Legislative Assembly

Wednesday, 15 June 2011

THE SPEAKER (Mr G.A. Woodhams) took the chair at 12.00 noon, and read prayers.

GOLDEN BAY — HOUSING DEVELOPMENT

Petition

MR P. PAPALIA (Warnbro) [12.02 pm]: I have a petition bearing 88 signatures, which is certified as complying with standing orders, and reads as follows —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, say that the proposed housing development at Golden Bay will produce a massive windfall profit to the Barnett government of $200 million.
>
> Now we ask the Legislative Assembly to call on the Barnett government to allocate a fair share of the profit (being $15 million) to the local community to fund:
>
> a. Australian Football facilities at Lark Hill Sport Complex (home for the Secret Harbour Dockers Football Club servicing Golden Bay, Singleton and Secret harbour),
>
> b. a new Surf Club at Secret Harbour (servicing Golden Bay and Secret Harbour beaches),
>
> c. upgrades to the old Rhonda Scarrott oval in Golden Bay, and completion of the dual-use path from Singleton to Mandurah.

[See petition 415.]

NORTHERN SUBURBS RAILWAY — OVERCROWDING

Petition

MR A.P. O'GORMAN (Joondalup) [12.03 pm]: I have a petition containing 66 signatures, which I confirm complies with standing orders and reads as follows —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, are opposed to the Barnett Government's decision to ignore the train overcrowding occurring on the Joondalup line by refusing to order any more train carriages. Commuters are struggling to get to work and appointments on time.
>
> Now we ask the Legislative Assembly to ensure the Barnett Government immediately order at least thirty additional train carriages.

[See petition 416.]

WHITFORDS TRAIN STATION — NOISE ABATEMENT

Petition

MS A.R. MITCHELL (Kingsley) [12.03 pm]: I present a petition containing 200 signatures, which conforms with the standing orders of the Legislative Assembly and reads as follows —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, say
>
> *Since the removal of scrubland and additional car parks at Whitfords Train Station the noise levels have become intolerable*
>
> Now we ask the Legislative Assembly
>
> *To increase the number of trees and construct a wall to help abate the increasing noise levels near Whitfords Train Station.*

[See petition 417.]

DYSLEXIA — RECOGNITION

Petition

MR T.K. WALDRON (Wagin — Minister for Sport and Recreation) [12.04 pm]: I present a petition containing 1 385 signatures, which has been certified as conforming with standing orders and which reads —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, say
>
> We the public demand the inclusion of **dyslexia, and other significant learning difficulties** to be recognised as a disability with in the Department of Education and training disability criteria.
>
> Now we ask the Legislative Assembly
>
> To include a bill recognising **Dyslexia as a disability and other significant learning difficulties**, as NSW has already achieved.

[See petition 418.]

BOULDER POLICE POST — CLOSURE

Petition

DR G.G. JACOBS (Eyre) [12.05 pm]: I present a petition of 106 signatures about an ongoing issue concerning the closure of the police post in Boulder, which reads —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, say that the closure of the Boulder Police Post is a blow to the safety of residents and business owners in Boulder.
>
> Now we ask the Legislative Assembly to respect the wishes of the people of Boulder and immediately re-open the Boulder Police Post.

That brings the number of signatures so far obtained to about 1 000 in all.

[See petition 419.]

PAPER TABLED

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

MINISTER FOR TOURISM — VISIT TO CHINA, SINGAPORE AND BALI

Statement by Minister for Tourism

DR K.D. HAMES (Dawesville — Minister for Tourism) [12.06 pm]: In May I travelled to China with the CEO of Tourism WA, the CEO of Westralia Airports Corporation, and a principal policy officer from my office. In Guangzhou I signed a cooperative agreement on behalf of the Western Australian government with the president and CEO of China Southern Airlines. This cooperative agreement opens the way for direct flights by China Southern to Perth by the end of the year and will increase WA's share of Chinese tourists to Australia above the existing three per cent or 12 000 per annum. China Southern Airlines is the largest airline in China. It operates an extensive domestic network as well as international services to the Middle East, Asia, Africa, Europe, North America and Australia. China Southern already has strong links with Western Australia following the establishment of its flying college campuses at Jandakot and Merredin in 1993. During my visit I met with other Chinese carriers, including China Airlines, Hainan Airlines and China Eastern Airlines, to open discussions for future aviation services to Western Australia. I was also pleased to meet Chinese tourism officials to discuss what WA has to offer in holiday packages. In that regard, I opened discussions for a further visit to China this year by a delegation of WA tourism operators. It was a pleasure to meet Mr Wang Jianman, Vice Governor of Zhejiang Province, and to discuss opportunities to further strengthen our sister state relationship. In Shanghai I announced, as part of the YouYi Games, that the Chinese national basketball and the Australian basketball teams will compete in Beijing, Singapore and Perth, commencing in Perth on 24 June 2011. This agreement will see the teams compete against each other for the next three years. While visiting Beijing I met the senior staff of the CITIC Group, which is a significant investor in the iron ore industry in WA.

On the way home from China, I stopped off in Singapore to meet air carriers and explore opportunities for a Singapore to Broome air service, and to meet tourism industry representatives. My final stopover was in Bali where I presented the Western Australian Premier's trophy at the ceremony for winners of the Fremantle to Bali yacht race. My trip was an extremely successful one, reinforcing the Liberal–National government's commitment to promote WA as an attractive tourist destination.

COLLGAR WIND FARM

Statement by Minister for Regional Development

MR B.J. GRYLLS (Central Wheatbelt — Minister for Regional Development) [12.08 pm]: I congratulate the Minister for Tourism on the new direct route from China to Western Australia with pilots trained in Merredin now flying back to Western Australia. What a great thing!

On the topic of Merredin, last week I visited Collgar Wind Farm with the Minister for Energy. The $750 million Collgar Wind Farm is currently the largest wind farm in Western Australia. It comprises 111 turbines spread over 18 000 hectares of farming land south east of the Merredin town site. The project will generate and deliver an average of 792 000 megawatt hours of clean, renewable energy into the south west interconnected system each year. This is enough to power 125 000 homes with renewable energy for a year. I hope the member for Cannington pays his green energy levy!

Last year, the state government approved Synergy entering into a 15-year power purchase agreement to underpin the development. Collgar Wind Farm will displace approximately 700 000 tonnes of carbon dioxide per year, which is the equivalent of taking approximately 160 000 cars off the road each year. Once fully operational, the wind farm will increase total renewable energy generation in the south west interconnected system from five per cent to almost nine per cent, which is a great achievement for the state government. The completion of the wind farm represents a major step towards Western Australia achieving its share of the national renewable energy target of 20 per cent by 2020. Wind energy has become the world's fastest-growing energy source, with more than 10 000 megawatts of capacity being installed globally every year. This iconic renewable energy project has provided, and will continue to provide, many benefits to the Wheatbelt region and the state as a whole.

The Merredin community, to its credit, has embraced this investment, and the opportunity to have the wind farm based at Merredin has been welcomed with open arms. The project has created about 150 jobs during the building phase, with ongoing positions for up to 20 people after the project is fully commissioned. It is certainly evident from the last brief ministerial statement, and this one, that the Wheatbelt is open for business, is looking to grow its economic potential, and is very happy to work with the private sector to produce fantastic outcomes.

iVEC@MURDOCH SUPERCOMPUTER

Statement by Minister for Science and Innovation

MR J.H.D. DAY (Kalamunda — Minister for Science and Innovation) [12.10 pm]: I am pleased to inform the house that on Wednesday, 8 June, I attended the launch of the iVEC@Murdoch supercomputer at Murdoch University. iVEC is an unincorporated joint venture between CSIRO and the four public Western Australian universities, and is charged with leading Western Australian scientific supercomputing efforts. The Western Australian government has had a long partnership with iVEC, which was sealed when the centre first opened in 2000. iVEC is a prime example of a facility that shares infrastructure with many disciplines and institutions in order to expand the state's knowledge base. The state government's partnership with iVEC has now gone one step further with the recent budget announcement that the centre will receive nearly $16 million over the next four years.

iVEC@Murdoch, the first of three supercomputers forming the Pawsey Centre project—which is managed by iVEC—will provide an immediate boost to the Australian Square Kilometre Array Pathfinder project and further strengthen Australia's bid to host the SKA, in addition to boosting Australia's strength in radioastronomy, geosciences, nanotechnology and life sciences. When complete, the combined supercomputing resources of the Pawsey Centre are expected to rank in the top 20 global supercomputing facilities, and will support the needs of the Australian radioastronomy, nanotechnology, biotechnology and informatics research communities. By hosting the supercomputer, Murdoch University has taken a leading role in increasing Australia's supercomputing resources and providing enhanced research outcomes to scientists Australia-wide.

Building expertise in supercomputing and supporting world-class infrastructure, like that of the Pawsey Centre, will position Western Australia as a world leader in this field. The opportunity to host such world-class facilities and scientific expertise will allow the state to build a strong knowledge economy and showcase the science, research and technology capabilities that we have in Western Australia. The funding will be used to attract staff with the expertise and skills to develop the centre's capabilities further, as it transitions from hosting a world top 100 supercomputer to one of the top 20.

COMMERCIAL ARBITRATION BILL 2011

Introduction and First Reading

Bill introduced, on motion by **Mr C.C. Porter (Attorney General)**, and read a first time.

Explanatory memorandum presented by the Attorney General.

Second Reading

MR C.C. PORTER (Bateman — Attorney General) [12.13 pm]: I move —

That the bill be now read a second time.

The Commercial Arbitration Bill 2011 will repeal the Commercial Arbitration Act 1985 and provide a new procedural framework for the conduct of domestic commercial arbitrations. The bill facilitates the use of arbitration agreements to manage domestic commercial disputes, and will ensure that arbitration provides a cost-effective and efficient alternative to litigation in Australia. The current act is part of a uniform domestic arbitration legislation scheme that applies in all Australian states and territories. This uniform legislation has not kept pace with changes in international best practice, and still reflects the old English arbitration acts. At the May 2010 meeting of the Standing Committee of Attorneys-General, ministers agreed to update the uniform legislation. This updated law would be based on the United Nations Commission on International Trade Law Model Law on International Commercial Arbitration. The UNCITRAL model law reflects the accepted world standard for arbitrating commercial disputes. New South Wales took the lead in developing this model bill, and was the first jurisdiction to introduce legislation based on the model bill to provide business with up-to-date domestic arbitration laws. The reform of domestic arbitration legislation is particularly timely when one has regard to developments in international arbitration. The regularity and certainty that is conducive to efficient commerce is fostered by uniform national laws that reflect accepted international practice. In addition, the ability of Australian courts to deal with international arbitration is based on their experience with domestic arbitration.

Notably, the jurisdictions with which Australia competes for international arbitration works do not have different national and international arbitration laws, and nor should we. I also note that the commonwealth government has enacted the International Arbitration Amendment Act 2010 to amend the International Arbitration Act 1974, to increase effectiveness, efficiency and affordability in international commercial arbitration. In addition to these legislative changes, the first dedicated international dispute resolution centre in the Sydney CBD has been opened. All this will help ensure that Sydney and Australia capitalise on the booming market in commercial dispute resolution, ensuring that business and the legal system are operating in essentially one commercial arbitration environment, whether domestically or internationally.

At the April 2009 meeting of the Standing Committee of Attorneys-General, it was agreed that the UNCITRAL model law would form the basis for the reform of domestic arbitration legislation. It was also agreed that additional provisions, consistent with the UNCITRAL law and necessary for domestic dispute management, would be appropriate. There are a number of good reasons for adopting the UNCITRAL model law as the basis for the domestic law. First, the UNCITRAL model law has legitimacy and familiarity worldwide. It has provided an effective framework for the conduct of international arbitrations in many jurisdictions, including Australia, for more than 24 years. It provides a well-understood procedural framework for dealing with issues such as the appointment of arbitrators, the jurisdiction of arbitrators, the conduct of arbitral proceedings and the makings of awards, and therefore is easily adapted to the conduct of domestic arbitrations. Indeed, jurisdictions such as New Zealand and Singapore have based their own domestic arbitration legislation on the UNCITRAL model law, and it has proven appropriate.

Second, basing domestic commercial arbitration legislation on the UNCITRAL model law creates national consistency in the regulation and conduct of international and domestic commercial arbitration. The commonwealth International Arbitration Act 1974 gives effect to the model law in relation to international arbitrations. Many businesses, including legal ones, operate domestically and internationally, and one set of procedures for managing commercial disputes make sense. Third, practitioners and courts will be able to draw on case law and practice in the commonwealth and overseas to inform the interpretation and application of its provisions.

Following the ministers' agreement at the April 2009 standing committee meeting on the UNCITRAL law as the way forward, a draft model commercial arbitration bill was drafted by New South Wales. The draft bill was sent out for targeted consultation with stakeholders. Feedback was sought, in particular, on the appropriateness, adequacy and desirability of additions and amendments to the UNCITRAL model law, tailored to domestic dispute management and related matters. Seventeen initial submissions were received. These were carefully considered and have informed the bill before the house today. The government takes this opportunity to thank all those who contributed to the development of the bill.

The bill is based upon the text and spirit of the UNCITRAL model law. This delivers consistency with the commonwealth's international arbitration law and the legitimacy and familiarity of internationally accepted practice. However, the UNCITRAL model law does not provide a complete solution to the regulation of domestic commercial arbitration. The bill, therefore, supplements the model law to provide appropriately for domestic dispute management. At the April 2009 standing committee meeting, ministers agreed on two principles to guide the drafting of the uniform legislation. They were that the bill should give effect to the overriding purpose of commercial arbitration—namely, to provide a quicker, cheaper and less formal method of

finally resolving disputes than litigation—and that the bill should deliver a nationally harmonised system for international and domestic arbitration, noting the commonwealth's review of the International Arbitration Act 1974. The purpose of the law, also agreed to by ministers, is found in clause 1C in part 1A of the bill—the paramount object provision—to facilitate the fair and final resolution of commercial disputes by impartial arbitral tribunals without unnecessary delay or expense. Stakeholders advocated for and endorsed the inclusion of a paramount object clause, noting the absence of such a provision as a weakness in the present uniform commercial arbitration acts.

I turn now to some of the details of the commercial arbitration framework established by the provisions of the bill. Part 1 of the bill applies the bill to domestic commercial arbitration and clarifies that it is not a domestic arbitration if it is an international arbitration for the purposes of the commonwealth act. Part 2 of the bill defines an arbitration agreement and requires a court before which an action is brought to refer that matter to arbitration if it is the subject of an arbitration agreement and a party so requests. Part 3 deals with the composition of arbitral tribunals and provides flexibility and autonomy to parties in selecting the arbitrator or arbitral tribunal to decide their dispute. It enables parties to agree on not only the number of arbitrators, but also the process by which they will be selected and how they may be challenged. It also provides a default position should the parties not be able to reach agreement. Clause 12 sets out the grounds on which the appointment of an arbitrator may be challenged and obliges proposed arbitrators to disclose any circumstances likely to give rise to justifiable doubts as to their impartiality or independence.

The jurisdiction of arbitral tribunals is dealt with in part 4, which makes it clear that an arbitral tribunal is competent to determine whether it has jurisdiction in a dispute, but also enables a party to seek a ruling on the matter from the court when a tribunal determines that it has jurisdiction. Interim measures are dealt with in part 4A of the bill. It provides the power to arbitral tribunals to grant interim measures for purposes such as maintenance of the status quo and the preservation of assets and evidence. The bill also contains the power to grant enumerated interim and procedural orders in addition to those contained in the UNCITRAL model law.

Arbitral tribunals are granted the flexibility, unless the parties otherwise agree, to conduct an arbitration on a "stop-clock" basis in which the time allocated to each party in the hearing is recorded progressively and strictly enforced. This can enable arbitral tribunals to conduct arbitrations in a manner that is proportionate to the amount of money involved and the complexity of the issues in the matter. Similarly, clause 33B, contained in part 6 of the bill, enables an arbitral tribunal to limit the costs of arbitration, or any part of the arbitral proceedings, to a specified amount unless otherwise agreed by the parties. This gives arbitral tribunals the flexibility to cap costs on the basis of proportionality—another mechanism to ensure that arbitrations can be conducted in a manner proportionate to the money and complexity of the issues involved.

Part 4A also provides for the recognition and enforcement of interim measures issued under a law of Western Australia or of another state or territory in certain circumstances. The grounds for refusing recognition or enforcement of an interim measure are also contained in part 4A. The conduct of arbitral proceedings are dealt with in part 5 of the bill, which provides that parties must be given a fair hearing and that they are free to agree on the procedure to be followed by an arbitral tribunal or, in the absence of agreement, for the arbitral tribunal to conduct the arbitration as it considers appropriate. This ensures that parties and arbitral tribunals are granted flexibility to adapt the conduct of the proceedings to the particular dispute before them.

Part 5 includes some provisions additional to those in the model law to ensure that arbitrations can be conducted efficiently and cost-effectively. Clause 24B imposes a duty on parties to do all things necessary for the proper and expeditious conduct of arbitral proceedings. Clause 25 provides the powers of an arbitral tribunal in the event of the default of one of the parties. Additional powers to those contained in the UNCITRAL model law are provided in clause 25 to ensure that arbitral tribunals have sufficient powers to deal with delay by parties or failure to comply with a direction of the tribunal.

Clause 27A enables parties, with the consent of the arbitral tribunal, to make an application to the court to issue a subpoena requiring a person to attend arbitral proceedings or to produce documents. Clause 27D provides that an arbitrator can act as a mediator, conciliator or other non-arbitral intermediary, if the parties so agree, to provide further flexibility for parties to agree on how their disputes are to be determined. If, however, a mediation or conciliation is not successful, an arbitrator is prevented from resuming as an arbitrator without the written consent of all parties.

Part 5 also provides an optional confidentiality regime. Confidentiality is viewed as one of the key benefits of arbitration for parties dealing with sensitive commercial topics. These provisions are drafted consistently with those of the commonwealth act and provide a default position if an alternative confidentiality regime is not agreed upon by the parties. As parties often assume that arbitration is both private and confidential, the provisions apply on an opt-out basis to cover situations in which an arbitration agreement does not cover confidentiality. Part 6 of the bill covers the making of awards and the termination of proceedings.

The UNCITRAL model law has been supplemented by additional provisions to deal with the issue of costs and the awarding of interest. As stakeholders overwhelmingly suggested that harmonised treatment of costs and interests across international and domestic legislation was desirable, these are dealt with consistently with the commonwealth act. Recourse against an award is dealt with in part 7 of the bill, which outlines the circumstances in which an application can be made for the setting aside of an award or grounds upon which parties can appeal an award, if parties have agreed to allow appeals under the optional provision. Recognition and enforcement of arbitral awards is dealt with in part 8 of the bill, which allows for the recognition of awards irrespective of the state or territory in which they were made and which outlines the grounds on which enforcement can be refused.

The Commercial Arbitration Bill 2011 will ensure that Western Australian domestic arbitration laws reflect accepted international practice for resolving commercial disputes, and it will provide businesses with a cost-effective and efficient alternative to litigation.

I commend the bill to the house.

Debate adjourned, on motion by **Mr M. McGowan**.

STATE SUPERANNUATION AMENDMENT BILL 2011

Introduction and First Reading

Bill introduced, on motion by **Mr C.C. Porter (Treasurer)**, and read a first time.

Explanatory memorandum presented by the Treasurer.

Second Reading

MR C.C. PORTER (Bateman — Treasurer) [12.26 pm]: I move —

That the bill be now read a second time.

The purpose of this bill is to amend the State Superannuation Act 2000 to provide for choice of superannuation fund for Western Australian public sector employees. The bill will also support the reform of current public sector superannuation arrangements in Western Australia, which includes the recommendations of the independent report "Putting Members First", conducted for the government by Mr Rod Whithear. Choice of superannuation fund is now an established practice in Australia following commonwealth legislation that was introduced in July 2005. Commonwealth and local government employees have had the ability to choose a superannuation fund into which their employer contributions are paid since July 2006. Government employees in most states and territories also have superannuation choice. Western Australia pioneered choice of superannuation fund in Australia when it introduced choice for employees working under state industrial awards in 1997. For a range of reasons, that initiative has not yet been implemented for state public sector employees. Given that Western Australia has effectively gone from being first to one of the last in the provision of choice of fund for employees, it is now time to get on with it and ensure that state government employees are treated in the same way as any other Australian worker.

The provisions of this bill will allow choice of superannuation fund for Western Australian public sector employees whose compulsory employer superannuation guarantee contributions are made to an accumulation superannuation scheme. This represents the vast majority of state government employees. Choice is an important reform as it gives employees more control and responsibility over their superannuation and, ultimately, their retirement benefits. The lack of choice of fund in the Western Australian public sector is a significant issue for employees and employers. In addition to limiting the superannuation options to current employees, the lack of choice also impacts on new employees who are used to accessing choice everywhere else. The introduction of choice of superannuation fund will assist the state as an employer to attract and retain staff.

The most recent attempt to introduce this important reform commenced in 2005. However, it stalled due to complications with the proposed restructure, including mutualisation of the Government Employees Superannuation Board, GESB, and the consequent risks to both GESB members and the state. The then Treasurer, the honourable member for Belmont, deferred mutualisation in June 2008 when it became clear that there were a number of unresolved issues and concerns regarding mutualisation. The State Superannuation Act 2000, as amended in 2007, only allows for choice of fund after GESB is mutualised. The deferral of mutualisation meant that choice of fund also had to be deferred. In July 2009, the government appointed Mr Rod Whithear to independently review the state superannuation reforms and recommend any necessary changes in the interests of both GESB members and the state. The subsequent Whithear report validated the concerns that had brought the previous reforms to a standstill in 2008.

The Whithear report found that the issues around the mutualisation of GESB have distracted government from the core policy focus of introducing choice. The Whithear report recommended that choice of superannuation fund for Western Australian public sector employees be introduced at the earliest opportunity and without the

potentially costly and risky requirement to mutualise GESB. Therefore, this bill allows for the introduction of choice of superannuation fund on this basis by reversing earlier amendments to the act that provided for mutualisation, and then made mutualisation a prerequisite of choice. The choice model recommended in the Whithear report and adopted by the government will enable employees to pay their superannuation guarantee contributions to GESB or another fund of their choosing. This differs to the two-way choice model that underpinned the previous approach to reform. Two-way choice would have permitted employees who do not work in the Western Australian public sector to opt to pay their superannuation guarantee contributions to GESB. Although it is possible that two-way choice could proceed without mutualisation, this approach would result in a government agency providing superannuation services to private sector employers and employees, competing directly with a well-established superannuation market. The Whithear report found that this is not a core function of government and that such an outcome would be unlikely to provide additional benefits to state government employees. Although it is important for public sector employees to have choice, this does not require GESB to also accept superannuation guarantee contributions from private sector employers.

More problematic is that 76 per cent of GESB's accumulation scheme members belong to the West State Super scheme. The West State Super scheme can never be subject to two-way choice because as a constitutionally protected untaxed scheme, it is unable to accept superannuation guarantee and employer contributions from private sector employers. It is only the much smaller GESB super scheme that may be able to receive contributions from a private sector employer. This is not a rational approach to superannuation reforms when small superannuation funds are consolidating across the industry.

The state's unfunded defined benefit superannuation liability, which stood at $6 billion at 30 June 2010, is the single largest liability on the general government balance sheet. The significant cost of mutualisation would have added to the state's financial liabilities. State government departments and other agencies would have been required to pay an increase in employer contribution rates over a 30-year time frame in order to fund the cost of capital gifted to the mutual group of companies under the proposed mutualisation model. At the same time, the Solicitor General and the commonwealth Treasury separately advised that the West State Super scheme would lose its constitutional protection and untaxed status if transferred to the mutual. Loss of untaxed status would have resulted in a loss of financial benefits to West State members, with estimates as high as $700 million. This cost, if incurred, would ultimately have been borne by the state. These issues and their associated costs were not known at the time the previous government approved the mutualisation model in 2006. Nor were they known to the Parliament when the amendment act was passed in 2007. On this basis, the government had little option but to reverse the proposed mutualisation plan.

The Whithear report recommendations support government policy to reform the state's current superannuation arrangements and increase the efficiency of public sector administration and delivery. The bill will amend the State Superannuation Act 2000 to provide for the implementation of these recommendations, which will allow GESB to refocus on the core business of managing state superannuation schemes and overseeing the delivery of superannuation services to state government employees and employers.

Importantly, the Whithear recommendations, a comprehensive interrelated set of reforms, will benefit GESB members well beyond just the introduction of choice of fund. Both the Whithear report and the commonwealth's Cooper review have noted that members with small accounts will be able to realise substantial fee savings through consolidation of these accounts. This consolidation process will impact on the economies of scale of many funds, including GESB, challenging their ability to provide a cost-effective service to members.

To address the potential loss of scale arising from consolidation and choice of fund, Mr Whithear has recommended that GESB examine the procurement of scheme administration services externally from a commercial provider. This is the approach taken by most superannuation funds in Australia and will increasingly be a feature of the superannuation industry when the commonwealth's reforms, including the consolidation of small superannuation accounts, emerging from the Cooper review, are implemented. This provides for a cost-effective administration service to both members and the state. Commercial providers that specialise in the provision of administration services to superannuation funds achieve economies of scale from administering hundreds of thousands to millions of member accounts. Importantly, outsourcing administration to a commercial provider will result in the state being placed in a more appropriate role as procurer of superannuation services rather than as a direct market participant. GESB will remain a statutory authority, with a leaner structure, better suited to act in members' best interests and to manage the state's superannuation liabilities. Where a commercial provider is selected to provide administration services to GESB, the bill makes provision for transition arrangements for affected GESB employees. Where such an outcome may arise, the bill provides for a right of return to public sector employment for permanent public service officers, in lieu of an alternative transition payment, within a specified transition period. In its leaner form, GESB will oversee and manage the provision of superannuation services to state government employees and employers. Staff not retained with GESB or employed by the commercial administrator, will be eligible to receive a severance payment, or where they are

permanent public service officers, be offered redeployment within the state government. Importantly, these arrangements are similar to those previously supporting the mutualisation reforms.

The bill recognises that in the longer term, the state would be a procurer, rather than provider, of superannuation services that are efficiently obtainable elsewhere from the private sector. This may also include exploring the market for an alternative default fund for new public sector employees at some time in the future. Contestability for a default fund can deliver benefits to both public sector employers and employees.

The bill also supports amendments to the existing Treasurer's guidelines to provide clarity on government policy and a more robust framework for GESB's reserving, procurement, fund administration and investment powers.

In conclusion, this bill will deliver choice of superannuation fund to public sector employees and refocus GESB on the core business of managing state superannuation schemes and overseeing the delivery of superannuation services to public sector employees and employers. It supports the prudent management of risks for the state at a lower cost than the previous mutualisation reforms. It also supports the delivery of valuable efficiencies for members of public sector superannuation schemes in Western Australia, putting members' interests first.

It is now time to get on with offering choice of fund and ensuring state government employees are treated in the same way as other Australian workers.

I commend this bill to the house.

Debate adjourned, on motion by **Ms R. Saffioti**.

ROAD SAFETY COUNCIL AMENDMENT BILL 2011

Introduction and First Reading

Bill introduced, on motion by **Mr R.F. Johnson (Minister for Road Safety)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR R.F. JOHNSON (Hillarys — Minister for Road Safety) [12.37 pm]: I move —

> That the bill be now read a second time.

I am pleased to introduce legislation to the house that gives effect to the government's commitment to reducing road trauma in Western Australia. Each year in Western Australia, approximately 200 people are killed and a further 2 800 are seriously injured on our roads. Apart from the emotional impacts on the families and friends of those involved, this road trauma results in a financial cost to our state of approximately $2.3 billion.

This bill will provide a substantially increased, dedicated source of funding for road safety in Western Australia that will significantly reduce road trauma in WA for the benefit of the community as a whole. The state road safety strategy, Towards Zero, is a world-leading road safety strategy, which it is anticipated will save about 11 000 people from being killed or seriously injured on our roads by 2020—a reduction of about 40 per cent on current levels.

One of the sources of funding for this strategy is the road trauma trust account, or the account, commonly known as the RTTF—an account established under the Road Safety Council Act 2002, and which will be amended by this bill. The primary source of funds for the road trauma trust account is revenue from photograph-based vehicle infringement notices for speed or red light traffic offences. Currently, only one-third of the revenue raised via the photograph-based vehicle infringement notices is credited to the account, with the remainder going into consolidated revenue. This bill increases the amount to be credited to the account from one-third to two-thirds from 1 July 2011, and then to 100 per cent from 1 July 2012. As a result of these amendments, the amount of money that flows into the road trauma trust account to enable the government, through the Road Safety Council, to deliver its 12-year road safety strategy and reduce road trauma in Western Australia will triple.

In accordance with section 12(6) of the Road Safety Council Act 2002, the Road Safety Council makes an annual recommendation to the Minister for Road Safety about the best way to allocate the moneys standing in credit to the road trauma trust account to reduce deaths and injuries to people from incidents on roads. The minister then determines how the moneys will be spent. This bill introduces an amendment that will enable the Minster for Road Safety to direct the Road Safety Council to make a recommendation to him about whether specific projects should be funded from the account. The minister will be required to table any such direction in Parliament within 14 sitting days. To ensure thorough oversight of the additional moneys credited to the account, following enactment of the bill a range of administrative arrangements will be put in place to govern expenditure from the account. These arrangements will require the development of business cases to support significant projects, and all expenditure will require cabinet approval.

Road safety is a key priority for this government. The effective implementation of the Towards Zero road safety strategy is very important to the state in reducing both the level of pain and suffering endured by the community and the financial cost it imposes. These impacts include the costs to the economy that result when workers are unable to work due to death or having been seriously injured. This bill is further evidence of the government's high level of commitment to the development of a healthier lifestyle for Western Australians where road deaths and serious injuries are significantly reduced.

I commend the bill to the house.

Debate adjourned, on motion by **Ms R. Saffioti**.

CAT BILL 2011

Introduction and First Reading

Bill introduced, on motion by **Mr G.M. Castrilli (Minister for Local Government)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR G.M. CASTRILLI (Bunbury — Minister for Local Government) [12.42 pm]: I move —

That the bill be now read a second time.

I am pleased to introduce the Cat Bill 2011. This legislation has been developed with a view to reducing the number of stray cats being euthanased each year, to encourage responsible cat ownership, and to provide for better management of the unwanted impacts of cats on the community and environment. Approximately 5 000 cats are euthanased each year in Western Australia. Most of these cats are stray or the result of unwanted pregnancies of owned cats. Allowing unwanted cats to face starvation and neglect is unacceptable to the both the community and this government. Further to this, the stray cat population causes a range of problems including nuisance and damage to property and the killing of wildlife. Stray cats are also argued to feed into and sustain the estimated population of up to 650 000 feral cats.

Currently, the legislative control of domestic cats is facilitated through the adoption of local laws by local governments. However, only 13 per cent of local governments have introduced cat control local laws. This discretion leads to regulatory inconsistency across the state and is in contrast to the consistency provided by other state legislation such as the Dog Act 1976. Additionally, the Joint Standing Committee on Delegated Legislation has disallowed more recent attempts by local governments to introduce local laws on the basis that cat control needs to be dealt with on a statewide basis. This has made it more difficult for local governments to address this issue themselves and has reinforced the need for state legislation. The absence of legislation in Western Australia is also at odds with the approach of nearly all other Australian jurisdictions, which have state government cat control legislation.

Research has been undertaken on the approach taken in other Australian jurisdictions and the advantages and disadvantages of the various options for legislative and non-legislative approaches to address cat-related issues. This information has assisted with the development of the legislation. Key elements of this bill were developed through 2009–10, and a consultation paper, prepared as part of the regulatory impact assessment process, was used to invite public and stakeholder feedback on these elements. This paper was released in June 2010 and 590 submissions were received, including from key stakeholders—namely, the Cat Haven, the Royal Society for the Prevention of Cruelty to Animals (WA), the WA Local Government Association, the Australian Veterinary Association (WA), the Pet Industry Association, and the Cat Alliance of Australia.

The three key elements in the legislation are mandatory identification, sterilisation and registration. A very high level of support for the introduction of each of these elements was received during the consultation period. It is also considered that requiring compliance with all three elements will be the most effective approach to achieve the objectives of encouraging more responsible cat ownership and reducing the number of stray cats. The identification of cats is considered to be a crucial element in the management of domestic cats. It enables authorities to distinguish between owned and unowned animals, and return lost cats to their owners rather than euthanising them. Registration will provide a visible means to determine if cats are owned, as they will be required to wear a collar and registration tag similar to that required for dogs. When it comes to sterilisation, most cat owners act responsibly, with approximately 93 per cent of owned cats already sterilised. Compulsory sterilisation was strongly supported by both cat owners and non-cat owners. An increase in the number of sterilised cats and improved ability for local governments to deal with stray cats is expected to result in a reduction in the number of unwanted cats in the community.

Local governments will be responsible for enforcing the legislation and they will also be able to introduce their own local laws to complement the legislation. These laws can include provisions to require cats to be confined to their owners' property, a limit on the number of cats per property, as well as establishing areas where cats are

prohibited. The key features of the Cat Bill are: providing for all cats that have reached six months of age to be microchipped, sterilised and registered with the local government where they are usually kept; providing for all cats to also be microchipped and sterilised prior to sale or transfer; providing for local governments to administer and enforce the provisions of the bill; providing for local governments to be able to seize cats; and providing for local governments to create local laws for the control of cats within their district.

The introduction of cat control and management legislation is a major initiative in this state. To allow local governments and members of the public time to prepare for its introduction, there will be a phased introduction with a long lead time. Phase 1 of the legislation will take effect from 1 November 2012, with the provisions requiring microchipping, sterilisation and registration to come into effect a year later, on 1 November 2013.

While research indicates that the introduction of legislation will not completely resolve all problems associated with cats, it will provide the mechanisms to encourage responsible pet ownership, reduce the number of cats being bred, and enable local governments to seize cats. This legislation is a considered and measured approach to addressing an important animal welfare issue.

I commend this bill to the house.

Debate adjourned, on motion by **Mr M. McGowan**.

