Legislative Council

Thursday, 24 June 2010

THE PRESIDENT (Hon Barry House) took the chair at 10.00 am, and read prayers.

PARLIAMENT HOUSE STAFF

Statement by President

THE PRESIDENT (Hon Barry House): I would like to inform members of a few significant staff retirements from Parliament House. Firstly, the Parliamentary Education Officer, Jane Gray, is retiring. People who know Jane will appreciate the magnificent work that she and her team have done over the years in raising the recognition and educational significance of this institution. I also acknowledge James Sollis, who has been appointed as Parliamentary Education Officer to replace Jane. We wish Jane Gray well in her retirement and thank her for her outstanding contribution to the Parliament.

I also advise members that our Security Manager, Ken Craig, whom all of you know as the very affable, friendly face of Parliament, is retiring and his last day in the workplace will be tomorrow. Ken is moving on to enjoy a healthy and long retirement. We certainly appreciate his services over the years and wish him well in retirement. We extend our best wishes and thanks to him.

Marilyn David, whom many of you will know from the switchboard, has also announced that she will be retiring. Marilyn has served this institution for well over 20 years in an extremely efficient and friendly manner and has become a friend, confidant and valuable support to many members and staff over the years. We wish Marilyn all the best in her retirement.

Members: Hear, hear!

MURESK INSTITUTE

Petition

HON COL HOLT (South West) [10.04 am]: I present a petition on behalf of Hon Philip Gardiner containing 201 signatures couched in the following terms —

> To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned residents of Western Australia are concerned that
>
> *the closing of agricultural education at the Muresk campus near Northam after 84 years serving rural and regional Western Australia will threaten the future of opportunities for young people to pursue careers that benefit all of its citizens, socially and economically.*
>
> Your petitioners therefore respectfully request the Legislative Council
>
> 1. To ensure a pathway is open to allow young people from rural and regional areas to progress from junior high school all the way through to post-graduate research with exit points along the way that will equip them for meaningful careers including that of farm management and agribusiness.
> 2. Encourage collaboration between Secondary Schools, TAFE universities and private providers in Australia and overseas to provide the best possible programs
> 3. Source the funds necessary to upgrade the Muresk campus near Northam to ensure that its infrastructure meets the education and training needs of regional Australia, particularly but not restricted to farm management and agribusiness.
>
> And your petitioners as in duty bound, will ever pray.

[See paper 2182.]

SQUARE KILOMETRE ARRAY PROJECT

Statement by Parliamentary Secretary

HON HELEN MORTON (East Metropolitan — Parliamentary Secretary) [10.06 am]: I would like to update Parliament on the progress that has been made to advance team Australia – New Zealand's bid to host the $2.5 billion Square Kilometre Array project. A delegation from Australia and New Zealand has just returned from promoting our capabilities at the annual International SKA Forum in the Netherlands. The forum provided

the best opportunity to promote the scientific advantages of the Australian – New Zealand site to the international community, many members of which will be involved in the final site selection.

I had the privilege of leading the Western Australian delegation, which included representatives from the International Centre for Radio Astronomy Research and our Chief Scientist, Professor Lyn Beazley. Senator Kim Carr and CSIRO's SKA project director, Professor Brian Boyle, both made powerful speeches that strongly advocated Australia – New Zealand's position as a superior site to host the SKA. Their basis was simple: we have strong science capabilities and a site that offers exceptional radio quietness, one of the single most important requirements in radio astronomy. A major outcome from the forum was CSIRO's statement of intent with ASTRON, the Netherlands' institute for radio astronomy, to cooperate on developing and testing technology that will ultimately make the SKA possible. This is just another example of the many collaborations that team Australia – New Zealand is creating throughout the world to help develop the technology needed to run the SKA.

The federal government will also invest $47.3 million for Western Australia to ensure that full-scale, clean energy generation systems will provide power to the Murchison Radio-Astronomy Observatory in the Mid West and the Pawsey High-performance Computing Centre for SKA Science in Kensington. This announcement meets the international SKA community's aspirations for the final project to use sustainable energy. The SKA is a truly fantastic project and the combined actions of ANZSKA will ensure that our bid gives us the best chance to secure the SKA in Western Australia.

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

STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW

Fifty-third Report — "Pharmacy Bill 2010" — Tabling

Hon Adele Farina presented a report from the Standing Committee on Uniform Legislation and Statutes Review relating to the Pharmacy Bill 2010, and on her motion it was resolved —

That the report do lie upon the table and be printed.

[See paper 2183.]

PLASTIC SHOPPING BAGS (WASTE AVOIDANCE) BILL 2010

Second Reading

Resumed from 1 April.

HON LINDA SAVAGE (East Metropolitan) [10.10 am]: I rise to support Hon Sally Talbot's Plastic Shopping Bags (Waste Avoidance) Bill 2010. I am very glad to have an opportunity to speak about something as important as this. It is a piece of legislation that can make a difference to the environment and to all of us because of our contribution to phasing out the use of shopping bags. I expect that I am not alone in saying that I have had a great deal of experience with plastic bags over the years. I have put mountains of shopping into them, I have taken them home, I have taken mountains of shopping out of them and I have put them in the cupboards. Like many other people—we have been aware of the damage that they do for quite some years—I have tried to be responsible and have made attempts at recycling by returning my shopping bags to the bins at the supermarkets and by using them for other things. I have not done it as regularly as I should have. I have recycled only a tiny number of bags compared with the thousands that have passed through my hands over the past 30 years.

When I was thinking about this bill, the phrase "mea culpa" came to mind because I know that I am to blame as much as anyone else for the disastrous environmental impact of shopping bags. When I speak in support of this bill, it is not to lecture; it is because I am aware from speaking to many of my friends that despite the education campaigns and the knowledge that we have, we have not been nudged significantly to do the right thing with plastic shopping bags. A bill such as this is probably the only way that we will be weaned off using plastic shopping bags. Like other members, I have cloth recyclable bags in the boot of my car. I initially thought I would say that when I rush into the shops I forget those bags nine times out of 10 but, to be honest, it is more like 99 times out of 100. By the time I am at the checkout, I think to myself that I should have brought my recyclable bags in but I did not. I do not wish to trivialise this debate but I have in my hand a number of plastic bags that represent one of the times I have rushed into the shops just to pick up a few things. As members will know, we tend to pick up a few more extra things when we do that.

Hon Simon O'Brien: Was that just before 9.00 pm when you ducked in?

Hon LINDA SAVAGE: There is 24-hour shopping in some places in Perth.

I would like to think that I am not addicted to shopping. These plastic bags represent just a quick trip to the shops to grab a few things. When I put these in the boot, I see those cloth recyclable bags and I know that I am as

guilty as anyone. Speaking about this bill that has been introduced by Hon Sally Talbot, I am making this personal confession to begin with.

My view that I would like to do better although I do not, really reflects what surveys have shown. I refer to a survey carried out in 2005 by Clean Up Australia, which found that 81 per cent of adult Australians favoured a ban on plastic shopping bags, as this bill proposes. Shortly I will outline all the reasons why we should support a bill such as this to end the damage that plastic shopping bags have done. One of the joys of becoming a member of this place has been the opportunity to learn about things that I do not think I would have otherwise turned my mind to. In reading this bill, I have learnt about polyethylene, which I know now is what plastic bags are made of and which is referred to in clause 3, the interpretation section, of the bill as the major component of plastic bags. Obviously, my knowledge of this was non-existent and I even had to ask someone how to pronounce polyethylene this morning.

Hon Helen Morton: The only reason we're laughing is because we just did the same.

Hon LINDA SAVAGE: I am not alone then. Being a member of Parliament gives us opportunities to find out about things that we never otherwise would have. That is why I found it so fascinating when I read a little about how polyethylene, which is the most widely used component in plastic, was discovered. I thought some other members of the house might be interested to hear about that. Polyethylene was first synthetised by German chemist Hans von Pechmann, who prepared it by accident in 1898 while heating diazomethane. When his colleagues Eugen Bamberger and Friedrich Tschirner characterised the white waxy substance that he had created, they recognised that it contained long CH2 chains and termed it polyethylene. I thought that was fascinating! This substance was synthesised by accident. Interestingly, the information that I found went on to say that the first industrial synthesis of polyethylene was carried out in 1933, again by accident, by Eric Fawcett and Reginald Gibson at the ICI works in Northwich, England. I am quite certain that these scientists and chemists had no idea that what they had stumbled upon would become plastic and plastic bags that are now so much part of our everyday life. I do not know whether anybody has had the experience of being somewhere without, say, Glad Wrap and realising how dependent we have become on all sorts of plastics that we managed without for many years. When we have to manage without, we find that we can manage.

I will just fill in a little more of the history of plastic bags. A series of chemists worked on what had been synthesised and over a long period gradually made it into something that was useable. In the 1980s—there is no date to pin down exactly when it started—plastic bags were suddenly part of our lives. Thirty years ago I was in my early 20s but I cannot recall what we used. Presumably, we managed to carry things about and managed to get things home, probably using boxes and paper bags. It is possible that we did a bit less shopping. All in all, a change occurred. Suddenly, plastic bags were part of the way we did our shopping and the way all shopping was delivered to us. What seemed so modern and convenient then has now become the menace that plastic bags are today. I would like to talk a little about that in a moment. First of all, I would like to give members some of the facts about plastic bags in Australia. I have taken this information from the Clean Up Australia website, which I think members will agree is an authoritative source. On its facts and figures page, it says —

- The average plastic bag is used for only 5 minutes, yet can take up to 1,000 years to break down in the environment.
- Australians use over 10 million plastic bags a day.
- Almost half of these bags are given away by non-supermarket retailers such as newsagents, discount stores, pharmacies, fruit and vegetable shops, liquor stores and take-away outlets.
- Plastic bags suffocate, disable and kill thousands of marine mammals and sea birds worldwide each year. When the animal dies and decays, the plastic bag is free again to repeat the deadly cycle.
- It only takes 4 grocery trips for an average Australian family to accumulate 60 plastic shopping bags.
- Australians throw away about 7,150 recyclable plastic bags a minute, with 429,000 recyclable plastic supermarket bags dumped in landfill every hour.
- Plastic bags are considered to be a 'free' commodity, but the cost to households of $10 to $15 per year is added to the price of goods that they purchase.
- The production of plastic bags accounts for some 20,000 tonnes of plastic polymer derived from non-renewable resources. While plastic bags can be recycled, only a tiny proportion of plastic bags are collected and reprocessed.

This is an interesting point made by Clean Up Australia —

- Plastic has remained the most common category of rubbish picked up on Clean Up Australia day over the last 20 years. Most common plastic consumer items include chips/confectionery bags, bottle caps and drink containers.

As was stated there, one of the most disturbing effects of plastic bags is the damage they cause to marine life. Members have at times seen some shocking pictures showing animals that have ingested a plastic bag or found themselves caught up in plastic.

I will refer again to something on the Clean Up Australia website. Clean Up Australia is an organisation that was set up by Ian Kiernan. When it was set up quite some years ago, it really helped us focus on the amount of rubbish we leave behind. Ian Kiernan has said that introducing a ban on plastic bags would significantly help reduce the number of marine animals killed by swallowing or being tangled in plastic bags, as I have just said. It is stated on the website —

> "The Australian community has repeatedly said they support a ban on plastic bags," Mr Kiernan said. "A ban on plastic shopping bags would lead to a reduction in the number of whales and other marine life, including birds, killed.
>
> "We know that only 2 to 3 per cent of plastic bags are recycled, which still means most simply end up in the environment and something like 3.76 billion plastic bags —

Perhaps more today, because this was a statement made in 2008 —

> still going to landfills … A ban is the only way to reduce this problem.
>
> "Almost 4 billion plastic bags are still being produced for Australian use every year. The rubbish problem they create, the detriment they cause to kerbside recycling systems and the resources and energy used to produce them are something that cannot be justified."
>
> Many Australian towns and communities are already declared plastic bag free—Coles Bay in Tasmania was the first to introduce a ban …

There are now other towns and other states in Australia, such as South Australia, and other countries that have joined in the ban. I noticed that Bangladesh is amongst the countries that proposed and, I understand, implemented a ban; also cities such as San Francisco. In supporting this bill, we are following the experience of others. Having lived in the United States of America some 20 years ago, and still having friends in the US, I understand they are still shopping notwithstanding the ban on plastic bags.

The bill before us contains nine clauses as well as definitions of key terms and phrases including the chemical term "polyethylene", which I referred to. It has clauses covering areas such as a transition period. Obviously the transition period is very important. If a bill like this is passed the period of that will be prescribed in the regulations. It will enable time for what will be a significant period of transition.

As I said I have long experience with plastic bags and shopping. In the past 10 years in Perth I have moved to shop online for my food. That has been available for over 10 years in Western Australia. All the food delivered comes in plastic bags. Obviously changes would have to be made in a range of situations. I presume that would enable time for other types of containers or maybe even less bagging of things bought from the supermarket. I must say one thing I have noticed in recent times with plastic bags is that quite often retail workers will say they are going to put another plastic bag inside a plastic bag because the bag—which may be one that has been made out of another plastic bag—is not strong enough. I think that says something about the bind that we have got ourselves into with the use of plastic and the attempt to recycle plastic bags into other plastic bags. That is really why a bill such as this is necessary—to completely move us in a different direction when we go shopping. Given that plastic bags have been around for 30 years, I think that in the lifetime experiences of many people they will readjust to how they lived before and how they shopped before. It is remarkable how quickly, when some new practice or new way of living day-to-day life comes in—particularly with legislation to help people such as me and others—people adjust to it.

The bill also contains provisions detailing offences and defences, and penalties. The penalties range from $5 000 to $20 000 in relation to the provision of plastic bags. As Hon Sally Talbot explained in her second reading speech —

> It is worth noting that the highest penalty of $20 000 pertains to the offence of knowingly providing a plastic bag that does not conform to environmentally acceptable standards.

I would like to read a little more of what Hon Sally Talbot said in support of this bill, because I think it is important to make these points again —

> The link between plastic bags and environmental damage is internationally recognised,

It is well known. As I say, many countries have moved to legislative regimes aimed at prohibiting or in some way taxing plastic bags. They include Bangladesh and China, which have banned or are about to ban light-weight bags; countries such as Malta, Taiwan and South Africa that have prohibited the supply of free bags or introduced plastic bag taxes; and other countries such as Scotland, England and Spain that have bans and restrictions under active consideration. I have mentioned South Australia as a state that has already banned

plastic bags, and Victoria is another one. I think I am correct in saying that in Uluru there are also no plastic bags and only paper bags are available when people purchase shopping or shop at the tourist outlet. What an enormous difference that has made to the landscape. When we look at some of the beautiful, pristine areas that we have in Western Australia, some of the rubbish that we see on the streets or on highways is plastic bags, which are a blight on the scenery.

For all of us I think that a bill such as this is very important and deserving of support because it enables us individually to move to a different way of bagging our shopping. If this bill is passed, it will heighten our awareness of other ways in which we might contribute. Although individually some people might say that they do not use that many plastic bags and that they reuse them over and over again, I think the reality is—certainly speaking for myself and in particular my women friends, who still do the bulk of the food shopping and are most familiar with the number of plastic bags that go in and out of households, particularly those with a number of children—that with the best will in the world, it is the convenience and forgetting those things that make us want to do the right thing so that, in reality, often we do not.

Some people think that the approach should be one of educating people. I spoke a little about that earlier. My view on that is that we have had significant education. I certainly know from my own children that a lot more is spoken about those things. All of us are aware of Clean Up Australia, for example. All of us in this house, of course, but I think also the wider community, will have seen programs or segments of current affairs programs about plastic bags and the sheer number that we use and the detriment that they have on the environment. I used the word "nudge" earlier, because I think a book of that name referred to nudging people in the right direction being the most effective way of making them change their behaviour. I think there may be a place for that, but I think there is also a time—it may be for other members and certainly for me—when nudging really has not worked and our better nature, our desire to do the right thing, is really overwhelmed by our lifestyle and the convenience of plastic bags. I know with the recycling services that we have, even though our recycling bins, like those of other people, are much larger than the bins that we can put anything into, local councils do not like plastic bags and we are told not to put plastic bags into our recycling bins. We are told by our local councils that a great number of things can go in the recycling bins, but plastic bags are just really in the too-hard basket. They are very slow to break down and there are a great many of them. My understanding is that not all councils will accept plastic bags for recycling. Stores that have places to take plastic bags show some leadership, but in all the places where I have dropped in my plastic bags for recycling, I have found that the one or two bins there, even if they were filled to the top every day, could only possibly account for a tiny fraction of the number of plastic bags that people walk out of that shop with each day.

Although we know that most people, as the Clean Up Australia survey indicated, would like to have plastic shopping bags banned, I think that adds further weight to what I was saying. Education and wanting to do so have so far proved to be unsuccessful and it is time to move on in a legislative framework to ensure that we act to overcome what we face, which is really a mountain of rubbish that has had so little use, perhaps maybe five minutes, that most of us can barely imagine what goes through our hands even in a week. That is why, as I said, when I brought these plastic bags into the chamber, it was not to trivialise. I do not know how many there are here but these are the type of thing —

Hon Robyn McSweeney: Don't table them!

Hon LINDA SAVAGE: I have checked that they are all clean.

Hon Ken Travers: You do know that you may be better known as the bag lady from now on.

Hon LINDA SAVAGE: I know. In a previous life I might have been known for my handbags, which I cannot bring into this house. I did think through the implications. We all shop. However much people like handbags, handbags play a role in society. Even a few years ago, people would have been stunned to think that handbags would become something by which people measure each other. However, the vast majority of us carry these plastic bags around. That is why I brought them into the house.

I will just add a few more points in support of this excellent bill. It is now estimated that worldwide one trillion bags are used and discarded every year. Australians are the second highest producers of waste per person in the world, with each of us sending over 690 kilograms of waste to landfill each year. Only one country beats us. It is America, which I do not suppose people would be surprised about. I think this is an interesting fact, again from Clean Up Australia: the amount of waste placed in landfill each year in Australia is enough to cover the state of Victoria. As I said, plastic has remained the most common category of rubbish picked up on Clean Up Australia Days over the past 20 years. In 2009 it made up 29 per cent of all rubbish they collected—29 per cent. That is a third of all the rubbish collected on Clean Up Australia Day. It says here, interestingly, that on average people were picking up 40 plastic bags at each Clean Up Australia Day site. Goodness me! That means an average of half a million shopping bags alone are collected every year on Clean Up Australia Day.

As I said, I am very glad to have the opportunity to support a bill such as this. I think this is legislation that a Parliament such as this can pass that can have a real effect. It is not just about the immediate effect it will have; it is the ripples that will come from that as society realises that we can live without all the plastic shopping bags that we have become addicted to. That will give us, I hope, the strength individually to find other ways in our lives to make changes.

I conclude by saying that I commend the bill to the house. I look forward to the day when I am in the supermarket and I have to rush back to my car and get those recyclable cloth bags, and a day even further from that when I will automatically step out of my car with my recyclable bags.

The PRESIDENT: I hope it is not raining that day!

HON LIZ BEHJAT (North Metropolitan) [10.41 am]: Before I speak I point out that I am not the lead speaker for the government on this issue. I want to comment on it, but I might be called away on urgent parliamentary business so I have taken this opportunity to stand and speak.

From the outset, I want to say that I am not vehemently opposed to this legislation, nor am I strongly in favour of it. But I want to offer some issues in counter-argument. To demonstrate that I have had some sort of commitment to easing the scourge of plastic bags, in 2005 when I was the electorate officer and campaign manager for the extremely hardworking and popular federal member for Canning, Don Randall —

Hon Ken Travers: Do you have to have that authorised?

Hon LIZ BEHJAT: Okay—"Authorised by me"!

The PRESIDENT: We are like the ABC here; we do not take endorsements!

Hon LIZ BEHJAT: Our campaign reflected a simple slogan saying "Don Randall says no to plastic bags". That became a very popular campaign for Don and the team. We spent many Saturdays at the Armadale Shopping Centre with calico bags that were authorised. We had the slogan "Don Randall says no to plastic bags" and we exchanged people's plastic bags for the calico bags.

I understand that Hon Sally Talbot's motive behind this bill is protection of the environment. However, people have considered that this issue is being used as a political campaign. In 2005 I found that to be very strange. To promote the "Don Randall says no to plastic bags" campaign, we wanted to post some billboards around with that message on them, simply as an environmental message. There is nothing political about saying no to plastic bags.

Hon Kate Doust: I can see Don Randall being a big greenie!

Hon LIZ BEHJAT: Don has green credentials on a lot of issues. The only billboards available in the electorate of Canning at that time were on railway land. When we put it to the people who were managing the advertising that that was what we wanted to do, they said, "Oh, no; you can't say that; it's political." I cannot see why saying no to plastic bags was a political statement; it was an environmental issue. We continued with our campaign and it was successful.

Hon Donna Faragher: He was re-elected

Hon LIZ BEHJAT: He was; and I am certain he will be elected again. We digress.

Several members interjected.

The PRESIDENT: Order! Let us not get distracted from plastic bags.

Hon LIZ BEHJAT: I have some specific questions about some of the detail of the legislation. I notice that in the first paragraph of Hon Sally Talbot's second reading speech she states —

> The rest end up in either our environment or landfill. When the Environment Protection and Heritage Council met in Perth last October, expectations were high that it would reach an agreement on imposing a national ban on plastic bags.

That did not happen so that is the reason Hon Sally Talbot found it necessary to introduce this legislation into this house. I wonder why the EPHC failed to reach agreement. I think it is because there are so many opinions in the community about the use of plastic bags. We have to also wonder whether a national scheme would work. I am horrified at the thought of a national scheme because no doubt it would become part of uniform legislation and-God forbid!-we know where it would end up; that is, with the Standing Committee on Uniform Legislation and Statutes Review. We do not need it.

Hon Sally Talbot: I think you'll find there are a number of state ministers, possibly including your own, who were assuming quietly there would be some agreement at a minco.

Hon LIZ BEHJAT: There would have been some sort of intergovermental —

Hon Donna Faragher: It wasn't on the agenda.

Hon Sally Talbot: You said it was on the agenda.

Hon Donna Faragher: It was part of a standing item; it was not an agenda item. That was under your government when you didn't make a decision.

Hon LIZ BEHJAT: I am sure members can have that conversation later.

No doubt it would have been another piece of legislation that undermined state sovereignty, as we see most of these issues doing these days with their template or mirror legislation. If we did take a national approach, some states would enter into an agreement and others would not. Then containers might be set up at our border checkpoints similar to the fruit bins. There might be signs such as, "Are you bringing plastic bags into this state? They're banned here." There might also be plastic bag sniffer dogs at airports. The whole national approach could be fraught with danger. Surrounding this argument are apocryphal myths about things such as —

Several members interjected.

Hon LIZ BEHJAT: Who is speaking, me or the rest of the members? This is my turn.

The PRESIDENT: Order! The person on his or her feet has the right to be heard in silence.

Hon LIZ BEHJAT: I suggest in future that in non-government business we have chats across the chamber, because today that is what is happening.

Several members interjected.

The PRESIDENT: Order!

Hon LIZ BEHJAT: People talk about plastic bags taking 1 000 years to break down. How do we know that? Who has a plastic bag that is 1 000 years old? They are 30 years old.

Hon Sally Talbot interjected.

Hon LIZ BEHJAT: It is one of those statements, that, if we make it often enough, it becomes reality.

Hon Ken Travers interjected.

Hon LIZ BEHJAT: The other myth that surrounds this debate about plastic bags is that they are choking the whales or the dolphins. An article in *TimesOnLine* of 8 March 2008 headed "Series of blunders turned the plastic bag into global villain" reads —

> Scientists and environmentalists have attacked a global campaign to ban plastic bags which they say is based on flawed science and exaggerated claims.

There is a thought: "Flawed science and exaggerated claims". It continues —

> …Attacking plastic bags makes people feel good but it doesn't achieve anything."
>
> The Times has established that there is no scientific evidence to show that the bags pose any direct threat to marine mammals.
>
> "Plastic bags don't figure in entanglement," … "The main culprits are fishing gear, ropes —

Several members interjected.

The PRESIDENT: Order! I am sure it is very hard for Hansard to pick up the words being spoken by the member on her feet when there is lots of background noise and continuous interjections.

Hon LIZ BEHJAT: The article continues —

> "Plastic bags don't figure in entanglement," he said. "The main culprits are fishing gear, ropes, lines and strapping bands. Most mammals are too big to get caught up in a plastic bag."

The central claim of campaigners is that the bags kill more than 100 000 marine animals and one million sea birds every year. However, this figure is based on a misinterpretation of a 1987 Canadian study in Newfoundland that found that between 1981 and 1984 more than 100 000 marine animals, including birds, were killed by discarded nets, not plastic bags. The Canadian study did not mention plastic bags. A 1968 study of albatross carcasses found that 90 per cent contained some form of plastic but that only two birds had ingested part of a plastic bag. The culprits are nurdles. There is a new word for members. Plastic particles known as nurdles dumped in the sea by industrial companies form a much greater threat, as they can be easily consumed by birds and animals.

Hon Ken Travers: That will be Don Randall's next campaign slogan: Don Randall says no to nurdles.

Hon LIZ BEHJAT: Quite possibly.

Hon Ljiljanna Ravlich: Don Randall, your local nurdle!

Hon LIZ BEHJAT: Closer to home, if we get rid of plastic bags, people will use something else. Will that create another problem? Branwen Smith from the *Northern Guardian* wrote an article on Wednesday, 16 June, which is quite recent, headed "Exmouth clear of plastic but choking on cardboard". If we get rid of one thing, we get another. The article states —

> Cardboard boxes are creating increasing problems in Exmouth since the town became free of plastic bags more than a year ago.
>
> …
>
> While most Exmouth locals now use re-usable bags, the town's many tourists aren't so well prepared.
>
> …
>
> "Because campers are not offered plastic bags at check-out, they're using boxes for rubbish bins and leave them open beside our bins and the crows spread the rubbish around,"

Exmouth butcher John Sadecky is reported to have said —

> … supermarket shoppers used the boxes to carry shopping to their cars and then they abandon them in his wheelie bins.
>
> … in the morning he often found open boxes filled with rubbish left beside his bins by campers coming through Exmouth.

Well done to the people of the town of Exmouth for getting rid of plastic bags, but what will it do about the cardboard? Another problem has been created. The other types of bags that can be used become fashion items in some respects. "This is not a plastic bag" was a campaign that was run in England in about 1987. We must wonder what the companies are doing. Are they just trying to make a fashion statement to get rid of plastic bags? The reusable bags at shopping centres have hard plastic bits in the bottom of them. What will happen to those bits in the future? They will probably end up being nurdles and create problems all over the place.

I would like Hon Sally Talbot to answer some questions about plastic bags at the appropriate time. Clause 3 of the bill defines an "alternative shopping bag" as a biodegradable bag, and a "biodegradable bag", according to the bill, is a bag that has been assessed and tested in accordance with the relevant standard. The bill says that the bag must be compostable but the bill does not say over what time it needs to be compostable. Can something be classed as biodegradable if it will biodegrade in 1 000 years? What is the time frame? The bill does not give a certain time. Clause 3 states that —

> ***alternative shopping bag*** means a carry bag that —
>
> (b) is designed to be used on a regular basis over a period of approximately 2 years;

The bill also stipulates that retailers must be able to supply an alternative shopping bag to a consumer. What will happen if the bag that has been provided to a shopper by the retailer does not last anywhere near two years? The bag might be overfilled and break and an item in the bag could fall onto the shopper's foot and break it. Can the shopper sue the retailer because the retailer was supposed to give the shopper a bag that was designed to be used on a regular basis over approximately 2 years? I am not sure how that will pan out.

Clause 3(c) also states that —

> ***plastic shopping bag*** means —
>
> (a) a carry bag —
>
> (i) the body of which comprises (in whole or in part) polyethylene with a thickness of less than 35 microns;

That is all very well, but how can we stop a retailer who gives away a bag that is 40, 50 or 60 microns? That is not getting rid of plastic bags; it is making available a heavy-duty plastic bag. Again, there seems to be a question mark about the 35 microns.

Other problems might occur when people bring their own shopping bag into a supermarket because they know that they will not be provided with a plastic bag by the retailer. The bags that they bring might have been used quite a few times over the preceding months or even years. The person at the checkout will then handle the bag. What are the health issues associated with the bag that the shopper has brought from home? The bag might have contained unhygienic items such as rotten food. What is the checkout operator being exposed to? Should the checkout operators wear plastic gloves and check the bags before putting things into them? There could be odour problems and all sorts of things.

Hon Ljiljanna Ravlich: You're not serious, are you?

Hon LIZ BEHJAT: I am deadly serious.

If the retailer does not supply plastic bags at the checkout, a shopper might find that he had not brought enough bags with him from home for the amount of shopping he has. The checkout operator would then be forced to overfill the bag. That will cause some occupational safety and health problems because the bag is too heavy. The checkout operator would have to lift it from one spot to another. Who will be responsible for all those sorts of things? We have seen around the world that plastic bags have either been banned or customers are being charged 15c or 25c for them. When a price of a plastic bag is set, people get used to paying that amount. Because they do not mind paying that amount, the price of a bag must keep being increased. I suppose that if shopkeepers can keep raising the price of plastic bags, it is revenue raising for them.

It is interesting to note the Irish experiment with plastic bags. In Ireland people are charged for plastic bags. That experiment found that the use and sale of plastic shopping bag dropped dramatically. It is interesting that there was a more than 400 per cent increase in the sale of black plastic bags. It was found that because people are recycling plastic bags for use as rubbish bags, they are now buying more black plastic bags. It has not been a useful experiment.

Hon Ljiljanna Ravlich: Will you take an interjection?

Hon LIZ BEHJAT: All right, go on.

Hon Ljiljanna Ravlich: You can call on a friend —

Several members interjected.

The PRESIDENT: Order! Do not mind me, but there are some rules governing debate in this place.

Hon Ken Travers: Isn't it disorderly for the President to interject?

The PRESIDENT: Let us try to stick to the rules.

Hon Ljiljanna Ravlich: Can't I ask the question?

Hon LIZ BEHJAT: Go on.

The PRESIDENT: Hon Liz Behjat is on her feet and if there as an orderly contribution to the debate, and as long as it is not a speech, I will allow it.

Hon Ljiljanna Ravlich: I want to ask the member whether the government intends introducing legislation to protect retail workers from dirty bags.

Hon LIZ BEHJAT: This is not a government bill, so I do not know.

Hon Ljiljanna Ravlich: Will your party be introducing legislation to protect retail workers from dirty bags?

Hon Linda Savage: People already take bags to the supermarket. While you are suggesting that they could deal with dirty bags, they are currently dealing with dirty bags.

Hon LIZ BEHJAT: I am throwing things out for members to consider to help them in their decision on how they will vote on this bill. Moving along —

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order! I am conscious that other members want to make a contribution to this debate. Let us create an environment in which members get up, say what they want to say, and other members can also have the opportunity to contribute.

Hon LIZ BEHJAT: Another thing we need to consider is whether, if plastic bags are removed from general circulation, there will be a public education program to let people know about it. Who will be involved in that education program? Will retailers have to bear the cost of advertising that they will no longer provide plastic bags? How do we get the message out into the community? Who pays for the advertising costs? How will those costs be passed on to the consumer? I am sure that any costs will, ultimately, be passed on to the consumer. A number of issues need to be addressed.

It is important to consider that it might not be the plastic bag that the shopping is in that is creating a problem. It might be that what is inside the plastic bag is of an environmentally damaging nature, and that could be a bigger problem. If we look at the plastic packaging of some of the items we put in our shopping bags, quite often it is a hard plastic and it is almost impossible to remove it. There are other issues we need to consider. The plastic bag issue is only one part of it.

In the scheme of things, to what degree do plastics contribute to the overall waste that is produced? I have the figures from the City of Stirling of the quantities of waste generated in 2008–09. I will run through that list— domestic waste, 37 112 tonnes; green waste; 20 706 tonnes; metals, 2 205 tonnes; batteries, 47 tonnes; oils,

74 000 litres; glass, 72 tonnes; cardboard, 812 tonnes; tyres, 25 tonnes; and plastics, 15 tonnes. In the overall scheme of things the waste generated from plastics is not as great as for other wastes.

