

Legislative Council

Tuesday, 17 November 2009

THE PRESIDENT (Hon Barry House) took the chair at 3.30 pm, and read prayers.

DOMINIC MANGANARO

Petition — Ruling by President

THE PRESIDENT (Hon Barry House): Members, I have a brief statement; it is a ruling about a petition praying for relief. Pursuant to standing order 134(f), I make the following ruling regarding a petition praying for relief presented by Hon Nigel Hallett on Thursday, 12 November 2009. The petition by Mr Dominic Manganaro alleges that a member of the Legislative Council has in the course of a proceeding attributed to the petitioner statements that are denied by the petitioner. I therefore direct the petition to the Standing Committee on Environment and Public Affairs.

EUTHANASIA

Petition

HON HELEN MORTON (East Metropolitan — Parliamentary Secretary) [3.32 pm]: I present a petition containing 1 011 signatures couched in the following terms —

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We the undersigned residents of Western Australia are opposed to Euthanasia as we believe it supports and promotes a ‘Culture of Death’.

Your petitioners therefore respectfully request the Legislative Council to support a ‘Culture of Life’ by opposing Euthanasia (whether voluntary or involuntary) and urging the government of the day to assign more resources to Palliative Care and initiatives that enhance and/or improve the quality of life for people with disabilities and/or illness.

And your petitioners as in duty bound, will ever pray.

[See paper 1525.]

MINISTRY CHANGE

Statement by Leader of the House

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [3.33 pm]: I take this opportunity to briefly inform members of the following change to the ministry that came into effect earlier today. Hon Peter Collier has now been appointed Minister for Energy; Training and Workforce Development. For the information of members, I table an updated list of the new ministry and the new administrative arrangements for the representation of ministers between the houses.

[See paper 1526.]

STRATEGIC ENERGY INITIATIVE 2030

Statement by Minister for Energy

HON PETER COLLIER (North Metropolitan — Minister for Energy) [3.34 pm]: In August, I announced plans to develop a strategic energy initiative to provide direction for a long-term energy vision for Western Australia. The need for such a plan has been constantly requested by all sectors of the industry over a number of years. In addition, the Karratha gas plant shutdown in January 2008 and the Varanus Island explosion in June 2008 provided valuable lessons on the need to protect energy security and to prepare for the unexpected.

I am pleased to inform the house today that I have released a document inviting discussion to provide an overarching energy vision and direction for Western Australia to 2030 and beyond, ensuring a high standard of living for all Western Australians while supporting economic growth in the state. The “Strategic Energy Initiative 2030” will address key areas of security and reliability; a cleaner energy future; infrastructure; energy supply and demand; regional and remote energy; and markets and regulation. The strategic energy initiative will set out clear objectives to provide guidance for policymakers and investors, while maintaining flexibility for the state to adapt quickly to take advantage of new opportunities and to address emerging issues.

Among its aims, the strategic energy initiative will estimate future supply and demand for energy under a range of likely scenarios; ensure that market and regulatory frameworks are responsive and flexible to meet the

objectives of government, industry and consumers; consider the whole energy supply chain, focusing on stationary energy but recognising the important role and interaction of upstream energy production and transport energy demand; and be consistent with national policy while having as its first priority the security of the energy future of Western Australia.

As Minister for Energy, I will lead the development of the strategic energy initiative. It will incorporate the knowledge and experience of energy experts from government agencies, industry and the community at large.

Securing the energy future for Western Australia is a priority of the Liberal-National government, which has already undertaken major steps to fix the fundamentals of reliability and energy security in Western Australia. The government has implemented several initiatives to address some of the immediate issues, such as establishing the Gas Supply and Emergency Management Committee to examine ways in which the impact of supply disruptions can be reduced; introducing legislation into Parliament to allow the specification of gas transported in pipelines to be broadened as a means to encourage the development of gas fields that sit outside existing specifications; and commissioning a review into the financial position of Verve Energy, the recommendations of which review are currently being implemented.

Now it is time to plan for the future. This will include delivering a cleaner energy future through the development of renewable energy supplies, while meeting our commitment to the national target of 20 per cent renewable energy by 2020. In doing so, we need to recognise that Western Australia has unique circumstances due to the expanse of the state, and that those circumstances need to be taken into consideration as we develop a strategic energy direction and work towards the 2020 target. It is essential that we take a holistic approach to the development of a long-term energy strategy for Western Australia. This includes making best use of existing technologies, while also ensuring that the state is ready to take advantage of the technical advances that are already emerging.

The Liberal-National government is committed to a secure, reliable, competitive and cleaner energy future for Western Australia.

Hon Max Trenorden: Well done, minister.

Hon PETER COLLIER: I thank the member.

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

DOLPHIN DEATHS — SWAN AND CANNING RIVERS

Statement by Minister for Environment

HON DONNA FARAGHER (East Metropolitan — Minister for Environment) [3.37 pm]: I wish to update the house about the concerning number of dolphins that died between June and October this year in the Swan Canning Riverpark. In June 2009, the Swan River Trust released a public statement advising of two dolphin deaths. Between late September and October, there were three further deaths in quick succession, and the trust brought together scientists and all other relevant experts and agencies to determine the causes of death. I was informed at the end of October that all six deaths were being investigated, that the causes of death were not yet known and that further tests were pending.

Researchers, experts and lead agencies, including the Departments of Environment and Conservation, Water and Fisheries, and the Swan River Trust, met on 12 November to review the deaths and current knowledge based on post-mortems, pathology results and contaminant tests. These investigations found that fishing line entanglement was evident in two dead dolphins; at least four of the dolphins showed signs of being immunosuppressed, either through primary infection or other factors, making them more vulnerable to the subsequent infection that resulted; and that immunosuppression has been linked to other dolphin mortalities worldwide.

I understand that the evidence indicates a number of factors such as seasonal changes in water quality and the long-term exposure to contaminants, including high levels of dieldrin, polychlorinated biphenyls, dichlorodiphenyldichloroethylene and zinc, as possible attributes—not the direct cause—of the deaths.

Researchers have also not ruled out a virus, dolphin morbillivirus, as a possible cause of the immune suppression. I am advised that research has shown that dolphin deaths of this nature are not unique to the Swan-Canning estuary and have been observed in other locations in Australia and around the world. As such, the trust and researchers are liaising with other Australian and international scientists on a possible connection. In short, I am advised that there is not yet a definitive answer as to what has caused these deaths, and it may not be possible ultimately to identify a single cause. Indeed, I am advised that researchers at Gippsland Lakes in Victoria have been investigating 15 dolphin deaths over the past two years and are still struggling to identify a definitive cause.

Contaminant testing of three dead dolphins identified elevated levels of zinc, dieldrin, dichlorodiphenyldichloroethylene, or DDE, and polychlorinated biphenyls, or PCBs. Dieldrin was banned by the government in 1988. However, it needs to be noted that we are dealing with historical contaminants that will

take some time to break down fully in the environment. The cumulative effect of these high contaminant levels on the dolphin population is currently unknown and requires further investigation.

The government is committed to improving the habitat for all marine species in the Swan River, which is why we have already taken action to improve water quality in the Swan and Canning Rivers. This includes a recent allocation, in October, of \$3.19 million to build artificial wetlands to improve water quality and revegetation along the waterways, and \$500 000 for the “Fertiliser Action Plan”, which builds on the \$610 000 announced earlier this year. This funding comes from the natural resource management fund.

I understand that these six dolphins were most likely part of a community of 20 to 25 dolphins that live in the Swan River. Since launching the River Guardians Dolphin Watch program in April 2009, we have been able to monitor more closely the behaviour of dolphins and their presence in the river. This is one reason that there is increased awareness of dolphin mortalities this year.

The Department of Health has advised that no health risk is posed to members of the public from swimming in, or taking fish from, the Swan and Canning Rivers. This is notwithstanding the general advice issued by the Department of Health warning the public not to eat wild shellfish gathered in rivers. I have required the Chairman of the Swan River Trust to deliver a report to me by 20 November outlining the research, ongoing monitoring and further actions being undertaken by the trust, other government agencies, researchers and experts.

Furthermore, in relation to the proposed dredging program planned for the port of Fremantle, I am advised there is no scientific evidence that there is a connection with the dredging proposal and the health of dolphins. Notwithstanding this, I have spoken to the Chairman of the Environmental Protection Authority, and he has advised me that there are very clear requirements for the Fremantle Port Authority to monitor the effects of the dredging proposal against marine water quality trigger levels. Should monitoring indicate levels above the trigger values, management measures, including the cessation of dredging, would be enacted. The EPA and the trust will monitor this situation closely.

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

PAPERS TABLED

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

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

*Twentieth Report — “Administering the Oath or Affirmation to Witnesses in Committee Proceedings” —
Tabling and Adoption*

HON MATT BENSON-LIDHOLM (Agricultural) [3.43 pm]: I am directed to present the twentieth report of the Standing Committee on Procedure and Privileges in relation to administering the oath or affirmation to witnesses in committee proceedings.

[See paper 1527.]

Hon MATT BENSON-LIDHOLM: I move —

That the report do lie upon the table and be printed and adopted and agreed to.

Debate adjourned, on motion by **Hon Michael Mischin (Parliamentary Secretary)**.

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

*Special Report — “Advising of a Committee’s Inquiry — Inquiry into Western Australian Strata Managers” —
Tabling*

HON MAX TRENORDEN (Agricultural) [3.45 pm]: I am directed to present a special report of the Standing Committee on Public Administration in relation to a resolution of the committee on 11 November 2009 to commence an inquiry into Western Australian strata managers, with the following terms of reference —

Noting a series of parliamentary and government inquiries that have touched on the issue of disputes between strata managers and their clients, the Standing Committee on Public Administration has resolved to commence an inquiry into the regulation of strata managers and, in particular —

- (a) the functions and responsibilities of strata managers;
- (b) the education of strata managers;
- (c) whether strata managers should be licensed; and
- (e) any other relevant matter.

I move —

That the report do lie upon the table.

Question put and passed.

[See paper 1528.]

**METROPOLITAN REGION SCHEME AMENDMENT 1114/33 —
JANDAKOT STRUCTURE PLAN, CELL 1, MANDOGALUP — DISALLOWANCE**

Notice of Motion

Notice of motion given by **Hon Lynn MacLaren**.

BILLS

Notices of Motions to Introduce

1. Approvals and Related Reforms (No. 2) (Mining) Bill 2009.

Notice of motion given by **Hon Norman Moore (Minister for Mines and Petroleum)**.

2. Working with Children (Criminal Record Checking) Amendment Bill 2009.

Notice of motion given by **Hon Robyn McSweeney (Minister for Child Protection)**.

3. Approvals and Related Reforms (No. 1) (Environment) Bill 2009.

Notice of motion given by **Hon Donna Faragher (Minister for Environment)**.

DOLPHIN DEATHS — SWAN AND CANNING RIVERS

Urgency Motion

THE PRESIDENT (Hon Barry House): This morning I received the following letter —

Dear Mr President

I hereby give notice that at the next sitting of the house I intend to move, pursuant to standing order 72:

That the Council consider, as a matter of urgency the Government's failure to respond adequately to the community's distress over the recent deaths of six Swan River dolphins, its failure to provide adequate reassurance about the presence of dieldrin and other heavy metal toxins in the bodies of the Swan River dolphins and its failure to put in place any credible plan to protect both the dolphins and the Swan River.

Yours sincerely

Hon Dr Sally Talbot MLC

The member will require the support of four members in order to move the motion.

[At least four members rose in their places.]

HON SALLY TALBOT (South West) [3.49 pm]: I move the motion.

I draw the attention of members to the precise wording of this urgency motion and to the nature of the concern that we are seeking to present to the house this afternoon. It is very important that members understand exactly the nature of our concern, and exactly the nature of the community's concern, about this important matter.

I was very pleased that the minister walked into this place this afternoon and made a ministerial statement on the dolphin deaths, as, I am sure, were a number of my colleagues on this side of the house. However, my interest in what she was saying quickly turned to the same sort of frustration and despair that I had been feeling all weekend ever since Friday night when *Stateline* broke this story about the number of dolphins that have died. This minister, Mr President, is not called the "minister for cut and paste" for nothing; it is about time we heard some new information that will answer some of the community's concerns.

The PRESIDENT: Order, members! There are about a half-dozen very audible conversations happening around the chamber. Could members please keep the volume of the conversations down or remove themselves to an area where they will not interrupt the debate. Hon Sally Talbot has the call.

Hon SALLY TALBOT: Thank you, Mr President.

As I was saying, the minister is not known as the "minister for cut and paste" for nothing, and this afternoon we heard more of the same—cutting and pasting from previous press releases and previous material her department has put out about this issue. Indeed, over the weekend we saw cutting and pasting from the ABC *Stateline* story.

Hon Simon O'Brien interjected.

Hon SALLY TALBOT: I appreciate that Hon Simon O'Brien is doing his usual job of trying to protect the minister, but perhaps the Minister for Environment would actually like to hear what I want to say so that she can respond, unless Hon Simon O'Brien is the lead speaker on this matter.

Several members interjected.

The PRESIDENT: Order! Members, it is the beginning of the week; we have a long way to go! I think we all need to proceed according to the standing orders and the common courtesies that are observed in this place. Let one member speak at a time. Hon Sally Talbot has the call.

Hon SALLY TALBOT: Thank you, Mr President.

We will wait to see whether Hon Simon O'Brien is the lead speaker on this motion.

Hon Simon O'Brien: You're inviting me to participate by interjection. If you want the protection of the Chair, you ought to behave yourself as well!

The PRESIDENT: Order! You have made a valid point, but you have made it in an unruly way. The member on her feet should not invite interjections, and then she will not get any.

Hon SALLY TALBOT: Thank you, Mr President. I have absolutely no wish to hear what Hon Simon O'Brien has to say about this motion; however, I do want to hear what the Minister for Environment has to say, and I am waiting for her to answer some of these important questions.

I begin by drawing honourable members' attention to the precise wording of this urgency motion, particularly the first part, which states —

... the Government's failure to respond adequately to the community's distress over the recent deaths of six Swan River dolphins ...

Indeed, a great deal of community concern was expressed from Friday night onwards after *Stateline* ran this story on the ABC at 7.30 pm. Anybody who saw the pictures on the ABC website will understand what that distress was about. I seek leave to table this document, which is a picture of a dolphin taken from the ABC website.

Leave granted. [See paper 1529.]

Hon SALLY TALBOT: Anybody who looked at that photograph could not fail to understand why people have been so moved.

Stateline ran the story as an exclusive without revealing the subject matter, but on Friday afternoon I heard the promotional interview for *Stateline* during the *Drive* radio program, when Russell Woolf, in his usual jocular way, tried to get Frances Bell to tell him what the exclusive was. During the course of those five or six minutes that they were talking, Frances Bell, who really did a very good job of keeping shtum on the whole thing, conceded that it was not about sport or business and that it was about Western Australia. I put to Mr President that every minister should have been on the edge of his or her seat by the time *Stateline* went to air.

When it did, of course, we watched a horrifying story about having lost six dolphins in five months, informing us that high levels of heavy metal contamination were found in their bodies, and that obviously, as we can see from that picture, they died in a considerable amount of distress. It is not surprising that the community was asking for answers. Where was the minister? The minister—as is usual when things start getting a bit hot—was nowhere to be seen.

Hon Simon O'Brien: At 7.30 pm on a Friday night—when you're watching the telly!

Hon SALLY TALBOT: I know that Hon Simon O'Brien thinks that ministerial business does not operate after business hours.

Hon Simon O'Brien: No, that's not the case!

Hon SALLY TALBOT: I know that that is how he operates.

The PRESIDENT: Order, members!

Hon SALLY TALBOT: I know that the government's ministers are all weekday ministers and they protect their weekends—that is absolutely fine!—but I am talking about the Minister for Environment's failure to address the community concern after the issue went to air; I suggest that she had a warning that there was a big story running, but did nothing about it. The minister's statement was finally released late on Friday night, and I ask honourable members whether they think that that statement reflected the community's concern. I suggest that, very clearly, it did not. Essentially, this one-and-a-half-page statement makes six points, and I will go through those six points. The first point was that —

... the Swan River Trust and Department of Environment and Conservation, in collaboration with two universities —

That is referring to, I think, Murdoch and Curtin —

would continue to monitor the dolphins living in the Swan Canning Riverpark to ensure their long-term health.

I put it to Mr President that that was actually not the issue that was causing so much distress over the weekend. Of course we want to ensure their long-term health, but we want to know why six of them died in, obviously, very painful and distressing circumstances.

The minister's second point was that she had already had a meeting the day before to discuss the findings of the six dolphin deaths between June and October. In the ministerial statement she made today, she told us a couple of things for the first time—the first being that she had known since the end of October that we had a problem. When was she going to tell us what was going on? I put to Mr President and honourable members that she made a ministerial statement today only because *Stateline* was smart enough to investigate the story and run it on Friday night, for which I congratulate those involved. That is the only thing that has galvanised this minister into action.

The third thing she stated in her press release was that —

... evidence indicated factors such as seasonal changes in water quality and the long-term exposure to contaminants, including high levels of dieldrin, as possible attributes in the deaths.

That statement is a straight cut and paste from the *Stateline* story. Anybody who saw it knows that that is the situation.

The fourth thing she stated was that —

... dolphin deaths of this nature are not unique to the Swan Canning Estuary ...