ACTS AMENDMENT (WESTERN AUSTRALIA DAY) BILL 2011

Introduction and First Reading

Bill introduced, on motion by **Mr J.N. Hyde**, and read a first time.

Explanatory memorandum presented by the member.

BUSINESS OF THE HOUSE — PRECEDENCE OF PRIVATE MEMBERS' BUSINESS

Withdrawal of Notice of Motion

MR R.F. JOHNSON (Hillarys — Leader of the House) [12.49 pm]: I withdraw government business notice of motion no 1, "Private Members' Business Precedence", from the notice paper.

ECONOMICS AND INDUSTRY STANDING COMMITTEE

Member for Mandurah to be Co-opted — Notice of Motion

By leave, **Mr R.F. Johnson (Leader of the House)** gave notice that at the next sitting of the house he would move —

> That the member for Mandurah be co-opted to participate in the Economics and Industry Standing Committee's follow-up inquiry into caravan parks.

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT BILL 2011

Consideration in Detail

Clauses 1 to 4 put and passed.

Clause 5: Section 3 amended —

Mr A.P. O'GORMAN: Clause 5 of the Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011 changes the definition of "lettable area". The bill removes the definitions of "retail floor area" and "retail shop", which people have understood for many years; people commonly know what those terms mean. Will the minister explain what he is changing and why the change is necessary for this particular legislation? The new definition reads —

> ***lettable area***, of a retail shop, means an area of the shop defined or calculated —
>
> (a) in such manner as is prescribed by the regulations; and
>
> (b) if the shop is part of a group of premises, in the same, or a substantially similar, manner as the area for each other retail shop in the group of premises is defined or calculated;

Will the minister explain what this change to the definitions does and how it improves the Commercial Tenancy (Retail Shops) Agreements Act 1985?

Mr T.R. BUSWELL: The advice is that these changes will increase certainty on the definition of "lettable area". In particular, the change reflects recent case law in which there was some dispute or clarification of the way in which "lettable area" is defined. The advice I have is that the changes made to the definition of "lettable area" provide certainty in light of some of those legal outcomes.

Dr A.D. BUTI: The definition of "misleading or deceptive conduct" does not really provide a definition; it simply refers to the application under section 16D(1). I wonder why the minister has not put in a definition of

"misleading and deceptive conduct". Is the minister referring to the common law interpretation that we find under the Trade Practices Act 1974 and the Fair Trading Act 1987?

The SPEAKER: Member for Armadale, I clarify that we have passed through clauses 1 to 4 and we are dealing with clause 5. We do not have the capacity to return to clause 4.

Dr A.D. BUTI: I am not returning to clause 4. I refer to the definition of "misleading and deceptive conduct application" below "lettable area" on page 3.

The SPEAKER: Thank you, member.

Mr T.R. BUSWELL: Spot on the money. I know that in this place "misleading or deceptive conduct" has a wide variety of definitions depending on which side you sit on, but that is not really the point. The use and the interpretation of that term is the same interpretation as applied or defined in a couple of pieces of legislation, including the Fair Trading Act at a state level and/or the Competition and Consumer Act 2010, which is the new federal legislation. My understanding is that the application of "misleading or deceptive" as terms of behaviour or conduct under proposed section 16D is captured in those acts and, by extension, the common law.

Mr A.P. O'GORMAN: I refer to the definition of "retail business" in clause 5, which states —

> ***retail business*** means —
>
> (a) a business that wholly or predominantly involves the sale of goods by retail; or
>
> (b) a specified business;

Will the minister explain "specified business"? Most businesses in shopping centres sell something, and by definition "retail" means that someone hands over an amount of cash and receives a product. Why must the bill provide for a "specified business" rather than simply a "retail shop"? I am interested to see what other forms of businesses we are looking at incorporating. I take it that this legislation applies to not only shopping centres, but also strip shops and all retail-type leases. This legislation applies to strip shops in Osborne Park or Mt Hawthorn or anywhere else like that.

Mr T.R. BUSWELL: I am advised that the bill applies to strip shops.

Mr A.P. O'Gorman: We will call it something slightly different, if the minister likes.

Mr T.R. BUSWELL: The member means shops on a retail strip. Regulation 3A of the Commercial Tenancy (Retail Shops) Agreements Regulations 1985 states —

> Each of the following businesses is prescribed to be a "specified business" for the purpose of the definition of that expression in section 3(1) of the Act —

Section 3(1) of the act is amended by clause 5 of the bill —

> (a) drycleaning;
>
> (b) hairdressing;

Hairdressing is now unregulated —

> (c) beauty therapy;
>
> (d) shoe repair;
>
> (e) sale or rental of video tapes.

I would have to get advice on why those businesses are not regarded under the more general term of "sale of goods by retail", but I can only assume that at some stage in the past those businesses were thought to be outside the definition of "sale of goods by retail" and were therefore included by regulation. This amendment will enable other businesses to become specified by regulation if required.

Mr W.J. JOHNSTON: I seek clarification on businesses that are not retailers that operate in shopping centres, and I heard what the minister said about the businesses that are specified. For example, is a bootmaker or a key cutter classified as a retail business, even though they are not selling, but are providing a service? I will put this in context for the minister. As a former official of the shop assistants union, I recall that our coverage was defined by the sale of goods, so there was always an issue when the sale of goods was not involved. Does the definition that the minister just read out deal with businesses that are retail in nature, but which provide a service?

Mr T.R. BUSWELL: The definition of "retail shop" in the bill refers to any premises situated in a retail shopping centre that are used wholly or predominantly for the carrying on of a business; and any premises not situated in a retail shopping centre that are used wholly or predominantly for the carrying on of a retail business. That picks up the distinction that the member raised; that is, a business that is operating in a retail shopping

centre. However, if the business is operating outside of a retail shopping centre, it comes under the definition of "retail business".

Mr A.P. O'GORMAN: The definition of "retail shop lease" in the bill states that it is a lease that provides for the occupation of a retail shop unless —

(a) the retail shop —

(i) has a lettable area that exceeds 1 000 square metres; and

(ii) is not of a kind prescribed by the regulations for the purpose of this definition;

The way I read it—I hope that the minister is going to correct me—is that a rather large retailer with more than 1 000 square metres will not fall under this definition. For example, a large Coles, Woolworths, IGA or whatever that is over 1 000 square metres receives some exemptions under this clause. Also, paragraph (b) of this definition exempts a listed corporation within the meaning of the Corporations Act. Will this apply only to small businesses or does it apply to larger businesses like Coles, Woolies, the larger IGAs or any store that is over 1 000 square metres? I want the minister to clarify the definition of a retailer in a shopping centre. I want to ensure that the larger operators are doing business on the same basis as the smaller operators in a shopping centre.

Mr T.R. BUSWELL: The member has asked a good question. The advice I have is that the act as it currently stands does not apply in cases where the lettable area exceeds 1 000 square metres or where the entity is a public corporation. The reason for that lies perhaps in the history of the original act in that it was designed to protect small business interests. It was never the intent that the act—I do not have the original second reading speech—would include larger businesses, which at that time were defined as over 1 000 square metres or public corporations. This bill is not changing anything that does not already exist. Paragraph (b) of the definition of "retail shop lease", refers to a listed corporation rather than a public company. My understanding is that a listed corporation is a subset of public companies, so this amendment is in fact reducing the types of companies that can be excluded from this bill to the extent that for exclusion they have to be a listed company or they would have to have over 1 000 square metres. There is a slight tightening of what we currently have. My mind is ticking over about public companies that are not listed companies, but that is a discussion for another day.

Mr A.P. O'GORMAN: This is the crux of the disparity between what is paid by small business and large business in our local shopping centres. It is also the crux of why many of our small businesses are finding it increasingly more difficult to operate in the current economic climate. I do not know whether the minister heard the news reports this morning that Colorado is closing down about 100 of its stores across the nation. This will affect 916 employees, which is a substantial number. Also, the Retail Traders' Association said this morning that one of the reasons that small business, particularly small retailers, are facing difficulties is that excessive shopping centre rental costs are driving many to the wall. I have seen that in my local shopping centre. In fact, I walked through the other day and I saw another blank hoarding. I cannot remember which shop it was, but it may have been a Colorado shop, if I am not too far off the mark. Has excluding those larger corporations from this bill given them the opportunity to negotiate separately and have a much lower base rent than applicable to small retailers operating in the same centre? The premise all along has been that the larger stores—Coles, Woolies, Targets, Kmarts and all those sorts of stores—are the anchor leases that are supported by small retailers. Shoppers are attracted to the shopping centres by the departmental-type stores and large supermarkets, and then the small businesses fill in around them to provide those other services. What we see, as the Retail Traders' Association said this morning, is that high rents are forcing these small businesses to go belly up. I am sure that the minister knows that the Colorado Group is a pretty large organisation that will be forced out of business. I do not suggest that the collapse of Colorado was the result purely of rental pressure, because I do not know the full issue. However, if these large national chains are feeling the pinch, how the hell are the small mum and dad businesses supposed to survive in this environment—especially when we allow the larger organisations to slip out of the Commercial Tenancy (Retail Shops) Agreements Act, by which we can tie them into an arrangement—not a price-fixing arrangement—that is fair to everybody in the shopping centre in paying a reasonable share of costs?

Mr T.R. BUSWELL: I understand what the member is saying, and I will address some of the issues raised. However, we need to go back to what this act was established to do. It was established to offer protections for small business. The reason for the exclusion was not to hold to account larger operators with a large footprint, or public companies, in shopping centres; it was to provide some protections to small retail businesses or small businesses operating in a retail centre in their engagement with a landlord. It is my understanding that that was the intent of the bill. The exclusion was not to make it harder for small business; it was effectively saying that if businesses are larger than a certain size or, in this case, if they are a public corporation, they can fend for themselves. I accept some aspects of what the member is saying, but he needs to understand the intent of this act when it was first introduced. In effect it says, "Here's some special protections for small business—a special

framework to assist small retail businesses. If you're over 1 000 square metres or a public corporation, look after yourself."

As the member knows, unfortunately a range of factors lead to business failure. I am sure rent cost pressures would be part of that equation for some businesses, depending on where they trade and a range of other things. My view is that there are other aspects of this bill that strengthen the current legislative framework to help give further protections to the businesses for whom this bill was designed, and we will discuss those in later clauses.

I acknowledge the point that the member is making. By extension, the member is referring to an amendment he has on the notice paper, which is about a more transparent flow of information, and we will discuss that when that comes up. Within the framework of the bill and within the intent of the original legislation, I think excluding people who in theory should be able to look after themselves is probably not a bad thing.

Mr A.P. O'GORMAN: I thank the minister, and I accept that explanation. Proposed section 3(1), which deals with exemptions, states instances whereby —

> (c) the lease is held by —
>
> > (i) a body corporate whose securities are listed on a stock exchange, outside Australia and the external territories, that is a member of the World Federation of Exchanges; or it is a body corporate whose securities are listed on the stock exchange outside Australia and external territories; or
> >
> > (ii) a subsidiary (within the meaning of the *Corporations Act* ...

For the sake of clarity, not particularly for us here in this place but for people who will have to operate under this, can the minister explain that so it is clear and on the record what people are looking at?

Mr T.R. BUSWELL: My advice is that that is really a clause to include foreign-listed companies—companies such as Aldi and Costco, which are starting up in the eastern states. Aldi is not here yet, unfortunately. That is its choice. One of the reasons it tells me it cannot come here, amongst some other issues, is that it is too hard for it to get a large enough number of sites through the planning approvals process to get itself kicked off. Who knows when that company will come, if at all? Without trying to canvass those issues, my understanding is that that is the reason for proposed paragraph (c). It is really just to pick up on foreign listed entities.

Clause put and passed.

Clause 6: Section 4 amended —

Mr A.P. O'GORMAN: Clause 6 states, in part —

> (4) Regulations may be made exempting from all or any of the provisions of this Act —
>
> > (a) a prescribed person, retail shop lease or retail shop; or
> >
> > (b) a prescribed class of persons, retail shop leases or retail shops.

Why are we seeking to put an exclusion in? If we are trying to help small business, what is the purpose of having an exclusion that can actually take out some of those small businesses? What are the types of businesses that we are looking at excluding in this particular clause?

Mr T.R. BUSWELL: It is a very good question. The advice I have is that it is an administrative clause, which will provide a capacity for unforeseen circumstances or anomalies that arise from the implementation of the bill to be dealt with by regulation. My advice is that there is obviously no expectation to use it at this stage, or I assume it would have been picked up through the amendments that we are dealing with. However, I would assume it is a mechanism to enable relatively small inconsistencies to be picked up and dealt with on a more timely basis than would be the case via legislative change, whilst of course acknowledging that regulation is subject to scrutiny of the Parliament, fortuitously.

Mr W.J. Johnston: While the minister is on his feet, is there a similar provision currently in the act? I am sorry; I am not familiar with all the details.

Mr T.R. BUSWELL: No, there is not. However, the advice I have is that there are similar provisions in other jurisdictions—not that that is an excuse for us doing it.

Mr W.J. Johnston: Could the minister outline the circumstances that he might imagine using the regulations?

Mr T.R. BUSWELL: Perhaps if the member stands and asks the question, I will get some advice.

The ACTING SPEAKER (Mr P.B. Watson): The member for Gosnells. Sorry; the member for Cannington.

Mr T.R. Buswell: Not yet. He is moving south, but not at that rate!

Mr W.J. JOHNSTON: Gosnells is in fact east of the seat of Cannington, not south, but we will not worry about that. To the south is in fact the seat of Riverton.

Minister, I could have saved the house's time, but I ask: what are the circumstances that are contemplated by a regulation power?

Mr T.R. BUSWELL: An example is that there might be a retail shopping centre, which I understand is defined as five or more retail businesses in a shopping centre. It may be the case that there are some offices that operate within that shopping centre. There might be a mixed arrangement where there might be some shops at the front and offices around the back. It may well be that the lessor does not want to have the commercial tenancy agreements applied—that is, some aspects of the amended legislation we are dealing with. This would enable them to be excluded, I assume, while they maintain the use over that space for the purpose of this legislation.

Mr W.J. JOHNSTON: Later provisions in the legislation change the way rent reviews are conducted. That is one of the principal purposes of this bill. Suppose a shopping centre has 20 shops, two of them are being used as an office and one is leased by a public corporation; therefore, three premises out of that 20 are not capable of being used to examine the like leasing arrangements for the other 17 shops. Is that the intention? To take the minister's example, of the 20 shops, one gets leased as an office for a solicitor. The solicitor does not want to be part of the retail shops agreements amendment, so they are, by regulation, excluded. When the tenants go for rent review, which is dealt with in clause 12 of the bill, the premises that are leased by the solicitor are not capable of being included in the like premises that the landlord is required to provide information about. Does the minister understand what I am asking?

Mr T.R. BUSWELL: I am just getting some more advice on that. My understanding is that the review mechanism mentioned by the member refers to comparable retail shops. Clearly, if a business is operating within the commercial tenancies framework, and it works through the rent review process, on the odd chance that someone has used section 6 of this legislation to be excluded, it would not be a like retail shop, because if it were a like retail shop it would not be able to be excluded.

Clause put and passed.

Clause 7: Section 6 amended —

Dr A.D. BUTI: Subclause (4) seeks to insert a proposed new section 6(3), which states in part —

> A tenant cannot terminate a lease under this section on the ground that the tenant has been given a disclosure statement that is incomplete or contains false or misleading information if —
>
> (a) the landlord has acted honestly …

That is very important; the landlord must have acted honestly —

> (b) the tenant is in substantially as good a position as the tenant would have been if the statement had been complete or had not contained the false or misleading information.

Of course there is always an issue about what is meant by "substantially". However, I will leave that for the moment. My question is about the words "as good a position". Do those words include opportunity cost? The minister, as a former student of economics, would understand what is meant by opportunity cost. When does opportunity cost come into play when determining what is meant by the words "as good a position"?

Mr T.R. BUSWELL: I am ratcheting my rather slow brain back to those halcyon days in the mid-1980s when I was on the university campus and learning about opportunity cost and the perils of being a member of the university ALP club—for one year, and one year only—ably assisted by comrade Cuomo —

Ms R. Saffioti interjected.

Mr T.R. BUSWELL: I was there, as I recall, when the centre left—is that what it used to be called?—was formed by Peter Cook.

Dr A.D. Buti: Yes; around 1983 or 1984.

Mr T.R. BUSWELL: I remember going to meetings—I am digressing a bit—at the miscellaneous workers' union building in Hay Street. That was not with the centre left but was when I was with my other group, and then we splintered off, led by a fellow by the name of "Chuck" Bonzas. That is where I learned about opportunity cost. It does not matter, but did Chuck not allegedly have a brush with the law and claim it was his mum's Christmas cake?

Several members interjected.

Mr T.R. BUSWELL: I seem to remember the former member for Armadale sharing that with me one night here.

Would opportunity cost be picked up? Ultimately, I think that such matters would be determined by the State Administrative Tribunal. This is reflective of similar terminologies in other jurisdictions. I do not have advice at

hand as to how this has been interpreted by courts in other jurisdictions. I would imagine, though, that if a tenant could reasonably show that he had forgone an opportunity for commercial gain as a result of whatever had happened, he could argue that he was not in as good a position. I cannot imagine that such a case could not be put before a court. I cannot provide the member with a definitive answer, because I do not have available how that has been interpreted in other jurisdictions. The member would probably know better than I do the inner workings of the courts. I imagine that SAT would give consideration to such a matter, but I am not entirely sure.

Clause put and passed.

Clause 8: Section 11 amended —

Mr A.P. O'GORMAN: This is the crux of the bill, because it sets the scene for what is required in a rent review. A market rent review is usually undertaken at the end of a five-year lease if there is a rollover clause. Clause 8(1) seeks to amend section 11(2)(a) of the act by providing that in negotiating the rollover of a lease, the landlord is not to take into account the value of —

(i) the goodwill of the business carried on in the retail shop; or

(ii) any stock, fixtures or fittings in the retail shop that are not the property of the landlord; or

(iii) any structural improvement, or alteration, or the retail shop carried out, or paid for, by the current tenant;

This covers many of the things that tenants have complained to me that landlords have tried to slip in when they have been negotiating a rollover of their lease.

Clause 8(2) seeks to insert a new subsection (3B), which states —

> A landlord under a retail shop lease must, to assist in determining the rent payable as a result of the review, within 14 days after being given a written request to do so by a person who acts under subsection (3), give that person such relevant information as is requested, including any of the following information, about leases for comparable retail shops in the same building or retail shopping centre —
>
> (a) current rental for each lease;
>
> (b) rent free periods or any other form of incentive;
>
> (c) recent or proposed variations of any lease;
>
> (d) outgoings for each lease;
>
> (e) any other information prescribed for the purposes of this paragraph.

Paragraph (e) is a catch-all. Am I correct in thinking that if a rent review is being undertaken, the tenant has the right to be given the information that is outlined in paragraphs (a) to (d)?

Mr T.R. BUSWELL: The member has raised a very good point. The crux of the issue is: what is meant by the words "comparable retail shops"? I do not think that is included in the definitions section of the act. The question I asked of my advisers is: what is comparable; is it comparable by footprint? The answer to that is: more than likely. The next question is: is it comparable by activity? The advice I have is that in a retail shopping centre, the definition of "comparable" that would apply would be "retail". I am assuming for the record that "comparable retail shops" would cover similar-sized shops performing similar retail activities. Therefore, a shoe shop would be no different from a butcher. However, I will need to get some firm advice around that, because this is the crux of the issue. The section of the act that we are amending—section 11—defines who this information may be provided to, but, effectively, it would be a valuer appointed by the lessor. I am advised that it would be based upon valuation principles. The issue that the member has raised is: does "comparable" mean that if there is no comparable retail shop in the shopping centre, the landlord does not need to provide this information? That is definitely not the intent of the amendment. My understanding is that the intent of the amendment, which is to insert a new subsection (3B), is to ensure that it is comparable on a retail basis. However, we will need to get some more advice on that. We can provide that advice either later today, assuming that we will not get through this bill today, or when this bill goes to the other place.

Mr A.P. O'GORMAN: I think this is really the thing that upsets many of our small business retailers, because when they get a rental review, it is very difficult for them to understand what they are being compared with and where the comparison comes from. I will use a surf shop at Lakeside Joondalup shopping city as an example. When the surf shop went for a rent review, the rent review comparisons came in from surf shops all over Australia. I assume, for example, that the surf shop on the Gold Coast right on the beachfront in a lovely shopping centre with an opportunity for large turnover —

Mr T.R. Buswell: I do not mean to be rude and interrupt, but I just want to point out one thing. Proposed section 11(3B) specifically states —

> … comparable retail shops in the same building or retail shopping centre

Mr A.P. O'GORMAN: That is what I ask; it is tying that comparison down into that building, so the rent review is based on that shopping centre.

Mr W.J. JOHNSTON: As we have already discussed, this is one of the most critical parts of the bill. As the minister knows, Westfield Carousel Shopping Centre is in my electorate and dominates retail trading in the corridor around Cannington, Victoria Park, Gosnells and those areas. It is such a large centre; it is 800 metres from the Woolies to the Coles—half a mile in the old language. A coffee shop near the JB Hi-Fi, the low-volume end of —

Mr T.R. Buswell: Have you ever been to a JB Hi-Fi?

Mr W.J. JOHNSTON: I have.

It is the Niche Cafe; it is my favourite coffee shop in the centre. It is down at the low-volume end of the centre whereas the other franchise coffee shop is in a much busier part of the centre near the cinemas—there are such variations. This question of comparable retail is what annoys retailers who have talked to me. They say that it is not just about the business they are in, but it is where they are and all sorts of things. Clearly, there is a great science, I imagine, in the valuers being able to say that they take notice of all these things, but this area needs to be carefully managed. The critical issue in this clause is how we can be confident about that word "comparable", and what comfort we can have about people whose properties are being valued knowing that they are given something fair out of the valuing process by valuers. I recognise that Westfield makes a bucket-load of money; it is the largest retail shopping centre operator in the world. Westfield knows how to operate a shopping centre—I do not say that it does not—but tenants get concerned about these issues. I am sure that they come into the minister's office just as much as they come into mine. What can we do to assure retailers that this is how things will work and that they should be confident about that?

Mr T.R. BUSWELL: I thank the member for the question. I want to drop back to one issue about the composition of the surf shop's comparison to other retailers. The important point to note is that in the existing act, with respect to valuation, section 11(2)(a) states, in part —

> … that retail shop were vacant and to let on similar terms …

Therefore, I do not think that use is important; we can deal with that one.

I think that the issue of comparable shops is an important issue. What we have to remember is that currently valuers do not get the information contained in paragraphs (a) to (d) of proposed section 11(3B). This will give the valuers access to more information that will help them to accurately determine a valuation. The important extension to that is to enable them to more clearly articulate to the tenant why they have reached the decision that they have as part of the evaluation process. I would agree, that in the absence of some of that information, it is bit like a smoke-and-mirrors program for the tenant, with the valuer saying that he has applied his valuation principles—it is difficult if there is not the information to compare. The reason that these provisions have been included is to address the very issues that the member has raised. I am not sure whether people will say that this has given them what they conceive or perceive to be a fairer outcome. I will not comment on the valuation process, but I think that these provisions will give the valuer access to more pertinent information, specifically in relation to shops in the same building or retail shopping centre, which is an important part of these provisions. Let us not forget that these provisions will provide additional guidance to the State Administrative Tribunal should it be required to deal with matters of market rent review disputes. Therefore, I am confident that what we do here will address a lot of the issues that the member has raised. Will it address all of them? I cannot say absolutely. There will possibly be people, who, as a result of this, still say that they do not understand the process and the rent has gone up too much, but I think that this will mitigate against that to a significant degree.

Clause put and passed.

Clauses 9 to 13 put and passed.

Clause 14: Sections 14A, 14B and 14C inserted —

Dr A.D. BUTI: This question regards relocation, and specifically proposed section 14A(2)(c)(ii), which states —

> the rent for the alternative shop is to be no more than the rent for the existing retail shop, adjusted to take into account any difference in the commercial values …

It is understandable that that provision has been put into this bill, but could it be used as a way for the landlord to ensure that the tenant does not take up the relocation to an alternative shop and as a result allow the landlord to absolve himself from having to pay the compensation referred to in proposed section 14A(2)(e), which states that if no alternative shop is offered, compensation needs to be paid to the tenant? In proposed section 14A(2)(c), as long as an alternative shop is offered, compensation does not need to be paid, but of course it could be ensured

that the commercial value of the new premises is significantly greater and therefore the rent would be a lot greater and that would be reasonable under that proposed section as it is framed at the moment.

Mr T.R. Buswell: Is the point you are trying to make that it could be misused?

Dr A.D. BUTI: Exactly.

Mr T.R. BUSWELL: The advice I have is that the situation the member refers to is possible, if a landlord chose to act in an unconscionable way. If that was the case, then there are those provisions in the legislation that provide protection to the tenant.

Mr W.J. JOHNSTON: There is nothing in this clause, from my reading of it, that would prevent a landlord giving notice to relocate and then leasing the space that is vacated to an equivalent business. Am I right? Let us take the example of the key cutter down one end of the mall who gets a relocation notice to move to the other end of the mall and then the landlord leases out the space that is vacated to another key cutter. There is nothing in this provision that seems to prevent that. Am I right in my reading of this provision?

Mr T.R. BUSWELL: The short answer is that the member is right, with two caveats: first, provided that the landlord acted within the framework of the legislation to be amended. There are certain requirements on the landlord in the event of relocation. The second caveat is that some leases may include some form of exclusivity whereby the business only agrees to a lease in that complex, if I can use that term, so the landlord is prohibited by an exclusivity agreement from having someone else coming in. Otherwise, there are not the sorts of protections that the member seeks. I am not sure how we can deal with that.

Mr A.P. O'GORMAN: I stuffed up a little. I did have a question on clause 13. I turn to clause 14 and proposed section 14B, "Liability for costs associated with lease". This is a major change to the commercial tenancy act. Previously a landlord transferred the legal costs of writing up a lease to the tenant in the instance of the first lease, a renewal and an extension. This provision is changing that quite dramatically; it is an excellent provision. Basically, the landlord would use these lawyers as much as he wanted to, to draw up the lease. The tenant had no control over those costs and just got a bill for all those costs when signing the lease. Can the minister confirm that I am correct in assuming that the onus will be put on landlords to pay their own legal costs? Could the minister extend that answer a little and confirm whether the same onus will be changed under proposed section 14C? Previously when the lease was changed to a rollover, the onus was on the tenant but it will now fall back on the landlord to advise the tenant between a six and 12-month period. I am sorry that I missed that. Can the minister address that?

Mr T.R. BUSWELL: They are both very valid points. The term in proposed section 13C is "the landlord must notify the tenant in writing". I think that clears up what has been a bit of a grey area, which unfortunately has occasionally led to claims that it has been misused, to the detriment of the tenant. In relation to liability, I understand that landlords have no capacity to pass on those legal costs as a result of this provision. Therefore, they have absolute responsibility for paying their own bills. It has always struck me as an anomaly when a tenant had to pick up the tab of a landlord who incurred costs; for example, as a result of a dispute or a rewrite of the lease. Without meaning to go off on too much of a tangent, that was also the case in retirement villages. I had a case in my electorate in which people had a dispute with the retirement village. The retirement village engaged lawyers and the people with the dispute had to pay for them. That was ludicrous. This provision clearly and unequivocally deals with that.

I wish to make a very important point of clarification. This provision certainly deals with the costs of drawing up a lease. As we know, they can be quite horrendous. As the member for Armadale pointed out in his speech on the second reading, these leases can be quite complicated for the tenant and the landlord. There may well be provisions in the lease so that if issues arise in a tenancy—for example, a default by the tenant in relation to an aspect of the lease, generally not paying rent or something like that—the landlord would have the capacity to pursue those costs from the tenant. That is a separate issue to the broader issue that the member is canvassing.

Mr A.P. O'GORMAN: I thank the minister. I just wanted to get that clear. There is one exclusion, under proposed section 14B(1)(b), which states —

> obtaining the consent of a mortgagee to the lease; or

I seek some clarification of that. If the landlord has to go to a mortgagee to get confirmation of something in the agreement, does that relate to putting up a bond, which the landlord is seeking? I am just trying to figure out what it means and why we need this provision. It seems to be an exemption, and the landlord can claim legal costs in obtaining the consent of a mortgagee to the lease. I assume that is about bonds, where landlords hold a bond over a tenancy for failure to pay rent on time.

Mr T.R. BUSWELL: I understand that that is not an exclusion. I assume that the member is referring to the very top of page 19 of the bill and proposed section 14B(1)(b), which is an "or". That "or", by my reading of this, ties those costs into items that cannot be excluded. Those costs would be where a landlord has to go to his

mortgagee to seek approval for entering into the lease. Some financial institutions vet the lease as part of the mortgage and then pass those costs on to the person with the loan, which in this case would be the landlord. This provision says that if a landlord incurs costs, by virtue of this provision he cannot pass the costs back to the tenant. It is not an exclusion; it is actually a further inclusion over and above proposed section 14B(1)(a) and in addition to 14B(1)(c). Proposed section 14B(1)(c) is a further "or" and means that if the landlord has to get legal advice to make sure he complies with this legislation, he cannot ping the tenant for that cost either.

Mr A.P. O'GORMAN: My final question relates to proposed section 14C, "Refurbishment and refitting". This is one of those areas in which we get lots of complaints. For example, tenants are forced into a refurbishment or refit agreement before leases are rolled over or there is a provision within the lease that says the tenant will refit at the end of a certain period. This happened recently and was the cause of one of my small clothing retailers walking away from the rollover of his lease. He was happy with the rent—he thought he could comply with the rent and the outgoings—but not the cost of the refitting and the rollover. It was a retail clothing store, which had very little wear and tear over a five-year period. The cost of the refit being demanded on the rollover was just exorbitant. When he sat down and did his calculations, the cost of that refit made it unviable for him to continue. Purely because of the cost of the refit, he walked away from a 14-year-old business. Can I get an understanding that this provision means that a shopping centre cannot force a refit? Under the current act, landlords cannot force tenants to use a particular company for a refit but there seems to be ways around it; for example, where the architect specifies certain fittings and certain things that forces the tenant to go to a particular company to do that refit.

Mr T.R. BUSWELL: That is a good point, member. It does not exclude a requirement for a refurbishment or a refit. However, it does say that if that is in the lease, the nature and extent of that refurbishment or refit must be clearly defined at the time the lease is signed. In other words, to the extent possible, it should give some certainty to the tenant of the nature and extent of the refit the tenant will have to finance at the end of the lease period.

Mr A.P. O'Gorman: Minister, you have an amendment on the notice paper.

Mr T.R. BUSWELL: Yes; I have just been politely reminded of that.

The ACTING SPEAKER (**Mr P.B. Watson**): We are getting to that, member.

Mr T.R. BUSWELL: With the support and encouragement of the member for Joondalup, I move —

Page 18, line 9 — To delete "in respect".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 15 put and passed.

Clause 16: Part IIA Division 1 heading inserted —

Dr A.D. BUTI: Proposed section 16C covers "Misleading or deceptive conduct in connection with retail shop leases". I was hoping that this clause might allow us to get over the doctrine of privity of contract because at the moment it refers to only misleading or deceptive conduct of a party to the lease and 16D covers a party to a lease or former party to a lease. What if a party to a lease gives misleading and deceptive —

The ACTING SPEAKER: Member, which clause are you talking about? We are on clause 16.

Dr A.D. BUTI: It is 16C.

The ACTING SPEAKER: No; you have jumped ahead of yourself.

Dr A.D. BUTI: I am sorry; I got very excited.

Clause put and passed.

Clauses 17 to 19 put and passed.

Clause 20: Part IIA Division 2 inserted —

Dr A.D. BUTI: I have given the minister a little bit of preparation time. Proposed section 16C is headed "Misleading or deceptive conduct in connection with retail shop leases". At the moment it refers to only misleading and deceptive conduct of a party to a lease and 16D refers to a former party to the lease. What about a party that does not communicate something that is deceptive conduct to the other party to a lease but to a third party, knowing that the third party will relay that information to a party to the lease? Under this clause they will not be caught.

Mr T.R. BUSWELL: While we get our head around that scenario can the member for Armadale give an example of when it could happen?

Dr A.D. BUTI: If the minister were a party to a lease and I were the other party and I tell the member for Joondalup, who is not a party to the lease, something misleading that I know he will relay to the minister, the

minister would get that misleading and deceptive information as a result of my communication to the member for Joondalup. Under this provision, as I read it, that would not be caught, when it should be.

Mr T.R. BUSWELL: I understand what the member is saying. I do not have the member's experience in law and knowledge of how people attempt to circumvent things; that is not my nature! However, I cannot imagine that that would not be picked up under the broad definition of "conduct". The member for Armadale may have a different view. If the member tells the member for Joondalup something and he tells me, I cannot imagine that would not be due to the member's conduct. It seems logical to me that it is the member for Armadale's conduct that would have caused me to be misled or deceived. I have not appeared before the State Administrative Tribunal, but I cannot imagine that a court would not pick that up within the broad concept of conduct.

Dr A.D. Buti: All right.

Mr W.J. JOHNSTON: Are these provisions intended to relate only to parties to a lease or are they also related to potential parties to a lease? If someone is looking at a shopping centre lease will these provisions apply to that person as well?

Mr T.R. BUSWELL: My advice is that, strictly speaking, they will not. But I suppose the member for Cannington is saying that someone might engage in conduct that means someone does not sign a lease who may have been intending to for a time. My advice is that there are other legal frameworks through which that person could seek redress if they thought they had been wronged, but, strictly speaking, no.

Mr W.J. JOHNSTON: If the deceptive conduct takes place prior to signing the lease and then the person signs the lease, could action be taken?

Mr T.R. BUSWELL: Yes; effectively, the person would then be a party to the lease.

Mr W.J. Johnston: Even if the conduct had occurred previously?

Mr T.R. BUSWELL: Yes.

Clause put and passed.

Clause 21 put and passed.