We need to be looking at other things rather than plastic bags, although this may be a start and a step in the right direction. I note that in December 2008 the Environment Protection and Heritage Council commissioned the CSIRO to undertake a 15-month study of the major classes of degradable materials in the Australian environment, including the material used for producing single-use bags. Obviously, that study is continuing. I understand that that report is not due to be released until perhaps later this year. It will need to go out to the community for consideration and discussion. Any legislation that we might be looking at now is perhaps premature. It might be logical to hold off from doing anything legislatively until the findings and recommendations of that report are known.

I do not really have any strong feelings either way about this bill, but I wanted to bring these matters to the attention of the house. I have a number of reports and magazine and newspapers articles and for every article that states that plastic bags are a bad thing there is an article to counter that. Obviously it will be an ongoing debate. We have seen from the interest in the house today by members wanting to interject that it is a subject that people have an opinion on. Maybe it is a good thing that we are debating this issue.

I hope that in her right of reply, Hon Sally Talbot will address the issues I have raised about the legislation and indicate how these issues will be dealt with. She has gone!

Hon Ken Travers: She has had to duck out and she asked me to keep an eye on the debate.

Hon LIZ BEHJAT: No doubt she is on urgent parliamentary business. I am glad Hon Ken Travers is keeping an eye on the debate for her. That is my contribution to the debate and I look forward to hearing the contribution of other members and perhaps they will accept my interjections when the time comes.

HON ROBIN CHAPPLE (Mining and Pastoral) [11.09 am]: Undoubtedly, members of the Greens (WA) will talk on the Plastic Shopping Bags (Waste Avoidance) Bill 2010. This bill brings on a degree of deja vu for us because we have all been here before to do this. This issue has been around for a long time and we have heard commitments from federal and state governments over many years. I refer to the announcement made by the then federal Minister for the Environment and Heritage, David Kemp, that the federal government would slash litter by 38 million bags by the end of 2004. It did not happen. That was when we were producing about 6.9 billion plastic bags per annum.

I will talk about where the bags come from and those sorts of issues in a moment. I will also address Hon Liz Behjat's comments about plastic bags and marine wildlife.

Hon Liz Behjat: Did you say "Hon Liz Baguette"? It is Behjat—like cat.

Hon ROBIN CHAPPLE: I apologise, Hon Liz Behjat.

It is also noted that, after Minister Kemp made those statements in 2002, in 2004 the then federal science minister, Peter McGauran, likened plastic bags to nuclear waste when he launched the 40-hour plastic bag famine outside Parliament House in Canberra. He is reported as saying —

> "The dangers are obvious. You can't get rid of them," he said.
>
> "Do you know, depending on how they're stored in the tips, they'll last for, say 20 years, but if they're not stored properly, they last for 10,000 years.
>
> "It's like nuclear waste. It just goes on and on, a life beyond many, many continents' own lifetimes."

There was certainly rhetoric in the federal government's original proposal to do something about plastic bags.

In 2002 the Greens went in to bat on the plastic bags issue with the then Labor government and the Minister for the Environment. We attempted to introduce a plastic bag ban or levy in 2002. At the time I wrote to all members of Parliament from both houses identifying the state of the problem and, indeed, urging the introduction of a 15c levy on plastic bags in line with the experience in Ireland. Unfortunately, Judy Edwards, the minister of the day, in response to parliamentary questions from me, advised that the Environment Protection and Heritage Council would write to the National Packaging Covenant Council of federal and state territory governments and to the 535 companies that the organisation had set up to reduce the amount of packaging of waste. The minister had urged the council to provide a national uniform response to the issue of plastic bags, but the state government identified that, due to national competition policy, which I found to be an interesting point, legislation could not be introduced in Western Australia to deal with plastic bags. I hope that the opinions have now somewhat altered.

As some of my colleagues in this place will remember—some of them do and some of them do not because I have done a bit of a straw poll—in 2004 I presented to this chamber 34 calico bags that were screen-printed by teens in the Pilbara as their attempt to encourage this place to take on the battle with the scourge of plastic bags.

Hon Liz Behjat interjected.

Hon ROBIN CHAPPLE: All of us who live and travel throughout the north west—that applies to my colleagues in the Mining and Pastoral Region—will know the visual effect of plastic bags and the problems we have with restricting their movement to landfill sites. But we do not often consider the impact of plastic bags on wildlife. Interestingly, the honourable member said earlier that plastics bags were not seen to be a problem, but if we look at the morbidity of turtles, we find that turtles think that plastic bags are jellyfish and ingest them. That is one of the principal reasons for the early demise of turtles. I think that the honourable member is correct in saying that obviously discarded fishing nets, which are an incredible problem in our marine environment, are a significant problem. However, we must not dismiss the problem of plastic bags on the basis that they do not kill as many marine animals as do discarded fishing nets.

Ireland introduced the "plastax" on 4 March 2002. It immediately led to a $3.45 million increase in state revenue. That was in 2002, so if we do the multiplication, we can see that that had a good impact. It certainly caused a marked reduction in plastic bags to the point at which the plastic bag industry, which is a multinational industry basically owned offshore, started lobbying the Irish government to remove the tax, but the Irish government did not. I am not worried whether we have a ban through this bill or whether we introduce a levy. What we have to do is stop consumption and waste. That is what this is about. It is not about whether a plastic bag is better than a calico bag or a cardboard box; it is about consumerism. It is about our continued expansion of use and waste. Those are the core reasons that we look to minimise waste. I will give members some statistics in a moment, but we have to remember that, although some of us may or may not support the use of plastic bags, Roy Morgan surveys have indicated that 79 per cent of Australians support a plastic bag tax or a ban on the use of plastic bags and that these proactive strategies be encouraged and supported by the general populace.

In 2002, both federal and state governments committed under a voluntary code of practice to a 50 per cent recycling reduction target for lightweight plastic bags by 2004–05. The 2004–05 period has passed and all we have done since the introduction of that voluntary code is increase the number of plastic bags that are used. It is interesting to note that when we agreed to that voluntary code at both state and federal levels—it was a state Labor government and a federal Liberal government—we were to completely phase out plastic bags by 2008. It is now 2010 and I understand that people can still get plastic bags! That is really interesting. The commitment of state and federal governments on this subject is, as usual, absolutely nothing more than whitewash and abysmal.

Plastic checkout bags are a national nuisance. They are a threat to the environment and a major problem for landfill facilities. They are difficult to control and deal with in landfill. They are not readily recyclable because of contamination and those sorts of issues. Let us get an idea of the number of plastic bags we use. Australians currently use more than seven billion plastic checkout bags every year. We use a plastic bag for a minute but it may last for hundreds of years. Bags kill an estimated 100 000 marine animals and birds every year. Every second, 270 plastic bags enter Australian landfills and the environment. Less than three per cent of plastic bags used at checkouts are recycled, and Australia imports more than four billion plastic bags to be used at checkouts every year. Over 50 per cent of plastic bags that we use in Australia are manufactured overseas. Plastic bags add approximately $173 million a year to the national grocery bill. That figure is based on old statistics, so I would expect it to be around $200 million now. The average Australian uses 345 plastic bags a year, which is getting close to one every day. If we keep that up, the average Australian will throw away 25 000 plastic bags in his or her lifetime. Many of these bags will still be around when our great-grandchildren arrive.

Plastic bag litter causes many problems. Bags get caught in fences, they block drains, they trap birds and, when eaten, they kill livestock. Interestingly, the pastoral industry loses cattle to plastic bags. A range of problems are caused by plastic bags. They even cause motor racing accidents at Mount Panorama! A car was actually disabled and crashed into the wall because of a plastic bag. They are a massive problem.

Hon Ljiljanna Ravlich: I nearly swallowed one swimming in Bali!

Hon ROBIN CHAPPLE: Coles Bay in Tasmania was Australia's first plastic bag-free town. That town has stopped the use of more than 350 000 bags a year. Eighty million plastic bags litter our beaches, streets and parks every year. Local and state governments spend over $200 million a year picking up plastic bags. Almost half the windborne litter escaping from landfills is plastic bags. The amount of petroleum used to make one plastic bag can drive a car about 115 metres. The amount of petroleum used to make Australia's seven billion bags would drive a car around the world about 20 000 times. What an absolute waste of really valuable resource to make plastic bags.

Australian retailers—again, this was the edict signed by the state and federal governments—were to have until December 2004 to reduce their consumption of plastic bags used at checkouts by 25 per cent. That was to rise to 50 per cent by 2005. Deja vu! Been there, done that and nothing happened. In our own neck of the woods,

especially for those people in the Mining and Pastoral Region, we have a shining example of how to deal with plastic bags, and that is the town of Port Hedland. It suffered the scourge of windblown plastic bags for many, many years. The town of Port Hedland, with the support of the Care for Hedland Environmental Association, was commended for being one of the leading 10 local authorities in Australia for its involvement in reduction strategies in the use of plastic bags, covered by the BagSmart program.

The issue is broadly supported throughout the community. A number of people in the entertainment industry have made a number of statements about plastic bags. I would like to read some of those. Dannii Minogue says that everyone needs to shop but it does not have to cost the earth. She said —

> After you unpack your groceries at home, make sure you put your reusable bag straight back in your car. That way you won't forget it next time you go shopping.

Our friend Dr Karl, author and science personality, said —

> My main problem with plastic bags is that you use them only once and then throw them away. What a waste.

Tim Webster, Channel 10's *Sports Tonight* presenter, said —

> Please buy the reusable bags Coles, Safeway and Woolies are distributing and reuse them. The plastic bags are convenient, sure, but let's not let convenience outweigh responsibility.

Many other people have made telling statements. Ron Clarke, former Olympian and mayor of the Gold Coast City Council, said —

> The momentum has never been greater for communities to take action against plastic bags. We all need to do as much as we can to reduce the seven billion checkout bags used in Australia every year.

Many others have made similar statements.

As I said, the Greens will be supporting the bill before us. We should have a debate on whether plastic bags should be banned or whether a levy should be introduced but those issues have been widely canvassed before.

Hon Donna Faragher: What's your preference?

Hon ROBIN CHAPPLE: Our preference would be for a levy. Having said that, the key issue is that we have an immense problem in front of us. It needs to be dealt with. I do not care whether it is this piece of legislation or a levy; let us get rid of plastic bags. From my perspective, when I am driving around my electorate on the way to Broome or wherever, I see more flying plastic bags than birds these days. That is a terrible indictment on the way we treat our environment in Australia. On the strength of that, I articulate that we will be supporting this legislation because it is necessary, it is needed now and it is the start of getting responsibility into the community and the government to deal with waste.

HON DONNA FARAGHER (East Metropolitan — Minister for Environment) [11.19 am]: We have only a couple of minutes left but I rise to start my contribution to the Plastic Shopping Bags (Waste Avoidance) Bill 2010. I presume that we will come back to this at another point. I say at the outset that the government and I as minister recognise the impact of all forms of litter on our environment, and that includes plastic bags. In the case of the bill that is before us, and as has been mentioned by other speakers, plastic bags—large and small, thick and thin—can impact on our environment and be unsightly, as Hon Robin Chapple mentioned in his closing remarks. In saying that, in the context of this bill, I think it is also important to look at the estimates of plastic bag litter and how they vary across Australia. Plastic bags contribute to somewhere between less than one per cent to two per cent of the litter stream. It is important that, whilst obviously we need to deal with this bill, we do not look at plastic bags in isolation of other litter. Indeed, it is a simple fact and reality that cigarette butts are the biggest offenders when it comes to litter. As we know, a lit cigarette flicked into some bushland by a careless person has additional and sometimes very dangerous consequences, particularly during the bushfire season. I do not raise that lightly, but that is an issue with respect to litter. There are other forms of litter such as cans, paper and other plastics.

Debate adjourned, pursuant to temporary orders.

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from 23 June on the following motion moved by Hon Helen Morton (Parliamentary Secretary) —

> That pursuant to standing order 49(1)(c), the Legislative Council take note of tabled papers 2044A–H (budget papers 2010–11) laid upon the table of the house on 20 May 2010.

HON MATT BENSON-LIDHOLM (Agricultural) [11.31 am]: I certainly welcome the opportunity to comment on the estimates of revenue and expenditure and consolidated fund estimates 2010–11. As expected, a predictable surplus will be delivered given the Premier's promise if a deficit was to be delivered. Fairly

obviously, this surplus is most predictable. What was not predictable was the method by which this surplus would be delivered. Members would understand that this surplus will be achieved by what amounts to nothing less than a massive attack on Western Australian families. Forward estimates showed that predictions of electricity increases of 22.3 per cent for the coming year will occur, and then 5.6 per cent in the subsequent year and six per cent the year after that. Also of concern are comments recently attributed to the Minister for Water that extra increases of the order of 20 per cent are to be expected. All in all it does not bode well for Western Australian households. The upshot of that, fairly obviously, is a massive cost hike in the provision of essential services in Western Australia that will see the standards of living of ordinary, everyday Western Australians, their families and households generally, suffer, particularly in the years 2010–11 and 2011–12.

Sadly for Western Australian families, more pain is to come. That pain stems largely from the fact that net debt levels will soon hit something like 10 per cent of gross state product. The interest bill alone on that could be of the magnitude of $500 million-plus per annum. That is a dreadful and staggeringly high figure for a state that supposedly is the engine room of the Australian economy. It begs the question: where is the plan to rein in such debt? How will we pay for such massive per annum interest rate amounts? We do not seem to have a plan. If the first two Barnett government budgets are any guide, about the only people who will pay are ordinary, everyday Western Australians because, whatever it takes, we will have a surplus—come hell or high water, as they say. That debt comes on the back of a staggering 12.3 per cent growth in expenditure. I have sat in this Parliament for about five-plus years. I listened to people such as Hon Ray Halligan lambaste Labor governments for the amount of spending they engaged in. But 12.3 per cent growth in expenditure, no matter what state the Western Australian economy is in, is way beyond expectations. Also of note are big increases in transfer duty to the order of some $500 million-plus; I think the figure is $511 million. Royalties are expected to increase by 47.6 per cent or a whopping $1.055 billion—a further increase of $300 million was announced this week. That is all very well but of course those sorts of expenditure figures that I quoted should raise alarm bells in this chamber.

I get back to the debt issue and the false notion that the Premier stands for some kind of fiscal restraint. He simply does not. I maintain that his behaviour is quite reckless. He certainly appears to have little or no regard for Western Australian families. There is no doubt that the skyrocketing household debt will be used to pay for poor government decisions. The extra nearly $340 million allocated to Oakajee is puzzling, particularly given the fact that private industry was prepared to fork out that amount. My contention is that this simply highlights the Barnett government's very risky financial management strategy. It may work out but I know where my money would lie!

If we are looking for a single measure to sum up the budget this year, the government's skyrocketing debt certainly is it. I will quote some figures to support this assertion. In June 2008 state debt in the public sector was $3.8 billion. By June 2011 this debt will increase to $15.4 billion. It is estimated to be more than $20 billion by 2014. Just give consideration to the magnitude of those increases in debt—it is something of the order of 500 per cent. As a consequence, households will be hit hardest. It has happened before and it will continue to happen over the next four to five years and beyond. Households will be hit hardest with increased taxes and charges. Fewer services must be an outcome. The government cannot keep spending the money—we have heard that before in previous years. There has been less investment in physical and social infrastructure and higher and higher household bills. What a woeful legacy and what a way to operate, particularly given the promises made in previous years. The increases in taxes and charges announced in this budget are the start of more bad news to come—something the water minister certainly has not yet advised us of. That is something, dare I say it, to look forward to. Western Australian households are in for a fairly lean time over the next decade or more if this behaviour continues.

I now turn to the region that I represent, the Agricultural Region. There are a number of issues of particular relevance in that region. From the very outset I point out that the royalties for regions metamorphosis is now complete. It only took two budgets to achieve. What started out as a genuinely laudable idea for bush communities is now nothing more than a slick marketing scheme that does little more than deliver the normal range of government expenditures anywhere outside the metropolitan area—it is the same thing. Royalties for regions has become the way that spending priorities will be dealt with; there is nothing like the promise of additional expenditure—I emphasise "nothing like the" and "additional"—to put things into the bush that otherwise went on wish lists, as members would well appreciate. The problem is, however, the wish list is still there. With a few exceptions, country people have not got a lot extra from this budget. Normal government expenditure is funding normal economic decisions in the bush. Members do not have to read too far into the budget papers to see the rebadging process at work. As an example of that, I quote some examples from the budget of how money is being spent: hospitals and health facilities, court buildings and justice facilities, police facilities, electricity network infrastructure, early literacy programs and Foodbank support. I also note the patient assisted travel scheme, but members understand that the patient assisted travel scheme has been with us for quite some time and is not a new initiative. Another one is the wild dog management scheme. That just names a few. Minister Grylls spends money in the bush by attaching the royalties badge to most expenditure items. The

royalties for regions slogan is now virtually meaningless. The minister responsible has only himself to blame for its future demise. To make a further point, members should consider that royalties for regions is paying for more than half of the $30 million upgrade of the Esperance public hospital. That should not be royalties for regions money; that is the sort of thing that people living in Esperance —

Hon Robyn McSweeney: It is all government money.

Hon MATT BENSON-LIDHOLM: That is true. Hon Robyn McSweeney is right. But if the minister is going to badge that and then take credit for it, I think he is spinning a big yarn.

I would like to quote from an article in *Countryman* newspaper, dated 27 May 2010, that was written by Haidee Vandenbeerghe, under the heading "Right royal backdown". She wrote —

> Just 18 months ago, Mr Grylls said: "The people in the regions are very, very clear that royalties have to be over and above, not funding things that they thought should otherwise have happened."
>
> Budget time last year, Nationals MLC Wendy Duncan concurred that projects like hospital and residential college upgrades should not be funded from the coffers of Royalties for Regions — that it was for 'expenditure over and above that which is normally spent by government'.

Hon Ed Dermer: Didn't Hon Alannah MacTiernan extract information on the commitment of extra funding from Mr Grylls?

Hon MATT BENSON-LIDHOLM: I certainly would not question the memory of Hon Ed Dermer on those sorts of things. He is probably spot-on.

Hon Ed Dermer: I think it was in respect of regional development.

Hon MATT BENSON-LIDHOLM: Okay. The article continues —

> "It can be used to top-up projects, but we cannot expect it to fill the gaps left by government decisions to defer expenditure," she said.

That is referring to Hon Wendy Duncan. It continues —

> But in the wake of the Liberal and Nationals' 2010 State Budget, Ms Duncan describes the Nationals' reversal of its stance as a 'maturing of our philosophy'.
>
> "The issue is that in those first couple of years there was a pent up demand for those smaller community projects, but the people of WA want the big picture ... which means we do pay attention to the infrastructure of (regional) towns," she said.
>
> But Mr Grylls was not willing to concede the funding priorities for Royalties for Regions had altered.
>
> "I'm not sure it is a change in philosophy," he said.

There may be confusion in the National Party, but let me assure everybody that it is a change in philosophy and with this change in philosophy the royalties for regions badging has become somewhat tarnished and continues to be more so by the day. With the obvious change in philosophy, the bush is now constantly being knocked back on genuine royalties for regions funding applications. In the meantime, it will not be long before every school, police station and hospital opened outside the Perth metropolitan area will be daubed with royalties for regions colours so that Brendon Grylls can swan into town and cut the ribbon on another government project, and royalties for regions gets the credit. Sadly, the regions have been hoodwinked into believing that largesse is coming their way when the reality is that the government is simply intent on self-promotion. Rather than having royalties for regions, dare I say we now have a program of, as it were, "loyalties from regions".

Hon Robyn McSweeney: Which ones don't you want in your regions?

Hon MATT BENSON-LIDHOLM: I actually will go on to talk about these sorts of things, because there are other issues, particularly in Geraldton, such as the Streetwork Aboriginal Corporation, that need to be funded. I do not care whether we win lotto, which might be a better chance in some instances. I do not care how the money comes into being. I am just talking about the whole badging program that Brendon Grylls is taking enormous credit for.

How else would anybody interpret the royalties for regions funding, apart from buying loyalties from regions, of youth justice centres in the Kimberley and the Pilbara, particularly when similar sorts of things were provided in places like Geraldton and Kalgoorlie by Labor out of normal consolidated revenue appropriations?

Hon Ed Dermer: One interpretation would be the pea and thimble trick, from what you are saying.

Hon MATT BENSON-LIDHOLM: Yes. I could ask Hon Ed Dermer to go on, but I have plenty to cover and plenty of territory left.

Hon Robyn McSweeney: He has got me to interject on him. He doesn't need you.

Hon MATT BENSON-LIDHOLM: That is just what we need!

What about some of the programs that have been shelved to make Colin Barnett's bottom line surplus a reality? This again makes for some compelling information. It is a fact, Mr Deputy President (Hon Max Trenorden), as you would well know, that $57 million of the $90 million deferred from the country local government fund last year will not be returned. This is on top of the $90 million slashed from the fund late last year because mining royalties were significantly lower than expected. Troy Pickard, the president of the Western Australian Local Government Association, believes that many regional councils have been left high and dry by the government after commencing projects only to find that the money promised was not forthcoming. Many local government authorities have been forced to borrow to keep projects alive. The question then is: where is the certainty for regional councils when, at the whim of the minister, the funding for infrastructure and development, based on a promised level of expenditure, simply disappears? Ask the Shire of Cuballing how it feels after funding for its million-dollar equestrian centre just stopped. The shire is not impressed at all and certainly not enamoured with Brendon Grylls, whose only comfort is to inform affected councils, such as the Shire of Cuballing, that they should not have spent the money or contracted to borrow the money to do the project in the first place.

I now wish to speak to a number of particularly pressing issues in the Agricultural Region. Despite the government's generosity perhaps in some funding applications, these particular projects have not benefited as one would have expected. I am particularly concerned with four projects. The first one is the lack of investment by the government in the tier 3 rail lines, which are now under threat of closure. I am also very much concerned with the 330-kilovolt powerline, which is very necessary for the state's Mid West region, which is a vastly wealthy part of the state—apart from the Pilbara—and ready to deliver much to the Western Australian economy. I want to talk about the Geraldton Streetwork Aboriginal Corporation. I also have a few words to say about the closure of year 11 and 12 education classes at some 21 district high schools across the state, most of which, as you would appreciate, Mr Deputy President, are in the Agricultural Region.

Going back to my little discussion with Hon Robyn McSweeney, I do not necessarily care how these projects are funded in some respects. Royalties for regions can pick up the tab or it can be by normal appropriation; it does not necessarily matter. What does matter most is that the government delivers to these particular regions. I want to hark back to a petition that I presented yesterday, particularly on the rail issue. I presented a petition that was largely supported by the Merredin zone of the Western Australian Farmers Federation to give an indication of how important those farmers believe the rail issue is. That is the first of the issues that I want to talk about. The crux of the matter is that farmers want the tier 3 lines maintained and not closed. Local councils also desperately want the tier 3 lines maintained. Closure will cause enormous headaches for all councils, especially in the areas I visited recently, because more and more grain trucks will be directed through the middle of our country towns. Local road infrastructure is simply not up to scratch, and most towns and residents, particularly children and the elderly, do not mix particularly well with grain trucks hauling large volumes. So far, the only state government money for fixing rail lines directly is $13.5 million to re-sleeper the Albany to Avon line, a line not under threat of closure. In the meantime, tier 3 lines continue to fall into disrepair, and the desired Brookton strategy, whereby grain would be carted to Brookton by road and then transferred to rail, would become a reality. With the Brookton strategy in place, tier 3 lines would obviously no longer be used. That is when these smaller communities, as Hon Ken Travers has mentioned on a number of occasions recently, would suffer the most. That would certainly suit the government, as tier 3 lines now require significant improvements to bring them back to their best operating condition. This is after years of neglect, not necessarily by a conservative government—I think all governments have been at fault—but particularly since the privatisation in the late 1990s. I must say that I find it rather interesting and concerning that even though WestNet Rail has committed to spending some $16.5 million because of its contract, the government has directed the money to be spent on the Albany line—a line that is obviously not under threat of closure. It does not make a lot of sense. In the meantime, tier 3 lines, of course, face a very uncertain future. Federal funding in the order of $135 million could very much be in jeopardy if the government does not act fairly soon.

I move now to the issue of the 330 kilovolt powerline. This is another area of great uncertainty in the Mid West region. The lack of funding to shore up the complete future power requirements of the Geraldton area and surrounds is very near and dear to me. I have met on a number of occasions with the City of Geraldton–Greenough over this very issue. Stage 1 of the 330 kilovolt power line, worth an estimated $318 million, has been set down for the next three years. But the government has failed to include any funding for the northern stage of the line. The complete project would guarantee much-needed extra power supplies for domestic and industrial expansion and it would complement the region's push to become a major player in the state's renewable energy industry—something the City of Geraldton–Greenough is very keen and willing to promote. Alas, that is not to be at this stage. The government's report card on the 330 kilovolt issue does not read well. Last year's budget saw the project disappear from the radar. Some funding has now returned for the southern stage of this line, but the northern stage may well be years and years away. The Mid West is poised to take off economically and industrially. The lack of power supplies is simply putting undue, unnecessary burdens on

private individuals, households, industry and investors. Everyone is adversely affected. This most important project, supported and initially funded by Labor, holds the key to the future economic expansion and welfare of the Mid West region. That is it, purely and simply: it holds the future key to its economic success and, socially, the wellbeing of the people.

Why are we dragging our feet? By 2016, 2017 or 2018, whenever it might be, the bird will have flown. The Chinese will not continue to wait while we fool around making decisions about funding Oakajee when there is no power generation in the area. The opportunities are available now and it is time to act. The City of Geraldton–Greenough chief executive officer, Tony Brun, has described the 330 kilovolt line as absolutely fundamental. He has also called on the government and power generation authorities to look at the possibility of expanding the gas power network. He also suggests that a baseload power station in the region would be most advantageous. Let us bring it on. In the meantime, we have a half-baked commitment from the government and the rather pathetic bleatings, if I can say it that way, of the local member, who described recent criticism of his government's strategy as irresponsible, inaccurate and misleading. If that is inaccurate, irresponsible and misleading, heaven help us. That does not give us much cause for confidence in the future if that is what the local member has to say. I note also with interest that the local member is hoping for federal infrastructure funding, as he said that if it is not forthcoming, the state government will fund stage 2 when needed. The message for the Geraldton MLA is very simple: that time is now. Without major investment in the complete 330 kilovolt line, there is little capacity to expand, placing in jeopardy the future growth and prosperity of the city and the region. In particular, proposed solar, wind and other renewable energy projects will not happen. Once again, having spoken to the CEO recently, I know how committed the city is to renewable energy options, at the same time putting in place structures to ensure the long-term economic growth, diversity and prosperity of the Mid West region. I am simply suggesting the government needs to act now, not, as the member for Geraldton said, when needed. It is needed now.

That leads me to my next point; namely, the Geraldton Streetwork Aboriginal Corporation, euphemistically referred to as "Streeties". The Geraldton Streetwork Aboriginal Corporation, which started in about 1991, is a community-based program that has engaged local youth in personal development programs, support and counselling services and building social and interpersonal skills, particularly focussing on better engagement in education and training for Indigenous youth. The point here is that "Streeties" requires some $187 000 to survive. In the overall scheme of things, when we are looking at 12.3 per cent increases in expenditure and we are planning to spend nearly $340 million on Oakajee, at the end of the day, $187 000 for this project is of no great consequence. The "Streeties" program has been an outstanding success, particularly in keeping youth off the streets at night and lessening the incidence of juvenile crime. Its school holiday program is based on improving self-esteem and a range of sporting, cultural and life skills. It has been a great success story. Why would a state government not want to fund such a program?

I seek the indulgence of the house for a minute or two. I have a very important document titled "Background History of the Geraldton Streetwork Aboriginal Corporation". In a minute or two I will seek leave to table it. But, before I do, I want to mention the contents of this document and quote to members the objectives of the corporation because I think they warrant the attention of the house. It states —

> The programme operates for the benefit of young people in the Geraldton Region and its primary focus is on young people who are socially or economically disadvantaged.
>
> 1. To organize and develop recreational skills programmes with at risk and dispossessed young people in the Geraldton Region
> 2. To encourage and facilitate trust, self worth and sociability in young people
> 3. To promote and encourage positive relationships, between young people of different backgrounds
> 4. To seek Government and community funds for the programme
> 5. To improve community awareness of the needs of young people
> 6. To liaise with agencies to develop skills for training, employment and survival

The Geraldton Streetwork Aboriginal Corporation is an award-winning organisation and its program is recognised as one of the most efficient and productive organised youth programs in the region. For the purposes of informing the chamber I think all members should familiarise themselves with this document, which I seek leave to table.

Leave granted. [See paper 2184.]

Hon MATT BENSON-LIDHOLM: I cannot think of too many better ways to help advance the cause of Indigenous youth development than to support the Geraldton Streetwork Aboriginal Corporation and similar projects throughout the Agricultural Region and throughout the rest of Western Australia. I have visited

"Streeties" in the past and had the pleasure of participating in the annual National Aboriginal and Islander Day Observance Committee celebrations last year, along with federal minister Jenny Macklin and Senator Louise Pratt. The lack of any meaningful commitment by the current government to fund "Streeties" could have disastrous consequences for the Indigenous youth, with similar funding problems also being experienced by the Geraldton Police and Community Youth Centre. Although it appears that some sort of a lifeline has been thrown to the Geraldton Aboriginal Streetwork Corporation, funding has been extended only until some time in August this year. It needs to go much further. "Streeties" requires $187 000, which is the amount of funding withdrawn by the government this year. Disturbingly, Geraldton police have warned of dire consequences if funding is not restored to such a vital youth program. There are a number of locations across the state where social problems are significant issues for our youth. Carnarvon and Roebourne have been cited as places where youth facilities have been allowed to close and where there are now significant youth problems in those towns. The member for Geraldton is on record as saying that there was no point in him contacting the Premier directly over this particular issue because Colin Barnett probably would not listen. That is a huge indictment on the member. The member does not comprehend either the magnitude of the issue confronting him and the community at large or the need to represent the interests of his constituents. A member cannot turn around and say that the Premier probably would not listen. The member must do more than that. I must add, however, that Minister Grylls appears to have some good advisers and informants because when this issue was raised at last week's budget estimates, Leza Radcliffe, the operations manager of the Geraldton Streetwork Aboriginal Corporation, was advised to submit a royalties for regions application. There may be some hope yet. That is no thanks to the local member, who found the going a little too tough.

"Streeties" has been around for some 20 years. Its night outreach and holiday programs, as I have indicated before, have been highly successful. The corporation has established highly successful partnerships with local police, the justice department and the City of Geraldton–Greenough, to name a few, and others are mentioned in the document that I tabled a few minutes ago. The kids involved in "Streeties" are some of our future leaders. Zain Laudher is now a City of Geraldton-Greenough councillor. That is a magnificent achievement for someone who comes from the type of background that most of these kids come from. Hopefully, as the city's population grows, more and more of these kids will be the civic leaders of our country towns. We need to shore up that situation. Speaking of shoring up, the Premier and the minister must see that these issues, including the funding of "Streeties", are addressed. It is a big challenge for the government. Government members must speak to people. They must speak to the kids and the staff, who know the value of the corporation. Even—I will not say "even" because that is unfair—Hon Mia Davies has visited "Streeties" and knows very well the value of the programs that are in place. Most importantly, the government must support the organisation and provide it with some surety about its continued existence. I have no problem with how this program can be funded; it just needs to happen. The future of many Indigenous Geraldton kids and the jobs of four staff members are very much on the line. After 20 years of sweat and toil and of this local community organisation delivering better outcomes, it is time that the government supported it. It is an award-winning not-for-profit organisation that deserves better. It is recognised as one of the most efficient and productive youth programs in regional Western Australia.