As she referred to in her ministerial statement that she read into *Hansard*, we are not alone in having dolphin deaths such as this in a modern city, which I will go into a little bit later. Indeed, she actually stated that —

... the level of contaminants were typical of a modern city ...

In other words, she is saying that we should not worry because this is just stuff that happens in a big city and that we should get used to it.

The fifth point she made is that a couple of the dolphins died from infection arising from entanglement, and her final point, which really, really, for me, put her in the same league as Hon Robyn McSweeney and some of the comments she made in this place about pauper funerals, was when the minister stated that she —

... encouraged members of the community interested in monitoring dolphins to join the trust's River Guardians program and sign up to become a Dolphin Watch member.

I put it to Mr President that nowhere in that pathetic response does she address the community's concerns about the deaths, and to finish the press release by encouraging people to join Dolphin Watch is really just an insult to the level of community intelligence and concern about this issue.

Dolphins, as I stated a couple of times over the weekend, are the canaries of our waterways. They are at the top of the food chain. That is one of the reasons people are so upset about what has happened. Being at the top of the food chain, they have the very important function of being very sensitive monitors of the health of our waterways. I have been saying that all weekend. When I went back through the material that the minister has put out over the past 12 months or so since she has been a minister, I found that she had actually stated that one of reasons we have to look after dolphins is that they are such sensitive monitors of the health of our water, yet suddenly, on Friday night, she states that there is no problem and it is all under control.

I will now work through each of her six points in order. The first point the minister made was about ensuring the long-term health of the dolphins. What did the minister do? One of her first acts as minister was to cancel the mandatory aspect of the fertiliser action plan. I have spoken about this at considerable length in this house. It is of enormous community concern. It is a joke for this minister to make a statement in this house and talk about the amount of money that has gone to the fertiliser action plan. She has been heaved by the farming community in her own constituency. She was heaved to walk away from the single most important measure identified by every expert in this field. The single most important aspect of ensuring the future of our marine environment in the Swan and Canning Rivers was to make it mandatory to end the use of water-soluble fertilisers in the Swan River, and the minister ran away from that at a speed of knots. What is in place now—I do not mean this to be a pun—is a version of the fertiliser action plan that is so seriously watered down that it is not working. Yesterday this minister went on radio and called for measures to reduce the amount of nutrients in the water. What a joke she is! What an insult to people's intelligence this minister is when she makes these statements!

The second point the minister made in her statement on Friday night was that she clearly knew about the story before the ABC broke it. There is never any problem getting this minister to stand up when it is a feel-good story. Members can see this pile of documents on my desk. These are all the feel-good stories about the dolphins and about the money being spent on the Swan and Canning Rivers. But can we get the minister to come out when there is a problem? Of course we cannot; she is absolutely nowhere to be seen. When the heat is on, she disappears, and that is exactly what she did on Friday night and over the weekend.

The third point the minister made was about the causes of the deaths. She spoke about the high levels of dieldrin in the dolphins. If this is true, she must ask the hard questions. She is the minister, not me. Dieldrin is one of the most dangerous chemicals around. It was banned about 21 years ago. How is it ending up in the Swan River and contributing to the deaths of dolphins? What does that mean for the swimmers, the skiers and the people who eat the seafood out of the Swan and Canning Rivers?

The fourth point the minister made was that these dolphin deaths are not unique to Perth. Let me quote the words of one of the experts in this field in this town. He said that dolphins are found dead from toxic contamination in many parts of the world. The minister used that quote as part of her explanation for what is happening. She said that it is not unique to Perth and that these incidents are happening in other Australian cities and all over the world. She said that the contaminant is typical of a modern city.

Several members interjected.

Hon SALLY TALBOT: That is what one of the minister's experts said—dolphins are found dead from toxic contamination in many parts of the world.

The fifth point the minister made was about entanglement. Let me inform the house through you, Mr President, that healthy dolphins do not die when they get tangled up in fishing tackle. Healthy dolphins do not get tangled up in fishing tackle. For the minister to use that excuse is a simple deflection of the issue. She is trying to push the blame away from herself, away from the Swan River Trust, and away from the people who are supposed to be managing this situation. She is saying that it is not her fault; it is the fishers' fault. If it is their fault, she should do something about it; and, if it is not their fault, she should own up to the real problem. Healthy dolphins do not die in this way.

The last point the minister made was about the River Guardians and the Dolphin Watch program. I put it to you, Mr President, that although the minister was very quick to issue a lengthy statement on the day that the Dolphin Watch program was launched—it happened to be 1 April, but I am sure that that was just a coincidence and not the most tragic irony—and there was no problem a few weeks ago when she welcomed the 500th member of Dolphin Watch, could we get the minister over the weekend to give us a full and detailed explanation about what is happening? Did she come into the house today and give us a full and detailed explanation of what is happening? No, she most definitely did not. The reality is that if things go on as they are now, there will not be any dolphins for the Dolphin Watch community to watch. Why do people get involved in Dolphin Watch? They get involved because it is something they care about very deeply. Why have more than 500 Western Australians enlisted in this program? They have enlisted because it is something they care about. They are watching this program go down the drain because there will not be any dolphins left to watch.

HON DONNA FARAGHER (East Metropolitan — Minister for Environment) [4.04 pm]: I will make a few comments on the motion before us. Like all Western Australians, I am very concerned about the number of dolphin deaths that have occurred in the Swan Canning Riverpark. I grew up around the Ashfield Flats, from where we used to see dolphins. I live in Maylands and we see them regularly. As Minister for Environment and as a member of the Western Australian community, I recognise that dolphins hold a very special place in the hearts and minds of all Western Australians. That is why, like Hon Sally Talbot and everybody else, I want to know why they are dying. I am not a dolphin expert, and I am ready to admit that. Hon Sally Talbot is certainly not an expert on dolphins, so she will have to forgive me for not listening to her and for listening to the experts who are providing advice to me.

Hon Sally Talbot interjected.

Hon DONNA FARAGHER: I had to sit here and listen to Hon Sally Talbot go on about the fact that the minister is not listening and has to tell us what is happening. I have to listen to the experts. The experts cannot at this time pinpoint an exact cause. If I knew it, I would tell the member. I do not know the cause because the experts are still working through the issue. The reality is that, yes, some dolphins were found with high levels of dieldrin and other contaminants in their system. As I have said, the final cause of death is still not known, but the advice to me is that a range of factors could possibly be at play.

I heard Hon Sally Talbot refer to discarded fishing line. The advice I have is that discarded fishing line played a part in two of the six dolphin deaths. The member might not like to hear that, but that is the advice I have received. I have also been advised that there is no reason to believe that the level of dieldrin in these dolphins occurred recently and that it most likely accumulated over time. It is also possible that a particular virus is at

play. Again, the member referred to a particular scientist. I have been informed by the Swan River Trust that these deaths are similar to deaths overseas, particularly in the United States, and also in the Gippsland in Australia.

Hon Sally Talbot interjected.

Hon DONNA FARAGHER: I listened to the member; she can now listen to me.

The relevant government agencies, particularly the Swan River Trust and the experts, are discussing this very issue with international experts and with other experts across Australia. As I mentioned in my ministerial statement, I understand that there have been 15 deaths in two years in the Gippsland Lakes and still there is no definitive cause of the deaths.

The member said that I did not come out and address the issues surrounding public health. I recall seeing myself on the television. I reiterated the advice that had been provided to me because I wanted to make sure that I had all the facts. That is what a minister does. I wanted to make sure that I had all the facts. The fact is that the Department of Health has advised that there is no risk to public health or fishing, save for the general warning that the public should not eat wild shellfish from the river. Despite the claims of Hon Sally Talbot and others, that is the advice from the Department of Health. In addition, the Swan River Trust and the Department of Water undertake sampling weekly in the Swan and Canning Rivers and fortnightly in the catchment. They also report weekly on river health via a variety of means, including on their websites, on Channel 9 and in *The West Australian*. The Department of Health also monitors swimming spots. The Department of Fisheries takes fishing samples. It is completely wrong to suggest, as the member has done in the motion, that nothing is being done.

I have never shied away from the existence of dieldrin and other contaminants in our rivers. It is a significant issue, but it is not true to say that the government has not provided that advice to the community. That is absolutely false. It is not true to suggest that this is new. It is not new. The Swan River Trust has been working on a non-nutrient contaminant program since 2006; in fact, it released a report in March this year that showed high levels of contaminants in certain areas. That relates to sediments, and I want to be clear on that. Whether Hon Sally Talbot likes it or not, the river abuts a city and we are dealing with a legacy of more than 100 years of pollution. The scientists and the experts—again, forgive me if I listen to them—tell me that these contaminants take years and years to break down. Having said that, I recognise, as the Minister for Environment, that we need to do more to improve water quality to stem the flow of new nutrients entering our waterways.

Hon Sally Talbot: Why didn't you make it mandatory?

Hon DONNA FARAGHER: Hon Sally Talbot referred to the fertiliser action plan. I love it when the member does that! Yes, it was a plan that was developed under the former government; I acknowledge that. However, did the former government put any money towards it? When Hon Sally Talbot was the Parliamentary Secretary to the Minister for the Environment, did she say, "Minister, I think you had better put some money into it"? Clearly she did not, or if she did, he did not listen to her because no money went to it.

Hon Sally Talbot: It was ready to go.

Hon DONNA FARAGHER: It is always "ready to go". Members opposite had eight years and they did not do it! In less than a year, the Liberal-National government has put \$610 000 towards that—that was earlier this year. We have just put an additional \$500 000 as part of the fertiliser action plan, and quite a significant amount of funding, \$3.19 million, has now been put in through the natural resource management program. The former government did not do this. The funding provides for the installation of nutrient-stripping wetlands in the Ellenbrook catchment; construction of three nutrient-stripping wetlands on the Southern River; remediation and removal of contaminants in a basin in the Mill Street —

Hon Sally Talbot: It is still letting the nutrients go in.

Hon DONNA FARAGHER: What did Hon Sally Talbot put in? Absolutely nothing!

The funding also provides for nutrient intervention and the application of nutrient-binding materials to the Canning River. This is in addition to all the other work that is done by the Swan River Trust and others. The Swan River Trust is developing a river protection strategy that will be all encompassing. That work is being done now. Hon Sally Talbot wants to make fun of the River Guardians' Dolphin Watch program. I will let the experts, the researchers, the Swan River Trust and the community members who are involved in that know that Hon Sally Talbot thinks it is a joke. It is not a joke. It is all part of providing further information and research and helping the researchers gain more knowledge about these dolphins. That is really important. If Hon Sally Talbot thinks that is a joke —

Hon Sally Talbot: They just have to read *Hansard* to know who is the joke.

Hon DONNA FARAGHER: If Hon Sally Talbot thinks that is a joke, more fool her! I heard Hon Sally Talbot say that. They take that program very seriously.

Hon Ljiljanna Ravlich: They want to see the animals alive not dead.

Hon DONNA FARAGHER: We all want to see the animals in the future.

Hon Ljiljanna Ravlich interjected.

Hon DONNA FARAGHER: Do I need to listen to Hon Ljiljanna Ravlich? She is certainly not the expert on dolphins. This is a serious issue. I am listening to the experts. I have required the Swan River Trust to report back to me by the end of the week. It is identifying any further gaps in the research and any action that is required. If more funding is required to deliver on those gaps, I will find it. I am absolutely committed to finding out why these dolphins are dying. However, the reality is that I am not a researcher; I am not an expert. I am reliant on their advice, and their advice at this point is that they are not aware of the final cause of death.

If I was an irresponsible minister, I would say, "Look, this is what it is." Would that be responsible? No, it would not! It is responsible for me to have all the facts in front of me and to make sure that when I am given advice from the department on health risks and the like—I am not the Minister for Health—the information that the department is providing through the Department of Health is accurate. Hon Sally Talbot said, "You cannot fish and do this and that". The advice I have is that people can fish and swim and there is no public health risk from those activities. It was important for me to make sure that that information was accurate. As I have said, I do not want to see any more dolphin deaths. None of us does! I have watched these dolphins since I was a little kid at Ashfield. I do not want to see any more deaths. That is why we have so many people working on the issue right now. I fully support every single thing they are doing.

HON GIZ WATSON (North Metropolitan) [4.14 pm]: I wanted to make some comments in this debate because it is an important issue. I concede to the minister that it is very difficult to determine cause of death in these cases. I appreciate that it is not easy, even for the experts, to determine that. That is what I have discovered recently by reading up on this. It is very clear that the death of that number of dolphins in a small population that, basically, resides at least half of the year in the Swan River is most likely indicative of cumulative impacts of toxins. The tissue samples seem to be indicating that, and it has already been stated by everybody involved in this that that has probably contributed to, if not caused, their death. The problem is that we are dealing with toxins that have been present in the soil for a while, most likely, and are cumulative. Therefore, we are dealing with something that is already in the system.

What I wanted to talk about today, and where the Greens (WA) would like action to be taken, is redoubling our efforts to ensure that no further toxins are introduced into the system. Quite frankly, if they are in the water column and in sediments in the Swan River, there is no viable method of getting rid of them. I understand from the Swan River Trust and other people who have been studying the water quality in the Swan River that there are certain hot spots where contaminants are still going into the river. Members are probably aware that every sports oval that is located beside the river is a former waste dump, so each one of those is a contaminated site. In addition, there are hot spots around Maylands where groundwater plumes are still putting heavy metals and fertiliser pollutants into the river. We need to be sure that monitoring is occurring in those areas so that further contamination is not occurring.

I also wanted to talk this afternoon about the potential of further contaminants from the dredging that is planned as part of the deepening of Fremantle Harbour. That issue has been raised in the context of this debate. I share concerns that have been raised about the potential, at least, to introduce further of these cumulative heavy metals upriver. The Environmental Protection Authority's report on the proposed dredging, titled "Fremantle Port Inner Harbour and Channel Deepening—Reclamation at Rous Head and Offshore Placement of Dredged Material" and dated June 2009, pertains to the dredging that is planned to commence in January. That part of the report that deals with the marine water quality and sediment quality reads —

Surface sediments sampled from the Entrance Channel initially showed TBT —

Which is tributyltin, an antifouling marine paint which is banned now on most vessels, but which is a heavy metal compound that is very toxic to the environment at very small quantities. It is a great antifouling paint because nothing grows on it. The report continues —

and polycyclic aromatic hydrocarbons (PAH) well above National Oceans Disposal Guidelines for Dredged Material (NODGDM) screening levels. Surface sediments sampled from the Inner Harbour showed TBT, Mercury, pesticides, organochlorides and polycyclic aromatic hydrocarbons (PAH) well above NODGDM screening levels.

We are being told that these materials will be dredged and disposed of behind the new seawall at Rous Head. In addition, these pollutants will remain attached to the sediment and, therefore, will not release into the water column. The problem with that is that the Fremantle Port Authority acknowledges that the plume from this dredging operation has the potential to go upriver as far as the Leeuwin launch ramp. Although it may not introduce elevated levels of heavy metals or other contaminants in the water, the sediment is contaminated.

Members who understand how ecosystems work would know that if contaminated sediment is spread upriver, it makes it more bio-available to a broader range of molluscs and fish—hence into the food chain and into the dolphins.

I am not comforted by the fact that the port authority and the Environmental Protection Authority have said that the contamination will not be in the water column. We know, and the minister has just reminded the house, that the recommendation to the public is not to eat any shellfish out of the Swan River, because they are sediment filters. However, things eat the shellfish, and that is why I would not eat fish out of the Swan River. Even if the actual levels are not sufficient to trigger a warning from the Department of Health, if people wish to reduce their input of toxins, I would suggest that eating fish out of the Swan River is not the right thing to do. We are in the same order in the food chain as the dolphins, although I am sure we do not eat as much fish as they do. Therefore, we have the potential to accumulate those toxins in our body and the very thing that they do, which is to affect one's immune system.

Members might not be aware that the accumulation level is 10 times per level; therefore, for each level, the concentrations are multiplied 10 times. It would not take long for the concentrations to be hundreds or even thousands times above the acceptable level.

I point out that it is not only the Greens (WA) who are stating concerns about the potential from this plume. The Swan River Trust has also made comment to the proposed dredging plans and I quote from page 81 of the "Fremantle Port Inner Harbour and Channel Deepening Public Environmental Review Supplement and Response to Submissions" dated 13 May 2009. The Swan River Trust said —

The primary concern of the Trust is the lack of water quality monitoring sites in the Swan Estuary upstream of Fremantle Harbour as part of the Dredging and Spoil Disposal Management Plan Despite modelling predictions suggesting little impact of dredging activities in this area, two sampling sites upstream towards the Leeuwin boat ramp is prudent and is in line with the Proponent's subscription to the Precautionary Principle.

The response from the proponent was that they did not think that these additional sampling sites were needed. The Swan River Trust also said —

Given tributyltin ... has biological impacts at concentrations ~1 ng.Sn / L and levels of TBT in the water column reached 6 ng.Sn /L during the last harbour deepening, the Trust would like to see the environmental monitoring include biotic indices ...

That is, looking at what happens to shellfish. That is the point: instead of looking at the water column, we need to look at the changes to the bottom feeders in the system to know what is happening in terms of tributyltin, because the material does not show up there. The Swan River Trust also stated —

Currently the DSDMP —

That is, the dredging and spoil disposal management plan —

reporting schedule for water quality results is once monthly. Given the sensitivity of the area the Trust suggests immediate reporting of these results on a weekly basis as a project requirement.