New Clause 21A —

Mr A.P. O'GORMAN: I move —

21A. Part IIB inserted

After section 16 insert:

Part IIB — Registers of information relating to certain retail shop leases

17. Terms used

In this Part —

register means a register established and maintained in relation to a retail shopping centre under section 19;

retail shopping centre means a retail shopping centre for which there is a common head lessor, as stated in paragraph (b)(i) of the definition of ***retail shopping centre*** in section 3(1).

18. Application of Part

(1) In addition to a retail shop lease to which or in relation to which this Part would otherwise apply, this Part also applies to or in relation to a retail shop lease that was entered into —

(a) before the relevant day; or

(b) pursuant to an option granted or agreement made before the relevant day,

if this Act would have applied to the lease had it been entered into on or after that day.

(2) In subsection (1) —

relevant day has the meaning given to that term by section 4(3).

19. Registers to be established and maintained

(1) The common head lessor for a retail shopping centre must establish and maintain a register that contains, for each retail shop lease in respect of premises in the retail shopping centre, the following information —

(a) the address of the retail shop;

(b) the parties to the retail shop lease;

(c) the lettable area of the retail shop;

(d) the rental value of the retail shop on a cost per metre basis, or details of how the rental for the retail shop lease is determined;

(e) any rent free periods or any other form of incentive;

(f) the basis on which outgoings for the retail shop lease are determined;

(g) any other information prescribed by the regulations.

(2) The register is to be established and maintained in accordance with the regulations.

(3) The common head lessor may provide access to or information from the register only to —

(a) the tenant under a retail shop lease in respect of premises in the retail shopping centre or a person who the common head lessor is satisfied is a prospective tenant; or

(b) a valuer appointed by a tenant or prospective tenant referred to in paragraph (a).

(4) In subsection (3) —

valuer means a person licensed under the *Land Valuers Licensing Act 1978*.

20. Confidentiality of information gained under section 19

(1) A person who gains information under section 19 in relation to a retail shop lease must not disclose the information to any other person unless the disclosure is made —

(a) with the consent of both the tenant and the landlord of the relevant retail shop; or

(b) for the purposes of any legal proceedings arising out of this Act or any report of any such proceedings; or

(c) as required or permitted under this Act or any other law; or

(d) with any other lawful excuse.

(2) Subsection (1) does not prevent a person from disclosing information that is publicly available at the time the disclosure is made.

(3) If a person discloses information in contravention of subsection (1) and the tenant or landlord of the relevant retail shop suffers loss or damage because of the disclosure, the tenant or landlord is entitled to be paid by the person who made the disclosure compensation for the loss or damage —

(a) of such reasonable amount as is agreed between the person and the tenant or landlord; or

(b) failing agreement, of such amount as may be determined by the Tribunal on the application of the tenant or landlord.

As the minister knows, this legislation has come before the chamber because of an agreement reached between the Leader of the Opposition and the Premier. Part of that agreement was that a lease register would be incorporated into the bill. The lease register we would like would be one that is registered with Landgate, so that it is a public register, and tenants or potential tenants would have an opportunity to interrogate the lease register and find out a level of information about the shopping centre they are going into or a level of information about similar businesses that operate in the area. The lease register would give small operators an opportunity to gain some information so that they can work from a position of power or equality, if we like, rather than entering blind into a lease. This was a really important part of the agreement between the Premier and the Leader of the Opposition. Unfortunately, it does not appear in this bill before us this afternoon. I am seeking to include it with this amendment, although it is not the preferred lease register; as I said, that would be a lease register with Landgate. I think at one point I suggested that a lease register held by the shopping centre landlords can be likened to putting Dracula in charge of the blood bank. That is still the situation. However, this legislation excludes the blood bank; it does not even have the blood bank there. This amendment seeks to include the blood

bank and, hopefully, a future Labor government will rectify the legislation and provide for a proper lease register that is publicly accessible and allows for a more level playing field for smaller businesses in shopping centres.

Mr T.R. BUSWELL: I think it probably better that we continue this discussion after question time. By way of indicating the government's position, I can say that it will not support the amendment. I think I made that clear in my reply to the second reading debate. I acknowledged members' views on this matter. In not supporting the amendment to introduce a lease register, the government is not saying that it does not support the introduction of a lease register, but that it feels more work needs to be done to consult more broadly ahead of the potential introduction of a lease register.

Mr E.S. Ripper: When?

Mr T.R. BUSWELL: That is a very good question, Leader of the Opposition. We have just finished drafting the consultation paper.

Debate interrupted, pursuant to standing orders.

[Continued on page 4285.]

QUESTIONS WITHOUT NOTICE

ELECTRICITY PRICE INCREASES — PENSIONERS

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

This will be the third winter in a row that the pensioners of this state will suffer severely because of savage increases to their cost of living.

(1) Is it acceptable that pensioners who are not able to pay their gas bills are eating their meals-on-wheels cold?

(2) Is it acceptable that grandparents who are carers for their grandchildren are showering cold and having one meal a day each to be able to provide for their grandkids?

(3) What is the Premier's message to pensioners this year, given that last year he told them simply to rug up?

Mr C.J. BARNETT replied:

(1)–(3) At no stage did I say to pensioners, "Rug up." I would expect that if the Leader of the Opposition comes in with a prepared question, it would be accurate. I invite him to give me documentary evidence, or a tape or a *Hansard* comment in which I told pensioners to rug up. Have you got that? No! It is a fictitious question; I am not even going to bother answering it.

ELECTRICITY PRICE INCREASES — PENSIONERS

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

I have a supplementary question. Will the Premier accept these beanies for himself and for his Treasurer, provided by the People Who Care organisation who are trying to raise $100 000 to assist pensioners severely damaged by the Premier's savage price increases? Will you accept these beanies?

Mr C.J. BARNETT replied:

It is incumbent on any member of Parliament, and particularly a senior member of Parliament, to speak the truth in this chamber.

Mr E.S. Ripper: You told them to rug up. That is what you told them last year.

Mr C.J. BARNETT: Mr Speaker, I challenge the Leader of the Opposition to produce any evidence that I told people to rug up. I did not say that. It is incumbent on people; if you cannot do it, Leader of the Opposition, get your staff to do some research!

Yes, there are people who are struggling. There are always people in the community who struggle for a whole variety of reasons. But remember, the central feature of this year's state budget was over $600 million for the not-for-profit community sector. For the first time in the history of Western Australia, a state government has given a 25 per cent across-the-board increase in funding to all community-based organisations that care for the homeless, for those with mental health issues, for those who work on suicide prevention and youth programs. When in eight years did Labor even respond? In fact, when the Western Australian Council of Social Service approached members opposite for assistance, they would not even talk to it. So do not come in here now in this self-righteous, pious way to say that this government does not care for people. We do! We recognise that many people in the community face hardship. For the Leader of the Opposition to come in with beanies is just puerile.

Several members interjected.

The SPEAKER: Leader of the Opposition, I formally call you to order for the first time today, along with the member for Albany.

INDONESIAN ABATTOIRS — LIVE CATTLE TRADE SUSPENSION

349. Mr I.C. BLAYNEY to the Minister for Agriculture and Food:

Firstly, on behalf of the member for Bunbury, I acknowledge the principal, teachers and students of South Bunbury Primary School who are in the public gallery today.

I congratulate the Western Australian government on the leadership that it has shown in response to the federal government's decision to suspend live cattle exports to Indonesia.

Several members interjected.

The SPEAKER: Member for Willagee, I formally call you to order for the first time today. I just want to hear a question, member for Geraldton. I do not need to hear anything else—just a question. Thank you.

Mr I.C. BLAYNEY: Can the minister please advise of some of the details of his forthcoming visit to Indonesia and what he hopes to achieve?

Mr D.T. REDMAN replied:

I thank the member for Geraldton for the question.

The SPEAKER: There are many people who have burst into life at this point. A lot of people think that they can answer this question. I hope that the Minister for Agriculture and Food can, because he is the only one who has been asked to.

Mr D.T. REDMAN: Thank you, Mr Speaker; and I thank the member for Geraldton for the question.

Mr F.M. Logan interjected.

Mr D.T. REDMAN: The member for Cockburn was noticeably absent from the opening of the facility this morning.

Mr F.M. Logan interjected.

Mr D.T. REDMAN: It was all good news—he should have been out there!

The member for Geraldton knows all too well the impact on the beef industry in Western Australia of this very abrupt and lazy decision by the Gillard government. Yesterday I announced briefly in my response to a question that I intended to visit Indonesia on behalf of the Western Australian government. Of course, that is provided the volcanic ash does not come into play and restrict the challenge to meet with the Indonesian government and talk to a range of groups.

It is very important for the house to understand that the Western Australian agricultural sector has a very strong relationship with Indonesia. The Indonesians are our near neighbours and our strong partners on a range of fronts. Until recently, Indonesia was our single biggest agrifood market, which is most significant for how we deal with policy setting and decision making.

Several members interjected.

Mr D.T. REDMAN: That is one of the reasons we spend a significant amount of time engaging with Indonesia, by both travelling over there and facilitating the travel for a range of delegations from Indonesia to Western Australia.

Several members interjected.

The SPEAKER: If people want more questions in this place, they will cease interjecting. Leader of the Opposition, I formally call you to order for the second time today—and the member for Albany as well. If the member for Gosnells wants to ask a question, I suggest that he get to his feet to ask a question.

Mr D.T. REDMAN: Thank you, Mr Speaker. On occasions in this house, I have talked about the opportunities that Indonesia presents. I have talked about the research we are engaged in to get lupins into the tempeh market in Indonesia. There is a growing demand for wheat to meet the end-use needs in the Indonesian market. I met with a range of big companies in Indonesia, some of which run the biggest flour mills in the world; they are right on our doorstep. I have also met with a number of people including, recently, on his visit to Western Australia, Professor Dr Boediono, the Vice President of Indonesia. I sat next to him at a breakfast. He is a most impressive man. One of the key issues in that conversation was the developing opportunities in our trade relationship with Indonesia.

In terms of the issue that has presented as a product of the Gillard government decision, the Western Australian government has said that it stands ready to do whatever is needed to get the market in Indonesia up and going,

which is more than I can say for the rabble on the other side of the house. We have stated up-front that the Liberal–National government is prepared to step up and do whatever it can to make this happen. I talked about a number of responses yesterday —

Several members interjected.

The SPEAKER: Member for Nollamara, I formally call you to order for the first time today, along with the member for Cockburn. If the member for North West and the member for Albany want to have a conversation about this, I suggest that they take it outside this place.

Mr D.T. REDMAN: Yesterday I talked about a number of things relating to our more acute response. I said that I was prepared to go to Indonesia. In the absence of any request from the federal government for our support in that regard, the Western Australian government is showing leadership. That is in the final stages of planning. We are certainly hearing some concern from Indonesia about the federal government's decision. It is really important that we recognise our long-term relationship with Indonesia and the importance of that relationship to us. We must do our bit to ensure that our relationship is stabilised and we will do that by going and listening to them talk about their issues. The first thing I want to do is get a firsthand look at the abattoirs in Indonesia and how they operate and the people who manage them. I also want to look at the feedlots in Indonesia, because, from my perspective, I need to see these things with my own eyes to understand how the whole supply chain works and ensure that our resources are deployed in a way that will make a difference. I also want to talk to a range of industry representatives, both Australian and Indonesian representatives, to ensure that they are on song to get an outcome and are working in concert with both industry in Australia and the Western Australian government.

Finally, I want to meet with Indonesian government officials. The message I will send to those officials is that trade with Indonesia is extremely important to Western Australia and we certainly do not want this to put the brake on what has been a very good trade relationship. We recognise that a lot needs to be done. We will seek the Indonesian government's advice on what support we can give to Indonesia to achieve that. Of course, it is really important that we engage in those discussions so that we can ensure that the right decisions are made and resources are deployed in such a way that allows us to get this most significant industry up and running again in Western Australia.

COMMONWEALTH HEADS OF GOVERNMENT MEETING 2011 — STOP-AND-SEARCH POWERS

350. Ms M.M. QUIRK to the Premier:

I refer to the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011 and the Premier's statement on the radio this morning that the stop-and-search powers for quasi-cops are "not going to happen".

(1) Given that both the Western Australia Police and the Minister for Police say it is a necessary requirement, did the Premier speak to either the Commissioner of Police or the Minister for Police before making this statement?

(2) If these officers are not available to perform these functions, have any calculations been made for the shortfall in staffing resources; and how will this shortfall be remedied?

(3) Will the Premier now introduce further amendments to the government's CHOGM bill to reflect this change in government policy?

Mr C.J. BARNETT replied:

It is not a change in government policy. The member for Girrawheen has gone on and on for weeks. Before I answer the question, I make the point that this is the most significant international meeting in Australia's history. The host is the Australian government—a Labor government. We are assisting the Australian government, particularly in the area of security and safety for the visiting delegates, Prime Ministers and Presidents, and the Western Australian public. That is what we are doing; we are working closely with the Australian government. Only one group in this nation is trying to frustrate it and I am looking right at it. Only one group is against CHOGM. There will be thousands of Western Australia Police and about 700 or 800 police officers will come over from other states and New Zealand. Special powers are put in place, but only sworn police officers will do any search operations. Yes, those police officers may be assisted by people who are not sworn officers, but the others will not be doing searches. This will not happen.

Ms M.M. Quirk: Why did you put it in the bill?

Mr C.J. BARNETT: Will the member for Girrawheen be serious? The member for Girrawheen has single-handedly jeopardised some of the security arrangements, because she slowed down the progress of the bill so much. In the worst case —

Several members interjected.

Mr C.J. BARNETT: I will sit down—no point.

COMMONWEALTH HEADS OF GOVERNMENT MEETING 2011 — STOP-AND-SEARCH POWERS

351. Ms M.M. QUIRK to the Premier:

I have a supplementary question. Will the Premier's selective interventions into the police portfolio extend to resolving the current wage dispute?

The SPEAKER: Before the Premier answers that question, I advise the member for Girrawheen and other members in this place that there must be a relationship between the first question and the supplementary question. I cannot find the relationship, but I am prepared to let the Premier answer the supplementary question if he so desires.

Mr C.J. BARNETT replied:

I think the Speaker is absolutely right; there is no relationship. In a worst-case scenario, which I do not believe for a moment will happen, should there be a terrorist attack, a riot or an out-of-control demonstration, I think that the police and every security service that is employed should have the powers required. That is what the legislation does. If the member had asked me whether these other security officers and rangers will do searches, I would say that no, they will not. Searches will be undertaken, if required, only by sworn police officers. If people walk into a restricted area through a detector arch, there will be a sworn police officer and he may be assisted by a non-sworn person—assisted. There will always be a sworn police officer administering any search or security measure. Is the member satisfied? That is what is going to happen.

Why the member is frustrating the passage of this legislation and the finalisation of security arrangements for CHOGM is beyond me. This is a three or four-day event and the security arrangements go over about two weeks. In all probability those special powers will not be required. However, if, god forbid, something went wrong, I want the Australian, Western Australian and all security forces to have the powers that they need. That is why we have it in the legislation.

I have not directly intervened in the wage claim for the police. I have talked to the Treasurer. The Minister for Commerce is handling that matter and I hope that we have a resolution soon.

WHEATSTONE LIQUEFIED NATURAL GAS PROJECT

352. Mr V.A. CATANIA to the Premier:

I refer to today's announcement that the Environmental Protection Authority has conditionally approved Chevron Corporation's Wheatstone liquefied natural gas project in the Pilbara. Will the minister outline to the house how this project will contribute to the unprecedented investment cycle underway in the state's resources industry and how it will benefit the wider Western Australian community and, more specifically, the community of Onslow in my electorate?

Mr C.J. BARNETT replied:

I thank the member for North West for the question. This is indeed great news for Onslow and the Pilbara. This announcement comes at a time when so much of the North West of the state is in a state of shock because of Labor's approach from Canberra on live animal exports. Thank goodness we have a Minister for Agriculture and Food who is prepared to get off his seat and go to Indonesia and do what the Australian government fails to do. What has happened in the cattle industry has probably put back Australian–Indonesian relations 20 years. At least someone in Australia is willing to get up there and restore the relationship. Good on him! Good luck, minister!

Getting back to Wheatstone, it is good news that the Environmental Protection Authority has given environmental approval, with a lot of quite appropriate and strict conditions, for the Wheatstone project headed by Chevron. There are number of aspects to do with this project, of which environmental approval is one. The others are work on infrastructure for Onslow and for the site, and benefits for both Aboriginal people and the township of Onslow. I look forward to concluding those negotiations, with the member for North West and the Minister for Regional Development. This project is a great outcome for Onslow. It is a big project—8.9 million tonnes of LNG, going to 25 million tonnes of LNG, which makes the project larger than Gorgon. The project is a $20 billion investment that, significantly, establishes Ashburton north as a new industry site in the Pilbara that is well separated from the town of Onslow and properly designed as a multi-user site. The site will be owned by the Western Australia government and Chevron and others will lease land and be able to develop their project.

This is a good development project with high environmental standards; it is well-planned, thought out in advance and separated from towns.

Mr F.M. Logan: How does it rate the local content, Premier?

Mr C.J. BARNETT: The member for Cockburn will find that we will be far better placed on this than we were on the Gorgon project, bearing in mind that it is on the mainland. In conclusion, this project will bring a further

domestic gas supply into the Western Australian market. I stress in closing that the company, Chevron Australia and its partners, has yet to make its final investment decision, although I am optimistic that will be made before the end of this calendar year.

STATE BUDGET 2011–12 — NET DEBT

353. Mrs M.H. ROBERTS to the Treasurer:

I note from the Treasurer's 2011–12 budget that spending has grown 36 per cent in three years and state debt is the highest per capita of any state in Australia.

(1) When does the Treasurer plan for net debt in Western Australia to peak; and what is the dollar value of the peak?

(2) Do the Treasurer's calculations include —

(a) spending the $300 million sitting in the road trauma trust fund and parking levy funds;

(b) delivering the election promise to return $1.1 billion in economic audit savings as tax cuts; or

(c) funding cost blow-outs on major projects like Fiona Stanley Hospital and the underground busport?

(3) How does the Treasurer intend to reduce state debt, if not, in part, by privatisation?

Mr C.C. PORTER replied:

(1)–(3) I thank the member for Midland for her question. I might just point out a number of facts before we go any further. The first concerns the member's points about expenses growth. This is a comment that I made during the second reading debate on the budget when I was responding to some of the comments of the member for Balcatta. Expenses growth is still too high in this state—there is no doubt about that in my mind—and it is a very difficult task to rein that in. The government has had some success in that. However, when we compare expenses growth with that which occurred under Labor governments, we find that we are very similar.

Ms R. Saffioti: It is actually higher!

Mr C.C. PORTER: Again, there are the member's thoughts and then there are the facts. When we look at the last four years of the Labor government, all of this pivots around 2008–09 when expenses growth was around the 12.7 to 13 per cent mark, which was far too high. We shared that year in government.

Several members interjected.

Mr C.C. PORTER: Indeed, we did! If I am generous and say that we shared that year and it is a pivotal year and we are equally responsible —

Mrs M.H. Roberts: Are you going to answer the questions that I asked?

Mr C.C. PORTER: I am answering the member's question. The question had three parts and the first part was about expenses growth. If we look at that year, we can both take responsibility for the level of expenses growth, which was clearly too high. If we look at the last four years of Labor —

Mr E.S. Ripper: Why should we take responsibility for your midyear review decisions in late 2008? That is what blew the budget.

Mr C.C. PORTER: The Leader of the Opposition's shadow Treasurer has asked a question. Part (1) was about expenses growth.

Mrs M.H. Roberts: No, it was about net debt!

Mr C.C. PORTER: The member for Midland cited a figure. That figure was meant to show that our expenses growth record is worse than Labor's was. I am taking the opportunity to inform the house that the expenses growth might be too high, but it is exactly comparable with the expenses growth that was experienced by the Labor government, and ours is on the downward trajectory. Let us take out 2008–09.

Mr E.S. Ripper: That is when you blew the budget, so let us take it out!

Mr C.C. PORTER: I will explain it both ways for the Leader of the Opposition. If we take out 2008–09, what we had over the last four years of the Labor government was 8.75 per cent expenses growth. In 2011–12 this government predicted 11.79 per cent, so we will be doing better over the coming year. We have done some very hard work on what the Labor government did! If we share the responsibility for 2008–09, which I think is a fair representation, expenses growth was too high. Both sides share responsibility for that. For the three years before 2008–09, expenses growth was 10.76 per cent. For the three years after 2008–09, it was 10.93 per cent. They are very similar figures. I would accept that 10.93 per cent is too high, just as 10.76 per cent is too high. That is why

the government has engaged in savings initiatives and why it is working hard to get that expenses growth back down to a reasonable level, which is around the seven per cent mark.

The other part to the member's question is whether I am aware of the per capita level of debt. Of course I am.

Mr E.S. Ripper: That was not the question. That was a statement of fact.

Mr C.C. PORTER: So I am not allowed to talk about the opposition's statements of fact! Would the Leader of the Opposition like to draft the answers for his shadow Treasurer as well as the questions? He does well by the member for Midland!

Mr E.S. Ripper: I would like you to get on with it.

Mrs M.H. Roberts: You haven't answered a single question yet!

Mr C.C. PORTER: I am addressing directly the parts of the question that were meant to assert some kind of problem on this side of the house.

Mrs M.H. Roberts: I would like an answer to the question. Question (1) was about net debt: when will it peak and how much will it be? The Treasurer keeps asserting that other things are question (1)—they aren't!

Mr C.C. PORTER: Let me ask the member a question: when did Labor show a net debt peak in its last budget?

Mrs M.H. Roberts: Please answer a question! Why the hell would I answer a question from you when you haven't answered one of mine?

The SPEAKER: Member for Midland, I formally call you to order for the first time today. Can I provide this instruction to the house once more: if members want questions answered, sometimes they have to listen to the answer and stop interjecting.

Mr C.C. PORTER: The second statement that was made, which I will take just a bit of time to answer, was that per capita debt is high in WA. That is one measure. The other measure is looking at debt in terms of the known statistical ability to pay it, which is the size of the economy. The fact is that when we look, for instance, at the level of debt in Western Australia and Victoria and use that as a measure of the size of the economy, we find that we have a comparable figure. What is interesting is that Victoria has a $53 billion economy, and Western Australia, which has far fewer people, has a $42.2 billion economy. It is no wonder that the government is willing to have debt at levels which are responsible but which also allow for infrastructure development; it is because our economy is growing and our economy requires infrastructure investment. Am I aware of the per capita debt level? Yes, I am.

Several members interjected.

Mr C.C. PORTER: The third part of member's question related to the road trauma trust fund. The $300 million will show as expenditure —

Mrs M.H. Roberts: How big is the economy in Western Australia?

Mr C.C. PORTER: I am answering the member's questions. The third part of her question was about the RTTF. That will be shown as expenditure when it is approved by cabinet. The member would have heard that in the second reading speech from the Minister for Police today. The difference in that system from the one that was maintained by the Labor government is that now all the decisions about the RTTF will be approved fulsomely by cabinet. In my view, that is a very good system, and is far superior to the one that the Labor government had in place. That is when that expenditure will show. I forget the final part of the member's question because it was so long ago. Did the member cite the figure of $1.1 billion?

Mrs M.H. Roberts: Yes, the tax cuts from economic audit savings.

Mr C.C. PORTER: The member asserted that was a promise of this government. I think what we promised was to devote any windfall revenues to tax cuts. The point that I have making consistently is that, unlike a government that had $2 billion coming in from transfer duties when house prices exploded, we are not having windfall revenues.

STATE BUDGET 2011–12 — NET DEBT

354. Mrs M.H. ROBERTS to the Treasurer:

I have a supplementary question. I again ask the Treasurer when he expects net debt to peak and what that dollar figure will be.

Mr C.C. PORTER replied:

This was one of the reasons that the government was careful in the budget to show precisely the two scenarios: one with goods and services tax revenue falling to 0.33 with relativity, and the other with GST coming in at 0.75, which is what we reasonably and rationally expect to be the result of the review. The fact is that debt growth

slows markedly, even with the 0.33 figure in the final out year, and it peaks and starts to decline with the 0.75 figure. That is the reason we gave those alternative scenarios.

Mr E.S. Ripper: It won't go beyond that; is that what you are saying?

Mr C.C. PORTER: I am answering the question! We put those alternative scenarios in the budget because we want to demonstrate that our capacity to build infrastructure in this state and to keep the economy growing relies on getting our GST back. The answer to the member's question is that debt will peak and decline once we get a fair share of our GST returned. If that does not eventuate, the point the government has been making is that we will have to fundamentally rethink the way that we are investing in infrastructure.

CRIMINAL OFFENCE STATISTICS

355. Mr M.W. SUTHERLAND to the Minister for Police:

As the minister knows, criminal behaviour is generally a major issue for the public. I learned on the weekend that the latest crime figures show an increase in certain offences. This appears to be against the trend of crime reduction that has emanated from this government's policies. Can the minister outline to me the reasons for the apparent increase and what we are doing to address the issue?

Several members interjected.

The SPEAKER: Member for Girrawheen, I formally call you to order for the first time today. Member for Bassendean, it might not surprise you that I am also formally calling you to order for the first time today.

Mr R.F. JOHNSON replied:

Recent crime statistics show two things. First, there has been a dramatic drop in assaults this year to date. Under the previous government assaults increased steadily over eight years. Second, there has been an increase in burglaries and car thefts.

Ms M.M. Quirk interjected.

Mr R.F. JOHNSON: I have a little treat for you in a minute, my friend. I will show it to the member, because she never seems to take what we say as being truthful. We do not twist things like the member does. I have never met anybody who has misled the public of WA as much as the member for Girrawheen. She issues press releases all the time. The latest one reads "Ministers on the run over latest crime figures". She is accusing the Attorney General and me of being on the run for that and for various other things. If anyone actually looks into it, there is no truth in it whatsoever. I certainly was not on the run and nor was the Attorney General. In fact, I was getting my coloured pencils out and I was preparing something to show members opposite in easy and simple terms so that they may this time understand. The figures I can give them mean nothing to them. The comments that I make mean nothing to them. So I did something that I knew they would enjoy.

This is a graph of the last six years. In the red corner is the Labor Party. Those lines on the graph are the reported offences for the last three years they were in government. As members can see—like the eight years—they were going up and up. When the good guys came in—the Liberal–National government—as members can see by the blue colours, we brought it down in the first year. In the second year, and members will love this, we brought it down to this unprecedented figure. Why did that happen? It was because we were actually tough on crime, as opposed to members opposite. We actually locked up people who were committing crime, and that is why our jails were at capacity. We put the bad people away, to give our public a respite. Unfortunately, some of those people are recidivist offenders, and when they come out of jail, what do they do? They go and commit burglaries, because that is what they normally —

Ms M.M. Quirk interjected.

Mr R.F. JOHNSON: I will come to you again, my friend; don't you worry. I have a stack of stuff here for the member. We have seen a slight increase, because those people have come out of jail. I can tell members that our hardworking officers are targeting —

Point of Order

Mr M.W. SUTHERLAND: I cannot hear the answer to my question.

Several members interjected.

The SPEAKER: I formally call the member for Victoria Park to order for the first time today. It may be the case that the member cannot hear the minister's response. There is a lot of interest in this particular answer. I have not seen such attention since the days of Mr Squiggle. The introduction to this place of some of the material that the minister is using has probably excited some people in this place. I suggest to all members that they remain a little quieter while the minister is providing his response.

Questions without Notice Resumed

Mr R.F. JOHNSON: It certainly excites members on this side of the house. It probably depresses members on the other side of the house, because this is the truth. For the last three years of the Labor government, it was soft on crime and the figures went up and up and up. Since we have been in government, the figures have come down. We have had a hiccup, but, as I said, those are the people who got out of jail since that very low crime year.

Mr P. Papalia interjected.

Mr R.F. JOHNSON: We have been better than any of your eight years in government. The opposition was absolutely hopeless in government.

Mr C.C. Porter: That is true.

Mr R.F. JOHNSON: I know. Some of those people have got out of jail now, but our police officers will catch them. They have targeted operations, and they will put them back in jail, and then we will see another decrease. The good guys are over here in the blue corner and the bad guys are in the red corner.

Tabling of Papers

Mr M. McGOWAN: I do not know whether the minister was quoting from that document, but I think it would be appropriate within the spirit of standing orders for him to table the document that he has just been waving around.

Mr R.F. JOHNSON: I would be absolutely delighted to rub it in the faces of members opposite and table it.

The SPEAKER: I would just ask the minister to table it. That is all.

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

WATER CORPORATION — ANNUAL DRAINAGE CHARGES

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

I draw the minister's attention to the thousands of householders in Perth who have received letters from the Water Corporation advising them that, from 1 July, they now have to pay annual drainage charges on top of the scandalous increases they have suffered in higher water and sewerage costs.

(1) Why has the review of drainage charges been conducted in secret, given there has been no public announcement of this by the minister, by the former Minister for Water or by the Water Corporation?

(2) When did the minister become aware of this secret review process, and what role or contribution has the minister made to it?

(3) Given the size of the increase and the wide impact it has had on Perth households, why was this not included or mentioned in the 2011–12 budget papers?

(4) Has the minister ensured that the Economic Regulation Authority has been involved in this secret review; and, if so, does the ERA agree with the way in which the new drainage charges have been applied?

Mr W.R. MARMION replied:

I thank the member for Cockburn for the question. I became aware of the review in May when it was brought to my attention —

Mr F.M. Logan: May? It has been going on for a year.

Mr W.R. MARMION: Yes. I was made aware of the review. The drainage charges are a longstanding charge that has been going for 80 years. In fact, it is probably a disappointment that it took 10 years for a review to be done. As new subdivisions come on the market, there are new people who need to pay a drainage charge if they are utilising Water Corporation infrastructure.

Mr F.M. Logan interjected.

The SPEAKER: The member for Cockburn!

Mr W.R. MARMION: It is probably disappointing that a review was not done during the member's term of government. Maybe these reviews should be done on a five-yearly basis. The drainage charge is a necessary charge that anyone who uses Water Corporation drainage facilities has to pay. It has been going for 80 years. About 300 000 householders in Western Australia are connected to the drainage infrastructure of the Water Corporation, and they have to pay this charge.

The review that was undertaken identified that in new subdivisions there are now 13 300 people who have not been paying this charge. That means that 300 000 people are paying the cost of all the infrastructure when it should be 300 000 plus 13 300 people. This is a charge that, in principle, I support.

I must say that the member does have a point. I was extremely disappointed in the way it has been implemented. The Water Corporation should have consulted far better with the community. I have expressed my disappointment to the chief executive officer, and she recognises that it has implemented this very poorly.

Mr M.P. Whitely interjected.

The SPEAKER: If the member for Bassendean wants to ask a question, I simply ask him to get to his feet and ask a question. He has the opportunity in this place. I am giving the supplementary call to the member for Cockburn and not to the member for Bassendean. I formally call the member to order for the second time today.

WATER CORPORATION — ANNUAL DRAINAGE CHARGES

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

When exactly was the minister going to tell this house or the general public about this tax grab by this government?

Mr W.R. MARMION replied:

I refer to a comment that the opposition water spokesman made, which was reported in the Armadale–Gosnells *Comment News* on 14 June. The opposition water spokesman said there should not be a charge associated with this basic amenity. This is an amenity that people have paid for for the last 80 years. There are now some more people who have come on board, and I support the charge.

TRANSPERTH TRAIN SERVICES — CUSTOMER SATISFACTION SURVEY

358. Ms A.R. MITCHELL to the Minister for Transport:

I refer —

Several members interjected.

The SPEAKER: Order! Member for Kingsley, please take a seat. Member for Cockburn, I formally call you to order for the second time today. Minister for Health, I formally call you to order for the first time today. The member for Kingsley.

Ms A.R. MITCHELL: Thank you, Mr Speaker.

I refer to the latest independent Canstar Cannex Blue rating on metropolitan train services across Australia. Can the minister inform the house where Transperth is ranked in comparison with train services in other capital cities; and how does this ranking tally with the opposition's criticism of this government's action on public transport?

Mr T.R. BUSWELL replied:

I thank the member for Kingsley very much for the question. I was intrigued to discover the organisation Canstar Cannex, a well-regarded consumer survey organisation. This survey was brought to my attention yesterday, I think it was, on morning television, by that guy—is it Kochie?

Mr C.C. Porter: He's very good!

Mr T.R. BUSWELL: Yes. He is a very accurate commentator on all things that happen in Australia. Kochie was referring to this survey and was talking in glowing terms about the train network in Western Australia. I was even more surprised when I looked at the Melbourne newspaper *The Age*, as I do on a regular basis, to discover that *The Age*, in its critique of Victorian trains, pointed out that in this survey, Transperth was given top marks nationwide for a whole range of things, which I will talk about in a second. In fact, the survey said —

> But for top rail relaxation, fed-up Victorians might consider a move further west.

That is probably something Victorians should consider.

For the information of the house, Cannex surveyed a range of consumers—2 500—across Australia who have travelled by train in the past 12 months. Cannex looked at a range of things. Cannex said—this is reading from its publication —

> The people of Perth must love their trains, as Transperth has been awarded Canstar Blue's Most Satisfied Customers Award for City Trains.

Ms J.M. Freeman: So when are we going to get some more?

Mr T.R. BUSWELL: We were getting some more. People are having so much fun with these; we will give them a whole lot more, and they can have a whole lot more fun!

Mrs M.H. Roberts: It's a great reflection on the last Labor government, isn't it!

Mr T.R. BUSWELL: That seems to be a distant memory to me!

The Cannex publication goes on to say —

> The results conclusively showed that Perth residents are the most satisfied Australia-wide with their train network, giving Transperth top marks nation-wide in the categories of overall satisfaction, reliability and performance, comfort on train and its timetable.

As I said, that is a big tick for Transperth, and a big vote of support for the converts on this side of the house to public transport.

Several members interjected.

The SPEAKER: Order, members!

Mr T.R. BUSWELL: I was distracted yet again today by the member for Forrestfield!

Getting back to the survey —

Several members interjected.

Mr T.R. BUSWELL: Share the love! I am here to share the love, Mr Speaker! I can only imagine that the response has been in part buoyed by our investment in the Butler railway line, $240 million; our investment in City Link, $600 million; our $51 million investment in new car parks, which means that people will be able to drive to the train and catch the train; and all the other commitments that we have made.

