteers.

**Hon Graham Giffard:** Who said that?

**Hon HELEN MORTON:** Peter McMahon. At all times the Mundaring volunteer fire brigade has been concerned only about maintaining those response times and about community safety. The volunteers undertook some trials and

they provided the results to the minister. The trials proved that their response times from the new site would blow out from the current seven and eight minutes to 13 and 14 minutes. As I said, they provided that information to the minister in support of their concerns. FESA also undertook its own response time trial. Interestingly, FESA did not bother to provide that information to the volunteers. When a question was asked in this house about why that information had not been provided to the volunteers, the response was along the lines that they did not ask for it. That was a pathetic response. FESA claimed to have undertaken valid response time trials, yet it did not bother to provide the results to the volunteers. The volunteers are not sure what method of trialling was used. Even the trial times undertaken by FESA representatives showed an increase in response times. At no time was it ever suggested by the Minister for Police and Emergency Services or FESA that the Mundaring volunteer fire brigade response time could be maintained at the new site. The indication has always been that it would increase. The FESA volunteers are unsure about many elements of the FESA-trialled response time. In an effort to ease the situation, the minister has indicated that an extra road would be built in the Mundaring area to link parts of the township with the industrial area. However, when the volunteers have sought confirmation from the minister and local government that the road will be built, assurance has not been forthcoming. At this stage, the road will be a single-lane, gravel track, and neither the minister nor the local government will guarantee that it will remain open.

Given the level of distrust between the minister, FESA and the local fire brigade, is it any wonder that the volunteers feel they are being tricked again? In the process of showing goodwill, they have participated in consultation to help design the new building regardless of whether it will be located on the industrial site or on the FESA site in town. The volunteers have sought to participate in the design of the building to ensure the outcome is a building into which they have had some input. However, short of backing away from any further input into the building, they are now faced with the fact that their input into the building design is being taken as their agreement to its construction on that site, even though they have stated clearly that they want input into just the design of the building regardless of its location.

I reiterate the minister's comments about volunteers in the second reading speech. It reads -

Equally, this bill also provides more protection to volunteers. Western Australia relies heavily on volunteers from not only the emergency services but also a range of organisations in responding to and recovering from emergencies.

This group of volunteers in Mundaring undertook 115 call-outs in 2004-05, an increase from 82 the previous year. They are incredibly proud of their response time to an emergency of seven to eight minutes. Nothing will make them accept a blow-out in that response time to 13 or 14 minutes. That response time would bring their times down to worse than the state's average. The response times from the industrial site, even with the extra road, are still above their current time of seven to eight minutes. As I said, if they accept that site and that road is closed, it will make their response times equal to the worst times in the state. No wonder they paid \$997 for a half-page advertisement in an effort to get the minister to understand their concerns. The advertisement in the *Hills Gazette* reads in part -

4. Since the Minister's broken promise, Local MLA Jaye Radisich has not responded to our call to her office to arrange a meeting. -

This has been going on for five months -

5. Recent letter from the Shire to the brigade threatens to remove Mundaring Volunteer Bush Fire Brigade vehicle to industrial area if the brigade does not move.

Threats are now being made in the form of blackmail of some sort or another. It continues -

This would leave parts of Mundaring and Mahogany Creek without a dedicated bush fire vehicle.

The volunteers will not move; only the vehicle will be moved. It continues further on -

7. The FESA owned block in the centre of town is ideal for a fire station. Shire has said they will not support funding of a building on this block. Any future permanent fire station will not be located there.

It is a misunderstanding of monumental proportions. For whatever reason, the minister is unable to understand the importance of response times to the volunteers. They provide a benchmark for their efficiency and they motivate them to participate in their weekend training programs. Their teamwork in striving to maintain low response times engenders their camaraderie and fosters the spirit and the energy they need for their voluntary work. It motivates them to immediately drop their tools at their place of work and respond to calls to attend an emergency in the community. It is not possible for them to accept an outcome that will double their response times so that they become the worst response times in the state. I reiterate my opening comments: this bill has potential but one hopes that its implementation will match the government's rhetoric, because the government's record on fire and emergency services compared with that in other jurisdictions is extremely poor. Based on my experience of how the volunteers are being treated in Mundaring, on a local level, the government's record is equally poor.

**HON BRUCE DONALDSON (Agricultural)** [7.59 pm]: The opposition supports this bill. It has triggered memories of what occurred in the very early 1980s, prior to when a cabinet minute was drafted to establish a framework for

emergency services. Local government was then encouraged to send people to Mt Macedon in Victoria. I cannot think of the college we went to - someone may be able to help me - but a group of us were flown over and we met other people from around Australia. The idea was for local government to set up disaster management plans. Some of the local government authorities were representing large cities and ports, but I had to sheepishly admit that in poor little Koorda there were approximately 900 people, we were situated right out in the bush and our greatest fears were bushfires and earthquakes. People were very interested because we were not very far from where the Cadoux earthquake or the Meckering earthquake occurred. There have been a couple of earthquakes at Cadoux, which is east of Wongan Hills. When we came back, a member of the council picked up this planning idea and plans were sent in by each individual council. We funded the State Emergency Service building and even purchased the trailer and a four-wheel drive out of council funds, and that was the start of the SES in Koorda.

This legislation has had a long gestation period with a loose-net framework, with policy rather than any legislative effect. I guess this bill introduces the necessary legislation. There is confusion in my own mind about where this bill picks up the big-ticket items, which is how Hon Helen Morton referred to them - tsunamis, tropical cyclones and bushfires. I do not know what is meant by bushfires. Does it mean a bushfire in a forest, a CALM reserve or in the Mundaring catchment area, or does it mean a bushfire in pastoral or rural areas? When will the FESA act come into being? Local government has a responsibility. I am sure this will be clarified.

**Hon Jon Ford:** I asked the same question.

**Hon BRUCE DONALDSON:** I am delighted, because I felt a bit vague about all this and thought that maybe I had it wrong. I am glad that the minister also had to ask the same question, and I am looking forward to hearing the answer, because this is slightly confusing to the wider community.

I cannot remember the year - it was after 1985 - but there was a very large fire at Cervantes and the police and other government agencies were located in a building with a caravan outside. The fire was bearing down on Cervantes and was sufficiently large to have cut the road, preventing access into or out of Cervantes. With good intent, one of this group of people decided to commandeer all MetroBus buses in Perth at that time and take them to Cervantes to bus the people out. There was one failing with that idea: the buses could not get in and they certainly would not have been able to get out. The locals decided that they were not going anywhere; they could not even get their own vehicles out. They were very concerned because of the howling wind and the amount of bush close to Cervantes; they thought there would be serious problems. The locals decided that they would walk into the ocean as far as they could go. There is quite a good area of beach at Cervantes. I know what I would have done: I would have gone into the water; I would not have worried about trying to drive out of the place. One of my friends from a government agency was there and he said it was interesting to see the conflict between different people because it was such a loose arrangement. Nobody was in control. One person wanted to get all of the buses up to Cervantes and bus the people out; another person said that that was a ridiculous idea, and things became very heated. They left the building and went outside, and this person told me afterwards that he thought it was going to come to a punch-up. Nothing was set in place to make sure that there was a coordinated response to a major emergency.

The volunteer network has been mentioned, because it is pretty important. Hon Helen Morton mentioned quite a bit about the volunteers. The Legislative Assembly Community Development and Justice Standing Committee presented its report No 2 of the thirty-sixth Parliament on Thursday, 7 November 2002. That report referred to the contribution by volunteers and emergency services, and it stated -

- There are at least 250,000 active volunteers in Western Australia;
- One in five adults contributes a total of more than 46 million hours of unpaid work;
- Costed at the minimum adult wage of \$11.35 per hour -

That was in 2002; I am sure it has changed -

and worked on about 3.5 hours per week, their contribution provides more than half a billion dollars worth of service every year to the Western Australian community; and

- About 10 per cent of these, or 25,000 people, work in emergency services.

I know from having done a report on the ambulance service in Western Australia a few years ago that over 2 000 of those ambulance officers are volunteers. I cannot remember the figure, but we tried to work out what it would mean if that volunteer network stopped and we had to pay people. The government would be up for millions and millions of dollars to keep that service if St John Ambulance was not there to do it. We all know the value of what volunteers do.

Some major catastrophes have occurred in Western Australia. The report referred to the disastrous Moora floods that occurred a few years before this report No 2 was presented. The report states -

*When the disastrous Moora floods occurred a few years ago, FESA and the State Emergency Service acted as a hazard management authority. However, the people did not look to the SES for guidance during that disaster; they looked to local government. It is important that our legislation clearly outlines that there is a role for the State Government and a role for local government.*

That statement was made by Mr Bob Mitchell, the then chief executive officer of the Fire and Emergency Services Authority. The report continues -

This view was supported by the Moora Shire President -

The late -

Mr Mike Bates, who told the Committee that:

*As far as I am concerned, it is essential that local government be involved at the recovery stage, first, because of its local knowledge and, second, because of the respect that the community has for local government. You must understand that there is a hierarchy in all communities. The local government is the hierarchy, as it were, of the local community. Somebody who is an accepted peer will be shown more respect than somebody who is forced on the local community. That is the local government's role.*

That has been clearly indicated in this bill. Some amendments made in the other house protected people from the costs of insurance, compensation and so on. I am sure the minister has read this report from front to back, but he may be interested to be reminded that when the committee went to Port Hedland it was told that the entire State Emergency Service organisation in Port Hedland was voluntary. The report states -

The emergency coordinator works 50 hours per week, and her deputy, in addition to his full-time employment works a further 30 hours.

Additionally, the organisation's members have to fund raise for equipment and many use their annual leave for training courses. Without this level of commitment and hours worked, the State could not afford to effectively operate emergency management arrangements.

Anyone who has lived in the country would understand that. However, it was good for a committee to go up there and to report on what it found. The report is an eye-opener. People from country areas are fully aware that people not only give up their time, for example for the ambulance service, but also make lamingtons and rattle tins to raise funds so that they can get further funding from Lotterywest to purchase a second-hand ambulance from St John Ambulance. They also rattle cans to raise money to meet the high maintenance costs of those vehicles. With a car, people usually wait until the fanbelt has broken before they change it, but with ambulances, the belts and hoses must be replaced every six or 12 months because the ambulance officers cannot afford to blow a radiator hose or something else when they have a very ill person in the back of an ambulance. They have a high-cost maintenance program.

One issue that is of concern to me is the number of management procedures that are being put in place. I say that because such things sometimes become a little top-heavy. The bill provides for designated management committees, a State Emergency Coordination Group, hazard management groups, a State Emergency Management Committee, a State Emergency Coordinator and a State Disaster Council. It worries me that if we do not get the coordination of these services right, there will be a problem. The more people who are put on overarching committees, the more problems there will be, because people tend to look after their own patch and become very protective of it, because they see their role as being more important than the role that another committee may perform. That goes down to the level of local area management.

The bill possibly encourages some smaller local governments to take a more regional approach by allowing two or more local government authorities to come together and devise a plan for a region. Such local governments might have similar interests. For example, Wongan Hills and Koorda have both been affected by earthquakes. It is very important. A question was asked in the other place about whether any cost shifting would occur to local government to enable these plans to be produced and to do whatever is necessary. It is important that we recognise that.

Revenue from the emergency services levy has become quite huge. A lot of that money has been used to upgrade fire equipment. Local authorities have access to the new fire trucks, which has been most appreciated. However, the levy seems to be steadily climbing. I think there was a \$7 or \$8 increase in the cost of the levy for every household over the past 12 months. The levy will continue to increase as gross rental values increase, because that is how the levy is assessed. Quite a lot of money will be raised.

I hope that cost shifting does not occur for the plans and reporting. I do not know about that. The minister might be able to tell me. The government may feel that at this stage it should wait to see whether additional costs will be placed on local governments to implement some of the necessary changes or whether their responsibilities will increase. If that is the case, we may need to look at some sort of funding down the track. I hope that will occur if that happens.

We have a problem with fire and emergency services, especially with the volunteer network. There are some concerns because occupational health and safety issues have been raised. I grew up using the drop-on firefighting units on the back of four-wheel-drives and on trailers. They have been a part of rural life. For example, at harvest time farmers move their headers, trucks and bins etc. One of the first things they move into the paddock is the firefighting trailer or vehicle that is set up with water, pumps - the lot. When farmers see smoke somewhere, the first thing they do is grab knapsack sprays, overalls etc, which they always have with them, and away they go. They get on the two-way radio

and find out where the fire is and, if it is not far away, they sometimes tow their trailer or whatever it might be to the fire to help out. That has been the backbone of rural bushfire fighting. An occupational health and safety issue arose when a truck rolled on the Wanneroo-Lancelin road in a bad fire. It was tragic; a person was killed. The slip-on unit on the fire truck had moved. I understand that that could have been part of the reason that the tragedy occurred. Drop-on units are no longer recognised. That in itself is not very conducive to the volunteer network, because I cannot remember anybody being injured in country Western Australia by the farm-based slip-on units when fighting fires. That is now causing a small problem.