Again, the proponent has declined to meet that request. It seems to me that over a 26-week projected dredge time, to simply sample once a month will give only one sample.

Hon Adele Farina: Do they report monthly?

Hon GIZ WATSON: I am not sure about that, but I could check. I assume that if the monitoring is only monthly, the maximum would be once a month.

Hon Sally Talbot: Is this in relation to the deepening of the harbour?

Hon GIZ WATSON: Yes, it is to do with the deepening of the harbour.

Hon Sally Talbot: That dredging has not started yet.

Hon GIZ WATSON: It is starting in January.

The Swan River Trust also said —

The Trust is concerned that the zone of potential impact ends abruptly at the end upstream border of the harbour, with no indication of zones of potential effect of influence.

My request to the minister is that there be a further consideration of the frequency of monitoring and that it needs to be at least on a weekly basis, if not more frequently. If the sediment is moving upriver, there needs to be a clear mechanism whereby there is the capacity to stop the operations. The monitoring must actually include the molluscs as well.

HON JON FORD (Mining and Pastoral) [4.26 pm]: I will start with the comments about fishing lines contributing to the death of a dolphin. I can tell the minister that I listened to experts in the Department of Fisheries who told me that they do not contribute in that way. Also, I have seen them being filmed. A healthy dolphin will not get entangled. In fact, a healthy dolphin will swim along a gill net and pick fish out of that net. Healthy dolphins actually hunt through trawl nets. Sometimes they get caught up and escape hatches have to be put in for them. I have seen the footage of dolphins. They are cunning and very nimble. The fishing lines would contribute to their death only if they were sick. It is wrong to say that fishing lines are contributing to their death. They will only be contributing in the same way as pneumonia contributes to the death of a person who has lung cancer. That person will not die of lung cancer, but from pneumonia or another contributing factor. A dolphin that has fish hooks in its guts or has been tied up in a fishing line means that it is already sick.

The minister made great play about listening to the experts. I advise the minister that as far as her department is concerned, it has next to no experts in fishery matters and interactions between marine mammals and fisheries. In fact, when I was Minister for Fisheries, I provided experts from the Department of Fisheries to assist the department for which she now has responsibility. On top of that, ministers have a mind of their own. Under the Westminster system, she has the responsibility to make judgements that are in the interests of the public. Ministers do not always get it right. Sometimes they are exposed to bad advice. When the minister has officers telling her that it is all right to fish out of and bathe in the Swan River, she has to weigh that against the evidence in front of her—that is, dead dolphins in a very small population.

Notwithstanding all the things that have been said about accumulative effects, it may be that some activity has occurred within the Swan River that has tipped the dolphins over the edge. Some contamination in the river has accelerated the dolphin deaths. It is something that all the monitoring and testing has not picked up. It does not give confidence to the people of Western Australia to hear the minister say that it is all right to eat fish from the Swan River, but it is not all right to eat shellfish, and that the department is looking into the deaths of these dolphins.

I do not know whether the minister has considered—unfortunately I did not make my contribution before she did, but perhaps she should consider, if she already has not—implementing precautionary instruments into the Swan River. When there is an overflow of sewage into the river, the offending sections of the river are closed until it is determined what has happened and the department is assured that it is okay.

As an example of where this might take the minister, I will go down the line Hon Giz Watson took. I will draw the minister's attention to the short questions that were asked earlier this year about dredging activities. I asked questions about the Department of Fisheries' advice and how it was received by the EPA. The Department of Fisheries made a submission, which I am happy to table, and I thank the minister for it. It states —

The implementation of the proposal is likely to have a direct impact on fish habitat through the direct loss of benthic —

That is the bottom —

habitat, and indirectly through turbidity associated with dredging activity. The Department is satisfied that efforts have been made to reduce turbidity and potential loss of benthic habitat as much as possible, through off site spoil disposal, and proposed monitoring ...

When we read this submission, we see that the whole focus is on the turbidity of the river associated with dredging. The bottom of the river is a trap for all these heavy metals—that is why they are called heavy metals. It starts at the bottom of the food chain with the crabs. The crabs are eaten by other animals, and it goes up and up, and there are higher concentrations of heavy metals in the animals. That is why sharks have such high levels of heavy metals in them, particularly mercury.

This sounded the alarm bells in my mind that perhaps it was an opportunity to revisit what had been done by the Environmental Protection Authority, and perhaps the EPA's advice regarding the ministerial conditions set out for this operation, because the river is a big sink that contains all these heavy metals. Perhaps the EPA should look specifically at those contaminants, and even do some sampling to see what is going on. Just outside the bay in Cockburn Sound is where most of the local mussels are grown. It is one of the big aquacultural areas. We have just heard that the Minister for Fisheries has put out a very good plan regarding crabs. Everyone is about to go out there and have a feed of crabs. Hopefully, they will have had their feed by January when the dredging will start. However, it will not affect just the bay; it will also have an effect up and down the river.

When we see those horrific pictures of the dolphins, we must weigh that up against what the department has told us. It will tell us about the pure scientific facts as they are. It is like dealing with lawyers. Each side of the case will get different scientific facts, depending on which case it wishes to pursue. Fortunately, the Minister for Environment represents the people and must weigh up all those facts. Therefore, I was a bit disappointed that the minister reiterated the comment that the Department of Health had advised that no health risk is posed to members of the public from swimming in or taking fish from the Swan and Canning Rivers, when the evidence

is that high-level species, which are close to us, have been found dead from poisoning in that marine environment. Yes, it could be long-term contamination, and it could have happened in the ocean, or it could have been caused by something else, but surely we should be taking some precautionary action that will look primarily after the health of Western Australians—all those people who contribute to the contamination of the river and who live around the river—to make sure they are safe while we wait for the scientists to come back to us and tell us what is going on. That is what I think the public wants to hear. That is what I am hearing from Hon Giz Watson. We need to have confidence that while the agencies in which the minister has confidence are doing their job, the government is protecting the people's interests. That is what Hon Sally Talbot was saying, and that is what I read in the media. In fact, when I read the minister's first comment, I thought that she had made a big rod for her back. She should have simply said, "This is not good enough. We'll look at some closures while we see what the effect is." That is the response that I would have thought was appropriate.

I do not disagree with anything the minister is saying about all the research. However, in politics, it is about perceived problems and real problems. Therefore, it is about people's confidence in governance. When there is high-profile evidence that something is desperately wrong, it is very hard to win that argument and to sit there and say that it is all right to do this activity but it is not all right to do that. That is the main point that I wanted to put before the chamber.

HON HELEN MORTON (East Metropolitan — Parliamentary Secretary) [4.34 pm]: I want to make a few comments to caution the people who have spoken about assuming that these dolphins died from poisoning. As the minister has said, a lot of work is yet to be done to get a definitive understanding of the causes of death of the dolphins. Some of the advice that I have been given by the Minister for Water, who has been briefed on this matter, leads me to ask people to be cautious in what they are assuming about the causes of death of these dolphins.

I will run through some of the information that I have. On 5 June, a male dolphin calf was reported dead. The mother of the calf accompanied the body for many days, thereby prolonging the recovery of the carcass. That calf was in good body condition, but, unfortunately, the carcass was in an advanced stage of decomposition and the cause of death was not determinable.

Hon Sally Talbot: Was it the mother who had died?

Hon HELEN MORTON: No, it was the calf.

On 8 June, another male juvenile dolphin was found dead in Mosman Bay, within the Swan River. Going through all the information that was provided to the Minister for Water, and looking at all the different things that had happened to this dolphin, it was concluded at the time of the briefing that it could be argued that either this dolphin was suffering from prior immunosuppression for unknown reasons or that it had received excessive challenge to its system and subsequent haematogenous spread via the bloodstream. In any case, the exact reason why this dolphin became infected and how it came to be so remain unknown. It had an infection rather than it being a different cause of death.

On 21 June, a juvenile female dolphin was recovered from the Swan River. This is the one that had a fishing line wrapped around the right tail fluke. The line had started to bite into the tail and had caused significant damage. Given the evidence of the way in which this dolphin appeared to have suffered a degree of decreasing health, it is likely that the infection of the lung that it had at this stage was the result of an opportunistic infection that was more than likely already immunosuppressed as a result of the infection caused by the injury to the fluke. Therefore, the bacteria had gained entry through that mechanism. That was another death that was more likely to have been caused by injury to the dolphin.

On 17 September, a deceased adult female dolphin was recovered between Claisebrook Cove and Windan Bridge. It is believed to be the subject of the sighting of a sick dolphin covered in skin lesions. No fungal organisms were grown on culture from this dolphin. It is likely that this dolphin suffered some sort of skin damage that predisposed it to the fungal infection, or the dolphin had been immunosuppressed, allowing the opportunistic infection to take hold.

On 9 October, a mature male dolphin was found. Unfortunately, its body was already severely decomposed, and that level of decomposition did not enable any definitive consideration of the cause of death.

On 25 October, an aged adult female dolphin was witnessed dying in Waylen Bay within the Swan River. Some line was present that had recently entangled around the right flipper, and a fish hook with line attached had lodged in the mid oesophagus. It was also covered in the ulcerated skin lesions that were found on one of the previous dolphins, and it had a mild lung infection. However, the outcome was that it was likely that both the fungal and the bacterial organisms were opportunistic pathogens that gained entry following the skin damage.

The reason I spoke about being quick to make an assumption that somehow or other these dolphins had been poisoned is that the evidence to date is inconclusive, and it backs up what the minister is saying; that is, it is

really important that people take a more cautious approach before assuming that these dolphins have been poisoned in some way. People should take a far more cautious approach and allow the minister and her advisers to do the work that they are doing so that we can find out precisely what has caused the dolphins to die, because the evidence to date does not suggest that it is necessarily any kind of poisoning but, rather, that it is a coincidence of factors such as line damage, skin abrasions and other factors that have caused these deaths.

I support the minister for the work that she is doing and suggest that it is time the opposition took a less political approach to this issue and adopted a bit more of a scientific approach. While I am on that matter, it has become quite tiresome listening to the rather political approach that seems to be taken to matters environment by the opposition, rather than the more scientific approach that they deserve. This issue deserves a much more credible and scientific approach than that adopted by the opposition at the moment. It is clear that the environment portfolio is hard work, and it means that the opposition has to do the hard work if it wants to be credible; it needs to take a scientific approach to the environment. The opposition persists with this political approach. Members opposite are always trying to attack the minister in some way over something irrelevant, such as trying to find out what kind of social contacts she and her husband have. I imagine the next thing they will try to find out is the colour of her underwear. It is amazing to hear the kind of personal, irrelevant questions that they keep asking of this minister. It is unbelievable.

Hon Sally Talbot: Where is this coming from?

Hon HELEN MORTON: The shadow minister lacks credibility because she will not take a scientific approach to this matter. She has to do the hard work, listen to the experts and stop trying to make it a political argument because that is all she is trying to do at the moment.

Hon Sally Talbot: Who's trivialising this debate?

Hon HELEN MORTON: I do not understand why the shadow minister does not realise that the minister is taking a very cautious, well-advised approach to this matter. She has her advisers working on it. She is a very cautious and measured minister. I do not think that any of the shadow minister's silly political attacks will make any difference to the business at hand. We realise that Hon Sally Talbot has a major credibility problem in her own right. As president of the state Labor Party when it lost the "unlosable election" and the recent reports from *The West Australian* that she has not made one dent on this minister while she is taking a very cautious, measured approach to her work says a lot about Hon Sally Talbot's credibility as a shadow Minister for Environment. So far we have had to listen to four hours of debate in her opening remarks on a bill because she has to make a point somewhere, but everybody is turning off because her credibility is down the drain on this matter, as it has been on most other matters. Until she starts using —

Hon Sally Talbot: Coming from you, that's a bit rich.

The PRESIDENT: Order! I seem to remember the word "dolphin" in that letter. There needs to be some reference to the issue at hand.

Hon HELEN MORTON: Absolutely. The opposition should use a more cautious and scientific approach to the issue of the deaths of the dolphins and forget the political spin that it is trying to get out of this matter because it is not doing Western Australians and Hon Sally Talbot as an individual member of Parliament and her party any good. The approach that needs to be taken is the approach that the minister is taking.

HON NORMAN MOORE (Mining and Pastoral — Minister for Fisheries) [4.45 pm]: I want to take a couple of minutes to read a statement about testing in the Swan River because of comments made by a couple of members that it is not safe to fish in the Swan River. This is the view of those departments that have responsibility for assessing these circumstances. Testing of black bream samples from the Swan and Canning Rivers obtained by the Department of Fisheries and tested by the Chemistry Centre in accordance with the food standards code showed the only organochlorine pesticides above detectable limits were dieldrin and DDE, a breakdown product of DDT. The levels of these chemicals were below the maximum recommended levels for human consumption. The Department of Health has advised that the results are indicative of the environmental persistence of organochlorine pesticides but not gross contamination of the river environment. The Department of Health's view is that at this stage the results do not point to any health risk to the general public consuming fish from the Swan River. A number of samples were taken on 22 October and 3 November this year. Those samples were taken in the immediate past. That indicates quite clearly that at this point fishing in the Swan River is not an issue.

HON JOCK FERGUSON (East Metropolitan) [4.46 pm]: I support the remarks made by my colleagues. I assure Hon Helen Morton that I am not interested in the colour of the minister's underwear. I will not be seeking any clarification in that regard.

Hon Simon O'Brien: That's the only lucid remark we've had from your side this afternoon.

The PRESIDENT: Order! Comments need to be relevant to the matter before the Chair.

Hon JOCK FERGUSON: The Minister for Transport obviously thinks he is a bit of a wit. It is a shame he is only half right.

Hon Simon O'Brien: Well rehearsed, Jock.

Hon JOCK FERGUSON: It was not rehearsed at all. It came straight off the top of my head.

I want to highlight the importance that the Swan River has to my electorate and the electorate of the minister because it winds its way through Bassendean, Maylands, Ascot, Belmont et cetera. I have received a number of calls from people who live in that electorate who are really concerned about the dolphin issue. I am glad that the minister takes it seriously. I understand that she is getting advice from the scientific community, but at the end of the day the punters are interested in what the minister has to say about it. It would appear that she has been quite flippant in some of her remarks.

Hon Donna Faragher: No, not at all.

Hon JOCK FERGUSON: When I say she has been quite flippant —

Several members interjected.

The PRESIDENT: Order! Let the member continue; he has only a minute. Let the member on his feet have his say.

Hon JOCK FERGUSON: The minister said that dolphin deaths occur in other parts of Australia and, indeed, in other parts of the world. That might be the case but that should not be the response of the minister. It is like the proverbial canary in a cage. If the canary drops off the perch, whoever is responsible down the mine does not say, "They've fallen off their perch in a number of other mines, so who gives a toss?"

Hon Donna Faragher: There's a virus. There is an international virus. That is the advice that I've had. That's why they are talking to the international and other Australian researchers as well because similar symptoms are being found. That is why we want to see what they are finding out. We can then find out what is happening here in addition to the work that is being done in this state. That's not being flippant; that's trying to get as much advice as possible.

Hon JOCK FERGUSON: That is fine. At the end of the day, I support some of the remarks of Hon Giz Watson and Hon Jon Ford that in the interim people should be advised not to swim in some areas of the Swan River or to understand —

Motion lapsed, pursuant to standing orders.

STATE FORESTS — PARTIAL REVOCATION OF DEDICATION

Motions — Made Orders of the Day

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [4.49 pm] — without notice: I move —

That motions 17, 18, 19 and 20 be made orders of the day for the next sitting of the house.

THE PRESIDENT: The Leader of the House has moved that motions 17, 18, 19 and 20 be made orders of the day for the next sitting of the house. The question is that that motion be agreed to.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [4.49 pm]: Sorry, I was out of the chamber. These are not on any list that has been exchanged between us about priority matters.

Hon Norman Moore: We are only going to deal with one of them. I am putting them on as orders of the day.

Hon SUE ELLERY: I might get the opportunity to say something later.

Question put and passed.

RACING AND WAGERING LEGISLATION AMENDMENT BILL 2009

RACING BETS LEVY BILL 2009

BOOKMAKERS BETTING LEVY AMENDMENT BILL 2009

Cognate Debate — Motion

On motion by **Hon Norman Moore (Leader of the House)**, resolved —

That leave be granted for the Racing and Wagering Legislation Amendment Bill 2009, the Racing Bets Levy Bill 2009 and the Bookmakers Betting Levy Amendment Bill 2009 to be dealt with cognately.

Second Reading — Cognate Debate

Resumed from 21 October.

HON JON FORD (Mining and Pastoral) [4.51 pm]: The opposition supports these three bills. We are very pleased that these bills have come into this house, and we hope they are passed rapidly.

These three bills have been introduced to fix a problem that currently exists in Western Australia whereby about \$18 million is taken out of the racing industry by bookmakers in other jurisdictions. That problem has arisen because Western Australia has not been able to charge for its racing product. As a result of these three bills, about \$15 million of that money will come back into the coffers of this state. About 36.6 per cent of that will go to country racing, and 63.4 per cent will go to metropolitan racing. I must point out that the purpose of this legislation is not to encourage people to bet more. It is to ensure that the proceeds of racing go back into the racing industry to be used for things such as racetracks and other infrastructure, stewards, veterinary services and stake money for country racing. It is interesting that not a lot of money is made from country racing in Western Australia, but it is recognised within the racing industry that country racing is very important to people in the bush.