Before I sit down, I thought it would be opportune to reflect on recent opposition announcements in and around public transport. We have really seen two. One has been the commitment by the member for Ellenbrook—or the member for West Swan—to the Ellenbrook rail line. Again, I look forward to the Leader of the Opposition's commitment, at the next election, to that hard-fought for piece of rail infrastructure, which the member for West Swan has campaigned on so passionately during her time in this house. I look forward to the Leader of the Opposition backing her up on that! That will be the train to somewhere called "nobody".

Several members interjected.

The SPEAKER: Thank you, members!

Mr T.R. BUSWELL: Secondly, I noticed last week, much to my shock and disappointment, that the shadow Minister for Transport was complaining about the fact that inspectors were asking people to show them their train ticket when they got off the train; and, if they had not paid for a ticket, they were getting a fare —

Mr A.J. Waddell: A fine!

Mr T.R. BUSWELL: Sorry; a fine.

I had a look at an interview that the shadow Minister for Transport had on Radio 6PR with Mr Larry Graham. Larry Graham said —

> Well there was a story in today's *West* about inspectors on Perth trains allegedly being set quotas —

That turned out to be false —

> to catch fare dodgers. This has inflamed Kenny Travers …

I would hate to see an inflamed Kenny Travers! I do not even know what sort of condition an inflamed Kenny Travers is! But I do not want one! I do not want an inflamed Kenny Travers! So I am going to try to un-inflame Kenny Travers! The inflamed Kenny Travers raised three issues that I think we need to canvass.

Point of Order

Mrs M.H. ROBERTS: Mr Speaker, I believe the Minister for Transport knows how to refer to members of the other house. I would ask you to ask him to refer to members in the appropriate way.

The SPEAKER: Minister, there is some protocol, and you have the opportunity to refer to the member by his correct title.

Mr T.R. BUSWELL: Thank you, Mr Speaker.

Questions without Notice Resumed

Mr T.R. BUSWELL: Hon Ken Travers, who on that day was an inflamed Kenny Travers, according to the transcript that I am reading from, basically said four things that we need to quickly deal with. He insinuated, firstly, that there was a quota; and, secondly, that the revenue flowed through into the coffers of the Public Transport Authority. Firstly, there is no quota. Secondly, as Hon Ken Travers should know, when people get a fine, the revenue flows through to consolidated revenue, not to the PTA. So, myth number one has been busted.

Hon Ken Travers went on to insinuate also that the level of inspections has gone up to drive this revenue grab. When we look at the situation historically, as a percentage of total train travel the number of inspections is lower now than it was for many years under Labor in government. So, myth number two has been busted. Hon Ken Travers said also that one of the problems that we have when governments privatise services is that no-one wants

to take responsibility. That is myth number three. The fact is that the Labor government would have renewed this contract at least two times, and possibly three, during its term of government. Therefore, Hon Ken Travers is complaining about something that members opposite supported when they were in government.

Myth number four—the final myth that led to this horrible condition known as an inflamed Kenny Travers—is that if a person gets off a train and a revenue protection officer comes up to that person and says, "Show us your ticket", and the ticket is okay, the revenue protection officer is then going to make up another offence. The revenue protection officer is going to say, "Your ticket is okay, but I am going to fine you because your tie is no good", or, "Your ticket is okay, but I am going to fine you because your shoelaces are undone". How ridiculous!

Hopefully, the dispelling of those four myths will help reduce the inflammation of Hon Ken Travers.

CARSON STREET SCHOOL — CONDUCTIVE EDUCATION REVIEW

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

I refer to the future of conductive education at Carson Street School, and to the minister's answer in Parliament yesterday.

(1) Does the director general's recommendation, which the minister states she received on 13 June, support the letter from David Axworthy cutting the funding for conductive education at Carson Street School?

(2) Can the minister confirm her comment to the media that it is her view that, "There is no evidence to suggest that this is a program worthy of our continued financial support"; and does this mean that the minister has already made her decision?

(3) Can the minister explain why she did not talk to the parents and the children yesterday to learn at first hand their experience and the benefits they have gained under the program?

Dr E. CONSTABLE replied:

(1)–(3) No, there is no hard evidence in the many evaluations of conductive education that it is as effective as people would say. I have not finished reading the report, but I have read some of the report. Clearly, for many parents in the early years, particularly the preschool years zero to four, there is some anecdotal evidence that it is very helpful to parents to be involved in that program. I am still considering that report, because I have not finished reading it; it is a long report.

Mr B.S. Wyatt: It is in their media release that you would have got.

Dr E. CONSTABLE: I beg your pardon!

Mr B.S. Wyatt: The fact that they were meeting there was in their media release.

Dr E. CONSTABLE: Why would I have got that?

Mr B.S. Wyatt: I wonder how? It is funny how you could come down and comment to the media, but could not come down to meet with them.

Mr C.J. Barnett: Did you invite the minister to meet with them, member for Victoria Park?

Mr B.S. Wyatt: I didn't organise the protest, Premier.

Dr E. CONSTABLE: Of course the member for Victoria Park did not.

Several members interjected.

The SPEAKER: Thank you members! Member for Albany, I formally call you to order for the third time. A question has been asked by the member for Victoria Park; I do not want anyone else answering the question other than the Minister for Education.

Dr E. CONSTABLE: I would have thought that if the member for Victoria Park had really wanted to do something about this —

Ms R. Saffioti: If you really cared, you would have gone down.

The SPEAKER: Member for West Swan, I heard you ask for something previously, and you seem to be breaking the rule that you asked for.

Dr E. CONSTABLE: I would have thought that if the member for Victoria Park had really cared about that program —

Mr P. Papalia: You're the minister; do something about it.

The SPEAKER: Member for Warnbro, I formally call you to order for the second time today. In this place you have an opportunity to ask questions, member for Warnbro.

Dr E. CONSTABLE: The member for Victoria Park has never talked to me about the Carson Street School's conductive education program. If he had really cared about the program, and if he had really cared about those children, instead of putting them outside —

Several members interjected.

Dr E. CONSTABLE: It has not been cancelled.

CARSON STREET SCHOOL — CONDUCTIVE EDUCATION REVIEW

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

I have a supplementary question. In light of the fact that the minister said yesterday that she seemed to know about this area, she is the minister; she should make a decision. Will she guarantee funding for conductive education at Carson Street School?

Dr E. CONSTABLE replied:

I will consider —

Mr B.S. Wyatt: Consider again; more considering. Sit down, minister!

Dr E. CONSTABLE: I will read the report —

The SPEAKER: Member for Victoria Park, if you want the minister to answer your question I would suggest that you give her the opportunity to do so. You might not like the answer that you get, but I would ask that you give the minister the opportunity to answer that question while she is on her feet. I formally call the member for Victoria Park to order for the second time today.

Dr E. CONSTABLE: I would have thought that if the member for Victoria Park really cared about that program, he would have contacted me long ago and invited me to visit the school with him. I have already said I will visit the school; I received the report only yesterday. I am reading the report and the decision will be made in due course.

BUNBURY REGIONAL CORONARY CARE UNIT

361. Mr M.J. COWPER to the Minister for Regional Development:

I understand that the minister was in the South West, in fact in Bunbury, with my good colleague and electoral neighbour the member for Bunbury, to announce royalties for regions funding for Western Australia's first regional coronary care unit in Bunbury. Can the minister outline to the house what this means for people in my electorate and the broader South West community?

Mr B.J. GRYLLS replied:

I thank the member for Murray–Wellington for the question. Yes, this is a very positive announcement for the good people of the South West. On Wednesday I was in Bunbury with the member for Bunbury, a passionate advocate for better health care for his community, and we announced $5 million in royalties for regions funding to go towards the first ever regional Western Australian coronary care unit. This project was developed by St John of God Health Care for both public and private patients from the South West and it is a great example of how the government can work with the private sector to provide first-class health facilities at the area closest to where they live. The government funding will combine with that of St John of God to build a six-bed coronary care unit. The unit will be located at St John of God Health Care Bunbury and staffed by St John of God, and it will provide care for South West residents who require treatment for acute cardiac conditions. I think that it is really important that we get this high-level health care close to where our constituents live. As members would know, with the onset of a heart attack, that golden hour of treatment is vital, as is access to the highest level of care in the most appropriate time frame. The best way I can think of delivering that is to have those coronary care specialists and the coronary care centre close to where people live. This is the first coronary care unit ever in regional Western Australia.

The unit will include an angiography suite, which will enable people who have had a heart attack or are suffering chest pain to receive the care that they need. We are very excited about the possibility of continuing to partner with the private sector in both aged-care delivery and healthcare delivery to ensure that we can get maximum benefit from the government investment to bring health care online like this. Really importantly, St John of God reports that having this coronary care unit in the South West will attract three specialist coronary care doctors into the South West to house the centre. If we do not have the centre, we do not have the specialists. If we do not have the specialists, patients will have to be transferred to Perth. This is a really important step for the growing population of the South West to be able to access that coronary care.

Before I sit down—question time has gone on for a while—in Busselton we announced $6 million towards the Busselton foreshore enhancement project, building on the excellent work in restoring the Busselton jetty, which

was featured Australia-wide on *MasterChef Australia* in the last couple of weeks. We are ensuring that we do not stop with the jetty; we are now working on the foreshore to make it a destination for locals and visitors from all over Australia and the world. We think that the South West region will experience a huge amount of growth in coming years and it needs to have these important investments in health, as we have done at St John of God in Bunbury; and important investments in community amenities, as we have done in Busselton. That is why the Liberal–National government has a very strong focus on delivering regional development across communities the length and breadth of WA.

METROPOLITAN RAILWAYS — NEW RAILCARS

362. Mrs M.H. ROBERTS to the Minister for Transport:

I refer to the minister's comments on 24 March this year in this house in response to a grievance from the member for Joondalup, and I quote —

> Thirty new railcars would cost $330 million. It is difficult to obtain $330 million to invest in rail infrastructure.

Who advised the minister or his office that 30 new railcars would cost $330 million?

Mr T.R. BUSWELL replied:

It was more than likely that the Public Transport Authority advised me. I do not normally get that advice from the Department of Housing!

Mrs M.H. Roberts: Are you aware, minister, that your director general said that he did not provide you with that advice?

Mr T.R. BUSWELL: I said "more than likely". It may have been information —

Mrs M.H. Roberts: The managing director of the PTA said on record yesterday —

The SPEAKER: Member for Midland!

Mr T.R. BUSWELL: It may have been information that had been put into the media by the opposition. I can confirm that for the member. But, this relates back to the broader issue of the member's argument, which she tried to mount in this house once before, that we are not spending enough to get the railcars —

Mrs M.H. Roberts: This is about your truthfulness, and you are not telling the truth in this house.

Mr T.R. BUSWELL: That is what this is about. The facts of the matter are —

Mrs M.H. Roberts: The managing director of the PTA and your director general yesterday denied providing you with that advice. Therefore, I do not know where you got that figure from.

The SPEAKER: Order! Member for Midland, I formally call you to order for the second and third time.

Mr T.R. BUSWELL: I say again, as I did in my answer to the member's attempt at this question last time, that I am flabbergasted that she has suggested that it is a bad outcome for us to deliver 45 railcars to the people of Western Australia for a cost of $160 million. Let me explain to the member again, as I did previously, why that figure is lower than previous amounts that have been given. The reason is that the PTA had provided a business case, which I would effectively say was in two parts. The first part was about the railcars; they are the things with the wheels on them that the people get in. The second piece of advice related to infrastructure and ancillary services that sit in and around the railway line to support those additional railcars. I said to the PTA that we needed to do more work on the second aspect of that business case, the ancillary services. That might be electrical substation upgrades; there is some significant work that has to be done out at Nowergup to get trains on and off the train lines. That business case is almost complete and the estimated cost is a lot less than the original estimate. We have been able to do two things. First, we have delivered 45 railcars at excellent value for money to the taxpayers of Western Australia. Again, I cannot understand why the member criticises us for delivering those cheaply.

Mr A.P. O'Gorman: Have you ordered them yet?

Mr T.R. BUSWELL: I met with the company couple of weeks ago and I understand that those details are being finalised. The anticipation is that those railcars will start to be delivered in the second half of 2013.

Mr A.J. Waddell: Have you picked a shed to put them in yet?

Mr T.R. BUSWELL: No, and I have not decided to change the colour of the railcars, either. I think we will stick with a tried and true formula on that one.

Secondly, we are currently finalising the business case, which will deliver much better value for money for the taxpayers of Western Australia. I think it is an excellent outcome.

METROPOLITAN RAILWAYS — NEW RAILCARS

363. Mrs M.H. ROBERTS to the Minister for Transport:

I ask a supplementary question. Given that the director general advised yesterday that neither he nor his department had advised the minister of the figure of $330 million, will he table information on where he got that advice from?

Mr T.R. BUSWELL replied:

As I said, it was either provided to me by the agency or it may have been information that was otherwise in the public domain at that time. Either way, the facts of the matter are that we will be delivering 45 railcars at a cost of $160 million. I know it hurts the opposition that we rolled our sleeves up and came up with a very, very competitive quote. I do not think that is a bad outcome. I am pretty pleased with that outcome. I do not apologise for the fact that we insisted that the Public Transport Authority went back and did some hard work to come up with a properly costed business model that represents value for money. I know it disappoints and hurts the opposition, but the runs are on the board.

COMMONWEALTH HEADS OF GOVERNMENT MEETING 2011 — PREMIER'S OVERSEAS TRIP

Question without Notice 344 — Answer Advice

MR C.J. BARNETT (Cottesloe — Premier) [3.00 pm]: Pursuant to standing order 82A, in answer to a question asked yesterday, I said that free public transport would be provided over the three days of the Commonwealth Heads of Government Meeting 2011. That is incorrect. Free public transport will certainly be provided on the Friday, which is a public holiday, and we may give consideration to some extension of that once the program, particularly the Queen's program, is finalised.

COMMERCIAL ARBITRATION BILL 2011

Appropriations

Message from the Deputy of the Governor received and read recommending appropriations for the purposes of the bill.

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT BILL 2011

Consideration in Detail

Resumed from an earlier stage of the sitting.

New clause 21A —

Debate was interrupted after the new clause had been partly considered.

Mr A.P. O'GORMAN: The opposition moved this amendment of inserting new clause 21A into the Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011. As I said previously, the principal reason for moving the new clause is that the Premier and the Leader of the Opposition came to an agreement to introduce this legislation in response to extended trading hours in a number of areas. The provision will provide further protection for small business. One part of that agreement that was dropped out again, just revealing that we cannot trust the Premier when he gives his word, was a lease register. The proposal in this new clause is not the best lease register arrangement that we want, but it is all that the Premier would agree to at the time. The main reason for moving this new clause is to keep the Premier honest and to ensure that his word is his word. I am interested to hear that the minister is going to reject this amendment; I would like to hear his reasons for that rejection. I think he was starting to say something about further consultation with the industry.

Mr T.R. BUSWELL: Before I start, I ask members opposite whether they can provide me with some assistance. Hansard has asked me for the correct spelling of Mr Bonza. I am assuming that a member opposite will know him better than I do.

Mr A.P. O'Gorman: B-o-n-s-e-r.

Mr T.R. BUSWELL: No, that is Bonser. That is Liz Bonser.

Mr M. McGowan: B-o-n-z-a.

Mr A.P. O'Gorman: We'll give him a call.

Mr T.R. BUSWELL: I will give that a go. I am sure he can correct the record if he feels aggrieved.

In rejecting this amendment, I say again that we are not ruling out the introduction of a lease register at a future date. It is our view that we need to engage in a more thorough round of formal consultations with stakeholders to assist the government in its deliberations around the lease register. As the member has pointed out, there are some significant benefits to a lease register. Some people argue that there are some issues with a lease register. I

think we need to go back to stakeholder groups, whether they be landlords or tenants, and seek feedback specifically on that issue. That is not to say that the issue will not be brought back into this place in the future, but it will not be dealt with as part of the passage of this bill simply because we want to carry out proper consultation and not hold up the bill. I accept the member's argument that some benefits are involved with the lease register, but the government will not support the proposed new clause at this stage.

Mr A.P. O'GORMAN: I am quite pleased to hear that the minister is going to go back to consult. Can he give some idea about how that consultation will be conducted? The previous consultation basically recommended to government what the opposition has prepared with this new clause, and that is the reason it was agreed to by the Premier and the Leader of the Opposition. Can the minister give an indication of whom he is consulting? Is he putting a closed point on that consultation and is he also putting an implied recommendation into that consultation, which is what stifled it before? This register is the crux of commercial tenancies. It is what gives small operators a basis for determining whether the cost of a lease will assist them in operating their businesses.

As I said earlier today, one reason businesses are going to the wall is the exorbitant cost of leasing space. This amendment will provide small retailers, the tenants, with an opportunity to look at a register and understand what other people are paying in a particular shopping centre. They will have an understanding of what the large retailers are getting away with, if they are getting away with anything, and an understanding of how much their rent and outgoings will subsidise these larger organisations. That is essentially what is happening. A small retailer paying over $1 100 a square metre is subsidising the larger organisations, some of which are paying as little as $180 a square metre, again because there is no lease register in this state, with varying arrangements about outgoings. Realistically, if the minister has a better proposal, I am willing to listen to it, I am willing to put it to my party room and I am willing to support it.

Mr T.R. BUSWELL: Thank you, member. I have a couple of notes from people involved in that consultation. Again, I make the point that I have spoken to the small business operators—not a lot but some—who are opposed to the introduction of a lease register for a range of reasons that they put to me. There are varying views. I think the member for Joondalup makes some very valid points about that. I also say that there are businesses that are going broke. Cost pressures are part of that. A multiplicity of other factors, unfortunately, cause a lot of small businesses to go out of business.

It is my understanding that the consultation paper will not recommend the preferred option. It will canvass three views on the way information on leases is provided to other people. The first is a lease register, which we talked about, and there are variations on that; the second is compulsory registration on the title; and, the third is, basically, what we do now, which is provide valuers with access to information and allow some minor extensions to leases. It is the status quo and a variety of other changes. They are all, I suppose, seeking to provide the potential for greater transparency of the sorts of information the member is talking about. But there is no implied recommendation. The consultation will be broad—with landlords, tenants and government organisations. The consultation will also work through the network of the Small Business Development Corporation to tap into feedback from the small business sector in WA. Ultimately, prior to government considering any recommendation, as part of our regulatory review process we will conduct what we can call a proper cost–benefit analysis. It is a regulatory impact statement, really, to understand the impact of what we are doing on the benefits and cost to business.

I cannot provide any more advice on the timing of that other than to say that the first step, which is the development of the consultative paper that canvasses those three ideas, has been put forward. It is underway. The fact that it is underway means that we are unable to support the amendment the member has moved today.

New clause put and negatived.

Clauses 22 to 25 put and passed.

Title put and passed.

BUILDING SERVICES (REGISTRATION) BILL 2010

Council's Amendments — Consideration in Detail

The following amendments made by the Council now considered —

No 1

Page 25, lines 22 to 27 — To delete the lines and insert —

40. When owner–builder approval may be applied for

(1) An owner may apply for approval under this Part (***owner–builder approval***) before obtaining a building permit to carry out owner–builder work on the owner's land if the owner proposes to be named as the builder on the building permit.

No 2

Page 28, lines 13 to 16 — To delete the lines and insert —

(e) the applicant has complied with each other requirement prescribed by the regulations for the grant of an owner–builder approval.

No 3

Page 84, lines 5 and 6 — To delete "with a value of $20 000 or more".

No 4

Page 84, after line 16 — To insert —

(2A) Subsection (1) does not apply in respect of a building licence for building work —

(a) with a value of less than $20 000; or

(b) that is to be carried out in an area of the State prescribed by the regulations for the purposes of this section.

Mr T.R. BUSWELL: I move —

That amendment 1 made by the Council be agreed to.

Mr M. McGOWAN: This is obviously an amendment to the original bill, which passed through this house and which has been passed by a majority in the upper house. I am interested in a full explanation of what this amendment is designed to do. Given that consideration of this message was on the daily program today, I expect the minister will have a full explanation for this amendment available to the house.

Mr T.R. BUSWELL: Clause 40 of the bill, to which this amendment applies, comes under "Part 4 — Owner–builder approvals". It requires owner–builders to obtain approvals under part 4 before obtaining a building permit to carry out owner–builder work. This amendment effectively inserts a new subclause (1) and removes the requirement for an owner to seek owner–builder approval in all circumstances before obtaining a building permit, which was the intent of the original bill. As I understand it, the amendment removes unintended restrictions on registered building service contractors from being owner–builders if they wish. Clearly, in the deliberations of the upper house, some exploration was done of the scenario in which a registered building services contractor wanted to be an owner–builder, and it was determined through advice that that was therefore a restriction. This removes that. It also removes the unintended requirement to get owner–builder approval when a registered building contractor would not be required for the work. As I recall, that would be under some of those thresholds set for those such as we discussed—the garden shed or patio.

Mr M. McGOWAN: I have a copy of the head bill and the amendment. It appears that the minister was not aware of this amendment to his legislation, because he is suggesting that the upper house decided on this course of action. Is it endorsed by the government? Is this the minister's amendment to the legislation or has it arrived merely as a result of those deliberations in the upper house?

Mr T.R. BUSWELL: These are amendments returned from the upper house with the endorsement of the Minister for Small Business and the support of the government.

Mr M. McGOWAN: I am still a little bit hazy on the exact difference between the two. Is the minister suggesting that the amendment on the notice paper seeks to provide that an owner–builder who is a building services contractor does not therefore have to obtain a building permit?

Mr T.R. BUSWELL: I am saying that it removes an unintended restriction whereby registered building service contractors could not be owner–builders. Clause 40(1) states, "an owner who is not a building service contractor", and the amendment states, "An owner may apply for". It basically removes an unintended consequence whereby a building service contractor could not be an owner–builder. Clearly, there are cases in which building service contractors may wish to be owner–builders. In fact, I know of a number of people who are builders, or associates, who have built their own homes. It was obviously an unintended consequence of the passage of this bill that they would be excluded from that right to be an owner–builder.

Mr M. McGOWAN: Does this legislation mean that a person who wants to become an owner–builder and whose ordinary occupation is that of a builder would be subject to lesser requirements for approvals and so forth if they were building their own home or another building for themselves than if they were building for another person or another party? What restriction or what capacity is there to stop someone who is a builder from using the ability to act as an owner–builder to avoid certain requirements that might otherwise be imposed?

Mr T.R. BUSWELL: Clearly, the act intended, and I am pretty sure that we canvassed this during consideration in detail, for the long-held practice of owner–building to continue. This bill has inadvertently removed the capacity for registered building service contractors to be owner–builders and imposed the unintended

requirement of owner–builder approval in certain circumstances. First, if a building service contractor wants to be an owner–builder, in my view, that is a perfectly legitimate choice for a building service contractor. All this amendment says is that a building service contractor who wishes to build a house as an owner–builder, with all the relevant conditions as set out in part 4 of the Building Services (Registration) Bill, is entitled to do so.

Mr M. McGOWAN: I understand the point in that this is designed to allow someone who is a builder to act as an owner–builder for their own property, which is, I think, what we are trying to get to with this clause. However, I am interested to know how clause 40(1) will interact with clause 40(2), which indicates that —

> An owner–builder approval cannot be granted to an owner who is not an individual.

Therefore, if operating as a proprietary limited company, will the interaction of clause 40(1) and (2) exclude a person from acting as an owner–builder in relation to a personal property?

Mr T.R. BUSWELL: My understanding of that is as clause 40(2) states —

> An owner–builder approval cannot be granted to an owner who is not an individual.

In other words, a body corporate—let us use that term—cannot be an owner–builder; full stop. My reading of the bill and of this amendment is that owner–builders are specifically tailored to individuals, and, irrespective of whether the individual is a building service contractor, appropriate approval can be obtained to be an owner–builder. The explicit removal of a body corporate—that is, not an individual—changes nothing in someone being granted approval to be an owner–builder.

Mr M. McGOWAN: If I were an owner–builder who operated in the form of a company, and the property upon which I wished to undertake the work was held or owned by a corporation, of which I was probably the principal shareholder, does that therefore mean that I would not be able to obtain permission to undertake this work given the interaction of clause 40(1) and (2)?

Mr T.R. BUSWELL: Yes. An owner–builder, and I will take the member back to the terms used, means —

> … a person to whom the owner–builder approval is granted;

Clearly, an owner–builder is a person. Clause 40(2) is entirely consistent with that because it effectively says that entities that are not individuals cannot be owner–builders.

Mr M. McGOWAN: A lot of builders—that is, small trades people—operate as a proprietary limited company.

Mr T.R. Buswell: I know that.

Mr M. McGOWAN: Although they are individuals, at the same time they are a corporation or company.

Mr T.R. Buswell: Yes.

Mr M. McGOWAN: So they are both. They are an individual and they are —

Mr T.R. Buswell: Member, in that case they would apply to be an owner–builder as Bob Smith or Fran Smith, rather than as "Bob Smith Bricklayer Contractor Pty Ltd".

Mr M. McGOWAN: What would happen in the circumstance that the property on which they wished to undertake the work was held by the company rather than by the individual?

Mr T.R. Buswell: My understanding is that this relates to the building, as distinct from the ownership of the land.

Mr M. McGOWAN: Clause 40(1) refers to the owner's land; therefore, if the owner is a company and the approval is provided to an owner–builder who is also a company, would the interaction of those two clauses mean that is not permitted?

Mr T.R. BUSWELL: I think the member is confusing two issues. The proposed amendment refers to the construction of a building. As the member rightly points out, clause 39(1) refers to the owner of the land as a person and not an entity. Therefore, by extension, I conclude that the member's assumption is correct in that an owner in this circumstance is —

> … a person —
>
> (a) whose name is registered as the proprietor of the land; or
>
> (b) who holds an interest in the land of a kind prescribed by the regulations.

An owner–builder approval cannot be granted to an owner who is not an individual. Therefore, I believe that we have worked through the argument and that the member for Rockingham's position in relation to owner–building appears to be consistent with what is laid out in part 4 of the bill.

Mr M. McGOWAN: In that circumstance, would that therefore not defeat the minister's intent? Let us say that a tradesperson who acts as a builder and operates by way of a proprietary limited company has a property on

which he wishes to undertake work as an owner–builder and which is owned by the corporation or company in question. The property is a yard in which the person wishes to erect a shed and a workshop as an owner–builder. If that yard is owned by the company for which that person is the principal person in charge and the person is excluded —

Mr T.R. Buswell: Member, can I just clarify: I understand that there is a point of distinction between commercial and non-commercial properties.

Mr M. McGOWAN: What is that? My understanding is that the minister should probably have his advisers here.

Mr T.R. Buswell: I know that that is your understanding and you are —

Mr M. McGOWAN: And I think that it is probably the minister's understanding as well. I think that it is probably everyone's understanding.

Mr T.R. Buswell: You can soldier on and I will keep answering your questions.

Mr M. McGOWAN: We can; but I think that in dealing with this the minister should have his advisers here. I am sure that they would have straightforward answers to these questions.

Mr T.R. Buswell: Carry on.

Mr M. McGOWAN: Are the minister's advisers on their way?

Mr T.R. Buswell: Not that I am aware, at this stage.

Mr M. McGOWAN: It is a bit unusual for the minister to not have his advisers in the house when we are dealing with the consideration in detail stage of the bill.

Mr T.R. Buswell: These three amendments are very simple.

Mr M. McGOWAN: They are not simple.

Mr T.R. Buswell: They are.

Mr M. McGOWAN: They are not; the minister cannot answer my questions.

Mr T.R. Buswell: I have answered the member's questions.

Mr M. McGOWAN: The minister said that there is a distinction when it is a home versus a commercial property when someone is an owner–builder. Is that the minister's argument? Is the minister saying that someone cannot undertake that owner–builder work under this requirement if it relates to —

Mr T.R. Buswell: My recollection of our discussion around —

Mr M. McGOWAN: Hold on. We are not dealing with recollections; we are dealing with an amendment to the bill. With all due respect to the fine members of the upper house, perhaps they did not consider this circumstance and it is up to us—the member for Vasse in particular as the relevant minister—to consider this circumstance.

The ACTING SPEAKER (Mr A.P. O'Gorman): The question is that the amendment be agreed to. Those of that opinion say —

Mr M. McGOWAN: I think it is appropriate—I am not sure whether the minister has answered —

The ACTING SPEAKER: The member was on his feet and he sat down. Member for Warnbro.

Mr P. PAPALIA: I would like to hear more from the member for Rockingham.

Mr M. McGOWAN: It would be unusual for me to attempt to draw this matter out. I am not; there is no point in me drawing it out. All I am attempting to do is ensure that we understand exactly what we are passing in these changes to the bill. As I said, I have great respect for the members of the upper house and their capacities, but I am not exactly sure that they have examined this matter in the intricacies and in the manner we are examining it to get an exact answer. I am not sure whether the amendment the minister proposes will not defeat the purpose when it relates to commercial properties owned by a corporation—even though the corporation's single shareholder might be an individual—rather than a person's home.

All I suggest to the minister is that rather than sitting there looking surly, he might want to have appropriate answers to these questions or ensure that tomorrow morning he has his advisers here so that we can get answers to these questions. Advisers should be present when legislation is being considered. I can assure the minister that as far as I can recall, ministers have always had their advisers present when dealing with legislation, unless it was with the concurrence of the opposition that no questions of significance or substance were to be asked in the consideration in detail stage, in which case, legislation passed quickly by agreement. We do not have that agreement in this case, and these questions are complex and involved. I am interested to see us get to a situation in which we are given satisfactory answers to the questions I have asked.

Mr T.R. BUSWELL: Again, the advice I have received is that "owner–builders" relates to persons and not to corporations.

Mr M. McGOWAN: Let us hopefully draw this to a conclusion. If the property is owned by a corporation, an owner–builder cannot carry out the work as suggested if that person is also an owner of that property, yet they can do so on a property that they own as an individual. Quite frankly, if the minister suggests that that is the situation with this legislation, that is a nonsense. The minister has two different rules depending upon what name appears on the title deed of the property. I suggest to the minister that if that is the case, he may wish to have another look at the drafting and fix this clause or bring the bill on tomorrow morning. With the minister's advisers present, he may well be able to give us a simple, easy and reasonable answer to this question. In light of the minister's inability to answer this question, I will pursue each of these provisions to ensure that we get appropriate answers. I think in the future the minister should always have his advisers present in the house when we deal with these matters.

Question put and passed; the Council's amendment agreed to.

Mr T.R. BUSWELL: I move —

That amendment 2 made by the Council be agreed to.

Mr M. McGOWAN: I would have thought that this amendment would have warranted at least some explanation. The minister can confirm whether I am correct when I have finished outlining what this amendment does. This amendment is designed to delete some parts of clause 45(1)(e) that relate to the number of applicants for an owner–builder approval and to insert a new paragraph (e) to read —

(e) the applicant has complied with each other requirement prescribed by the regulations for the grant of an owner–builder approval.

The current paragraph reads —

(e) the applicant or if there is more than one applicant, at least one of the applicants, resides and will continue to reside, or intends to reside, on the land on which the building work is to be carried out.

We are deleting a requirement for owner–builders to have an intention to reside in a property that they are constructing, and this new provision suggests that there will not be that requirement, thereby backing my argument about an earlier clause. Therefore, the regulations will set out the requirements for an owner–builder. Consequently, there may well not be a requirement for an owner–builder to live or reside in a property that they have constructed. That seems to me to be a fairly significant change, about which I have a number of questions. Why is this change being made? Does the amendment relate to an owner–builder who is also a builder or will this change apply to any owner–builder?

Mr T.R. BUSWELL: Again, we are dealing with circumstances that were identified in the other place but were not picked up as this bill passed through our scrutiny in this place. It may be the case that an owner–builder carries out work on a property and it is not appropriate for them to reside in that property. I acknowledge the member's point earlier that "owner–builder" relates to a person or individual. Examples of that may be—the member for Rockingham touched on this correctly—commercial or industrial property in which it is not appropriate for the owner to reside. This amendment changes clause 45(1)(e) and effectively takes out the requirement for the applicant to continue to reside or intend to reside on the land on which the building work will be done. I think that is reasonably clear. I would suggest that in the most significant number of cases the owner–builder would intend to live on the land, because I would imagine that for most owner–builders, they are building on that land a house or something associated with a house.

Mr M. McGOWAN: Therefore, this does not relate only to a builder who is an owner–builder; this relates to any owner–builder. I assume it relates to individuals in that situation. However, the amendment is basically suggesting that an owner–builder can be a person who is constructing a commercial or other property apart from a home, and, therefore, the amendment broadens the intent of the legislation away from housing.

Mr T.R. BUSWELL: I think the amendment acknowledges that that may well occur under the existing framework, and in a case in which that happens, if someone is legitimately classified as on owner–builder, in and around "person" and "individual", the person or the individual who applied as the person or individual on land owned by the person or individual may be building something that they are never going to live in. The member raised that point earlier and corrected a statement that I made, which is fine. This amendment acknowledges that fact, but also acknowledges that there will be circumstances in which an owner–builder will not be in a position to live in the building that they build.

Mr M. McGOWAN: The minister is suggesting that this amendment is not expanding the intent of the legislation; however, the original clause 45(e) is entirely about properties that people intend to live in, which we would assume would be residential properties. This amendment expands this and suggests that the regulations

prescribe what requirements there might be. It might be that the government gazettes regulations that allow it to apply only to places where people are going to live. What is the policy intent here? Will the minister restrict this to places that people intend to live in or will it apply more widely? For example, will it apply to a person who wants to construct a studio out the back of his residence, which is not something they will be residing in but which is still adjacent to and an adjunct to their residence? Will it be something of that nature or something on a completely different block of land that the person has no intention of living in? They might be constructing a workshop—for want of a better example—a children's playground, a childcare centre or something of that nature. Is it going to be that broad or will it apply only to a property that the owner–builder intends to live in or something associated with it?