I do not know the provisions under which volunteers are covered by insurance when they fight a fire, and whether it is under the Fire and Emergency Services Authority of Western Australia Act. I note that that has been extended to clause 101. The explanatory memorandum to the bill states -

This clause empowers the Governor to make regulations to require a Hazard Management Agency, combat agency or support organisation to insure volunteers for compensation for injury caused to them whilst carrying out emergency management activities.

Although it is understood that the insurance policies of Government departments/agencies and local governments include cover for volunteers, there are few legislative requirements to do so. (The *Fire Brigades Regulations 1943* and the *Bush Fires Act 1954* include such requirements.)

Extensive consultation will be required with stakeholders in the drafting of these regulations.

At the end of the day, the devil will be in the detail. It is stated somewhere that the organisation is responsible for ensuring that insurance issues are addressed. I cannot find the reference at the moment, but I will ask that question during the committee stage. If, for example, people go out with the local State Emergency Service team and help with a major catastrophe, does the requirement to ensure that those people are insured rest with the local government, the government agency or the State Emergency Service, or does it fall under the Fire Brigades Act? I was a bit unclear about that point, but I will ask that question during the committee stage.

**Hon Jon Ford:** Is it clause 101(4)?

**Hon BRUCE DONALDSON:** It could be.

**The DEPUTY PRESIDENT (Hon Ken Travers):** The minister should wait until the committee stage to give the member some help!

**Hon BRUCE DONALDSON:** He was only trying to help.

**The DEPUTY PRESIDENT:** I realise that the minister was only trying to help, but he will have that chance at the committee stage.

**Hon BRUCE DONALDSON:** We will find it and then I can ask who is responsible for taking out that insurance.

A number of issues have been raised with me by local governments. Some of those issues have been addressed in the amendments that were made to the bill in the other place. Their greatest concern was with insurance and compensation issues, because they knew that they would be covered for fighting fires under the fire brigades and Fire and Emergency Services Authority of Western Australia legislation when they were authorised to do so. Another issue that confuses me is that certain sections of the Fire Brigades Act pertain to local government. One section relates to fire weather warnings, the movement of vehicles in paddocks, the issuing of summonses when fire breaks have not been constructed, and the issuing of permits for the lighting of fires in the unrestricted period. I presume that all those functions will remain as they are in the other acts. Does the Emergency Management Bill relate more to terrorism, tsunamis, major bushfires, earthquakes, floods -

**The DEPUTY PRESIDENT:** Air crashes.

**Hon BRUCE DONALDSON:** I thank you for that help, Mr Deputy President. It is air crashes. That is quite true. I need this help and it is very pleasing to receive it.

**The DEPUTY PRESIDENT:** I am surprised that Hon Bruce Donaldson forgot that one.

**Hon BRUCE DONALDSON:** I know what you were getting at, Mr Deputy President, and I was not going to bite.

**Hon Kim Chance:** It is clause 747!

**The DEPUTY PRESIDENT:** A320 in this bill!

**Hon BRUCE DONALDSON:** I knew that if I said air crashes, certain members in the house would burst out laughing at the fact that I would even consider that.

I support the bill, and especially some of the amendments that have already been made to it. We need coordinated arrangements for major disasters. Nobody wants a major disaster to happen. People train for those occasions. Some of the things that we were taught in the early 1980s at Macedon certainly would not relate to Western Australia. People hope to goodness that they never have to be involved in such a disaster, but we just never know, as we found out with

the bombings in London and Bali and a number of other acts of terrorism around the world. We are blessed in Australia. A lot of people are saying that it is a matter of when, not if. I hope they are wrong. We have border controls but we will never be able to stop such an act; if somebody wants to do it, it will happen. If a disaster were to occur, we hope that, with a coordinated approach, we will be ready to move, that there will not be too much overlap and that people will know exactly what to do. They said that in London. The emergency services in London had not long completed an exercise, if I remember correctly. Their coordinated approach to the London Underground bombings was very smart and efficient. If they had not had some dummy runs and set up a coordinated approach, it may have been a lot worse.

I support the bill and I hope that the minister has taken on board some of the issues I have raised. During the committee stage, we will explore some of the issues that I still find a bit fuzzy.

**HON JON FORD (Mining and Pastoral - Minister for Fisheries)** [8.27 pm]: As has been said, this bill was first introduced in the Assembly in 2004 after extensive initial consultation. The legislation then went through a committee stage, which involved more consultation. It suffered because of the political time frame and then the Parliament was prorogued. However, consultation continued. That enabled the government to insert in the bill extra definitions and extra provisions designed to address issues that were topical at the time, such as tsunamis and other such events. The legislation was again introduced in the Parliament this year. I thank members for their contributions. I will endeavour to respond to as many of the issues as I can. I certainly invite, and I am sure that I will get, further questions to deliberate on during the committee stage, when I will have a number of experts to help me.

I will start at the end of the debate with some of the comments of Hon Bruce Donaldson, which might assist us as we go along. After reading the bill, it is easy to think that there is a danger that a huge conglomeration will be created, which would defeat the purpose of the bill; that is, to provide a strong, coordinated response to emergencies. To that end, I requested an organogram of the organisations. I always find that they are useful to see how organisations are constructed. The Emergency Management Bill 2005 creates two organisations: the policy and planning infrastructure organisation and the operational infrastructure organisation. The policy and planning infrastructure consists of the minister at the top of the structure, followed by the State Emergency Management Committee. Reporting to that committee are the emergency services group, the lifeline services group, the recovery services group, the public information group, the district emergency management committees and the local emergency services management committees. The State Emergency Management Committee has established a plan of repair for an efficient emergency management capability for the state. Its membership includes the chairman, the deputy chairman, the executive officer and a representative of local government, and other members appointed in accordance with the regulations.

The membership of the existing State Emergency Management Committee is the Commissioner of Police, the Chief Executive Officer of the Fire and Emergency Services Authority, the FESA executive director of emergency management services as deputy chairman, the executive officer, the chairpersons of the four functional groups - the emergency services group, the lifeline services group, the recovery services group and the public information group - and the directors general of the Department of Health and the Department for Community Development. I outline those matters because it is important that members understand the situation when I refer to them later.

Four subcommittees operate under that structure. The functional services group is one, and the emergency services group another, which comprises all the hazard management agencies operating under the chairmanship of the WA police. I will explain how that body is constructed in a minute.

The lifeline services group is another subcommittee, which comprises essential service organisations such as Western Power, Alinta, Main Roads and the Water Corporation, as well as the recovery services group, the Department for Community Development, the Insurance Council, the Disability Services Commission and local government. The public information management agency comprises organisations involved in the provision and dissemination of information to the public; for example, the Australian Broadcasting Corporation, the Media Entertainment and Arts Alliance and the Government Media Office. It is currently chaired by the Bureau of Meteorology!

Two other committee structures operate under the chart. First, the district emergency management committees are established in each management district, and their membership includes a chairman appointed by the SEMC, the district emergency coordinator and other emergency management agencies determined by the state emergency management committee in the district. There are 14 country and six metropolitan district emergency management committees under the current system.

The local emergency management committee is the last structure, and these committees are established by respective local governments. Membership and the chairman are appointed by the local government in question and the local emergency coordinator. There are 126 LEMCs covering 138 local governments, 55 per cent of which are chaired by local government representatives. The local emergency management committees were mentioned in a number of comments by members in this debate.

The structure I have outlined involves quite a big organisation. I show members a chart indicating the current organisation. This chart outlines the structure that is designed to respond to events. The first chart outlines the structure for planning, and the second response structure chart indicates a tight and lean operation, which is exactly what is

needed, and has probably been needed for a while, in such circumstances. Other jurisdictions around the world certainly need a lean structure to respond to incidents. Only one of the top two bodies of the State Disaster Council and the State Emergency Coordination Group will come into play in an emergency situation, depending upon the magnitude of the hazard or incident. This will be determined upon the recommendation of the State Emergency Coordinator, who, under this structure, will be the Commissioner of Police.

The State Disaster Council will be established when a state of emergency is declared. This council will provide for governance and timely decision making by the government at the time of a crisis. The Premier is the chair of this council, the minister responsible for the act will be deputy chairman, and the State Emergency Coordinator and other people and ministers will be appointed by the chair as necessary. The State Emergency Coordination Group will be established when an emergency incident is declared by the State Emergency Coordinator at the request of, or in consultation with, the relevant hazard management agency. The membership includes the State Emergency Coordinator as the chair; the chairman and executive officer of the State Emergency Management Committee; a representative of the relevant hazard management agency; a person representative of local governments in the area affected by the emergency; and such other members as are considered necessary by the SEC. Local government is represented at two levels; namely, at the top level in designing the actual structures, and at the local planning level. It is also involved in the response at a very high level by the State Emergency Coordination Group, and it may also be involved in actually responding to the incident.

The hazard management agencies will manage an emergency resulting from a hazard for which they are responsible. The combat agencies will assist the relevant HMA in responding to an emergency by performing an emergency management activity. Support organisations will offer support and response to, and recovery from, an emergency by providing support functions such as welfare or medical services, restoration of essential services etc.

With regard to hazard management agencies, Hon Robyn McSweeney gave the example of CALM. Depending on the location, CALM may be the hazard management agency that plays the lead role in coordinating the plan for a particular response. However, CALM may not actually be the combat agency that is involved in responding to that emergency. It will depend upon the nature of the incident. It may not be a bushfire. It may be a truck that has rolled over. Therefore, CALM may respond to part of the emergency, and other agencies may also respond, depending upon the nature of the incident.

Hon Robyn McSweeney also raised the issue of protecting property. That raises a couple of issues, as she recognised in her speech. Although we recognise that in some cases that may be the best way in which to respond, that would be decided by the local emergency management committee, depending upon the circumstances. Of course, local involvement is very important, because what is relevant at Mt Barker may not be relevant in Karratha. However, local people, or people domiciled in a certain area, are often unaware of the potential of a threat or the magnitude of an incident and may be required to move quickly. Again, I reiterate that in the end that will be decided by the local emergency management committees, and that will then be fed into the district responses. I imagine that when a risk assessment is done, in many cases different incidents will need completely different responses. To give an example from my own area of understanding in Karratha, the response to a major emergency at the LNG plant in the Burrup would be very different from the response to a major tidal surge caused by a cyclone.

Up north, the routes for road trains carrying liquefied natural gas must be planned at a local level. If that vehicle was a regular transport across a particular route, it may go through Karratha, Port Hedland, Broome and all the areas in between. Different responses would be required through those different jurisdictions, and that is a good example in which three jurisdictions could get together, and it would be appropriate to have an LEMC, or local emergency management committee - I hate acronyms, especially as there are so many in this bill - designed to come up with an appropriate coordinated response to that situation. It would do a risk analysis after identifying the hazard, and then design an appropriate response. It could be that, in a geographically large jurisdiction, there is a potential for a number of major incidents that require separate responses. The bill allows for more or fewer of these local emergency management and coordination teams to be established by local government. It might be appropriate for a number of jurisdictions to join together, because a hazard is spread through those jurisdictions, or because of the shared resources required. It may also be that specific responses are needed in different areas of that district.

Hon Robyn McSweeney talked about how essential local knowledge is, and a number of members have also talked about the local government involvement, and the concerns about cost impediments on local government, including mitigation expenses. I see this legislation as a great tool for local authorities and larger districts to clearly identify risks and hazards and plan for their mitigation. Because of the way the bill will require plans to be designed, there will be a consistency in how those risk assessments are done and in the processes for designing responses. One of the great things about this bill is that the risk assessments to be carried out in districts for certain hazards will identify resources required to mitigate those hazards and incidents. For instance, if a levy bank is required to prevent a town from being flooded out, the process will identify that. In the process of risk analysis, an area might be identified that is unsuitable for development, so the Department for Planning and Infrastructure may not build in that area and the Department of Industry and Resources may not allow a resource development to be constructed because of the risk involved, or they may place requirements on development that mitigate that risk.