I will conclude my comments on Geraldton "Streeties" by quoting a media statement dated 15 June 2010 from Leza Radcliffe, the operations manager. She says —

> The Geraldton Streetwork Aboriginal Corporation has been operating since 1989 following negative perceptions about youth and a number of major incidents involving youth in Geraldton. Since that time GSAC has gone from strength to strength and worked for the youth of Geraldton. Many staff over the years have contributed to some fantastic programs that have been implemented over the years. GSAC has been very fortunate in being able to recruit staff who are some of the most committed people a corporation could ask for.
>
> The community may be aware of GSAC's current funding situation and as a result the Board of Directors has been working tirelessly to address the needs of our community. Unfortunately it is with regret that the Geraldton Streetwork Aboriginal Corporation wishes to formally advise the community that the Night Outreach Programme will cease operations as of the 1st of July 2010.
>
> The Board are working to address the shortage of funding and we will advise the community if our situation changes.

Hon Max Trenorden: Is that totally being funded by the state or has the federal government provided some funding in the past?

Hon MATT BENSON-LIDHOLM: Some funding was provided in the past. I spoke to Hon Jenny Macklin about that. Hon Max Trenorden is quite right. I will finish the correspondence. Leza Radcliffe writes —

> Parents of youth who allow their children to go down town on a Thursday or Friday evening need to be aware this service will not be provided and parents will need to make other arrangements to get their children home.

> The Geraldton Streetwork Aboriginal Corporation apologises for any inconvenience however the Corporation has not been funded to provide this service.

That is disturbing news.

However, I am pleased to say that it is not all doom and gloom in the Agriculture Region. Hon Max Trenorden has already spoken in this chamber about the decision to spend money on expanding the highly successful Clontarf Academy in Northam. That is great news. I have been involved with the program in the past in Albany and I have spoken to Gerard Neesham and other members of his staff about the program. It is a very important program. I wish it could have been extended to the netball program that Ricky Grace has been involved in over the years. The most important thing about the Clontarf Foundation is not so much teaching footballers how to play footy, although that is great news as far as I am concerned, and being a member of one of the local AFL clubs; it is more about giving the kids confidence, self-esteem and a chance to move on in life. There is nothing like success to engender confidence in and hope for a way forward for these kids.

Hon Ed Dermer interjected.

Hon MATT BENSON-LIDHOLM: I was half expecting Hon Ed Dermer to say that. Gerard Neesham played for Swan Districts at one stage, not just for Claremont. That program is a really big plus, as far as I am concerned. Again, I do not care whether the funding comes from royalties for regions funding at this stage. Those types of programs are most important for the youth of our state and the region that I represent. They give kids and parents confidence in the future, which is what is needed at all levels of society.

The $30 million allocation for the redevelopment of Dongara District High School is most welcome. I have been involved in education previously, and in the capacity of chairman of the Rural and Remote Education Advisory Council I visited schools like Dongara, and this is certainly good news. However, I am concerned that in the same breath the minister is taking away year 11 and 12 classes from many of our district high schools, most of which are in the Wheatbelt and the Agricultural Region.

Funding has been set aside for air conditioning on school buses. It is a timely decision, given the problems obviously of drought and climate change. The decision to spend $8 million on improving mobile telephone coverage on our highways is also timely. There is some money in the budget for wild dog management. Funding for research on genetically modified crops comes a little late, particularly for those people who are sceptical about the implementation of a GM canola program. I am very concerned for the future of non-GM wheat and other food crops, given the Minister for Agriculture and Food's recent track record of ramming through legislation and worrying about the consequences afterwards.

Money was allocated for the overdue replacement of the failing regional police radio network system. However, the minister responsible has been unable to inform Parliament what the $80.3 million allocated for the network would be used for or even the terms of reference for the committee responsible. Labor is pleased to see that money in the budget, but the government needs to decide very quickly how that money will be spent.

I could mention a number of other issues, but I will bring my comments to a conclusion shortly. I do so by once again referring to the budget's impact on the hip pocket of ordinary, everyday Western Australians. The biggest taxing and spending government in Western Australian history may well have delivered a surplus budget and maintained the state's credit rating. That is terrific! However, it has been done at great cost to ordinary, everyday Western Australians and their households. The pain will be felt for many years to come. With such massive debt levels on the way, there is nothing but pain in front of us. The mining industry will not deliver the returns that we need to allay the fears of Western Australians.

I reiterate my concerns about the royalties for regions program, because it now appears to be simply funding the everyday functions and priorities for government. Funding for education, law and order, health and essential services should be from normal government allocations. The bush is no different from the metropolitan region when it comes to basic service provision. My family has lived in the bush for the past 110 years and I can honestly tell members that the sorts of things that the Nationals went to the previous election on struck a chord with my family and everybody else.

Hon Ken Baston: Did they vote for them?

Hon MATT BENSON-LIDHOLM: That is a good question, Hon Ken Baston. I know for a fact that some of them did, but they are parochial about where they live and so am I.

Hon Ed Dermer: I'm sure they won't next time.

Hon MATT BENSON-LIDHOLM: One can only hope, Hon Ed Dermer.

Hon Ed Dermer: Particularly given the nature of this government.

Hon MATT BENSON-LIDHOLM: The proof of the pudding will be in the eating. We can only work hard and direct people's attention to where this government's priorities currently are. In its intended format, royalties for

regions has much going for it, but a buying loyalties for regions program, which is what is in place, has a very limited future at best.

HON ALISON XAMON (East Metropolitan) [12.14 pm]: I take this opportunity to comment on the estimates of revenue and expenditure and consolidated fund estimates 2010–11. I am not a fan of this budget. While some government members are busy extolling this budget, in my opinion, this budget demonstrates yet again that the state government is not prioritising the wellbeing of the people of Western Australia. In particular, it is not prioritising ordinary people. It does not seem to care about our workers or our most vulnerable people and it certainly does not care about the environment.

An increasing number of people in WA are going backwards. They are struggling to make ends meet. It is becoming harder for far too many families and people in the community to afford the basics. In the view of the Greens (WA) this budget, rather than helping those people, hits them hard with increased household costs and reduced services.

The Western Australian Council of Social Service noted in April that community services on the ground are still facing an average 20 per cent increase in the demand for their services, particularly in the context of ongoing rises in household costs. However, this budget delivers to families almost $400 more to pay each year in increased fees and charges.

I know that the government recognises on some level that this budget will result in increased hardship for people. What has it done to address that? It has increased funding for the hardship utility grant scheme. I am not suggesting that this funding is not welcome or that it is not a good scheme. The increase in HUGS funding demonstrates not that the government cares about the vulnerable members of our population, but, rather, that it recognises how incredibly unaffordable it has made living in this state for people on low incomes. Many people are experiencing such a level of hardship that they need to access services through HUGS, and it is very worrying. It is not a good sign. We are going in the wrong direction. People on low incomes should not be forced to breaking point. They should not be forced to the point at which they cannot pay normal bills, irrespective of whether they are for food, housing, electricity, gas, water, education or medical services, without needing to access government grants. There is something terribly wrong with the state budget when the point is reached that the cost of everyday living is too much for people on low wages. Our ministers recognised the burden being placed on people when they increased HUGS funding. They should not have been placing such unrealistic burdens on families with increased costs built into this budget in the first place.

The HUGS funding is not much and the increase in that funding is not dramatic. For many families this funding will barely touch the sides in addressing their ongoing issues with debt. It is significant that organisations such as WACOSS are reporting dramatic increases in requests for assistance. Twenty per cent is a huge increase in the number of people needing help. I also note that at the same time the organisations that come under the WACOSS umbrella on which we rely so much to give assistance to people in need are also struggling. The people working in this sector are already dealing with extraordinarily poor wages. The organisations are battling increased utility costs and are not getting the funding increases for the delivery of the services that they are supplying. The Greens certainly support the call that has been coming from the sector, loudly and clearly, for many years now for increased and fairer wages for this sector. We are not interested in keeping this sector poor in order to provide a cheap alternative to services being outsourced from the public sector. I note that some of the people who are working in this area, the people we should be valuing and protecting, are doing amazing work. They deal with domestic violence issues and provide counselling and community legal access. Some of these people are finding themselves in even more dire financial straits than some of the clients they are servicing. We have really got it wrong and we need to be doing better.

In relation to mental health, I welcome the increased transparency provided by the separation of the budget for mental health from the general health budget. I certainly know that last year trying to get to the bottom of exactly how much was being spent on mental health became a near impossibility. At least from now on we can have some baseline figures with which to work, rather than being told that it is simply not possible to ask about funding for mental health because it was apparently too difficult to separate those figures. However, given the desperate need in this area and the huge gaps that still exist in service delivery, the moves that are being made by this government are simply not enough; they are certainly not happening fast enough. It is not enough to simply move the people from the mental health division into the new premises on St Georges Terrace—I note that that occurred at a cost of more than $168 000—and call it progress. We need some significant change. We need structural reform, we need improved delivery and accountability, and we need processes to evaluate and improve on service delivery. The frustrations of the people who work in this sector and who have been working for change for so long need to start being heard. The government has had a real opportunity to make a difference rather than just doing more of the same but dressed in different clothing. On the ground, we are seeing very little movement in what is occurring in the delivery of services and no real attempt to undertake the much-needed increase in service capacity; instead, we have seen the opposite. We have seen services cut from underneath the

feet of consumers, including the closure of the Morley Adult Mental Health Centre, about which I have spoken in this place, and now the removal of the Bentley emergency mental health team. To give credit where it is due, it appears that there is some new money for mental health in this budget. I welcome the money allocated for Aboriginal mental health services, because this money is desperately needed. I look forward to having an opportunity during the upcoming estimates hearings to learn how and where these services will be delivered to meet this urgent challenge.

Although I welcome this money, I note that there has been no real effort to address other major gaps in service delivery. One of these is in the provision of mental health services for children and young people. Where are the improvements to mental health services for children and young people in this budget? They are nowhere to be seen. We know that mental illness strikes young people disproportionately, yet children at risk of potentially serious conditions are not receiving adequate treatment in this state. This was recently identified by the Education and Health Standing Committee as an urgent mental health challenge. It certainly deserves urgent action. We also need to concentrate on those most at risk, including infants who suffer trauma and youth across the transition to adult services. The coordination between education services and treatment for mental illness is also severely lacking. I have been approached by people who have described to me heartbreaking challenges of having children who suffer from mental illness and who also have other disabilities. They have told me about the lack of coordination between service providers and the Department of Education and also the huge gaps that exist in service delivery. We have to get better at doing that. Departments have to learn to start talking to each other. Departments have to be prepared to cooperate with each other, because these sorts of members of our community are falling through the cracks.

My final comment about the budget's provision for mental health care is that, in the end, there is just not enough money. We know that adequately addressing mental illness saves money in the long term. Other comparable western nations spend 10 to 14 per cent of their total health expenditure on mental health services. We are not spending that amount at the moment; it is about nine per cent of the overall health allocation, and it is simply not enough. This is further aggravated by the lack of federal funding, which I note has attracted quite a lot of attention, particularly earlier this week, although I note that the media are currently distracted with other events.

I turn now to the education elements of the budget. Firstly, I was pleased to see that money has finally been allocated to language support for children on 457 visas. This has been desperately needed for a long time, although I would feel more comfortable if I could see some guarantee in the forward estimates that this funding will be ongoing. I certainly hope that this is not indicative of a lack of long-term commitment to this critical area.

More broadly, I echo some public comments made about the education budget. We are looking at a tiny increase in funding, so it begs the question: where are the hidden cuts being made to provide the funding for new programs and to cater adequately for the increase in student numbers? I certainly would like to have seen more money put into programs and also more staff to deal with students at educational risk. I am concerned that inroads have not been made in ensuring a substantial increase in the provision of resources in this area. We know that this is a growing challenge, particularly for public schools. There needs to be adequate funding, programs and staffing to ensure that students in challenging circumstances have every opportunity to receive a good education and to have a bright future. I recognise the unrealistic burden that is being placed on teachers who are being left to deal with so many multiple and complex issues. It concerns me that they might be unable to perform their job of teaching in the classroom because they spend so much of their day trying to pick up the pieces from students who experience many behavioural issues. It is important also for the other students in the classroom that we allocate significant funding to address the issues experienced by these students who are at educational risk. I acknowledge that the minister has admitted that this is a massive challenge for the education department, yet we are still not seeing any significant improvements made to the core funding. Assisting students at educational risk includes increasing the number of school psychologists. We need more school psychologists, particularly in the hard-to-staff regional and remote areas. I note again that the minister has acknowledged this issue, yet we have seen only a tiny increase in the number of school psychologists in the past two years. Again, it is not enough; it is not keeping up with the challenges being faced within our public school system.

We also need more school nurses and we need better assistance for students who require carers. I assure members that there are many students, particularly in remote schools, who suffer from foetal alcohol spectrum disorders, including foetal alcohol syndrome. These children already face many challenges in their lives, so without early and appropriate intervention, including support in the classroom, they will struggle to reach their potential. I realise that this is an extremely hard area to deal with, but it is all the more important that we do not allow these children to fall through the cracks and create generations of disadvantage, and that we make the principled budgetary decisions that are required to address this extremely complex area.

I am also disappointed about the lack of system-wide support for those students who are same-sex attracted. I raised this issue briefly in estimates. I am aware from working with these students in the past that homophobia can be crippling for same-sex-attracted teenagers. We know that being gay or lesbian is an increased risk factor for teenage suicide. It is all the more important that we actively try to address discriminatory thinking and

behaviours with as much vigour as we would use to try to tackle racism. It is not a great financial ask, as we have seen in other states, yet I note that it is still not being addressed.

We also need more, not fewer, participation officers to help students in the transition to senior school and other pathways. I also share the concerns of many members in this and the other place about the current assault on rural and regional education, including the uncertainties surrounding the delivery of years 11 and 12 education in district high schools and the expected negative impact on schools following the transfer of costs for the Schools of Isolated Distance Education.

I will move on to speak about child protection. I note that the Department for Child Protection has received increased funding in the budget, and this is great. However, I am worried that this funding is going disproportionately towards more field workers. Although we do need more field workers—many of them do an incredible job in often very trying and stressful circumstances—their work needs to be supported by the direction of adequate funding to effective programs to help those families at risk to be able to stay together. Child protection is not just about taking babies away from their mothers; it is about the government putting resources into strengthening families, helping them to work through issues so they can stay together, and into programs for reunification. I am not saying that there are not situations in which children need to be taken out of harmful situations; however, there is a great deal of scope for broadening the service delivery to invest more into supporting families in the first instance and identifying and assisting vulnerable and potential parents to a much greater extent.

When it is absolutely necessary for children to be removed from their families, we need to look at how we can improve the circumstances for foster parents. I am not suggesting that we want to create a regime whereby people put their hands up to become foster parents because they want to make money, because that is not a good reason to foster children. I am aware that considerable financial imposts are placed on foster parents and also those grandparents who unexpectedly find themselves with the responsibility of raising their grandchildren. We need to do more to assist people in this situation because we also need to acknowledge that the children who end up in their care are, more often than not, deeply traumatised and in need of specialist services in order to have their very complex issues addressed. This requires money. It is incredibly important that we start giving some priority to these areas within our budget.

In relation to children and youth, many members will have read the recent findings from the Education and Health Standing Committee report, "Invest Now or Pay Later: Securing the Future of Western Australia's Children". I would like to read findings 5 and 7. Finding 5 states —

> Western Australia's performance is below the national average on a range of child health indicators. This includes a higher rate of teenage births; lower immunisation coverage; a greater proportion of children who are overweight or obese; fewer children achieving literacy and numeracy benchmarks; and greater proportions of children who are developmentally vulnerable on the language and cognitive domain, and the physical health and wellbeing domain of the Australian Early Development Index.

Finding 7 states —

> Despite significant population growth and increased demand, there has been a chronic failure to invest in Western Australian child community health services over the last two decades.

Children in this state are not receiving the care and attention they deserve. Although I welcome the additional money allocated to alleviate what has become a horrendous waiting list for child development services—I was one of those parents when my youngest child got caught up with those two-year waiting lists—this is just not enough. I echo the calls from the Western Australian Council of Social Service and the Commissioner for Children and Young People for more urgent funding in this area. These are calls that the government should be taking seriously. I would have liked to have seen a commitment in the budget papers to establish an office or a commission of early childhood to coordinate investment in the very important early years, including a focus on Indigenous children. There is an obvious need but at the moment we are just not giving it appropriate focus.

I also note that it is not only very young children who are neglected in this budget; youth are also, sadly, underacknowledged by this government. The main discussion in the budget on young people focuses on the implementation of the Department for Communities' "Youth Plan 2009–11". This plan is a one-page document that merely highlights some areas and projects that the department will tackle in the next two years. There are no clear or measurable objectives or targets in this plan. There is no indication in the budget or the plan of how much money will be allocated to each youth program or project or what the short-term focus will be. For example, a big issue in WA is youth homelessness. The 2006 study "Counting the homeless" showed that there are 13 391 homeless people in WA. Across Australia, 43 per cent of that total number of homeless people were under the age of 25. The budget mentions that the department will work with other agencies on youth homelessness, but how will this issue be addressed? The plan merely states that the department will provide advice on homelessness strategies. The young people of WA deserve a detailed and measurable youth plan to provide some clear strategy and progress on key youth issues in WA, such as youth homelessness.

I would also like to take this opportunity to once again raise the issue of Redress WA. This scheme initially gave some hope to so many Western Australians who had suffered horrifically while in state care. It gave them some reason to hope that the government had not forgotten what had happened to them. Instead they have been hurt yet again by the state government. I have been so frustrated and saddened to hear time and again from Redress applicants who feel re-traumatised by their experience in seeking redress. Whether it was the reduction of the amount of maximum payment or the process that they had to go through, the scheme has left people with a sour taste in their mouths, once again feeling disappointed and let down. I was hoping that the improved economic outlook for the state and this budget with its surplus would provide a perfect opportunity for the government to reverse the terrible decision it made to cut funding to Redress WA. If a decision had been made to reverse the initial decision, the government would have demonstrated care and compassion for this group of very vulnerable people, a group of people who have been let down time and again. Although I am not necessarily surprised that the opportunity was taken, I live in hope and, hence, I am still very disappointed.

I would like to say a few words about women specifically. Women are among the most economically vulnerable members of our population. I applaud the focus of the Women's Advisory Council on women's economic security and I look forward to hearing how the work of the council has led to robust, new government initiatives to address the root causes of this because we have not heard that yet. However, our dreadful gender pay gap, the worst in Australia, will not decrease until the community sector is funded realistically, as I mentioned earlier. The continued undervaluing of this sector impacts on us all. As I said, I am disappointed that this budget does not adequately increase funding for the community services sector so that we can reflect the true cost of delivering these services and help reduce the wage gap between the community services sector and comparable sectors. As a case in point, funding for refuges is not even keeping pace with the increases in the cost of living. I want to know how long the government expects people to keep working for these appallingly low wages, because refuges and other services in the community sector did not have the money to spare in the first place and now they are starting to receive less and less in real terms.

I would like to make some comments about the environment. I have already noted that this budget demonstrates yet again that this government does not really care about the environment. That is without even talking about all the appalling legislation that is starting to come through this place. The funding provision in this budget to address pressing environmental issues is nothing short of appalling. There is no priority for the environment. There is no priority for real action on climate change. There is no attempt to reduce carbon emissions. There is no investment in renewable energy. There is no priority given in this budget to caring for and preserving our beautiful and important urban bushland or for taking proper care of the Swan River and our national parks.

One of the things we should be doing in Perth is prioritising the care of our urban bushland. We should be cherishing it. We should be keeping it free from rubbish, weeds and dieback, and vandalism. We need money for fencing and for appropriate signage and maintenance of these areas. I note the Bush Forever legislation is finally in front of us, which is a step in the right direction, but I have a grave concern that we do not have the necessary funding to back up the protection of this bushland. That will be the next very important step. I want to see more money go into the Swan River Trust. I want to see more money go into the Department of Environment and Conservation. We should be teaching our children and our communities to feel a sense of pride and ownership in our bushland and in what is beautiful about our natural environment in Perth. There is nothing in this budget that shows that this is a priority in any way for this government. There is also an appalling lack of funding for environmental protection and the regulation of industries to ensure that they do the right thing. It is abysmal. We see no positive leadership in this area of the budget.

It is the same for the area of transport. Instead of leadership and vision, we have been given increases in public transport fares. The government is going in the wrong direction with a 17.8 per cent increase in some fare categories. We know that this will particularly hit the more vulnerable people who already rely solely on public transport and are on concession fares. As I mentioned earlier, these people are already doing it far too tough. We all need access to affordable and accessible transport regardless of age, location or economic status. We need a government that is willing to start investing in long-term and sustainable public transport networks. Instead of allocating $225 million to expand Great Eastern Highway, we should be investigating other more practical and sustainable ways to alleviate traffic on this route, and to facilitate easy access to our airports from the city. We had an opportunity, with that project alone, to look at the provision of some kind of light rail service. That has not even been looked at. It is very frustrating. Building more roads is not the way to fix city traffic congestion—studies have shown that time and again. It is a brilliant way to simply attract more traffic. To quote one of my colleagues in the federal Parliament, Senator Scott Ludlam —

> … when public and active transport infrastructure is built—particularly cycleways, rapid bus and light rail—people are attracted to use the service and this improves the amenity of the area. Local economies pick up and business benefits.

It is short-sighted to not look at improving our public transport networks on so many levels.

I have another disappointment on the transport side. I will not go into too much detail about this. I am very concerned about the lack of real investment in the growing freight rail network. This lack of positive leadership and sustainability planning is also clearly evident in the water portfolio. Water is crucial to our state's economic and environmental sustainability. We should be planning for the future, yet what is the Minister for Water doing? He has been removing references to "climate change" from departmental documents. He has been blithely ignoring the best science and independent public service advice that is demanding careful stewardship of resources. It is clear that the minister does not understand the seriousness that climate change poses for WA's water future. This is a grave concern. We have some low-hanging fruit in the area of water to deal with serious water conservation measures. The amount of money that we would save far outweighs the sorts of costs that we are incurring by putting in more and more infrastructure such as desalination plants. It seems that, for a very small outlay, we would get a huge return in the areas of water conservation, yet we have seen no leadership on this front. I suspect this is coming more from the Minister for Water rather than his own department. I notice the Water Forever program advocates a much higher level of water conservation than we are being delivered. This will only become more important. I note that Perth was recently ranked by the Australian Conservation Foundation as the least sustainable of Australia's 20 largest cities. Our abysmal performance in the "Sustainable Cities Index", particularly in the water and transport categories, as well as in the general environmental performance category, should be a challenge to this government. We can be doing so much better and we should be doing so much better. I urge the government to start doing better. Instead, once again, I am disappointed.

I would also like to talk about the provisions in the budget to improve occupational health and safety in WA. I have spoken about the safety of workers in this place many times. The safety of workers is so important. It should be a government priority, particularly if we are expecting increases in the mining and building and construction industries, which are notoriously dangerous industries. I am horrified that there is no increase in the budget for additional WorkSafe inspectors. It is unclear to me how the government can justify this decision. The fact is that on average a person is killed every 17 days in WA as a result of a traumatic work-related incident. In 2008 and 2009 this equated to 21 work-related deaths in WA. Although I welcome the increase in the number of mines safety inspector positions, I was very concerned to hear that the additional 72 FTEs will not in fact be inspecting on-site mine safety but working in office jobs in Perth. WorkSafe statistics show that of the work-related deaths in WA from 1988 to 2009, 30 per cent of those deaths were in the mining industry. Six of the 21 work-related deaths in 2008 and 2009 were mining-related deaths. Why is the government not allocating mining safety officers where we need them, which is on the mine sites?

I will take this opportunity to briefly reiterate some points I have made previously in this place about my deep sense of disquiet regarding the way royalties for regions funds are allocated. When I read the budget documents, I must admit I was concerned, and also slightly mystified, at the number of things that are being funded under the royalties for regions banner. It is true that there are many worthwhile things—for example, there is some wonderful funding for education programs and also for parent support initiatives; however, the question I am asking is: should this not be normal core government expenditure? Too many things badged "royalties for regions" projects are, in essence, core areas of service delivery that have been chronically underfunded for some time. I have said before that the government's first priority should be adequate front-line delivery of essential services. It is not doing this. Royalties for regions should not be used as a way to get around the significant cuts that have been made to areas of core service delivery. This budget perpetuates that.

There has also been a sad lack of investment in my electorate, the East Metropolitan Region. Many people in my electorate could be characterised as battlers. When I spoke about families struggling, I was speaking for many of my constituents. The increase in household costs they are facing as a result of this budget is having a significant impact on them. I note that pensioners in Bullsbrook, which is the most northern suburb in my electorate, have also been unfairly neglected. Pensioners in Bullsbrook are not eligible to access royalties for regions funding, yet they have been denied many metropolitan services. Bullsbrook was not included in the expanded areas eligible to receive the Country Age Pension Fuel Card. I understand that supporting transport for pensioners is an important initiative. I am pleased with the high take-up rate of the free public transport hours for pensioners and the expansion of the Country Age Pension Fuel Card scheme. But I ask where the equity is, because places like Dawesville are included in the scheme, yet places with virtually no public transport, like Bullsbrook, are being left out.

I was also disappointed to not see any indication in the budget papers that the government will prioritise the Swan Valley bypass. Certainly, those people who visit the area know that there is a clear and urgent need for the bypass to be built. It has been the focus of very many recent discussions in the area. Basically, the lack of this progress is killing the Swan Valley region. People want action. I acknowledge that the bypass will be built with federal funding, but the government needs to show some real direction, some leadership and some commitment to really getting the ball rolling on this one. We need to reduce the number of big trucks in the Swan Valley. They are having a significant impact on the safety of residents and also on the safety of tourists visiting the area. They are also having a detrimental impact on the tourism industry there. I have not seen anything in this budget

to suggest that the government is committed to prioritising the progress of this much-needed bypass any time soon.

There are so many other areas I could speak about. I have many views on what is happening with the budget around prisons, housing, disabilities funding and health generally. I am very concerned with the diabolical state of our arts funding and, as I said, the lack of progress for renewable energy, which I could probably talk about for quite some time. There is also training. I am very concerned about what is happening with the Forest Products Commission and the way in which it is managing its money. However, I am aware that my colleagues who primarily have carriage of these areas will be keen to talk more about them, so I hope that people will get the opportunity to hear the Greens' concerns about these areas, and more.

I conclude my comments on the budget by noting that I think this budget is a failure. It fails low-income earners; it fails workers; it fails the community sector; it fails women, children and young people; and it fails the environment. It is a budget that is reflecting the priorities of a government that does not care about the people and the environment of Western Australia. I think that we all deserve a lot better.

Debate adjourned, on motion by **Hon Ken Baston**.

APPROVALS AND RELATED REFORMS (NO. 4) (PLANNING) BILL 2009

Second Reading

Resumed from 23 June.

HON ADELE FARINA (South West) [12.53 pm]: When the debate was adjourned yesterday, I was addressing the issue of the fees to be charged on development applications to be determined by the development assessment panels and my concerns about what I understood Hon Wendy Duncan to have outlined as a cross-subsidisation of the fees between the DAPs. Let me state for the record that as a regional member I am not opposed to cross-subsidisation of fees. I support the objective of what the National Party is seeking to achieve, which is to ensure that the fees charged for development applications in regional areas are not substantially higher than the fees charged for development applications in the metropolitan area, due to the higher costs and expenses likely to be incurred by regional DAPs than by metropolitan DAPs. My concern is that I am not confident about, and have not had an opportunity to examine as closely as I would like, whether what is being proposed achieves what is intended or establishes a legal framework to effect the cross-subsidisation proposed. My concern is that if this bill does not achieve the legal framework for charging what may be in fact a tax rather than a fee, this will be challenged in the courts at sometime in the future and we will find ourselves back here sorting this out, or the Joint Standing Committee on Delegated Legislation will be required to move to disallow the regulations, and the government may well find itself having to pick up the cost.

As there are too many unknowns with what is proposed, because we have not yet seen the regulations, and all the detail is in the regulations, it is very difficult to undertake this assessment and make a determination on whether in fact we do have a problem here. I will attempt to explore this further in the Committee of the Whole House, to the extent that it is possible in such a forum. I simply put the government on notice that I hope it has dotted its i's and crossed its t's in respect of the fees, because we could potentially find ourselves with a significant problem here.

Proposed section 171E(3) of the Planning and Development Act provides —

> A local government must comply with a direction given and requirements prescribed under subsection (2).

This provision provides no exceptions and no defences if, for example, it puts a local government in a position in which it may find itself in breach of a requirement under another piece of legislation, such as the Local Government Act. I would be interested in hearing from the minister what would occur in such a situation and how it would be managed. My other concern with the DAPs—this is not specified in proposed section 171A because this detail is to be provided in the regulations—is the process for the selection of specialist members of the DAPs, which has a very pro-development focus with no representatives on the selection panel representing social and environmental interests. I think that no-one gains when processes are skewed in this way; it serves no-one.

In my view, the bill represents a savage attack on local government and its role in the planning process. This attack is not justified and the government has presented no evidence in support of this attack on local government. It is not clear to me why a decision has been made that DAPs will comprise three specialist members and two local government representatives only. There is an underlying implication here that local government elected members are not competent or capable people. As a former local government councillor, I take exception to this implication, and I know that other councillors do, too. It ignores the fact that councils are

advised by professionals with all the necessary expertise, such as shire officers—planners, engineers, environmental officers and health and safety officers. It also ignores the fact that, not always but in the majority of cases, councillors tend to adopt the recommendations provided by those officers.

The government position ignores the fact that specialist members are not answerable to the community in the same way as elected members of Parliament or local government elected members are answerable to the community. To place this decision making predominantly in the hands of specialist members, without reasonable justification, is understandably offensive to local government councillors and to many in the community, and is an affront to democracy. Most of the specialist members will be practising in their respective fields while also acting on the DAPs. I have a number of concerns about how conflicts of interest will be recognised and managed, in particular how one identifies what is a financial conflict of interest in circumstances that are going to be very complicated. These specialists will be not only serving on the DAPs but also actively working in their fields and potentially working on other projects for developers with proposals before the DAP for consideration. It adds an interesting complexity to the conflict-of-interest issues.

It is not clear how the DAPs will streamline the planning approvals process. I asked the minister to explain to the house what time savings in the approvals process are expected as a result of decisions being made by DAPs as opposed to decisions being made by local government. I also asked the minister to advise how this will be benchmarked so that we are able to evaluate whether in fact DAPs deliver the expected approval time savings that have been extolled. It is not clear how the DAPs, when making a decision in place of both a local government and the Western Australian Planning Commission, will ensure that the checks and balances provided by the current dual-approval system will be safeguarded. I ask the minister to advise the house how this safeguard will occur. Also, it is not clear to me how the DAPs will provide a process that is more certain and transparent than the current system. I ask the minister to advise the house whether the DAP agendas, officer reports and recommendations and meeting minutes will be publicly available, as is the case with local government, and where the community will be able to access this information. I do not think that the level of support that local government officers will need to provide to the DAPs on matters referred to the State Administrative Tribunal is fully understood. I understand that as a result of my raising this issue, my colleagues took this matter up in the other place and that the government agreed to amendments, which certainly improve the bill and reduce the extent of my concern, but they do not totally resolve my concern. My concern is in particular about the financial and resource implications this legislation may have on local government.

Sitting suspended from 1.00 to 2.00 pm

Hon ADELE FARINA: The government has stated in relation to appeals to the State Administrative Tribunal against decisions of the development assessment panel that the DAP will defend the proceedings and that the Department of Planning will assist the DAP in preparing written documents required by SAT. The government has also advised that the chair of the DAP will be required to attend the proceedings as the representative of the DAP. I welcome this change in the government's position, and this is all very well and good. However, none of this is detailed in the legislation. I ask the minister to identify where in the bill provision is made for this arrangement. I also note that this arrangement ignores the fact that the chairs of the DAPs may not be sufficiently conversant with planning and planning law to manage this themselves, and are likely to require support. Given that the report to the DAPs on the development application is prepared by local government planning officers, it is very likely that these local government officers will be required to attend the SAT with the chair to provide support to the chair on technical matters, because it is more than likely that the chair will not be across the local town planning scheme and all the other issues relevant to the application.