The Racing Bets Levy Bill 2009 and the Bookmakers Betting Levy Amendment Bill 2009 are two new taxing bills that will allow Western Australia to charge for its product whenever a person outside Western Australia places a bet on a Western Australian race. The Leader of the House referred in his second reading speech to the fact that because many bookmakers have been enticed to go to the Northern Territory, this had led to a loss of revenue from racing in other jurisdictions in Australia. All the other jurisdictions in Australia have, over time, passed legislation to protect the investment that they make in their racing industry. Western Australia is the only jurisdiction that has not passed such legislation. This legislation is, therefore, very important for the Western Australian racing industry. It is particularly important for the country racing industry.

I will explain how this legislation will work. All the levies that are received by the Gaming and Wagering Commission, or GWC, will be retained in the racing bets levy account, or the RBLA. It is nearly as bad as fisheries with all these acronyms!

Hon Norman Moore: Nothing is as bad as fisheries!

Hon JON FORD: No, probably not!

After the deduction of an administration fee approved by the minister, the levy that is held in the RBLA will be paid at a prescribed interval either directly to the race clubs or to Racing and Wagering Western Australia. An interval of one month will be prescribed in the regulations. This will ensure that the money goes back to the clubs in a timely way. The money that is received by RWWA will be retained in a dedicated racing bets levy account to be allocated to race clubs in accordance with the distribution model contained in its strategic development plan. I understand that the legislation will provide flexibility for the Gaming and Wagering Commission to pay funds directly to racing clubs in the event that there is a dispute between RWWA and the GWC in the allocation of funds from the racing bets levy account. I would be happy if the Leader of the House could confirm that in his response.

The opposition supports this legislation. We will be happy to go through all stages of these bills today. We do not think it is necessary to go through these bills in detail in committee. However, if other members want to do that, we will support that process. I am just indicating to the Leader of the House that we think it is very important that this legislation be put in place as soon as possible.

HON ROBIN CHAPPLE (Mining and Pastoral) [4.56 pm]: This package of legislation comprises three bills—the Racing and Wagering Legislation Amendment Bill 2009, the Racing Bets Levy Bill 2009 and the Bookmakers Betting Levy Amendment Bill 2009. This legislation will apply only to wagering on horse and dog racing. It will not apply to betting in general. These bills will amend various acts, and also introduce new concepts. These acts are to be amended to effect consequential amendments required as a result of these new concepts, or to introduce these new concepts. Some other incidental changes will also be made to various acts, but they are not particularly noteworthy.

The first new concept is the removal of the prohibition on betting exchanges. This has been introduced as a result of the High Court decision in *Betfair v State of Western Australia*, which found that certain parts of the current racing and wagering legislation were unconstitutional, and on advice from the State Solicitor's Office. The two other new concepts are the introduction of a racing bets levy, and the removal of the prohibition on advertising by interstate betting agencies. We support those new concepts. The other matters dealt with in the legislation are incidental and not problematic.

One of the problems that has given rise to this legislation is that a lot of the revenue from the racing industry in this state has been going out of the state. The Greens (WA) have met with Racing and Wagering Western Australia. We agree with RWWA and the racing clubs that a racing bets levy should be introduced. We are opposed to betting exchanges. However, because the prohibition on betting exchanges has been found by the High Court to be unconstitutional, we agree with the advice of the State Solicitor's Office that that prohibition be removed.

The new concept of a betting exchange really just formalises the facilitation of a system that allows two private people who do not know each other to bet against each other on the same race at the same odds; that is, one person can bet that a horse will win at odds of X, and the other person can bet that a horse will lose at the same odds. A betting exchange facilitates the bet and charges a commission. The problem with a betting exchange is that it allows people to bet that a horse or a dog will lose, which may encourage corruption. Betting exchanges were banned in Western Australia by legislation introduced specifically to prohibit them in 2006. Betfair is a United Kingdom internet-based betting exchange that is 50 per cent owned in Australia by the Packer family. It challenged the legality of the prohibition in the High Court and won.

Debate interrupted, pursuant to standing orders.

[Continued on page 9034.]

QUESTIONS WITHOUT NOTICE

DEPARTMENT OF HEALTH — SPECIFIC PURPOSE FUNDS

1118. Hon SUE ELLERY to the minister representing the Minister for Health:

I refer to the Auditor General's report regarding the misuse of almost \$25 million in specific purpose funds to pay for operational expenses such as outstanding invoices.

- (1) Can the minister confirm that the funds used were commonwealth funds allocated for specific purposes such as research equipment?
- (2) Can the minister confirm that on 18 June 2009 the Department of Health gave specific and unqualified assurances to a Legislative Council committee that specific purpose funds would not be used in this manner?
- (3) Does the minister accept that moneys misappropriated but paid back at a later date are still misappropriated?
- (4) Can the minister assure the house that if this was a misuse of Council of Australian Governments funding, future commonwealth funding in Western Australia will not be subject to sanction because of this inappropriate action?

Hon SIMON O'BRIEN replied:

- (1)-(4) The Minister for Health has advised that no COAG funding was used by the Department of Health at the end of the 2008-09 financial year for operational expenses. Consequently, there has been no misuse of COAG funding.

SHOOTING INCIDENT, NARROGIN

1119. Hon SUE ELLERY to the Minister for Child Protection:

I refer to a media report that the couple who allegedly fired a gun into a Narrogin crowd that included children on Saturday night are child carers. Has the minister ascertained whether the alleged perpetrators are registered foster carers; currently have children in their care; or provide any other form of child care?

Hon ROBYN McSWEENEY replied:

I thank the member for her question. I do not really like making private details of people public, but I will provide those details to the member.

MUJA A AND B POWER STATIONS — RECOMMISSIONING

1120. Hon KATE DOUST to the Minister for Energy:

I refer to Verve Energy's decision to recommission Muja A and B power stations.

- (1) What will be the estimated carbon cost associated with generating electricity from the power stations when the carbon pollution reduction scheme is in place if Australia commits to —
 - (a) a 25 per cent reduction on 2000 emission levels;
 - (b) a 15 per cent reduction on 2000 emission levels; or
 - (c) a five per cent reduction on 2000 emission levels?
- (2) What coal-fired power station technology does the retrofit consist of?
- (3) What impact is the recommissioning expected to have on the greenhouse gas emission intensity of the south west interconnected system?

Hon PETER COLLIER replied:

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

- (1) Given the lack of certainty currently surrounding the commonwealth government's proposed carbon pollution reduction scheme, it is too early to be in a position to comment upon parts (a), (b) or (c). Verve Energy has advised that it would require forecasted carbon prices under the various reduction scenarios to provide this information.
- (2) The refurbishment of Muja A and B will include a full upgrade of the control and instrumentation equipment. Bag houses will also be fitted to remove dust from the exhaust gases.
- (3) There will possibly be a slight rise of a few grams of carbon dioxide per megawatt hour in the greenhouse intensity of the SWIS over the first few years.

DOLPHIN DEATHS — SWAN AND CANNING RIVERS

1121. Hon SALLY TALBOT to the Minister for Environment:

In the minister's statement this afternoon she stated that she had required the chair of the Swan River Trust to deliver a report to her by 20 November.

- (1) When did she commission that report?
- (2) Has the minister, or any of her staff or officers in any of her departments or agencies, silenced Dr Hugh Finn?

Hon DONNA FARAGHER replied:

I thank the member for her question.

- (1)-(2) No; as far as I am aware Dr Hugh Finn spoke on both television and radio on Friday, Saturday and Monday; I think he was on again today. I do not see the relevance of that question.

In answer to the question about the report, yes, I spoke to the chairman of the Swan River Trust on Saturday and Sunday, and I also had a meeting with him on Monday—he was away until Monday. I asked him for that report; we discussed it over the weekend and formalised it on Monday.

GENETICALLY MODIFIED CANOLA — ANIMAL FEEDING STUDY

1122. Hon BRIAN ELLIS to the minister representing the Minister for Agriculture and Food:

I refer to the \$92 000 animal feeding study on genetically modified canola that is being conducted by Dr Judy Carman, and to published comments by Dr Ian Edwards, who was a member of the genetically modified organism reference group established by the former Minister for Agriculture and Food, Hon Kim Chance.

- (1) Is the agriculture minister aware of Dr Edwards' reported view that the GMO reference group was denied basic information by the previous minister?
- (2) Is the agriculture minister aware that Dr Carman reportedly said that former Minister Chance's office was kept informed of the progress in developing this methodology, and that his senior staff member was present when the methodology was approved?
- (3) Is the agriculture minister aware of Dr Edwards' concern that the current minister has not been provided with any documentation on the progress or protocols of the study; and, is this the case?
- (4) Has, as has been reported, Dr Carman declined to provide the agriculture minister with confidential updates on the project?
- (5) Given that Dr Edwards has called for an inquiry, what processes has the agriculture minister undertaken to acquire a comprehensive update on this project?

Hon ROBYN McSWEENEY replied:

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

- (1) Yes.
- (2) Yes, but Minister Redman is unaware of which person from former Minister Chance's office was privy to that information.
- (3)-(4) Yes.
- (5) Minister Redman and his department wrote to Dr Carman in October 2008, February 2009 and September 2009 requesting detailed information. All responses indicated that the request for information would be referred to the board of the Institute of Health and Environmental Research.

Minister Redman and his department will continue to press for a comprehensive report as this is a matter of public accountability.

SHARK BAY MARINE PARK AND MARMION MARINE PARK — MANAGEMENT PLANS REVIEW

1123. Hon GIZ WATSON to the Minister for Environment:

Some notice of this question was given in September, so it has been sitting around for a while. Further to question without notice 925 of 22 September 2009.

- (1) Does the minister support the intention of section 55(1) of the Conservation and Land Management Act 1984 that a management plan's policy, guidelines and operations will be effective for a specific period that shall not exceed 10 years?
- (2) If no to (1), why not?
- (3) If yes to (1), will the minister ensure that sufficient resources are provided to the Department of Environment and Conservation to carry out those reviews?
- (4) If no to (3), why not?
- (5) Does the minister acknowledge that there are significantly greater pressures from recreational and fishing activities on these marine parks now than there were 17 years ago?
- (6) How can the minister be sure that the existing management plans remain effective without a formal review?

Hon DONNA FARAGHER replied:

I thank the member for some notice of this question.

- (1) Although the Conservation and Land Management Act 1984 specifies a period of 10 years, it also provides that plans remain in force until replaced by a new plan. However, I am advised that procedures and actions required under the marine park and reserve management plans are assessed annually by both the Department of Environment and Conservation and the Marine Parks and Reserves Authority to ensure that management is adapted to respond to new issues or information and to ensure that management remains effective.
- (2) Not applicable.
- (3) Reviews are scheduled and resourced in the context of overall planning priorities for proposed new and existing marine parks and reserves.
- (4) Not applicable.
- (5) It is acknowledged that recreational pressure, including fishing, has increased in Marmion Marine Park as Perth's population increases and spreads along the northern corridor. Visitor data collected at Shark Bay Marine Park, however, indicates that although visitor numbers fluctuate from year to year, the total number of visitors has remained relatively stable since 1994-95.
- (6) See the answer to (1).

TOURISM WESTERN AUSTRALIA — STAFF REDUCTIONS

1124. Hon LJILJANNA RAVLICH to the minister representing the Minister for Tourism:

- (1) How many staff have not had their fixed-term contracts renewed since 30 June 2009?
- (2) From which divisions in Tourism WA have full-time equivalents been lost and how many have been lost from each of these divisions?
- (3) What is the impact on productivity of the loss of FTEs in each division?
- (4) If there has been no impact on productivity, why were these staff originally employed?
- (5) How much has been spent on outsourcing departmental functions since the loss of these FTEs?

Hon DONNA FARAGHER replied:

I thank the member for some notice of this question.

- (1) Assuming that the question relates to Tourism WA, 13 fixed-term contracts that have expired since 30 June 2009 have not been renewed.
- (2) Assuming that the question refers to FTEs lost since 30 June 2009, the 13 fixed-term contracts not renewed were from the following divisions: corporate and business services contracts were reduced by four; industry development contracts were reduced by five; and marketing contracts were reduced by

four. The FTEs reported by services in the budget papers have changed as follows: destination marketing FTEs have been reduced by four, and industry development and visitor servicing FTEs have been reduced by six.

- (3) Assuming that the question refers to FTEs lost since 30 June 2009, nil. The non-renewal of 13 fixed-term contracts is attributable to a number of factors not directly impacting on productivity. Within industry development and visitor servicing, this includes the completion of projects such as the visitor servicing study implementation, the Hopetoun-Ravensthorpe tourism asset assessment report, and investigation into accommodation opportunities in the Swan Valley and Perth hills area. Within destination marketing, this includes the redirecting of funds previously spent on salaries and overheads on the purchase of media space.
- (4) Not applicable.
- (5) One outsourcing tender expected to be completed by 30 November 2009 related to Singapore-based marketing representation services.

WEST ATLAS OIL SPILL

1125. Hon JON FORD to the Minister for Mines and Petroleum:

I refer the minister to the West Atlas oil rig Kimberley oil spill incident.

- (1) Does the minister expect the full cooperation of PTTEP Australasia in any investigation into this spill?
- (2) Has the minister held discussions with the petroleum industry and/or the commonwealth government to see what improvements can be implemented immediately to ensure that the risk of this type of incident occurring in the future can be reduced?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

- (1) As this incident did not occur in an area administered by Western Australia, I am not in a position to comment in any detail about the company's cooperation in the investigation into the spill. The incident occurred in the Ashmore and Cartier Islands territory, which is administered by the Northern Territory on behalf of, and in conjunction with, the commonwealth. In a media release, the company has stated that it will fully cooperate with the inquiry.
- (2) The commonwealth Minister for Resources and Energy has announced the Montara commission of inquiry into the incident. I await the findings of the inquiry. Since notice was given of this question, I met with the federal Minister for Resources and Energy, Martin Ferguson, last Friday and discussed a number of matters, including this one. I indicated to him that we were looking forward very much to the findings of the Montara commission of inquiry in the event that those findings may be very useful to this state should something like this happen in Western Australian waters.

DRAFT BUSHLAND PLANNING POLICY

1126. Hon ALISON XAMON to the minister representing the Minister for Planning:

I refer to the "Draft Statement of Planning Policy No 2.8: Bushland Policy for the Perth Metropolitan Region". I draw the minister's attention to the deadline for public comment for this policy, which was 12 November 2004.

- (1) What is the current status of the draft statement of planning policy 2.8 for bushland in the Perth metropolitan area?
- (2) What resources within the Western Australian Planning Commission are dedicated to finalising this important policy?
- (3) What impediments to finalising this important policy have delayed the release of the final policy?
- (4) On what date will the government release the final statement of planning policy?

Hon ROBYN McSWEENEY replied:

I thank the member for some notice of this question.

- (1) The "Draft Statement of Planning Policy No 2.8: Bushland Policy for the Perth Metropolitan Region" is currently with the Minister for Planning for consideration of endorsement.
- (2) The Department of Planning has provided staff resources for the completion of the documents.
- (3) The draft SPP 2.8 is complementary to metropolitan region scheme amendment 1082/33—Bush Forever and related lands. The complexity of the issue, including matters of law, legislation and regulation; the steps needed to progress the single largest MRS amendment ever to be undertaken;

changes to the Environmental Protection Act in 2004 to include the clearing regulations; and the application of the requirements of draft SPP 2.8 within the planning framework have required extensive consultation. Bush Forever was initiated by the previous coalition government but was not finalised by the Labor government during its period in office. The Minister for Planning is progressing the matter in a considered and timely way.

- (4) This is yet to be determined.

CARNARVON REGIONAL HOSPITAL

1127. Hon MATT BENSON-LIDHOLM to the minister representing the Minister for Health:

I refer to question without notice 845 regarding vacancies at Carnarvon Regional Hospital.

- (1) Have the positions of registered nurse, registered midwife and assistant in nursing been advertised and filled?
- (2) If not, why not?
- (3) Are any other positions now vacant at the hospital?
- (4) If yes, what are they, have they been advertised and when were they advertised?

Hon SIMON O'BRIEN replied:

I thank the member for some notice of this question.

- (1) Yes, all three positions have been advertised. The position of registered nurse was filled from a pool advertisement lodged on 8 September 2009. The assistant in nursing position was filled from a local advertisement.
- (2) The registered midwife position did not attract any applicants and is currently being filled by an agency midwife.
- (3) Yes, there is one.
- (4) A registered nurse resigned on 26 October 2009, and the pool advertisement for registered nurses advertised on 8 September 2008 is still current. Two applications from suitably qualified nurses have been received and a decision on the recruitment will be made by 13 November 2009.

I conclude by noting that 10 November is the date that notice was given and the day on which this answer was prepared and is current for.

PERTH PARKING LICENCE FEE INCREASES — NORTHBRIDGE LINK

1128. Hon ED DERMER to the Minister for Transport:

- (1) Has the minister advised the Department of Transport to include any Northbridge Link projects in its consultations with the City of Perth on the possible uses of the additional funds raised under the Perth Parking Management Act?
- (2) If yes, on what date did the minister advise it?
- (3) If no to (1), why not?