The government does not believe that the Emergency Management Bill imposes any additional responsibilities upon local government, but rather that the bill formalises the roles and responsibilities that local governments have been encouraged to undertake prior to and since the establishment of the current Western Australian emergency management arrangements under the 1989 cabinet minute. The cabinet decision resulted from a review of emergency services that recognised that a high level of involvement of local government is pivotal in protecting the interests of every community in our state. Support for local government will continue to be provided by emergency management organisations, such as the Western Australia Police Service and the Fire and Emergency Services Authority, fulfilling those roles and responsibilities. Support will also come from a range of commonwealth and state programs, including funding through the natural disaster mitigation program and the All Western Australians Reducing Emergencies program. Training will continue to be provided at no cost by Emergency Management Australia, FESA and the emergency management services.

The government has also recently approved the funding necessary to employ seven dedicated community emergency management officers for six months to direct and support local governments in bushfire response planning. A request has been made for the funding of these officers' employment to continue beyond the six months, and that is currently under consideration. Clause 96, "Expenses", empowers the minister to approve the payment to a hazard management agency, combat agency or support organisation for expenses incurred in implementing emergency management during an emergency situation or a state of emergency, provided that such expenses are not otherwise payable out of moneys provided by the Parliament for that purpose. Expenses approved by the minister under this clause are to be charged to the consolidated fund. This is a great process for local authorities to identify equipment and mitigation measures at an early stage, which will certainly then be considered in regard to important projects that need to be funded by government through a variety of funding sources and programs. Hon Ken Baston also asked a number of those questions. I hope that I have answered those in the broader explanation. He was very concerned about expenses by local government.

Hon Giz Watson raised a number of issues, including identification nametags. The government believes that, although it is very important for officers with these powers to have identification and it intends to send that identification material as quickly as it can and as different plans are approved and come into operation, it would not be effective if it became too prescriptive. There are powers of delegation in the bill. Depending on the situation, persons who had a number of important roles within the response could fall victim to the incident. As a result, other persons would be delegated to take on those roles. Alternatively, an emergency worker might lose his identification when travelling on a boat or whatever while moving people along. We have seen the responses recently in New Orleans. I hope we never have to conduct a similar type of operation. The government believes that if the legislation were too prescriptive, it would unreasonably restrict the intention of the bill to enable an effective response to be carried out. However, the government understands what the member is saying; it is a matter of weighing up the most important issues.

Hon Giz Watson and other members raised the issue of penalties, particularly the penalty that attracts a \$50 000 fine. These are maximum penalties and are designed to be a deterrent. The court would decide on the actual penalty, under the guidelines of the Sentencing Act, having regard to the magnitude of the offence. Given the history of the courts, I cannot imagine that a person who failed to deliver on an instruction because of the mitigating circumstance of being in shock or whatever would wear a \$50 000 penalty. However, a major corporation or company that was particularly obstructive for whatever reason might be fined that amount.

**Hon Giz Watson** interjected.

**Hon JON FORD:** As I said, magistrates make those decisions. I am probably drawing a long bow, but it goes to what I said before. The government recognises what the Greens (WA) are saying, but it does not consider that to be a great risk. Historically, the judiciary takes into account the magnitude of an offence when imposing a fine. The penalty for contempt, for instance, carries a penalty of indefinite imprisonment but I have never heard of anybody being locked up for a long time on a charge of contempt. That is just one example I can think of.

What is wrong with the current system? This bill seeks to set up consistency in responses and risk assessments, and to identify resources. These powers can be enacted only on the recommendation of the state emergency coordinator to the minister. It is envisaged that these measures are designed to respond to a major emergency incident or a state of emergency. A small fire in the back block of Gidgegannup would not invoke these powers. However, if the whole of the hills were alight, I imagine it would. I hope that does not happen, because I live in the hills! It is a recommendation of the Community Development and Justice Standing Committee. This is, in part, a response to that committee's report.

Some of the good aspects of risk assessment that this legislation will deliver is consistent planning and development, identification of high-risk areas and emission footprints from fires, and allowance for appropriate responses. It will also allow for the identification of suitable mitigation, as required. That may involve levees in flood-prone areas or the need for heavy machinery. It will identify what resources are available in local areas. Such a process will identify where the shortfalls are in the equipment and personnel needed to respond to an emergency. Part of a risk assessment is to assess the probability of an incident occurring. We must ensure that there is consistent risk assessment from the highest levels of government to local government.

Hon Giz Watson mentioned gaps in legislative provisions for the evacuation of people in large numbers and identifying suitable evacuation centres and mustering areas. There was also discussion about the protection of people involved in emergency response operations. Hon Giz Watson also raised some concerns about the powers of people to demand people's identification. My understanding is that the powers are consistent with the powers that police officers currently have. The situation can be clarified when we go into committee.

Hon Helen Morton discussed a number of issues associated with the Fire and Emergency Services Authority of Western Australia Act. A review of that act is currently being undertaken by the Community Development and Justice Standing Committee. I imagine the issues will be dealt with by that committee.

Having said all that, I again thank members for their response. This bill will deliver consistent and effective responses to major emergencies. I thank members for their support and comments. I commend the bill to the house.

Question put and passed.

Bill read a second time.

*Committee*

The Chairman of Committees (Hon George Cash) in the chair; Hon Jon Ford (Minister for Fisheries) in charge of the bill.

**Clauses 1 and 2 put and passed.**

**Clause 3: Interpretation -**

**Hon BRUCE DONALDSON:** I will go back to what is for me a grey area. In the interpretation clause, "hazard" means -

- (a) a cyclone, earthquake, flood, storm, tsunami or other natural event;
- (b) a fire;
- (c) a road, rail or air crash;

It goes on. The two parts in which I am interested are -

**"hazard" means -**

...

- (b) a fire;
- (c) a road, rail or air crash;

Forget the rail or air crash, because I understand that in that case a big response is needed, rather than just a local response. However, in the case of a fire, are we talking about a major bushfire or just an ordinary fire? There are different types of fires. There are crop fires and pasture fires etc. The second part in which I am interested is a road crash. At present, the fire brigade is located in Perth and major regional centres. In other areas there are volunteer firefighting people. In the country and in Perth, the Fire and Emergency Services Authority crash response unit, or whatever it is called, is used at road crashes. The police are also involved with road crashes. However, what happens in the country where there are not only the police but also the State Emergency Service, which has the jaws of life and its trailers? I am trying to work out the level of this so-called hazard. Is there a pecking order in intensity or what? With a road crash, there are already many procedures to take care of the issues. Where do we go from here with that provision in the clause? When we get to clause 40 or clause 50 - I am not sure which clause it is - we will see that there must be a report, and a coordinator must be notified etc. However, we will get to that. I am still not sure - I think a lot of people in the community are not sure - where something starts and where something stops. Maybe the minister will be able to give us an idea. Under "emergency" it states "which is of such a nature or magnitude that requires a significant and coordinated response". Is that the answer? I am interested to hear the minister's comments.

**Hon KIM CHANCE:** Standing order 81 permits a member not to stand if he is experiencing difficulty. I seek leave of the house such that would excuse the minister from standing to answer questions.

**The CHAIRMAN:** There is no need to seek leave as long as the Chair agrees. Certainly the Chair will recognise the minister if he wishes to not rise because of his back ailment. Equally, the same can apply to Hon Robyn McSweeney.

**Hon Robyn McSweeney:** For a different reason.

**The CHAIRMAN:** I will say no more. The question is that clause 3 do stand as printed.

**Hon JON FORD:** Thank you for that indulgence, Mr Chairman.

In reply to the member, it relates to magnitude. As I said previously a small back-block fire that requires a local response would be responded to by the existing emergency services. That would form part of the plan; the people involved know there is a magnitude level. In regard to a road crash, a car roll-over would be responded to by the

normal emergency services. A gas tanker rolling over in a highly populated area may be a different matter. In the end, it can be evoked only by a recommendation from the state emergency coordinator to the minister. It is designed specifically to respond to major emergencies, but I can see a benefit from this in the planning processes - the local emergency management advisory committees will identify more effective responses to some of the smaller incidents.

**Clause put and passed.**

**Clause 4: Hazard management agencies may be prescribed -**

**Hon ROBYN McSWEENEY:** Thank you, Mr Chairman, for your interest in equality - one Liberal, one Labor.

Clause 4(1) includes the words "prescribed by the regulations". Whenever I see the word "regulations" I become nervous, especially when it involves this government. On behalf of the opposition, I handled that Environmental Protection Authority legislation when it was before this chamber. That legislation was draconian in certain clauses. If I thought that legislation was bad, then the regulations that came out sometime later were unrealistic for farmers who had to put the regulations into practice. As Hon Kim Chance knows, we took it to three drafts before it was gazetted. It still leaves a lot to be desired. There was a total lack of consultation and a huge lack of understanding by the parliamentary draftsmen.

Will the government consult before the drafting of emergency management regulations, and with whom will it consult? Local government would like to be involved in the framing of the regulations, and a whole raft of people need to be consulted. Will the government give a guarantee that they will be consulted, given that this is important legislation?

**Hon JON FORD:** The government does give a guarantee that people in local areas and local government will be involved in the process of consultation. When I referred previously to local emergency management advisory committees, I said that whenever regulations needed to be framed it was essential that local people be involved in framing them. They play an essential part in designing the response. On top of that, the bill requires that such plans be made public. Of course, there are also the annual reports of all those groups. The consultation process will be ongoing. Regulations will go through the normal processes of Parliament and it will have an opportunity to scrutinise those regulations.

**Hon ROBYN McSWEENEY:** Will there be much of a time lag between the bill being passed and the introduction of regulations? It seems to me that regulations are fairly important to bills such as this.

**Hon JON FORD:** When arrangements are already in place, I imagine that regulations will be introduced fairly quickly. We must remember that this bill establishes a response framework. Over a number of years, I imagine more and more regulations will be introduced into this chamber to deal with certain responses.

**Hon ROBYN McSWEENEY:** Will the Bush Fires Act stand until the regulations are released? Will addenda be made to the Bush Fires Act?

**Hon JON FORD:** This bill is designed to establish a coordinated approach. It will not affect acts such as the Bush Fires Act or the Fire and Emergency Services Authority of Western Australia Act, which is designed to create an agency. This bill is designed to establish a coordinated approach among the numerous agencies and local authorities.

**Clause put and passed.**

**Clause 5: Delegation by hazard management agency -**

**Hon ROBYN McSWEENEY:** Clause 5(4) reads -

Nothing in this section limits the ability of a hazard management agency to act through an officer or person representing the agency.

Under the bill, is local government considered a combat and support organisation? As we have discussed, local management recovery is important after an emergency, because the community looks towards local government. This matter was a concern of local government.

**Hon JON FORD:** Yes. That is covered by clause 6(2), which reads -

A combat agency prescribed under subsection (1) is to be a public authority or other person who or which, because of the agency's functions under any written law or specialised knowledge, expertise and resources, is responsible for performing an emergency management activity prescribed by the regulations in relation to that agency.

It may be deemed that a local authority is the best authority to respond. As I said before, CALM might be the hazard management agency, but the combat or response agency could be a combination of agencies.

**Hon ROBYN McSWEENEY:** If an order from Perth states that CALM is the combat agency and it takes control of a fire situation, for example, will CALM take control of the bush fire brigade? Will a bush fire brigade have to report to CALM and then head office? How will the chain of command work in the bush?

**Hon JON FORD:** The HMA's major role is to design plans and identify appropriate responses. There is a difference with regard to the response. The member will recall that I talked about the structures of the organisation. The agency

that is identified as the combat agency will be directed by the State Emergency Coordinator as per the plan. Of course, these plans are designed up front. The idea is to have all these plans up-front so that everybody knows what the response is to the particular hazard. It also allows the State Emergency Coordinator to delegate his or her authority, except the power to delegate, to any other person. Of course, I imagine that in response to a major emergency there would be a district emergency coordinator and those powers would be delegated to that local level as part of that response. It is designed to create effective responses, not a huge hierarchy. It is about streamlining.

**Hon Robyn McSweeney:** Would that be a quick, verbal response from the Commissioner of Police? When an emergency is declared, would the response have to come from the Commissioner of Police, or who would it come from, to say that the Department of Conservation and Land Management or local government is delegated in that chain of command?

**Hon JON FORD:** In the first instance the response to an incident would be a local response. How that incident would be responded to and managed is up-front and prescribed in the regulations. I imagine that if the local combat agency made an assessment that the incident was getting out of hand and needed more resources, it would go back to the State Emergency Coordinator who would then assist in coordinating more resources to assist that local response. It would therefore be a local response in the first instance. It is not designed to prevent that initial response; in fact, we want that initial, effective response. The idea is that in a response at a local level everybody understands up-front their roles in that response, and they just get on with the job.

**Clause put and passed.**

**Clauses 6 to 8 put and passed.**

**Clause 9: Limitation on Act - industrial disputes and civil disturbances -**

**Hon ROBYN McSWEENEY:** This clause states -

This Act does not authorise the taking of measures directed at -

(a) ending an industrial dispute; or

That is fairly clear. However, the next paragraph reads -

(b) controlling a riot or other civil disturbance.