Mr T.R. BUSWELL: The specific advice I have is that there are circumstances in which individuals, specifically on commercial or industrial property, may build as an owner–builder. I think that clarifies the issue that the member raised earlier about whether it applies to housing or to industrial or commercial properties. The issue is not the usage, as much as the ownership, as we canvassed earlier, by an individual. The advice I have is that the amendment is required as some types of owner–builder work is carried out on commercial or industrial property where it is not appropriate for the owner to reside on the land. The example that was canvassed in the other place specifically related to an owner–builder building on commercial or industrial land. Clearly there are circumstances in which an owner–builder might build a shed in a light industrial area and they cannot live in it.

Mr M. McGowan: People do.

Mr T.R. BUSWELL: I know they do in Karratha.

Mr M. McGowan: Everywhere!

Mr T.R. BUSWELL: That is true, and similarly for commercial work. This amendment is designed to take away the requirement for the board in granting owner–builder approval to insist that the person lives there, because that is not going to be the case in all circumstances.

Question put and passed; the Council's amendment agreed to.

Mr T.R. BUSWELL: I move —

> That amendment 3 made by the Council be agreed to.

Proposed section 374AAA(1) of the Local Government (Miscellaneous Provisions) Act 1960 will now read —

> A local government must not issue a building licence to commence or proceed with any building work —

We then delete "with a value of $20 000 or more" —

> unless the licence is issued to a person who —

This amendment removes the $20 000 minimum that applies in this circumstance.

Mr C.J. TALLENTIRE: I would appreciate if the minister could clarify his justification for this deletion. I am looking forward to the next amendment, but when I look ahead I get the impression that this amendment reverses the intent of putting that minimum value there. Is the minister trying to say that there will be no requirement on people to get a building licence when the value of works is less than $20 000?

Mr T.R. BUSWELL: The advice I have is that there were concerns that this bill will come into play ahead of the Building Bill and that this $20 000 limit would apply to regulations in areas of the state—for example, in remote areas where currently that limit does not apply—until the passage of the Building Bill. It was felt it would be better to deal with that through this bill to stop the introduction of this regime into areas that currently are unregulated ahead of the Building Bill.

Mr C.J. TALLENTIRE: That concerns me. We had a lot of discussion on the Building Bill going into a lot of detail. Both sides of the chamber supported the intent of the Building Bill, and I believe that was the situation in the other place as well. Why are we saying that the requirement for a building licence is something that we all support once the Building Bill comes into effect, but until the Building Bill comes into effect we are saying that it is not justifiable? Why should what happens in the next few months be any different from what will eventually be the situation once the Building Bill is in place?

Mr T.R. BUSWELL: This amendment is in response to some issues raised by local government and industry. Clearly there are some significant requirements on local government, in particular, as a result of changes in the way local government operates. It is really a timing issue. The feedback we have had is that local government and aspects of industry in areas that are currently not regulated need some more time to get up to speed and when it comes in they will be ready to comply. The member is right that both sides of this place supported the Building Bill. The Building Bill will come into effect by about October this year. This will cover a short period of time during which, I imagine, particularly local government and certain aspects of industry in those more remote

areas get themselves organised ahead of the introduction of the Building Act. That will have some implications for them that currently do not exist, because in a lot of those areas they will have to assess buildings under the Building Bill that are currently excluded.

Mr C.J. TALLENTIRE: I am afraid I find that explanation remarkable, because one of the main reasons for the Building Bill was so that we could in some ways outsource the process that is undertaken when we issue a building licence.

Mr T.R. Buswell: Member, there are still some requirements on local government as part of that process. As the member would know, there is the requirement to come back and work through that checklist and that sort of stuff. In some areas, the advice of local governments is that they are quite simply not in a position to do that. They need some more time, and they will have until October to get up to speed with their requirements.

Mr C.J. TALLENTIRE: But the situation we are creating is one in which they can get outside experts—people who are approved building surveyors—to do all the work for them. At the moment they do not have that; they have to do the work themselves. We are creating a situation in which they can outsource the work. I do not think it is reasonable to then say that we are going to be overburdening them with additional work, because that is not the case. The whole intent was to give local government the opportunity to outsource work so that there is a very final check. I do not think there is an additional workload; in fact, there is a significantly reduced workload. I just do not see how this stacks up at all.

Mr T.R. BUSWELL: The advice I have is that this is to maintain the status quo. The member is exactly right: once the Building Bill is enacted, local governments will be required to play their role as defined in the legislation. This just maintains the status quo ahead of the enactment of the Building Bill, because for some of those local governments in more remote areas there will be a time lag while they effectively reach a competency point or get up to speed with their requirements under the legislation.

Mr C.J. TALLENTIRE: It does not maintain the status quo. It actually takes us back.

Mr T.R. BUSWELL: No; the status quo in a lot of remote areas is that for certain dwellings, which will be covered under the Building Act, there is not the need for the sorts of approvals we are talking about. Under the Building Act there will be consistency across the whole state. Under the current regime there is no consistency across the whole state, in particular in remote areas.

Question put and passed; the Council's amendment agreed to.

Mr T.R. BUSWELL: I move —

> That amendment 4 made by the Council be agreed to.

This amendment relates to the insertion of clause 156(2A) on page 84 of the bill.

Mr M. McGOWAN: Whilst I was listening intently to the minister's earlier explanation, I think it is important for the purposes of statutory interpretation that we get a full explanation of what this amendment means. My reading of it is that there is not a requirement for a building licence when the work is under the value of $20 000, except in some parts of the state where that might be required. As I said, although I was listening intently, I assume that must be in regard to issues perhaps related to climactic conditions, such as cyclones or something of that nature, for which there might be a requirement for a building licence for some buildings because they could very well become dangerous in some circumstances if they were not built according to a certain standard. If that is not a correct interpretation of this provision, I would be interested in the minister's explanation of what this provision is designed to do.

Mr T.R. BUSWELL: Clause 156 is being amended by the insertion of subclause (2A) to set out circumstances in which local governments are not to issue the licences—that is, where the value of the building work is less than $20 000 or where it is to be carried out in an area of the state prescribed by regulations. Those regulations are generally for remote areas, as I have been advised. There are special provisions that deal in certain circumstances with the issuing of building licences in remote areas.

Mr M. McGOWAN: To follow on from that, I would have assumed that if someone is not required to have a building licence for work of less than $20 000 in the metropolitan area and, I assume, major towns and cities around Western Australia, it would be more difficult for someone living in a remote area to obtain any sort of licence prescribed by regulations in any way. I would have assumed that the requirement must have been related to some sort of condition associated with problems we might have with the weather in the north of the state, which might require a greater level of licensing or scrutiny by government agencies to allow for the construction of such buildings. Otherwise, I am at a loss as to why someone might require a licence in the remote part of the state, where it is much more difficult to obtain a licence, rather than in West Perth, where it is probably a lot easier to obtain such a licence. In the interest of providing an explanation to country people for why they are being treated differently from city people, I think the minister needs to provide a little clarity around this clause.

Mr T.R. BUSWELL: My understanding is that all we are trying to do with this amendment is to make sure that the current regime of a requirement to be registered does not suddenly change when the Building Services (Registration) Bill 2010 is enacted. Therefore, if someone wants to build something to the value of less than $20 000, they do not need to be registered. If someone is carrying out work in remote areas of the state, similarly, they do not have to be registered. I am trying to get some advice on the nature of buildings that can be built in remote areas of the state without registration, but I would assume, for example, if it was a government building in an area defined as remote —

Mr M. McGowan: I think I see.

Mr C.J. TALLENTIRE: The minister is justifying the deletion of the provision for building works less than $20 000 and the introduction of a subclause that says that section 156(1) does not apply to building licences for building work in certain cases. The minister justifies that on the basis that this legislation is about a set of transitional arrangements that will be in place until the Building Act comes in. Looking more broadly through the legislation, I do not see where it is made clear that this is a set of transitional arrangements. I am concerned that what is introduced may not be around only until the Building Act comes in; I think it will be with us for good. That would mean that this strange situation in which people who in certain areas of the state are building properties or doing works to their properties of less $20 000 are not going to be getting building licences, and they are not going to be getting the benefit of that quality assurance or of qualified tradespeople. All those things fall away if this is something that can endure. That is my concern, because it does not appear to be the transitional arrangements that the minister is suggesting.

Mr T.R. BUSWELL: The advice I have is that the Building Bill covers a lot of the issues the member is talking about. This amendment is designed to assist with the transition to the introduction of the Building Act. That is the advice I have.

Mr C.J. TALLENTIRE: The minister said that this is about transitional arrangements. Where in this bill is it stated that this is about transitional arrangements? I repeat that my fear is that this will endure beyond the time when the Building Act will come into effect.

Mr T.R. BUSWELL: It is not in this bill. It is in the Building Bill. The Local Government (Miscellaneous Provisions) Act 1960, which we are currently amending—provisional amendments, if we can call them that—will be dealt with as part of the Building Bill.

Question put and passed; the Council's amendment agreed to.

The Council acquainted accordingly.

ECONOMICS AND INDUSTRY STANDING COMMITTEE

Inquiry into Ironbridge Holdings and Dalyellup Housing Estate — Motion

Resumed from 25 May on the following motion moved by Mr M.P. Murray —

> That the house refers the Dalyellup housing estate undertaken by Ironbridge Holdings Pty Ltd and Mr Ian Wallace to the Economics and Industry Standing Committee for investigation into the following matters —
>
> (a) the lack of completion of purchasers' houses, fencing, landscaping and other matters;
>
> (b) the reasons why contractual obligations have not been complied with; and
>
> (c) what steps can now be taken to ensure that all contractual obligations are met.

MR J.H.D. DAY (Kalamunda — Minister for Planning) [4.01 pm]: When we last dealt with this motion, I indicated that the government shares the concerns of the member for Collie–Preston about the impact of this issue on the residents of the Dalyellup housing estate, and also on the people who have signed contracts to purchase land but have not been able to complete those contracts, for the reasons outlined previously. I indicated also that the government is generally supportive of undertaking some form of inquiry into the Dalyellup housing estate. Some further consideration has been given to how that might occur, in consultation with the member for Riverton, the Chairman of the Economics and Industry Standing Committee, and also with the member for Collie–Preston. I understand that there is general agreement that the committee should be given the ability to have input into the terms of reference of the inquiry, and to take a wider view if it considers that appropriate. I will conclude my comments on that note, and the member for Riverton will formally move the amendment that has been agreed to.

DR M.D. NAHAN (Riverton) [4.02 pm]: The Economics and Industry Standing Committee is very pleased to undertake this inquiry. The task at hand is to have the committee staff undertake a study into how widely the problems that the member for Collie–Preston has identified at the Dalyellup housing estate apply across the

state; and, when we get that report, which should be in early August, we will be able to determine the terms of reference and the duration of the inquiry. I make it clear that the committee will focus its efforts on the Dalyellup housing estate.

Amendment to Motion

Dr M.D. NAHAN: I therefore move the following amendment to the motion —

To delete all words after "house" and substitute —

requests the Economics and Industry Standing Committee to determine terms of reference for an inquiry by that committee into the problems in the Dalyellup housing estate and the wider impact of these types of problems in Western Australia, and to report to the house in August 2011 those terms of reference and the date on which the committee will report.

MR M.P. MURRAY (Collie–Preston) [4.04 pm]: I want to make some brief comments on the amendment. I certainly welcome and thank the government for assisting in this issue. This issue has been very distressing, not only for people in the Dalyellup housing estate, but also for people who live in Recreation Drive in Eaton, where the same sort of issue has arisen. I am sure that when we dig down, we will find that many more people are being affected by the same sort of issue. I thank the Chairman of the Economics and Industry Standing Committee for his indulgence. We have spoken about this issue, and he has been very obliging. The inquiry will be not only about the people in Dalyellup. I am sure that we will be able to widen the terms of reference and belt them out between us on the committee, and bring them to the house. The committee will then be able, I am sure with the agreement of both sides of the house, to see what we can do to help not only people in Dalyellup, but also other people who are experiencing the same sort of problem. With those comments, I indicate that I support the amendment.

MR M. McGOWAN (Rockingham) [4.05 pm]: I also want to speak briefly to the amendment. I am very familiar with Dalyellup, which is just south of Bunbury, and I have had some involvement with that area in the past, in particular in providing new schooling facilities for the children in the area, and also in making some efforts towards providing a surf club, as I recall, in that part of outer Bunbury.

Mr M.P. Murray: You saw the whales!

Mr M. McGOWAN: That is right. The whales came past in a queue—in a line. That was a very interesting and enjoyable experience there with the member for Collie–Preston.

The member for Collie–Preston has raised a significant issue that affects a group of householders who have purchased houses in this estate and who have an expectation that the contracts that they have signed will be fulfilled. The member for Collie–Preston has brought up this issue very effectively in this place, and it needs to be resolved for the people who live in that suburb. I have visited Dalyellup since the member for Collie–Preston raised this issue, and I have looked at some of the houses and properties in that area. The people at Dalyellup had an expectation, according to the contracts that they had signed with the company, that they would be given landscaping and fencing on their properties. However, what we see as we drive through the suburb is a range of properties that have just dirt in their front gardens, and no fences, even though the owners of these properties have paid for landscaping and fencing. If the contractor, Mr Ian Wallace of Ironbridge Holdings, is not performing his obligations, he needs to do that.

I have looked at a range of newspaper clippings on this issue, at the urging of the member for Collie–Preston. Those clippings show that the developer promised on numerous occasions that he would fix the problem, yet the problem has still not been fixed. Therefore, as a final effort, the member for Collie–Preston has brought this issue to the attention of the house and has moved that a standing committee of this house examine this issue and try to find a way forward for the people in that area. I congratulate the member for Collie–Preston for his great efforts on behalf of his constituents in Dalyellup. He has done an excellent job in pursuing this issue. It is good that the terms of reference of this inquiry will be broadened beyond Dalyellup. However, I would urge the committee that the first and foremost issue that it needs to deal with is the people in this area, working families, predominantly, who have lost money and need this problem to be fixed. If this committee can come up with a way of fixing this problem specifically for Dalyellup, that will be a great way forward. If the committee can then look at the broader issues surrounding this problem in other areas of Western Australia, that will be very good as well. It is commendable and a credit to the member for Collie–Preston that he has pursued this matter with such vigour in this house.

Amendment put and passed.

Motion, as Amended

Question put and passed.

YEAR 7 STUDENTS — SECONDARY SCHOOL

Motion

Resumed from 16 March on the following motion moved by Mr B.S. Wyatt —

> That this house condemns the Minister for Education for the uncertainty she is causing parents with her continued delay in making a decision on the entry of year 7 students to secondary schools and calls on the minister to immediately make and announce a decision on whether year 7 students in government schools will be required to attend secondary school.

MR A.J. WADDELL (Forrestfield) [4.10 pm]: I remind the house that this is an adjourned debate; we were debating this motion back in March. It was some time ago and I felt the need to refresh my memory on the remarks I made last time I was on my feet and those of others who had contributed to the debate up to that time. In my research, I came across a number of newspaper articles that have popped up since the debate occurred back in March. One article that struck me quoted the Minister for Education saying that she had a paper that was just about to go to cabinet. That was in April; we are now in June and we are yet to hear an announcement. This minister's name is becoming synonymous with considering, looking at, having a committee research it, a paper being developed, working on it, working towards it, waiting for something and waiting for the national curriculum—"we need to do this because of the national curriculum, but we cannot do it until the national curriculum"—and it is delay, delay.

Observers of Parliament might note that there is a certain spring in the air of this place lately, and I think it is because the Electoral Commission announced new boundaries last week and a number of people are now turning their minds to the next election. This will be my first attempt at a re-election, and I was surprised that it had come around so quickly—that, here we are, nearly three years into the term of this government. I have to ask the questions: In those three years what has this minister done other than consider, propose, consult, liaise or discuss? Has she actually made a decision that she has not been forced to make? The answer is absolutely, completely and utterly, no. Inactivity is the order of the day.

This is a very important issue that affects many people across the state. Anyone who has children, and many in this place do, knows how seriously parents take their children's educations. They know how much many of us struggle with the questions that face us when trying to determine the best educational outcomes for our children.

I have never been one to shy away from talking about my own personal experiences. Yesterday I was at Perth College, a private school, at an interview I had been asked to attend. When my daughter was born in 2001, we very much thought about what her educational needs would be in the future. This was long before I had any prospects of coming to this place. It was really when I was just an ordinary Western Australian trying to make ends meet and trying to do the best for my family. We put my daughter's name down at a number of schools, hoping to keep the doors open for the best educational outcomes. Here we are in 2011 and those things we did nine years ago are starting to come back to us, and we were invited by Perth College to an interview. My daughter is in year 5 in a public school and we have a lot of hopes and aspirations for her. We want to ensure that her high school education meets all her needs. We were faced with the prospect of having to make some very significant decisions for this nine-year-old, and we tried to involve her in those decisions. She was in fact offered a place at Perth College. Perth College requires that we pay a deposit of some $4 000 to secure that place. I would be prepared to pay that amount for my daughter, but I suspect that it would be quite a struggle for many families. I could not honestly say that that is the optimum educational outcome I had envisaged for my daughter. I have other aspirations for her; we just want to keep our options open.

We are now faced with a situation in which, because private sector secondary schools have year 7 entry, they have brought forward their interviews and acceptance of places to year 5. Therefore, year 5 students have to go through this process. I would very much like my daughter to go to one of the really good select schools run by the state. My daughter has her heart set on getting into Perth Modern School or Shenton College, both of which are very good state schools. They would be her preferred option and I would be very pleased for her to get a place in one of those schools simply because I would not be faced with school fees of $20 000 a year—not that that is the major consideration. The major consideration is her belief, which I share with her, that those schools would provide her with the best educational outcomes. The trouble is that in order for her to get into one of those schools, she has to sit the selective test—the gifted and talented test or the academic selective entrance test; one of the two—and that will be set for her in May 2012, with the results due in July 2012, for a possible entry in 2013. We face a situation in which the high school education of my daughter is being decided either this year or next year—that is, one year being for the private system and one year being for the public system—for entry in 2012 into the private system, if we choose it, or 2013 in the public system. Regardless of the outcome, if we want to keep our options open, we need to pay the $4 500 deposit in order to secure that place in the private system. I do not think that I am unusual in that circumstance; I think an awful lot of people will face it. That is just one of the consequences of a system that is out of whack, in which the state school system is not in sync with the private school system. We could ask whether the tail is wagging the dog or whether the dog is wagging

the tail. Which one should be the pre-eminent system? As somebody on the Labor side of politics, I will always be a very strong supporter of the state school system, and I think that it should be the dog wagging the tail in that sense.

This matter needs to be looked at in relation to events at the national level. We are about to move to a national curriculum, and although there may be some minor alterations here or there to accommodate particular Western Australian needs, the reality is that the majority of our curriculum will be in sync with the rest of the country. As we know, in any national commonwealth negotiations, smaller states like Western Australia and South Australia are often overshadowed by the big states of Victoria and New South Wales. Victoria and New South Wales, of course, have long had year 7 entry into high school. Queensland has now announced that it has started the transition to a year 7 entry. Therefore, that will leave South Australia and us on the outer. If we think that the national curriculum will not be built around the concept that children start high school in year 7, we are kidding ourselves. If we do not start dealing with that issue today, if we do not start making announcements about it, and if we do not allow schools to transition and prepare for that by putting allocations in the budget and forward estimates, what are we doing other than setting up Western Australian children to fail? Ten years from now employers will be asking kids where they went to school. When they say they went to school in WA, those employers will say, "Oh, that's a shame; we'll take somebody from one of the states that had an education system that functioned and actually delivered the outcomes."

We know that we are already not performing as well as we could in the national testing. We know we are not at the top. There are many arguments for why that is. We have a large dispersed population. We have a large Indigenous population. We have many things that create challenges for our educational system. That is a fact. I am sure that everybody in this place would be as dedicated as possible to correcting those problems. We should not be putting new barriers in front of us. We should not be creating more barriers for our children to perform in the most optimal way. A lot of parents would share the concern that we are not creating a school system in which our kids can perform as well as we would like them to. That is a tragedy.

When I was on my feet last time, I reflected on a P&C meeting that I attended when I was first elected. I am sure many other members have shared similar experiences. When we are first elected, we are very enthusiastic and we start attending many kinds of events that we probably had not attended in our previous lives.

Mr A.P. Jacob: Speak for yourself!

Mr A.J. WADDELL: Not all of us were local councillors. I certainly had not attended a large number of P&C meetings up to that point. I was taken by the fact that I was caught up in a ferocious argument between a principal and a parent on the P&C over what I thought at the time was a fairly insignificant issue—that is, the attendance of her child at the school graduation. She indicated that her daughter was going to be leaving the school at the end of that year because she was attending a private school the following year. That private school had given her entry to year 7. Her classmates who were not moving into a private school were remaining at this primary school and would go on to year 7 and graduate the following year. At the time the parent was quite upset about this because she felt that her daughter had been part of the school community since kindergarten, had done that rite of passage through the school and should also be able to achieve that thing that we encourage many children to achieve, which is a good graduation. She was in some way being robbed, in a way being told that she was deserting the school or not doing the right thing by leaving in year 6 instead of year 7, and denied a graduation. Since that very first meeting I have seen this argument come up probably half a dozen times at different P&C meetings. I can honestly say that parents get very hot-headed about it. As a parent, I kind of understand how families can be part of a community and how parents want their child to enjoy everything that the other children enjoy. It is not a major issue, but it again highlights the problems that this system creates by having year 7 entry to high school in the private sector and year 8 entry in the public sector.

The plea that we are making in this condemnation is for certainty. I suppose we are asking that the minister make a decision. We are asking the minister to tell the people of Western Australia what they can expect. She should allow them to plan and consider the futures of their children and make some decisions. We cannot pretend it is not happening. It is happening, it is going to happen and it will continue to happen. The national curriculum is going to make it worse. Every private school will have year 7 entry.

Mr A.P. Jacob: What do you think the decision should be?

Dr K.D. Hames: Are you asking for us to go along with them?

Mr A.J. WADDELL: To be honest, that is inevitable. I believe it is inevitable that we will have year 7 entry like the other states. There is no reason, particularly when Western Australia is screaming for workers to prop up our economy, for us to ask families to move to Perth or other parts of Western Australia. I cannot possibly imagine how I could take a child who was in high school and say, "We're uprooting the family; we're moving you away from all your friends and, by the way, we're sending you back to primary school." I cannot imagine what that would be like. I cannot imagine that I could put that argument to my family.

Dr M.D. Nahan: I did.

Mr A.J. WADDELL: We are not all unique like the member for Riverton, and some of us have compassion and heart. I cannot imagine that we would do it. I cannot imagine that that would be acceptable.

We are going to have to get with the program, get with the national position and at least announce how we are going to transition. Let us start the planning. It is inevitable. We do not need another six months of consultation. We want to see the proposal that is going to cabinet. We want to see the department's plans. We want to know what it is going to cost. We want to know how we get from where we are today to where we need to be.

DR A.D. BUTI (Armadale) [4.25 pm]: Many members who have spoken before me have talked about the pros and cons of year 7 students moving into high school. My friend and neighbour in this place, the member for Forrestfield, has elaborated on those pros and cons very well. We are not denying that this is a difficult decision; we are concerned about the fact that the decision has not been made. One way or the other, the decision has to be made. It is not an easy decision. Like the member for Forrestfield, I think it will happen. I would prefer that it did not happen. I will tell members why I think it will happen and then I will tell them why I would prefer that it did not happen. One of the biggest reasons that I think it will happen, as the member for Forrestfield said, is the national curriculum, particularly the science curriculum. From my understanding of the national curriculum, it will be very hard for year 7 primary school science education to keep up with the standards that are required. If the standards are to be maintained and the current status quo is to be enforced whereby our year 7s remain in primary school, major science infrastructure will have to be undertaken in primary schools.

Mr A.P. Jacob: A lot of that has been done recently in primary schools.

Dr A.D. BUTI: The member may be right in a certain way, but there are not sufficient science laboratories, and it also comes down to day-to-day timetabling. The amount of science that is timetabled in primary schools is not sufficient to cope with what is required under the national curriculum. The national science curriculum pushes us to transfer our year 7s to high school.

The other main reason is the fact that the Catholic and private schools have done it. They have not only made that decision; it is operational. As the member for Forrestfield said, it does not mean that we have to follow them. However, in many schools there is a major depletion of students between year 6 and year 7. Parents are content to have their children in state primary schools but they want their children to attend a private secondary school. We are getting depleted year 7 classes in primary schools in the state system.

The other thing that the member for Forrestfield said is something that I am experiencing with my son, who is in year 6 in a state school this year and will be attending a private school next year. He laments, and he often says to me, "Dad, I can't graduate with my cohort. I will not be graduating with the kids I have been in school with since grade 1." I imagine that for most of us, including the minister, there was no such thing as year 7 graduation ceremonies when we were young. It was not a big thing. It is now a massive thing, as we know when we go to graduation ceremonies at the end of the year. The year 7 graduation is an incredibly important event in the education of a child. It seems to be a rite of passage that they think they are entitled to. Under the current system, if as parents we are making a decision to move a child from state primary education to private secondary education, we are depriving that child of the year 7 graduation. With that goes the chance also to be a prefect or a member of a student council. Children incur many negatives under the current system in which our children in private schools commence high school in year 7 while children in our state schools remain in primary school in year 7.

They are the reasons I think we have to move towards transferring our year 7s to high school. As I stated, I do not personally like that option. Hopefully, a decision will be made one way or the other. I believe that high school is intimidating enough. I am not really sure whether we want our 11-year-olds, in some cases, to have to endure the transition to high school. It is a much larger system; children move from teacher to teacher three, four or five times a day.

Another important issue to be considered is bullying. From my understanding and from speaking to people in the education system, for some reason year 6 is a year in which lots of bullying occurs. I have not been able to verify this myself, but from hearsay and communication with teachers and people in education administration, year 6 seems to be a high point for bullying. The next high point for bullying is the transition from primary to high school. If year 7s moved into high school, there would be two years of major bullying—one in year 6 and the other in the first year of high school. Of course, that could have major negative consequences for the victims of bullying. If the government decides to allow year 7s to go into high school, which I think it will probably have to do, it will have to consider funding major statewide programs to ensure that we reduce the incidence of bullying and deal with the effects of bullying. I hope the minister has considered that in her deliberations and that, if a decision is made to follow the private system, major funding is provided to deal with the issue of bullying.

The other ramification that the minister and the government must consider in allowing year 7s to start high school is the amount of funding that is required. I think one of the reasons the government has hesitated on this

issue is the enormous funding implications of moving students straight from year 6 to high school. I hope the minister is able to enlighten us on whether that is the case. I cannot see how it cannot be. There will be a significant increase in the number of students entering high school, and they will have to be housed. There must be an increase in the number of secondary teachers. What will the teachers who predominantly teach year 7s in primary school do? Will they remain in the primary school system with a reduced student load or will they have to also engage in a transition to high school? If they have to do that, surely they will have to engage in further education, and that will have cost implications. That is why the minister's hesitation and delay in making a decision on this issue is very worrying. The minister cannot make a decision and have it happen tomorrow. There has to be a lead-in time. We are now nearly halfway through this year. Even if a decision is made today that year 7 children will receive high school education, I cannot see how it can be implemented next year. Probably the earliest is 2013.

As I stated, I am not saying that the minister does not have a hard decision to make. It is a very hard decision. There are pros and cons either way. Although I said I think forces are pulling for us to move to the high school decision, personally, I see a lot of negatives to that. But, minister, we just want a decision. George Bush once said, "People say I'm indecisive, but I don't know about that."

Mr M. McGowan: Which one?

Dr A.D. BUTI: I am not sure which George Bush it was. Henry Ford also said, "Indecision is often worse than wrong action." Minister, I think that might be true. We hope the minister does not take the wrong action, but the fact that she is not making a decision is almost as bad. She must make a decision one way or the other.

I was reading an article the other day about the disease, or the art, of avoiding making decisions. It was summed up as the four-D mantra: dump, delay, delegate and, the last resort, do. I do not know about dumping. She is certainly delaying. She always talks about delegating, or it is always the department's fault. I wish she would take the last resort and do. Doing means making a decision. The minister is a highly intelligent person who has professional educational qualifications. It is not that she does not know the area. It is a difficult decision but she needs to make that decision. She cannot just keep telling us that a decision will be made at some stage. The indecision affects parents, teachers, curriculum developments, the education department as a whole, Western Australia's position in the national curriculum and, most importantly, our children. Each extra day of indecision means that all the various groups we in this Parliament represent are being affected. It is not easy for the minister. But she cannot deny that she has a responsibility to make a decision. The fact is that she has built up our expectation that a decision would be made. It should have been made months ago and we are still waiting. Minister, whatever happens, make the decision and make it now.

MR J.C. KOBELKE (Balcatta) [4.36 pm]: I rise in support of the motion, which condemns the Minister for Education for the uncertainty she has caused parents by continuing to delay a decision on whether year 7 students should remain in primary school or move to secondary school. As other members have indicated, as parents we are aware that education is incredibly important to our children. Often parents these days plan from the birth of their child what schools they hope to send their children to. Clearly, for some of the more elite private schools, that planning is essential or the children cannot get in. Even when it comes to public schools, people plan where to build or buy a house on the expectation that the particular government school will be a good school for their children. As the member for Armadale just said, they might hope to enrol their children in one of the schools that provide some sort of scholarship or selection process. Parents make these plans years in advance. For the minister to delay, delay, delay impacts very directly on parents, families and children in making those very important decisions about what schools they hope to send their child to. As I will discuss in a moment, putting the year 7 cohort into secondary school has a lot of implications that open up some opportunities and close other opportunities for parents to get their children into particular schools. It impacts very directly on decisions parents might make about their children's education, even years into the future—never mind what they might want to do next year or the year after.

This minister has an education background; she was an academic in this area. Clearly, this is a classic example of someone not having the ability to be a minister because she cannot make a decision. It is not about just this issue. Through her performance in this place this minister has shown herself to be quite incompetent. I took a particular issue related to Balcatta Senior High School to the minister. I spoke to her personally on two occasions and on two occasions to her staff. It was a simple administrative issue about laptop computers for students going into year 8 and how to share the cost and get the best deal. It ran into issues about government policy on fees, which I understand. It is generally a good policy. The staff said, "Oh, I think we can do something about it." But could this minister make a decision? It was too hard for this minister to make a simple administrative decision to allow year 8 students at Balcatta Senior High School to have laptop computers. That just shows her incompetence in taking on this job as minister. At the moment, the minister is not sitting in her seat in the chamber because she knows that if she does and someone asks her a question, she is not able to interject. She is too frightened to answer a question in the debate. She is hiding on the back bench. Where is the competence of this minister? She

is totally incompetent. She cannot even sit in her seat so that I might ask a question and she would have the opportunity to respond. She has been teed-up by the Premier because the Premier does this regularly. He is a wily old fella. He knows that if he does not sit in his seat, he cannot be asked to interject.

Mrs L.M. Harvey: We are actually sharing our knowledge of the private school participation with members opposite.

Mr J.C. KOBELKE: I thank the member for the interjection. At least that member can interject and has proven the point that the minister cannot do so because she would be disorderly if she interjected from where she is currently sitting. She is hiding on the back bench because she cannot handle the issue.

It is an absolute disgrace that someone of her educational background and competence has been such a poor minister. Norman Moore was poor enough and had real troubles. Unfortunately, the current minister is even worse. Norman Moore commented that he thought he needed to move to another portfolio because education did not give him the opportunity to have a high profile. With 800 schools, all those school openings and functions and all the policy decisions, he wanted to get out of the portfolio because he thought another portfolio would give him a high profile. This Minister for Education wants a low profile because she cannot do anything; she cannot make a decision.

Mrs L.M. Harvey: The minister made a significant contribution to this debate on Wednesday, 16 March. Perhaps she is just not full of herself —

Mr J.C. KOBELKE: Can the member give me one element of that contribution?

Mrs L.M. Harvey: Check the *Hansard*, member?

Mr J.C. KOBELKE: So the member has forgotten it! It was of major significance, but the member for Scarborough cannot remember one issue. She cannot remember one issue; that is how significant it was.

Let us come to the issue, which, as the member said, is difficult, and one that, clearly, an incompetent minister cannot handle. The genesis of the problem arose when Colin Barnett was the Minister for Education in the Richard Court government, and he changed the school starting age by six months so that students would be at least six months older than previously was the case before they could start school. Of course, that pushed back the entire age group going through schools. I happened to be the shadow Minister for Education at the time; therefore, I was very much involved in that debate. I was able to catch out the then responsible minister, Colin Barnett, not because I had any great knowledge of the matter; it just so happened that the Productivity Commission brought down a report a month before that decision was made that dealt with the schooling system right across Australia. I did not have all that knowledge, but a report of some significance gave me all the information. Therefore, I could stand and debate the matter knowing more than Minister Colin Barnett. Although he had made the decision, he had not done a lot of the research work. I pointed out back then in 1995–96, or about that time, that by moving to put back the school starting age by six months, it was inevitable that year 7 students would have to go to high school. I will give some of the reasons that I gave back then, some 15 or 16 years ago, which are even more true today.

Mr A.P. Jacob: Why didn't your side do it in 2002, then?

Mr J.C. KOBELKE: I will come to that.

In making that change to the age group, Western Australia was going to have, in terms of its primary and secondary education, an eight–five split; that is, eight years of primary education and five years of secondary education. Most of the rest of Australia had a seven–six split; that is, seven years for primary, counting the early years, and six years at secondary. There was a move by other states to go down that road some 15 years ago, if they had not already done so.

In terms of educational achievement, educational philosophy and pedagogy, it was going to be very difficult to have eight years of full and meaningful primary education in this state. That was because students in year 7 start to get bored and want the challenges of high school subjects, particularly as they were to be six months older. For pedagogical reasons, the push was on to move those students into high school or, at great expense, to put in science blocks and a whole lot of secondary education facilities at primary schools. The government could have gone that way, but I do not think that approach represents an efficient use of resources or that it would have necessarily been pedagogically better than the alternative. In terms of educational curriculum, there is a real problem if that eight–five system is maintained.