Hon SIMON O'BRIEN replied:

I thank the member for some notice of this question. It is an interesting proposition that the member has raised. I do not know whether it is his view, but it is an interesting point.

- (1) No.
- (2) Not applicable.
- (3) Not relevant.

URANIUM EXPLORATION — CONTRACT DRILLERS

1129. Hon ROBIN CHAPPLE to the Minister for Mines and Petroleum:

- (1) Is a register kept of contract drillers working in uranium exploration?
- (2) If no to (1), why not?
- (3) If yes to (1), are those exploration drillers required to have their exposure rates recorded; and, if so, who keeps those records?
- (4) Are there any specific occupational health and safety guidelines for exploration drillers being exposed to dust or fugitive emissions, such as the dust plume pictured in a photograph on my website?

Hon NORMAN MOORE replied:

I congratulate the member on his continued endeavours to promote his website! This is now the third question in which he has referred to his website. I do not spend a lot of time looking at his website, but perhaps I should because I am told that there are many photos that supposedly would be of interest to me. Because I do not know who took the photos and I cannot verify where they came from, it is impossible to give any great credibility to this website.

Hon Robin Chapple: I took the photos.

Hon NORMAN MOORE: There is no way of proving that, other than for Hon Robin Chapple to tell me that he did, and who knows where they were taken? The other day the member asked a question about some drilling rig and some dust, and there was no indication to my satisfaction that it was in fact a photograph of a drill operating in an exploration capacity looking for uranium. It could have been drilling for water. Who knows? I know that the Greens (WA) want to frighten everybody about uranium mining, so I have to work on the basis that that is part of the member's motivation.

I thank the member for some notice of this question.

- (1) The principal employer keeps a register of all employees exposed to radiation, including contract drillers.
- (2) Not applicable.
- (3) The principal employer is required to assess radiation exposures for the above employees. The principal employer would keep the exposure records.
- (4) Yes. There is a guideline relating to exploration for radioactive minerals, which includes dust control strategies: "Guideline NORM-4.1 Controlling NORM-dust control strategies".

BUNBURY REGIONAL HOSPITAL INTENSIVE CARE UNIT —
LIBERAL PARTY ELECTION COMMITMENT

1130. Hon ADELE FARINA to the minister representing the Minister for Health:

I refer to the Liberal Party's election commitment to build a Bunbury intensive care unit within the first 12 months of winning government.

- (1) When will the business cases for the expansion of the Bunbury Regional Hospital emergency department and the Bunbury intensive care unit be completed? Please specify the month and year.
- (2) When will the works expanding the emergency department commence and be completed? Please specify the month and year.
- (3) When will the promised ICU be opened? Please specify the month and year.
- (4) Noting that only half a million dollars has been committed in the state budget for equipment in the Bunbury ICU, will this be sufficient to equip an ICU, and up to what standard?
- (5) What additional funding will be needed for additional staff, equipment and other resources to operate the expanded Bunbury ED and the ICU?

Hon SIMON O'BRIEN replied:

It was not a Liberal Party election commitment to build the Bunbury ICU within the first 12 months of winning government. Prior to the state election, in response to a media inquiry asking whether the ICU would be finished within 12 months, the then opposition spokesperson for health said that without knowledge of the reasons for Labor's delay it was not possible to be certain but the establishment of the ICU within 12 months would be his target and it would be given a high priority in government. It has since been decided that the best approach is to complete this work when implementing the four-hour rule. In answer to the specific questions asked by the honourable member —

- (1) While the business case for the Bunbury Regional Hospital ICU has been substantially completed, it has been rescheduled due to the identified need to expand the Bunbury emergency department and the implementation of the four-hour rule initiative. The four-hour rule program is based on using a clinical service redesign methodology, which requires a period of diagnostic evaluation prior to developing and implementing solutions. Therefore, at this point of the program, the Department of Health is not able to predict whether solutions generated by each hospital will determine the full extent of the upgrade required to their emergency department. Bunbury Regional Hospital is currently at its diagnostic evaluation stage. Subsequent to sufficient four-hour rule implementation at the Bunbury Regional Hospital, the ED expansion will be integrated into a combined ICU-ED business case.

WA Country Health Service has committed to complete this combined business case by the end of 2009, subject to outcomes from the four-hour rule implementation process.

- (2)-(3) The combined ICU-ED business case will set out the time frames for these projects and will be subject to government approval processes. Once approved, the design, tender, construction and transition period is estimated to be 36 months.
- (4)-(5) The combined ICU-ED business case will set out the costing for these projects and will be subject to government approval processes; therefore, it is not possible to provide a definitive project costing.

COUNTRY MORGUES — UNCLAIMED BODIES

1131. Hon HELEN BULLOCK to the minister representing the Minister for Health:

- (1) Can the minister advise how many bodies are being held as at 10 November 2009 in the following morgue facilities—Broome, Derby, Kununurra, Port Hedland, Tom Price and Newman?
- (2) Of those, how many bodies are unclaimed?
- (3) For what period of time has each of these unclaimed bodies been held in the morgue?
- (4) What action is being taken to address each of these cases?

Hon SIMON O'BRIEN replied:

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

- (1) For Broome, it is one; Derby, six; Kununurra, nil; Port Hedland, five, Tom Price, nil; and Newman, nil.
- (2) For Broome, it is nil; Derby, nil; Kununurra, not applicable; Port Hedland, nil; Tom Price, not applicable; and Newman, not applicable.
- (3)-(4) Not applicable.

PERTH AIR QUALITY MANAGEMENT PLAN

1132. Hon LYNN MacLAREN to the Minister for Environment:

- (1) Further to question on notice 913 submitted on 23 June 2009, did the Air Quality Coordinating Committee meet on 15 October 2009 as planned?
- (2) If no, why not?
- (3) Will the minister please table the government's response to the 2007 review of the Perth air quality management plan?
- (4) If no, why not?
- (5) Have the annual progress reports on the Perth air quality management plan for 2006-07, 2007-08 and 2008-09 been finalised?
- (6) If no, why not?

Hon DONNA FARAGHER replied:

I thank the member for some notice of this question.

- (1)-(2) The meeting was planned; however, as a result of the unavailability of the interim chair, the meeting has been rescheduled for the first week in December.
- (3)-(4) The report has not yet been provided to me by the Department of Environment and Conservation.
- (5)-(6) The 2006-07 and 2007-08 reports are currently being finalised, and the department has advised that they will be available in early 2010. The Air Quality Coordinating Committee meeting scheduled for December 2009 will assist with the collection of information required to complete the 2008-09 report.

MOUNTED POLICE — BULLSBROOK RELOCATION

1133. Hon JOCK FERGUSON to the minister representing the Minister for Police:

I refer the minister to the story on the front page of the Bullsbrook-Ellenbrook *Advocate* on Wednesday, 11 November that states that the government is nearing a decision on relocating the mounted section of Western Australia Police from Maylands to Brigadoon.

- (1) What are the plans for the Maylands site if the mounted section is relocated?
- (2) Has the government requested or received an estimate of the land value for the Maylands site?
- (3) If yes, what is the land value estimate?
- (4) If yes, have the potential proceeds of the land sale been factored into the WA Police budget or the state budget?

Hon PETER COLLIER replied:

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

- (1) WA Police are not aware of any current plans to relocate the mounted section from Maylands.
- (2) The government has asked all agencies to report on the status of all current land holdings as part of the government's overall budget strategy. This did not involve any revised land value estimates. No specific request has been made in relation to Maylands outside this overall process.
- (3)-(4) Not applicable.

WEST ATLAS OIL SPILL — FISHERIES IMPACT

1134. Hon JON FORD to the Minister for Fisheries:

I refer the minister to the West Atlas oil rig spill in the Kimberley.

- (1) What impact has the oil leak had on Western Australian coastal fisheries and marine life?
- (2) What advice has the minister received on any future ongoing impacts of this oil spill on WA fish resources?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

- (1) The immediate impact was that commercial fishers were prohibited from fishing within the exclusion zone around the affected oil rig. The impact on coastal fisheries and marine life is not yet clear and that is one of the reasons that a long-term monitoring program is proposed. If this bill has impacted on the recruitment of the juveniles of the key fish species in this region, this will not become evident for a number of years.
- (2) I have been briefed by the Department of Fisheries on the potential for impacts on fisheries of the oil spill. These impacts are potentially in two key areas. One potential impact is the tainting of product as a direct result of the spill and the dispersant used. The second is the longer term potential for impacts on recruitment due to effects on larvae or juveniles of the species within the area of the spill. It is for this reason that my department has been working with the Australian federal government and the oil company to develop short and longer term monitoring programs so that any impacts can be assessed.

FOREST PRODUCTS COMMISSION — STATEMENTS OF CORPORATE INTENT

1135. Hon ALISON XAMON to the minister representing the Minister for Forestry:

I refer to the Western Australian Auditor General's report, "Audit Results Report 2008-09 Assurance Audits: Report 13 — November 2009" and the failure of the Forest Products Commission to meet its legislative requirements to table a statement of corporate intent for both the 2008-09 and 2009-10 financial years.

- (1) Why has the FPC failed to table these reports for two years in a row?
- (2) When will the reports be tabled?
- (3) What will the minister be doing to rectify this situation?

Hon ROBYN McSWEENEY replied:

I thank the member for the question.

- (1)-(3) The responsibility for tabling the 2008-09 statement of corporate intent was with the previous government. Since becoming Minister for Forestry the minister has been reviewing the state's forestry industry and the operation of the Forest Products Commission within that industry. The minister proposes to finalise this review shortly, which will guide the future strategic direction of the Forest Products Commission. Further SCIs will be tabled in accordance with the timetable.

UNDERGROUND POWER PROJECT — REVIEW

1136. Hon KATE DOUST to the Minister for Energy:

On Monday, 26 October, the minister issued a press release headed, "Submissions open for underground power projects".

- (1) When will the terms of reference be made public?
- (2) When will the government call for public submissions?
- (3) What is the anticipated date for finalising this review?

Hon PETER COLLIER replied:

Is the member referring to the review? In parts (1) and (2) of the question, was the member talking about round 5?

Hon Kate Doust: No, I am referring to the review.

Hon PETER COLLIER: I know, but is the member referring to the submissions for round 5 or a review?

Hon Kate Doust: The review.

Hon PETER COLLIER: I thank the member for the question.

(1)-(3) The underground power project, as everybody knows, has been extremely successful in Western Australia. Wherever I have been—whether it was the last pole standing or signing agreements with the councils—the project has been warmly embraced throughout the community. There are no problems with that whatsoever. One of the biggest issues that has arisen with the underground power project, which I emphasise yet again has been extremely popular and well received, is that in some communities there is difficulty with payment. Of course, it is up to the local council to determine how it recoups the payment for its proportion of the contribution to the underground power. Currently, the Office of Energy contributes 25 per cent, Western Power contributes 25 per cent and the local authority contributes 50 per cent.

Hon Kate Doust: I want the answer.

Hon PETER COLLIER: This background is important.

Hon Ljiljana Ravlich: Answer the question.

Hon PETER COLLIER: The member asked a question without notice; therefore, I will give the background to the underground power project.

Hon Ljiljana Ravlich: Answer the question.

Hon PETER COLLIER: I am answering the question.

Hon Norman Moore: Hon Ljiljana Ravlich has a very short memory.

Hon PETER COLLIER: I had better not say anything.

I heard the shadow Minister for Energy on radio, carrying on about the need for a review, when she knew full well that stage 4 of the underground power project was conducted as a result of guidelines that were established by the previous government. If the previous government had wanted to change the guidelines or have a review, it would have done that, but it did not. It is bit rich for Hon Kate Doust to comment publicly about how terrible the underground power project is.

The calling for submissions for round 5 will be announced in due course. I put out a media release about a month ago. The submissions will be announced in due course and there will be a review going into round 5 that will look at things such as affordability. I make it quite clear that ultimately it is up —

Hon Kate Doust: You do not know. Even the person running it does not know.

Hon PETER COLLIER: I do. I know exactly what I am talking about. I am advising the member that ultimately it is up to the local authority to determine what criteria it uses to get its 50 per cent. It is entirely up to it. I immediately followed Hon Kate Doust on the radio program.

Hon Kate Doust: I missed that.

Hon PETER COLLIER: The member missed it; it was a great interview.

I have asked the Office of Energy what is going on with the review, and it has said that the review will take place prior to us going through round 5. It will ascertain what has happened with the underground power project, what areas have underground power and whether the selection process was as transparent as it should be and could be. As I see it, I have received nothing but praise for the underground power program, which was introduced by the Court government in 1996. It is a good program, and we will be reviewing it to determine whether changes need to be made or there needs to be some tweaking at the edges.

Hon Kate Doust: That is why we want you to review it.

Hon PETER COLLIER: Why did the previous government not review it prior to round 4? Round 4 is in operation now. Why did the previous government not review it? We are doing it now. Round 4 has nothing to do with this government; it was determined by the previous Labor government.

Round 5, which we announced in this year's budget, will be rolled out following the completion of round 4. This government is doing the right thing by continuing with the underground power project, which is a very popular project. We will be ascertaining whether we need to make any changes. If changes are necessary, we will make them.

SENIORS CARD — ELIGIBILITY REVIEW

1137. Hon SUE ELLERY to the Minister for Seniors and Volunteering:

I refer to response to question without notice 836 about the delay in finalising the eligibility review of the Western Australian Seniors Card.

- (1) What stage is the eligibility review at?
- (2) Which stages of the eligibility review are still to be completed?

Hon ROBYN McSWEENEY replied:

I thank the honourable member for her question.

- (1)-(2) The review has been completed and is being finalised in readiness for presentation to cabinet before the end of the year.

SYNERGY — BILLING SYSTEM, SMARTPOWER METERS, AND PURCHASE OF RETAIL GIFT VOUCHERS

Questions without Notice 1066, 1101, and 1116 — Supplementary Information

HON PETER COLLIER (North Metropolitan — Minister for Energy) [5.37 pm]: As promised, I have some additional information to Hon Kate Doust's questions without notice 1066, 1101 and 1116, which I seek leave to have incorporated into *Hansard*.

Leave granted.

The following material [See paper 1531] on question without notice 1066 was incorporated —

Additional Information

2. Synergy has advised there are up to 20,000 accounts which are due, but are yet to be issued. Synergy cannot provide more specific data at this time as the exact figure is subject to change on a regular basis as Synergy works through accounts on a case by case basis. Synergy has issued over 1,000,000 accounts, accurately and on time. The reason for the backlog is due to the quality control processes Synergy has in place, as part of the implementation of its new billing system.

Synergy is seeking to ensure the bills are correct before issuing them, and is advising customers that extended payment terms will be made available if they receive an account for a longer than usual billing period.

Synergy apologises to any customers being inconvenienced by this, and it expects this will only be a short term issue as it ensures its billing system is operating effectively.

The following material [See paper 1532] on question without notice 1101 was incorporated —

Additional Information

2. None have been installed to date. Approximately 100,000 old electro mechanical meters were replaced with electronic meters between 2006 and 2009.

3. The total cost of smart meters installed by Western Power to date is nil.

4. To date, there has been no expenditure for smart meters in the SWIS. Western Power's trial of smart meters is likely to cost approx \$15M. The funding is included in Western Power's Access Arrangement submission currently under review by the ERA.

5. The entire Western Power smart meter trial, which includes project management, administration, IT integration and software development, procurement of hardware and meter deployment, costs approximately \$15M. Of this, IT costs represent approximately 10% of the total costs.

The following material [See paper 1533] on question without notice 1116 was incorporated —

Additional Information

Synergy has advised it provides retail gift cards as staff incentives as part of attraction and retention strategies.

For example, Synergy has a Leading Lights program which is a peer nominated recognition program where staff are acknowledged for demonstrating Synergy's values and working above and beyond their day to day responsibilities.

Synergy also has a Commitment and Expertise award which recognises the service of staff who have completed 20, 25, 30, 35 and 40 years of service. Such staff are rewarded with a gift card commensurate with their time of service. 24 staff members received commitment and expertise awards during the period in question (10 November 2008 – 10 November 2009).

44 Leading Lights awards were presented during the period in question.

In addition, retail gift cards have been provided as part of miscellaneous staff incentives and competitions.

From Synergy's accounting systems, a total of \$29,149.95 was spent on retail gift cards for staff incentives, as part of attraction and retention strategies.

In addition, \$4,063.64 was spent on retail gift cards for customer competitions.

Synergy has also now purchased \$56,300 worth of gift vouchers for customers participating in the now discontinued field trial component of its Advanced Metering Proof of Concept Study due to Synergy now focusing on the Perth Solar City project which will provide better value for money with a larger sample size and whole of industry involvement. Synergy is honoring its commitments to participants of the now discontinued component of the study.

502 customers will receive a gift voucher for \$100, a further 112 will receive a voucher for \$50, and one voucher for \$500 was purchased for a prize draw which one customer will win.