The government's position on appeals against DAP decisions ignores the fact that SAT requires all parties to participate in a mediation process before setting a matter down for a hearing. The objective of the mediation is to get the parties to come to a compromise position. I have concerns about the way this operates and the fact that SAT is putting shire officers in a position in which they are required to compromise on provisions within their own town planning schemes, which they have a lawful requirement to implement. I am even more concerned with what is currently proposed, and that is that the chairs of the DAPs will now be placed in the position of attending those mediations and potentially mediating compromises on the application of provisions of the town planning scheme. I am not confident that the chairs of the DAPs have the authority to do that, and I am also concerned about the precedent that that might set for future applications of the town planning schemes. I am not confident that the government has fully turned its mind to those issues. I would certainly like to hear from the minister about how she proposes that these will be dealt with. For me, this is an issue of great concern, and it is an issue that should concern everyone. Time prevents me from detailing all of my concerns about the operation of the SAT in relation to planning matters and how some developers use the SAT process to their advantage and how this is impacting on the planning approvals process in a way that was never intended. I will leave that discussion for another day, but suffice to say that the way this bill proposes to operate with the DAPs and the SAT compounds the concerns that I have.

There is no doubt in my mind that local government officers will be required to attend the SAT when the DAP is defending its decisions, as it will require the expertise of those officers. This is a cost to local government for the financial costs of travel and staff wages, and, in the case of regional local governments, it frequently will also include accommodation costs. There will also be a cost to local government in terms of the work not done because the officer is tied up with the SAT process. Currently, local governments are able to decide whether to simply mediate a matter as expeditiously as possible so as to avoid the added cost of a hearing. This decision will now be taken out of the hands of local government. It will be a decision of the DAP—a decision that could result in the local government incurring not insignificant costs and resourcing issues.

I find it interesting that the Nationals are supporting the bill, particularly given the Nationals' stated policy position during the election campaign and in the second reading speech on the Royalties for Regions Bill that the Nationals support local decision making and will advance opportunities for local decision making. This bill takes decision making out of the hands of locals, the elected local government representatives, into the hands of specialists who are likely to reside for the most part in the metropolitan area and who will fly into town, make the decision and fly out again. There is no requirement in the bill that the specialist members be local specialist members. I struggle to understand how the Nationals reconcile the policy position in this bill with their publicly stated position to support local decision making.

Hon Donna Faragher: Do you support the bill?

Hon ADELE FARINA: I am talking about the Nationals' position. I support the position that decisions should be made locally wherever possible.

Proposed section 171A provides a very detailed set of regulation-making powers, which provide wide discretionary powers. I do not recall ever seeing such extensive and specified regulation-making powers in legislation. I have expressed to the house on numerous occasions now my concern that there has been a trend in recent times to put less detail in the legislation and to provide that detail in regulations or, worse still, through administrative processes, and the fact that this is often done without reasonable justification. I do not think we have it on this occasion. I appreciate that the government has the numbers in this house and in the other place, so there is nothing we can do to stop this trend occurring. I feel it would be remiss of me, however, to not raise this issue yet again and simply state that there are certain things that should be in the legislation and not in the regulations. I really think that the government needs to look at what it is putting before this place. I think there is a real problem with providing so much detail in the regulations and not in the bill and asking this place to pass bills when we do not actually know how the application of the bill will have effect in the community because we do not know what will be in the regulations. We know what we have been told will be in the regulations.

Hon Robyn McSweeney: How many bills did you put through without regs?

Hon ADELE FARINA: The minister is right. When we were in government we did not provide regulations at the time we were debating a bill, but we never put bills forward that required this much detail to be specified in the regulations, nor have I ever seen a bill that contained such specified regulation-making powers as I have seen in this bill. Generally, there is a general regulation-making head of power in the bill. However, in this bill there are a number of clauses that specify in exactly what areas the Governor may make regulations. I have never seen anything like it. The reality is that that detail should be in the legislation, not in the regulations. It is a concern that I have, and I raise it again in the hope that the government may take some notice of it and address this issue. Proposed section 171A illustrates everything that is wrong with law-making today, or at least with far too many bills that have been presented to Parliament in recent years.

I turn to the proposed amendments to the making of improvement plans and schemes. Due to time constraints I will focus on the improvements plans as a sceptic who is of the view that not too many improvement schemes will be proposed. The amendments in the bill provide that the Western Australian Planning Commission will be able to declare improvement plans anywhere in the state, regardless of whether a region scheme is in place for the area. I am not persuaded that improvement plans can and should replace region schemes. I do not think they do the same thing. Region schemes provide for wide scale, larger picture planning whereas improvement plans cannot and do not do that. The bill does not detail the process by which improvement plans will be made. As I understand it, there is no requirement for community consultation and no transparency in the preparation of an improvement plan. I ask the minister to explain to the house the process for making improvement plans, the level of transparency with the process and what, if any, community consultation there will be. The proposed amendments will have the effect of allowing the state government to come in over the top of local government and to impose its will over local government and the community. This is a massive assault on local government and its role in the planning process. I note that the government is proposing a number of amendments to the bill that will require the state government to consult with local government in making the improvement plans. But we all know that consultation takes many forms and that concerns or objections raised during the consultation processes are not always taken on board; indeed, they may be ignored. The government's amendment should go

further than simply requiring consultation with local government. It should require the agreement of local government in the making of improvement plans.

The proposed amendments to section 76 of the Planning and Development Act 2005 also represent a massive assault on local government and its role in the planning process. Section 76 provides that the minister may direct a local government to amend a town planning scheme. This power extends beyond a requirement to amend a town planning scheme to bring it in line with the state planning policy—to which I have no objection—or an amendment to a region scheme. The amendment proposed for section 76 provides a wider discretionary power. In fact, the limitations that are detailed in the bill are so broad and general that they can barely be referred to as limitations. Currently only a local government can initiate a rezoning. This amendment will put an end to that. State governments will be able to initiate rezonings regardless of the views of the community and the local government. As I understand it, when the minister makes a direction or an order under section 76, the legislative requirements are that the town planning scheme amendment be advertised and that submissions on the proposed amendment be invited. That will change after the passage of the bill. We will have a situation in which the town planning scheme amendment is advertised, but the community will not be invited to make submissions on the town planning scheme amendment. That begs the question: what is the point of that? It will put us in a position of great uncertainty, because the community will be able to make submissions on amendments to town planning schemes that are initiated by the local government but it will not be able to make submissions on those that are initiated by order of the minister. That creates greater uncertainty for the community. I would like to understand how we will manage that, what communication will be involved and how we will manage the community's expectation, because until now the community always had an opportunity to lodge a submission and express its views about amendments to town planning schemes. As I read the application of the amendments proposed in this bill, that will no longer be the case. This is a massive assault on not only the role of local governments in the town planning process but also the participation of the community.

Time prevents me from commenting on other provisions in the bill. I will do that during the Committee of the Whole. I summarise by saying that the bill presents an assault on local government and that assault is unjustified. The diminution of community participation is unwarranted. Placing all the details of the DAPs in the regulations and asking Parliament to pass a bill on the strength of promises about what will be in the regulations is an affront to the Parliament. Allowing the Governor to make regulations that, in effect, amend the Planning and Development Act without Parliament having the ability to scrutinise those modifications shows a contemptuous disregard for Parliament. The government needs to provide very clear and reasonable justification for what it is proposing in this bill. I look forward to hearing from the minister on those issues.

HON ALISON XAMON (East Metropolitan) [2.17 pm]: I will not speak for very long, because my colleague Hon Lynn MacLaren did a really good job of extensively outlining the concerns of the Greens (WA) about this legislation.

Having said that, I will say a few words about the Approvals and Related Reforms (No. 4) (Planning) Bill, particularly in response to the local councils in my area that have contacted me about this legislation and to the residents and ratepayer groups, particularly in the hills, who have contacted me with their concerns about this legislation, especially their concerns about the formation of the development assessment panels.

It is quite significant that local councils have shown a great level of concern about this legislation. I cannot help thinking that they certainly have something to be concerned about. When this legislation was proposed, I took it upon myself to write to all the councils in the East Metropolitan Region. My words were non-leading. I said that this legislation was coming up and that I was interested to hear their views. Two-thirds wrote back to me and without exception demonstrated great concern about the legislation and urged me to consider opposing the legislation in Parliament. I am pleased that the government reviewed some of the worst elements of the legislation. There is no doubt that what we are discussing now is a considerable improvement on what was originally proposed. Unfortunately, some of the key elements about which people expressed concern have not been fully addressed. Some of the underlying principles of the bill that resulted in initial concerns unfortunately have not been dealt with. In particular, we are yet to see proof that the creation of development assessment panels is necessary. I understand that the intention is to increase the speed and efficiency with which development proposals are approved and to ensure that there is an element of expertise behind those approvals. We are yet to see that by denying duly elected local representatives the opportunity to make decisions themselves that this will occur.

It is a good idea to provide independent expert advice to local councils. That could have been looked at in a number of ways rather than in the manner in which it has been considered in the bill. I have since received further correspondence from the councils in my area indicating that they remain concerned about the legislation. I have yet to receive any correspondence indicating support for the bill, which is quite telling. Importantly, one of the reasons I am standing here today is that as part of my role I speak to a lot of resident and ratepayer groups, and there seems to be something of a culture in the hills, perhaps because there are pockets of communities, of

very deep engagement with development issues in those areas. As members will know, that is one of the reasons I have brought forward legislation to address development concerns in the hills, which will hopefully be debated at a later date. It is important to know that people feel a great deal of engagement with their local government representatives. They feel that they participate in the process of trying to ensure that they have people elected to represent their interests and concerns, particularly in respect of development issues. They feel particularly disempowered by the path down which we are travelling and are deeply concerned that the people whom they elected and who they feel they can speak to will be disempowered from stopping, objecting to, altering or amending developments that local communities deem inappropriate.

I asked residents whether they had made submissions and was disappointed to find that the groups I spoke to all indicated that they had not, and that they had not necessarily felt empowered to do so. We can speculate about why that may be; there is an ongoing issue of resourcing, but I nevertheless raise this matter because I think it is important to note that their voices and concerns have not necessarily been heard.

As I say, I see merit in the capacity to provide independent specialist or expert advice for particular categories of development, but I would have thought that a better path to go down would have been for these panels to provide their information in an advisory capacity rather than being the final decision-making bodies. That would have meant that we would have continued to respect our local governments and local government representatives, and that we would have continued to respect those members of the community who have participated in the democratic process and elected their local government representatives. I support the capacity for development assessment panels to operate on a voluntary basis and the ability for local governments to voluntarily choose to refer particular proposals to the DAPs; I do not regard that to conflict with the democratic process. If it is voluntary and advisory, I do not see that we have the same level of conflict.

The Greens (WA) are concerned enough about the potential undermining of local government that we feel we need to oppose this legislation. There are real concerns about further alienating constituents from the decision-making process.

HON ROBYN McSWEENEY (South West — Minister for Child Protection) [2.23 pm] — in reply: I thank all members for their contributions and, dare I say it, the opposition's support for the bill. I note that the Greens (WA) will not support the bill.

The Minister for Planning was very accommodating to the opposition in providing 5.5 hours of briefing to Hon Sally Talbot. I will just relay a story about when I started in Parliament nine years ago.

Hon Sally Talbot: It wasn't just to me.

Hon ROBYN McSWEENEY: The briefing was also provided to other members. When I first came into Parliament nine years ago, I asked for a briefing on a bill and was told by the then government that it did not brief the opposition; as a new member, one never really knows what is what. In all my time as an opposition member, I think I had three briefings over seven years. I did what Hon Adele Farina has done, which was to go and get all the second reading speeches, work out what I liked and did not like, and come to the Committee of the Whole House to go over the detail. I point out that 5.5 hours of briefing was particularly accommodating of the Minister for Planning.

Hon Sally Talbot: I did acknowledge that.

Hon ROBYN McSWEENEY: The member did acknowledge that at the time, yes.

Hon Sally Talbot: I also pointed out what happened in those briefings—things were being changed and papers were being written as we were going along. It was an unusual set of circumstances.

Hon ROBYN McSWEENEY: I know, but I just thought I would point out what I used to do.

The purpose of the Approvals and Related Reforms (No. 4) (Planning) Bill is to amend the Planning and Development Act 2005 to streamline and improve the planning approvals process. The proposed legislative amendments are part of a series of changes to planning, environmental, mining and other legislation, which have been steered by the Premier's task force on approvals, development and sustainability. The Liberal–National government is committed to ensuring that economic growth and activity in Western Australia is not unduly hindered by an unwieldy or unresponsive approvals process. The proposed amendments will create greater efficiency and consistency for state government priority projects, and certainly for investors who are considering new ventures in important economic infrastructure, industrial development, urban land and housing. Since the bill's introduction into Parliament in November 2009, further consultation has been undertaken with parliamentary members, industry, local governments and other relevant stakeholders. In response to feedback received, the Minister for Planning moved a series of amendments to the bill, which were accepted in the lower house. I have proposed two further additional amendments. The first is in response to concerns regarding the transparency of the proposal for improvement schemes. The second relates to development assessment panels, and provides that the state will take responsibility for the setting of a statewide fee and payment of DAP costs

such as sitting fees and travel costs for DAP members. This amendment is partly in response to concerns raised by local governments that the state was shifting administrative responsibility for DAPs to local governments.

The first amendment provides that when an improvement plan allows for an improvement scheme, the plan must be declared before the recommendation is made to the minister. The Western Australian Planning Commission must consult with the local governments of the district or districts that will be subject to that improvement plan. The improvement plan must set out the objectives of the proposed improvement scheme and the minister must cause a copy of the improvement plan to be laid before both houses of Parliament as soon as is practicable after the notice approving the improvement plan is published. Further, once an improvement scheme has been developed as authorised under an improvement plan, the WAPC must consult with the affected local government or governments prior to submitting the scheme to the minister for approval. This requirement is in addition to the advertising and consultation requirements that already apply to the making of an improvement scheme—for example, the same requirements that apply to the making of a local planning scheme or amendment.

Hon Lynn MacLaren proposed a requirement that an improvement scheme be disallowable; this was also mentioned by Hon Sally Talbot. This proposal is a step away from the streamlining of processes and the assurance of certainty for stakeholders. There are adequate safeguards in the process of preparing both plans and schemes, which will be done in full transparency with opportunities for input from all affected or interested stakeholders, including the scrutiny of Parliament after the plan has been laid before the houses. There are also problems with the proposed amendment as drafted, so accepting the amendment may indeed cause more problems than it was intended to address. Under the minister's second proposed amendment, the Department of Planning will now set a statewide DAP fee under the Planning and Development Act, and will be responsible for the administration and payment of invoices received for sitting fees and travel expenses from DAP members. The department will also pay local governments hosting DAP meetings upon receipt of invoices for catering and related expenses. Accordingly, the provision in the bill for regulations to be made requiring local government to pay the costs and expenses of development assessment panels is now proposed to be deleted.

The DAP fee will be determined according to the Department of Treasury and Finance cost-recovery model, and will include all costs such as DAP sitting fees, travelling costs, local government hosting costs and administration of the fees. These funds will be treated as controlled funds, and will not be able to be expended for any other purpose. They will form part of the Department of Planning's reporting under division 43 of the government's accounts. This is a cost-recovery model on a statewide basis; therefore, despite various comments, there is no issue of cross-subsidisation.

The second amendment proposed by Hon Lynn MacLaren is accepted in principle; however, upon advice from parliamentary counsel, the minister proposes a revised version of the clause to achieve the objective of having a direction made by the minister under section 76 to a local government to amend its scheme to be tabled before both houses of Parliament.

I will now respond to issues raised by individual members in the debate, starting with Hon Jon Ford. I acknowledge the support of Hon Jon Ford for the bill in his discussion on particular planning issues facing the region. He is very vocal about the Mining and Pastoral Region, where he comes from, and quite rightly so. In essence, his comments stressed the need for greater flexibility of planning instruments to respond to the unique pressures in the regions. This bill provides exactly that, with the extension of regional planning tools, including improvement plans and schemes, planning control areas, ministerial powers to direct local planning scheme amendments to accord with particular state planning policies and other measures.

With respect to the member's comments on DAPs, in particular the issue of the appropriate location of regional DAPs in regions as vast as the Pilbara, I respond as follows. Joint DAPs will be created to service two or more local government areas. Two local government representatives from each relevant local government area will be appointed to the panel. The two members from each local government will sit on the panel only when the applications being determined by the panel have been made under the local planning scheme. As such, local government membership of a JDAP will depend on the location of the development application being determined at the time. Local government members will rotate on and off the panel, ensuring that local knowledge relevant to each development application is present on that panel. As such, the two members from each individual local government will join the three specialist members to comprise the joint development assessment panel when an application in that particular local government area is being considered. The DAP is appointed for a two-year term. All applications for development approval will continue to be lodged with the relevant local government. When the local government receives a DAP application, it will assess the application as per its usual method before preparing a report containing its recommendations for the DAP to take into account when determining the application.

Hon Adele Farina: Who collects the application fee?

Hon ROBYN McSWEENEY: I will come to that.

Hon Sally Talbot: Is that what goes into the account that is then invoiced?

Hon ROBYN McSWEENEY: I will come to that.

The DAP will determine prescribed classes of development application as if it were the responsible authority under the relevant planning scheme. As such, the DAP will consider the same range of matters under the applicable local planning scheme that a local government is currently required to consider. DAPs will receive applications only for certain kinds of developments valued at more than $7 million or between $3 million and $7 million. If the applicant elects to pay the higher fee to have an application determined by DAP, public works that are exempt under local planning schemes will not be subject to DAP determination. The community consultation that is currently required to be undertaken by a local government under its local planning scheme will still be undertaken. Following the consultation period, the local government will prepare a report to the DAP for determination, attaching any submission received. The DAP will hold a public hearing and give submitters the opportunity to appear and to present their arguments to the DAP, if they wish, before a decision is made on that application.

Hon Ljiljanna Ravlich appeared to refer to objections being made by the Western Australian Local Government Association at the time the proposal for DAPs was first announced.

Hon Ljiljanna Ravlich: I don't like it any more now.

Hon ROBYN McSWEENEY: Perhaps Hon Ljiljanna Ravlich was not aware of WALGA's public support for the DAP proposal made in its press release dated 20 April 2010.

Hon Peter Collier: She's good at media releases!

Hon ROBYN McSWEENEY: The press release is titled "Development Assessment Panel Revisions Welcomed".

Hon Ljiljanna Ravlich: I don't spend my time doing my hair!

Hon Peter Collier: You get them wrong!

Hon ROBYN McSWEENEY: Have Hon Peter Collier and Hon Ljiljanna Ravlich quite finished? I thank them. This is not question time! This is not about training. It is about DAPs.

Hon Ljiljanna Ravlich interjected.

Hon Peter Collier: I'm a good topic!

Hon ROBYN McSWEENEY: It must be Thursday!

In the statement, the president of WALGA commented —

> Amendments to proposed planning legislation were today welcomed by Local Government as they will address many of the sector's concerns about the effectiveness of the proposed Development Assessment Panels scheme.

He noted that they were a positive first step towards achieving an efficient planning scheme. The member made the rather obvious point that DAPs will be a departure from the way in which decisions are made today by local government. The exact point of planning reform is to make a change in the way decisions are made today to improve efficiency and effectiveness. If there were to be no change, there would be no point in having this bill.

The member made a sweeping statement that local governments do not want DAPs. This is an over-generalisation and certainly not true. WALGA and certain local governments have come out in support of the proposal. The member claimed that local governments will be lumbered with the additional costs of the DAPs. That is not correct. When the member has read the policy statement, she will see a proposal for an additional fee on development applications to be determined by a DAP, which will cover costs including member sitting fees, travel expenses and miscellaneous costs associated with hosting meetings.

With respect to the composition of the panels, despite the misguided allegations of the member, the opportunity for corruption is no more and probably less than currently exists with local governments making the exclusive decisions on significant developments, which in some cases may be based on proper planning merits and in other cases influenced by factors pertaining to re-election of members, or perhaps even influenced by factors towards their local business.

Hon Adele Farina: That's an outrageous statement to make!

Hon ROBYN McSWEENEY: I will try to clarify that statement. I sat on local government for six years and was on a planning committee for most of that time. If members ask me now what I did, I have probably forgotten because it was a long time ago. On my local council the president was a real estate agent. He was forever trying to defend his position. I think it became untenable for him after a very long time of being president. I think it

actually wore him down. Some people in the community perceived that he had a conflict of interest. But he was very proper in his actions in declaring whether or not he had an interest in a matter. I think most people in local government go into it—whether they be real estate developers or whatever—with the best intentions. Occasionally we do find people in local government who are there for the wrong reasons —

Hon Adele Farina: In any level of government.

Hon ROBYN McSWEENEY: Yes, in any form of government. However, there would be very, very few of those people. In saying that, I hope that clarifies what I have just said. Development assessment panel members will be subject to the same conflict-of-interest obligations that apply to Western Australian Planning Commission members under the planning legislation. In addition to a specific code of conduct to be set out in the regulations, their conduct will, I am advised, be subject to the scrutiny of the Corruption and Crime Commission. There will be three independent specialist members who will be appointed by the minister and cabinet after an extensive selection process. There will also be two local government members who will have ample opportunity to express and represent local interests. The report on the application would have been prepared by the officers of the relevant local government and the DAP will be constrained to make a decision in accordance with the terms of the applicable local planning scheme. If the local government was to retain the balance of power in making the final decision on these more significant applications, there would be no point in going through the process of establishing DAPs.

Again, Hon Ljiljanna Ravlich seems to have missed the point that an amendment act that does not change existing practice is not planning reform. The member read in full from Cottesloe Mayor Kevin Morgan's article in a local paper that made all manner of statements about the implications of development assessment panels and the potential for corruption. To reiterate: as the Minister for Planning has pointed out, the reality is that members of DAPs will be a combination of local government councillors and professional experts, such as planners, architects and environmental scientists, who will be subject to mandatory training and a code of conduct and penalties for not disclosing a conflict of interest, not acting honestly in the performance of their function or for improperly using information gained as a member of the panel. The intention is to ensure that decisions are made on the basis of experienced professional assessment together with local input and in accordance with local planning schemes. It is not clear how the member came to the conclusion that we are putting the determination of decisions into the hands of developers—that is simply not correct. Furthermore, DAPs will not be able to approve applications that are inconsistent with the height or density provisions of the relevant local planning scheme. There is no need for this alarmist scaremongering of what might happen under a DAP regime which anyone, including the Western Australian Local Government Association, who has attended briefings and read the documents would certainly attest to.

Hon Sally Talbot was the opposition's lead speaker on the Approvals and Related Reforms (No. 4) (Planning) Bill 2009. The minister and I acknowledge the opposition's support of the bill and the member's appreciation of the process of developing the bill. It started in March 2009 with the "Building a Better Planning System" consultation paper and was followed up with the blueprint for planning reform document "Planning Makes it Happen" in September 2009. That was followed by a consultation paper and a ministerial statement on development assessment panels and a more recent paper that summarised the 177 submissions on the DAP model.

I also acknowledge Hon Sally Talbot's recognition that the government has listened to various sectors and made significant changes to the original model. I always like to think that that is democracy at work. No one party has absolute knowledge of everything, so if someone has an idea that can improve the bill, that is a good thing. In my opinion, that is what the upper house is for: it is a house of review. Therefore, I welcome that.

Hon Sally Talbot raised the issue of the statutory review of the regulations supporting development assessment panels. The original request was that the review be undertaken by a Legislative Council committee. The government has agreed to review the legislation within two years but that it is carried out by the Minister for Planning, which is consistent with the existing provision in the Planning and Development Act for a review of the act. As the member herself acknowledges committees are busy, it would be more expeditious for the minister to undertake the review, not that that in itself is a good reason for that, but that is simply what he feels. I have every faith in the Minister for Planning.

Hon Sally Talbot questioned the support of the Western Australian Local Government Association. She noted that its support is qualified based on the content of the regulations. Again, I make the point that WALGA will be part of the working group that finalises those regulations. The member also made the point that one reason that the regulations have not been distributed is that the consultants are still working on issues. That is wrong. The only issue to be worked out subject to the finalisation of details on the working group is the modelling of fees. Changes are being made due to requests made and issues raised in the course of recent briefings on the bill and in response to the recent resolution made by WALGA's state council, which the member referred to.

Members have had ample time to review the bill against the nine key principles for better planning. Although the content about dates is in the regulations, in the course of the briefings given and materials handed out, each of the key matters in the regulations has been advised. There are adequate safeguards in the process of preparing both the plans and the schemes, which will be done in full transparency with opportunity for input from all affected or interested stakeholders, including the scrutiny of Parliament after the plan has been laid before the houses. The member acknowledged the intent that improvement schemes are more aligned to local planning schemes. In addition to other points I have made, I reiterate that improvement schemes deserve the certainty of local planning schemes.

The Department of Planning has provided Hon Sally Talbot with a list of purposes to which a planning control area would be put. The Public Works Act covers some of those matters. The member has a concern that planning control areas will diminish the control of the local community and that is just the point; this government has identified a need for the state to have a stronger role in regional planning. Compared with other jurisdictions, the state government has had very little power to influence planning outcomes of state and regional importance. Planning is about communities, and the amenity and views of the community are necessarily taken into account when new planning instruments are made.

The power under section 76 that allows for the minister to direct the scheme amendment does not remove the opportunity for community consultation. It will be subject to full advertising and consultation as occurs for scheme amendments initiated by local governments.

Hon Adele Farina: Can I just clarify that? Are you saying that with a scheme amendment that has been directed by a minister, members of the community will be able to make submissions? What if their submissions oppose the scheme amendment but the minister has directed that the scheme amendment occur and local government is forced to make the amendment in accordance with the minister's direction? Therefore, are we going to ask members of the community to make submissions that may express opposition to that amendment but those submissions will then be ignored because there is an overriding direction by the minister to make the amendment? It does not make sense.

Hon ROBYN McSWEENEY: I am sure that the advisers have taken note of that point. When we go through the committee stage I certainly hope that the member will stand and ask that question so that it will be answered. The member is correct; the minister is free to consider representations from any sector of the community. The minister would take advice from the WAPC as to whether from a planning perspective there is merit in that representation. The community needs a voice and this provision allows for that voice.

With respect to state planning policies, the proposed new amendment is not for the purpose of giving councils a whipping, as the member suggested; that is only to apply to cases where a state planning policy only impacts a certain number of councils and there are strong state-level reasons as to why the scheme changes have to occur. It is a mechanism to strengthen the implementation of the highest order state policies.

The biggest change that the bill will introduce, according to Hon Sally Talbot, is the introduction of development assessment panels. The first point that the member made was that there is concern amongst local government that the state proposes to shift costs for the DAPs to local governments. I draw the member's attention to the amendment that the minister has proposed that we move that the state will now be responsible for the payment of DAP costs and expenses. I think the member recognises that. The member then read out a list of amendments proposed by WALGA by resolution of its state council on 3 June 2010. I understand that the Minister for Planning has met with WALGA on these issues and many of those concerns have now been addressed.

The working group on regulations was not cobbled together to appease the sectors. It was established in response to a request by WALGA. This working group is about refining the technical detail of the process for DAPs. It is not appropriate for community members to be consulted. The community has the opportunity to comment through the release of the discussion papers.

Hon Sally Talbot: What about groups like the Conservation Council, though?

Hon ROBYN McSWEENEY: Pardon?

Hon Sally Talbot: Why would you not put the Conservation Council on those working groups?

Hon ROBYN McSWEENEY: Moving along, the member acknowledges the efficiency of DAPs in providing one decision maker under both a region planning scheme and a local planning scheme, rather than two separate bodies possibly coming to different conclusions. I thank the member for acknowledging the government's responsiveness to concerns about the thresholds for applications to be determined by a DAP. I confirm that the regulations provide that local government applications and WAPC applications will now be exempt from a DAP determination. I understand that this addresses one of the key concerns of local governments.

I turn now to the question of who a local council member on a DAP is representing. I am a little confused by the member's concern. Elected members sit on a variety of committees, including the WAPC. As an elected

member, members are necessarily representing their communities and electorates. The question of the extent to which a local government full council wants to direct the member in any manner will be up to that relevant local government. It is true that, as a member of a DAP, elected local government members are appointed by cabinet, not by a local government. However, with or without being bound by a local government, the elected members are there as direct representatives of the communities. How this process is managed will be up to local government.

I acknowledge the opposition's support for the local government reporting provisions. Local governments' residual concerns regarding costs for reporting are not warranted. Local governments already collect the relevant data. The regulations will simply require that they transmit this data to the state in a standard format.

This bill has been looked at very, very carefully by all parties in this house. We could go on and on, but hopefully I will finish this and we will go into committee and we can then get into the nuts and bolts of it. This government is about getting things done. The member keeps coming back to the concerns about cost shifting. Again, we are one step ahead. We confirm that further changes in the regulations and the amendment I propose to move will ensure that the state government will be responsible for the payment of costs and expenses.

Hon Sally Talbot: I must say that Hon Wendy Duncan's grasp of case law was very impressive.

Hon ROBYN McSWEENEY: I would not disagree.

Both Hon Sally Talbot and Hon Ken Travers raised the issue of and made comments about the funding of compensation and acquisitions under improvement schemes. I confirm that owners of land within an improvement scheme area will have the same legislative rights regarding land acquisition and compensation as would apply under current legislation if their land was within a region planning scheme and local planning scheme area. Upon the termination of an improvement scheme, the applicable region planning system and local planning scheme as amended will apply once more to the subject area. It is anticipated that improvement schemes will generally not exceed a duration of five years. The Land Administration Act 1997 provides the standard statutory framework for the taking of land and the heads of compensation. These provisions are generally used when land is required immediately for a public work and the government makes a compulsory acquisition. The Western Australian Planning Commission and local governments have taking powers under the Planning and Development Act to enable land to be taken for the purposes of a planning scheme. The PD act, unlike the LA act, also provides a separate and specific compensation called "injurious affection". An improvement scheme will come within the definition of "planning scheme" under the PD act, thereby giving rise to the same taking powers and injurious compensation rights as would occur if a region planning scheme and/or local planning scheme continued to apply to the improvement scheme area.

Under planning legislation, the affected landowner generally controls the process of compensation, other than in the case of compulsory takings. The landowner decides when to sell their property or to lodge development applications which trigger plans for compensation. The responsible authority has no power to refuse a claim, and such claims have no regard to the ability of the authority to pay. Should a claim or the purchase price be disputed, the landowner, not the responsible authority, determines whether to submit the matter to arbitration or the Supreme Court. For land within region planning schemes, money is available for compensation and purchase through the metropolitan region tax, and through money set aside for the Peel and greater Bunbury areas. If the state did choose to establish an improvement plan or scheme in an area of the state to which a region planning scheme does not apply, it would need to go to cabinet to secure the funding in advance. This by itself will be a check on the number of plans and schemes to be established. There would need to be compelling planning merits to warrant the declaration of an improvement plan and scheme.

I turn now to the comments made by Hon Lynn MacLaren. I am surprised that the member cannot recognise the potential of these amendments to the bill for the state to better implement a key objective of the Planning and Development Act, which is to "promote the sustainable use and development of land in the state". The member talked a lot about sustainability in her speech. The member pointed out that the range of terms relating to the environment and sustainability in the bill itself is minimal. This is missing the point. Currently the state has very limited power to implement policies relating to the environment and sustainability. This includes the specific measures that the member stated she would like to see more of, such as coastal setbacks, higher standards for energy and water efficiency, infrastructure requirements, access to transport issues, residential density, and the protection of natural ecosystems and public open space. Currently these matters are basically left up to the ad hoc application and consideration by local governments. The key measures of the bill, including the power of the minister to direct scheme amendments, to declare improvement plans that could address areas in need of rehabilitation, and to have independent persons on panels with technical expertise in environmental and engineering fields, can only enhance the chances of achieving the kind of planning system and planning reforms that could deliver the more sustainable objectives sought by the honourable member.