Local government believes that this clause should incorporate the words -

If any activities described in this section are impeding or preventing the dealing with an emergency situation, the police have the power to break up or disperse those activities.

Is there any provision in this bill to do that? On my assessment, there is not. However, there could be a riot or a civil disturbance in an emergency situation, and it does not state in the bill that the police can break up a riot or civil disturbance in an emergency situation. That is local government's concern.

**Hon JON FORD:** The scenario that the member is talking about would be covered under the Police Act. There is nothing in the bill that would impede the police from acting to control a riot or civil disturbance. The bill later deals with people who actively try to obstruct a response.

**Hon Robyn McSweeney:** I presumed that.

**Clause put and passed.**

**Clause 10: State Emergency Coordinator -**

**Hon ROBYN McSWEENEY:** If the Commissioner of Police is to hold the office of State Emergency Coordinator, I presume he will have delegated powers to bring in the local police chief in emergencies. No doubt the local police chief will be part of a Local Emergency Management Advisory Committee and will take over where necessary. Could there a conflict of interest arise between the Commissioner of Police and the minister? I think one of the clauses indicates that the minister will also have control of an emergency. Will the ranking be the Commissioner of Police and then the minister?

**Hon JON FORD:** There will be district chairs and district emergency coordinators. The State Emergency Coordinator will have powers to delegate responsibility to any person at any level.

The minister does not have a direct role. The powers will be invoked by the minister on the recommendation of the State Emergency Coordinator. The minister cannot invoke the legislation without that recommendation.

**Clause put and passed.**

**Clauses 11 and 12 put and passed.**

**Clause 13: State Emergency Management Committee -**

**Hon ROBYN McSWEENEY:** Subclause 2(d) refers to a person who is representative of local government, appointed by the minister. I presume that that person will be a fire chief or someone who has emergency management experience.

How representative will that local government person be? Will it be the chief of the WA Local Government Association or a local person, or will it be delegated down? How representative will that person be?

**Hon JON FORD:** Under subclause 3(b) the minister is required to appoint a member who has expertise or experience that, in the minister's opinion, is relevant to the functions of the State Emergency Management Committee. The government has indicated that that person would be a local government employee or a person with relevant experience who is recommended by the local government.

**Hon ROBYN McSWEENEY:** Could any representative of local government anywhere in this state be appointed?

**Hon JON FORD:** Yes.

**Hon ROBYN McSWEENEY:** It would not necessarily be the head of WALGA, but someone who the minister thinks has expertise?

**Hon JON FORD:** Not necessarily. I imagine all local governments will have to have faith that that person has the expertise and experience.

**Hon ROBYN McSWEENEY:** Can an appointment be made at the time of a disaster or will that person be appointed a long time before any disaster occurs?

**Hon JON FORD:** No. This is a standing committee in regard to the State Emergency Management Committee. This is involved in coordinating the planning.

**Clause put and passed.**

**Clauses 14 to 17 put and passed.**

**Clause 18: State emergency management plans -**

**Hon ROBYN McSWEENEY:** Local governments have expressed concerns and they say it is evident that the involvement of the SEMC in developing strategic direction and roles and responsibilities, which could impact on local government, is another reason that requires the involvement of a local government representative as a member of the SEMCE. Has that been done?

**Hon JON FORD:** Yes.

**Hon ROBYN McSWEENEY:** That has been done. Local government brought that up. The government has done this?

**Hon Jon Ford:** Yes. It is contained in clause 13(2)(d), the previous clause we dealt with.

**Clause put and passed.**

**Progress reported and leave granted to sit again.**

## MINISTER FOR EDUCATION AND TRAINING, ANSWERS TO QUESTIONS

### *Statement*

**HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition)** [9.27 pm]: I want to raise a couple of matters about answers given today by the Minister for Education and Training to a question that I asked without notice. I was very surprised that the minister did not know the name of the person, who happens to be the director of the curriculum branch, who has been removed from that position and sent to a district office. In the Department of Education, being sent to a district office is like being sent to Coventry and never to be seen or heard of again. I have two concerns: the first is that the minister did not know who that person was. I would have thought that she should have, bearing in mind that the other day she did not know the name of the person heading the Curriculum Council or the chair of the Curriculum Council. I would have expected that the minister might remember the names of senior personnel within her departments, but, more importantly, she sought to inform me that she did not know anything about this change of staff because staffing is not her responsibility.

**Hon Ljiljanna Ravlich:** That is right.

**Hon NORMAN MOORE:** With respect, it is the minister's responsibility. If changes of the significance that are occurring within her department are happening without her knowledge, I suggest she should find out what is going on. This is the minister who just last week, when questioned about the Fitzroy Crossing District High School and when it was going to be built, said that that was an operational matter and not her responsibility. She is not the Minister for Police. The Minister for Police can say that issues that relate to the Police Force are operational matters. It is appropriate that the Minister for Police not get involved in operational issues. However, making decisions about when and where schools are built is the responsibility of the Minister for Education and Training. The Minister for Education and Training is responsible for the budget and capital works program of the Department of Education and Training.

The Fitzroy Crossing District High School is falling down; it is in a terrible state of repair. The government made a promise before the election that that school would be rebuilt. The school was severely damaged in floods. However,

the community chose to not have repairs done but instead accepted the government's offer of a new school in due course, which they expected would be built in due course. I asked some questions in the house about the capital works budget only to find that the school was not listed in the budget papers. However, the minister said that it was listed in the forward estimates. The forward estimates for the Department of Education and Training show only the schools that will be built next year and not those that will be built in the other three years of the forward estimates, so we must take on face value that somehow or other that school is listed in those three years. I asked for a detailed copy of the forward estimates but was told that I could not have one. I do not know when the Fitzroy Crossing District High School will be built, other than that I heard an officer of the minister's department say that it was likely that it would be built in 2010. I hope that the minister will take some personal control of this issue and tell the department that she wants the school to be fixed before then, just as her colleague and mine the member for Central Kimberley-Pilbara has been saying she should do. I am surprised that, as a former minister, he should defend the minister and say that it is the fault of the bureaucrats when it is the minister and not the bureaucrats who makes decisions about the capital works budget. The minister, the Treasurer and their cabinet colleagues decide what goes in the budget, not the bureaucrats, I hope.

This is an important issue. However, it is not just the building of a new school that is important but also the attitude the minister is taking about her responsibilities. The minister should know the name of the head of the curriculum branch. She should know why she has been sent to Coventry. She should know what is going on in her department in terms of the significant restructuring of the curriculum branch. She should also know about and have involvement with the building of new schools. That is her responsibility. The minister cannot say that it is the bureaucrats who forgot to look after Fitzroy Crossing when she is responsible. Indeed, the minister should ask her colleague the member for Central Kimberley-Pilbara about the letter he sent to all the constituents in his electorate during the last election campaign which said that a brand new \$12 million or \$14 million school would be built in Fitzroy Crossing during this four-year term. That will not happen. It is a bit like the Tom Price road we have heard about a thousand times in this house.

**Hon Kim Chance** interjected.

**Hon NORMAN MOORE:** I raise those points tonight because this is an important issue. What did the Leader of the House say?

**Hon Kim Chance:** I said that the Tom Price road is another excellent Gallop government initiative.

**Hon NORMAN MOORE:** With respect, the government promised to build that road by the last election. The answers to questions asked in the other place about when that road will be built have provided no future date for that work. We have been told that the third and fourth stages of the road will be built some time in the future and that the work has not been budgeted for. So much for an excellent decision of the Gallop government! It is one of the great lies of modern politics. The Speaker, who still sits in the other house, should have resigned, because he promised on television to do so. I hope that Hon Tom Stephens has more success than Fred Riebeling did with those promises. I hope that the Minister for Education and Training can deliver the promise made by her colleague Tom Stephens on the Fitzroy Crossing school on behalf of her government. If she does not, it will be another broken promise - one after the other. The government makes promises and then breaks them. That is how things seem to work with this government.

## URANIUM MINING

### *Statement*

**HON GIZ WATSON (North Metropolitan)** [9.34 pm]: I want to continue somewhat on a theme that I know people are keen to debate; that is, uranium mining. I will add some more information to that debate for members' knowledge about this area. I refer to an article that appeared in the Australian Conservation Foundation's *Habitat* magazine of April this year. It states -

Risk of reactor accidents, threat of nuclear sabotage, the unresolved nuclear waste burden and increasing concern over weapons proliferation and potential use are all strong reasons for Australia to be winding up rather than expanding uranium mining and exports.

The International Atomic Energy Agency (IAEA) increasingly recognises the international safeguards regime has failed to control proliferation of nuclear weapons materials and technology. Countries with civilian nuclear programs can simply opt out of any safeguards regime. The IAEA says the international security landscape has also been radically altered by the clear intention of terrorists to acquire nuclear weapons or materials. There is already an established nuclear black market.

The use of Australia's uranium in nuclear power contributes to increasing stocks of fissile materials, including plutonium, that are capable of diversion into nuclear weapons programs. There are now over 55 tonnes of plutonium for which Australia has formal responsibility stored around the world. All of our exported uranium contributes to stockpiles of depleted uranium and becomes nuclear waste that could be used in 'dirty bombs'.

We certainly should not be looking to uranium sales to new countries and especially not to nuclear weapon states. However the Federal government has already started negotiations for a Nuclear Cooperation Treaty intended to provide for uranium sales to China from the proposed Roxby mine expansion.

As a result, on one side of the fence China would be freed up to use their own limited supply of uranium in a nuclear weapons program, while on the other side of the fence our uranium would fuel their planned increase of nuclear power reactors. Australian uranium exports contribute both directly and indirectly to nuclear proliferation risks.

Will China's unresolved human rights issues just be ignored in the rush for the uranium dollar? Will the Chinese government simply dump nuclear waste from use of our uranium somewhere in Tibet?

...

With the catastrophic health consequences that could result from a reactor accident or act of nuclear terrorism there will be no takers for nuclear power at home in Australia. So why should we be exporting uranium risk to our neighbours in Asia?

We also face adverse consequences here at home if the Roxby uranium expansion goes ahead. WMC intend to announce a go ahead before the next South Australian election due in March 2006 and will apply for all Commonwealth and State approvals through an Environmental Impact Statement process and required new water licenses.

However modern standards and effective scrutiny simply don't apply as WMC's Roxby uranium mine operates under a set of State legal privileges available to no other corporate player in South Australia. The Roxby Indenture overrides the powers of the *Environment Protection Act*, the *Water Resources Act*, the *Aboriginal Heritage Act* and the *Freedom of Information Act* in South Australia. Already the biggest industrial user of underground water in the southern hemisphere WMC is licensed to take -

Wait for it -

42 million litres a day free of charge for 40 years from the Great Artesian Basin . . . Borefields A and B should have to close as they have caused a regional drawdown effect and loss of pressure in the GAB and threaten to cut off natural flows to the unique and fragile Mound Springs around Lake Eyre.

The Roxby expansion requires an additional 70 million litres of water a day for mineral processing. There are plans for a new "Borefield C" further into the GAB or even the option of desalination of seawater with a plant being considered near Port Augusta and water to be piped 300 km north to the mine site.

Toxic radioactive tailings piles are to be left as a permanent hazard on the surface at the mine site and are to increase from the existing 4 km<sup>2</sup> toward 10 km<sup>2</sup> covered by radioactive liquid ponds and tailings storage piles 30 metres in height.

Uranium is the asbestos industry of the 21st Century. Australia should take responsibility for our uranium by leaving it in the ground. Not by polluting our own landscape in further uranium mining and peddling nuclear risks to our neighbours.

The uranium push is certainly on and we need to effectively organise our response to realise a nuclear free future for our children.

### **ABUSE OF CHILDREN IN FOSTER CARE**

#### *Statement*

**HON ROBYN McSWEENEY (South West)** [9.40 pm]: I asked in question time today how many children have been abused in foster care in the six-month period from March 2005 to September 2005. I felt great anger when I heard the response - in fact, I was nearly physically sick. Twelve children had been abused in that six-month period: five were physically abused, two were emotionally abused, two were sexually abused and three were straight-out neglected. This was 12 more children added to the 30 cases of such abuse in the previous 11 months. That is 42 children who have been put into state-assessed homes - that is, homes assessed by the Department for Community Development to be safe places for children to be - who have been belted, sexually abused, emotionally abused and straight-out neglected. Minister McHale, you have a problem with your department. Minister McHale, you have a problem with the DCD assessment procedures for foster carers. Minister McHale, let me define what I mean by "problem". I refer to little children who are declared by DCD to be unsafe in their own home because of bruises all over their little bodies or because they are screamed at all day or because their father or significant other has sexually interfered with them or because they are neglected and not given any love or nourishment. These children are scared and frightened. A child is scared and frightened in its own home, but then a couple of adults come and take that child away. They take the child away from the only home it has ever known, and the adults put that child in another home - this is called a foster home. Presumably, this is meant to be a safe haven for a child, but no; not only must the frightened, scared little child adjust to a new home and new people, but he or she has to cop a double dose of abuse in putting up with more abuse in the foster home. What do you think that does to that child, Minister McHale? What a problem that is.