DEPARTMENT FOR CHILD PROTECTION — RESIDENTIAL CARE FACILITIES

Question without Notice 1099 — Correction of Answer

HON ROBYN McSWEENEY (South West — Minister for Child Protection) [5.38 pm]: Last week in question time I gave an incorrect answer to Hon Sue Ellery to question without notice 1099 about residential care. The Department for Child Protection is restructuring residential care from eight-bed hostels to four-bed homes, which will provide a home-like environment for children in care. These homes will be situated in normal community neighbourhoods throughout the metropolitan and regional areas. However, they are being carefully purchased to ensure that there are good buffer zones between the houses and neighbours to maintain both the privacy of the residents and the amenity of the neighbourhood. Up to 40 homes will be purchased, with the majority being managed by non-government services. However, the Department for Child Protection will directly manage some of them and provide round-the-clock staff supervision. These houses are for younger children in greater need. They are not sexual predators or hardcore criminals; they are children and young people. These children will join sporting teams and attend the school in the local area. The department will consult with neighbours and others in the local community at the earliest opportunity. I correct the statement I made earlier that this consultation would begin before purchasing a house. It certainly will not be. Clearly, commercial and privacy considerations prevent this occurring. However, I reiterate that the department will consult with neighbours and others in the local community at the earliest opportunity and as often as they require in an effort to fit into the community and to be good neighbours. I give Hon Sue Ellery an undertaking to look at an overall plan for consultation once purchasing has taken place.

RACING AND WAGERING LEGISLATION AMENDMENT BILL 2009 RACING BETS LEVY BILL 2009 BOOKMAKERS BETTING LEVY AMENDMENT BILL 2009

Second Reading — Cognate Debate

Resumed from an earlier stage of the sitting.

HON ROBIN CHAPPLE (Mining and Pastoral) [5.40 pm]: Before question time I was identifying the essence of the problem, and that is that Betfair, the United Kingdom internet-based betting exchange, which is 50 per cent owned by the Packers, had created the problem we find ourselves in. The betting industry does not like betting exchanges because of the potential for corruption, and neither do the Greens (WA). Obviously, we oppose the principle. However, we are assured by the State Solicitor's Office and our own inquiries into the issue that, unfortunately, the prohibition that was established under the former government has to come out. Therefore, we cannot challenge the change.

At the moment, the Northern Territory has the greatest tax break for the betting agencies, so most of the betting agencies are located in the Northern Territory. Those betting agencies still offer bets on WA-based races, but the people place those bets with an NT company. The Northern Territory and all the other states have a law that means that if a betting agency is advertising a race field—that is, advertising the times of races, the number of horses, the horse names, the jockey names, the trainers et cetera to take a bet on those races—the betting agency has to pay a fee to the head racing club body for the privilege of using that race information to make money from the bets. For example, a Victorian betting agency that offers a bet on a New South Wales race has to pay the racing club body in New South Wales for the right to publish that New South Wales race information, even though the betting agency is in Victoria. Of course, the money actually comes from the Victorian punter, so the Victorian punter is giving money to the New South Wales clubs. This means that the NT racing clubs and all other state clubs make money essentially from non-NT punters betting on non-NT races.

Western Australia does not do this, so WA makes no money or income from interstate agencies offering bets on WA races. Racing and Wagering Western Australia estimates that approximately \$18 million is spent each year and goes out of WA because the WA betting agencies have to pay a levy to clubs in other states and territories. WA does not recoup any of this money by charging the same fees in return. The introduction of the racing bets levy is the introduction of this system into WA. The change means that any betting agency taking bets on the basis of WA race information has to pay the Gaming and Wagering Commission of Western Australia a certain percentage of the agency's turnover or commission. The agencies can choose which formula they will use. The commission is then obliged to turn all that money over to WA racing clubs, except for an administration fee that must be approved by the minister. The department thinks that this will potentially add about \$15 million to the

revenue of WA clubs—something that we have been forgoing to date. The levy has widespread industry support, and has the support of the Greens.

I will deal with the removal of the prohibition on advertising by interstate betting agencies. Again, this change is being made on the basis of State Solicitor's Office advice regarding the constitutional validity of the existing prohibition. As such, whilst, as I have already articulated, we think it is a horrendous situation in which we find ourselves because of the introduction of Betfair, we feel that we can do nothing further other than agree with the passage of these three pieces of legislation.

HON MAX TRENORDEN (Agricultural) [5.44 pm]: The National Party supports the Racing and Wagering Legislation Amendment Bill 2009, the Racing Bets Levy Bill 2009 and the Bookmakers Betting Levy Amendment Bill 2009, which is not very surprising, I suppose, as the minister is a National. However, some people might know that I have a particular interest in the racing industry. It is a significant employer of Western Australians. One of the lesser-known issues, although it has not been estimated for some time, is that the Avon Valley probably creates about \$50 million worth of produce for thoroughbred, standardbred and other horse activities. As you know well, Madam Deputy President (Hon Helen Morton), the Avon Valley is a significant contributor to or beneficiary of all that collective horse activity.

The disappointment to me is that we are dealing with these bills. If we do not deal with them, Western Australia will be a significant loser as the future unfolds. I disagree with Hon Robin Chapple a little, but that is not the issue. In my view, the position we are in has been caused by vested interests—by greedy people who should know better. They do not understand that they are in an industry, and they try to achieve individually. The New South Wales process has been outstandingly terrible. The people in New South Wales need to be condemned. They have taken the attitude that they are the premiers in this process and, therefore, they have the right to charge for a product. Western Australia is part of a smaller pool; we are now in the Victorian pool. There are basically three pools. There is pressure all the time about who is going to win this argument about the punter's dollar. This is not directed to the best interests of the industry; it is directed to the best interests of some principal clubs and some individuals in the racing industry. So Western Australia pays.

If we do not pass these three pieces of legislation, Western Australia will lose the amount of money about which Hon Robin Chapple spoke, which is approximately \$15 million or \$16 million. But, more to the point, in my view, if we do not pass these bills, the penalty to Western Australia will probably be twice that figure. These bills have to be passed in the interests of the Western Australian industry. I do not think statistics are very important. Whether the racing industry is the fourth biggest employer in Western Australia is probably not the point. The point is that it is a significant employer of Western Australians. Off the top of my head, the last budget showed that the racing industry contributed about \$60 million to the Western Australian coffers. It distributes about \$100 million of revenue to the three codes and turns over \$1 billion. This is a really important issue.

I have been appointed to the review committee that is looking at the Racing and Wagering Western Australia acts, and I am interested in participating in that project. I believe there are significant issues for Western Australia in trying to play a national game in Australia in which the rules keep changing all the time and in which people will not look at the industry as being a significant industry in which everyone can grow.

There are some important points. When this bill was first talked about, the question of the 1.5 per cent turnover tax or the 20 per cent gross revenue was raised and was discussed as being one or the other. I congratulate, in particular, the advisers sitting at the side of the chamber, because they have come up with the right solution to allow people to choose between gross revenue and turnover. The big concern of the racing industry was how that levy would work. It is the right levy.

There is not much point rabbiting on. I have pretty strong feelings about the way the racing industry is going, and I could say a fair bit more about it. However, the important thing is that we do not have any option but to pass these bills. It is the right thing to do for Western Australia, it is the right thing to do for the taxpayers of Western Australia and, currently, it is the right thing to do for the industry, even though, as I have already said, I am very disappointed in the national attitude to the industry.

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [5.50 pm] — in reply: I thank members for their contributions to these bills. I thank the opposition for its support. Hon Jon Ford asked whether the Gaming and Wagering Commission of Western Australia would have the flexibility to allocate funds. As members would be aware, the High Court decision means that funds will come to the Gaming and Wagering Commission, not directly to Racing and Wagering Western Australia. This is because RWWA is a unique creature in Australian racing; that is, it is a governing body of racing but it also runs the Western Australian Totalisator Agency Board. The funds will go to the Gaming and Wagering Commission, which I understand will then make them available to RWWA, which will allocate them to the clubs based upon current formulas. If there is a dispute between the Gaming and Wagering Commission and RWWA, I suspect they will sit down and sort it

out. Ultimately, the Gaming and Wagering Commission could probably allocate the funds to the clubs based on the formulas that have been accepted prior to that dispute. I do not think that will be an issue.

Hon Robin Chapple explained why the Greens (WA) support the bills. He gave some of the background to the bills. Clearly, the situation changed in the past few years in that the Northern Territory government reduced its taxes and attracted large betting organisations, and the Tasmanian government decided to allow Betfair to operate in Tasmania. The decisions of these two governments, which saw this as a vehicle for raising additional revenue for themselves, had the effect of destroying the previous system in which there was a gentleman's agreement between the states that they not poach each other's business. I agree with Hon Max Trenorden that this change is a sad state of affairs.

The RWWA act was brought in in 2003 as a very sensible response to the situation in racing at the time. There was general agreement across all parties that that was the way to go. Circumstances surrounding wagering in Australia have changed in the past five years. A range of issues will face RWWA in the future. Hon Max Trenorden highlighted that matter. As he said, it is a significant employer. The racing industry in Western Australia is worth a lot of money to this state, and we need to ensure that it is in a healthy state. The effect of having to pay for the product of other states or other jurisdictions means that if this bill is not passed, Western Australia could lose about \$18 million a year with money going out but not coming back in again. As Western Australians bet more on interstate events than Western Australian events, there will still be a net loss to Western Australia, even after these bills have passed, of about \$5 million a year. That is a reflection of the size of our industry, the size of the industry in other parts of Australia and the interest Western Australians have in wagering on Melbourne and Sydney events.

As we heard, these bills are absolutely necessary to give a reasonably even playing field across Australia. As Western Australia sought to ban Betfair, and then the High Court invalidated that decision, Western Australia is behind the other states in its progress with this sort of legislation. These measures have been brought in to help Western Australia catch up with the other states. The legislation has a retrospectivity aspect: the fees will be back paid from 1 September 2008, which is when the decision to introduce this legislation was announced by the government. There is an urgency about the legislation. I thank members for their support and seek their support for the second reading.

Questions put and passed.

Bills read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bills read a third time, on motion by **Hon Norman Moore (Leader of the House)**, and passed.

BUSSELTON WATER BOARD (SUPPLY OF WATER TO DUNSBOROUGH) BILL 2009

Second Reading

Resumed from 21 October.

HON SALLY TALBOT (South West) [5.58 pm]: The Labor Party will be supporting this bill. I have made comments in this place about the fact that, as a house of review, we need to look at every clause of every bill that comes before us very carefully to ensure that, firstly, it is doing what was expressed in its intent, and, secondly, that it does it in the most effective way. We have another bill before us at the moment that, as my good comrade the member for Mandurah said in the other place, is a dead stinking cat of a bill. That is the Waste Avoidance and Resource Recovery Amendment Bill. As I told the house, we are taking a considerable amount of time to go through that bill line by line. This bill is not like that at all. As Labor's lead speaker on this bill, I am very happy to indicate that we will be supporting it. I doubt that I will need to go beyond six o'clock to make my comments.

Basically, this bill is about the fact that the area south of Dunsborough to about Prevelly is running out of water. I understand from the excellent briefing that I received from Mr John Roberts from the Department of Water that this does not literally mean that Dunsborough is running out of water. It means that we do not have the infrastructure to provide enough water for the Dunsborough area. A couple of alternatives were looked at. I understand that these deliberations started when Hon John Kobelke was the responsible minister. One solution was to spend money upgrading the infrastructure, which I am told would have cost in the region of \$31.5 million. That would have involved refurbishing pipelines and building extra capacity into the system. The second alternative was to change the boundaries so that the boundaries that the Busselton Water Board works with at the moment would be extended to cover the area around Dunsborough and south of Dunsborough that does not have the capacity. Both of those alternatives were rejected in favour of this quite small, straightforward amendment bill that we look at tonight. I can understand why those decisions were made. This measure seems to be the most straightforward way of making the change.

I understand that there are only two water boards in Western Australia—the Bunbury Water Board and Busselton Water.

Sitting suspended from 6.00 to 7.30 pm

Hon SALLY TALBOT: Before we got up for dinner I was making my opening remarks, which were virtually also my closing remarks, on this bill. I noted that there are only two water boards in Western Australia—Busselton Water and the Bunbury Water Board, Aqwest. The Busselton Water Board is the one that is the subject of this bill. Virtually all the rest of the state is under the authority of the Water Corporation, with the exception of a few private providers here and there. I know some of the good folk at Busselton Water, all of whom are community members, and Busselton Water has not, I suspect through some quite careful planning, drawn all its allocation. Its allocation comes largely from the Yarragadee aquifer, and it has drawn only 52 per cent of that allocation. It also has a licence to draw from the Leederville aquifer; its draw from that is only one per cent of its allocation, so it has plenty of spare capacity.

As I was saying before dinner, the alternatives that were looked at in the preparation of this bill included the expenditure of approximately \$31.5 million on upgrading infrastructure, and changing the boundaries between the Water Corporation's area and Busselton Water's area. This bill represents a reasonable compromise between those two options; it at least defers very significant government capital expenditure for probably a couple of decades, and it solves the problem at hand. I am not entirely sure why a surplus has accrued in Busselton, but as I say, I suspect it is because the Busselton planners have always known that there would be a significant population expansion there and perhaps made some provision for that, which has resulted in the surplus. On the other side of the ledger is the fact that the area from Dunsborough down the cape to Prevelly has grown very, very fast. That is why there is simply no longer the capacity to properly service that area with water.

This bill has been brought on very suddenly, but I understand that it is not an urgent bill in the true sense of the word; if I am wrong about that, I will stand corrected. I understand that although Dunsborough goes very close every summer to reaching its capacity drawdown, there will be no problem this summer and indeed, even if we passed this bill tonight, the work will not commence until later next year and the new provisions will not come into effect until the summer of 2010-11. We know that this bill has been around for a while and I suppose that is why we are dealing with it now. As Hon Peter Foss used to say, it is a "roughage" bill—we are introducing some things into the system to get the system moving. The opposition is happy to contemplate the bill on that basis.

I will make one further point. We are on the cusp of a very significant conceptual change in the way that we use water. The National Water Initiative will certainly have an effect and make demands on the state governments and their authorities about the ways in which they plan for water. The Department of Water document "South West groundwater areas allocation plan" is extremely thorough and very informative. I am told that the new provisions of the National Water Initiative will result in the production of many more such documents, providing the same degree of detail, and that is something the opposition welcomes.

The big conceptual changes are about the treatment of water as a property in its own right with its own rights accruing to it, and the whole concept of water trading. I am told that none of those provisions will negate the provisions in this bill, but I would like it to be noted that the opposition looks forward to seeing some of the specific measures associated with the National Water Initiative brought forward, and we also look forward to giving them some scrutiny in this house. I suspect that that is when we will get the chance to talk about how to make the transition from the current system, under which we rely on water licences, to the system that will be in place under the National Water Initiative, under which we will be talking more in terms of water access entitlements and a trading regime.

My final comment is that this is clearly a move that will save the government a significant amount of money. It would have cost approximately \$31.5 million to upgrade the infrastructure to provide water for Dunsborough under the existing arrangements, compared with just over \$2 million under these provisions, which will be entirely met by the Water Corporation, although a proportion of it will be carried out by Busselton Water. There is obviously a significant cost saving there for the government. I had hoped that there would be some indication that some of that saving might be put into reintroducing some of the infill sewerage programs that were cancelled as part of this government's budget measures. When the Minister for Water changed his mind about putting deep infill sewerage back into the area around Cockburn, I had hoped he might be looking at some other problematic areas. The one that I would have liked to have been included is Murray Bend. We have spent some time in this house, today and other days, talking about the water quality of some of our rivers and estuaries. I can tell members without a shadow of a doubt that the water quality of the Murray River between Pinjarra and Mandurah is being very seriously impacted on by the 60 or so dwellings that now exist at Murray Bend where sewerage is, in some cases, running straight into the Murray River. I would have thought that that is an area that we should look at addressing with the cost savings that the government is making through these measures.

HON COL HOLT (South West) [7.38 pm]: The National Party will support the Busselton Water Board (Supply of Water to Dunsborough) Bill 2009. We are very conscious of the fact that water will be an important asset for Western Australia going forward, and we are always looking at ways of creatively solving local water issues. What has been done to address the Dunsborough issue is a nice way of doing things, and it is good to see that it is actually saving the government money. It is a nice, efficient use of funds to solve this issue. Although people think of the south west as a wet area of the state, I can tell members that the south west faces the same water resource issues as those faced in any other area of the state. The fact that it is a growing region puts added pressure on this finite resource. It is great that the government is saving money, and obviously it can spend that money on other priorities. I agree with Hon Sally Talbot that the infill sewerage program is one such priority. There are some vital issues in the south west to do with that program, and I am sure that they will be on the government's priority list when it reviews the infill sewerage program. The National Party supports this bill.

HON ALISON XAMON (East Metropolitan) [7.41 pm]: The Greens (WA) will support the Busselton Water Board (Supply of Water to Dunsborough) Bill 2009. We recognise that it is a necessary measure to deal with the increasing population in the south west. We also recognise that it is a cheaper alternative to the Water Corporation drilling even more bores in Dunsborough. As a stopgap measure for dealing with a shortage of water, it is an elegant solution. We are conscious of the fact that the pipeline route that will be required is yet to be determined. We are aware that the pipeline route will need to undergo an environmental impact assessment to take into account acid sulphate soils and biodiversity issues such as the habitat of the western ring-tailed possum. We are quite sure that the Water Corporation will be aware of its obligations in this area, and we trust that this will not be too much of an issue. We are also aware that this project potentially puts increased pressure on the drawing of water from the south west Yarragadee aquifer, although the current allocation has not been used. We are hoping that this will not be the thin end of the wedge of further pressure being put on the Yarragadee aquifer.