In response to the member's apparent assumption that measures to cut red tape necessarily result in poorer environmental outcomes, and her claim that improvement plans and schemes are dangerous tools, I point out that

this bill does not contain one change to the existing process for environmental assessment requirements. Improvement schemes are subject to the same rigorous assessment as other planning schemes. Improvement plans invariably are based on consideration of the triple bottom line, and provide opportunity for strategic planning that contemplates long-term outcomes, rather than the contemporary shorter view ad hoc decisions currently made by many local governments.

Finally, despite continuing claims to the contrary, not only does this bill not remove any existing requirements for community consultation, it will increase the requirements—such as my amendment for improvement plans and schemes that I referred to before and will be moving shortly, I hope.

I turn now to the comments made by Hon Adele Farina. Although the bill is consistent with best planning principles identified by the development assessment forum, it does not pertain to any intergovernmental or national agreement or undertaking. Planning is clearly within the jurisdiction of state governments constitutionally, and there is no commonwealth legislation covering the same matters. Therefore, there would be nothing against which the Uniform Legislation and Statutes Review Committee could reference and review this bill. I disagree with the member that no reasons could have been given for why development assessment panels could benefit the Western Australian planning system. I will briefly reiterate the key benefits. DAPs will be better placed to make decisions where: the application proposed is complex in nature or concerns matters of state, regional or local significance that will benefit from DAP assessment; or where the application proposed involves highly technical issues that would benefit from DAP assessment; or when there are issues about the relevant local government's processes and performance, such as where the local government has consistently failed to determine applications within the statutory time period, or there are local political pressures on elected members to make decisions that are not based on proper planning principles.

Clause 43 inserts proposed sections 171A to 171E. The member referred to proposed section 171A(3). This is not an uncommon style of enabling provision. In this case the application is very narrow. This provision was inserted by parliamentary counsel as a precautionary measure, given the range and variety of planning instruments, to ensure the provisions of proposed subsection (2), which simply provides that DAPs will determine prescribed applications. I am advised that the current draft of the regulations contains no regulation made under this proposed subsection; however, given that there may be future planning instruments that come into effect, we are advised by parliamentary counsel that it would be prudent to leave this provision in. The only consequences of this is that the modification of the application of the instruments will occur only to the extent required to enable a DAP to validly determine a prescribed application—that is, development applications with a value of over $7 million across the state, or when the applicant has opted in for development with a value of between $3 million and $7 million.

Proposed section 171C(1) provides for the establishment of local development assessment panels and joint development assessment panels. Proposed section 171C(6) allows the minister to revoke their establishment. The flexibility in this subsection is deliberate to allow for the fact that changes to local governments may occur, including voluntary amalgamations. In districts with few or no applications requiring DAP determinations, it may be determined that a DAP is no longer required.

The member then referred to various other sections with a general question about why the detailed content was being put in the regulations. Firstly, it is appropriate that regulations set out detail; and, secondly, as previously mentioned, a cross-sector working group has been established to ensure that stakeholders have input into the administrative and operational details. The regulations will be periodically reviewed to ensure that the DAP model is working effectively. I have addressed the issue of cross-subsidisation previously. Notwithstanding the comments by the Hon Adele Farina and Hon Wendy Duncan, the model is a statewide cost-recovery model; there is no issue of cross-subsidisation that we need to discuss further. I think the concerns raised by the member on particular clauses and subclauses of the bill will be more effectively dealt with in Committee of the Whole. But I will make the general point that the member seems to have wrongly assumed that including standard enabling provisions for the Governor to make regulations equates to the abrogation of parliamentary sovereignty.

I thank Hon Wendy Duncan for her support, and I thank Hon Alison Xamon for her comments. That was a huge summing up—I think we had seven speakers on that bill. I apologise to the members for taking up a great deal of time, but I thought it was worth doing so that all members' queries could be answered in that response.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon Matt Benson-Lidholm) in the chair; Hon Robyn McSweeney (Minister for Child Protection) in charge of the bill.

Clause 1: Short title —

Hon SALLY TALBOT: Can I just, for the purposes of making this clear in the record, put this debate into some sort of time context? It is now 3.05 pm on a Thursday afternoon, which is the last day that the Legislative Assembly will sit before the long winter break. Because the Labor Party is supporting, in principle, the Approvals and Related Reforms (No. 4) (Planning) Bill 2009, it is very keen to do nothing that will delay the proclamation of this bill. I have been told by the advisers that there will be at least 12 months between the time the bill is proclaimed and the time when the first development assessment panel comes into operation. Therefore, it seems to me, as the lead speaker, and to the Labor Party generally, that it would be churlish of us to delay debate on this bill past the end of today, given that that would mean that we have to go to the expense of recalling the Legislative Assembly, and that would indeed add to some delays. It is my commitment, in that spirit, to get through this debate as best we can this afternoon.

Having said that, it will be crystal clear to anybody following the debate with even a detached degree of interest that a bill that requires a minister representing a minister from the other place to speak for close to 40 minutes in her summary of the second reading debate is indeed a bill of considerable complexity, and a bill that has led the opposition parties to raise a number of issues that, by the minister's own concession, are very complicated and were obviously worthy of response. I noticed that much of the tenor of the comments made by Hon Robyn McSweeney, as the minister with carriage of this bill in this place, was really by way of noting the questions raised by this side of the house. While I would certainly have been very unimpressed if she had tried to deal with such a lengthy second reading debate in 10 minutes, we will now have to go over several of those points in committee to try to drill down a bit further than we can during the general second reading debate. I am not sure that that was the best use of my time, but nevertheless I have given that commitment to the government and it is a commitment by which I stand.

During the debate on clause 1 I will signal the two areas in which I will be moving amendments to address concerns raised during the second reading debate. I foreshadow those now, but I want to also make a couple of comments on other clauses of the bill. We will have a 45-minute interruption to this debate between now and the time we finish it for cucumber sandwiches and question time—Hon Norman Moore keeps pointing out to me that we never get cucumber sandwiches! That might give the advisers a bit of time to prepare, if there is anything that they need to go away and look up before we conclude the debate.

The first amendment that I will move I have not yet put on the supplementary notice paper because I know that the amendment that I wanted to move is not the one that the government has agreed to. Nevertheless, I want to put to the minister my argument for having a statutory review that is carried out by an upper house standing committee rather than by the minister. That was the original amendment that I put to the government when it agreed to consider a statutory review. I believe that there are still compelling arguments to go in that direction. To cite reasons, I need go no further than many of the reports that the government has received just in the relatively short time that I have been in the Parliament. We receive reports that have an enormous amount of detail in them. A report that is prepared by a standing committee is often a report that will rely on the evidence of witnesses. It is not always possible for a minister conducting a review to either have the breadth of input into who might be a stakeholder or, indeed, have the resources to consult those stakeholders in the way that a standing committee can. There is also the consideration that those hearings can be made public. A review by a standing committee of the Legislative Council would certainly be preferable to a ministerial review. Therefore, that is the amendment that I will move when we get to the appropriate place in the bill. The minister has already confirmed that the government is prepared to amend the bill to put in a statutory review by the minister. It would be my intention to hold the government to that, but I still hope that the government's consideration in the next little while before we get to that part of the bill will enable it to change its mind on that decision that it appears to have made.

The other amendment that I propose to move concerns that very disturbing contribution to the debate that was made the other day by Hon Wendy Duncan. We have been presented with a bill that is premised on the concept of cost recovery, yet when Hon Wendy Duncan was speaking, those members who recall that debate will remember that when she was indicating that the National Party supported the bill without amendment on that matter of costs and fees, by way of interjection I asked her whether the National Party's concerns about fair treatment for the regions had been satisfied. She said, "Yes, wait for it." Then she dropped the bombshell, which was that the government is proposing to put in the bill, if I understand the minister correctly, a sort of consolidated account fund that will then be invoiced by local government to recoup its costs. What that effectively does is set up some DAPs as moneymakers for other DAPs. That is a very long way from the original concept of the DAPs. I point out to honourable members that DAPs are not constituted like, for example, the State Administrative Tribunal. SAT moves around the state holding hearings in regional centres, but when it sits, it always sits as the SAT—if that does not sound like too ludicrous a sentence.

The CHAIRMAN: Very good, honourable member.

Hon SALLY TALBOT: It is not as good as major minors.

That is not the case when it comes to DAPs, because the Pilbara JDAP is the Pilbara JDAP. Why would we want the LDAP—the City of Perth development assessment panel—to be engaged in a moneymaking exercise for a cross-subsidy to the Pilbara JDAP? It does not make sense in legislative terms or in regulatory terms. We are on a very slippery slope to major problems in the future if we start taking this slaphappy approach to cost shifting, cost recovery and cross-subsidisation. Therefore, I will propose an amendment when we get to that particular clause to remove the setting of fees from the regulations.

We are proposing to move one other amendment to proposed section 171A(3), which is on page 31 of the bill. When we get to that stage, we will be asking the government to consider deleting proposed subsection (3) on the basis that has been very elegantly put by my colleague Hon Adele Farina that this proposed section appears to take authority away from the Parliament in a way that is simply not acceptable.

I will foreshadow those three amendments and quickly survey the other points that I want to raise as we move through the committee stage. I do not know why the minister remains mystified about the point I have raised about whether councillors can be bound. Whether a councillor serving on anything other than the local council is representing that council is a matter that is determined in relation to the body on which that councillor is sitting. As far as I am concerned, and as far as members on this side of the house are concerned, that question has not been resolved in relation to development assessment panels. Indeed, the minister's answer in her summary of the second reading debate—I do not know whether she would be prepared to give me a copy of that section of her response so that I can check this—appeared to go around in ever-decreasing circles, and we know what happens to people who get caught in that cycle. The minister appeared to be saying that the integrity of a local government appointment to DAP will be protected or ensured by the fact that that person is appointed by cabinet, yet that person is there because he or she is supposed to be representing the local community. If the government is going to pursue the representing-the-local-community line, why would the government say that it should be a councillor? There might be somebody else in the community who could represent those interests.

The question that I raised in my second reading contribution about potential conflicts of interest that would particularly arise in a case in which a councillor was bound by a motion of his council to vote in a certain way is just opening up a can of worms that could end up—I repeat the point that I made in my second reading contribution—with planning processes being bogged down for years in the courts while we sort this out. Why can we not sort it out now? I know that one of the things the government is doing to expedite the passage of the bill through the Parliament is to leave many of these considerations to regulation. At this stage I would perhaps ask the minister to consider drafting a regulation for us that would indicate that in some way there is some prohibition on councillors being bound by motion of their council. Of course, our core argument is that all these functions should have been specified and enumerated in the legislation itself. From the minister's comments, I gather that she is not prepared to contemplate that. Can we please have some indication of a draft regulation that would at least address this point so that we can continue to monitor it in the future?

A couple of things are not clear to me. This might be partly because of the pace at which the amendments have been coming into this place in the past few days. I understand that the types of developments that are not going to be captured by DAPs include single dwellings and multiple dwellings up to a certain volume—that is, retirement homes and that sort of establishment, and things like sheds and sailcloths. I understand that to that list the government has also added local government projects, so that a local council can still build its recreation centre, its aquatic centre, a library or something like that without it being captured by the DAP. It is not clear whether local councils will be able to opt in to the DAP process if they want to. It is an interesting mind game to think where that might be effective. If we follow the government's logic about planning processes being more effectively carried out, I imagine that local authorities that have a heritage or native title issue to resolve might want to opt in to the DAP process. Will that be open to them? The government has said that if an application is not approved, there is recourse to appeal to the State Administrative Tribunal. Is that also the case when a decision is approved? Can somebody appeal to SAT when a decision is approved? I suspect the answer is no, because the government has a visceral fear of third party appeals. I would like the minister to comment on that.

It is also not clear in what areas the JDAPS will have authority. I understand that they have been designated on the basis of WA Planning Commission regions and areas. That will mean, for example, that there will be an eastern region in the metropolitan area. Is that right? I refer to the Kimberley, for example, which has four local government areas. A JDAP will be set up to cover the four areas. What will happen if there is an amalgamation of shires and a shire moves from one JDAP to another? How will that be reconstituted under the regulations? How will the new arrangements work? Will we reach a stage at which there will be no councils in a JDAP area? It is not clear to me how that will be handled. I am not even sure whether the government has thought about that.

The last point I want to raise relates to the qualifications of DAP experts. I intend to ask the minister many questions about what qualifications will be valued and how the government will decide what qualifications will be appropriate. Another point relates to that. I note that it is has been foreshadowed that the regulations will restrict experts from sitting on more than three DAPs. Was that number contrived on the basis of the old

expected volumes? The number of expected applications in each JDAP is now relatively small. Was the maximum of three JDAPS contrived when the original cost ceiling outside the City of Perth was $1 million and there was an expectation of 500 applications a year? It was sensible to limit the number of JDAPS on which an expert sat in those circumstances. However, now that we are looking at one-fifth of that number, we might attract a better quality of expert if we make it a little more worth their while. We might be asking people to sit on a JDAP that handles only three applications a year. I hope the minister can enlighten me on that. I am happy to raise these points as we go through the committee stage. I wanted to flag some of the areas on which the opposition would like more comment.

Hon ROBYN McSWEENEY: I cannot win with Hon Sally Talbot. I took 40 minutes to respond because members had had 5.5 hours of briefing. When I responded, I wanted to respond to the seven members who stood in the house and spoke, because I believe that all members deserve answers to their questions. That is why I took 40 minutes—there is no other reason. Is Hon Sally Talbot happy to raise her issues as we go through the clauses or do I need to respond now?

Hon Sally Talbot: Clause by clause is fine. I was only scene setting.

Hon LYNN MacLAREN: The questions and answers that were prepared to assist us in the briefings changed over time. Those questions and answers reflect the government's intent with this legislation. I request that the questions and answers for the latest version of the bill—which I believe is 101–2A—and the regulations be tabled. That will assist us in clarifying the government's intent.

I also respond to the minister's comments about my second reading contribution. I welcome the renewed commitment to the sustainability objectives of this reform. However, that needs to be explicit in the bill. If those are indeed the objectives of the bill, there should be an explicit mention of such values. I welcome the comments in this chamber that indicate the direction that the government intends to go, but it really depends on who is sitting in the minister's seat at the time and on that minister's personal and professional commitment to sustainability in planning. I understand that the minister feels that I have not recognised the opportunity that this new reform gives. That is not the case. I recognise the opportunity as well as the threat. It is a blind tool unless we give it direction to achieve sustainability principles. Even though I oppose this reform direction, I am not interested in wasting anybody's time today.

Hon ROBYN McSWEENEY: I table the documents sought by Hon Lynn MacLaren.

[See paper 2185.]

Hon KEN TRAVERS: I refer to the issue of compensation. When the opposition was originally briefed on this bill, it was advised that there would be minor alterations to compensation provisions as a result of the passage of this legislation. In subsequent briefings we have been advised that that will not be the case. It is important that we get that on the record. I am not sure whether the minister is able to explain to the chamber why it was originally thought that this bill would impact on compensation provisions. If there are to be no impacts on compensation for people, I ask the minister to put it clearly on the record. In our briefings the advisers provided me with information about the compensation procedures, and I am aware of those. I am particularly interested to know whether the use of improvement plans as opposed to the existing mechanisms within the Planning and Development Act will result in people being treated in different ways, thus altering the compensation options available. I know we have only a short time so I will ask the minister all my questions and hopefully she can consolidate an answer. I would like a commitment that if the answer to the first question is that there will be no impact on compensation but it is discovered at a later stage that the legislation is having an impact on the way in which compensation is made available to people, the government will immediately reinstate the compensation provision options that existed prior to the passage of this legislation.

Hon ROBYN McSWEENEY: There are no changes to compensation provisions in this bill. There may have been an initial misunderstanding in the original briefing. Before the member came in I confirmed that owners of land within an improvement scheme area will have the same legislative rights relating to land acquisition and compensation as applies under the current legislation, if the land is within a regional planning scheme and local planning scheme area. As for compensation, if there is anything outside the norm, it would usually go to cabinet for a cabinet decision.

Hon Ken Travers: If there is found to be a structural problem with this legislation and it is the government's intention that it will not impact in any way on compensation provisions, is the minister able to give a commitment that the government will immediately seek to redress and bring back the existing provisions for compensation to people?

Hon ROBYN McSWEENEY: Yes, I certainly would, and this government would certainly agree to that.

Hon Ken Travers: Thank you.

Hon LYNN MacLAREN: I want to ask the minister to clarify something in relation to comments I have just made about the sustainability objectives of this bill and the minister's second reading reply. I need some clarification because in the other place the Minister for Planning made the point that improvement schemes were not being introduced for the purposes of increasing density in any particular area. I believe that the Minister for Child Protection mentioned that that was one of the possibilities for improvement schemes. I would like some clarification on that.

Hon ROBYN McSWEENEY: Density sustainability is already in the Planning and Development Act, so it did not need to be included in this bill as well. Does that answer the member's question?

Hon Lynn MacLaren: Will improvement schemes be used for the purposes of increasing density, which is one of the sustainability objectives of planning?

Hon ROBYN McSWEENEY: Proposed section 119 provides for the WAPC to recommend to the minister that an improvement plan be made to deal with land for the purpose of advancing the planning, development and use of land. Improvement plans are made when it is recommended that the land be planned, replanned, designed, redesigned, consolidated, re-subdivided, cleared, developed, reconstructed or rehabilitated. They are also made when it is recommended that provision be made for the land to be used for such residential, commercial, industrial, public recreational, institutional, religious, charitable or other uses; buildings; works; improvements; facilities; or spaces for those purposes as may be appropriate or necessary. Does that answer the member's question?

With regard to density, yes, we do have a number of planning instruments that could help implement density. Does that answer the member's question?

The member has asked two questions. The objective of sustainability is referred to in the Planning and Development Act. With regard to density, there is potential for improvement schemes and ministerial directions to implement density provisions.

Hon LYNN MacLAREN: I thank the minister; that addresses my concerns, and I thank her for being explicit in her answer. I want to make clear the concerns we have about improvement schemes and the fact that they are not intended to come before Parliament for accountability purposes. To provide an example, as the minister knows, having been in this Parliament for some years, one of the hot issues in my region was the Fremantle eastern bypass. A major campaign was waged over many years to remove that plan from the metropolitan region scheme. Once it was removed from the metropolitan region scheme, it came before Parliament and we had to approve that amendment to the metropolitan region scheme. The nature of the improvement schemes that are being proposed is that a minister may make a direction to perhaps reinstate the Fremantle eastern bypass over the existing metropolitan region scheme, even though we have worked hard to get it out of that scheme. The minister could say that he wants an improvement plan in this area because there is some strategic reason to have the Fremantle eastern bypass service the Fremantle port or the ports to the south, and therefore he is going to impose an improvement scheme on the area. Basically the minister can make that direction. It can go through the same public scrutiny and there will be the same public outcry, but the change can be made and the road can be built without giving Minister Hon Simon O'Brien an opportunity to come into this chamber and debate that change. That is why we are asking for improvement schemes to be tabled in this house as disallowable instruments and given the same level of scrutiny as applies to the metropolitan region scheme. We should not be able to change a metropolitan region scheme by imposing an improvement scheme over it without the same level of accountability.

Hon ROBYN McSWEENEY: Improvement schemes have to be advertised and put out for public comment. An improvement scheme is similar to a local planning scheme; it contains development control provisions regarding the area subject to the improvement plan. Improvement schemes are to be made under improvement plans in the same way as local planning schemes; they have to be advertised and they have to be put out for public consultation.

Hon LYNN MacLAREN: Are local planning schemes tabled in Parliament? Are they disallowable instruments?

Hon ROBYN McSWEENEY: The answer is no to both questions.

Clause put and passed.

Clauses 2 to 9 put and passed.

Clause 10: Section 119 amended —

Hon ROBYN McSWEENEY: I move —

Page 6, after line 9 — To insert —

(3B) Before making a recommendation under subsection (1)(b) in relation to an improvement plan that authorises the making of an improvement scheme to apply to

land in the district of a local government, the Commission must consult with the local government.

(3C) An improvement plan that authorises the making of an improvement scheme must set out the objectives of the improvement scheme.

Hon SALLY TALBOT: May I ask the minister to explain to the committee what the word "consult" means in proposed new subsection (3B)?

Hon ROBYN McSWEENEY: Without a dictionary in front of me, "consult" is to consult in the ordinary scheme of things under planning. Consult is to go out and consult. The commission has to advertise and it has to consult.

Hon SALLY TALBOT: With respect, minister, I think that is just a tad cute!

Hon Robyn McSweeney: No.

Hon SALLY TALBOT: If I consult a doctor, I am consulting somebody who is an expert in the field. That kind of consultation is totally different from the sort of consultation that might happen if the minister and I went behind the chair and talked about an appropriate time to finish this bill; or, indeed, if I were to ring my son and ask him how many people he wants to bring to dinner at Parliament House next Tuesday. These scenarios would all come under the heading of "consultation". Will the minister, for example, allow local councils to advertise proposals that are the subject of a recommendation? Will the minister facilitate councils calling for community submissions? I do not think my question is terribly obscure. When will a council know that it is being consulted? Will it get a letter through the mail; will it be an email; or will it be just a text message saying, "This is what we're doing"? The word "consult" can capture a multitude of levels of intensity, from the commission asking people what they want to do to the commission telling them what the minister expects.

Hon ROBYN McSWEENEY: Might I suggest that Hon Sally Talbot is being a bit cute? Under the Planning and Development Act there is absolutely no need to consult at the moment, so this amendment is better than the current provisions for local governments. It means that the minister and the department will go to the relevant local governments to consult with them and to talk about what is going to happen. I believe that guidelines will be drawn up, as there are no guidelines on consulting in the Planning and Development Act. The department is drawing them up at present. The amendment is, therefore, an improvement on the current act.

Hon SALLY TALBOT: I can imagine an amendment that says, "Before making a recommendation et cetera to do X, Y and Z, the commission must inform the local government of what it intends to do." Is there a difference between an amendment that is couched in those terms and what the minister intends by adopting the term "consult"?

Hon ROBYN McSWEENEY: The government has been prepared to listen to opposition members, to other members and to WALGA members. The government has listened to members during debate on this bill. So when the commission members go to local governments, they will not just be informing them; they will be talking to them and consulting with them. The word "inform" does not come into it. The word "consult" does, because "consult" means that it is a two-way talking point.

Hon LYNN MacLAREN: I support this amendment. I think it improves the status of local government. The fact that the commission will be required to consult with local government is welcome and I think it is a good amendment.

Hon Robyn McSweeney: Thank you!

Hon SALLY TALBOT: I have a further question for the minister. I thank her for using the term "two-way" process. That is what I was leading up to. I am sure that local government will appreciate that concept being enshrined in the legislation. If a local government does not agree with the recommendation, what recourse is open to that local government in terms of these consultations?

Hon ROBYN McSWEENEY: There is none, but local governments can write to the minister and express their concern after they have had this two-way conversation. As I say, if they are still not happy, they can write to the minister. Ministers usually listen to local governments. In my experience, I have found that ministers actually do listen to local governments.

Hon SALLY TALBOT: I am sure it will be very welcome news to many local government members to know that Hon Robyn McSweeney thinks that governments usually listen to them. I suppose it would be unparliamentary language to amend this further so that it referred to a Clayton's consultation, so I will just leave the point there.

Hon ADELE FARINA: I want to clarify the amendment for the record. The situation is that, following consultation, if a local government still does not support the making of an improvement plan, it is possible under

these amendments for the state government to still impose an improvement plan, regardless of whether that local government supports that improvement plan.

Hon ROBYN McSWEENEY: Yes it is, and that is the point of the change—reform.

Amendment put and passed.

Hon ROBYN McSWEENEY: I move —

Page 6, before line 11 — To insert —

(3) After section 119(4) insert:

(5A) The Minister must, as soon as is practicable after notice in respect of an improvement plan that authorises the making of an improvement scheme is published under subsection (4), cause a copy of the improvement plan to be laid before each House of Parliament or dealt with under section 268A.

Point of Order

Hon LYNN MacLAREN: I seek leave to move my amendment before this amendment because if my amendment passed, it would render this amendment irrelevant. My amendment is 12/11 on the next page of the supplementary notice paper. It will make an insertion in the bill on page 7, after line 25.

Ruling by Deputy Chairman

The DEPUTY CHAIRMAN (Hon Michael Mischin): The amendments are to be dealt with in the order that they would appear by page in the bill as printed. Your amendment would amend page 7 of the bill, and we are currently dealing with an amendment to page 6. I am informed that the approach is that if you seek to introduce an amendment that is inconsistent with it, you will need to vote against this amendment.

Hon ADELE FARINA: That would not prevent Hon Lynn MacLaren from speaking to her proposed amendment by means of foreshadowing that she intends to move it in the event that the government amendment does not get up. Therefore, members will actually be apprised of what she is trying to do when they vote on the government's amendment; otherwise, the member would be placed at a significant disadvantage.

The DEPUTY CHAIRMAN: That is sensible, and the honourable member would be outlining the reasons that she will vote against this amendment to page 6 by foreshadowing what she proposes to amend on page 7 that would be in conflict with it. If the member wishes to do that, then, yes, but it would be to address her position on the amendment to page 6.

Hon SALLY TALBOT: Sorry to be the second speaker to try to toss up what we think Hon Lynn MacLaren might be about to say, but my assumption is that if Hon Lynn MacLaren's amendment was not passed, she would then vote for the government's amendment—is that correct?

Hon LYNN MacLAREN: That is correct.

The DEPUTY CHAIRMAN: I think you will have to argue that in the presentation of your position on this amendment. At the moment, we have to deal with amendment 4/10 on the supplementary notice paper, which the minister has moved, before we can get to amendment 12/11.

Hon ADELE FARINA: This creates a bit of a problem if we are voting on the government amendment, which the Greens (WA) would support in the event that its amendment was lost. It places the rest of us in a difficult position in knowing what we will do with the government amendment if we want to support the Greens' amendment, as we would vote against the government's amendment.

The DEPUTY CHAIRMAN: Members, I am informed that we are obliged to deal with amendment 4/10, which is a substantive amendment, and Parliament has to make a decision on that proposed amendment and the clause before we can proceed to amendment 12/11. If in dealing with and presenting your position on amendment 4/11 you wish to argue why it ought not to be agreed by the chamber because you have substantive amendment 12/11 that would be inconsistent with it and is preferable to it, you will be able to do that. Indeed, you would have to do that, but the chamber has to make a decision about amendment 4/10.

Committee Resumed

Hon SALLY TALBOT: With some degree of trepidation, I will speak for the opposition. I think that what has happened is similar to the situation that we will have in a few minutes about the statutory appeal. I have not submitted an amendment on that although the amendment that the government has agreed to is not my preferred option. Therefore, I think that perhaps that might have been the way to avoid this difficulty. If we had taken the amendments in the sequence that seems to fit within the context of this debate, we would first of all be considering the amendment by Hon Lynn MacLaren. Labor would support that amendment because in our view it is better than the government's amendment. The Greens' amendment introduces a degree of transparency and a

degree of certainty and consistency—all those words that the government espouses in spades—to the bill that are not currently there. For that reason, the Labor opposition would be voting in favour of the Greens' amendment. The Greens' amendment, because we can all count, will not be successfully carried. The government has moved its own amendment to put a provision in place that we think is indeed better—I am pre-empting the minister's comments—than the existing situation in which there are no measures, but it is not our preferred position. If we end up taking the amendments in the order that the Deputy Chairman has directed, we will be voting against the government's amendment and voting for the amendment that will be moved by Hon Lynn MacLaren, but the end result will be that we end up with a better situation than we had before either amendment was moved.

Hon ROBYN McSWEENEY: Mr Deputy Chairman, you put the question that clauses 1 to 9 be agreed to. Those clauses have been passed. You then put the question that clause 10 be agreed to. I then moved my first amendment, which got through. I then moved this amendment. That amendment is now before the chamber. Hon Lynn MacLaren has proposed an amendment. That amendment is at page 7. That amendment comes after my amendment, which is at page 6. In the nine years that I have been a member of this place, an amendment that has been moved sits on the table until it is dealt with.

Hon Sally Talbot: That is what the chair said.

The DEPUTY CHAIRMAN: Yes, that is my ruling.

Hon LYNN MacLAREN: I suppose I am in the difficult position of arguing against the amendment that the minister has moved. I might have argued differently had the minister's amendment been put forward after I had moved my amendment. I believe that the amendment that I propose to move is a better option. That is why I am speaking against the minister's amendment. My proposed amendment seeks to adopt the disallowance process in section 56 of the Planning and Development Act 2005. New improvement schemes and major amendments to improvement schemes are significant planning instruments. The government, in putting its arguments for this bill, is asking us to believe that this bill will provide possible solutions to difficult sustainability problems such as the need for more transit-oriented development. If improvement schemes are so powerful, it is appropriate that they are disallowable in the same way that metropolitan region scheme amendments are disallowable. The amendment that I intend to move acknowledges that some improvement scheme amendments are minor. It will therefore allow the government to access the abridged process for minor changes to region schemes by reference to part 4 division 4 of the act. Members can clearly see that the amendment that I intend to move is superior to the amendment that is before us at this time. This amendment will reintroduce a level of accountability that these planning reforms are stripping from the current system. Unfortunately I cannot support the minister's amendment at this stage, for those reasons.

Hon ADELE FARINA: I just want to clarify one point. Will improvement plans that do not authorise the making of an improvement scheme also be laid on the table of Parliament; and, if not, why is there a distinction?

Hon ROBYN McSWEENEY: In answer to the member's first question, no, they will not. This bill deals only with new improvement schemes. Improvement plans have never been laid before Parliament in the past. However, the reason we are making this amendment is that the new improvement plans will provide for a scheme, and we therefore think it is appropriate that they be laid before Parliament.

Hon ADELE FARINA: As I understand it, we are now looking at changing the role of improvement plans so that they can be used instead of region schemes. Therefore, improvement plans will take on a slightly different role, because they can now be imposed in areas in which a region scheme does not apply. Currently, an improvement plan can be imposed only if a region plan applies. So we are changing the ball game here. It is not clear to me why the minister would not also require, at the very least, the tabling in Parliament of improvement plans so that there is an opportunity for Parliament to be informed of what is taking place. Normally, an improvement plan will come into play only if there is a region scheme that has been approved by this Parliament. We are now moving to a situation in which an improvement plan may be made in an area for which there is no region scheme that has been approved by this Parliament.

Hon ROBYN McSWEENEY: I seek leave to move an amendment on my amendment that might suit everyone concerned.

Leave granted.

Hon ROBYN McSWEENEY: I move —

> That the amendment be amended by deleting the words —
>
> > that authorises the making of an improvement scheme

The amendment would then read —

> The Minister must, as soon as is practicable after notice in respect of an improvement plan is published under section (4), cause a copy of the improvement plan to be laid before each House of Parliament or dealt with under section 268A.

Hon SALLY TALBOT: I just want to check, but would Hon Lynn MacLaren be happy with that? Would Hon Lynn MacLaren still intend to move her amendment at 12/11 if the minister made that amendment on her amendment?

Hon LYNN MacLAREN: As I understand it, this is still just about transparency. It is not about accountability. An improvement plan is still just an advisory document. It is like a ministerial statement. How would this improvement plan, when it is laid before the house, be scrutinised?

Hon ROBYN McSWEENEY: This amendment provides that all improvement plans must be laid before each house of Parliament.

Hon Sally Talbot: Whether they are related to schemes or not.

Hon ROBYN McSWEENEY: Yes. So that will provide the transparency. It will be very transparent.

Hon ADELE FARINA: I think the question that Hon Lynn MacLaren is asking is: is there a capacity for the house to disallow an improvement plan when it is tabled in the house?

Hon Lynn MacLaren: Correct.

Hon ROBYN McSWEENEY: No, there is not. It is just a transparency.

Hon LYNN MacLAREN: Would it be possible for a minister—perhaps not the current minister—to declare the entire state of Western Australia an improvement plan area, and therefore make a plan for that area and implement that plan without any scrutiny by Parliament of that plan?

Hon Adele Farina: Or the community.

Hon LYNN MacLAREN: Or the community. Well, allegedly those plans do go through local scheme consultation processes, depending on how well they are done. Would that be possible, minister?