I once read a poem written by an abused child, and it made me cry. It started, "He comes in the dark of the night into my bed . . ." The child was only nine years old at the time. She was one of a number of children that I dealt with in my

work. Why do I care so much? I care because I worked with these little children, and I have seen the end result of this abuse. I like to think of these children as being special - they are God's children - but they are adults before their time because they learn to lie, they learn to deceive and they learn to hide because they must protect their mum or their pet. They are always protecting and caring for somebody else other than themselves.

Can any member imagine what it must be like to be repeatedly raped when eight or nine years of age? I know of four-year-olds who have been raped. Can any member here imagine the fear and shame these little kids grow up with? The little kid inside never leaves them when they become adults. Can any member imagine being placed into a strange new place to have that happen over and over again? I cannot. I had a mum and dad who loved me. I ended up working with these kids, and some nights I would go home and cry. How could you ever trust anyone again if that happened to you? Do members know what? People say that some kids who act up when aged 14 to 16 years have a lovely mum and dad, but many of them do not. Many people do not know what these children go through. Perhaps dad is not so nice. I always say that we cannot see behind closed doors, and we cannot. These paedophiles do not go around with horns on their heads. We cannot tell who they are.

Minister, I saw these drawings in *The Weekend Australian Magazine* the other day. This drawing is called "Crying Child". It is by Rebecca, aged nine. Rebecca was sexually abused by an uncle and rejected by her parents following her disclosure of the abuse. The child in her drawing has no mouth, fingers or feet. She is unable to speak, fight or flee. She is paralysed other than for the tears dropping into two pools. That is not unusual. Another drawing is of a little girl in a forest. It is called "Alone and Lost". It is by Stella, aged 13. Stella was sexually abused by her father between the ages of four and seven, but her disclosure was not believed. As a result Stella has not lived with either parent for two years. She feels abandoned by her parents and separated from finding them. In the picture her parents are turned away from her, leaving her alone and lost in the forest.

Those pictures make me very sad. Anyone who has ever worked with children such as these would also feel sad. Minister McHale had the audacity to say to me on radio that the inquiry that I am calling for into how foster carers are assessed, and any other matter, is political. Political! What a bloody insult to me and to those 42 children who have copped a double dose of abuse. I know the Greens members and the Labor women in this Parliament are parents and grandparents and have nieces and nephews. They must be as horrified as I am. I want this inquiry for these poor babies. I want to take them all home, but I cannot do that, so I am doing the next best thing by calling for an inquiry into the Department for Community Development. We need to know why 42 children who were placed in foster care were abused. I know the Labor women opposite are as caring and committed as I. That department is not working. That department has been shown to be not working. All the talk in the world will not change that. Minister McHale goes on television and radio and says nothing is wrong with her department. Something is wrong with her department. Forty-two children will grow up with the little child inside of them asking, "Why was I sexually abused, why was I physically abused, why was I mentally abused, or why was I neglected". For God's sake, imagine what it would be like to be put into a foster care home and then to be abused again and again. If any of us had been raped at four, eight or nine years of age, we would never forget it. It would be our deepest, darkest shame, even though we had nothing to do with it; we had no control over what was happening to us. Minister McHale, do something about this department.

### **DOGS' REFUGE HOME, SHENTON PARK**

#### *Statement*

**HON PETER COLLIER (North Metropolitan)** [9.48 pm]: I am extremely moved by the comments of Hon Robyn McSweeney. They make my issue this evening seem somewhat trivial, even though it is not. My issue has to do with an area in my electorate, and I intend to proceed with it, but I endorse the comments of Hon Robyn McSweeney and am extremely moved by everything she had to say, as I am sure everyone in this chamber would be.

I want to speak about a wonderful institution in the North Metropolitan Region. It is an institution that services not just the residents of the North Metropolitan Region but the Perth community as a whole, and beyond. It is a rarity in today's society, because it is an organisation that exists purely for altruistic motives. I pay tribute to the Dogs' Refuge Home (WA) Inc in Shenton Park. The Shenton Park dog refuge is one of numerous animal refuges in Western Australia. It survives entirely through the efforts of volunteers and the generosity of supporters across the state. Apart from a \$5 000 ex gratia payment made to the refuge by the Labor government in 2004, it has existed entirely on these resources; that is, volunteers. I fully appreciate the tremendous work the Royal Society for the Prevention of Cruelty to Animals does in animal welfare in the community at large. However, with the significant level of funding that organisation receives from sponsorship and from the government, it is well catered for financially. That is not the case, unfortunately, with the Dogs' Refuge Home. It is most appropriate for the government to consider funding animal refuges, particularly the Shenton Park dogs' refuge. The refuge performs an essential role in our community. It takes in around 800 dogs a year; that is more than any other refuge in the state. Unfortunately, this is only a small proportion of the unwanted and abandoned dogs across the state each year. The average population of the refuge is regularly between 140 and 180 dogs on any day. The refuge turns away dozens of dogs every week offered by people wanting to get rid of their animals. Literally hundreds of dogs are destroyed every year in refuges across the state, including at Shenton Park. It costs an enormous amount to cope with this number of dogs. We are talking about 800 dogs a year, with around 140 at the refuge on any one day. The operating costs of the refuge are around \$750 000 a year, for wages and administrative

costs, veterinary costs, dog food and supplies, and the maintenance and repair of the refuge. That includes 17 paid staff at any one time - some are full-time, but most are part-time and casual workers. Two office staff work every day, and there is a part-time bookkeeper and a handyman. It should be noted that most of the workers are volunteers; they do it out of the goodness of their hearts, and purely for altruistic motives. They spend hours and hours walking the dogs, day in and day out.

I mention the tremendous community service provided by the Shenton Park dogs' refuge. It provides a pound facility for seven local shires, saving them from having to build and maintain their own facilities to house stray and abandoned dogs in their communities. Members of the executive committee of the refuge regularly visit schools with one or two refuge dogs to convey to children the positives about owning a dog and the associated responsibilities. They are performing community services beyond just looking after the abandoned dogs. Members of the executive committee also take dogs to aged care facilities, to give much pleasure to the elderly. Again, this is almost exclusively done by volunteers. The refuge also provides a bathing and grooming service and a training facility for dogs. Again, more often than not, there is no cost involved and it is done by volunteers. The refuge has a boarding facility that is extremely well patronised. It charges a nominal fee, which helps with the ongoing costs of the refuge. The fact that the refuge takes in so many unwanted dogs is a commendable community service, as it eases the strain on other refuges and local authorities.

How does the refuge survive? It gets no government funding whatsoever, apart from the \$5 000 it received in 2004. It relies on the goodwill of the community. It has a number of fundraising events; for example, Wags Day, which I highly recommend, coming up in November, quiz nights and a street appeal. It is a shame having to have things like chook raffles to keep the doors open, when the refuge is actually serving a purpose for the whole community. From time to time the refuge is fortunate enough to get benefactors; that is, dog lovers who appreciate the role of the refuge in the community. Essentially, the refuge can only survive because of the efforts of a large number of volunteers - I keep coming back to this. It is terrific to see the selfless efforts of these wonderful people, giving their time, day after day, week after week, year after year, purely and absolutely for the benefit of the dogs, and ultimately for the benefit of the community. Like many other organisations that rely on volunteers, the Dogs' Refuge Home at Shenton Park is struggling to survive. Commitment at any level is difficult. I cannot help but tip my hat to the dozens of volunteers who loyally continue to turn up day in, day out.

There is a continuing problem with dog welfare in Western Australia. The refuge is being inundated at the moment because of the restrictions on dog breeds etc, which has meant that more and more dogs are arriving on the doorstep of the Shenton Park dog refuge. The uncontrolled breeding activities of registered breeders and puppy farms happily produce litter after litter. Many of these animals end up at the Shenton Park dog refuge, after the puppy syndrome has gone and they reach dog status and they no longer have a warm, cuddly effect on people. Even more of a problem is the fact that pet shops can legitimately sell dogs. They might look cute in their glass kennels in the shopping centre, particularly at Christmastime when dozens and dozens of dogs are bought from pet shops, but they soon grow up and, once again, as with those dogs from registered breeders, they all too frequently end up at the Shenton Park dog refuge.

The government needs to reconsider its policy of refusing to fund the Shenton Park dog refuge and animal refuges in general. It is an onerous task, year in, year out, on the part of a small group of dedicated volunteers to maintain the Shenton Park dog refuge. I encourage members to pay a visit to the refuge one afternoon or on the weekend to see exactly what I mean. It is a terrifically positive environment and the principal inhabitants, the dogs, would love to see members and would certainly welcome them with open paws. I shudder at the prospect of the Shenton Park dog refuge collapsing as a result of a lack of funding. The community would suffer considerably. Local councils and shires would be faced with taking the responsibility for their own strays and unwanted dogs. Hundreds of dogs would be dumped or destroyed unnecessarily. A valuable service that this magnificent organisation provides would be lost to the entire community. Once again, I call on the government to please reconsider its position of refusing to fund the Shenton Park dog refuge. It is most definitely a cause worth supporting.

## ILLICIT DRUGS USE

### *Statement*

**HON DONNA TAYLOR (East Metropolitan)** [9.57 pm]: I rise tonight to make some brief comments on the scourge of illicit drugs in our community. I am sure that many members would have read two very disturbing articles on page 7 of the 11 September edition of the *Sunday Times* titled "Drugs now 'the norm' in city life" and "Chemical Kate's life of ups and downs". The first article refers to evidence from Royal Perth Hospital toxicologist Frank Daly that the hospital's emergency department would deal with some 400 to 500 amphetamine-related cases this year, half involving psychological complications. While not mentioned in the article, it is important to note that with respect to hospitals, the increasing level of violence by a growing number of amphetamine users towards health and emergency workers as well as other patients is of particular concern. Indeed, an article on *ABC News Online* dated 5 August 2005 referred to comments from the head of the ACT Health Department, Tony Sherbon, who stated -

We have noticed an increase in young men who use amphetamines recreationally and that has produced a much more violent cohort of patients, particularly those with underlying mental illness . . .

I refer back to the *Sunday Times* article in which the WA Drug and Alcohol Office spokeswoman, Eleanor Costello, stated that “hundreds of young people were taking cocktails of drugs every weekend and risking their lives”. Illustrating this point, the second article details an apparently usual weekend for a young person called Kate. For the benefit of members who did not read the article, a quick snapshot of Kate’s weekend is as follows -

It’s 8.45pm on Friday and Kate is at a friend’s house, sipping white wine and racking up her first line of speed.

Over the next 48 hours, she will snort another three lines of speed, four lines of crystal methamphetamine, swallow six ecstasy tablets and smoke five bongos packed with hydroponic cannabis.

By Sunday afternoon, Kate will have to come down from her chemically induced high. So she will snort a line of ketamine, a horse tranquilliser known on the streets as “Special K”, and smoke more cannabis.

The article continues -

But the drug binge doesn’t end there. During the day -

the article refers to Monday -

Kate will take a dexamphetamine tablet, normally given as ADHD medication, to perk herself up.

She will have to take prescription sleeping pills for the next three nights to sleep.

Surely this must be a significant concern to the government and the community at large. As I highlighted during a debate in this place on 28 June, and which I will highlight again tonight, national survey statistics released by the Australian Institute of Health and Welfare found that, in 2004, almost 2 million Australians aged 14 years and over had recently used cannabis; approximately one in 20 children aged between 12 and 15 years, one in five children aged between 16 and 17 years and one quarter of youths aged between 18 and 19 years had used cannabis in the previous 12 months. One in 10 persons aged between 20 and 29 years of age had used methamphetamines in the past 12 months and one in eight persons aged between 20 and 29 and one in 20 teenagers had used ecstasy in the past 12 months. Again the survey results concluded that Western Australian’s self-reported using more cannabis, amphetamines and ecstasy than most other Australians. This is a most alarming statistic.

I remind the house that, during that particular debate, I noted that the 2005-06 budget statements made some general references to drug and alcohol strategy coordination, prevention and treatment services but provided little detail on what strategies were funded. The statements made no mention of the School Drug Education Project and I certainly remain dissatisfied with the answers given by the government in response to questions from the opposition on the take-up of this program in Western Australian schools.