The passage of this bill has really highlighted the need for the water resources legislation to be brought forward. We are concerned to make sure that these sorts of measures will not be implemented in an ad hoc way while we are waiting for that long-term sustainable vision for our water future to be put forward. We have been waiting a while for the water resources legislation to be introduced, and it appears we will be waiting some more, and we do not want to see a proliferation of these sorts of measures. We are looking forward to seeing the long-term environmentally sustainable plan for our water future, particularly for the metropolitan area and the south west. We urge the government to prioritise this. As I stated at the outset, as an interim measure, the Greens are happy to support this bill.

HON HELEN MORTON (East Metropolitan — Parliamentary Secretary) [7.44 pm] — in reply: I thank members for their support of the Busselton Water Board (Supply of Water to Dunsborough) Bill 2009. I will deal with a couple of points that have been raised during this debate. Hon Sally Talbot raised the issue of the current Busselton Water Board having excess supply for its needs. I will just mention that that excess is actually after a decrease that has already occurred. The decrease in the allocation is already in reserve for future uses. The amount of water that will be provided by the Busselton Water Board to the Water Corporation for the people of Dunsborough is within an already decreased level of allocation. I will not even talk about the deep sewerage or the Murray River and Murray Bend business. It has no implication whatsoever for this legislation; it is totally irrelevant.

Hon Sally Talbot and Hon Col Holt both raised the issue of the savings and suggested that these savings could be made available to take pressure off some other initiatives. These are not fortuitous windfall savings; it is not as if the Water Corporation has suddenly come into some funding that can be redirected somewhere else. This is expenditure that was not yet budgeted for and therefore did not have to be spent. It is not as if there is any fortuitous saving in this process that can be redirected somewhere else.

I agree entirely that this is a very elegant solution to the issues, and I will take a few seconds to talk about a number of solutions in a way that people can understand. On the one side there is the Dunsborough water supply scheme. This is a discrete water supply area allocated under the Water Services Licensing Act 1995, and it is not connected to any other water service or system; it is a totally discrete service for supplying water to Dunsborough. It has its own bore field in the Leederville aquifer, which is a very superficial aquifer. The water in the superficial aquifer has already been captured, basically, and that is why obtaining water at another level would have cost an enormous amount of money.

The owner of the infrastructure that enables the water to be obtained and taken to people's households and businesses—I call it the water carrier—is the Water Corporation, which is licensed by the Economic Regulation Authority to supply that water to people living within that very discrete boundary. Of course, that amount of water is allocated by licence from the Department of Water. As a result of the massive population growth in the Dunsborough area over the past 20 years, that water scheme approaches peak capacity during the summer months, so an alternative needs to be found to provide sufficient water. As has already been mentioned, the

options explored included this one and another that would have cost in excess of \$31.5 million. That was the option that we did not want to pursue.

On the other side of this very discrete boundary is the Busselton Water Board, which again is a very discrete scheme licensed under the Water Services Licensing Act, and it is not connected to any other water supply. These two neighbouring water supply services are not connected to each other or to any other water supply anywhere else in the state. They are individual, discrete water supply systems. The Dunsborough scheme, operated by the Water Corporation, needs more water, and the Busselton scheme, operated by the Busselton Water Board, has an allocation in excess of what it needs. The idea is that the Busselton Water Board will sell its water to the Water Corporation, which operates the Dunsborough service. Doing this will allow the Water Corporation to defer that planned capital expenditure of \$31.5 million. Rather than going into any great details about the amounts, I will just say that where the two water supplies meet, infrastructure will need to be built to bring water from the Busselton scheme to the Dunsborough scheme. Meters will be installed at that point to adjust the flow of water from Busselton to Dunsborough. A number of mechanisms built into the way in which that water will be purchased will be a disincentive to the Dunsborough water supply utilising more than what is allocated. I thought that Hon Alison Xamon would like that. We therefore need this bill to go through Parliament because currently there is no authority under the Water Boards Act 1904 for Busselton Water Board to supply water to the separate Water Corporation supply services in Dunsborough, and this is the most straightforward solution to make that happen. The term of the agreement is 65 years. Busselton Water Board will supply the Water Corporation with the daily water entitlement of 2.5 megalitres a day, and the Water Corporation will have the option of increasing this daily entitlement to a maximum of 23 megalitres a day. The Water Corporation must at its own cost install, operate and maintain all the delivery systems. The Water Corporation will pay Busselton Water Board a monthly water price made up of a base rate and the excess surcharge rate adjusted annually in a monthly capital payment. The entire legislation is to enable the Busselton Water Board to sell some of its excess water to the Dunsborough water supply service operated by the Water Corporation, which is a neighbouring service. I believe every member supports and agrees with the legislation. I believe that there is no further question that any member wants to ask. With that, Mr Deputy President, I move that the bill be read a second time.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Hon Helen Morton (Parliamentary Secretary)**, and passed.

WASTE AVOIDANCE AND RESOURCE RECOVERY AMENDMENT BILL 2009

Second Reading

Resumed from 12 November.

HON SALLY TALBOT (South West) [7.53 pm]: I had got to the point in my remarks when we rose on Thursday of canvassing some of the opinions that I believe are fairly representative of the local government sector. I had placed on the record most of the letter from Paddi Creevey, the Mayor of Mandurah, who I note has just been re-elected with a stunning majority. That probably means that Paddi was on the right track when she gave her detailed critique on behalf of the councillors and the community of Mandurah on what the government is doing with this amendment bill. One reason I paid such close attention to her letter was that earlier in my remarks I had made the point that the 300 per cent increase in the waste levy would not impact directly on ratepayers, in the sense that the levy will be paid at the gate of the tip; therefore, the cost for domestic household waste processing will be picked up by the shires and councils who contract out those services to the people who will actually pay when they take their big trucks to the tip. Paddi helps us to understand the one sense when that will not be true; that is, when people take their own vehicle and trailer to the tip after cleaning out their garage, doing some gardening or whatever, then, of course, they will pay the increased rate. The point I was making at the end of my remarks on Thursday was that this touches on yet another area of very real concern to the Labor opposition in that there is bound to be an increase in illegal dumping as a result of this cost impost.

As I pointed out several times already in my remarks, we are not dealing in this bill with the actual 300 per cent increase, but I say again that the measures in this bill will have a direct impact on people who take their domestic vehicle and trailer to the tip, and that will increase illegal dumping because more and better facilities for processing waste are needed. Therefore, the end result of this bill—the concrete measures to remove the moneys from the waste account and put them into the consolidated account, instead of leaving them dedicated to providing better facilities—will be that we will fail to see over the next decade the number of improvements and expansions to waste processing and recycling facilities that we once expected. I will have a little more to say about that as we move along.

I also spoke previously about the distress of the Western Australian Local Government Association, but I will not go into detail on that aspect, as I have already put the concerns of WALGA on record in earlier debates in this place—as I have done with the Town of Kwinana and Mayor Carol Adams, who has also expressed very eloquently her council's and community's extreme disapproval of what the government is doing. Since previous debates in this place, I have had correspondence from a couple of other sources, and correspondence to the minister has been passed on to me for information. Lest members of the government are tempted to say that the concerns about this bill are from only Labor councils or people with an association with the Labor Party, it is worth putting on the record a couple of other comments. The first is a letter from the City of South Perth. Again I say that members of the government cannot be unaware of some of these concerns. As I have said before, these letters are not coming just to me, and I am not the only person who has been sent copies of letters sent to a third party. This letter from James Best, the Mayor of South Perth, has been cc'd also to a number of members of the Labor Party, such as Kate Doust and Paul Papalia, the shadow Minister for Local Government; and a couple of Independents in the other place. The letter has also been cc'd to John McGrath, the member for South Perth. I cannot believe that members in the government's party room have not been vocalising some of this extreme disappointment that local governments are expressing. The letter dated 3 June 2009 is to the Minister for Environment. It is headed "CHANGES TO THE LANDFILL LEVY", and in handwriting the word "LEVY" has been crossed out and the word "tax" has been written. The letter is addressed to the minister; therefore, I assume she has seen it. It reads —

Dear Minister

...

I was very disappointed to receive your letter dated 18 May 2009 in connection with your decision to increase the metropolitan landfill levy by 300% from 1 July 2009 from \$7.00 to \$28.00 per tonne. I am disappointed in a number of areas which I would like to detail as follows:

You would no doubt be aware of the Agreement signed by the Premier, Minister for Local Government, WALGA President and LGMA President in 2002.

Mayor Best's letter continues —

The Agreement sought to improve co-operation between State and Local Government through consultation, communication, participation, co-operation and collaboration at both strategic and project levels. The Agreement therefore requires consultation between State and Local Government when any action is contemplated by either party would have an impact on the other party. Clearly there was no consultation prior to the announcement on this particular decision and as a result a breach of the Agreement has occurred.

The extent of the increase in the landfill levy is unprecedented at \$21.00 per tonne or 300% and has not been justified in your correspondence. This will have a significant impact on the City's waste management levy. The increase in levy comes on top of an increase in the collection rate per tonne charged by the City's recycling contractors of \$11.30 per ton or 72% with effect from July 2009. This rate increase is largely due to the collapse of the markets for recyclable material as a result of the Global Financial Crisis. These two charges alone therefore will cause a significant increase for our ratepayers when Council adopts its budget for 2009/10 excluding any other increases that may arise such as transport and normal waste disposal costs.

Mayor Best was pointing out the appalling timing of this measure. There had already been several prominent media stories about the fact that the recycling industry in Western Australia was in crisis. We had graphic pictures of the fact that storage was all but exhausted in Western Australia because of the collapse of overseas markets. At the time, I went on record calling for the government to explore the possibility of encouraging and expanding domestic markets for recycled material. Doing nothing would have been better than what the government actually did—that is, taken a big swing the other way and at least doubled the impact that recyclers were feeling as a result of the collapse of overseas markets because of the global financial crisis. The letter from the City of South Perth continues —

The purposes to which the proceeds of the increased levy will be used is disgraceful.

This is strong language, given that one would not normally have expected the Mayor of the City of South Perth to make comments like this about a conservative government. This is very strong language. The letter continues —

You have indicated in your letter that the proceeds will be used "to fund other activities of the Department of Environment and Conservation (DEC) beyond those relating to Waste Management". It is understood that the DEC will receive an extra \$39M as a result of the waste levy increases. Local Government has therefore become a general revenue collection agency for the State. This action is unprecedented and must be reviewed as a matter of urgency.

The City operates a Waste Transfer Station at its Operations Centre in Como. It is one of only a few waste transfer stations that operate in the inner metropolitan area. I fear that the increased charges will result in increased illegal dumping of material on verges, parks and reserves and vacant land which will then become a local responsibility to clean up. This is clearly not satisfactory, and as the Minister for the Environment you should be very concerned at this likelihood.

I am sure that Local Government would accept reasonable increases in the waste management levy with consultation and with the knowledge that the proceeds would be used to provide assistance to minimise waste disposed at landfill including the provision of alternative waste treatment facilities. This I understand was the original objective for introducing the landfill levy.

I cannot accept and nor do I understand the reasons for your decision in this matter. The decision, on the surface, seems to be unjustified, illogical and without precedent to the detriment of Local Government and its ratepayers.

I would therefore seek your agreement to urgently review this decision.

Yours sincerely

JAMES BEST
MAYOR

I think that is very well expressed. I could not have put it much better myself. What Mayor Best pointed to is exactly the crux of the argument that I am advancing in my remarks; that is, we are looking at something that is unjustified, illogical and without precedent in the way that it has managed to alienate every single stakeholder in the field.

Hon Peter Collier: Are they all letters?

Hon SALLY TALBOT: My objective is to give substance to my claim that every stakeholder is offside. I want to alleviate any suspicions on the government's part that the people who are offside are just the green ratbags. That is why I thought it was worth looking at some —

Hon Robin Chapple: Hey!

Several members interjected.

Hon SALLY TALBOT: No, Hon Robin Chapple knows exactly what I mean. He knows about green ratbags. I know that many, many people in this city wear their green ratbag tag with a great deal of pride—do they not, Hon Robin Chapple?

Hon Matt Benson-Lidholm: He is giving it due consideration. I do not know whether he is yet convinced!

Hon Robin Chapple: An honourable member who used to be in this place referred to us as watermelons—green on the outside and red on the inside!

Hon SALLY TALBOT: That is very nice. I can relate to that.

I move now to the Shire of Capel, which is in my electorate. The Shire of Capel wrote to me on 2 July. The letter is headed "Waste Avoidance and Resource Recovery Levy" and it makes the following points —

Council recently considered the decision by the State Government to substantially increase the Waste Levy as part of its 2009/10 State Budget and resolved to strongly voice its opposition to this proposal. The lack of consultation with local government and adequate notice on the proposed increases is extremely disappointing as it has allowed only minimal time for local governments to plan for the increase.

The waste levy as introduced in 1998 was on the basis of providing support to the introduction of waste resources recovery facilities to significantly reduce waste to landfill as a key platform under the then WA State Government Policy "Zero Waste to landfill by 2020".

At the introduction of the legislation and the levy, the parliament was told that:

Remember that this letter is talking about the original introduction of the levy in 1998, when of course we had a Liberal government. The quote the Shire of Capel found, presumably from the second reading speech, states —

The primary purpose of the establishment of the landfill levy was to provide resources to fund projects for advancing waste reduction and recycling.

Who could take exception to that? Who could find any problem with that? Who would look at that statement and say, "We've got to change this; let's do it as soon as we get into government"? The letter goes on —

The proposed changes to the levy for the 2009/2010 State Government budget sees a significant departure from the initial principle behind this levy.

The main change to this legislation will see the revenue, creating many millions of dollars, derived from this levy increase, being used to offset administrative costs for the Department of Environment and Conservation.

The levy was never designed to offset State Government administrative costs or fund the running of a government department. Local Government will have to pass these additional costs, effectively government taxes, directly to the end user, the members of the community. The decision to use this levy to provide for anything other than *for advancing waste reduction and recycling*, is not appropriate.

I interrupt myself again to point out that these letters from non-metropolitan shires need to be taken very seriously. These people do not pay the waste levy. These people are not upset about the 300 per cent increase. These people are upset about the violation of the principle that was enshrined in not only Labor's waste avoidance and resource recovery legislation, but also the original legislation supporting the levy in 1998. The letter continues —

Representatives from the Western Australian Local Government Association recently met with the Minister for Environment, the Hon Donna Faragher to raise concerns regarding the proposed increase in the Landfill Levy.

Specific points which were raised with the Minister included:

- Lack of consultation with the sector regarding the increase;
- Local Government opposition to the removal of hypothecation for the Levy;
- Likely increase in illegal dumping as a result;
- Likelihood of increasing transport of waste from the metropolitan to non-metropolitan areas (and dumping in non-manned landfills); and
- Needs of the waste industry (such as support for recycling).

The response from the Minister included:

- That WA needs to improve recycling, particularly construction and demolition; and she sees an increase in the Levy as one way to do that;
- Under the proposed WARR Act Amendments waste related issues would receive about \$13 million/year (as with the current Levy rates); and
- The Department of Environment and Conservation is drafting changes to the Environmental Protection Act to significantly increase the fines for illegal dumping.

Waste disposal is a critical issue for all levels of government, and if the State Government wishes to extract additional funds from this levy, then the funds collected should be invested back into waste management technologies and practices, as was the agreed basis as to why the levy was first introduced. Without this support the continued diversion of waste from landfill will be put in jeopardy as the levy increase only penalises resource recovery facilities.

Council also strongly supports an exemption from the levy for all residual wastes from the resource recovery facilities thus providing further incentive for the development of such facilities.

While Council is not currently impacted by the proposal, being outside of the levy area, it would be if the area covered by the levy is extended to regional areas and the fact that the Minister will give no assurance that this will not happen provides little comfort to Council.

I will have more to say about that later in these remarks.

Hon Robin Chapple: I thought the Mayor of Kalgoorlie had been advised that he got a rock-solid guarantee.

Hon Donna Faragher: He did.

Hon SALLY TALBOT: It is very, very confusing. That was the point I was going to make a little later. Sometimes it is yes, sometimes it is no, sometimes it is maybe. It is worth looking at exactly what the Waste Authority is doing in this regard as well, which the minister may or may not be aware of —

Council as a matter of principle is strongly opposed to local government becoming effectively a tax collection agency for the State Government and for funds raised for a specific purpose being diverted elsewhere to supplement the lack of State allocated resources.

Council would therefore strongly urge you to oppose the introduction of this levy increase and to especially oppose the amendment to the Waste Avoidance & Resource Recovery Act to allow for these funds to be used to offset administration costs for the Department of Environment and Conservation.

Council trusts that the State Government will give serious reconsideration to its current position on this matter in regards to the level of increase proposed and that the funds are being directed away from the original intended purpose.

That letter is from Murray Scott, the shire president of the Shire of Capel.

The unifying feature of these comments is not just that they are all about the same topic, but also that they all very eloquently express in cogent terms the reason for the belief that the minister is taking a retrograde step in putting this bill before us.

I also draw honourable members' attention to an entire section in *Western Australian Business News* of 16 July. I refer to a special report by Dan Wilkie entitled "Landfill levy no solution". It draws on a lot of material that I have already canvassed. I am keen to not go over any old ground in making these remarks. The article in *Western Australian Business News* was very substantial.