Hon ROBYN McSWEENEY: I doubt whether that would happen.

Hon Adele Farina: But theoretically it could.

Hon ROBYN McSWEENEY: It would never happen because of the checks and balances that we have. That would never happen. I cannot think of an example where it would happen.

Hon LYNN MacLAREN: What are those checks and balances, minister?

Hon ROBYN McSWEENEY: The scheme is laid in front of both houses of Parliament. Consultation has to be had with government. Local government is a very vocal beast, if I can put it that way. There are checks and balances with local government, with the planning commission, with the approval processes that are in place. Planning laws are just so overregulated, and by laying it in both houses of Parliament people can see that we are being transparent. It is advertised, there is consultation—a whole raft of things go on. By doing that, we are being transparent.

Hon SALLY TALBOT: I thank the minister for that clarification. I rise to restate my original advice to the house that the Labor Party would still prefer to see the amendment moved by the Hon Lynn MacLaren passed, and we will be supporting that. We appreciate that the minister is making helpful gestures, and I refer honourable members back again to the argument I made in relation to sending this bill to a committee—it needs more work. The government is making helpful gestures and being edged towards solutions, but my sense is that we will not get there by the end of the day. My commitment is still to expedite the passage of this bill, so I suggest that the minister puts her amendment—we know what the numbers are in this place—and let us get to Hon Lynn MacLaren's amendment, which we will be supporting

Hon LYNN MacLAREN: I have not changed my position either. If I am speaking to the minister's amendment to the amendment, I support the amendment to the amendment, but I am still opposed to the amendment itself only because it lacks the accountability that the Greens (WA) will hopefully move in a later amendment. I think Hon Adele Farina made the point really clearly that an improvement plan could be initiated in an area where no metropolitan region scheme or local planning scheme has been created in the past, and therefore this Parliament would have never approved it. It could be made in an entirely new place, for instance the Kimberley, and it could be said, "This is an area where we want to make an improvement", and the minister can just do that with public consultation and comment, but at the end of the day there will be no mechanism to scrutinise it. I know that we are pressed for time, but I want to make the point that if one of these improvement plans is tabled in the Parliament as a disallowable instrument, we are only talking about 12 sitting days' delay. That has to sit on the table for 12 sitting days, be debated, and then it is over. We have to debate it. We are not talking about months of delay; we are talking about a potential of fours sitting weeks in which these very significant planning decisions can be reviewed and the opportunity provided for us to scrutinise them.

I am amazed that this government does not see that this is an improvement to this system. This is a planning reform never before tackled in Western Australia. We have a great planning system that involves scrutiny at

every level, and it is being cast aside with one sweep of the pen and saying, "We're going to invent these new instruments called improvement schemes that can just be imposed on communities." I think it is a shame that, under the banner of cutting red tape and being more efficient, we are making such a fundamental change to our democracy, and I oppose this amendment.

Amendment on the amendment put and passed.

Amendment, as amended, put and passed.

Hon ADELE FARINA: Can I just seek one point of clarification? Do improvement plans, which do not authorise the making of a scheme, go through a community consultation process? I am not talking about consultation with local government; I am talking about community consultation. Does the community get to see this before the improvement plan is made and make some comment on the improvement plan?

Hon ROBYN McSWEENEY: No, they are state planning documents.

Clause, as amended, put and passed.

Committee interrupted, pursuant to temporary orders.

[Continued on page 4611.]

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

RESPONSIBLE PARENTING ORDERS

401. Hon SUE ELLERY to the Minister for Child Protection:

(1) Have any applications been made for a responsible parenting order since 28 February 2010; and, if so, how many?

(2) Have any of the referring agencies applied for a responsible parenting order; and, if so, how many?

Hon ROBYN McSWEENEY replied:

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

(1) Under the Parental Support and Responsibility Act 2008, a responsible parenting agreement must be attempted before a responsible parenting order is sought. The conditions for an agreement or an order are very specific. To date, no applications for responsible parenting orders have been made. However, since the act was proclaimed in May 2009, six agreements have been signed by authorised officers with the Department for Child Protection, and a number of agreements are currently under construction. The focus of activity has been in the metropolitan, Peel and Kimberley regions. This will be extended to all other areas of the state in 2010–11. I think in 2010–11 it will go into the Murchison and Great Southern. In 2011–12 it will be in the Pilbara and the Goldfields, and in 2012–13 it will be in the Wheatbelt and the South West. There is $28 million under royalties for regions to roll out over the next four years.

(2) To date, no applications for responsible parenting orders have been made. However, the Department of Education has one agreement signed by an authorised officer.

REDRESS WA APPLICATIONS

402. Hon SUE ELLERY to the Minister for Community Services:

(1) How many Redress WA applications are being processed per month?

(2) What is the targeted number of applications to be processed per month to meet the extended payment deadline of mid-2011?

Hon ROBYN McSWEENEY replied:

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

(1) Redress is paying the oldest, sickest and most frail applicants first; therefore, records are very old and difficult to source. Also, some applicants are often hard to contact and interview. Systems and processes have been steadily refined over the past months to make swift and equitable payments.

I was left with a terrible scheme under Redress, and I have made significant improvements to that scheme.

Hon Sue Ellery: Just answer the question—are you meeting your targets or not?

Hon ROBYN McSWEENEY: The compliance mechanisms had not been signed off when I took over as minister, so I really have been on the run trying to get this up to a good system.

Hon Ken Travers: Two years!

Hon ROBYN McSWEENEY: Yes; and in those two years we have got a very good system. It is very difficult to work with some people. Some time ago the Leader of the Opposition went on radio and said that I would not pay people; that I was just waiting for them to die and there could be no other explanation. I was absolutely horrified and offended by the Leader of the Opposition coming out and saying that I was just waiting for people to die. I am not. I was so offended by that.

In the past month, Redress has sent out 184 payment offers and made 148 payments. The payment rate is accelerating, and 90 payments were made in the week ending 23 June 2010.

(2) It is 388 for four weeks, so it is 97 a week; and, yes, we are reaching our targets.

UNDERGROUND POWER PROGRAM — ROUNDS 4 AND 5

403. Hon KATE DOUST to the Minister for Energy:

I refer to the state government's underground power program.

(1) Will the minister guarantee that all projects yet to be finalised under round 4 and all round 5 projects will be eligible for the 50 per cent pensioner and seniors rebate whether a local government uses section 6.37 or section 6.38 of the Local Government Act to charge ratepayers?

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

Hon PETER COLLIER replied:

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

(1) I am advised that all eligible customers will receive a pensioner rebate for projects completed under rounds 4 and 5 of the state underground power program.

(2) Not applicable.

"A SEA CHANGE FOR AQUATIC SUSTAINABILITY" — MARINE PLANNING DISCUSSION PAPER

404. Hon SALLY TALBOT to the Minister for Environment:

(1) Has the minister seen the paper "A Sea Change for Aquatic Sustainability" produced by the Department of Fisheries?

(2) Does the minister agree with the assumptions made in the paper about the basis for a new marine planning framework?

(3) Is the minister contemplating changes to the concurrence mechanism that currently applies to marine planning?

Hon DONNA FARAGHER replied:

I thank the member for her question.

(1)–(3) I think the document to which the member is referring is the discussion paper that has been released by the Department of Fisheries for public comment. The Department of Environment and Conservation will be providing advice, as part of that review, to Fisheries as well. At this stage I am certainly not aware of any change to the concurrence powers for the establishment of the marine park. However, I ask that the member also direct her question to the Minister for Fisheries, who is the most appropriate person, given that it is within his portfolio.

CONSERVATION COMMISSION — MANAGEMENT PLANS

405. Hon GIZ WATSON to the Minister for Environment:

I refer to documents such as reports and management plans sent to the Minister for Environment for approval prior to public release.

(1) How many such documents are currently with the minister?

(2) For each of these documents, when did the minister first receive them?

(3) For any such document that the minister has had for three months or more, will she please provide an explanation for the delay in its release?

Hon DONNA FARAGHER replied:

I thank the member for some notice of this question.

(1) Many documents, reports and management plans are referred to me for approval, some of which are released to the public. However, two management plans prepared by the Department of Environment

and Conservation on behalf of the Conservation Commission are currently in my office for consideration, if they are the reports the member is referring to.

(2) I first received these two management plans on 11 May 2010 and 4 June 2010 respectively.

(3) Not applicable.

HILLARYS AND FREMANTLE MARINAS — BILLBOARDS

406. Hon KEN TRAVERS to the Minister for Transport:

Notice of this question may have been given to the minister—or I hope it has.

Hon Simon O'Brien: I do not have notice of it.

Hon KEN TRAVERS: All right.

(1) What is the size and location of the billboards that have been considered by the Department of Transport for the Hillarys and Fremantle marinas?

(2) What planning issues has the Department of Transport identified regarding the location of billboards at the Hillarys and Fremantle marinas?

(3) Has the Department of Transport identified any other locations where it may be able to construct billboards; and, if yes, what are the locations and potential size of the billboards?

Hon SIMON O'BRIEN replied:

No, I have not received some notice of the question. Although the member had the courtesy to ask whether I had, I am afraid I have not.

(1)–(3) In response, I will do the right thing by not launching into a detailed response except to say that this information, of course, is not available to me without some notice to refer to the agency. However, I reassure the member, as I have in the past—I will now do so concisely, again—that it is not our intention that billboards, grossly oversized or otherwise, will intrude on the visual amenity of our waterways or the Hillarys and Fremantle marinas. However, if the member wishes to give some notice of the question —

Hon Ken Travers: Would you be able to maybe get an answer and table it on Tuesday?

Hon SIMON O'BRIEN: No; but if the member would like to give some notice of the question or place it on notice, I would be delighted to receive it.

SCHOOL PRINCIPALS — DEALINGS WITH PARENTS

407. Hon LJILJANNA RAVLICH to the minister representing the Minister for Education:

(1) What protocols are in place for school principals to follow when dealing with parents when there are serious disagreements in relation to decisions about their children's education?

(2) What protocols are in place for school principals to follow if they wish to take legal action against a parent?

Hon PETER COLLIER replied:

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

(1) For the Department of Education, the school principal and parent would endeavour to resolve the disagreement at the school level. If this is not possible, the principal would refer the parent to the director, schools—that is, the principal's line manager. The director, schools would endeavour to resolve the disagreement. If this is not possible, the parent can write to the Director General of the Department of Education or seek the assistance of the parent advocate liaison officer in the standards and integrity directorate to seek advice and assistance in resolving complaints at the school or district office level. If the parent remains dissatisfied, he or she can, pursuant to section 223 of the School Education Act 1999, request the Minister for Education to review the decision by the department officer. Alternatively, the parent may wish to contact the Ombudsman.

For the Department of Education Services in relation to non-government schools, section 159(1)(j) of the School Education Act 1999 requires that all non-government schools have an effective means of receiving and dealing with disputes and complaints about the provision of education. An appropriate disputes and complaints policy is one of the requirements for registration as a non-government school. Compliance with this requirement is monitored through registration audits conducted by the Department of Education Services. The intent of this requirement is to ensure that complainants are able to raise concerns and lodge complaints, and have them dealt with fairly and efficiently by the principal,

the principal's delegate, or the chairperson of the school's governing body. Schools must show evidence of complying with this in the form of clear, open and accessible dispute and complaint resolution policies and procedures that adhere to principles of procedural fairness, and a register of complaints and action taken to address them must also be maintained. In addition, information about the process for raising concerns and lodging complaints must be made available to parents, students and staff. Following the school process the parent can request, if necessary, that the minister review a complaint to ensure it has been addressed by the school appropriately, according to the relevant policies and procedures and registration requirements. It is possible that the minister may give directions to the governing body of the school, as provided for in section 166 of the School Education Act 1999, requiring the school to observe any particular standard as required as part of the school's registration. The governing body is required to comply with any direction so given.

(2) If it was a personal civil action by the principal in a government school against the parent, that ultimately would be a matter for the principal.

In a non-government school it is the governing body of the school that would determine to enter into any legal action. A non-government school principal is employed by the governing body and answerable to it in relation to the management of the school.

PAGANONI SWAMP — REZONING

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

I refer to the proposed rezoning near Paganoni Swamp Reserve.

(1) Will the minister support the shifting of the proposed transit-oriented development further north to ensure that Paganoni Swamp Reserve is protected from encroaching suburbia?

(2) Will the minister also support a no-development buffer zone around the sensitive natural bushland and wetland area?

Hon ROBYN McSWEENEY replied:

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

(1) Karnup station is strategically located for operational and access reasons on the north side of Paganoni Road. At this stage, no decision has been made on the future location of the associated transit-oriented development; however, the draft south metropolitan and Peel regional structure plan, which was released for public comment in 2009, identified the possible rezoning of 48 hectares of the Rockingham Lakes Regional Park, south of Paganoni Road. It is noted that the Western Australian Planning Commission owns a former market garden site north of Paganoni Road, and this land is connected to the proposed train station but is outside the Rockingham Lakes Regional Park. It is therefore unlikely that the environmentally sensitive land will be rezoned when there is an alternative site available. Greater clarity on this matter will be provided when Directions 2031 and an associated growth strategy is released shortly.

(2) The future development of any land around Karnup station would be subject to detailed planning, including the interface treatment with the Rockingham Lakes Regional Park.

CAPE PRESTON MINING OPERATION — ASBESTOS CONTAMINATION

409. Hon MATT BENSON-LIDHOLM to the Minister for Mines and Petroleum:

I refer to question without notice 374.

(1) Will the minister table the asbestos management plan that has been prepared for the Citic Pacific Cape Preston mining operation?

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

Hon NORMAN MOORE replied:

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

(1) No.

(2) Such information is obtained by the Department of Mines and Petroleum using the coercive powers of the Mines Safety and Inspection Act 1994. I am advised that when such information is obtained for a particular purpose under a statute, there is a duty on the person who obtains the information in the exercise of the coercive power to not disclose such information except for the intended purpose.

ROSEWORTH PRIMARY SCHOOL — TEACHING POSITION

410. Hon ED DERMER to the minister representing the Minister for Education:

I refer to the recent applications received for a teaching position at Roseworth Primary School.

(1) How many applications were there in total?

(2) How many were from teachers already employed in some capacity in Western Australian government schools?

(3) Of these government school–employed applicants, how many are —

(a) temporary;

(b) permanent in a substantive position;

(c) permanent in an end-dated position; and

(d) permanent unattached?

Hon PETER COLLIER replied:

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

(1) 91.

(2) 72.

(3) (a) 37.

(b) Three.

(c) Nil.

(d) Nil.

WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT — PRESCRIBED NOISY WORKPLACES

411. Hon ALISON XAMON to the Leader of the House representing the Minister for Commerce:

I refer to the schedule 2 lump sum payments for which workers who have suffered at least 10 per cent hearing loss while working in prescribed noisy workplaces are eligible under the Workers' Compensation and Injury Management Act 1981.

(1) How does WorkCover ensure that dangerously noisy workplaces are defined as "prescribed noisy workplaces"?

(2) What action can WorkCover take when an employer refuses to acknowledge that its workplace is a prescribed noisy workplace?

(3) What measures are in place to ensure that all workers in prescribed noisy workplaces are identified and tested within the first 12 months of employment?

(4) What measures are in place to compensate workers who are unable to claim a schedule 2 lump sum payment due to their employer's failure to meet regulatory requirements?

(5) How many employers have been prosecuted for breaching this section of the act in the past decade?

Hon NORMAN MOORE replied:

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

(1) The Workers' Compensation and Injury Management Regulations 1982 establish the minimum noise level that determines if a workplace should be prescribed. A prescribed workplace is a workplace where a worker receives a representative daily noise dose in an eight-hour day of 90dB(A) or its equivalent, or a peak noise exposure of 140dB(lin) at any time.

(2) It is an offence under the Workers' Compensation and Injury Management Act 1981 for employers of workers in a prescribed workplace to refuse to arrange and pay for audiometric tests.

(3) There is legislative obligation on the employers of workers employed in a prescribed workplace to arrange and pay for audiometric tests.

(4) Where there is a dispute between the worker and the employer, the matter may be referred to WorkCover's WA dispute resolution directorate for a determination.

(5) None.

BROOKDALE HAZARDOUS WASTE TREATMENT PLAN

412. Hon LINDA SAVAGE to the Minister for Environment:

I refer to the two-year delay in decommissioning the Brookdale hazardous waste treatment plant and to the minister's commitment in January 2009 to have all site investigations completed by March 2009.

(1) Will the minister table all reports that have been received or prepared by her department since that time; and, if not, why not?

(2) Can the minister advise the cost of each of the site investigations and audits that have taken place since January 2009?

(3) Can the minister confirm that the site is under 24-hour guard, and provide the annual cost of that security service?

Hon DONNA FARAGHER replied:

I thank the member for some notice of this question.

(1) The works being undertaken by the Department of Environment and Conservation at the former Brookdale liquid waste treatment facility are part of implementing the decommissioning plan in accordance with condition 5–2 of ministerial statement 588 published on 18 March 2002.

During 2008 and 2009 additional site investigations were completed to address data gaps identified by the accredited contaminated sites auditor appointed by the Environmental Protection Authority. The further site investigation report was submitted to the auditor in June 2009 for his review. I have been advised that the auditor requested further information, including monthly monitoring of groundwater elevations over a full year. This will be completed in July 2010 and reported to the auditor.

I understand that once the auditor is satisfied that the data gaps have been addressed, the health and ecological risk assessment and site management plan will be revised and will be submitted back to the auditor for review. The Department of Environment and Conservation has advised me that once the auditor has approved the site management plan, implementation will commence in 2010–11.

When all the investigations have been completed to the satisfaction of the auditor, the final reports and the auditor's comments will be submitted to the EPA and will then be publicly released by the proponent. No report is publicly available at present.

(2) I table the attached information.

(3) The former environment minister made a commitment in October 2004 that 24-hour security for the site would be provided.

[See paper 2186.]

SHARK BAY — WATER CHARGES

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

(1) What is the current water charge per kilolitre for desalinated water provided to residents of Shark Bay?

(2) What is the current water charge per kilolitre for bore water provided to residents of Shark Bay?

(3) What is the current water charge per kilolitre for water provided to residents of Coral Bay?

(4) What is the average residential water bill issued by the Water Corporation for 2008 and 2009 for Shark Bay and Coral Bay?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of the question. I am advised that the answer is as follows —

(1) 53.9c up to a quota of 105 kilolitres per year.

(2) 72.6c up to a quota of 150 kilolitres per year.

(3) There is no residential customer connected to the scheme in Coral Bay; hence, no water usage charges.

(4) The average residential water bill is as follows: Shark Bay – Denham, $324 in 2008 and $347 in 2009; and Coral Bay, not applicable. Please note that the average water bill quoted for Shark Bay – Denham does not include the statewide annual service charge of $180.50 in 2008 and $200.40 in 2009.

NATIONAL PARKS — EXPLORATION AND MINING

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

I refer to *The Sunday Times* article on page 21 of 9 May 2010 entitled "National parks threat".

(1) Has the minister's office or the Department of Mines and Petroleum been discussing exploration and/or mining in national parks?

(2) If yes to (1), were those discussions internal or did they extend to other agencies, ministers or industry representatives?

(3) If yes to (1) and (2), with whom did those discussions take place and on which dates?

(4) If yes to (1), were those discussions limited to national parks or did they cover other areas of the conservation estate?

(5) If yes to (1), did those discussions cover exploratory drilling?

(6) What is the interpretation of "mining" under section 8 of the Mining Act 1978?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question. I indicate that there is no threat to national parks that I am aware of.

(1)–(5) The previous state government applied a policy that prohibited access for mineral and petroleum exploration and extraction in national parks and class A nature reserves.

In early 2009, I received legal advice to the effect that this policy unlawfully fetters the exercise of ministerial discretion clearly provided for in the relevant legislation. Under this legislation, mineral or petroleum exploration may be permitted within these reserves, but only with the concurrence of the Minister for Environment, who may impose strict environmentally protective conditions on such exploration, or may refuse to concur with any exploration. The legislation also provides that no mining lease or general purpose lease shall be granted in these reserves unless the grant is consented to by both houses of Parliament.

As a consequence of the conflict between the policy and the Mining Act, I have held discussions with a range of stakeholders to ascertain whether any change is necessary to the policy or to the act. No decision has been made to make any change.

(6) Section 8 of the Mining Act 1978 defines "mining" as including fossicking, prospecting and exploring for minerals, and mining operations.

DEPARTMENT OF EDUCATION — CLOSURE OF DISTRICT OFFICES

415. Hon ADELE FARINA to the minister representing the Minister for Education:

I refer to the government's election commitment to close eight of the 14 Department of Education district offices.

(1) Will the minister confirm that each of the following district offices will not be closed: Bunbury district office, Warren–Blackwood district office and Albany district office?

(2) Will the minister confirm that the closure or reconfiguration of district offices will not result in a reduction of full-time equivalent staff or job losses?

(3) When will the decision be made and the public informed on which district offices are to be closed?

Hon PETER COLLIER replied:

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

(1)–(3) The Western Australian government is still considering possible changes to the education district structure, and no decision has yet been taken. I draw the member's attention to the original policy, which states that the streamlining of the existing structure of district offices is to promote greater efficiencies within the system and allow greater decision making on a local level, with the saving put back directly into schools.

EMERGENCY SERVICES REGIONAL RADIO NETWORK — FUNDING

416. Hon MATT BENSON-LIDHOLM to the Leader of the House representing the Minister for Commerce:

I refer to the budget allocation of $80.3 million for the minister's department to coordinate the regional radio network for Western Australia Police, the Fire and Emergency Services Authority and the Department of Corrective Services.

(1) Given that the police claim this amount is for its capital component alone, does the minister anticipate that the other agencies will need to seek additional funds for their components?

(2) If yes to (1), where will that money come from?

(3) As this amount does not include any recurrent funding, how does the minister anticipate that funds will be made available?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

(1)–(3) The current Western Australia Police's regional radio network is obsolete and at risk of critical failure. The previous Labor government did not provide any funding to upgrade the network, and the network is so obsolete that the police have been reduced to buying spare parts on eBay.

In the recent budget, this government provided $80.3 million for a long-overdue upgrade to the network and we have a clear plan for rolling out the new digital network. An amount of $300 000 has been allocated in 2010–11 for the planning and running of a tender process that Commerce will coordinate with the WA Police, FESA and Corrective Services. The $80 million will then be spent over 2011–12 and 2012–13 in building a modern digital radio network. That funding is broken up as follows: $30 million in 2011–12 and $50 million in 2012–13.

Commerce's role is coordination of the technical specification and procurement only. The police will be responsible for rolling out the new network. It is hypocritical of Labor to be criticising us regarding this spending, given that it did nothing for eight years and we are now addressing this problem. As Commerce's role relates to coordinating the construction of the network, it will be a matter for the WA Police, FESA and Corrective Services to fund the recurrent costs of the network. The government will be resolving this issue in detail during the planning stages of the project. Any further questions in relation to operating costs should be directed to the relevant minister.

SWAN VALLEY — DEEP SEWERAGE

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

I refer to the proposed deep sewerage for the Swan Valley.

(1) What is the time frame for commencement and completion of the provision of deep sewerage for the Swan Valley?

(2) What is the current status of the project?

(3) What is the estimated cost of providing deep sewerage for the Swan Valley?

Hon HELEN MORTON replied:

I thank the honourable member for this question.

(1) There is currently no proposed deep sewerage project identified for the Swan Valley.

(2)–(3) Not applicable.

WESTERN POWER — STATEMENT OF CORPORATE INTENT

418. Hon KATE DOUST to the Minister for Energy:

I refer to Western Power's 2009–10 statement of corporate intent.

(1) When will this document be tabled in the Parliament as is required under the Electricity Corporations Act 2005?

(2) Has the Treasurer now agreed with the statement; and, if not, why not?

(3) Has the minister sought legal advice regarding tabling this statement; and, if so, will he agree to table that advice?

(4) Does the minister agree with Western Power's statement of corporate intent for 2010–11; and, if not, why not?

Hon PETER COLLIER replied:

I thank the member for some notice of the question.

(1) The 2009–10 statement of corporate intent for Western Power will be tabled consistent with the requirements of the Electricity Corporations Act 2005 once I have given my agreement under section 94 of the act.

(2) The Treasurer's concurrence will be requested once the document has been finalised by Western Power.

(3) Yes, I have received advice. I will not table the advice; however, it confirms the need to finalise the 2009–10 statement of corporate intent for Western Power.

(4) The review and approval process is not yet complete.

DALYELLUP COLLEGE — "FAST FORWORD" PROGRAM

419. Hon ADELE FARINA to the minister representing the Minister for Education:

I refer to the interactive cognitive and literacy development program Fast ForWord.

(1) Is the minister aware of the frustration and disappointment of parents and students at Dalyellup College concerning the failure of Department of Education IT to provide the necessary permissions to install and run the program?

(2) Will the minister please detail the reasons for the department's decision to refuse tier 2 status for this program?

(3) Will the minister instruct the department to provide every support and assistance necessary to Dalyellup College and any other school seeking to run the program to sort out the permission issues that are blocking the interactive facility of the program, so that students may benefit from this innovative interactive program?

Hon PETER COLLIER replied:

I thank the honourable member for some notice of the question. On behalf of the Minister for Education —

(1) These sentiments have not been conveyed to me.

(2) An application from Dalyellup College to have the Fast ForWord application allocated tier 2 status was received at the Department of Education in September 2009. According to the educational grading criteria, the software product was determined to be of value in remedial education situations and would not generally be applicable across a broad range of educational settings. For this reason, the application was allocated tier 3 status.

(3) The departmental service records show that technical advice and assistance is being provided to staff at Dalyellup College to enable them to resolve any local issues preventing student access to the Fast ForWord software program. Should there be sufficient demand from a range of schools in the future, the status currently allocated to this application may be reviewed.

QUESTIONS ON NOTICE 2432, 2436 AND 2420

Papers Tabled

Papers relating to answers to questions on notice were tabled by **Hon Norman Moore (Minister for Mines and Petroleum)**, **Hon Simon O'Brien (Minister for Transport)** and **Hon Peter Collier (Minister for Training and Workforce Development)**.

APPROVALS AND RELATED REFORMS (NO. 4) (PLANNING) BILL 2009

Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Hon Michael Mischin) in the chair; Hon Robyn McSweeney (Minister for Child Protection) in charge of the bill.

Clause 11: Part 8 Division 2 inserted —

Committee was interrupted after clause 10, as amended, had been agreed to.

Hon ROBYN McSWEENEY: I move —

Page 7, after line 25 — To insert —

(3A) Before submitting an improvement scheme or amendment to an improvement scheme to the Minister under section 87, the Commission must consult with any affected local government.

(3B) In subsection (3A) —

affected local government means —

(a) in the case of an improvement scheme — a local government in the district of which the improvement scheme is proposed to apply; and

(b) in the case of an amendment — a local government in the district of which the improvement scheme applies.

Hon LYNN MacLAREN: The Greens (WA) support this amendment because, again, it improves the status of local government. It is a good amendment.

Amendment put and passed.

Hon LYNN MacLAREN: I move —

Page 7, after line 25 — To insert —

(3A) Subject to subsection (3B), section 56 applies, with such modifications as are necessary, to and in relation to an improvement scheme as if a reference to a scheme or amendment is a reference to an improvement scheme or an amendment to an improvement scheme.

(3B) Notwithstanding subsection (3A), if a proposed amendment does not, in the opinion of the Commission, constitute a substantial amendment to that improvement scheme, Division 4 applies, with such modifications as are necessary, to and in relation to that amendment as if a reference to an amendment is a reference to an amendment to an improvement scheme.

These two proposed subsections seek to make improvement schemes subject to the same accountability mechanisms as region planning schemes. I have detailed this in comments on previous clauses. I believe that members know the intent of these proposed subsections. I encourage all members to support the amendment.

Hon SALLY TALBOT: Labor will support the amendment moved by Hon Lynn MacLaren, noting that it is likely to be lost and that the government has already made an improvement to the existing proposal.

Hon ROBYN McSWEENEY: The government does not support Hon Lynn MacLaren's amendment.

Amendment put and a division taken, the Deputy Chairman (Hon Michael Mischin) casting his vote with the noes, with the following result —

Ayes (12)

Hon Matt Benson-Lidholm	Hon Sue Ellery	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Helen Bullock	Hon Adele Farina	Hon Linda Savage	Hon Alison Xamon
Hon Robin Chapple	Hon Lynn MacLaren	Hon Sally Talbot	Hon Ed Dermer *(Teller)*

Noes (17)

Hon Liz Behjat	Hon Donna Faragher	Hon Robyn McSweeney	Hon Max Trenorden
Hon Peter Collier	Hon Nick Goiran	Hon Michael Mischin	Hon Ken Baston *(Teller)*
Hon Mia Davies	Hon Nigel Hallett	Hon Norman Moore	
Hon Wendy Duncan	Hon Alyssa Hayden	Hon Helen Morton	
Hon Brian Ellis	Hon Col Holt	Hon Simon O'Brien	

Pairs

Hon Ken Travers	Hon Jim Chown
Hon Kate Doust	Hon Phil Edman
Hon Jon Ford	Hon Philip Gardiner

Amendment thus negatived.

Hon LYNN MacLAREN: I am not sure whether this is the right point to raise this issue. I seek clarification on proposed section 122B, subsections (1) and (3), on page 7 of the bill. I understand that the phrase "with such modifications as are necessary" is an important drafting convention, which I attempted in one of my amendments. It is usually sufficiently clear for our purposes, but does the government have any advice on which modifications are necessary in this particular case? In other words, in what way, if any, does the process for making improvement schemes differ from the process for making local planning schemes?

Hon ROBYN McSWEENEY: The process is the same, but for one of them the responsible authority will be the Western Australian Planning Commission.

Clause, as amended, put and passed.

Clauses 12 to 23 put and passed.

Clause 24: Act amended —

Hon LYNN MacLAREN: I have a query about the interaction of clauses 24 to 26 with the Environmental Protection Act. Do these clauses mean that improvement schemes or amendments to improvement schemes are potentially assessed by the Environmental Protection Authority in the same way that local planning schemes or region planning schemes are currently potentially assessed? I have read the clauses and the explanatory memorandum to the original bill and it is still not totally clear to me what is intended.

Hon ROBYN McSWEENEY: Yes.

Clause put and passed.

Clauses 25 to 32 put and passed.

Clause 33: *Land Tax Assessment Act 2002* amended —

Hon LYNN MacLAREN: What is the practical effect of this clause? I have read the clause and the explanatory memorandum, and it is not clear.

Hon ROBYN McSWEENEY: This is a consequential amendment. The provision in the Land Tax Assessment Act that applies to a planning scheme will also apply to an improvement scheme. The definition in the Land Tax Assessment Act refers only to a region scheme and a local scheme.

Hon Lynn MacLaren: Thank you.

Clause put and passed.

Clauses 34 to 42 put and passed.

Clause 43: Part 11A inserted —

Hon SALLY TALBOT: I move —

Page 31, lines 5 to 10 — To delete the lines.

In our view, the government has not made the case to put these exceptional powers in place by putting in this proposed new subsection. We therefore believe that these lines should be deleted.

Hon ROBYN McSWEENEY: The government supports the amendment. I think Hon Sally Talbot is shocked! I said that we support the amendment.

Hon LYNN MacLAREN: I seek some clarification of this amendment. I thought it was doing something very special. I would like to know what the intention of the amendment is. Could Hon Sally Talbot please specify exactly what the intent of the amendment is that the minister is agreeing to?

Hon SALLY TALBOT: I spelt it out in my introductory remarks on clause 1. I have covered that.

Hon LYNN MacLAREN: I understand that. I am just wondering if the minister knows that.

Hon ROBYN McSWEENEY: This was a technical provision recommended by parliamentary counsel. Sometimes they put in these things —

Hon Lynn MacLaren: And they are unnecessary.

Hon ROBYN McSWEENEY: Well, I would not say they are unnecessary. But sometimes they just put them in as a qualifier. We will accept the amendment,

Hon LYNN MacLAREN: The Greens support the amendment.