The other driver was that if the state were out of step with most of the rest of Australia, a problem would be created. In terms of educational resources available, materials being developed for students of the same age group in other parts of Australia would not be appropriate for our students because the materials would not match our students in many ways. Alignment is achieved in many general ways, but more and more cases would arise of non-alignment between what was happening in Western Australia and what was happening in other states that had already put year 7 students into high school. That lack of alignment has been driven further now

because this minister has signed up to the national curriculum. With a national curriculum, year 7 students will require comparability with what students are doing in other places. To do that in primary schools requires the skilling-up of teachers and extra resources is a huge commitment, and, I suggest, this would be far less efficient than moving these year 7 students into high school.

All these pressures build. I indicated some 15 years ago to the now Premier, the then Minister for Education, that when he made such a decision, he would in the future need to move year 7 students from primary school to high school. But, of course, the biggest issue is cost. It was suggested back then that it would cost about $100 million, and I suspect that it will cost a lot more than that now. However, that was the figure loosely bandied around back then.

Now is the prime time to make that move, because the half-cohort that was introduced when the starting age was moved back six months is now in high school. That created a problem a year ago with many high school teachers losing their jobs; that is, a smaller group of students moved into high school and many high school teachers were not needed and a lot of temporary teachers were not given jobs and were pushed out of the system. Last year and this year, the government had the chance to use those available high school teachers with the necessary expertise. Those teachers would not have filled all the spots required, but they would have helped in the transition. This change also meant that many high schools had the extra classrooms needed, and the government would not have to immediately build all the extra facilities needed. It would have to build some, but there would not be the same urgency to build all the extra facilities because the arrival of the half-cohort in high school creates space. That is another reason why it is urgent that this minister, or whomever the Premier might replace her with, grasps the nettle and does it now. If she waits a couple of years when that half-cohort is in year 12 or beyond, the transition cost will hit up-front and will be much more difficult. It will not be such an easy cost transition. The decision has to be made now, unless of course the minister will simply leave things as they are and thumb her nose at all the evidence suggesting that she cannot avoid the change; that is, do nothing and let the ship sink.

I also put to the house that the government school system in this country is incredibly important for our democratic system and for the cohesiveness of our community. It is the place where new arrivals generally go, be they economic immigrants or refugees. Overwhelmingly, those people go to public schools—to government schools. They are acculturated. They adapt. They become dinky-di Aussies within a generation. If this government will not offer the same standard of education in government schools, new arrivals to Australia will not get a decent education. The many Australians who decide to send their children to the local government school will want to move their children out of that school. Therefore, the percentage of the student population going to government schools will slip so low that they will be seen as providing a second-rate education. If we get to that situation—I fear with this incompetent minister we are being pushed in that direction—government schools will be seen as second rate. That will have huge implications for the whole way in which our community works, social cohesion and life opportunities for our young people. I believe that it is critically important to maintain well over 50 per cent of our students going into government schools. I have taught in government and non-government schools. My sons have gone to government and non-government schools. We have a great strength in having a dual system, but I am very concerned that if we see the percentage of the age group going to government schools slipping too low, slipping below 50 per cent, the general perception will be that government schools are not as good as private schools. I think that they are as good. As someone who taught in government and private schools for many years, I think we have a very high standard of education in our government schools. However, the public perception will change if people do not see students being enrolled in government schools in large numbers. I suggest that it is critical for more than 50 per cent of students to be enrolled in government schools.

This indecision by the minister is driving parents to put their kids into private schools. All the major private schools have moved year 7 into high school. The Catholic school system has put year 7s into high school. That created an opportunity because of the half-cohort. The year that half-cohort came through, Mirrabooka Senior High School—which was in my electorate—had only one class of year 8s. Part of it was the half-cohort; part of it was the attraction of low-fee private schools that took a whole lot of students who would have gone into the public system, because they made the change. These pressures are undermining the standing of government schools and the number of students going to them, because the private system has moved and is putting more pressure back on the government: "Fall into line or you will continue to slip. You will continue to get a lower percentage of those students staying in government schools."

We can have a lot of different pedagogical arguments about students going into high school at the age of 12—some might still be 11. There are issues about that, but schools generally have gone to using the middle school system, which recognises the issue and creates a more nurturing and protective climate for those students. Middle schools are not new. As a teacher, I was transferred to Scarborough Senior High School in 1977 because it wanted to group into a middle school concept. I do not know whether I had anything to do with it, but after one year the school abandoned it. Those ideas have been around. There is now a much greater concentration on providing a special environment for those students in years 7, 8 and 9 in those early secondary years. We already

have some government schools that have year 7s in high school, which causes confusion about which schools students can go to. Ballajura takes students in year 7. If members go to another school nearby, they will find that that school does not take year 7s. It is a dog's breakfast. This minister cannot grasp the nettle and make a decision. It is having all these flow-on implications on the standard of education and the expectations of parents.

The economic problems with the transfer and finding the money are substantial, but the decision has to be made now so that we have one or two years left for that transition of the half-cohort through secondary schools and so that we will not have to suddenly build all the extra classrooms. We might be able to get some of those teachers back who were pushed out of the system when the half-cohort came in. We can start planning the transition for primary school teachers; clearly, there will be a reduced number of primary school teachers as the students they teach would generally move into high school. There are big issues in planning this. To do the transition well is complex and needs to be thought through properly and properly planned, but the drivers are there and the government cannot avoid them. The change must happen sooner or later. If it does not, it will be to the detriment of the standards in our government schools. If we drop the standards in our government schools, our social cohesion and the advancement of whole subsections within the community will be delayed or not given the opportunities that they should be given.

The minister cannot continue to sit on her hands and say, "I hope that it will go away." It is a problem that was created by the Premier when he was Minister for Education. There are other drivers. The government might have decided that we will get pushed that way because of what has happened in other states. However, the key thing that has driven the move to private schools is the change to the school starting age made 15 or more years ago by the now Premier, who was then the Minister for Education. Despite having all that time, this government cannot make a decision. I was interjected on earlier and asked why the last government did not move year 7 to high school. The previous government obviously saw the cost implications. That cohort had not yet reached high school. In many areas the previous government was very forward thinking and planned things well in advance, such as with the Mandurah railway. Members on the Liberal side would have a go at it time after time, but it is now a brilliant success. The Minister for Transport got up today and heralded how we are nationally seen as a leader because of the decisions made by the former Labor government. We could have had more foresight in this particular area. We might have planned further into the future. However, the time came when that half-cohort moved into high school. That was last year. We are now in a position in which we must make a decision. It is with great regret that I have to say that we have such an incompetent minister that she cannot even sit in her seat when the debate is on. She is obviously not up to making important decisions such as this. Our students will suffer because of the incompetence of the minister.

MR T.G. STEPHENS (Pilbara) [4.56 pm]: The education portfolio is one of the most fundamentally important portfolios within any government with the enormous opportunities that it gives the person who has the responsibility of serving the community of Western Australia in that portfolio. The education portfolio becomes the building block for educational opportunity for all Western Australians and especially people with disadvantages for whom education becomes the foundation and opportunity for access, equity and fairness in the life prospects that they might otherwise have had. Education is a portfolio in government that typically can be quite controversial. It is a portfolio that needs to have the support of the leadership of government and the competence of the minister holding the portfolio. The motion that is before the house today reads —

> That this house condemns the Minister for Education …

This motion is not in any way pulling punches; it is a serious motion —

> That this house condemns the Minister for Education for the uncertainty she is causing parents with her continued delay in making a decision on the entry of year 7 students to secondary schools and calls on the minister to immediately make and announce a decision on whether year 7 students in government schools will be required to attend secondary school.

This motion again presents this house with an opportunity to bring this minister to book. I have been watching this minister while she has been in office and I very quickly arrived at the conclusion that she would be a failure—almost from day one. That was a source of considerable disappointment to me, because when we were in government and when she stood on this side of the house as an Independent, she showed all the hallmarks of someone who paraded compassion and interest and her credentials. She certainly strutted around venting enormous venom and spleen about my colleagues when they were in government. She chastised and criticised them and was held out in the media as a paragon of virtue for the clarity with which she saw—at least from the perspective of this side of the house—the policy issues with which she was confronted. For me, some of the chinks in my perception of her started to emerge when I served on a parliamentary committee with her. When the committee became involved in discussing issues associated with education, I started to see a lack of sincerity on the minister's part in handling the issues at hand. The minister had a propensity for playing politics and for not resolving the issue, but wanting to seen to be some sort of guru in the field of education; it was clearly becoming evident that she was not. The minister was not preoccupied by the outcomes or in delivering for the

community of Western Australia the benefits that could flow from a fair and objective analysis of the issues. There are members on this side and the other side of the house who saw the way in which this minister, when in committee deliberations, showed herself to be a bit of a fraud and charlatan when it came to the handling of education issues. She was not prepared to take a stand with the parliamentary committee work that would have created the opportunity for tackling some very difficult issues in education in a bipartisan manner; she simply wanted to play politics with it. When issues were being solved by that parliamentary committee, the minister wanted to play politics instead.

I have watched the minister's mishandling of the education portfolio in the field of Indigenous education. This is an area in which she has always indicated to the community and to the Parliament that she has some passionate commitments, yet in the handling of that portfolio things have never been worse for the delivery of quality education to respond to the challenging needs of the Indigenous community of this state. In this particular case, the minister is not blessed with the opportunity of not knowing about the recommendations and support of parliamentary committees to tell her how she might proceed. The minister has reports available to her that are a roadmap for advancing the educational interests of the people of this state, and she has failed to deliver. This motion that is before the chamber is a timely reminder of this litany of failures. It reminds us yet again that here is another issue in which the minister is delivering uncertainty to the state of Western Australia. The minister is causing enormous disquiet for the students and for the parents of pupils from one end of this state to the other as she fails to resolve an issue that she and she alone can resolve. She is failing to tackle a policy issue that was put up for her by her colleagues—that is, the question of whether there will be year 7 students in secondary schools. Quite clearly, although the minister has failed in every other area of her portfolio, surely she could at least tackle this issue decisively. Have the minister's patterns of indecision and her failures now crippled her capacities so that even this critical issue will be one that she dodges and does not deliver upon?

This reminds me of another area in which the minister has paraded her interest—that is, the field of support services around education. The minister has argued that she holds dear the needs of these support services and of the people who work in these fields inside the education system with supports around school psychology services, and that these would be areas that would always be supported while she was the Minister for Education, yet the contrary has been the case. The minister has shunted these support services personnel away from their capacity to deliver their skills to meet the needs of the classes and the school students operating in the government school system of Western Australia to the disadvantage of those students, their families and the state of Western Australia. That is because of a failure in the capacity of this minister to be a good minister. She has a misplaced self-confidence in herself. In that self-confidence, instead of taking decisive steps, the minister has allowed opportunities to bypass her, the portfolio and the state. For the participants in education in Western Australia, particularly the students, as well as their parents and families, and those who are involved in the delivery of education and educational support services, this is a tragic time indeed.

Another area in which the minister has shown her failure to grab the nettle has been the bipartisan-supported recommendation that referred to mandating the teaching of literacy with techniques that would be guaranteed to work and are fundamental to a successful education system in this state. The minister had bipartisan support for that and had a roadmap in front of her. The minister simply squibs it, ignores the report, prevaricates and does not deliver the certainty in that field that is fundamental to quality education and turning around the educational opportunities of the students of Western Australia. The minister fails yet again. A roadmap was delivered to the minister with all the advantages available to this minister that were not available to any of her predecessors—bipartisan support for a road-tested, road-mapped policy and ironclad guarantees about a way forward. Instead of grabbing the opportunity, we have an educational system that is delivering, through the minister's failure to adopt a pedagogical approach that could enhance literacy achievement amongst our youngsters, very high levels of failure in Western Australia.

Last night in the corridors I had a conversation with a government colleague about the despair we feel in the regional areas of Western Australia when we can see government structures not delivering with certainty opportunities for advancing the interests of the most marginalised, the most impoverished, and the most needy sections of regional, remote and very remote populations of this state. Why does it happen? It happens as a result of the failure of individual parts of every portfolio to focus and tackle the issues at hand. In the education portfolio this minister has not been able to tackle the small issues, the big issues or the issue that is the subject of this motion before the house today.

In condemning the minister, the house would be doing the state and the government a great service. It would be creating the opportunity for the sorry chapter in Western Australia's educational history to be turned around and, instead, the portfolio could be allocated to someone without vanity and without the track record of failure. The portfolio could be handed to anyone who can be decisive and who can read basic opportunities to advance the educational interests of the people of Western Australia. It is not as though on the other side of the house there are not people with skills and talent, who have ears, minds and brains and who can listen and discuss the issues.

Mr P. Papalia: You are stretching it!

Mr T.G. STEPHENS: I can tell the member that there are, but mostly on the back bench. We have parliamentary colleagues on that side of the house who —

Dr A.D. Buti: They are on either side of the minister now.

Mr T.G. STEPHENS: Exactly; either side of the minister. In particular I want to pinpoint Mr Simpson, the member for Darling Range. If members sit and talk with him about an educational issue, they will hear someone who is decisive in his approach to education, who is interested in the viewpoint of others and who has the opportunity to grab an issue and advance it. Yet he is left languishing on the back bench while there is a minister up the front who is an embarrassment to the state, an embarrassment to the Parliament and, hopefully, an embarrassment for this government that it will do something about.

This house has the opportunity to highlight yet again the indecision, the prevarication and the failure of a minister whose responsibility was to do better, whose educational background should have equipped her to do better and whose prancing, parading and poncing around on this side of the house left us all with a sense of promise that she was going to do better. Instead of that, she has been an absolute arrogant, abject failure. She sits in this house and is supported by a Premier who seems to bestow unlimited bounty upon her portfolio. She has access to budget overruns and budgeting indiscretion; there does not seem to be any budgetary discipline. Her portfolio seems to have ways of acquiring funds in addition to those which are appropriated or allocated to it, but she does not utilise the generosity of the Premier, the Treasurer and the government of which she is a part to do something decisive that is of value to all the people of Western Australia who need to benefit from the education portfolio, especially those for whom education is a fundamental building block for access to equity, fairness and opportunity that they so desperately need.

When I sit and talk with colleagues in the corridors of this place, we look at the areas of failure and we look around for the magic solution to the issues with which we are confronted. I am thinking of the increasingly problematic area of Indigenous communities of Western Australia, where failure has been heaped upon more failure. It is not because there is the opportunity for any magic wand. What is required in every area of government, including in the area of education, is for ministers to be decisive and to take decisions that are fundamental to advancing the educational interests of people who are most in need.

On this issue of the entry of year 7 students to secondary schools, the minister has displayed that she is not capable of taking decisions on the big issues. She has also not been capable of taking decisions on the smaller issues. She has certainly not been capable of delivering benefit to those who need to benefit most from the educational portfolio.

Having been in the Parliament of Western Australia now for much longer than I ever dreamt possible, I have been able to watch people come and go. Specifically, I was able to watch the previous member for Armadale, and I recognise that it is rare indeed to have someone come into this place who is focused and determined and who uses their skills, intellect, effort and energy to make a decisive impact on the state of Western Australia, as the former member for Armadale did, particularly in the planning and infrastructure portfolio. How did she do that? She did that by applying all her skills, her compassion, her intellect and her energy to the portfolio that she was lucky enough to hold for eight years. By the standards I have available to me as a member of Parliament for nearly 30 years, she stands out for her singular skill and talent. Every now and again one hears the other side try to demolish her track record and her achievements.

I compare the former minister with the current minister. What will the current minister be able to identify as her achievements in the education portfolio? What will she have done? When she finishes as Minister for Education, what will she be able to say that she has done? She will be able to say that in the period in which she held the portfolio she prevaricated, she postponed, she considered, she thought about and imagined what might be possible, she pranced and she ponced, but she did absolutely nothing to advantage the interests of the schoolchildren or the people of Western Australia.

This house should not even blink as it passes this motion condemning this minister. More importantly, the moment the motion is carried by the house, the government should remove her from the custodianship of this portfolio or any other because of her incompetence, her indecision, her arrogance, her failure to listen and her failure to bring compassion or intelligence to public administration. I have held my punches in this debate today, but there will come a time when the patience of this chamber will be completely tested, and this minister can expect delivery of the fatal blow that will remove her from the cabinet room—if not today, hopefully in the very near future.

MR A.P. JACOB (Ocean Reef) [5.16 pm]: In addressing this issue I will first of all address the question which the member for Pilbara posed at the end of his speech and which was also posed by the member for Forrestfield; that is, what has the minister done?

The ACTING SPEAKER (Ms L.L. Baker): I just remind the member that he has to speak to the motion and not so much to what other members have said.

Mr A.P. JACOB: Absolutely. The motion is that this house condemns the Minister for Education. Clearly, that is the main part to which both those members have been speaking, rather than the issue of year 7 students, although I will get to that. In condemning the Minister for Education, the question was asked: what has the minister done? I think it is a fantastic opportunity for me to correct the record on two very strong key points for the minister. The first point is that the minister has presided over what is probably the largest investment of capital infrastructure in our public education system, and she has presided over it extremely well. The member for Armadale gave the example of year 7s who wanted to study science. One of my primary schools has recently received funding and has put in a purpose-built science laboratory. That primary school is already running those year 7 students through a high school–type situation.

A member interjected.

Mr A.P. JACOB: The minister has run that program especially well as it has been rolled out in WA. A lot of that funding was federal funding, but the minister has presided over that very well and managed what is the biggest capital injection in the public education system that we are probably likely to see in our lifetime.

The second point is a program which is very close to my heart and for which I do not think the minister gets nearly enough credit—that is, the independent public school program. That program could not be more popular, although it is not about the popularity. That program is being eaten up by local public primary and secondary schools. As of this year, every single public school in my electorate wants to be an independent public school. The only frustration —

Dr A.D. Buti interjected.

Mr A.P. JACOB: That is the beauty of it, member for Armadale: they do not have to. To the credit of this minister, it is an opt-in program. She has not rushed headlong into it. She has taken the decision from the outset that we are going down this road, and I could not applaud her more for that. She has not rushed headlong down this road and made mistakes. It has been a gently, gently approach, and it has been rolled out exceptionally well.

One of the primary schools in my electorate, Beaumaris Primary School, was fortunate enough to be chosen in the first intake. It is a hub school. In the second intake, one of my high schools and, I think, two or three other primary schools were fortunate enough to be chosen, and in the third intake, every school has expressed interest, although I am not sure whether all of them managed to get their applications in on time.

Dr A.D. Buti: Member, the motion is about year 7s.

Mr A.P. JACOB: The motion is condemning the minister. What has been asked by —

Dr A.D. Buti interjected.

Mr A.P. JACOB: I will get to that, member. Most of the members opposite spent their time condemning the minister for inaction, and they asked, "What has she done?" I am just informing the house of what the minister has done.

Several members interjected.

Mr A.P. JACOB: I actually wrote down the comments of the member for Forrestfield, but I will keep going anyway.

The ACTING SPEAKER (Ms L.L. Baker): Members, can we please have just one speaker on their feet at a time, speaking.

Mr T.G. Stephens: To the motion.

The ACTING SPEAKER: Yes, to the motion.

Mr A.P. JACOB: Members opposite do not like hearing the good news about what this minister has done. This is clearly a fantastic success story for a very hard working minister, who has brought in an innovation that was sorely needed in this state.

Mr T.G. Stephens interjected.

Mr A.P. JACOB: The member for Pilbara has been talking about year 7s, and about how the minister's delay in making this decision will bring the public education sector into disrepute, and how students will struggle in their performance. What is occurring is actually the opposite. Students are being given the flexibility to deal with these situations.

Dr A.D. Buti: Rubbish!

Mr A.P. JACOB: I just gave the member for Armadale an example. One of the independent public schools in my electorate has used its Building the Education Revolution funds to put in a new science laboratory. Clearly, the primary schools tend to want to keep the year 7s. This primary school has put in a new science laboratory. It

is quite a large primary school. As an independent school, it has been given the flexibility to arrange its teacher rosters so that the students —

Dr A.D. Buti: What about the decision the minister has made that they have to go to high school?

Mr A.P. JACOB: This is a tricky area. I actually think that the member for Armadale made the best contribution to this debate, and I thank him for that.

Mr T.G. Stephens: If I start attacking you, you might say nice things about me too!

Mr A.P. JACOB: The member for Armadale addressed this issue quite well. This is a very, very tricky issue. This issue goes back to March, when the shadow minister raised it. I have yet to hear what the opposition's position is on this issue.

Ms R. Saffioti: The issue is that you're in government, and you have to make a decision!

Mr A.P. JACOB: I know, member, and that is why I am giving credit to the member for Forrestfield. I have yet to hear what the opposition's position is on this issue. The member for Armadale made a fantastic speech on why this is such a complicated issue. The member for Forrestfield, to his credit, also put forward his position on how he thinks this issue will go. But I have not yet heard the opposition's position. I think the opposition is trying to keep all bets open on this issue.

Mr T.G. Stephens: Our position is clear—you should do something, one way or the other!

Mr A.P. JACOB: I am just asking what form the opposition thinks that something should take. I believe that I have come across this problem perhaps to a greater degree than many other members in this place. I have an electorate in which demographically it seems to be the norm that children will attend a government primary school and then go to a private high school. In my electorate of Ocean Reef, there are numerous public primary schools, but there is only one public high school; and that is soon to be two, with the redistribution. In recent years, some of the primary schools in my electorate have had as few as seven year 7 students. I am just saying that in my electorate we can see the issue coming through. The member for Armadale talked about that as well. It is a very complicated issue.

One of the other problems, on the flipside, is the situation in regional and remote areas. I was talking to somebody about that on a policy committee the other day.

Mr J.E. McGrath: That wasn't you in the corridor last night, I hope?

Mr A.P. JACOB: No!

Last year, I was at a school graduation for year 7s, and this brought it home for me. The point has been raised about year 6s not having a graduation, and year 7s going on to have a graduation. When I was going through school, the year 7 milestone was not really such a big milestone. It has become one in recent years.

Mr J.E. McGrath: Some of the schools in my electorate have a separate graduation for the ones who are going away.

Mr A.P. JACOB: That is a good outcome, and that has certainly come up at some of the P&C meetings that I have been to. One student at one of the graduation ceremonies that I went to last year said, quite poignantly—this brought it home for me—that her entire life's memories revolve around her time in that primary school. So I can see the attachment of those students to those places.

In my electorate, I also have one of the middle schools that the member for Balcatta talked about. I think the jury is still out on how well these middle schools are functioning. There is a range of challenges with those schools. The middle school in my electorate does not have an intake of year 7s; it has an intake of year 6s. The largest primary school in my electorate is Kinross Primary School. That school goes only to year 5. We then have Kinross Middle School, which goes from year 6 to year 10, and we then have Mindarie Senior College, which is years 11 and 12.

The member for Armadale made a comment about 11-year-olds going to high school. I have to say—I have to be very careful about saying this on *Hansard*—that at the Stepping Up Assembly, which is Kinross Primary School's equivalent of a graduation, and which is held for year 5s, the level of maturity and confidence that we see in those kids sets the benchmark for primary school graduations. These kids are 10-year-olds. But it does depend on the kid. For various reasons, my parents enrolled me in school a year ahead of time, in Wanneroo, so I went through year 7 when I was 11.

Several members interjected.

Mr A.P. JACOB: I did not find that that hindered me in any way academically. But it certainly did not help me very much on the sporting front. What we are proposing is that all age groups would go through school together.

I understand the point about the need to provide certainty, and I know the minister is going to do that. However, this is not a situation that we have created. Once a firm decision is made, it will be very hard to undo it. I therefore believe that in-depth consideration is more than warranted when tackling this issue. The education of children has continued. It is not as though the education of children has stopped and kids have not been going through school. It has been ongoing. We all want what is best for students in Western Australian schools. I do not think that is in doubt here. But I again put the challenge to the opposition that I have not yet heard what the opposition's position is on this issue. I commend the two members who have put their personal positions, while also acknowledging the challenges and the complications, and the fact that any decision that they might make might not be in accordance with their personal preferences.

In closing, I want to commend the Minister for Education for the fantastic job that she is doing. I certainly do not support this motion.

Mr T.G. Stephens: What drug are you taking?

Mr A.P. JACOB: The member for Pilbara wants me to say something nice about him! I seriously mean that. The nature of this place is that we always focus on the negatives. I am still new here, and I am learning that. On the independent public school program in particular—there are a lot of other programs that I could talk about, but I do not want to stray too far from what the Chair has asked me to do—the Minister for Education has been doing an excellent job. I genuinely mean that. The Minister for Education's legacy will be extraordinarily well remembered in this state.

MR M.P. WHITELY (Bassendean) [5.27 pm]: I want to make a brief contribution to this debate. I believe that, basically, there is only one decision that the minister can make. I think it is inevitable that year 7s will end up in high school. Although the minister has failed to recognise the forces that are pushing towards that decision—in other words, the fact that in the eastern states, most kids begin high school in year 7—the fact that the private schools are increasingly directing their intake to year 7s means that it is inevitable, regardless of what we might want, that our education system will come in line with that. I do not think it makes a lot of difference whether kids graduate from primary school in year 6 or year 7, or even in year 5. My children attended Roleystone District High School. They also attended Roleystone Primary School, at a time when kids went into the high school environment in year 6. That was a great model, and they did very well. I think the member for West Swan went to the same school. She is obviously a very high achieving graduate of Roleystone District High School. It does not matter what model we adopt. But we need to have consistency. The forces involved in this decision will lead to one inevitable conclusion. The failure to make a decision will just postpone the planning that needs to take place to make sure that this process is implemented properly. I have to say that I do like the Minister for Education. The minister is a person whom I have come to regard as —

Mr A. Krsticevic: A friend!

Mr M.P. WHITELY: Yes, as a friend, and as someone with whom I have had a friendly relationship in our time in the Parliament. But I have to say that I am incredibly disappointed with the minister's performance. The minister has failed to make the transition from being a critic. The minister has spent 17 years in the Parliament, and she has had the luxury of being able to sit back as a critic. The minister was obviously a fierce critic of the Gallop and Carpenter governments and I remember her being a critic at times of the Court government. It is easy to be a critic, especially for someone with the minister's qualifications and background. Obviously my politics have always been Labor leaning, but from outside the Parliament before I was elected, I used to respect the now minister's contribution as an Independent member, and I expected much more of her as a minister. The major criticism I have of her is not that she makes bad decisions, but that she does not make any decisions. When the minister has dealt with issues I have raised with her in my electorate, I have had to drag her kicking and screaming across the detail of every one, and I am disappointed by that, not because she makes bad decisions, but because she simply does not make decisions. That is an abrogation of responsibility. In my view the minister has one of two choices: she either accepts the responsibility that comes with her position or she relinquishes that position. Frankly, unless she lifts her game, the second of those options would be the responsible one to pursue.

I remember the member for Central Kimberley —

Mr T.G. Stephens: Pilbara these days.

Mr M.P. WHITELY: Pilbara these days.

I remember that the member for Kimberley referred to our time on the Education and Health Standing Committee, and while on that committee, I got a taste of how she might behave as minister. The minister may remember that the committee conducted an inquiry into outcome-based education. It was quite a controversial inquiry because it was instigated by members of the committee, certainly not by higher levels of the administration at the time. In fact, the former member for Wanneroo, Di Guise, and I thought something was wrong with OBE and that the parliamentary inquiry was needed. We instigated and conducted that very thorough inquiry, which put a government program in the spotlight and had the potential to embarrass the government.

When we got to the pointy end, the decision end of the inquiry, it might have been expected that, given that members of the Labor government who were critics of OBE had instigated the inquiry, the now minister would have been pleased about the resolution of those problems. Instead she had to play politics and was resentful of the resolution developed in our caucus that addressed many of the concerns that we had shared. I could see her white-hot anger on not getting to be the knight in shining armour coming in to save the day. I think that that is an indication of how comfortable the minister was in her former role as a critic, but how uncomfortable she now is with the decision-making process. Frankly, forces such as the changes to the educational system in the eastern states and the need to have national consistency, and more importantly, the private schools in Western Australia changing their high school intakes to year 7, have made the decision inevitable—I do not think that it is a discretionary decision. I speak personally; that is my own perspective. I think that the minister should make the decision, and if I am wrong, if the minister disagrees with me and thinks that high school should not start in year 7, she should make that decision and end the uncertainty. In any case, the minister should make a decision, because, as I said, the fundamental problem is not that the minister makes bad decisions, it is said that she simply does not make decisions. That is an abrogation of responsibility. She takes the salary; she should do the job.

MR C.J. TALLENTIRE (Gosnells) [5.33 pm]: I support this motion. The uncertainty currently surrounding primary education and the education of students in year 7 is terrible. It is causing us great cost. Primary schools in my electorate, and electorates across the state, are in a situation of great uncertainty. That is not fair, because those primary schools are those that I hear the most support for. Members of the public who send their children to our state government primary schools are thrilled with the quality of the education that goes on in them. To answer the question raised by the member for Ocean Reef, my personal preference would be for year 7 students to stay in primary school. However, I believe that the reality is that the forces that will push us to fit in with the rest of the nation, which I accept, will inevitably result in year 7 students going to high school. That is okay. Preferences aside, we need a decision and we are not getting one. We have this incredible uncertainty. That means that high schools are not able to plan for the influx of new students that would come with the arrival of year 7 students. It is a problem for those running primary schools who want to provide for the year 6 students who will not get the year 7 experience in primary school. Teachers in those schools want to work out how to give the year 6 students, in what would be their final year of primary school, an experience of leadership, which is a very rich part of being in primary school. We must ensure that primary school principals and their staff are informed about when the transition would occur, so that they can plan for students to have that opportunity. I hear arguments from the academic areas with pedagogical background that students are better off receiving the benefits of the more holistic approach of primary schools, in which there are often one or two teachers responsible for a child's education through the whole curriculum. In high schools there is a more specialist educational approach with teachers who are specialists in different areas working on different things. That is an interesting issue, and the evidence I have seen—most of it comes from South Australia—suggests that on those grounds alone it is better to leave year 7 students in primary school, because of the advantages of that pedagogical style of teaching.

Another thing I am concerned about is that this issue has in many ways been driven by decisions made by private schools. Private schools have a vested interest in high school starting in year 7, so that they can get students in earlier, because, as has been mentioned before, many students do their primary schooling in the government system and then switch to the private school system. The private schools quite cunningly saw this as an opportunity to get students in quicker and earlier, make more money out of it and build up the size of their schools. The private schools' marketing strategy needs to be recognised. I do not think that is a good basis upon which we should allow the structure of our education system in Western Australia to be changed.

When I consider the fantastic work that I see going on in primary schools in my electorate, I think that this situation is demoralising for primary school teachers. It is just so unfair that quality teaching staff should be faced with this uncertainty. The minister deserves to be condemned. It falls on her to clarify the situation, to become a decisive minister and to let us know when this transition will occur, if it does occur, and to ensure that everyone can start planning. This is necessary so that schools such as Thornlie Senior High School in my electorate, which is in urgent need of refurbishment, can start planning how it would accommodate students—what classroom space it has. At the moment that school is falling into a state of disrepair. It has $1 million worth of outstanding maintenance that needs to be done urgently to make that school a happy and healthy environment. I conclude my remarks and implore the minister to show some decisiveness about this matter.

MRS L.M. HARVEY (Scarborough — Parliamentary Secretary) [5.39 pm]: I am very pleased to rise to speak against this motion. I have been very interested to hear other members' contributions to this debate. One interesting aspect of this debate is that a lot of time and effort has been spent on it by members of the opposition who seem to have got to the fourth word of the motion, "condemns", and have pretty much stayed stuck on that word. This debate is really about the entry of year 7 students into secondary schools. We have not had very much discourse on how we find ourselves in this bizarre system. This dual education system we have at present is a complex beast. It is actually a beast that is the product of haphazard decision making in the past. This issue was

looked at by the previous government; a report was commissioned by the previous government and released in February 2007. I have the report here. It is titled, "The Future Placement of Year 7 Students in Western Australian Public Schools: A Study". Former Labor government ministers looked at the relocation of year 7 students and estimated it would cost $835 million over the 2009–15 period. A former parliamentary secretary in the other place, Hon Ljiljanna Ravlich, MLC, stated categorically that the whole idea of moving year 7s into secondary school was driven by economics. Clearly that $835 million figure was one of the key reasons the previous government decided to baulk at and move away from the concept of moving year 7s into high school. We need to bear in mind that decision was made at a time when the government was boasting billion-dollar surpluses—lots of money, lots of budget surpluses, but apparently no money available to put towards transitioning year 7s into high school. It is very appropriate for this government to take some time to try to work out how we can unravel the mess we have been left to unpick. The dual system was created in December 2006 when the decision was made to allow the Catholic sector to move year 7 students into high school.

A range of members have widely discussed the fallout caused by that decision of the then minister. In my electorate of Scarborough, I have had numerous meetings with parents and citizens, and parents and friends associations from local primary schools. We have regular morning teas. I mix up the people I speak with from private and public schools. Most of the parents whose children are in the Catholic system, who have children in year 7 in high school, speak very highly of the process. They believe that the transition was handled very well. They believe it is appropriate for their children to be placed in high school at that age. I have attended a number of graduation ceremonies. Graduating year 7 students are now six months older than when I was a year 7 student. Some of these children tower over me. There are men who are six-foot tall with deep voices and who shave before they go to school. There are fully developed girls. These are young adults in a primary school setting, playing in playgrounds with children who are three and a half years old, surrounded by primary colours. We need to seriously look at how we address this problem that has been created through haphazard decision making in the past.

It is fair to say that some parents in the public system have expressed grave concerns about the prospect of year 7 students moving into high school. There has been a lot of public debate on this. It is an issue that people are starting to feel comfortable forming an opinion on. As the member for Ocean Reef mentioned, I have not actually heard much about what the opposition policy may be on this issue. The Labor Party has previously categorically and emphatically said that this will cost too much money, regardless of whether it might be in the best interests of students, whether it might be consistent with the way the national curriculum heads or whether it might be appropriate given what other states in this country are doing. It said that it would not do it because it would cost too much money at a time of record revenue and billion-dollar surpluses. That was a fine message to send to people at the time.

Mr M. McGowan: This is a really stupid speech. You obviously have not read the report that came out in early 2007.

Mrs L.M. HARVEY: I have read the —

Mr M. McGowan: Go and ask the head of the department, who is still there, whom I appointed, what the recommendations of that report were. Go and ask before you say dumb things!