I remind the government that the use of illicit drugs impact on mental health, crime and a range of other social issues. It affects not only the user but also their family and the broader community. As the shadow spokeswoman for youth, I remain particularly concerned by research that continually finds that for those who are vulnerable, particularly those who start to take drugs early in life, cannabis use can lead to schizophrenia, paranoia and in some cases suicide. It is about time that this government actually took this matter seriously. A good start would be for it to reverse its relaxed drug laws that effectively say that cannabis, which is often seen as the gateway to harder drugs like the ones mentioned in the *Sunday Times* article, is okay. That would indeed be a start. The laws should be reversed.

*House adjourned at 10.03 pm*

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### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, CREDITORS, NUMBER AND AMOUNT OUTSTANDING

1115. Hon Ray Halligan to the Minister for Education and Training representing the Minister for Tourism

For each Department and Agency within the Minister's portfolio, will the Minister provide from each Agency or Department financial system -

- (1) The amount and number of creditors outstanding for less than or equal to 30 days, as at June 30 2003?
- (2) The amount and number of creditors outstanding for greater than 30 days, and less than or equal to 60 days, as at June 30 2003?
- (3) The amount and number of creditors outstanding for greater than 60 days, and less than or equal to 90 days, as at June 30 2003?
- (4) The amount and number of creditors outstanding for greater than 90 days, and less than or equal to 120 days, as at June 30 2003?
- (5) The amount and number of creditors outstanding for greater than 120 days, as at June 30 2003?
- (6) The amount and number of creditors outstanding for less than or equal to 30 days, as at June 30 2004?
- (7) The amount and number of creditors outstanding for greater than 30 days, and less than or equal to 60 days, as at June 30 2004?
- (8) The amount and number of creditors outstanding for greater than 60 days, and less than or equal to 90 days, as at June 30 2004?
- (9) The amount and number of creditors outstanding for greater than 90 days, and less than or equal to 120 days, as at June 30 2004?
- (10) The amount and number of creditors outstanding for greater than 120 days, as at June 30 2004?

Hon LJILJANNA RAVLICH replied:

#### Tourism WA

- (1) \$672,572.14
- (2) \$0
- (3) \$0
- (4) \$0
- (5) -\$10,630
- (6) \$712,130.14
- (7) \$0
- (8) \$0
- (9) \$0
- (10) \$0

Note: With regards to Q5, as part of the 2003 Telstra sponsorship of Rally Australia, Telstra gave Tourism Western Australia a credit for telephone calls made by Rally Australia staff in the lead up to the event held from 4 to 7 September 2003. As at 30 June 2003, Telstra owed Tourism WA \$10,630. This was a negative amount as it was money owed to Tourism WA and not money Tourism WA owed.

#### Rottneest Island Authority

- 1) \$362,365.20 (154 creditors)
- 2) \$6,395.84 (14 creditors)
- 3) \$100,926.70 (12 creditors)
- 4) \$9,554.11 (9 creditors)
- 5) Nil
- 6) \$219,514.97 (101 creditors)

- 7) \$2,095.86 (3 creditors)
- 8) Nil
- 9) \$3,174.05 (1 creditor)
- 10) \$75,963.70 (2 creditors)

Note: The Rottneest Island Authority (RIA) makes every effort to pay creditors within 30 days, however there are circumstances under which this is not possible. In the majority of cases, payments not effected within 30 days are a result of delays in invoices being forwarded to our finance department. On minor occasions there have also been delays as a result of human error as a result of staff changes and the implementation of a new computer software accounting package. There is one significant creditor that is currently subject to legal proceedings.

#### REVIEWS, COMMITTEES, INQUIRIES AND TASK FORCES, NUMBER, MEMBERSHIP AND COST

1133. Hon Ray Halligan to the Parliamentary Secretary representing the Deputy Premier

For all portfolios, Departments and Agencies over which the Deputy Premier holds responsibility -

- (1) How many reviews, committees, inquiries and taskforces have been established since March 2001?
- (2) Will the Deputy Premier list all the reviews, committees, inquiries and taskforces that have been established since March 2001?
- (3) What is the name and qualification of each person who heads each review, committee, inquiry and taskforce that has been established?
- (4) Will the Deputy Premier list the commencement date and the completion date for all reviews, committees, inquiries and taskforces that have been established?
- (5) Will the Deputy Premier list the total cost of sitting fees and the total cost for each of the reviews, committees, inquiries and taskforces that have been established?
- (6) Will the Deputy Premier list the cost of sitting fees to date and estimated total final cost of each review, committee, inquiry and taskforce that is still current?

Hon KATE DOUST replied:

Gas Disputes Arbitrator

- (1) 5 Reviews.
- (2) Appeals 1-4/2004: Epic Energy, Western Power & North West Shelf Gas application for Review.  
Appeal 5/2004: Southern Cross Pipelines & Alinta DEWAP application for Review.
- (3) Appeals 1-4/2004: Gas Review Board Presiding Member: Mr Robert Edel, Legal Practitioner.  
Appeal 5/2004: Gas Review Board Presiding Member: Mr C P Stevenson, Legal Practitioner.
- (4) Appeals 1-4/2004: filed on 14 January 2004 - ongoing.  
Appeal 5/2004: filed on 21 July 2004 - ongoing.
- (5) Nil.
- (6) Gas Review Board: Appeals 1-4/2004: \$873,980.

Economic Regulation Authority

- (1) 1 Review, 4 Committees and 2 Inquiries.
- (2) Review of the Railways (Access) Code 2000  
Economic Regulation Authority Consumer Consultative Committee  
Gas Marketing Code Consultative Committee  
Electricity Code Consumer Consultative Committee  
Technical Rules Committee  
Inquiry on Urban Water and Wastewater Pricing  
Inquiry on the Cost of Supplying Bulk Potable Water to Kalgoorlie-Boulder
- (3) Review of the Railways (Access) Code 2000: Mr Michael Jansen, Manager, Projects (ERA), Masters degree in Business.  
Economic Regulation Authority Consumer Consultative Committee: Mr Chris Field, Part time Member (ERA), Arts & Law (Honours) Degree.

Gas Marketing Code Consultative Committee: Mr Russell Dumas, Director Gas & Rail Access (ERA), Honours degree in Engineering.

Electricity Code Consumer Consultative Committee: Mr Simon Thackray, Senior Manager, Office of Energy, Economist.

Technical Rules Committee: Mr Gavin White, Chairman, Environmental Scientist.

Inquiry on urban water and wastewater pricing: Mr Greg Watkinson, Acting Director References and Research (ERA), Masters in Management Studies.

Inquiry on the cost of supplying bulk potable water to Kalgoorlie-Boulder: Mr Greg Watkinson, Acting Director References and Research (ERA), Masters in Management Studies.

- (4) Review of the Railways (Access) Code 2000: commenced in October 2004, completion in September 2005.

Economic Regulation Authority Consumer Consultative Committee: established on 17 March 2005, ongoing.

Gas Marketing Code Consultative Committee: established in 2004 (required by statute), ongoing.

Electricity Code Consumer Consultative Committee: transferred to ERA on

1 January 2005, the Authority has yet to recall the Committee (required by statute).

Technical Rules Committee: January 2005 (legislative requirement), concludes upon approval of Technical Rules submitted by Western Power.

Inquiry on Urban Water and Wastewater Pricing: commenced on 15 June 2004, completion by 12 August 2005.

Inquiry on the Cost of Supplying Bulk Potable Water to Kalgoorlie -Boulder: commenced on 13 January 2005, completion by 16 September 2005.

- (5) Nil.

- (6) Review of the Railways (Access) Code 2000: Cost to date \$55,000, estimated total cost \$138,000.

Economic Regulation Authority Consumer Consultative Committee: Cost to 30 April 2005, \$598; estimated cost \$11,000/per annum.

Gas Marketing Code Consultative Committee: Nil, \$5000-2004/05, \$20,000 per annum

Electricity Code Consumer Consultative Committee: Nil.

Technical Rules Committee: Nil, \$1,000 per annum.

Inquiry on Urban Water and Wastewater Pricing: \$252,710, estimated total cost \$650,000.

Inquiry on the Cost of Supplying Bulk Potable Water to Kalgoorlie-Boulder: \$45,230, estimated total cost \$125,000.

#### GESB

- (1) None.

- (2)-(6) Not applicable.

#### Gold Corporation

- (1) Nil.

- (2)-(6) Not applicable.

#### Insurance Commission

- (1) None.

- (2)-(6) Not applicable.

#### Lotterywest

- (1) Nil.

- (2)-(6) Not applicable.

#### Office of the Auditor General

- (1) None.

- (2)-(6) Not applicable.

## State Supply Commission

- (1) Three.
- (2)
  - (i) Review of the Buy Local Policy.
  - (ii) Review of Statutory Authorities (State Supply Commission).
  - (iii) State Supply Commission Review of Policies and Guidelines.
- (3)
  - (i) Review of the Buy Local Policy:  
Ms Cheryl Gwilliam, the then Chief Executive Officer, State Supply Commission - B.A.(Politics), B.Ec., M.Industrial Relations.
  - (ii) Review of Statutory Authorities (State Supply Commission):  
Mr Gary Stokes, the then Chief Executive Officer, State Supply Commission - B.Bus.(Accounting)
  - (iii) State Supply Commission Review of Policies and Guidelines:  
Mr Gary Stokes, the then Chief Executive Officer, State Supply Commission - B.Bus.(Accounting)  
Mr Phill Turner, the Acting Chief Executive Officer, State Supply Commission - Member of Chartered Institute of Procurement Specialists.
- (4)
  - (i) Review of the Buy Local Policy:  
Commenced November 2001, and completed July 2002.
  - (ii) Review of Statutory Authorities (State Supply Commission):  
Commenced February 2002, and completed May 2002.
  - (iii) State Supply Commission Review of Policies and Guidelines:  
Commenced November 2003, and completed July 2004.
- (5)
  - (i) Approximately \$44,000 was spent on this review, apart from staff salaries and administrative costs.
  - (ii) This review was undertaken with in-house resources. No money was spent on this review apart from staff salaries and minimal administrative costs.
  - (iii) This review was undertaken with in-house resources. No money was spent on this review apart from staff salaries and minimal administrative costs.
- (6) Not applicable.

## Treasury

- (1) Five.
- (2)
  - (a) Review of State Business Taxes.
  - (b) Consultative Group on Payroll Tax and Contractors.
  - (c) Review of Commonwealth State Funding.
  - (d) Economic Regulator Implementation Committee.
  - (e) Review of concessions under the Rates and Charges (Rebates and Deferrals) Act 1992.
- (3)
  - (a) Mr Jonathan Ilbery, Partner and Solicitor with Jackson McDonald. Bachelor of Jurisprudence, University of Western Australia. Admitted to the High Court of Australia (1992). Admitted as a Barrister and Solicitor of the Supreme Court of Western Australia (1972). Past National President of the Taxation Institute of Australia (1996 - 1997).
  - (b) Chaired by the Department of Treasury and Finance.
  - (c) Committee comprised:
    - Professor Ross Garnaut AO, BA(ANU), PhD(ANU), FASSA, Professor of Economics at ANU.
    - Dr Vincent W. FitzGerald B.Ec (Hons)(UQ), PhD(Harvard), Co Chairman Allen Consulting Group.

Further details were provided in the Final Report of the Review of Commonwealth State Funding ([www.reviewcommstatefunding.com.au](http://www.reviewcommstatefunding.com.au)).
  - (d) Chaired by the Department of Treasury and Finance.
  - (e) Chaired by the Department of Treasury and Finance

- (4) (a) 13 September 2001 and ongoing if required.  
 (b) 13 September 2001 and 22 February 2002.  
 (c) 30 November 2001 and 30 August 2002.  
 (d) 21 August 2001. The Committee met until implementation of the Economic Regulation Authority on 1 January 2004.  
 (e) 27 August 2003 and 30 June 2004.
- (5) (a) \$37,938.45 (including GST) paid to the Committee Chair as at 24 September 2003.  
 (b) No fees paid.  
 (c) The cost of the review was shared among New South Wales, Victoria and Western Australia. Western Australia's contribution was \$200,000. As well as preparation of the report, this cost included interstate visits and a National Forum held in Canberra on 14 March 2002.  
 (d) No fees paid.  
 (e) No fees paid.
- (6) (a) As per (5)(a).  
 (b) Nil.  
 (c) Western Australia's contribution to the total cost of the review did not separately identify amounts paid to Professor Garnaut and Dr FitzGerald.  
 (d) Nil.  
 (e) Nil.