Amendment put and passed.

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

HELMS FOREST BLOCK — BLACK COCKATOOS

Statement

HON GIZ WATSON (North Metropolitan) [5.22 pm]: I wanted to make some comments on forests again this evening. I made some comments yesterday on Warrup forest block, which is near Bridgetown. Tonight I want to make some comments on Helms forest block, which is near Nannup, and reflect on the answers to some questions I asked in this house yesterday on the rehabilitation and welfare of black cockatoos—Carnaby's black cockatoo, Baudin's black cockatoo and red-tailed cockatoos. There is a very useful set-up down there which is run by some community members who rehabilitate black-tailed cockatoos that are brought to them from the community. Often cockatoos are found during logging operations if a tree with a nest is brought down. They have a very successful program of rehabilitating black cockatoos. In recent times black cockatoos have become a bit of a pin-up bird for forest conservation and woodland conservation. The Department of Environment and Conservation and community members are very concerned about the declining number of black cockatoos. They are certainly a magnificent part of the woodland and forest ecosystem, but their numbers are under threat and are declining as a result of loss of habitat. I have spoken in Parliament about the impact of the loss of banksia woodlands on black cockatoos and the interesting relationship between black cockatoos and pines, from which the black cockatoos now get a portion of their food.

The issue in Nannup, in particular Helms forest block, is that this block is due to be logged in the next three-year harvest plan. The connection with the rehabilitation of the black cockatoos is that the cockatoos, once they are well enough to be released, are released and they go where they want to go, but a lot of them end up in Helms forest block. We know that because they have leg bands on so that they can be monitored when they are released from the rehabilitation centre. I have heard from the people who run the rehabilitation centre that their

observation is that some of these birds are now using Helms block as their permanent habitat and often they do not range very far. They have made these observations of the released birds.

The other point is that I understand that the funding for the rehabilitation of these birds has also been cut. The good work that has been done to conserve a number of birds species that are under threat is being undermined because they are not receiving the funding that they have in the past, particularly from the Department of Environment and Conservation, to continue that work. Looking after black cockatoos is a very labour-intensive job because if the birds cannot go out and forage themselves, a substantial amount of material has to be brought in to feed them. The centre is doing a good job with these cockatoos and being very successful, and they are being well recognised by the Department of Environment and Conservation for that good work. DEC works hand-in-hand with the rehabilitation centre for its own research and knowledge. But at the same time they have the looming threat that the refuge into which these birds are being released is now under imminent threat of logging.

When I asked some questions about this matter in the house yesterday, the response was deeply disappointing. When I asked what assessment had been made regarding the impact of logging on the particular cockatoo species, and specifically on the requirements of the nearby Black Cockatoo Rehabilitation Centre, I was given a very generic answer that, basically, it is all covered under the forest management plan 2004–13, and because the Forest Products Commission conducts its harvesting operations in accordance with the requirements of the forest management plan, I should just relax and there is really no problem. What I wanted was a much more specific response to this quite unusual particular case. I feel it is important to bring it to the attention of the Parliament that this is not a generic question about forest management across the board; it is specific to a unique situation of a very successful rehabilitation operation, which I am sure is supported for conservation reasons by the community in general, that is under threat because this block is about to be logged. I do not think that the minister has really grasped the dimensions of the concerns held by those interested in cockatoo rehabilitation and the protection of forest habitat.

The second bit of the question I asked was about the specific requirements of the nearby cockatoo rehabilitation centre, and the answer was —

> The FPC will communicate with adjoining landowners or other parties if and when more detailed harvest planning commences.

That basically means that they will let people know when they are about to bring in the chainsaws and bulldozers. That was not actually what I wanted; I wanted a proper conversation about the relationship between that block and the good work being done in cockatoo rehabilitation and what the specific impact will be on that black cockatoo population if this area is logged. I then asked what evidence the assessment was based on, and I got, again, an incredibly broad answer, which was —

> Detailed research is undertaken by DEC into the management requirements of threatened fauna.

I want to put on the record that I think that is a totally inadequate answer to a quite specific question relating to a specific area. My guess is that there is no specific detailed evidence or even assessment of what will happen if this block is logged. I particularly raised this because I noticed in previous exchanges in this place that the Minister for Environment has taken an interest in black cockatoos. I would like to encourage that interest even further and ask her specifically if she will take an interest in the details of this case. I have submitted a further set of questions on notice, which I am sure the minister will answer in due course, but I encourage the minister to ensure that the answers given to those questions are a lot more specific than the general responses she provided to my questions without notice in this place yesterday.

Although the black cockatoos are iconic and are a species that people find very moving and magnificent—as indeed they are—they are also like a canary in a coalmine in terms of an indication of the decline in a range of ecosystems and the ongoing impact of logging and land clearing. Black cockatoos are an indicator species. The indications are not good. The indications are that their numbers are declining and that in fact we should be doing everything we can to work out why that is happening, and doing everything we can to ensure numbers improve.

WOMEN IN POLITICS

Statement

HON LINDA SAVAGE (East Metropolitan) [5.31 pm]: I think all Australians will recognise, whatever their political view, that this is a momentous day for Australia. This is the day that Australia's first woman Prime Minister was sworn in, 109 years after Federation. It is worth putting on the record that our new Prime Minister, Julia Gillard, now joins a very select group of women who have been elected or appointed to lead a government. Of course Australia itself now joins that select group of countries. For us, this is our first foray into having a female Prime Minister. Many people, men and women, have paved the way for this. It is not perhaps as well known as it might be what a significant role Western Australia has played in Australia for Western Australian

women and milestones in politics. I thought that this would be an occasion perhaps to note a few of those milestones as they relate to Western Australia.

I will use as a reference the Western Australian Parliamentary Library, which has a very interesting fact sheet that includes information about everyone who is currently a member of this state Parliament, as well as a list of the milestones of Western Australian women. It really starts with a woman who I think everyone has heard of; that is, Edith Cowan. Edith Cowan holds the enormous distinction of being the first woman ever elected to an Australian Parliament; and that was to the Parliament of Western Australia. She was in fact only the second female ever elected to a Parliament in the British Empire, which I think should make Western Australia feel rather proud of its history of women in politics.

Another name that probably is familiar to people who are interested in the history of politics would be that of May Holman. She was elected to the Western Australian Legislative Assembly on 3 April 1925 following the death of her father. Sadly, she died in a car accident, and her brother followed on after her, representing the Forrest division.

Hon Liz Behjat: Family dynasties—there should be more of them!

Hon LINDA SAVAGE: She was also the first female member of Parliament in the Western Australian Parliament to hold a seat for 10 years. She was also the first female politician in the British Empire to do so.

On this list of Western Australian female firsts is another name that is again familiar. As Hon Liz Behjat has referred to political dynasties, Florence Cardell-Oliver became the first female member of Parliament to be suspended, because of a comment she made when she described members of her own party as a disgrace to the Assembly. She refused all requests for her remarks to be withdrawn. Obviously, being assertive did not hold her back, though, because she became Australia's first female cabinet minister on 7 October 1949, when she became the then Western Australian minister for health, supply and shipping.

Another first for Western Australia was Dorothy Tangney, who became Australia's first female senator in 1949. She was the only female senator to retain her seat for a record 25 years. I expect there are not many members in this Parliament who will be able to better that, except perhaps for the honourable Leader of the Government in the house.

When I was elected and became a member for the East Metropolitan Region I became aware, shortly before I was sworn in, that the Legislative Council in this Parliament had the highest ever proportion of women, at 44 per cent. But for the timing of my being sworn in, I would have been delighted to have been part of the photo that was taken to commemorate that milestone. Of course, Western Australia was also the first state to have a female Premier. In this fact sheet there are a number of names of people in this place who are also recognised as being firsts for women on becoming members of the Western Australian Parliament.

I will not go any further, although I think that this is a fascinating subject and I may talk about it again. I think that this is a very momentous day for women and for Australia, and in fact for all Australians. As the mother of a daughter and sons, I am thrilled that they have seen, and I have lived to see, a female Prime Minister, because I think what it does is normalise the role of women in politics. To have a woman now at the pinnacle of politics is worth marking for the historic moment that it is.

Hon Alison Xamon: And who was sworn in by a woman Governor-General.

Hon LINDA SAVAGE: I thank the member.

ROAD TRAFFIC AMENDMENT BILL 2010

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

HAIRDRESSERS REGISTRATION (AMENDMENT AND EXPIRY) BILL 2010

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Norman Moore (Leader of the House)**, read a first time.

PUBLIC SECTOR REFORM BILL 2009

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Norman Moore (Leader of the House)**, read a first time.

Second Reading

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [5.39 pm]: I move —

That the bill be now read a second time.

The Public Sector Management Act was enacted by the then coalition government 15 years ago and has since come under review on a number of occasions. Principal amongst these reviews have been a comprehensive assessment of the act conducted by Commissioner Gavan Fielding in 1996, culminating in 87 proposals; Dr Des Kelly's 1997 review, which largely supported those proposals; the 2001 Machinery of Government Taskforce review, chaired by Mr Stuart Hicks, which focused on structural issues and implicitly endorsed the earlier reviews; and Mr Noel Whitehead's 2004 review, which focused substantially on industrial relations aspects.

The Corruption and Crime Commission and the Ombudsman have separately criticised the disciplinary provisions of the act for being overly prescriptive and inflexible. However, to date, no substantive amendments have been made to the act. In the Liberal Party's government accountability and public sector management platform, issued before the 2008 state general election, the government pledged to "restore the independence of the public sector". Central to this undertaking was the creation of a new position of public sector management and standards commissioner to serve as independent head of the public sector in Western Australia.

The establishment of a Public Sector Commissioner was announced on 30 September 2008 as an important first step in enhancing the independence, professionalism and integrity of Western Australia's public service. The setting up of an independent Public Sector Commission and the position of Public Sector Commissioner was one of the first acts of the Liberal–National government. Initially, the Public Sector Commission was established as a department, headed by a Public Sector Commissioner and operating independently of the Department of the Premier and Cabinet, from which it was effectively split, pending legislation to formalise the arrangement. The former Director General of the Department of the Premier and Cabinet, Mr Malcolm Wauchope, was transferred to the position of Public Sector Commissioner.

The Public Sector Reform Bill 2009 underpins the Public Sector Commissioner's capacity to operate as an independent statutory body with general responsibility for management and administration of the public sector. The role of the Public Sector Commissioner will be to provide leadership to the public sector; build the capacity of the public sector; evaluate the performance of the public sector; develop public sector management policies and practices; drive public sector reform; and advance the diversity and accountability agenda, including enshrining in legislation the operation of the lobbyists register. The Public Sector Commissioner has, by way of delegation, to date been performing practically all functions formerly administered by the Minister for Public Sector Management—with the most notable exceptions being those relating to employment of ministerial officers and the exercise of special inquiry powers. The delegated functions encompass responsibility for overall public sector operational efficiency; chief executive officers, including disciplinary matters; State Emergency Service management, including performance management; public service classification and appointment processes; redeployment and voluntary severance arrangements; and remuneration setting for government boards and committees.

The bill now proposes to formalise the devolution of current ministerial functions onto the Public Sector Commissioner. Indeed, it will extend these by allowing the Public Sector Commissioner to issue relevant instructions to meet these responsibilities, which will have to be complied with across the sector. It thereby seeks to strike the right balance of enabling CEOs to manage their organisations while ensuring there is an appropriate level of accountability for the way the public sector as a whole is administered.

Under the reforms, the roles of the Public Sector Commissioner and Commissioner for Public Sector Standards will be merged. Mr Mal Wauchope will continue in the role of Public Sector Commissioner and report independently to state Parliament on matters that the present Commissioner for Public Sector Standards currently does. Enhanced reporting provisions will mean that the new commissioner will provide to Parliament thorough across-the-board snapshots of the size, structure and management frameworks of the service. These will have the capacity to provide health check measures and incorporate benchmarks and indicators for organisations. This will deliver a more balanced and comprehensive picture of the public sector to Parliament and the community.

Overall, there will be a more logical and integrated approach to ensuring both management efficiency, which is currently the responsibility, under delegation arrangements, of the Public Sector Commissioner, and appropriate standards of conduct and behaviour, which responsibility now lies with the Commissioner for Public Sector Standards. This direction was endorsed by Parliament's Public Accounts Committee, which, in its report of June 2009 into the new Department of the Premier and Cabinet and the Public Sector Commission, recommended consolidation of public sector management into a single office.

Disciplinary processes are to be streamlined by the bill. The current three-stage investigative process will be rationalised into a single process. In addition, the effect of resignation or transfer of an employee who is the

subject of disciplinary action will be addressed. There will be the capacity for an employing authority to continue to pursue disciplinary proceedings notwithstanding the resignation of an employee or the transfer of an employee to other employment in the public sector. The bill also addresses some minor technical anomalies within the current structure of the act which have become evident over time and which it is convenient to address at this time.

This government was elected on a platform of honesty and integrity. In its first 12 months the Liberal–National government has made significant progress in restoring community confidence in the public sector, including splitting departments where necessary to improve effectiveness of service delivery and clarify lines of accountability—for example, the Departments of Education and Training, Housing and Works and Planning and Infrastructure; appointing a substantive Information Commissioner; and winding up the State Supply Commission. The new Public Sector Commissioner is a further step towards a better government and a better state. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

INTERPRETATION AND REPRINTS AMENDMENT BILL 2008

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Michael Mischin (Parliamentary Secretary)**, read a first time.

Second Reading

HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary) [5.45 pm]: I move —

That the bill be now read a second time.

The Interpretation and Reprints Amendment Bill 2008 amends the Interpretation Act 1984 and the Reprints Act 1984. As honourable members will be aware, the Interpretation Act 1984 consolidates the law regarding the construction, application, interpretation and operation of written law in Western Australia. This bill amends the Interpretation Act 1984 in three ways: firstly, by correcting a definition in the act; secondly, by inserting a new definition; and, thirdly, by correcting a typographical error.

Members will also be aware that the Reprints Act 1984 provides for the reprinting of acts of this Parliament and subsidiary legislation as well as providing for the incorporation of a limited range of formal amendments, as set out in section 7 of the act, in reprints of such legislation. This bill also amends the Reprints Act 1984 to allow an authorised officer in the Western Australian Parliamentary Counsel's Office to insert an abbreviation of a unit of measurement; to insert "and" or "or" at the end of paragraphs in legislation; and to delete references to the definite or indefinite articles "the" and "a" at the beginning of definitions in legislation. The operative parts of the bill will commence on the day after the bill is assented to by the Governor.

Also, the Interpretation Act 1984 is amended by inserting two new additions. Firstly, definitions of "*Gazette*" or "*Government Gazette*" and "local government district" are added to the act. Secondly, there is a proposed new section to make it clear that a reference in a written law to a paragraph includes a reference to the conjunction—for example, the word "and" after that paragraph that connects that paragraph to another paragraph. Without this proposed new section, if a paragraph is deleted from a written law, there is no power, other than this Parliament enacting new legislation, to delete the conjunction that follows the paragraph that has been deleted and joined both paragraphs together.

Section 52(4) of the Interpretation Act 1984 is also proposed to be amended by deleting the word "notification" where it occurs and by replacing it with the word "nomination". The Reprints Act 1984 also sets out formal amendments that can be made during the course of authorising a reprint of an act of this Parliament. Section 5 of the Reprints Act 1984 provides that the only persons able to make such amendments are officers in the Western Australian Parliamentary Counsel's Office authorised to make such formal changes by the Attorney General. In this context, the bill proposes to insert new section 7(3)(ca), which will allow an authorised officer to also substitute an abbreviation for the full word form of a unit of measurement of distance or weight or similar concept.

Four new subsections are proposed to be inserted in the Reprints Act 1984 to allow an authorised officer to include the relevant conjunction "and" or "or" at the end of the paragraphs in a section of an act, as required.

Finally, proposed new section 7(5)(d) will allow an authorised officer to delete the definite or indefinite article. "the" or "a" at the beginning of a definition and change the definition so that it is not in bold or italics. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

CHILD PORNOGRAPHY AND EXPLOITATION MATERIAL AND CLASSIFICATION LEGISLATION AMENDMENT BILL 2009

Returned

Bill returned from the Assembly without amendment.

House adjourned at 5.49 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

FIREFIGHTER DEVELOPMENT PROGRAM — TRAINEE ASSESSMENTS

2414. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to the Firefighter Development Program that extends over five years, and awards firefighters with the Certificate three in Firefighting through the Fire and Emergency Services Authority of Western Australia (FESA), and I ask —

(1) Is the Minister aware of the failure of the Department, to mark assessments for a significant number of trainees?

(2) What means will be put in place for the correction of this lapse?

(3) Is the Minister aware that the database of qualifications for trainees, has not been maintained?

(4) What means will be put in place to correct this oversight?

Hon PETER COLLIER replied:

(1) The Department of Education Services understands that the training referred to is outside of the requirements for achievement of the Certificate III and forms part of the FESA professional development program. FESA is a Registered Training Organisation (RTO) and has been found to maintain compliance with the Australian Quality Training Framework (AQTF) standards.

(2) The Training Accreditation Council will continue to audit and monitor FESA's performance as an RTO in line with the Council's established processes.

(3) The Training Accreditation Council has established that FESA is currently up to date with all reporting requirements required under the AQTF and the VET Act 1996.

(4) The Training Accreditation Council will continue to ensure that all reporting requirements are met.

INDUSTRY TRAINING COURSES — SUPPLY AND DEMAND

2415. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to an article released from *ABC News* titled, 'Training Wreck — has WA learnt anything (Pamela Medlen)', in which it is stated that 1 470 people applied for mining and engineering courses, and only 968 places were available in 2009, and 1 100 applications were received in 2010 for 800 places, and I ask —

(1) In what other industry areas has demand exceeded supply?

(2) By how much was this supply exceeded for each industry area for, -

  (a) 2009; and

  (b) 2010?

(3) By how much was demand exceeded by supply for each TAFE college in, -

  (a) 2009; and

  (b) 2010?

(4) What does the Minister plan to do about the difference in supply and demand, or each industry area?

Hon PETER COLLIER replied:

(1) None.

(2) (a)-(b) Not applicable.

(3) For engineering and mining courses:

  (a) 2009:

  Central Institute: 450 places, 788 first preference applications.
  Polytechnic West: 235 places, 264 first preference applications.
  Challenger Institute: 133 places, 311 first preference applications.

  In the regional institutions there was no excess demand.

(b) 2010: first semester only.

Central Institute: 498 places, 537 first preference applications;
Polytechnic West: 138 places, 179 first preference applications;
Challenger Institute: 135 places, 203 first preference applications.

In the regional institutions there was no excess demand. Please note the above figures are current as at 1 June 2010.

(4) To respond to the increased demand for training, additional places are being negotiated with public State Training Providers from Semester 2, 2010 in skill shortage qualifications including engineering and mining. My Department will also be calling for applications from private training organisations to deliver additional skill shortage qualifications from Semester 2, 2010 through the Productivity Places Program.

INSTITUTIONAL-BASED TRAINING — COMPARISON WITH APPRENTICESHIPS

2416. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to the Institutional Based Training (ITB) model and present consideration of its introduction, and I ask —

(1) How would training participants under this model achieve competency, without having workplace experience, when compared to a traditional apprentice pathway of work and training?

(2) Given that under the ITB model the reinforcement of theory in the practical would not happen, how would the training participant be deemed to be competent at a Certificate three level by having all of the competencies, when they could only be validated in an institutional environment?

(3) Does ITB have the potential to devalue the time and effort put in by someone, who has gained their qualification through the traditional 'on and off job' training model?

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

(5) Will the ITB model pose a risk of discouraging the take up of apprenticeships in the future?

(6) Can you guarantee that there would be no 'dumbing down' of future tradespeople, through imparting a narrow range of competencies if the IBT model was introduced?

Hon PETER COLLIER replied:

(1)-(6) The Department of Training and Workforce Development is currently investigating possible models and approaches to institutional based training (IBT) of trade qualifications. As yet, there is no definitive policy or model in place. However, development of any approach to IBT of trade qualifications would include minimum periods of work placement and opportunities for students to reinforce their learning through simulation, structure work practice and task based delivery methods.

INSTITUTIONAL-BASED TRAINING — COMPARISON WITH APPRENTICESHIPS

2417. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to the Institutional Based Training (ITB) model, and present consideration of its introduction, and I ask —

(1) How does an apprentice receive training in the competencies not performed in the workplace under the ITB model?

(2) Is the apprentice allocated time to study in the workplace under the ITB?

(3) How would the apprentice's wages be structured under the ITB model?

(4) Given that apprentice's are at the workplace for 38 hours under the current model, but under the ITB model they would not be in the workplace, does this mean there would be no such thing as apprentice's wages?

(5) How would the apprenticeship wage be structured under the ITB model?

Hon PETER COLLIER replied:

(1)-(5) The Department of Training and Workforce Development is currently investigating possible models and approaches to institutional based training (IBT) of trade qualifications. As yet, there is no definitive policy or model in place. However, development of any approach to IBT of trade qualifications would include minimum periods of work placement and opportunities for students to reinforce their learning through simulation, structure work practice and task based delivery methods.

REGISTERED TRAINING ORGANISATIONS — COMPETENCY PAYMENTS

2418. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to changes to Registered Training Organisation (RTO), reporting to the Western Australia Department of Training and Workforce Development, particularly to payments where 70 percent is paid on enrolment, in a unit of competency but the final 30 percent not paid until competency has been achieved, and I ask —

(1) Given that from 1 January 2010 the code (08) used to identify that, 'off the job training has been completed and awaiting competency sign off', has been removed, are you aware of the impact of this on the cash flow of the RTO?

(2) Was any modelling done on what that impact there might be on the RTO's cash flow?

(3) If yes to (2), will you provide that modelling?

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

(5) Are you aware that if the apprentice/trainee cancels the training contract or transfers from one RTO to another then the original RTO would never receive the 30 percent?

Hon PETER COLLIER replied:

(1) Yes. The issue was considered by the Department of Training and Workforce Development prior to the code being removed.

(2) Yes. The outcomes of the modelling were discussed with a number of private RTOs delivering apprenticeship training. As a result, the 70% paid on enrolment in a unit of competency was adjusted to 85% from 1 January 2010.

(3) No.

(4) The modelling contains data on RTO payments and performance and is considered commercial in confidence.

(5) Yes. This has not changed with the removal of the 08 code.

REGISTERED TRAINING ORGANISATIONS — COMPETENCY PAYMENTS

2419. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to changes to Registered Training Organisation (RTO) reporting to Western Australian Department of Training and Workforce Development, and I ask —

(1) Although the 70 percent payment has now been renegotiated to 85 percent, is the Minister aware that there is still the intention to claw 15 percent back should the apprentice/trainee cancel or transfer RTO?

(2) Is the Minister aware that this situation has brought about serious cash flow issues for the RTO, and also raises a quality assurance issue when some RTO's may be forced to sign off a competency, in a simulated environment in order to get paid the remaining 30 percent that is owed, possibly taking industry out of the assessment process?

(3) How many complaints have been received?

(4) What is the Minister doing to address these issues?

(5) When will industry be advised of those actions?

Hon PETER COLLIER replied:

(1) Yes.

(2) No. The 70% paid on enrolment was adjusted to 85% from 1 January 2010. RTOs are required to comply with the Australian Quality Training Framework standards when signing off an apprentice/trainee as competent. RTOs are required to involve employers in the final competency assessment.

(3) The Department of Training and Workforce Development has advised of one RTO complaint.

(4) The Department is considering the issues, reviewing the funding implications and will consult with RTOs delivering apprenticeship training.

(5) RTO's will be advised when these considerations are complete.

SKILLS CENTRE — FUNDING APPLICATIONS

2420. Hon Ljiljanna Ravlich to the Minister for Training and Workforce Development

I refer to Skills Centre funding, and ask for each of the financial years, 2007-2008, 2008-2009 and 2009-2010 —

(1) How many Skills Centre's funding applications were received by the Department of Training and Workforce Development or its processor?

(2) For each applicant —

(a) what was the level of funding requested;

(b) what was the project;

(c) who were the successful applicants; and

(d) how much funding did they receive?

Hon PETER COLLIER replied:

(1) The Department received 16, 3 and 6 applications in 2007-2008, 2008-2009 and 2009-2010 financial years respectively.

(2) (a)-(d) [See paper 2189.]

CLASS IV WASTE MATERIALS — TRACKING SYSTEM

2421. Hon Alison Xamon to the Minister for Environment

I refer to the classification, monitoring and compliance activities surrounding Class IV waste and ask —

(1) Are all Class IV waste materials tracked on the Waste Tracking system?

(2) If no to (1), please list the Class IV waste materials that are not tracked through the Waste Tracking system?

(3) What monitoring and compliance activities are undertaken in relation to Class IV waste that is not tracked through the Waste Tracking system?

(4) How much Class IV waste, in tonnes and in cubic metres was identified in each of the years —

(a) 2005;
(b) 2006;
(c) 2007;
(d) 2008; and
(e) 2009?

(5) How much of the waste identified in (4), -

(a) was tracked through to disposal (in tonnes and cubic metres); and

(b) consisted of contaminated soils (in tonnes and cubic metres)?

(6) How are contaminated soils classified into Class III and Class VI waste?

(7) What certainty is there that the contaminated soils are appropriately classified?

(8) How much of the Class IV contaminated soil identified in (5)(b), was subject to remediation measures on site?

(9) How much of the Class IV contaminated soil identified in (5)(b), was subject to remediation measures off-site?

(10) Of the contaminated soil identified in (9), what happened with the remediated soil?

(11) Who is responsible for approving remediation measures rather than removal of contaminated soils?

(12) Who is responsible for monitoring sites where remediation of soils has taken place?

(13) What actions may be taken if the remediation attempts at a site fail?

(14) What processes are in place to ensure that Class IV contaminated soil that is removed from site is disposed of at a suitable Class IV facility?

Hon DONNA FARAGHER replied:

(1) Yes.

(2)-(3) Not applicable.

(4) (a) 2005 — 16017 tonnes, and 3160 cubic metres.
(b) 2006 — 78499 tonnes, and 16 cubic metres.
(c) 2007 — 5015 tonnes, and 68 cubic metres.
(d) 2008 — 9170 tonnes, and 631 cubic metres.
(e) 2009 — 15122 tonnes, and 505 cubic metres.

(5) (a)-(b) One hundred per cent.

(6) Contaminated soils for disposal at licensed landfills are classified by applying the procedures specified in the Landfill Waste Classification and Waste Definitions 1996 (as amended), published by the Department of Environment and Conservation (DEC).

(7) The occupiers of landfill sites licensed by DEC are only permitted to receive and dispose of wastes suitable for the specific classification of their site. Landfill operators require waste generators to provide documentation, including laboratory analysis, which demonstrates the classification of the material in question. DEC undertakes periodic audits of landfills licensed under the Environmental Protection Act 1986.

(8)-(9) DEC does not record this information.

(10) The level of remediation (of the contaminated soil) achieved is generally established through sampling and laboratory analysis in accordance with DEC's Contaminated Sites Management Series guidelines or the guideline "Landfill Waste Classifications and Waste Definitions 1996" (DEC, as amended December 2009). Depending on the results, remediated soil may be suitable for re-use on-site, for use as fill on another site or for disposal to landfill.

(11) The choice of remediation method generally rests with the person responsible for the site. The Environmental Protection Authority's "Guidance Statement for Remediation Hierarchy for ContaminatedLand" (No. 17, July 2000) provides guidance on suitable measures. After remediation, a validation report, documenting the success (or otherwise) of the remediation is submitted to DEC. Following a review of the validation report DEC, in consultation with the Department of Health, classifies the site appropriately under the Contaminated Sites Act 2003.

(12) Ongoing monitoring may be required where some contaminated material has been left on-site, possibly under buildings or in on-site containment cells. In such cases it is likely that a site management plan will be developed which specifies responsibilities and requirements in regard to ongoing monitoring. DEC's regulation of the site under the Contaminated Sites Act 2003 ensures that any ongoing monitoring required is undertaken in accordance with the site management plan.

(13) If remediation was being achieved through excavating contaminated soils and disposing off-site, then additional excavation would generally be undertaken to remove contaminated material identified through the validation sampling. If remediation is being undertaken through some form of in-situ treatment, and the validation sampling identified that contamination remained, then the treatment may be extended.

If validation sampling or ongoing monitoring suggests that soil contamination remains an issue, then the remediation, management or land use for the site would need to be reassessed. Where remedial works are unsuccessful, DEC would decline to clear any relevant planning conditions relating to the proposed development of the site, halting or delaying the development.

(14) In additional to the Waste Tracking system, when a report on a remediation program is provided to DEC that documents disposal of Class IV impacted soil at a Class IV landfill, the report will contain waste receipts or other documentation (eg invoices) from the landfill. DEC compares the information on the quantity of soil removed from the site with the quantity accepted at the landfill.

OK MINE — SAFETY ISSUE

2432. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to a conversation between Mr Alan Holmes District Inspector of the Department of Minerals and Petroleum (DMP), and Mr Shaun Maddock Goldfields organiser of the Australian Workers Union (AWU), delegated to the mining industry, which occurred on Thursday 13 May 2010, at approximately 2.08pm in which Mr Maddock attempted to raise serious safety concerns about the Norseman OKAY mine. I refer the Minister to my adjournment of 19 May 2010 pertaining to a list of concerns raised by workers and concerns previously raised in questions on notice pertaining to the OKAY Norseman mine, and I ask —

(1) Did Mr Alan Holmes specifically state, that he was refusing to take a complaint from an Australian Workers Union representative, despite Mr Maddock raising serious safety concerns with Mr Holmes about the Norseman OKAY mine?

(2) If no to (1), what did Mr Holmes specifically state in relation to this matter?

(3) If yes to (1), why did Mr Holmes refuse to take a complaint from an Australian Workers Union representative?

(4) Has Mr Jim Boucaut Regional Mining Engineer of the Kalgoorlie Inspectorate, instructed or indicated to any or all of his inspectors, that they are not to take complaints from the Australian Workers Union, other Unions, members of the public or Members of Parliamentarians on behalf of their constituents?

(5) If yes to (4), why

(6) If no to (4), on what authority did Mr Alan Holmes act by stating he was refusing to take a complaint from an Australian Workers Union representative?

(7) Has the Minister or any of his staff instructed or indicated to any DMP staff, that they are not to take complaints from the Australian Workers Union, other Unions, members of the public or Members of Parliamentarians on behalf of their constituents?

(8) If yes to (7), what was the rationale for the Minister doing this?

(9) Whilst no action is being taken in respect of the safety complaints raised by Mr Shaun Maddock, are these safety concerns recorded with the Department for future reference?

(10) If no to (9), why not?

(11) Does the *Mines Safety and Inspection Act 1994*, preclude a constituent raising a safety issue with his or her member of parliament?

(12) Is it permissible under clause 11(4) of the *Mines Safety and Inspection Act 1994*, for a person/constituent who contravenes subsection (1), (2) or (3) of clause 11, for fear of persecution, to report dangerous situations or occurrences to his or her member of parliament?

(13) Is it correct that as a result of concerns raised by myself with respect to question on notice No. 2319, regarding communications or telephones, that the OKAY mine at Norseman was closed by the mines inspector J Watson, for a period on Wednesday 12 May whilst underground communications were re-established?

(14) What were the reasons for the closure of the OKAY mine on Wednesday 12 May?

(15) Will the Minister table the Mines inspectors report into the closure of the OK mine on Wednesday 12 May?

Hon NORMAN MOORE replied:

(1) Yes. Mr Maddock, who is not an employee at a mine, was advised by Mr Holmes as to the correct procedure for the resolution of occupational health and safety issues as prescribed under Section 70 of the Mines Safety and Inspection Act 1994.

(2) Not applicable

(3) Refer to response to question (1).

(4) No

(5) Not applicable

(6) Mr Holmes is appointed under the Mines Safety and Inspection Act 1994 as a District Inspector of Mines.

(7) No

(8) Not applicable

(9) Yes, the issues have been recorded and actions have been taken.