Mrs L.M. HARVEY: I have the report's recommendations in front of me —

Mr M. McGowan: Go and ask what the recommendations were.

Mrs L.M. HARVEY: The member for Rockingham had his chance and I am not prepared —

Mr M. McGowan: Hold on!

Mrs L.M. HARVEY: I listened to what he had to say. I have read his report —

Mr M. McGowan: It was not my report; it was the department's report. You need to understand how it works!

Mrs L.M. HARVEY: In my view this departmental report was a report written about how to say no. When we look at the way schools structure themselves in other states —

Mr M. McGowan: So we follow New South Wales?

Mrs L.M. HARVEY: Let us look at what the member says in the report —

Mr M. McGowan: Read the report. If you are going to quote the report, read it!

Mrs L.M. HARVEY: You are saying my commentary is dumb.

Mr M. McGowan: It is dumb.

Mrs L.M. HARVEY: Yet you were minister, were you not, who made a decision to allow year 7s? Were you the minister?

Mr M. McGowan: I made a decision.

Mrs L.M. HARVEY: Were you the minister who made the decision to allow the Catholic sector to move their year 7 students into high school? Did you make that decision?

Mr M. McGowan: My recollection —

Mrs L.M. HARVEY: Did you make that decision?

Mr M. McGowan: If you would let me answer.

Mrs L.M. HARVEY: No, you are —

Mr M. McGowan: Are you being rude?

Mrs L.M. HARVEY: No, I am not being rude. I am asking you.

Mr M. McGowan: Will you let me answer?

Mrs L.M. HARVEY: You interrupted —

Mr M. McGowan: You are asking me a question. Can I answer?

Mrs L.M. HARVEY: Member for Rockingham, I believe I have the call. You interjected on me and now I am returning the favour; I am asking you a question.

The ACTING SPEAKER (Ms L.L. Baker): Members, can I just point out that if someone is on their feet and accepts an interjection, they have to cop what comes from that, but this is still not a boxing match across the floor of this chamber. Member for Scarborough, if you want to accept an interjection, I remind you that you are more than at liberty to do that, but we need to control the debate and not have people yelling at one another.

Mrs L.M. HARVEY: Thank you, Madam Acting Speaker.

Mr M. McGowan: Do you want me to answer the question?

Mrs L.M. HARVEY: I would like the member to answer—did he make the decision?

Mr M. McGowan: What you need to understand is the Catholic —

Mrs L.M. HARVEY: No, no—yes or no?

Mr T.G. Stephens: Come on, don't be a bully!

Mrs L.M. HARVEY: I am not yelling!

Mr M. McGowan: The Catholic school system makes its own decision. It is an independent school system. It makes its own decision. I was the minister responsible for the public system. The Catholic Education Office makes its own decisions. I regard it as having a choice and it made its choice. Don't you support that?

Mrs L.M. HARVEY: I absolutely —

Ms R. Saffioti interjected.

Mrs L.M. HARVEY: I have sat in this chamber and listened to members on the other side of the house criticise and denigrate the fact that the private sector is apparently out there using an unfair marketing system by saying it has year 7s in high schools. The member for Rockingham pointed out to me there was a report by the department that had recommendations. That report was made in February 2007 —

Several members interjected.

Mrs L.M. HARVEY: I would like to place on the record my contribution to this debate. I point out how bizarre it is that the member for Rockingham said that he was in receipt of a report that recommended against allowing year 7s into high school. Despite the fact that the private sector education system is allowed to make its own decisions on curriculum and year 7s moving into high school, it sought approval from the minister at the time and that approval was given. That approval, given by the previous government, to allow the Catholic sector to move year 7s into high school is what started the dual system.

Ms R. Saffioti: So you're blaming the Catholics!

Mrs L.M. HARVEY: The member for West Swan is not listening terribly well. I have noticed she is not very good at that!

Ms R. Saffioti: Are you saying the reason the minister has not made a decision in two and a half years is the Catholic school system?

Mrs L.M. HARVEY: Let me speak really slowly so that the member for West Swan can understand me. I will slow it all down a bit. I am saying that her government was in possession of a report in February 2007 that said, "Don't do this." When the Catholic sector sought permission to do it, her government said, "Yes, go and do

that." Then we ended up with a dual system and the fallout of the dual system that the member for West Swan's government permitted and started through haphazard decision making. No-one thought about the consequences for the public school system of the decision to allow the Catholic system to move year 7s into high school. The consequences for the public school system are now being felt by every single member in this house who attends year 7 graduations where class sizes have decreased from 30 to 17. In some of those schools, parents have made choices based on whatever the particular decision-making process might be. They agonise over their decisions about which high school they are going to send their children to. If they want their children to go to a Catholic high school or a high school in the independent sector, they have to remove them from primary school in year 6. When those year 6 students leave to go into the private sector, they do not take part in any graduation ceremony; they get no acknowledgement of their time spent in primary school or that they are moving on to a high school system. Year 7 is the graduation time. That is the year designated for children in primary school to move to high school. Now we have an awful system in which children, for reasons their parents believe are in their best interests, are removed from the public school system into a high school system. They leave some of their peers behind and get no formal recognition of their completion of primary school. Their parents have exercised choice and I am a great supporter of that.

We need to acknowledge that this dual system is far from ideal. The dual system came as a result of haphazard decision making by the previous government. In Queensland the government spent a long time agonising over this process. It spent well over two and a half years in discussion and debate. Queensland has the advantage over Western Australia because the Queensland minister did not make a decision to residualise the public school system by allowing the private sector to move away from a consistent system that was accepted for the public sector. In fact, having made a decision and been in discussion for more than two and a half years, Queensland had an easier decision to make because it had less of a mess to unravel.

I believe we need to have confidence in the minister. We on this side of the house have great confidence in the minister. I have heard some erroneous comments in this debate that I find quite appalling. The independent public school system has been warmly embraced by the public schools in my electorate. Both the parent community and teachers and principals in those school communities say that it is a revolutionary concept and is the best thing that has ever happened to the public school system in this state—for some of them—in their entire teaching careers. These are people who have been teaching in the public sector for more than 30 years. That is a very telling statement from people who, traditionally, do not necessarily side their views with conservative governments.

A revolutionary decision has also been made in the interests and the comfort of our students and our teachers by a firm commitment that a budget allocation would be made to allow air cooling to be installed in our schools. We live in a particularly hot and uncomfortable climate. I do not know about other members, but I remember in February and March sometimes fainting in hallways and recovering from heat stress. In future, our students will no longer have to put up with these trying conditions. Making that allocation involved a difficult decision and required a minister to go in and bat in a cabinet process to ensure our students had air cooling in their schools.

Several members interjected.

Mrs L.M. HARVEY: Members opposite want examples of decisions. They were in government for eight years and did not do any of that. What did they do in government?

Several members interjected.

Mrs L.M. HARVEY: They got a report that said do not do something and then did it for half the students and wrecked the system, so now we have to fix it. Members opposite need to give our minister the appropriate amount of time to unravel the mess they made. We on this side of the house make no apology for making a considered decision. We will not be going to the people of Western Australia saying that $835 million is too much to spend so we will not do what is best for students. We will make an economic decision about children's education. Shame on members opposite. They caused the problem and we will fix it. I have full confidence in the minister's ability to fix it.

I will sit down now. I think I have said more than enough on this issue. I would like to say that the minister has my 100 per cent support because I know she will make the right decision.

DR M.D. NAHAN (Riverton) [5.55 pm]: I would like to speak against this motion and will give some examples in the electorate of Riverton to show why it is not so much vital to make an immediate decision but to make the right one and to prepare for it adequately. We have heard from some members opposite. Some made some pretty good contributions and some gave the usual rant as an excuse for debate. The member for Armadale clearly and comprehensively explored the complexities of this difficult decision. I am not an educator as he was until recently; I cannot judge adequately the pedagogical benefits of moving year 7 from primary to high school, but I am not convinced of its merits. It is a debate; it is a lineball from my assessment of it, but I might be wrong.

Using Riverton as an example, one of the major reasons for pushing for this is competition from the private schools; that is, students in the public sector are leaving early in year 6 to go to year 7 in a private high school. In the Riverton electorate, even though there are some very fine private schools nearby such as the Catholic schools of Corpus Christi, Aquinas and All Saints, 90 per cent of kids in local public primary schools go to the local high schools.

Dr A.D. Buti interjected.

Dr M.D. NAHAN: Yes, I know.

The flight in Riverton to private schools, outside the Catholic system, is almost nonexistent. That is because the two major public high schools are exceedingly popular and effective. They are, indeed, the jewels in the crown of the public education system—Rossmoyne and Willetton. As a sign of their success, they are also very large schools. The last I heard, Willetton had 1 850 kids, even with the half-cohort streaming through, and Rossmoyne has 750 kids, also with the half-cohort. We might say that that is very successful. It is. The benefits of both these schools are not just that they provide a very fine educational system for the people of Riverton; they also absorb in their gifted and talented program approximately 900 kids from around the metropolitan area—a good contribution.

One of the issues that has been alluded to here is that a very important goal of the public education system should be to improve its market share for the whole of our education system. As members opposite have said, we have a very fine dual system in Western Australia. I have no problem with that at all. The private system, particularly the Catholics and the independents, do a good job. But it is very important, as I think the member for Balcatta said, that public education, particularly for those people who do not have access because of money or otherwise to the private system, provides an essential system for those at the margins. As with most systems, when there are successful schools such as Willetton and Rossmoyne—there are others—we have to protect and use them as models for elsewhere.

I have met with the P&Cs of every primary school in my electorate and with all the high school councils. This is a legitimate issue. People want to know not so much what the decision will be and when it will be made and whether the right decision will be made, but rather whether adequate preparation will be done and whether the problems of schools in the electorate of Riverton will be taken into consideration. The fundamental issue is that we should not be in a big hurry. Around the state of Western Australia, we have invested billions of dollars into our primary schools through the Building the Education Revolution program. Every primary school, private and public, in my electorate has new buildings—primarily, science labs, among other things. We have significantly increased the facilities at primary schools. Why should we be in a big hurry to move year 7s out of those facilities and into high schools? Unfortunately, the BER program focused overwhelmingly on primary schools, not secondary schools. There was not too much choice at a state level in that regard. In my electorate, there is no pressure to go to the private system outside the Catholic schools, but the public schools are very large. If the full year 7 cohort from the public primary schools went to public high schools, 2 100 kids would be pushed into Rossmoyne and Willetton Senior High Schools. Both those schools have no spare capacity to absorb year 7. In fact, the biggest threat to the success of those schools is that if we made such a decision to include year 7 in high school and did not invest in additional capacity in those two schools, people would start fleeing those schools to the private system. That is what people tell me. They want to know when the change will happen, whether the government will put capital into the schools, and whether it will be done in a hurry. Their biggest concern is as follows. They moved into the area to get into the public school system, and they are worried that the public high schools, despite their rightly deserved reputation, will simply be too big to provide the educational excellence that they moved into the area for. This is a decision that we have to go at carefully. Certain public high schools in certain areas have plenty of spare capacity and there will be no problem moving year 7s to many such high schools. In fact, if year 7s were moved to some high schools, they would probably get more enrolments because fewer families would flee to the private system. However, that does not apply in Riverton. If Rossmoyne and Willetton were forced to take year 7s, it would probably be at the expense of the GATE program—that is, the gifted and talented education program—that takes kids from around the state.

Mr J.E. McGrath interjected.

Dr M.D. NAHAN: Yes; that is an option.

These are the complexities that we face. Firstly, we have a lot of spare capacity and have just invested in a lot of good facilities, although some are not yet complete, in our primary schools. Secondly, we have great diversity of capital needs across the various high schools; some will need a lot if they are to absorb the year 7s, and some need nothing. There is no competition from private schools in some electorates; in others, the competition is huge and profound. This is a complex decision. I think that the minister and the government have gone about it in a proper manner. They have not run away from the decision but are ensuring that the decision they make is right. More importantly, if they decide to move the year 7s to high school, they ensure that they have adequate funds to invest in the high schools that need investment, such as Willetton and Rossmoyne.

The essence of the opposition argument was, "Make a decision!" That is what we have done for certain capital works projects in the past, such as Fiona Stanley Hospital. We made a decision. It was a good decision to build that hospital. It followed from the Reid report. We rushed the decision and said that the hospital would cost $450 million, and it is ending up costing in the vicinity of $1.7 billion. Make a decision to send or to not send, yes, but then the government must find adequate funds to invest in schools that will, as a result of that decision, need additional investment. I refer to schools like Rossmoyne and Willetton. If not, the quality of our public education system will be undermined. Make the right decision, make it in a timely fashion, make sure it is followed with resources and ensure there is no huge rush.

MR J.E. McGRATH (South Perth) [6.04 pm]: The member for Riverton has inspired me to get up and say a few words in defence of the Minister for Education. We have all been in opposition. We know what it is like. I remember that when we sat on the other side of the chamber, we attacked ministers using the same terminology used today. However, the subject raised by the opposition today is, as members on this side have indicated, a very, very difficult proposition for the government and the cabinet to go through. The minister has said that the matter is at present before cabinet, which has to make a very big decision.

All members understand the complexities of the issue. Like the member for Riverton, I have always thought that young people should stay at primary school until year 7. However, I must admit that my view has been gradually changing. I think it has been changing because of what I have seen in the private education system with year 7s in high school and the impact that it has had on government schools, particularly on year 6 students who have been denied the opportunity of a graduation. The system has become very lopsided. I think we will have to go down the path to bring year 7s into high schools in unison with private schools.

As other members have said, a lot of preparation work is needed before we can go down this path. I want to mention one school in my electorate, Como Secondary College, which the Minister for Education has visited with me on not one but two occasions. The minister has genuinely shown an interest in supporting that school, which has been getting some quite outstanding results since it formed an alliance with Curtin University. It wants to set itself up as a school of excellence in maths and science, and I think that is already underway. There are plans for it to become a K–12 school, which the minister is supporting, and hopefully that will be budgeted for in the next budget. There is room for expansion. It is a school of about 800 —

Mr M.P. Whitely: Are they going to —

Mr J.E. McGRATH: The member is an old Como secondary —

Mr M.P. Whitely: Yes, I am, but are they going to move the Koonawarra school?

Mr J.E. McGRATH: The Koonawarra school, now Curtin Primary School, will move to Como secondary, which will become a K–12 school. Parents at Curtin Primary School want that change, and the Como Secondary College —

Mr M.P. Whitely: Are they going to actually physically move it?

Mr J.E. McGRATH: They will shut it down and move the students over. That is a $45 million project. I think that will be a substantial investment in education in that region. We have already heard the member for Riverton say how fully packed his two high schools are; that is, Riverton and —

Dr M.D. Nahan: Rossmoyne.

Mr J.E. McGRATH: That is Rossmoyne and Willetton. Therefore, somewhere else is needed for the kids in the southern region to go. I know that Como Secondary College would like to become a gifted and talented program school, and when we look at the member for —

Mr P. Papalia: It's only up from there!

Mr J.E. McGRATH: Does the member think the member for Bassendean has improved since he left the school?

Mr M.P. Whitely interjected.

Mr J.E. McGRATH: I put it on the record that the member for Bassendean is a former student of Como Secondary College, along with many other eminent Western Australians, who have gone on to —

Mr M.P. Whitely: There is Bradley John Murdoch, the Falconio murderer—yep!

Mr J.E. McGRATH: We are not mentioning him.

Mr M.P. Whitely: He was in the year above me at Como, and at Manning Primary School; my alma mater!

Mr J.E. McGRATH: There is a bit of frivolity on the other side, but this is a serious matter. I am sure that cabinet will take its time to ensure that it comes up with a considered —

Mr M. McGowan interjected.

Mr J.E. McGRATH: Could I please get some protection from the member for Rockingham? Since the member for Rockingham regaled us yesterday with his jokes about the member for Mount Lawley's cashmere coat —

Mr M. McGowan: The camelhair coat affair!

Mr J.E. McGRATH: He has now become the —

Mr M. McGowan: Fashion guru.

Mr J.E. McGRATH: No, the comedian of the Legislative Assembly.

Mr M. McGowan: I want to see that coat come back!

Mr J.E. McGRATH: It has been consigned to places where it will never be seen again —

Mr M. McGowan: I want to see him wear it when he meets the Queen.

Mr J.E. McGRATH: I will not speak for much longer. This is a big issue and we all understand that it is a big issue. The minister is well aware of the issue, but it must be a decision for the full cabinet. It will be a major change for the public education system in Western Australia. The system is suffering. I see a lot of cases of primary school students in my electorate going on to the colleges. There are some good colleges in my electorate—Wesley College, Penrhos College and Aquinas College. There are three very, very good private colleges and only one government high school. A lot of those kids who go to some very good government primary schools in my electorate all move away to the private education system. The risk is that if we do not intervene and focus very strongly on our public education system, the divide will become greater.

I am someone who went to a public school; I went to John Curtin Senior High School, which was a great school. When I went to John Curtin, it was a school of hard knocks. Now it is an art school, so it has changed a bit since those days. It was a very, very good school. We must be very careful not to allow this trend towards private schools to erode the confidence of the parents of Western Australia in our public schools system. We must be very careful about that. If we go down the path of having year 6 students go into high school, it could be part of a huge evolutionary change in our public education system. I support the minister. The minister is well aware of the needs in this regard. I think that cabinet is well aware. A significant financial contribution from the government will be required before this change happens, but if and when it does—I think it probably will; it is more likely than not—it must be rolled out in the right way.

DR G.G. JACOBS (Eyre) [6.12 pm]: I would like to make a couple of comments, particularly from a regional perspective. I empathise with the minister. It is a very difficult issue and a difficult decision. Indeed, the minister has been with me on various trips to various small schools in the region. There is a legion of small schools in the region, such as Salmon Gums Primary School, Cascade Primary School, Grass Patch Primary School, Munglinup Primary School and Moorine Rock Primary School. There is an enormous number of primary schools in my region and I try to attend the final year presentations, but I do not get to all of them because there are about 30 of them. I tend to cover them all with the help of staff and friends. For those schools in the regions whose final year presentations that I go to, there may be a critical mass of students—in the vicinity of 25 to 30. The future and viability of those schools is an issue. The year 7 cohort might contribute half a dozen students; it might contribute 10. I have a number of letters—unfortunately, I do not have all of them today—from school councils and parents and citizens associations imploring me to put the case that if we take year 7s out of those schools, the schools will not be viable; they will collapse. These letters ask me to paint the picture that this is not all that easy and that if there is a solution, there has to be a different solution for the regions. As I have said, those legions of schools will fall below the critical mass and will not be viable.

The other issue that parents of those students put to me is that in many areas over the past few years there have been significant pressures, including financial pressures and the need to keep a child in a nurturing family environment before they are sent away to, for instance, the residential college at Esperance or Perth to board at one of the private schools. That will happen a year earlier. As a parent I understand, and parents in this room would understand, that children often grow up very quickly and move on. For the time that we have with children, those years in primary school are very valuable.

Mr J.E. McGrath: Does the member want a city system and a country system?

Dr G.G. JACOBS: This is the issue that I put, member for South Perth. This is not a one-size-fits-all solution. It is not an easy solution; it is a difficult problem. As I said, I understand that the minister must go through all these considerations. There may be pressure within the metropolitan area, for instance, to do this, but if members go out into the bush to some of the places that I go to, they will see that there is definitely the counterargument.

The other thing is the increased financial impost on those families to send their children away a year earlier. Members might say, "It is only a year," but there are significant imposts in sending a child away to either a residential college or a boarding school. For a boarding school such as, for instance, Wesley College, there is not much change in a year from $40 000. I know that because I sent a couple of my boys to Wesley College. Today

there is not much change from $40 000 by the time tuition and boarding fees are included. It is another impost, if members like, on families in rural communities that are already feeling cost pressures. Members might say that, well, these are not major considerations, but it is a major concern where I come from and for the people I represent. I did not come prepared with all the letters that I have received from school councils and P&Cs, but those organisations want me to put that case today about year 7s going into high school. There may be some obvious educational advantages, such as those we have heard today. For instance, children grow up and become adults quicker and they want stimulus and education in high school. I must also consider these considerations today from the regional perspective. This is not an easy fix. I understand what the minister is going through with this. We must get this right. There indeed may also be a regional solution for this. I do not support condemning the minister for this issue, because it is most important that we get this decision right. When the minister is ready with that decision, I am sure it will be a well-considered one.

MR B.S. WYATT (Victoria Park) [6.20 pm] — in reply: I thank all members who have spoken on this motion today condemning the Minister for Education and asking the minister to announce her decision on year 7s entering high school. It is clear that the minister has made the decision; the issue is getting her to announce the decision. The contribution of the member for Eyre in particular is worthy of some comment. This issue was last debated in March, and in that motion I raised the concerns of schools, students and families with some strength. The member for Eyre will be pleased to know that back in March I raised similar concerns about the impact on regional families to those which he raised tonight. The member for Eyre needs to speak to the Minister for Education. I will read from *Hansard* the minister's response to what I said in that debate. The minister stated —

> One of the points the member made when the member for Albany was in the chair was that moving year 7 students from primary schools to secondary schools would mean that parents would need to send their children away earlier.

That is the issue that was raised by the member for Eyre. The minister continues —

> Parents who want their children to go to a boarding school in the city are faced with that now. I do not think that this change would make that much difference to the people who have to make that decision.

Clearly, the member for Eyre disagrees with the minister, as I do. As a regional member of Parliament, the member for Eyre knows there is not only a huge cost burden to send a student away for another year, whether it is to the city, Esperance or wherever those students are being sent, but also an impact on the family unit. I support wholeheartedly the member for Eyre's comments on those issues.

The member for South Perth and the member for Riverton raised legitimate issues, which were also raised on this side of the house. The member for Ocean Reef and the member for Scarborough gave a good example of why we should not believe everything that we receive from the Minister for Education's office. I appreciate the contributions to this debate from all members this evening.

Ultimately, the key issue, as the member for South Perth said, is that the cabinet will not be rushed. The cabinet certainly will not be rushed! This issue has been in the cabinet process, as stated by the minister, for at least three months. We debated this issue in March when the Minister for Education told this house that it was in the cabinet process. I have questioned the minister twice since then, and it was still in the cabinet process. This is without question the longest cabinet process that a government has ever had. So far, it has been in the cabinet process for three months and we are still waiting for a decision to be made.

Back in March I made a point on a personal level. Like the member for Armadale, I would prefer my two girls to do year 7 in primary school, but the right policy decision is a decision that the minister wants to make—it is the decision that the minister will inevitably make—which is to have year 7s in high schools. There will be some tinkering with that to accommodate the regional concerns that the member for Eyre has raised, which will be necessary in a state like Western Australia. There will have to be some tinkering as it will not be a one-size-fits-all solution. However, the minister needs to make the decision.

As I said last night, the minister is no longer a political commentator. As a member of the executive government, the minister needs to make a decision. In October last year the minister said that the decision was two to three months away. Here we are in June and another budget has come through with no money allocations for the obvious cost implications for either making a decision or not making a decision. As the Minister for Water knows, there is a cost implication in making either of those choices. The opposition's questioning in estimates hearings highlighted that new high schools to be constructed do not accommodate year 7s. The government continues to move slowly, whilst we wait. We have been waiting two years. The minister raised this issue on 27 May 2009. It is not unreasonable to expect that after two years a decision is made.

I note the announcement by the Queensland Premier, Anna Bligh, on 9 June this year. After a similar time period the Queensland Premier made her decision. I will quote from a transcript of her press conference —

> From 2015 Queensland high schools will welcome year 7 students for the first time. This reform bills on the introduction of prep and the change to the entry age of schooling. By 2015 our year 7's will be turning 13 and they will be in their eighth year of schooling.

The Premier of Queensland then sets out the two main reasons for this, which are the same reasons that our Minister for Education raised back in March—the age of the students and the impact of the national curriculum.

As I said before, personally I would like my two girls to stay in primary school for as long as they can, but the right policy decision, ultimately, which has been accepted by most members, is to move year 7s into high school. The national curriculum now makes that inevitable. We all know that. The Minister for Education knows that. We know that the minister received a report on the national curriculum in December. The minister just needs to make the decision.

What was impressive about Premier Bligh was that she had a plan, and she went on to set out how it was going to happen. I will quote Premier Bligh again. She stated —

> We estimate that this will require an extra 1300 high school teachers. We will give our primary school teachers on a voluntary basis who want to make the move into high school teaching the chance to do so with 500 scholarships that will underpin their ability to get the qualifications necessary between now and 2015 if they want to be part of that change. This is an exciting moment for education in Queensland.

Later in that press conference, Premier Bligh stated —

> It will be a program that will require $328 million of new capital in state schools. That is new buildings to accommodate these students over the next four years. In addition to the buildings that will be required in state schools there will be an additional funds of around $300 million;

The report prepared by the Department of Education in 2007 made a finding that the cost to do this in Western Australia would be $835 million. The minister has said that it is nowhere near that cost. I suspect it is probably not. I daresay that the department applied a methodology that saw it happen in all schools. I do not think that the government is going to go down that path and not every single high school will require huge capital works to accommodate year 7 students. However, there will be a capital cost and a cost in retraining teachers to become specialist teachers in various areas. We know that. Everybody in this place knows the complexity of the issue and the concerns that the minister must consider. The minister has been considering those issues for two long years. The minister raised the issue and put it back on the agenda in October last year when she said she was two to three months away from making a decision. The key for the minister is to make the decision. That is the point being argued by the opposition.

I suggest to the member for Eyre that with rural and remote schools we have a construct that can be rectified in respect of the impact this will have on resource allocations to small schools in regional areas. That is something we can fix and that the minister can guarantee to factor into the costings. What the minister cannot do at this point is provide the Parliament, teachers, students and families with a timetable and a process that she should have undergone throughout this whole ordeal.

I want to highlight a number of points tonight, because most members were not here for the initial debate back in March. I put a number of questions to the minister. Firstly, I asked the minister about the timetable. The Premier of Queensland has provided a timetable. Will our Minister for Education give us a timetable? We know that this will be rolled out over a period of time. The minister has had two years to decide, so surely she must know what that timetable is. Secondly, will the minister's decision apply to all schools? The member for Eyre raised that issue. It probably will not, but that is up to the minister. Will the Minister for Education answer that question? What is the cost of making the decision to put year 7s in high schools under the National Curriculum, what is the cost of keeping year 7s in primary schools, and what is the impact that will have on education? Fourthly, has the minister considered training primary teachers to provide specialist education in primary schools? That flows on from the issue of cost. Fifthly, why has the minister not issued a discussion paper? Why has there been no government-initiated public debate on the issue? There has not been one media release or one public document! At the very least, Queensland had a discussion paper that raised the problems and issues to allow school communities to have input in a meaningful and constructive way. Not one media release has gone out on what may be the key decision the minister will hopefully make in this term of government. The member for South Perth highlights the fact that it is a hard decision over which cabinet has agonised for months, but there has not been one media statement on the issue. No wonder people are not beating down the member for Scarborough's door. People do not know the context in which this debate is taking place. It has to be more than simply the minister wandering around on a Cook's Tour of various schools and asking, "What do you think about this?" It has to be more than that. This is a significant policy decision that will have significant cost and educational implications. It is not too much to ask for the minister, at the very least, to perhaps mention in a media statement that she is considering this issue.

The member for Scarborough spent some time talking about a report by the Department of Education, titled "The Future Placement of Year 7 Students in Western Australian Public Schools: A Study", dated February 2007, that made a number of recommendations. Ultimately one of the key recommendations was that there is no evidence at either the state or the national level that outcomes improve when year 7 students are in secondary settings. If the minister will make this decision, which I think she will, she needs to make the case in here and out in the community. Why is she putting the member for Eyre's constituents through extra costs? Regardless of the fact that the cost findings were probably lower than those the report found, a right decision ultimately has to be made in respect of education.

The member for Armadale raised concerns regarding bullying, which was the subject of a report prepared by Julian Dooley from Edith Cowan University. That report highlighted bullying implications for year 7s in secondary schools, and reported that year 7 students in a secondary school environment are much more susceptible to higher rates of bullying. All these issues need to be considered. We know it is complicated. The minister's response was that she could not answer all the member for Victoria Park's specific questions, because it is in the cabinet process and therefore she could talk about it. She then presented the reasons why year 7s should ultimately be in high school. As was highlighted by Premier Bligh, it came down to the age and the impact of the national curriculum. Ultimately, I think the right policy decision is to go down that path, despite the fact that, as I have said many times, I would prefer my two girls to spend a lot more time in primary school than high school. However, I understand the reality of modern education. Having year 7 in secondary school is the right decision, and it is a good time for the government—it has had two years—to get on and make it.

As the member for Armadale has said, "Dump, delay, delegate, do." I have seen a lot of dumping, delaying and delegating, but I have not seen much doing by this minister, and, indeed, by this government. This is the perpetual frustration. I have not been in the job that long, but my perpetual frustration and that across education stakeholders is that the minister simply will not make a decision. We all know that that is the case. I know that backbenchers opposite know that that is the case. It is not that hard to make a decision. We know the issues. We in opposition know the issues. The minister needs to get on and make that decision.

The member for Scarborough and the Minister for Education referred to some comments made by Hon Ljiljanna Ravlich about making economic decisions in respect of our kids' education. They looked down their noses at those comments. I do not think the member for Scarborough and the Minister for Education were listening to my question on conductive education during question time today. The minister said —

> … there is no evidence to suggest that this is a program worthy of our continued financial support.

The minister makes these decisions, member for Scarborough, on perhaps some of our most vulnerable students on the basis of a financial consideration. The member cannot sit there now and look down her nose. Ultimately, it was an insipid effort in defending the minister, whose performance I think she knows has not been up to par. We all know that; I think members opposite all know that.

I again make the point that the minister should make a case and make a decision. There has been no public commentary and no discussion paper. There has not even been a media release. Media releases from government are ways of making announcements and informing the public. That is a big part of what ministerial communication with the public is about. It is about getting things in the media so that members of the public are aware. For heaven's sake—the minister has put out media releases on trivial issues, but she will not mention what will be the most significant decision she will hopefully make before she retires at the end of this term of government.

The opposition has made its case. The minister should be condemned.

Mr J.E. McGrath: I thought you were in the courtroom when you said you had made your case.

Mr B.S. WYATT: We have made our case. I think the minister deserves to be condemned, because there has been two years of dithering over what will be the most significant decision she hopefully makes while she is Minister for Education. As I said, the minister has made the decision; she just needs to announce it.

Dr A.D. BUTI: She needs to prosecute the decision.

Mr B.S. WYATT: Correct; and she needs to convince us why it is the right decision.

I do not think the member for Ocean Reef was in the chamber when I mentioned his comments before. I know the member for Scarborough was here. Members should not believe everything that the minister's office gives them when they have to get up, against their own better judgement, and defend the minister. They should not believe everything the minister says. I think the member's comment was, "Never before in my life has there been such capital investment in education", or outrageous words such as those. No doubt those members were taken in by the minister's media release on budget day about the $660 million that was being heavily invested in education capital works. Imagine my surprise when I found that, of that $660 million, $404 million is unspent money from the current financial year. The real money is $250 million. The member for Ocean Reef should

think about those things before he makes those sorts of statements. He should not believe everything the minister waves under his nose for him to read out. He will just get himself in trouble, as the member for Scarborough did—umming and ahhing her way through all sorts of funny little things she was saying about the history of this matter. I know the member for Scarborough can do better than that. She should not believe everything the minister tells her.

I want to conclude by highlighting the comments of the member for Eyre. The minister does not get regional issues. Her response, which I read to the member, highlights the fact that she does not understand the impact that this will have on the member for Eyre's constituents. I refer to the issues that the member for Eyre raised 20 minutes ago in his contribution. I daresay the member needs to have an urgent meeting with the minister.

The minister spent 17 years sitting in the house as a political commentator. She has not made the transition to a member of the executive government. Reams and reams of different and important issues in education remain outstanding upon which a decision must be made. This is probably the most wide-reaching one. Members opposite should get onto the minister. They are the people who have influence over her. Get the minister to make some decisions and start pushing these issues through the cabinet. This issue has been in the cabinet process for three months. The members for Ocean Reef, Scarborough, Eyre and Riverton should start getting these things pushed through. Members opposite talked about their wonderful schools. Ask those schools whether they would like a decision made and whether they would like a timetable. I can guarantee that they will say yes. The schools may disagree on what the decision should be, depending on whether they are a primary or a secondary school, but it has been two years. They want a decision so that they can plan.

Follow what Premier Bligh did. She has a plan for 2015; she has a plan to get it there; she has a plan to get the teachers there; she has a plan to train the teachers; and she has funded the plan. That is what the government needs to do, and that is what the government needs to announce. It needs to get out there and make the case so that everybody involved in education, whether it is us in here or whether it is parents, teachers or grandparents, can at least have some vague understanding that there is a minister who seems to be in control and seems to want to make decisions but seems completely and utterly incapable of doing so.

Question put and a division taken with the following result —

Ayes (23)

Ms L.L. Baker	Mr F.M. Logan	Ms M.M. Quirk	Mr A.J. Waddell
Dr A.D. Buti	Mr M. McGowan	Mr E.S. Ripper	Mr P.B. Watson
Ms A.S. Carles	Mr M.P. Murray	Mrs M.H. Roberts	Mr M.P. Whitely
Mr R.H. Cook	Mr A.P. O'Gorman	Mr T.G. Stephens	Mr B.S. Wyatt
Ms J.M. Freeman	Mr P. Papalia	Mr C.J. Tallentire	Ms R. Saffioti *(Teller)*
Mr J.C. Kobelke	Mr J.R. Quigley	Mr P.C. Tinley	

Noes (26)

Mr P. Abetz	Mr V.A. Catania	Mr A.P. Jacob	Mr C.C. Porter
Mr F.A. Alban	Dr E. Constable	Dr G.G. Jacobs	Mr D.T. Redman
Mr C.J. Barnett	Mr M.J. Cowper	Mr R.F. Johnson	Mr M.W. Sutherland
Mr I.C. Blayney	Mr J.H.D. Day	Mr A. Krsticevic	Mr T.K. Waldron
Mr I.M. Britza	Mr B.J. Grylls	Mr W.R. Marmion	Mr J.E. McGrath *(Teller)*
Mr T.R. Buswell	Dr K.D. Hames	Mr P.T. Miles	
Mr G.M. Castrilli	Mrs L.M. Harvey	Dr M.D. Nahan	

Pairs

Mr D.A. Templeman	Mr J.M. Francis
Mrs C.A. Martin	Mr A.J. Simpson
Mr W.J. Johnston	Ms A.R. Mitchell

Question thus negatived.