WA Treasury Corp

- (1) None.  
 (2)-(6) Not Applicable.

#### REVIEWS, COMMITTEES, INQUIRIES AND TASK FORCES, NUMBER, MEMBERSHIP AND COST

1134. Hon Ray Halligan to the Minister for Education and Training representing the Treasurer

For all portfolios, Departments and Agencies over which the Treasurer holds responsibility -

- (1) How many reviews, committees, inquiries and taskforces have been established since March 2001?  
 (2) Will the Treasurer list all the reviews, committees, inquiries and taskforces that have been established since March 2001?  
 (3) What is the name and qualification of each person who heads each review, committee, inquiry and taskforce that has been established?  
 (4) Will the Treasurer list the commencement date and the completion date for all reviews, committees, inquiries and taskforces that have been established?  
 (5) Will the Treasurer list the total cost of sitting fees and the total cost for each of the reviews, committees, inquiries and taskforces that have been established?  
 (6) Will the Treasurer list the cost of sitting fees to date and estimated total final cost of each review, committee, inquiry and taskforce that is still current?

Hon LJILJANNA RAVLICH replied:

Please refer to Question on Notice 1133.

#### REVIEWS, COMMITTEES, INQUIRIES AND TASK FORCES, NUMBER, MEMBERSHIP AND COST

1135. Hon Ray Halligan to the Parliamentary Secretary representing the Minister for Government Enterprises

For all portfolios, Departments and Agencies over which the Minister holds responsibility -

- (1) How many reviews, committees, inquiries and taskforces have been established since March 2001?  
 (2) Will the Minister list all the reviews, committees, inquiries and taskforces that have been established since March 2001?  
 (3) What is the name and qualification of each person who heads each review, committee, inquiry and taskforce that has been established?

- (4) Will the Minister list the commencement date and the completion date for all reviews, committees, inquiries and taskforces that have been established?
- (5) Will the Minister list the total cost of sitting fees and the total cost for each of the reviews, committees, inquiries and taskforces that have been established?
- (6) Will the Minister list the cost of sitting fees to date and estimated total final cost of each review, committee, inquiry and taskforce that is still current?

Hon KATE DOUST replied:

Please refer to Question on Notice 1133.

REVIEWS, COMMITTEES, INQUIRIES AND TASK FORCES, NUMBER, MEMBERSHIP AND COST

1136. Hon Ray Halligan to the Parliamentary Secretary representing the Minister Assisting the Minister for Public Sector Management

For all portfolios, Departments and Agencies over which the Minister holds responsibility -

- (1) How many reviews, committees, inquiries and taskforces have been established since March 2001?
- (2) Will the Minister list all the reviews, committees, inquiries and taskforces that have been established since March 2001?
- (3) What is the name and qualification of each person who heads each review, committee, inquiry and taskforce that has been established?
- (4) Will the Minister list the commencement date and the completion date for all reviews, committees, inquiries and taskforces that have been established?
- (5) Will the Minister list the total cost of sitting fees and the total cost for each of the reviews, committees, inquiries and taskforces that have been established?
- (6) Will the Minister list the cost of sitting fees to date and estimated total final cost of each review, committee, inquiry and taskforce that is still current?

Hon KATE DOUST replied:

Please refer to Question on Notice 1133.

REVIEWS, COMMITTEES, INQUIRIES AND TASK FORCES, NUMBER, MEMBERSHIP AND COST

1139. Hon Ray Halligan to the Minister for Education and Training

For all portfolios, Departments and Agencies over which the Minister holds responsibility -

- (1) How many reviews, committees, inquiries and taskforces have been established since March 2001?
- (2) Will the Minister list all the reviews, committees, inquiries and taskforces that have been established since March 2001?
- (3) What is the name and qualification of each person who heads each review, committee, inquiry and taskforce that has been established?
- (4) Will the Minister list the commencement date and the completion date for all reviews, committees, inquiries and taskforces that have been established?
- (5) Will the Minister list the total cost of sitting fees and the total cost for each of the reviews, committees, inquiries and taskforces that have been established?
- (6) Will the Minister list the cost of sitting fees to date and estimated total final cost of each review, committee, inquiry and taskforce that is still current?

Hon LJILJANNA RAVLICH replied:

DEPARTMENT OF EDUCATION AND TRAINING

(1)-(6) The information can be found in the Department's Annual Reports.

CURRICULUM COUNCIL

- (1) None
- (2)-(6) Not applicable

DEPARTMENT OF EDUCATION SERVICES

(1) Four. There were six during the Coalition Government years 1996-2000.

- (2) Departmental Working Party with non-government school sector representatives to Review the Average Government School Recurrent Cost and Non-Government School Funding Model
- (3) Department's A/Chief Executive Officer
- (4) December 2002 to June 2004.
- (5) Departmental salaries plus \$34 196.80
- (2) Non-Government School Registration Advisory Panel
- (3) Simon Holthouse, MA (Urban Des), AAPTIC (Arch), MPIA.
- (4) August 2002 to November 2002.
- (5) Sitting fees were \$5 221.70 Total cost was \$8 175.20 plus Departmental salaries.
- (2) Non-Government School Registration Advisory Panel (II)
- (3) Mr Ian Hill, MIR, B App Sc (Soc Wk), Grad Dip Soc St.
- (4) January 2005 to March 2005.
- (5) Sitting fees were \$4 565. Total cost was \$5 266.80 plus Departmental salaries.
- (2) TAFE - University Interface Working Party.
- (3) Dr Susan Jordan, PhD, Manager Strategic Support, Curtin University.
- (4) May 2002 to August 2002.
- (5) Costs met by individual agencies.
- (6) Not applicable.

#### BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND

- (1) Three. There was one during the Coalition Government years 1996-2000.
- (2) Career Promotion Committee, Housing and Commercial Advisory Committee, Offsite, Services and Civil Construction Advisory Committee
- (3) The Career Promotion Committee is chaired by Mr Dale Alcock, Director of Dale Alcock Homes. The two other committees are chaired by the Executive Director of the Building and Construction Industry Fund
- (4) The Career Promotion Committee commenced operation in mid 2004, the Advisory Committee in late 2004 and are standing sub-committee's providing advice to the Building and Construction Industry Training Fund Board.
- (5) No sitting fees are applicable, members volunteer their time
- (6) Not applicable

#### GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL 7 POSITIONS AND ABOVE, ADVERTISING

2098. Hon Donna Taylor to the Minister for Education and Training

- (1) In each Department or Agency under the Minister's control, how many level 7 positions and above were advertised outside the Public Service in the 2004-05 financial year?
- (2) What was the cost of the advertisements?
- (3) How many of the positions so advertised were filled by -
  - (a) the person acting in the position;
  - (b) a person from the re-deployment pool; or
  - (c) a person recruited from the advertisement outside the Public Sector?
- (4) How many of these positions were filled by women?
- (5) In the same financial year, how many women have been appointed to senior positions, level 7 and above, in each of the Departments and Agencies under the Minister's control?
- (6) Does the Government have a strategy in place to increase the number of women in senior positions?
- (7) If so, what is that strategy?

Hon LJILJANNA RAVLICH replied:

- (1)-(5) The detailed information sought by the member is not readily available. Provision of the information would require considerable research which would divert staff away from their normal duties. It is estimated that it would cost the Department of Education and Training approximately \$20,000 to answer this question given the vast number of education and training organisations. I am not prepared to allocate valuable resources which could be put to better use elsewhere. However, if the Member has a specific query I will endeavour to provide a response.
- (6) Yes
- (7) The Government's Equity and Diversity Plan includes performance objectives, which are designed to improve the distribution of women across all levels of the workforce and their representation in senior management.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL 7 POSITIONS AND ABOVE, ADVERTISING

2119. Hon Donna Taylor to the Leader of the House representing the Minister for State Development

- (1) In each Department or Agency under the Minister's control, how many level 7 positions and above were advertised outside the Public Service in the 2004-05 financial year?
- (2) What was the cost of the advertisements?
- (3) How many of the positions so advertised were filled by -
- the person acting in the position;
  - a person from the re-deployment pool; or
  - a person recruited from the advertisement outside the Public Sector?
- (4) How many of these positions were filled by women?
- (5) In the same financial year, how many women have been appointed to senior positions, level 7 and above, in each of the Departments and Agencies under the Minister's control?
- (6) Does the Government have a strategy in place to increase the number of women in senior positions?
- (7) If so, what is that strategy?

Hon KIM CHANCE replied:

- (1) 27
- (2) \$36,811.42
- (3) (a) 11
- (b) Nil - persons from redeployment would be appointed prior to advertising.
- (c) 9
- (4)-(5) 7
- (6) Yes
- (7) The Government's Equity and Diversity Plan includes performance objectives, which are designed to improve the distribution of women at higher levels, particularly in management positions.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL 7 POSITIONS AND ABOVE, ADVERTISING

2121. Hon Donna Taylor to the Parliamentary Secretary representing the Minister for Disability Services

- (1) In each Department or Agency under the Minister's control, how many level 7 positions and above were advertised outside the Public Service in the 2004-05 financial year?
- (2) What was the cost of the advertisements?
- (3) How many of the positions so advertised were filled by -
- the person acting in the position;
  - a person from the re-deployment pool; or
  - a person recruited from the advertisement outside the Public Sector?
- (4) How many of these positions were filled by women?
- (5) In the same financial year, how many women have been appointed to senior positions, level 7 and above, in each of the Departments and Agencies under the Minister's control?

(6) Does the Government have a strategy in place to increase the number of women in senior positions?

(7) If so, what is that strategy?

Hon ADELE FARINA replied:

Disability Services Commission

- (1) 6.
- (2) \$2,639.44.
- (3) (a) 1 (b) Nil (c) Nil
- (4) 1.
- (5) 4.

Department of Sport & Recreation

- (1) 1
- (2) \$2672
- (3) (a) Nil (b) Nil (c) 1
- (4) Nil
- (5) Nil

WA Institute of Sport

(1)-(5) Not applicable.

WA Sports Centre Trust

- (1) 1
- (2) \$300.00
- (3) (a) Nil, (b) Nil, (c) One
- (4) Nil
- (5) Nil

Office of Seniors and Volunteering

- (1) Nil
- (2)-(4) N/A
- (5) Nil

(6) Yes.

(7) The Government's Equity and Diversity Plan includes performance objectives, which are designed to improve the distribution of women across all levels of the workforce and their representation in senior management.

Other Agencies

Administrative support to the Office of Multicultural Interests, The Constitutional Centre and The Office of Citizens and Civics is provided by the Department of the Premier and Cabinet. Information regarding this issue will therefore be included in the response covering the Department of the Premier and Cabinet.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL 7 POSITIONS AND ABOVE, ADVERTISING

2122. Hon Donna Taylor to the Parliamentary Secretary representing the Minister for Sport and Recreation

- (1) In each Department or Agency under the Minister's control, how many level 7 positions and above were advertised outside the Public Service in the 2004-05 financial year?
- (2) What was the cost of the advertisements?
- (3) How many of the positions so advertised were filled by -
  - (a) the person acting in the position;
  - (b) a person from the re-deployment pool; or
  - (c) a person recruited from the advertisement outside the Public Sector?

- (4) How many of these positions were filled by women?
- (5) In the same financial year, how many women have been appointed to senior positions, level 7 and above, in each of the Departments and Agencies under the Minister's control?
- (6) Does the Government have a strategy in place to increase the number of women in senior positions?
- (7) If so, what is that strategy?

Hon ADELE FARINA replied:

I refer the Honourable Member to the answer provided in Legislative Council Question on Notice # 2121.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL 7 POSITIONS AND ABOVE, ADVERTISING

2123. Hon Donna Taylor to the Parliamentary Secretary representing the Minister for Citizenship and Multicultural Interests

- (1) In each Department or Agency under the Minister's control, how many level 7 positions and above were advertised outside the Public Service in the 2004-05 financial year?
- (2) What was the cost of the advertisements?
- (3) How many of the positions so advertised were filled by -
  - (a) the person acting in the position;
  - (b) a person from the re-deployment pool; or
  - (c) a person recruited from the advertisement outside the Public Sector?
- (4) How many of these positions were filled by women?
- (5) In the same financial year, how many women have been appointed to senior positions, level 7 and above, in each of the Departments and Agencies under the Minister's control?
- (6) Does the Government have a strategy in place to increase the number of women in senior positions?
- (7) If so, what is that strategy?