(10) Not applicable

(11) No

(12) Section 11 of the Mines Safety and Inspection Act 1994 prescribes the duty of persons working at a mine to report dangerous situations or occurrences. It is silent on the issue of an individual's fear of persecution or the reporting of such issues to a Member of Parliament.

(13) Yes

(14) There was no functional communications system between the surface and underground workings in contravention of Safety and Inspection Regulations 1995 regulation 10.15

(15) Yes. The Prohibition Notice is attached. [See paper 2187.]

CHAMPION LAKES — WHITEWATER PARK FUNDING

2434. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Water

I refer to the 2010-11 State Budget and ask, can the Minister advise whether funding will be provided to honour a Liberal/National commitment provide for a whitewater park at Champion Lakes?

Hon HELEN MORTON replied:

(1) The Water Corporation will not be providing further support to provide for the proposed whitewater park at Champion Lakes.

JOONDALUP HEALTH CAMPUS — MENTAL HEALTH BEDS

2435. Hon Ken Travers to the Minister for Transport representing the Minister for Health

I refer to the Western Australia Health Clinical Services Framework 2005–2015 and 2010–2020, and ask —

(1) Can the Minister confirm that the 2015 report proposed that there be 62 mental health beds at Joondalup Health Campus?

(2) Can the Minister confirm that the 2020 report proposed that there be 42 mental health beds at Joondalup Health Campus?

(3) Can the Minister confirm that the 2015 report proposed that mental health inpatient services for older persons be delivered at Joondalup Health Campus?

(4) Can the Minister confirm that the 2020 report does not propose mental health inpatient services for older persons be delivered at Joondalup Health Campus?

Hon SIMON O'BRIEN replied:

(1) Yes (proposed 62 mental health beds at Joondalup Health Campus by 2015).

(2) Yes (proposed 42 mental health beds at Joondalup Health Campus by 2015).

(3) Yes

(4) Yes

The reason for the reduction in beds is that the remodelling of mental health activity for the current CSF included changes in population, patient flow and demand for inpatient services that resulted in changes to bed numbers for mental health inpatient services at a number of hospital sites including JHC.

In addition, the 62 beds identified in CSF 2005 included 22 intermediate care beds that were going to be co-located on the campus but not part of the main hospital. These beds are not part of the bed numbers for JHC.

At the time of drafting the second WA Health Clinical Services Framework, it was advised by clinicians and planners from the Mental Health Division (now known as the Mental Health Commission) that there were to be no Older Persons Mental Inpatient services at Joondalup.

WA HEALTH CLINICAL SERVICES FRAMEWORK — REPORTS

2436. Hon Ken Travers to the Minister for Transport representing the Minister for Health

I refer to the Western Australian Health Clinical Services Framework reports for 2005–2015 and 2010–2020, and ask —

(1) What were the geographical catchment population figures that were used for the Western Australian Health Clinical Services Framework 2015 report?

(2) What were the geographical catchment population figures that were used for the Western Australian Health Clinical Services Framework 2020 report?

Hon SIMON O'BRIEN replied:

(1)-(2) [See paper 2188.]

WA HEALTH CLINICAL SERVICES FRAMEWORK — REPORTS

2437. Hon Ken Travers to the Minister for Transport representing the Minister for Health

I refer to the Western Australian Health Clinical Services Framework reports for 2005–2015 and 2010–2020, and ask —

(1) Can the Minister confirm that the 2020 report has proposed that the level at which the following services are delivered at Joondalup Health Campus, will be downgraded from the level proposed in the 2015 report —

(a) surgical services —

(i) general;
(ii) ENT;
(iii) ophthalmology;

(iv) orthopaedics;
(v) urology;
(vi) cardiothoracic;
(vii) vascular surgery;
(viii) plastics; and
(ix) burns;

(b) emergency/trauma services;

(c) rehabilitation services;

(d) child and adolescents mental health services, -

(i) emergency services (hospital based); and
(ii) inpatient services;

(e) adult mental health services — emergency services (hospital based);

(f) older persons mental health services — emergency services (hospital based);

(g) clinical support services;

(i) pathology;
(ii) radiology;
(iii) pharmacy;
(iv) ICU/HDU;
(iv) CCU;
(v) anaesthetics;
(vi) operating theatres; and
(vii) training and research?

(2) Does the Minister agree that tertiary hospitals provide services, requiring highly specialised skills, technology and support and that typically a tertiary hospital may include centres of excellence, research and development; and will provide a leadership role for integrated clinical services?

(3) Does the Minister agree that the service levels outlined in the Clinical Services framework, describe the range of service complexity covered for each specialty group, classifying these as levels one through six, with level one services are the least complex and level six services are the most complex?

Hon SIMON O'BRIEN replied:

(1) The Clinical Services Framework (CSF) is reviewed and updated periodically to ensure it remains responsive to the principles of health reform and reflects changes in the health care environment.

Joondalup Health Campus will remain a general hospital within the scope of the 2010-2020 CSF. It will provide services that focus on the broader health needs of the community it serves and should meet most of the health needs of its population.

The proposed level of service has changed from level 5/6 (in CSF 2005-2015) to level 5 (in CSF 2010-2020) for the following specialties.

(a) surgical services

(ii) ENT
(iii) ophthalmology
(iv) orthopaedics
(v) urology
(vii) vascular surgery

(b) emergency / trauma services

(c) rehabilitation services

(g) clinical support services

(i) pathology
(ii) radiology
(iii) pharmacy
(iv) ICU / HDU
(v) CCU
(vi) anaesthetics
(vii) operating theatres
(viii) training and research

Although there will be specialty-specific differences, the following can generally be said to characterise a level 5 service in the following areas:

Surgical Service

Would include

- general surgeon availability.
- some visiting subspecialists and junior medical staff.
- diagnostic services.
- access to specialised allied health.

Would not include

- statewide referral role.
- expanded teaching and research capacity.

Emergency / Trauma Service

- A surgeon available in all specialties commensurate with level 6.
- High level ICU trauma team response and access to CCU facilities.
- Onsite helicopter landing site.
- Ability to accept transfers from other hospitals in the region.
- Access to specialised allied health services.

Rehabilitation Services

- Both inpatient and outpatient rehabilitation programs.
- A rehabilitation specialist service.

Clinical Support Services

It is difficult to characterise the key elements of the level 5 clinical support services mentioned as they are predominantly service-specific. However, at level 6 a hospital can in general be said to offer a more specialised services, with expanded teaching and research capacity.

The CSF 2010-2020 proposes that the following services will not be available at JHC:

(a) Surgical services.

(v) cardiothoracic.

Please refer to Legislative Council Question on Notice 2439.

(t) Child and adolescent mental health services.

(u) inpatient services.

Please refer to Legislative Council Question on Notice 2435.

The CSF 2010-2020 proposes that the following services change as follows:

(a) Surgical services

(i) General

CSF 2005-2015 level 6 by 2015/16

- Full range of surgical sub-specialists Type I and II.
- Statewide referral role.
- Undergraduate and post graduate teaching role.
- Research role.
- Undertakes emergency surgery.
- May include kidney and liver transplantation in selected sites.

CSF 2010-2020 level 5 by 2014/15

- General surgeons.
- Some/all Type I sub-specialists.
- May have visiting Type II sub-specialists.
- Registrar/RMO.
- ICU.
- May have some teaching and research role.
- Undertakes most emergency surgery.
- Access to specialised allied health services.

(viii) Plastics

CSF 2005-2015 level 5 by 2015/16

- Diagnostic services and surgery on low, moderate and high risk patents by on call plastic surgeons.
- Link with level 5 rehabilitation services.
- May have some teaching and training role.
- Visiting burns L6 specialist.

CSF 2010-2020 level 4 by 2014-15

- Selected minor procedures on low and moderate risk patients by visiting plastic surgeons.
- Access to designated allied health services.
- Some allied health undergraduate education.

(ix) Burns

CSF 2005-2015 level 4 by 2015/16

- General surgeon providing services for minor/moderate burns to small parts of body.
- Access to specialist SNR.
- Links to level 4 rehabilitation services.

CSF 2010-2020 level 3 by 2014/15

- General surgeon able to provide services for minor/moderate burns to small areas of body.
- Access to some allied health services.

(d) Child and adolescents mental health services

(i) Emergency services

CSF 2005-2015 level 6 by 2015/16

- On duty ED mental health liaison nursing service.
- On duty psychiatrist medical service.
- Acute admission unit service.
- On duty ED mental health liaison nursing service.
- On duty psychiatrist medical service.

CSF 2010-2020 level 4 by 2014/15

- Mental Health professionals on call.

(e) Adult mental health services — emergency services (hospital based)

CSF 2005-2015 level 6 by 2015/16
- On duty ED mental health liaison nursing service.
- On duty psychiatrist medical service.
- Acute admission unit service.

CSF 2010-2020 level 5 by 2014/15

- Mental health professionals on duty 24/7.

(f) older persons mental health services — emergency services (hospital based)

CSF 2005-2015 level 6 by 2015/16

- On duty ED mental health liaison nursing service.
- On duty psychiatrist medical service.
- Acute admission unit service.
- On duty ED mental health liaison nursing service.
- On duty psychiatrist medical service.

CSF 2010-2020 level 4 by 2014/15

- Mental Health professionals on call.

(2) Yes.

(3) The service levels outlined in the Clinical Services Framework describe the planned range of service complexity covered for each specialty group, level six being the maximum level of service.

WA HEALTH CLINICAL SERVICES FRAMEWORK — REPORTS

2438. Hon Ken Travers to the Minister for Transport representing the Minister for Health

I refer to the Western Australia Health Clinical Services Framework reports for 2005–2015 and 2010–2020, and ask —

(1) What was the expected birth rate in Western Australia that the 2015 report was based on?

(2) What was the expected annual number of births in the catchment area for the Joondalup Health Campus that the 2015 was based on?

(3) What was the expected birth rate in Western Australia that the 2020 report was based on?

(4) What was the expected annual number of births in the catchment area for the Joondalup Health Campus that the 2020 was based on?

Hon SIMON O'BRIEN replied:

(1) The modelling underpinning the Clinical Services Framework (CSF) 2005-2015 used population projections sourced from WA Tomorrow, November 2005. The projections are based on a Western Australian fertility rate of 1.74 in 2001 reducing to 1.52 in 2021. Adjustments were made to the fertility rate for areas with a significant level of Indigenous population.

WA Tomorrow, November 2005 states "the Indigenous fertility rate was 2.26 in 2001 compared with 1.74 for the total population. This difference is significant and was taken into consideration when finalising the population projection for regions and local government areas that contain a significant level of Indigenous population.

It has been assumed that the relativity between Indigenous and non-Indigenous fertility rates will remain stable during the forecast period. Falls in the non-Indigenous fertility rate will be matched by similar decreases in the Indigenous rate."

(2) The CSF 2005-2015 based service delivery projections on the projected number of women delivering in hospital and population projections. For women resident in Joondalup Health Campus (JHC) catchment area there are projected to be 3,854 women delivering in hospitals in 2015/16, of these 2,424 are expected to deliver in public hospitals (including public patients in private hospitals) and a further 1,430 delivering in private hospitals.

(3) The modelling underpinning the CSF 2010-2020 used population projections sourced from ABS, Series C, Catalogue 3222.0, September 2008. The projections are based on a Western Australian fertility rate of 1.87 in 2007 reducing to 1.66 in 2021.

(4) The CSF 2010-2020 based service delivery projections on the projected number of women delivering in hospital and population projections. For women resident in JHC catchment area there are projected to be 4,953 women delivering in hospitals in 2015/16, of these 3,105 are expected to deliver in public hospitals and a further 1,848 delivering in private hospitals. In 2020/21 there are projected to be 5,542 women delivering in hospital, with an expected 3,493 in public hospitals and 2,049 in private hospitals.

WA HEALTH CLINICAL SERVICES FRAMEWORK — REPORTS

2439. Hon Ken Travers to the Minister for Transport representing the Minister for Health

I refer to the Western Australia Health Clinical Services Framework reports for 2005–2015 and 2010–2020, and ask —

(1) Can the Minister confirm that the 2015 report proposed that cardiothoracic surgical services be delivered at Joondalup Health Campus?

(2) Can the Minister confirm that the 2020 report does not propose cardiothoracic surgical services be delivered at Joondalup Health Campus?

Hon SIMON O'BRIEN replied:

(1) Yes. (Level 4 at 2015).

(2) Yes. (2020 report does not propose cardiothoracic surgical services be delivered at Joondalup Health Campus).

Cardiothoracic services is no longer proposed to be delivered at JHC because given the projected level of demand for these services, there are only sufficient numbers to maintain safe and quality delivery at the three facilities, FSH, SCGH and RPH.

A level 4 cardiothoracic service at JHC would only be able to be maintained as a visiting service from surgeons at SCGH. The projected volume at SCGH is insufficient to be able to split the service between 2 sites.

SUPER PIT — TRUCK FIRE INCIDENT

2442. Hon Jon Ford to the Minister for Mines and Petroleum

I refer to the KCGM operations owned by Barrick Gold and Newmont Australia, known as the Superpit in the Kalgoorlie region, and I ask —

(1) Is the Department of Mines and Petroleum (DMP) aware and was it reported, both on the company's internal reporting system or to the DMP, that on or around 19 May 2010 truck number 257, had smoke coming from the engine bay, filling the cab indicating that the truck was on fire?

(2) If yes to (1), was this incident investigated?

(3) If yes to (2), what was the outcome of the investigation?

(4) If no to (1), will the Minister urgently require an investigation into this matter?

(5) In relation to the incident referred to in (1), was it reported that neither the fire suppression system or the fire extinguisher was used to put out the fire?

(6) How many incidents have been reported, both on the company's internal reporting system or to the DMP, concerning trucks or other machinery catching fire in the last 36 months?

Hon NORMAN MOORE replied:

(1) KCGM has advised the Department of Mines and Petroleum (DMP) that a company maintenance report shows that a burning odour was reportedly coming from the vehicle air conditioner. The matter was not previously reported to DMP.

(2) The event was not investigated by DMP.

(3) Not applicable

(4) No

(5) KCGM has advised that neither the fire suppression system nor an extinguisher were deployed.

(6) There were nineteen incidents of fire occurring at KCGM's Superpit recorded on the company's internal reporting system over the past 36 months.

2008 — 3
2009 — 13
2010 — 3

SUPER PIT — UNSAFE TYRE REPORT

2443. Hon Jon Ford to the Minister for Mines and Petroleum

I refer to the KCGM operations owned by Barrick Gold and Newmont Australia, commonly known as the Superpit in the Kalgoorlie region, and I ask —

(1) Is it correct that on or around 19 May 2010 truck number 274, whilst under load, was clearly observed to have a large section of a tyre on that truck, that was down to the wire?

(2) If no to (1), what is correct?

(3) Will the Minister urgently require an investigation into the matter referred to in (1)?

(4) If yes to (3), what was the outcome of the investigation?

(5) Is it correct that the management of KCGM prefer to run a tyre until it blows out to maximise efficiency and therefore it is common for a truck to have a tyre on it that is down to the wire?

(6) If no to (5), what is correct?

(7) If yes to (5), does the Department of Mines and Petroleum(DMP) support this practice?

(8) Will the Minister state when an inspector from the DMP last conducted a check, or an investigation, of all light vehicles and heavy vehicles at KCGM, to ensure that all tyres were in a safe operating condition?

(9) If no to (8), why not?

(10) Will the Minister state how many times, with dates in the last 24 months, that an inspector from the DMP has conducted a check or an investigation of all light vehicles and heavy vehicles at KCGM to ensure that all tyres were in a safe operating condition?

(11) If no to (10), why not?

Hon NORMAN MOORE replied:

1) This was not observed by any Department of Mines and Petroleum officer.

2) There is no such record on the Pre-Start reports or on the tyre maintenance reports of this situation.

3) No -This was followed up by an inspector and there is no such report.

4) Not applicable

5) No. There may be tyres where parts of the wire construction materials are visible but this situation is managed in accordance with recommendations from the manufacturer.

6) KCGM has engaged a specialist tyre maintenance contractor who manages the tyre fleet in accordance with the manufacturer's specifications.

7) Not applicable

8) Inspectors do not audit all tyres on any mining fleet. They generally make checks on a sample of tyres during general inspections of workshops or active operational areas.

9) It is the responsibility of the manager, and his maintenance and operating staff to make regular checks on tyres. This is done on a daily basis by the truck operators as part of their Pre-Start checks and as part of the maintenance regime on site.

10) No inspector has conducted such an inspection.

11) See response to Question 8.

SUPER PIT — DIGGER SHOVEL INCIDENT

2444. Hon Jon Ford to the Minister for Mines and Petroleum

I refer to the KCGM operations owned by Barrick Gold and Newmont Australia, commonly known as the Superpit in the Kalgoorlie region, and I ask —

(1) Was it reported both on the company's internal reporting system or to the Department of Mines and Petroleum (DMP), that in the last 14 days a PC 8000 digger/shovel was operating inside a red and white zone, loading a truck when the void that the shovel was working on top of collapsed, causing the shovel to fall forwards and the claw of the shovel to pin the truck as the shovel was hanging over a void?

(2) If yes to (1), was this incident investigated?

(3) If yes to (2), what was the outcome of the investigation?

(4) If no to (1), will the Minister urgently require an investigation into this matter?

(5) Will the Minister state the purpose and function of the red and white zone in the abovementioned operations and there importance, if any?

(6) Will the Minister state whether the PC 8000 digger/shovel referred to in (1), was meant to be operating in the red and white zone in the abovementioned operations?

(7) What has the DMP done to eliminate a serious accident or fatality for the circumstances referred to in (1)?

(8) How many incidents with the specific dates that each occurred have been reported, both on the company's internal reporting system or to the DMP, concerning heavy vehicles or light vehicles, including drill rigs, falling into a void in the last 60 months?

(9) Have any persons at KCGM ever been prosecuted for heavy vehicles or light vehicles falling into a void at these operations?

(10) Within the last 15 years have KCGM ever lost any heavy equipment, vehicles falling into voids at these operations?

(11) If yes to (9), on each occasion, what was lost or damaged?

(12) Within the last 15 years at the KCGM operations has anyone ever been killed or injured falling into underground voids at these operations?

Hon NORMAN MOORE replied:

1) There is an incident report on the company system for an incident which occurred in a black and white zone on the 17 May 2009 where a void subsidence occurred underneath the track of a digger causing it to drop and the bucket to rest on the back of Truck 254. This resulted in the truck and digger being unable to move.

2) Yes

3) The company investigation referred to a pillar area and re-assessing the zone as restricted black and white. Deep blast holes in the area were expected to collapse the crown pillar which would have allowed the void area to fill with broken rock. The pillar did not fail with the blast but failed about a month later in the mining cycle. The comment from the Void Technical Officer is " The 390 blast will take the top off the CALS (stope) and we should not have any more problems in this area."

4) Not applicable

5) The zones within the pit are determined by analysis of old mining plans and void probe drilling. Red and white zones are areas with restrictions as outlined in the company procedures. For example employees should not travel on foot and large equipment such as shovels would have specific operating plans including approved dig plans.

6) The digger was working in an area that had been designated as black and white. A shovel in a red and white zone would have a specific dig plan.

7) Procedures for the specification of zones were established in the early part of the Super Pit's operating life with consultation from the Department.

The Department has produced a guideline titled Open Pit Mining Through Underground Workings dated July 2000.

8) There are no reports of machinery falling into a void. There are six reports on the company system, two of which have been reported to the Department of Mines & Petroleum, involving wheels and tracks slumping into shallow depressions.

9) -10) No

11) Not applicable

12) No

KALGOORLIE CONSOLIDATED GOLD MINES (KCGM) — BULLYING COMPLAINT TO DMP

2450. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the Department of Mines and Petroleum (DMP) Kalgoorlie Inspectorate, and ask —

(1) Is it correct that, within the last eight months, an employee from KCGM made an official complaint to the DMP inspectorate, concerning bullying, harassment and intimidation over raising safety matters in the workplace at KCGM?

(2) Is it correct that the DMP then referred that employee back to the management of KCGM to deal with the situation?

(3) Is it correct that the DMP could not find the records of that complaint referred to in (1)?

(4) If yes to (3), can the Minister state why the DMP could not find the records of that complaint?

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

(6) Can the Minister state why the employee who registered the complaint was referred back to the management of KCGM by the DMP given the nature and seriousness of the complaint referred to in (1)?

(7) If no to (6), why not?

(8) Can the Minister state whether or not the employee who registered the complaint was contacted by either KCGM or the DMP, concerning the outcome of the investigation, and whether or not that employee and/or the DMP were satisfied with the outcome of the investigation carried out by KCGM?

(9) If no to (8), why not?

(10) Is it correct that, within the last eight months, an employee from KCGM made an official complaint to both David Watson (Employees Inspector of Mines) and Alan Holmes (District Inspector of Mines), concerning bullying and harassment and intimidation over raising safety matters in the workplace at KCGM?

(11) If no to (10), what specifically is correct?

(12) Is it correct that there was a mutual agreement between these inspectors referred to in (10), that bullying, harassment and victimisation had taken place and that they would negotiate an outcome with management from KCGM on behalf of that employee?

(13) If no to (12), what specifically is correct?

(14) Can the Minister state why those DMP inspectors referred to in (10), have not yet contacted that employee with a negotiated outcome?

Hon NORMAN MOORE replied:

1) In the past eight months there have been three complaints made to the Department of Mines and Petroleum (DMP) which contain allegations of bullying at KCGM. These three cases are referred to in Parliamentary Question on Notice 2454 asked by the Hon Member.

2) It is not clear which of the three complaints is being referred to in this part of the Question. However, whenever such allegations are made, the inspectors may discuss the issues raised with company representatives and refer the employee back to the company to resolve the issues raised.

3) No

4) Not applicable

5) DMP has records of the three complaints referred to in Part 1 of this Question.

6) No

7) Refer to response to question 2.

8) No

9) All three complaints have been responded to by DMP. It is not clear which of the complaints is being referred to in this part of the Question

10) Yes.

11) Not applicable

12) No

13) This matter related to an employee who made allegations of being unfairly treated with regard to a rehabilitation program. The Inspectors met with the company representatives to discuss the employee's rehabilitation program and allegations of bullying. DMP is aware the employee is being assessed on a regular basis with regards to this program.

14) The employee was advised of the results of the investigation in December 2009. A feedback meeting was held with the employee and a union representative. The employee has been advised on a number of occasions since that time that there has been no change to the outcome.

KALGOORLIE CONSOLIDATED GOLD MINES (KCGM) — BULLYING COMPLAINTS TO DMP

2454. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the KCGM operations owned by Barrick Gold and Newmont Mining also referred to as the Superpit in the Kalgoorlie Boulder region and its management team, and ask —

(1) Has the Department of Mines and Petroleum received any complaints from employees at KCGM concerning bullying and intimidating and victimising in the previous 36 months?

(2) If yes to (1), will the Minister state the specifics of these complaints?

(3) With respect to the complaints referred to in (1), have these complaints been investigated and has an appropriate outcome been achieved in which that person has been notified of, and satisfied with, that outcome?

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

Hon NORMAN MOORE replied:

1) Yes

2) There have been three complaints which contain allegations of bullying:

One deals with an individual who indicated they were being prevented by supervisors from raising problems with senior management relating to the way in which the employee was being treated.

The second was the group of employees from the crusher area who wished to raise a matter relating to the way the leading hand treated them.

The third was an individual who alleged they were being unfairly treated with regard to their rehabilitation program following a back injury at the mine. The individual wanted to get back onto their original employment as a truck driver and alleged the pattern of events leading up to this situation constituted bullying.

3) Yes

4) Not applicable.

NORSEMAN GOLD OPERATIONS — SAFETY ISSUES

2457. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the Norseman Gold Operations in Norseman and its management, and ask —

(1) Can the Minister state what is the importance under the *Mines Safety and Inspection Act 1994 and Regulations 1995* of having all escape routes within the above referred to mine clearly capable of enabling a emergency response team with open circuit breathing apparatus or closed circuit breathing apparatus or any apparatus necessary for emergency rescue to be physically capable of fitting through all escape routes with equipment functioning from the surface down to the present working area?

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

(3) Can the Minister state and quote which sections or regulations of the *Mines Safety and Inspection Act 1994 and Regulations 1995,* are applicable to ensure that a emergency response team with open circuit breathing apparatus, or closed circuit breathing apparatus or any apparatus necessary for emergency rescue, is physically capable of fitting through all escape routes with equipment functioning from the surface down to the present working area?

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

(5) Can the Minister state what is the maximum penalty that can be imposed under the *Mines Safety and Inspection Act 1994 and Regulations 1995,* for non compliance concerning when a emergency response team with open circuit breathing apparatus, or closed circuit breathing apparatus or any apparatus necessary for emergency rescue, is physically not capable of fitting through all escape routes with equipment functioning from the surface down to the present working area?

(6) If no to (5), why not?

(7) Is it correct that as of 11 May 2010, there were no ladders in the new escape way rise between the seven level, and the five level enabling the employees to evacuate the mine in the case of an emergency?

(8) If yes to (7), does the Minister or the DMP inspectorate regard this as a serious issue?

(9) If no to (7), why not?

(10) Is it correct that as of 11 May 2010, a pile of approximately 120 kilograms of explosives along with detonators and detonating cord, was located in a ore drive on the corner of a travel way approximately 20 metres down the travel way, between the top of the ladder way on the five level, and bottom of the shaft on the five level and reportedly been there for at least 12 months and this had been previously raised verbally with an employee's inspector of mines?

(11) If no to (10), what is specifically correct?

(12) Can the Minister specifically state and quote, what are the sections and regulations, including penalties for having explosives not secured in accordance with the act and regulations?

(13) If no to (12), why not?

Hon NORMAN MOORE replied:

1) Ideally, all escape routes and ladder ways providing access to a workplace in a mine should be of sufficient dimensions to permit stretchers and mine rescue team members using breathing apparatus to pass without undue hindrance.

2) Not applicable

3) There are no specific requirements prescribed under the Mines Safety & Inspection Act 1994 and Regulations 1995.

4) Not applicable

5) There is no specific Regulation which deals with this issue. As such, no specific penalty can apply. Should Section 9 of the Mines Safety & Inspection Act 1994 apply a Level 2 penalty would be applicable.

6) Not applicable

7) Yes

An inspection conducted on the 26 May 2010 at the OK Mine revealed that —

- A ladder had already been installed in the 5 to 6 level escape way.
- Ladders were yet to be installed to the escape way from the 6 to 7 level.

- The locations for the leg from the 7 to 8 level had been determined and the cuddy on the 8 level was available. A short sub-level was to be developed on the 7 level.
- There was a single boom jumbo operating on the 9 level and was about 10-15m beyond the old mill holes which had been cleaned up and secured.
- There were no stoping activities in progress.

With this work in progress it is considered that the OK Mine was being operated in accordance with the requirements of Mines Safety & Inspection Regulations 1995 Regulation 10.10(3).

8) No

9) Regulation 10.10(3) of the Mines Safety & Inspection Regulations 1995 applies in this situation. It specifies that the escape route is to be completed before production from stoping operations commences.

10) No

11) The two Employee Inspectors in the Kalgoorlie Inspectorate have no recollection of anyone verbally raising this matter with them.

A mention of unsecured explosives at the OK Mine was raised as part of a written complaint to the Department by an employee in June 2009. A resulting inspection at the OK Mine did not find any unsecured explosives at or near the Emergency Escape Way at that time.

A recent inspection did find approximately 53 kilograms of unsecured explosives located some 80 metres from the Emergency Escape Way on the 5 Level of the OK Mine.

12) The storage of explosives in mines is covered by Part 8 of the Mines Safety & Inspection Regulations 1995 to which a penalty under Regulation 17.1 in most cases applies.

13) Not applicable

KANOWNA BELLE OPERATIONS — BULLYING COMPLAINTS TO DMP

2461. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the Barrick Kanowna Operations in Kalgoorlie and its senior management, and ask —

(1) Within the last 36 months has a complaint been recorded, either on the company's internal reporting system or with the Department of Mines and Petroleum (DMP), concerning bullying, victimisation and intimidation by management of the Raleigh mine and/or the Kanowna Belle mine?

(2) If yes to (1), what was the nature of the complaint and what was the outcome of the investigation?

(3) With respect to the complaints referred to in (1), have those complaints been thoroughly investigated and has an appropriate outcome been achieved in which that person has been notified of, and satisfied with, that outcome?

(4) If yes to (3), who were those complaints made against?

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

Hon NORMAN MOORE replied:

(1) No

(2)-(5) Not applicable

KALGOORLIE CONSOLIDATED GOLD MINES (KCGM) — BULLYING COMPLAINTS TO DMP

2462. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the Department of Mines and Petroleum (DMP) Kalgoorlie Inspectorate and the KCGM operations owned by Barrick Gold and Newmont Mining in Kalgoorlie, and ask —

(1) Can the Minister state why is it important that, in relation to the *Mines Safety and Inspection Act 1994 and Regulations 1995*, employees are not bullied and harassed and intimidated for raising safety matters concerning the workplace?

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

(3) Can the Minister state what is the maximum penalty that can be imposed under the *Mines Safety and Inspection Act 1994 and Regulations 1995* for bullying, harassment and intimidation of employees over employees raising safety matters in the workplace?

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

(5) Is it correct that, within the last 12 months, David Watson of the DMP was contacted by an employee from KCGM who was representing a group of seven workers who were making a complaint about being bullied, harassed and intimidated by a person in management at KCGM operations?

(6) If no to (5), what specifically is correct?

(7) Is it correct that Mr Watson did not represent these workers referred to in (5), when he was asked to do so?

(8) If yes to (7), will the Minister state why Mr Watson did not represent these workers?

(9) If no to (7), what specifically is correct?

(10) Will the Minister state what is the specific role of an Employee Inspector of Mines, representing employees in a case where they had been bullied, harassed and intimidated by a person in management?

(11) If no to (10), why not?

Hon NORMAN MOORE replied:

1) I refer the Hon member to the Code of Practice on the "Prevention and Management of Violence, Aggression and Bullying at Work".

2) Not applicable

3) No specific penalties have been prescribed for breaches concerning bullying, intimidation, victimisation and harassment.

4) Not applicable

5) Yes

6) Not applicable

7) No

8) Not applicable

9) Mr Watson did assist these employees with their problem. Mr Watson was told by a representative of the workers that they did not require him to be present at their meeting with management.

10) The specific role of the Employees Inspector with regard to allegations of bullying is to assist the employees to raise and resolve the issue with management at the mine.

11) Not applicable

NORSEMAN GOLD OPERATIONS — PERCUSSION BLASTING

2463. Hon Robin Chapple to the Minister for Mines and Petroleum

I refer to the Norseman Gold Operations in Norseman and its management, and ask —

(1) Can the Minister state, what are the known consequences and the potential of having a percussion blast with approximately 120 kilograms of explosives stored unsecured, for at least 12 months along with detonators and detonating cord which was located in a drive on the corner of a travel way approximately 20 metres down the travel way between the top of the ladder way on the five level, and bottom of the shaft on the five level and reportedly on a escape route within the mine?

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

(3) Can the Minister state, what are the known consequences of having unsecured explosives within an operating mine referred to in (1), for activities being undertaken immediately above their location?

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

(5) Does a percussion blast with approximately 120 kilograms of explosives referred to in (1), stored unsecured for at least 12 months along with detonators and detonating cord which was located in a drive on the corner of a travel way between the top of the ladder way on the five level and bottom of the shaft on the five level and reportedly on a escape route within the mine have the potential to create rockfalls in other active working areas and levels of the mine?

(6) If yes to (5), why?

(7) If no to (5), why not?

Hon NORMAN MOORE replied:

1) The unplanned detonation of any quantity of explosives may cause damage to infrastructure in the local area and be a serious hazard to persons in the vicinity.

2) Not applicable

3) The consequences of any unplanned detonation of explosives for activities being undertaken at the level above would depend on a number of factors including mine design, geological conditions, etc.

4) Not applicable

5) Yes

6) If such a quantity of explosives was detonated there could be a risk of a localised rock fall elsewhere in the mine.

7) Not applicable

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