ROAD SAFETY COUNCIL AMENDMENT (FUNCTIONS) BILL 2010

Second Reading

Resumed from 23 February.

MR P.B. WATSON (Albany) [6.43 pm]: I support the bill. When we drive between Albany and Perth and see all the crosses along the side of the road, we can understand the amount of stress that road accidents have caused to people not only in the Albany community, but in all the communities along Albany Highway. Just before the 2005 election, two young boys from Albany were killed in a car accident that should never have happened. One of those young boys had played in a football team that I had coached. It was very sad. I spoke at his funeral, and I became very close to his family. The mother and father of that young boy suffered terribly. They do not live in Albany any more. They have shifted to the other side of the country. No trauma counselling was available for

these people, and they found it very hard to fit back into the Albany community. Both of the parents were very involved in the Albany community, in sport and in other areas. They were very outgoing people. But they just retreated within themselves, and they suffered greatly. I know a lot of the young people who went to the funeral. It was probably one of the biggest funerals that has been held in Albany for some time. I know from the looks on the faces of the young people who were at the funeral that that tragedy affected not only the parents, but also many other people.

I have come across an accident on the road. The car had rolled over, and steam was still coming out of it. But we were very lucky, because although the person in the car had been seriously injured, we were able to get an ambulance for that person, and the person survived. But I had nightmares about that for quite a while, because when I came across that accident, I did not know what I was going to find. I cannot imagine what it must be like for people who come across a person on the side of the road who has been in an accident, and the trauma that they face afterwards. It affects not only the families and the siblings, but also the neighbours and other people in the community.

I have been talking to the member for Girrawheen about the Victorian legislation. In Victoria, people who have committed serious traffic offences are required to talk to people who have survived a tragedy on the roads but have become a paraplegic or a quadriplegic. That is the only way that these people will realise the enormity of what they have done. We can put people in jail, or fine them. But if the person who has caused the accident can see the end result of what has happened to the victim and can say to the person, "I am sorry, I did this, and it is going to be with me for the rest of my life", it will be better not only for the offender, but also for the victim. A person who has caused an accident may also suffer. A person may be driving a car and be involved in an accident, and the passenger may die and he survives. That person will then be responsible for the death of that other person. That person needs trauma counselling too, because even though the person has done something that is really bad, we need to look after that person for the sake of his future. As I say, we can put people in jail, but they have to carry this burden for the rest of their lives.

Just before I became a member of Parliament, in 2001, there was a spate of accidents along Albany Highway. One school in Albany, St Joseph's College, had nine students in one year die on the roads. A lot of young people from Albany go to Perth to a concert or to a nightclub, and they celebrate, and they get up the next morning and drive back to Albany. Most of the accidents along Albany Highway occur between Mr Barker and Albany. It is almost the end of the road, and people think they have only half an hour to go, and they relax. The majority of the crosses are in that area.

It is very hard to say what sort of trauma counselling we should give to people. Road trauma affects different people in different ways. Two days after those two young boys had died, I happened to be driving to Perth. I was just outside Williams when a car came past me at about 160 kilometres an hour. The three guys in the car were mates of the guys who had died, and they waved out of the window and said "Watto, Watto" and all that sort of stuff. I happened to catch up with them at the coffee shop in Williams, and I said to them, "Didn't you learn?" and they said, "Oh, it can't happen to me." So, they had seen one of their mates killed—one of the guys they had played footy with—but off they went still thinking that they were bulletproof and that road trauma would not happen to them.

We should be counselling such people who are on the fringe of it and letting them know the consequences of what can happen not only to them, but also to their families and to everyone else involved—even to their workmates. Some workmates of the young boy who was killed were emotionally upset for quite a while. There are young guys like that at both ends of the spectrum. There are those who do not think about road trauma because they think it will not happen to them, and there are others who stop playing sport and stop going out for quite a while. I know some parents who got together and gave them their own sort of counselling to get them back on track.

I believe a road trauma trust fund would be very beneficial, especially in regional areas. There are not as many support services for people in regional areas as there are in the city. I do not know whether there are road trauma support services in the city, but in country towns everybody knows each other. If an 18-year-old in Albany has an accident, I will know that person; probably 70 per cent of people in the town will know that person. It would be a good thing if some support programs were available. As I said, not everyone would use them, but there are people who are desperately looking for some such services, and I think this bill presents a great opportunity in that regard. I believe 1.2 million people a year are killed in road crashes around the world, leaving behind shattered families and communities. I am not sure what the road toll is this year, minister; is it up or down?

Mr R.F. Johnson: It is roughly the same as it was this time last year. It has been coming down over the last few years and we obviously hope it will continue to come down, but it is very dangerous to try to predict a pattern or to say, "Well done."

Mr P.B. WATSON: I fully understand that.

Mr R.F. Johnson: It is too early on in the year as yet. We've just got to keep getting the message out to people: drive more carefully, wear a seatbelt, try not to be distracted, do not drink and drive and do not speed. We've got to keep getting those messages out there.

Mr P.B. WATSON: A twin lane for Albany would probably help. I am sure the minister would support me on that.

I fully support this bill. It is a great thing to see the government putting some funding towards something like this road trauma trust fund. I fully support the government on that. It is something that we really need.

One aspect of the bill is to assist with victim impact statements in court. That is a big aspect, as some victims might go to court and say that this or that is affecting them, but having someone there to help them will give them better closure. We would not want them to go home after and wish they had said this or that, and if they have someone who can help them, it will make a hell of a difference.

I therefore fully support this bill. It is a great initiative not only for people in the regional areas that I represent, but also for people in the city, because there is nothing worse than getting that knock on the door. I got a knock on the door once when my daughter rolled a car about 100 kilometres from Albany. I got that knock on the door to tell me that she was okay, but I know the trauma I went through with that. I could not imagine what it would be like to get that knock on the door to tell me that my child or a member of my family had been killed. It is essential that we have a bill like this in place. I applaud the member for Girrawheen for bringing it to Parliament, and, as I say, I fully support it.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [6.54 pm]: I take the opportunity to rise to support this Road Safety Council Amendment (Functions) Bill. I commend the member for Girrawheen for putting together a very thoughtful, simple and useful contribution to legislation in this state. I understand that this legislation will allow the road trauma fund to be used for extending counselling services to family members and those directly impacted by the incidence of road trauma. In some respects, this will close the circle around the issues of trauma as it impacts upon our community. We already have a health system that provides extraordinary services to the community for addressing the needs of people who suffer from the physical aspects of road trauma, and we already have a very effective Road Safety Council and law enforcement agency for addressing aspects associated with road trauma. However, what I like about this legislation is that it goes beyond those immediate elements associated with road trauma and allows a further dimension to the community's response to the issue.

I want to share with the chamber an incident that took place in my electorate in 2009 on the corner of Ennis Avenue and Elanora Drive. Tragically one evening an elderly gentleman was fatally hit by a truck moving through that intersection fairly rapidly. I do not think there is any issue about whether the truck driver was responsible for that death. I do not think the gentleman—whose name I will not use—was crossing the intersection in a manner that would have further endangered his life, but, unfortunately, he has left us. I never met the gentleman. I first became involved in the incidents surrounding this issue when I was involved in a multidepartmental working group convened by detectives at the Fremantle precinct of the police service. They brought together a range of departments, including the Department for Communities, the Department of Indigenous Affairs, the Department of Housing and a range of other government departments and service organisations, because at that time we were confronting some very difficult issues associated with conflict within different families from the communities in and around Rockingham and Kwinana. There was a lot of fighting and there was some very serious physical violence. The unique aspect of the group, called the antisocial behaviour working group, is that it went beyond simply addressing the issue of law enforcement. It actually asked why these particular families were behaving towards each other in the way they were and why they were responding to external stimulation in their lives; that is, why they were responding so very violently to issues, threats or interactions in a way in which the rest of us, quite frankly, would not have responded.

Members of the police force associated with this matter tried to resolve some of these difficult issues. They sat down with family members from both sides and discussed at some length the issues affecting those families. In this instance, it became clear that both families were highly traumatised by two very serious accidents. One accident had occurred on the road to Mandurah from Pinjarra in which some family members had died while members of another family were at the wheel of the car. I also mentioned the other accident that occurred at the corner of Ennis Avenue and Elanora Drive in addition to this event. It became clear to the police officers involved that these families were essentially responding to the trauma that they had experienced as a result of these deaths. They were responding to the anger and the hurt that they had associated with these traffic and vehicle accidents. It was clear that these families were falling through the cracks in terms of receiving counselling and getting access to the sorts of services that they needed to deal with and process the fallout from these very traumatic accidents on the roads. It is clear that these people needed a service that they could access

so that they could receive a level of counselling that would allow them to process a lot of the hurt and pain they were experiencing as a result of their grief. However, rather than receive those services, they were left to thrash around in the system.

Debate adjourned, pursuant to standing orders.

House adjourned at 7.00 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

PUBLIC TRANSPORT — FAMILY DAY PASS PROPOSAL

5295. Mr M.P. Whitely to the Minister for Transport

Can the Minster outline any plans to institute family day passes for public transport services; and

(a) if not, why not?

Mr T.R. BUSWELL replied:

The Public Transport Authority advises:

The Member should be aware that Transperth already has a FamilyRider ticket that provides unlimited system wide travel for a group of up to seven people (two of whom can be standard fare passengers)..

SCHOOL DENTAL THERAPY — STATISTICS

5304. Mr A.P. O'Gorman to the Minister for Health

(1) How many children received emergency general anaesthetic for dental extraction in the past 12 months?

(2) What was the main reason for children being admitted to hospital over the past 12 months?

(3) Under the General Agreement 4, School Dental Therapy Assistants were granted an attraction and retention bonus of $3,000 per annum; and

(a) will this continue under General Agreement 5?

(4) How many School Dental Therapy Assistant positions are currently vacant?

(5) When will School Dental Clinics receive computers to better manage their patients?

(6) When will training be provided to the School Dental Therapy Assistants to use those computers?

(7) How many male School Dental Therapy Assistants are employed by the Department of Health?

(8) What is the average age of School Dental Therapy Assistants?

(9) What is being done to attract applicants to this field?

(10) What is the career progression for School Dental Therapy Assistants?

Dr K.D. HAMES replied:

(1) 335 cases recorded as requiring emergency dental extractions under general anaesthetic between 1 May 2010 to 30 April 2011.

(2) The top ten reasons for children (less than 18 years of age) being admitted to hospital* between 1 July 2009 and 30 June 2010 according to the Australian Refined Diagnosis Related Groups version 6.0 (DRG v6.0), are in descending order:

1. Otitis Media and upper respiratory infections.
2. Bronchitis without complications or co-morbidities.
3. Viral illnesses.
4. Dental extractions and restorations.
5. Whooping cough and acute bronchiolitis without complications or co-morbidities.
6. Oesophagitis and gastroenteritis without catastrophic or severe complications or co-morbidities.
7. Injury to forearm, wrist, hand or foot.
8. Tonsillectomy and/or adenoidectomy.
9. Neonate above 2499g without significant operating room procedure without problem.
10. Neonate above 2499g without significant operating room procedure with other problem.

* Public hospitals and public patients at Peel and Joondalup Health Campuses.

(3) (a) The Attraction and Retention Benefit of $3,000 per annum paid to Dental Clinic Assistants has been extended for 12 months. The Department of Health will conduct within the next six months a review of the Dental Clinic Assistant classification structure. The objective will be to establish a sustainable classification regime which is recognised as essential for sustaining public dental services.

(4) 8 dental clinic assistant positions are presently vacant in the School Dental Service.

(5) A business case for the implementation of Clinical Information Systems Infrastructure in the School Dental Service (Dental Therapy Clinics) is under consideration by the North Metropolitan Area Health Service (NMAHS) for funding approval. Development of the electronic patient management system is continuing in anticipation of funding approval.

(6) The business case described in (5) includes provision for increased staffing to undertake the necessary training for clinical staff in the School Dental Service as part of the implementation process once funding is confirmed.

(7) Nil.

(8) 45 years of age.

(9) There are a number of initiatives currently being undertaken in this regard:

(a) Answer as above in 3(a).

(b) Dental Clinic Assistant (DCA) students from the two major training providers are allocated to a dental therapy centre as part of their course to not only learn DCA skills but to appreciate and understand the benefits of employment in the public sector.

(c) The Coordinator Dental Assisting Services from Dental Health Services provides a pre graduation presentation on the benefits of public sector employment.

(d) The benefits of public sector employment are actively promoted to the students by the training providers.

(10) Dental Clinic Assistants working in the School Dental Service are able to transfer to a general (adult) dental clinic and progress to a Senior DCA or Dental Clinic Coordinator position.

MINES IN WESTERN AUSTRALIA

5313. Mr M. McGowan to the Minister representing the Minister for Mines and Petroleum

I refer to mines in Western Australia, and ask:

(a) how many new mines have opened in Western Australia since 6 September 2008; and

(i) what are their names, what do they mine and in which year did they open; and

(b) how many mines have closed in Western Australia since 6 September 2008; and

(i) what are their names, what do they mine and when did they close?

Mr W.R. MARMION replied:

Mining generally is finite and mine or pit closure may not necessarily be due to adverse economic conditions but rather the end of a planned mine life.

Projects can incorporate several mines/pits which over time reach natural depletion. These events have not been included in the list provided unless the project has reached the end of its planned life.

Quarrying projects have not been included.

Many mines are not closed, but are put on care and maintenance with the intention of mining operations recommencing when circumstances permit.

(a) 29 new mines have opened since 6 September 2008.

(i) Details are provided below:

Pardoo iron ore mine 13 October 2008
Peak Hill manganese mine 29 January 2009
Coobina chromite mine reopened 13 February 2009
Kundana — White Flag gold mine 17 February 2009
Boddington gold mine, 23 June 2009
Kalgoorlie West — Binduli gold mine 1 July 2009
Laverton Barnicoat gold mine 21 September 2009
Koolanooka — Mungada iron ore mine November 2009
Lounge Lizard nickel mine January 2010
Porphyry Northern Operations gold mine 11 January 2010
Edna May — Westonia gold mine 11 January 2010
Magellan Lead mine 22 February 2010
Christmas Creek iron ore mine March 2010

Brightstar — Mikado gold mine 5 March 2010
Leonora — Navigator gold mine 8 April 2010
Bronzewing — Mt McClure gold mine 9 April 2010
Mt Morgans gold mine 30 April 2010
Mt Cattlin spodumene mine 17 June 2010
Wodgina iron ore mine July 2010
Burnakura gold mine 17 August 2010
Brockman 4 iron ore mine — 2 September 2010
Meekatharra Bluebird gold mine 1 October 2010
Moolart Well gold mine 5 October 2010
Randalls — Mt Monger 13 October 2010
Karara iron ore mine November 2010
Moly mines iron ore mine December 2010
Sinclair nickel mine 17 January 2011
Nullagine iron ore mine March 2011
Degrussa copper/gold mine 27 April 2011

(b) According to the records of the Department of Mines and Petroleum, no mines have permanently closed since 6 September 2008. However, 22 mines have been put on care and maintenance since that date.

(i) Details are provided below:

Kambalda — Beta Nickel, East Alpha and Hunt nickel mines 14 November 2008
Lake Johnson, Black Swan (Emily Ann and Maggie Hays) nickel mines 16 February 2009
Burnakura gold mine March quarter 2010
Widgiemooltha north nickel mine December quarter 2008
Cawse nickel mine ceased operations in June 2008, officially put on care and maintenance 15 October 2008.
Coobina chromite mine 14 November 2008
Copernicus nickel mine 18 November 2008
Wildara — Waterloo and Silver Swan nickel mine 24 November 2008
Wodgina tantalum mine 26 November 2008
Radio Hill nickel mine December 2008
Miitel and McMahon mines December 2008
Blair – Golden Ridge nickel mine 19 December 2008
Ravensthorpe nickel mine — 21 January 2009
Whim Creek — Mons Cupri base metals mine April 2009 however it was a heap leach process which produced through to Dec 2009.
Sinclair nickel mine August 2009
Goldsworthy Iron Ore Yarri/Nimingarra mines 9 April 2010 (depleted project)
Kalgoorlie West — Binduli gold mine 15 April 2010
Leonora — Navigator gold mine 8 June 2010
Bullabulling gold mine 9 December 2010
Laverton — Barnicoat gold mine 4 March 2011
Lake MacLeod Gypsum mine 9 March 2011
Magellan Lead mine 5 April 2011
Kundana — White Flag gold mine 13 April 2011

CROSSBOWS — PROHIBITED WEAPON CLASSIFICATION

5316. Ms M.M. Quirk to the Minister for Police

I refer to the Minister's Brief Ministerial Statement of 7 April 2011 concerning the creation of cross bows as prohibited weapons in which he stated that he had met with a number of sporting associations and that they had indicated that they had no objections to the changes, and I ask:

(a) can the Minister list which sporting associations he met with concerning these changes; and

(i) what are the dates, times and places that these meetings occurred; and

(b) has the Minister had representations from other groups or individuals concerning these changes with whom he did not meet; and

(i) if so, could the Minister please list those organisations or individuals?

Mr R.F. JOHNSON replied:

(a) Archery and Hunting Alliance Australia
Australian Bowhunters Association
Archery Australia
3D Archery Association of Australia

(i) Archery and Hunting Alliance Australia

Monday 1 February 2010
1:30PM — 2:30PM
Ministerial Office, Perth

Australian Bowhunters Association, Archery and Hunting Alliance Australia, Archery Australia, and 3D Archery Association of Australia

Tuesday 9 February 2010
2:00PM-3:00PM
Ministerial Office, Perth

(b) Not that I am aware of.

(i) Not applicable.

EXMOUTH — AGED CARE BEDS

5319. Mr M.P. Whitely to the Minister for Health

(1) How many permanent aged care beds are available in Exmouth; and

(a) what level of care does each provide?

(2) What respite facilities are available in Exmouth to carers of people in need of aged care assistance?

(3) Are there any plans to increase the number of aged care places in Exmouth; and

(a) if yes, by how many and when will they be available?

Dr K.D. HAMES replied:

(1) 4.

(a) 3 high care and 1 low care.

(2) Booked and emergency respite can be catered for on the same day in most instances.

(3) No.

(a) Not applicable.

CORAL BAY — WORKERS' ACCOMMODATION

5320. Mr M.P. Whitely to the Minister for Regional Development

I refer to an article in the *Northern Guardian* on 8 September 2010 regarding workers accommodation in Coral Bay and I ask:

(a) how many expressions of interest were received?

(b) has a successful proponent been chosen and if yes, who is the successful proponent?

(c) has any work begun on the workers accommodation and if yes, when did work begin?

(d) if no, when are works scheduled to commence?

(e) what is the expected completion date?

Mr B.J. GRYLLS replied:

(a) Seven.

(b) Yes, National Lifestyle Villages was announced as the successful proponent on 20 April 2011.

(c) The project is currently in the design phase with a Development Application expected to be lodged with the Shire of Carnarvon for consideration at its June 2011 meeting. Detailed design commenced shortly after the announcement on 20 April 2011.

(d) Not Applicable.

(e) Approximately January 2012.

MINING LICENCE APPLICATIONS — TURNAROUND RULE

5324. Mr M. McGowan to the Minister representing the Minister for Mines and Petroleum

I refer to the 65-day rule for the turn-around of mining license applications, and ask:

(a) what is the total number of applications that have been dealt with since the introduction of the rule in April 2009;

(b) as at 17 May 2011, how many applications have not been dealt with within 65 days;

(c) as at 17 May 2011, what percentage of applications has not been dealt with within 65 days; and

(d) what reasons are given for applications not being dealt with within 65 days?

Mr W.R. MARMION replied:

(a) 116

(b) 6

(c) 5%

(d) The reasons given for the applications not being dealt with within the 65 day period are the turnover of staff in the Department of Mines and Petroleum's regional offices, the time to train new recruits and the complexity of other land interests that require assessment.

PROSPECTING LICENCE APPLICATIONS — TURNAROUND RULE

5325. Mr M. McGowan to the Minister representing the Minister for Mines and Petroleum

I refer to the 65-day rule for the turn-around of prospecting licence applications, and ask:

(a) what is the total number of applications that have been dealt with since the introduction of the rule in April 2009;

(b) as at 17 May 2011, how many applications have not been dealt with within 65 days;

(c) as at 17 May 2011, what percentage of applications has not been dealt with within 65 days; and

(d) what reasons are given for applications not being dealt with within 65 days?

Mr W.R. MARMION replied:

(a) 1860

(b) 248

(c) 13%

(d) The reasons given for the applications not being dealt with within the 65 day period are the turnover of staff in the Department of Mines and Petroleum's regional offices, the time to train new recruits and the complexity of other land interests that require assessment.

EXPLORATION LICENCE APPLICATIONS — TURNAROUND RULE

5326. Mr M. McGowan to the Minister representing the Minister for Mines and Petroleum

I refer to the 65-day rule for the turn-around of exploration licence applications, and ask:

(a) what is the total number of applications that have been dealt with since the introduction of the rule in April 2009;

(b) as at 17 May 2011, how many applications have not been dealt with within 65 days;

(c) as at 17 May 2011, what percentage of applications has not been dealt with within 65 days; and

(d) what reasons are given for applications not being dealt with within 65 days?

Mr W.R. MARMION replied:

(a) 3777

(b) 297

(c) 8%

(d) The reasons given for the applications not being dealt with within the 65 day period are the turnover of staff in the Department of Mines and Petroleum's regional offices, the time to train new recruits and the complexity of other land interests that require assessment.

GENERAL PURPOSE LICENCE APPLICATIONS — TURNAROUND RULE

5327. Mr M. McGowan to the Minister representing the Minister for Mines and Petroleum

I refer to the 65-day rule for the turn-around of general purpose licence applications, and ask:

(a) what is the total number of applications that have been dealt with since the introduction of the rule in April 2009;

(b) as at 17 May 2011, how many applications have not been dealt with within 65 days;

(c) as at 17 May 2011, what percentage of applications has not been dealt with within 65 days; and

(d) what reasons are given for applications not being dealt with within 65 days?

Mr W.R. MARMION replied:

(a) 65

(b) 4

(c) 6%

(d) The reasons given for the applications not being dealt with within the 65 day period are the turnover of staff in the Department of Mines and Petroleum's regional offices, the time to train new recruits and the complexity of other land interests that require assessment.

RETENTION LICENCE APPLICATIONS — TURNAROUND RULE

5328. Mr M. McGowan to the Minister representing the Minister for Mines and Petroleum

I refer to the 65-day rule for the turn-around of retention licence applications, and ask:

(a) what is the total number of applications that have been dealt with since the introduction of the rule in April 2009;

(b) as at 17 May 2011, how many applications have not been dealt with within 65 days;

(c) as at 17 May 2011, what percentage of applications has not been dealt with within 65 days; and

(d) what reasons are given for applications not being dealt with within 65 days?

Mr W.R. MARMION replied:

(a) 2

(b) 1

(c) 50%

(d) The reasons given for the applications not being dealt with within the 65 day period are the turnover of staff in the Department of Mines and Petroleum's regional offices, the time to train new recruits and the complexity of other land interests that require assessment.

MISCELLANEOUS LICENCE APPLICATIONS — TURNAROUND RULE

5329. Mr M. McGowan to the Minister representing the Minister for Mines and Petroleum

I refer to the 65-day rule for the turn-around of miscellaneous licence applications, and ask:

(a) what is the total number of applications that have been dealt with since the introduction of the rule in April 2009;

(b) as at 17 May 2011, how many applications have not been dealt with within 65 days;

(c) as at 17 May 2011, what percentage of applications has not been dealt with within 65 days; and

(d) what reasons are given for applications not being dealt with within 65 days?

Mr W.R. MARMION replied:

(a) 211

(b) 19

(c) 9%

(d) The reasons given for the applications not being dealt with within the 65 day period are the turnover of staff in the Department of Mines and Petroleum's regional offices, the time to train new recruits and the complexity of other land interests that require assessment.

MARGARET RIVER SURF, MUSIC AND ARTS FESTIVAL

5330. Mr J.N. Hyde to the Minister for Tourism

In relation to Eventscorp's sponsorship of the Margaret River Surf, Music and Arts Festival, I ask:

(a) did the 2009, 2010 and 2011 sponsorship proposals offer Eventscorp a 10 per cent share of net profit; and

  (i) if not, what percentage and/or return was offered in each year; and

(b) what actual percentage return and actual return in dollar terms did Eventscorp receive in each year?

Dr K.D. HAMES replied:

(a) Tourism WA does not have a sponsorship agreement for a 'Margaret River Surf, Music and Arts Festival'.

  (i) Not applicable.

(b) Not applicable.

MARGARET RIVER SURF, MUSIC AND ARTS FESTIVAL — EVENTSCORP SPONSORSHIP

5332. Mr J.N. Hyde to the Minister for Tourism

In relation to Eventscorp's sponsorship of the Margaret River Surf, Music and Arts Festival, and the 2009 sponsorship agreement, I ask:

(a) on what grounds did Tourism Western Australia verify the claim under "deliverables" that the event is 100 per cent owned and run by Western Australian-based organisations, ensuring all wages and spending will be retained in the State;

(b) what audit has the department undertaken to ensure that all wages and spending were retained within Western Australia; and

(c) will the Minister table any and all audit documents; and

  (i) if not, why not?

Dr K.D. HAMES replied:

(a) Tourism Western Australia does not have a sponsorship agreement for a 'Margaret River Surf, Music and Arts Festival'.

(b)–(c) Not applicable.

  (i) Not applicable.

PUBLIC HOUSING — HEAD CONTRACTOR MAINTENANCE CONTRACTS

5336. Mr M. McGowan to the Minister for Housing

I refer to the Barnett Government's awarding of Department of Housing maintenance contracts to three major groups, and I ask:

(a) as at 1 May 2011, could the Minister advise (expressed as a percentage), how each of the three individual companies (Transfield, Lake Maintenance and Programmed Facility Management) are meeting each of the following performance indicators:

  (i) 100 per cent of job orders completed on time for emergency works (3 hours);

  (ii) 100 percent of job orders completed on time for priority works (48 hours);

  (iii) 100 percent of job orders completed on time for routine works (14 calendar days);

  (iv) 100 percent of job orders completed on time for major works (28 calendar days);

  (v) 100 percent of agreed completion time for vacant premises to deliver a corporate target of seven days average for the State; and

  (vi) 100 percent contractor availability and completion of after-hours emergency maintenance necessary works;

(b) if the Minster cannot provide the answer to (a), why not; and

(c) if the Minister can provide the answer to (a), could the Minister also advise what the average turn-around in hours or calendar days is for each of the above performance indicators?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

(a)–(b) Measuring and implementing the Key Performance Indicators against the Service Level Agreements commenced on 1 February 2011.

The measurement is against individual regional contracts not the three individual companies.

The level of measurement is determined in the Service Level Agreement.

In April 2011 compliance for routine work, major works, vacants and in terms of timeliness of invoicing ranged from 33% to 100%.

Lower compliance levels were found relating to priority work, emergency work, with compliance ranging from 19% to 83%. Key Performance Indicator measurements include all job orders issued and paid between February and April 2011, but do not capture jobs not yet returned. As a result Key Performance Indicator data is not fully reflective of the work process being measured.

The Department acknowledges that the reported contractor performance is below the required standard in a number of areas. This is largely due to shortcomings in returning orders for payment within specified timeframes rather than a failure to complete the work. The Department is working closely with the head contractors to identify the causes and implement solutions and where necessary, will be holding the head contractors accountable within the provisions of the contracts and service level agreements.

(c) Under the Service Level Agreements, Head Contractors are required to be complete and submit job orders for payment within 14 days.

PUBLIC HOUSING — WAITLIST

5339. Mr M. McGowan to the Minister for Housing

With reference to the wait-list for Department of Housing accommodation as at 30 April 2011, could the Minister advise the number of:

(a) applicants on the wait-list for Department of Housing accommodation;

(b) children and dependants associated with applicants on the wait-list for Department of Housing accommodation;

(c) children and dependants associated with applicants on the wait-list for Department of Housing accommodation per district;

(d) applicants on the priority housing wait-list;

(e) applicants on the priority housing wait-list per district;

(f) children and dependants associated with applicants on the priority housing wait-list; and

(g) children and dependants associated with applicants on the priority housing wait-list per district?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

(a) As at 30 April 2011 there were 23 761 applicants on the waiting list, a reduction of 974 since November 2010.

(b) 23 834 children and dependants (as at 30 April 2011). (Includes dependent children, adult non dependent children and shared custody children)

(c) Children and dependants on waitlist per district (as at 31 March 2011):

Metro North 9 757
Metro Fremantle 2 933
Metro South East 5 389
Southern 534
South West 1 288
Goldfields 443
Mid West/Gascoyne 1 198
Pilbara 717
Kimberley 1 318
Wheatbelt 257

(The figures above consist of children which includes dependent children, adult non dependent children and shared custody children).

(d) 3 331

(e) Priority Wait list by application per district (as at 30 April 2011):

Metro North 1 449
Metro Fremantle 615
Metro South East 503
Southern 107
South West 63
Goldfields46
Mid West/Gascoyne 103
Pilbara 147
Kimberley 257
Wheatbelt 41

(f) 3 793

(g) Children and dependants on priority waitlist per district (as at 30 April 2011):

Metro North 1 653
Metro Fremantle 529
Metro South East 593
Southern 104
South West 65
Goldfields 33
Mid West/Gascoyne 196
Pilbara 218
Kimberley 355
Wheatbelt 47

(The figures above consist of children which includes dependent children, adult non dependent children and shared custody children).

AUSTRALIND BYPASS — NOISE BARRIERS

5340. Mr M.P. Murray to the Minister for Transport

In relation to noise barriers, I ask:

(a) are there any plans for noise barriers to be installed alongside housing estates on Australind Bypass;

(b) if not, why are the people living alongside the Bypass not treated the same as the residents in the Pinjarra and Mandurah area that have noise reduction measures in place to reduce traffic noise; and

(c) are there any plans that will see the developers of future sub-divisions built alongside major highways responsible for installing adequate noise barriers prior to any houses being built?

Mr T.R. BUSWELL replied:

Main Roads WA advises:

(a) There are no plans for additional noise treatments.

(b) Most of the Australind Bypass has noise reduction measures installed by developers as a condition of development. The policy only applies to new developments or new roads and does not apply to noise from existing roads in the vicinity of existing development. As such residents along the Australind Bypass are treated the same as those in the Mandurah and Pinjarra areas.

(c) This requirement already exists and has been in place for some time..

NEWMAN — COMMUNITY OUTREACH PROGRAM

5350. Mr T.G. Stephens to the Minister representing the Minister for Child Protection

(1) Will the State Government allocate additional financial resources to the community outreach program operating in Newman from the women's refuge, so that it can engage up to three additional staff to run programs to target the needs of families and young people caught up in serious levels of social dysfunction?

(2) Will the minister indicate what additional programs the Newman community could deploy to tackle the serious issues that have recently emerged amongst the young people of Newman?

Mr J.H.D. DAY replied:

(1) The Department for Child Protection (the Department) provides significant funding to a range of community services in the Pilbara to address issues affecting some of the most vulnerable in the

community. In 2010-11 this involved funding to 30 services in the Pilbara with an annual funding level of $5.7 million.

In Newman, $720 923 per annum is provided for three services:

- the Newman Women's Shelter;

- the Pilbara Community Legal Centre which is funded for the Newman Financial Counselling Service; and

- the Newman Public Tenancy Support Service.

These services will benefit from the Barnett Government's 2011-12 Budget which is providing a significant increase in funding to community services.

The Department will continue to work with the Newman Women's Shelter to best meet the needs of the community.

(2) The Department's Newman office has ten staff which work closely with a range of other government departments and community services to ensure a collaborative approach to children at risk.

In the 2011-12 Budget the Department will allocate an additional $0.5 million to strengthen capacity and provide flexible brokerage funds for at risk youth services, including those in Newman.

NEWMAN — ANIMAL CRUELTY INCIDENTS

5352. Mr T.G. Stephens to the Minister representing the Minister for Child Protection

(1) What urgent steps will the Minister take in response to the recent incidents of very young children in the Pilbara being involved in brutal incidents of animal cruelty?

(2) Will the Minister urgently allocate additional financial resources and staffing to Newman and Roebourne to tackle the circumstances confronting these children and their families and the wider community; and

(a) if not, why not?

Mr J.H.D. DAY replied:

(1) The Department for Child Protection (the Department) is assessing all the children alleged to have been involved in this incident. It will provide referral to appropriate counselling and psychological services for the children and their families. The Department is working with parents to help them provide greater supervision of their children.

(2) The 2011-12 State Budget allocates resources to the Department for officers to provide a parent support service throughout the Pilbara. In the past three years the local staff complement has increased by four child protection workers in Newman and Roebourne.

RIVERSIDE DRIVE — TRAFFIC STUDIES

5355. Mr J.N. Hyde to the Minister for Transport

(1) What traffic studies have been undertaken in reference to Government proposals and proposed Metropolitan Region Scheme Amendment diagrams which show Riverside Drive ending at the Belltower precinct?

(2) Will the Minister table all these documents; and

(a) if not, why not?

Mr T.R. BUSWELL replied:

The Member is advised that this question should be referred to the Honourable Minister for Planning..

SCHOOLS — ELECTRONIC SPEED ZONE SIGNS

5620. Mr P.B. Watson to the Minister for Transport

What schools outside of the metropolitan area have Electronic Speed Zone signs?

Mr T.R. BUSWELL replied:

Main Roads WA advises:

As at May 2011 there are three locations in regional Western Australia that have Electronic School Zones:

- Frederick Irwin Anglican School.
- Busselton Senior High School.
- Ravensthorpe District High School.

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