Hon ADELE FARINA replied:

I refer the Honourable Member to the answer provided in Legislative Council Question on Notice # 2121.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL 7 POSITIONS AND ABOVE, ADVERTISING

2124. Hon Donna Taylor to the Parliamentary Secretary representing the Minister for Seniors

- (1) In each Department or Agency under the Minister's control, how many level 7 positions and above were advertised outside the Public Service in the 2004-05 financial year?
- (2) What was the cost of the advertisements?
- (3) How many of the positions so advertised were filled by -
  - (a) the person acting in the position;
  - (b) a person from the re-deployment pool; or
  - (c) a person recruited from the advertisement outside the Public Sector?
- (4) How many of these positions were filled by women?
- (5) In the same financial year, how many women have been appointed to senior positions, level 7 and above, in each of the Departments and Agencies under the Minister's control?
- (6) Does the Government have a strategy in place to increase the number of women in senior positions?
- (7) If so, what is that strategy?

Hon ADELE FARINA replied:

I refer the Honourable Member to the answer provided in Legislative Council Question on Notice # 2121.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL 7 POSITIONS AND ABOVE, ADVERTISING

2127. Hon Donna Taylor to the Minister for Education and Training representing the Minister for Youth

- (1) In each Department or Agency under the Minister's control, how many level 7 positions and above were advertised outside the Public Service in the 2004-05 financial year?
- (2) What was the cost of the advertisements?

- (3) How many of the positions so advertised were filled by -
- (a) the person acting in the position;
  - (b) a person from the re-deployment pool; or
  - (c) a person recruited from the advertisement outside the Public Sector?
- (4) How many of these positions were filled by women?
- (5) In the same financial year, how many women have been appointed to senior positions, level 7 and above, in each of the Departments and Agencies under the Minister's control?
- (6) Does the Government have a strategy in place to increase the number of women in senior positions?
- (7) If so, what is that strategy?

Hon LJILJANNA RAVLICH replied:

Office of Children and Youth

- (1) 2
- (2) \$969.51
- (3) (a) 2 (b) 0 (c) 0
- (4) 2
- (5) 2
- (6) Yes.
- (7) The Government's Equity and Diversity Plan includes performance objectives, which are designed to improve the distribution of women across all levels of the workforce and their representation in senior management.

MINISTERS OF THE CROWN, COMPLIANCE WITH SECTION 74 OF THE PUBLIC SECTOR MANAGEMENT ACT

2187. Hon Peter Collier to the Parliamentary Secretary representing the Attorney General

I refer to section 74 of the *Public Sector Management Act* which specifically requires each Minister to 'make arrangements in writing in relation to each Department or organisation for which the Minister of the Crown is responsible setting out the manner in which, and the circumstances in which, dealings are to be had, and communications are to be made, between ministerial officers assisting the Minister of the Crown and the employees in that Department or organisation', and ask -

- (1) Since the February 2005 State Election, has the Attorney General complied with section 74?
- (2) If not, why not?
- (3) If not, when will the compliance occur?
- (4) Will the Attorney General table the document?
- (5) If not, why not?

Hon SUE ELLERY replied:

(1)-(5) Yes. See attached tabled documents. [See paper 703.]

MINISTERS OF THE CROWN, COMPLIANCE WITH SECTION 74 OF THE PUBLIC SECTOR MANAGEMENT ACT

2188. Hon Peter Collier to the Minister for Education and Training

I refer to section 74 of the *Public Sector Management Act* which specifically requires each Minister to 'make arrangements in writing in relation to each Department or organisation for which the Minister of the Crown is responsible setting out the manner in which, and the circumstances in which, dealings are to be had, and communications are to be made, between ministerial officers assisting the Minister of the Crown and the employees in that Department or organisation', and ask -

- (1) Since the February 2005 State Election, has the Minister complied with section 74?
- (2) If not, why not?
- (3) If not, when will the compliance occur?
- (4) Will the Minister table the document?
- (5) If not, why not?

Hon LJILJANNA RAVLICH replied:

- (1) Yes.
- (2)-(3) Not applicable.
- (4) Yes. [See paper 702.]
- (5) Not applicable.

MINISTERS OF THE CROWN, COMPLIANCE WITH SECTION 74 OF THE PUBLIC SECTOR MANAGEMENT ACT

2205. Hon Peter Collier to the Parliamentary Secretary representing the Minister for Health

I refer to section 74 of the *Public Sector Management Act* which specifically requires each Minister to 'make arrangements in writing in relation to each Department or organisation for which the Minister of the Crown is responsible setting out the manner in which, and the circumstances in which, dealings are to be had, and communications are to be made, between ministerial officers assisting the Minister of the Crown and the employees in that Department or organisation', and ask -

- (1) Since the February 2005 State Election, has the Minister complied with section 74?
- (2) If not, why not?
- (3) If not, when will the compliance occur?
- (4) Will the Minister table the document?
- (5) If not, why not?

Hon SUE ELLERY replied:

See response to parliamentary question 2187.

MINISTERS OF THE CROWN, COMPLIANCE WITH SECTION 74 OF THE PUBLIC SECTOR MANAGEMENT ACT

2206. Hon Peter Collier to the Parliamentary Secretary representing the Minister for Electoral Affairs

I refer to section 74 of the *Public Sector Management Act* which specifically requires each Minister to 'make arrangements in writing in relation to each Department or organisation for which the Minister of the Crown is responsible setting out the manner in which, and the circumstances in which, dealings are to be had, and communications are to be made, between ministerial officers assisting the Minister of the Crown and the employees in that Department or organisation', and ask -

- (1) Since the February 2005 State Election, has the Minister complied with section 74?
- (2) If not, why not?
- (3) If not, when will the compliance occur?
- (4) Will the Minister table the document?
- (5) If not, why not?

Hon SUE ELLERY replied:

See response to parliamentary question 2187.

GOVERNMENT DEPARTMENTS AND AGENCIES, WORKPLACE BULLYING, CLAIMS FOR COMPENSATION

2377. Hon Ray Halligan to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

For each Department and Agency under the Minister's control, including the Ministerial office, will the Minister please advise of the following for the years 2003-04 and 2004-05 to date -

- (1) How many claims for compensation have been lodged as a result of bullying in the workplace?
- (2) How many of these claims have been successful?
- (3) What has been the total amount of money awarded to successful claimants?

Hon ADELE FARINA replied:

DPI

2003-2004

- (1) One
- (2) One
- (3) \$ 8,000

## 2004-2005

- (1) Nil
- (2)-(3) N/A

## Western Australian Planning Commission

With the Exception of the position of Secretary of the Western Australian Planning Commission, there are no staff employed by the Commission.

## PTA

- 1) Nil
- 2-3) N/A

## MRWA

- 1) Nil
- 2-3) N/A

## LANDCORP and ARA

- 1) 2003/04 Nil;  
2004/05 One
- 2-3) Nil

## EGTB

- 1) 2003/04 - Nil; 2004/05 - Nil
- 2&3) N/A

## EPRA

- 1,2 &3) Nil

## SRA

- 1,2 &3) Nil

## MRA

- 1,2 &3) Nil

## APA

- 1) Nil
- 2-3) N/A

## Broome PA

- 1,2 &3) Nil

## DPA

- 1) Nil
- 2-3) N/A

## EPA

- 1) Nil
- 2-3) N/A

## DPA

- 1) Nil
- 2&3) N/A

## GPA

- 1) Nil
- 2-3) N/A

## PHPA

- 1) Nil
- 2-3) N/A

## DPC

- 1) Nil
- 2-3) N/A

## FOUR-WHEEL-DRIVE VEHICLES, SAFETY STUDY

2520. Hon Barbara Scott to the Minister for Fisheries representing the Minister for Community Safety
- (1) Has the Office of Road Safety commissioned a study of four wheel drive vehicles, their impact on the safety of the general metropolitan road environment, their impact on the safety of pedestrians, and their impact on the safety of their drivers and passengers?
  - (2) If yes to (1), will the Minister please table the report?
  - (3) If no to (1), will the Minister, in view of the concerns coming to light regarding these vehicles, instruct the Office of Road Safety to immediately commission such a study?

Hon JON FORD replied:

1. No, the Office of Road Safety has not commissioned a study of 4WD vehicles. In 2002 the Road Safety Council funded a study commissioned by the Department of Planning and Infrastructure which looked at safety issues in the Western Australian fleet. That report was published by the Road Safety Council. The Road Safety Council also publishes basic information on crashes by vehicle type and severity, which include 4WD vehicles, in its Annual Reported Road Crashes publication.
2. Not Applicable
3. Research into the level of road trauma associated with 4WDs has been undertaken by a number of organisations in the past five years, including by the Australian Transport Safety Bureau and the Centre for Accident Research and Road Safety in Queensland. Research on young pedestrians and reversing motor vehicles has been presented to Road Safety Research and Policing Conferences in the past. This research informs Government road safety policy and initiatives which recognise that the best way to enhance safety is to create consumer demand for enhanced safety features and raise public awareness of the extra care needed when driving 4WDs to ensure the safety of their families and other road users, including pedestrians.

## CALISTA PRIMARY SCHOOL, AUDITS

2522. Hon Barry House to the Minister for Education and Training
- (1) How many times since 1995 has the Calista Primary School been audited by the Department of Education and Training Audit and Review Branch, or its designated contractor?
  - (2) Who conducted these audits?
  - (3) What was the outcome from each of these audits?

Hon LJILJANNA RAVLICH replied:

- (1) Seven
- (2) Contract auditors, school self-audits and the Department of Education and Training's Audit & Review Branch.
- (3) This is subject to legal action and as such no comment can be made.

## CALISTA PRIMARY SCHOOL, PERFORMANCE REVIEW

2523. Hon Barry House to the Minister for Education and Training
- (1) How many times since 1995 has the Calista Primary School had a performance review of its total school operations conducted by the Department of Education and Training?
  - (2) Who conducted these performance reviews?
  - (3) What was the outcome from each of these performance reviews?

Hon LJILJANNA RAVLICH replied:

- (1) Three
- (2) The Fremantle-Peel District Director
- (3) The reviews contain information that make it possible to identify individual students, parents and staff members and as such will not be released.

## CALISTA PRIMARY SCHOOL, PERFORMANCE MANAGEMENT REVIEW

2525. Hon Barry House to the Minister for Education and Training
- (1) Why did the District Director - Fremantle - Peel Education District, issue a written instruction on February 24 2004 to the Principal of the Calista Primary School, that he wished to conduct a review of the 2003-04 Performance Management 'improvement targets', that were designated as Discussion Point 2 and Discussion Point 7?

- (2) Why has this written directive been issued, when previously these sorts of initial discussions have taken place over the telephone prior to any performance management review taken place?
- (3) Can you provide an explanation of the intent of the following statement made by the District Director - 'We also used a self-assessment matrix to capture your judgements about the performance of the school by using the Principles of the Curriculum Framework across six domains of school management'?
- (4) Did this review take place?
- (5) If so, what was the date and the outcome of this review?
- (6) If this review did not take place, why not?

Hon LJILJANNA RAVLICH replied:

- (1)-(6) This is currently the subject of litigation and therefore it is not possible to respond to this question.

PRIMARY SCHOOLS, FERNDALE, KINLOCK AND LYNWOOD

2532. Hon Barry House to the Minister for Education and Training

In relation to proposals for the futures of Ferndale, Kinlock and Lynwood Primary schools, I ask -

- (1) At what stage of the plan/proposal will the local community be consulted, as most issues thus far have been ruled 'confidential'?
- (2) The planned time frame states that the community consultation will be completed by December 2005. Is this the case?
- (3) If not, what is the amended time frame?

Hon LJILJANNA RAVLICH replied:

- (1) The community will be consulted once the Draft Local Area Education Plan has been approved by the Minister for Education and Training.
- (2) Yes
- (3) Not applicable.

FITZROY CROSSING DISTRICT HIGH SCHOOL, TRUANCY AND COMMUNITY INTEGRATION

2576. Hon Barry House to the Minister for Education and Training

With regards to Fitzroy Crossing District High School, I ask -

- (1) What is the current rate of truancy at Fitzroy Crossing District High School?
- (2) What has the Government done or is proposing to do about the rate of truancy at Fitzroy Crossing District High School?
- (3) As construction will commence on a new school in Fitzroy Crossing in 2008-2009, which Agencies (including community representatives), are involved in the planning of the school to ensure that it is integrated into the community?

Hon LJILJANNA RAVLICH replied:

- (1) 34%
- (2) The school employs a fulltime Youth Support Worker and an Aboriginal Education Specialist Teacher and also has special programs on offer, such as the rural skills program and an aquaculture project.
- (3) The Department of Education and Training with its consultants has completed a feasibility study for the new school at Fitzroy Crossing. Planning for the new school will not commence until 2007/08 at which time, interested agencies and community representatives will be invited to join the Project Consultation Group.

—————