WALGA itself has developed its arguments. I paid tribute on Thursday to the estimable Rebecca Brown, who is a member of staff at WALGA and who also works for the WA branch of the Waste Management Association of Australia. I have a letter, forwarded to me, from Rebecca on behalf of Mayor Troy Pickard. I have noted before that this is another person whom we would normally count as being in the ranks of the government but who is pretty fed up with the way that the minister has done this. The letter is written on behalf of Mayor Troy Pickard in his capacity as chair of the Municipal Waste Advisory Council and deputy president of the Western Australian Local Government Association, and councillor Bill Mitchell, who, as we know, is the president of WALGA. This letter is addressed to me. It states —

Dear Sally

On behalf of the Western Australian Local Government Association and its 139 member Local Governments, —

I think I have noted before, but it is worth putting on record again, that WALGA now covers 100 per cent of local government authorities in Western Australia —

I am writing to you to encourage you to amend the Waste Avoidance and Resource Recovery Amendment Bill 2009, soon to be before the Legislative Council. The Association expresses extreme concerns about this Bill and its implications.

The association then canvasses an amendment. I will not go into that here because we will have ample time in committee to consider that sort of stuff.

I believe that the minister met with WALGA on at least one occasion and that the Premier was also present at that meeting. I am not sure that there is a consistent message coming from government on some of these issues, because every now and then since 14 May I have sensed a lifting of spirits in the local government sector and amongst industry players who think they have had an encouraging sign from government that some of these amendments might be considered or, indeed, that some fundamental rethink of this direction might be underway. Sadly, every time the minister responds to my questions it becomes evident that no change is proposed and there is no rethink of this disastrous direction that she is putting in place. That is a matter of dreadful disappointment. I ask that if changes are being contemplated, particularly by way of amendment from the government, they be shared with the non-government parties in this place so that we have ample time to consider them. I certainly am working on the basis that there are no amendments proposed by government at this stage.

The communication on behalf of Mayor Pickard and Councillor Mitchell under the heading "Local Government does not support the amendment of the WARR Act to change how the Levy can be used" goes on —

Local Government strongly supports an amendment to the Bill which ensures 100% of funds raised through the Levy be directed to strategic waste management initiatives—in line with an agreed State Waste Strategy (currently the Strategy is in draft form).

Local Government supports the Levy being used to achieve strategic waste management objectives

The Levy was put in place to fund strategic waste management objectives, not as a general tax to fund core government functions in the environment area. Local Government supports the Levy as a tool to raise funds for strategic waste management initiatives. For the Levy to work as a disincentive to landfill, as was identified in the State Budget papers, there needs to be higher level strategic planning in place. If there is no alternative end market for material, an increase in the Levy will not affect diversion—instead the likely outcome is the price increase will just be passed on to consumers. The State Waste Strategy is still in draft form and without an agreed Strategy it is difficult to know the amount funding needed.

They go on to talk about the impacts of the proposed increase —

Some potential impacts of such a Levy increase, without supporting systems, include:

- Potential increase in illegal dumping in metropolitan areas; and
- Increased amount of waste moving from the metropolitan to non-metropolitan landfills and consequent increase in costs for Local Governments running landfills in these areas.

Support is needed for Local Government and Recycling

The Association considers that there are a range of projects that could expend current and any additional Levy funds. The Association has developed a range of strategic waste management initiatives which show some of the areas funding from the Levy could be applied.

I think that should read “which show how some of the areas funding from the levy could be applied”. It goes on —

Key areas for expenditure include Household Hazardous Waste, Strategic Waste Management Plan implementation, Alternative Waste Treatment facilities, State-wide recycling public education and support for regional waste management.

That is only a short list of the full list that I will go into a bit later. It continues —

The Association has provided these initiatives to the Environment Minister and looks forward to discussing them with the Minister in due course.

That is that communication. It is also worth noting, from the other end of the political spectrum, that an alliance of activists has come together to put forward a summary of these issues. They sent a copy to me and to the member for Belmont, the Leader of the Opposition in the other place. This letter is signed by Piers Versteegen, Director of the Conservation Council, and Bruce Bowman, President of the Waste Management Association of Australia. The third partner is Boomerang Alliance, about which I will have a little more to say as we move along.

Hon Robin Chapple: It’s a very good organisation

Hon SALLY TALBOT: It is an excellent organisation; it does very good work and it is powering the debate along about extended producer responsibility.

Hon Robin Chapple interjected.

Hon SALLY TALBOT: Indeed it has. When I was speaking on this bill last week I was pleased to put on record some of the acclamation of Peter Garrett’s moves in that area.

I will not go into this in any great detail because I know that the same points have been communicated to every member of the government. I am sure that when they make their contributions to this bill, they will have to address these issues. We need to hear—not just from the minister—members’ responses to this letter and to those people who interact with members as parliamentarians in other areas of their operations. Covered in this letter is the fact that, as we would expect, this alliance is not opposed to raising the landfill levy; in fact, it supports an increase because it believes it is necessary to reflect more accurately the environmental costs of landfill and to create an economic incentive to divert recyclable materials from landfill and raise funds for promoting better waste management practices and increasing recycling. I like the way the alliance expresses that.

Without drawing you into this debate, Mr Deputy President (Hon Max Trenorden), last week, by interjection, you talked about putting a cost on some of this material—similar to the way the federal government is treating carbon—and the fact that, once we put a cost on it, it can be factored into the economic cycle. The letter states —

At present, the WARR Act requires that moneys raised as a result of the WA landfill levy are hypothecated for waste avoidance, recycling, and related purposes as determined by the Waste Authority. The Bill, if passed would allow the levy funds to offset very significant reductions in the Treasury allocation to the Department of Environment and Conservation ... The effect is that Landfill Levy funds would be providing an increase to the State Governments consolidated revenue base, and as such, any claims that the Landfill Levy funds would be used to support environmental programmes cannot be supported.

This is a very interesting point. It has been made to me by a number of people in a number of different forums, but I think it is particularly well expressed in this letter from the Conservation Council and the WMAA. It states further —

In recent history, when the state’s forest products agencies came under the umbrella of the environment agency, revenues from forestry operations were used to fund the department’s regulation and environmental management activities, including the regulation of forest industries. You can see how this funding arrangement created a serious structural conflict-of-interest within the environmental agency.

We believe that the effect of the WARR Act amendment Bill will be to introduce a new conflict of interest into the DEC which is as serious as that referred to above. Funding a large proportion of the DEC budget through the landfill levy not only creates a fiscal dependency on an unsustainable practice (landfilling) within the DEC, but also compromises one of the core functions of the agency under the *Environmental Protection Act*, that is to regulate waste management industries (including landfills) and to develop and implement policies that seek to reduce waste to landfill.

In a recent inquiry into waste management in Western Australia established by the Liberal-National Government, the Parliamentary Standing Committee on Environment and Public Affairs made some important recommendations with respect to the use of the landfill levy funds. We provide relevant excerpts below from the Committee's report:

I will provide the source of them so that interested members can look up the reference for themselves. The Conservation Council and the WMAA quote finding 23 and recommendation 3. I have already put recommendation 3 on the record in this debate. The letter continues —

Rather than following these important recommendations, it seems that the WARR Amendment Bill has been introduced with the opposite intention.

An important election commitment of the Liberal Government is to review Western Australia's environment legislation to ensure that it meets best practice standards. This is a commitment that the non-government conservation sector takes very seriously. As such, we are extremely disappointed that the first Bill the Government has introduced in the environment portfolio is so dramatically inconsistent with that commitment.

It is therefore with the above considerations in mind that we seek your support to prevent the passage of the WARR Amendment Bill.

This letter is to the member for Belmont, the Leader of the Opposition. Again, that is a very eloquent expression of the concerns that I have been pointing out. The point of putting that on the record was to seek an answer to the question: who did the minister consult? She clearly did not consult local government. Did she consult the Waste Authority?

Hon Ed Dermer: With a process of elimination we can see who the minister didn't consult, then identify who she did consult.

Hon SALLY TALBOT: Yes, and I think we will end up with a big, fat, round number at the end of it.

Hon Ed Dermer: It will be very interesting to find out from the minister in due course whom she has consulted.

Hon SALLY TALBOT: It will indeed. The minister clearly did not consult the Waste Authority. The chair of the Waste Authority, Barry Carbon, is quite specific about that. At a public hearing of the Standing Committee on Estimates and Financial Operations on 29 June, I asked him the following question —

Was that change recommended by you or by the Waste Authority board?

I was asking Mr Carbon about the change from the Waste Authority being the decision maker on levy increases to the minister being the decision maker. Mr Carbon replied —

It was a decision of the government. There is a package of changes in the bill that is part of the budget processes; it came to us as part of the budget papers, and they were decisions of government in the absence of input from the Waste Authority.

There is no equivocation there; the minister did not talk to either local government or the Waste Authority—surely two of the biggest and most important stakeholders in the field of waste management and recycling.

The third group of stakeholders is industry itself. It occurred to me that the minister might have received some input from industry. Members of industry have divergent opinions. During the committee stage we will canvass very carefully the approaches people in the waste industry are taking that are different from the approaches of people in local government and people whose interest in recycling has a darker tinge of green. However, it appears that the minister did not speak to industry either. A series of letters that very clearly indicate that have been passed to me or are directly addressed to me. The first letter, dated 9 June, is from Warren Watkins, an individual as opposed to a representative of a company or a collection of industry operators. He signs himself as a Western Australian resident and small business operator. He wrote as follows —

I write to express my opposition to the substantial and unaffordable increase in the Waste Avoidance and Resource Recovery Levy ... proposed in the 2009/10 State Budget by the Department of Environment and Conservation.

Opposition to the 300% increment in the Levy, is based on a number of reasons. These are as follows:

I point out that this letter was copied to the Premier, Hon Donna Faragher, Troy Buswell and John Castrilli. I hope that, once again, these views and others like them have been carefully canvassed and considered in the party room. Mr Watkins' letter continues —

Opposition to the 300% increment in the Levy, is based on a number of reasons. These are as follows:

There are six of them —

1. In view of the economic climate, an increase of this proportion is unsustainable for many small operators. The general public, whilst aware of the need to recycle their daily wastes, do not appreciate the costs associated with rubbish removal fees. As a result, operators are often faced with carrying additional costs as they refuse to meet the costs borne by the operators. There is a need to initially educate the public and gradually increase fees. The sudden increment will only see many operators faced with burdensome costs resulting in many to close operations or reduce their workforce.
2. Furthermore, in view that many Western Australians are facing tighter household budgets, fees such this Levy will result in more 'good citizens' resorting to bad behaviour as they struggle to meet daily basic expenses. Additional costs of rubbish removal will not result in the positive behaviour sought under this policy position. The reality is illegal dumping will be the likely consequence, especially in view that the use of recycling plants attract even higher fees.

Incidentally, Mr Watkins lives in Hamilton Hill. The letter continues —

3. Private waste sites have been in operation to relieve pressure from Local Government owned facilities, though little incentive has been offered to reduce the costs of recycling plants. A focus should be placed on making these facilities more affordable for residential and commercial use.
4. There does not appear to be any analysis of the ramifications of this increase upon businesses as well as local residents. Rubbish removal is a fact of all businesses.
5. The process of introducing this significant increment does not reflect open and transparent Government. With such a significant increment which will have a flow on effect for most parts of business and all residents, an open and consultative process should have been undertaken.
6. All Government Agencies have been requested to meet a 3% efficiency target. It though is questionable whether any efficiencies have been met with the prospect of \$39 million in extra revenue claimed from the public.

We are in support of sustainability and ensuring that our resources, including land use is responsibly managed. However, common sense and a reality check are needed, in view of this sudden spike in costs imposed upon the community.

Whilst, it is agreed the Government has a responsibility to ensure sustainable management of resources, it needs to be understood that sustainability has three aspects—economic, environmental and social elements. Clearly this policy does not meet all three aspects of good, sound sustainable policy.

I would go a step further and suggest that maybe Mr Watkins meant that it does not meet any of those objectives, in my view. He goes on —

This matter is also managing business exposure to sovereign risk. The Government is asked to provide some certainty to local businesses and all Western Australians that further substantial cost increases will not be introduced.

To indicate that there is significant support for this position, a petition is being collated as well as a number of operators from various businesses in industries will be contacting the Minister for the Environment, the Department of Conservation and Environment, Zero Waste and the Opposition.

We trust that serious consideration be given to this petition ...

That really interested me. That is representative of a number of small business operators who have contacted me and some of my colleagues in the opposition to point out that they will suffer not only as ratepayers who will be forced to pay the extra levy, but also as small business operators in the recycling and waste resource recovery industry.

I met with Sims Metal Management Ltd, which is one of our biggest operators in the area of waste resource recovery. I certainly would not call it a small business operator. The people from Sims Metal were able to explain to me exactly what the facts of life are as business tries to incorporate the effects of what the government is doing. For members who have not come across Sims Metal, it is one of the biggest processors of scrap metal in Western Australia. It is an Australian publicly listed company that has been in operation since 1917. It is a big

outfit and it knows what it is doing. Some of the documentation that it has provided to me informs me that it has grown from an Australian recycling operation into the world's largest secondary metal provider and metal recycler, with operations in not only Australia, but also North America, New Zealand, Papua New Guinea, Canada, China, Malaysia, India, the United Kingdom and the rest of continental Europe. It is one of the top 50 companies listed on the Australian Stock Exchange. It is a big company and it is absolutely furious about what the government has done. It believes that it will impose an extremely significant cost imposition on its operations. I am talking about a company with a turnover that is in the hundreds of millions of dollars a year. Sims Metal helped me understand how this move will send the processing of scrap metal in this state backwards.

I will tell honourable members a bit about the way that Sims Metal operates. It has a machine called a shredder. That immediately conjures in my mind a picture of the shredder in my office. However, the shredder in my office does not cost \$20 million, whereas Sims Metal's shredder does. Its shredder is like a giant food processor. There are only two such shredders in Western Australia. The shredder shreds light-gauge material. I had to ask what that was and was told that it does not shred things such as railway lines; it shreds the lighter type of pliable metals and turns it into a cube of metal. Sims Metal takes out of the scrap metal the steel that is valuable and the mixed non-ferrous material; that is, aluminium, copper and stainless steel.

Hon Ed Dermer interjected.

Hon SALLY TALBOT: That is right. There is steel and also mixed non-ferrous material. A car body contains material that Sims Metal and other scrap metal processors classify as having no value. The name given to the material of no value is "flock". Flock consists of foam, glass, plastic, rubber and general dirt. The windows and dashboards are removed from the cars. Sims Metal has refined that process over many years. When Sims first started doing it, about 30 per cent of the material ended up in landfill. Sims Metal tells me that it has reduced the amount of material that goes to landfill to about 20 per cent of the total scrap material. In other words, about 80 per cent of the scrap metal is recycled. To pick up the point Hon Max Trenorden made by way of interjection last week, the scrap metal is given a value.

Some members have the conceptual mental apparatus to deal with numbers. I must say that I do not; I tend to need things to be translated into concrete terms. Sims Metal processes about 120 000 tonnes of waste material a year by this method. I have referred a couple of times to the fact that the global financial crisis has had a very serious impact on the recycling industry, and nowhere is that more evident than in the operations of industries working on the scale of Sims Metal. To give members an idea of the way in which the relative value of this material has fallen since the start of the global financial crisis, Sims Metal was getting something in the region of \$US700—I will find out whether that was the figure per tonne—before the economic downturn, but it is now getting \$US200. I will clarify at a later stage what unit that figure refers to. That is obviously more than a 30 per cent fall in value. The approximately 20 per cent of material that goes to landfill will now accrue a much greater cost. The calculation is that the cost will be so much greater that it is likely that some of the recycling might literally become financially unviable.

Hon Ed Dermer interjected.

Hon SALLY TALBOT: Absolutely.

What impact will this have? Would another company just move in? It turns out that Sims Metal is the main contractor for most of the state. The landfill levy obviously applies only to metropolitan councils, but a lot of concern is being expressed by non-metropolitan councils for the reason that Sims Metal has contracts in Geraldton, Albany, Esperance and Kalgoorlie. When I spoke to Sims Metal, it had just finished clearing the scrap metal from the tip at Jigalong. It does a lot of work in regional areas; it actually goes out there and collects scrap metal from landfill. This is a very good thing. As Hon Ed Dermer pointed out by way of interjection, this is exactly the direction this state should be going in.

When this cost is imposed on Sims Metal, it will have to do a serious re-evaluation of whether it will still be economically viable to undertake this operation. I put it to honourable members that this is a very serious factor that we must consider as we work our way through this bill. I am certainly looking forward to hearing the minister respond to this concern.

Sims Metal has provided me with numerous bits of material and I will very briefly refer to two of them. Towards the end of last week Sims Metal sent me a document that the minister may not have seen, which is why I want to draw it to her attention and to the attention of her colleagues in government.

[Quorum formed.]

Hon SALLY TALBOT: In case the minister is not aware of this document, it is an executive summary of a report commissioned by the Environmental Protection Authority in Victoria. I will quote one sentence from it. It states —

This report has found that:

“the imposition of the landfill levy on the floc generated through the steel recycling process could lead to a reduction in recycling rates and a commensurate increase in the quantity of waste going to landfill.”

We need an answer to that. We need to know whether that will not be the case in Western Australia, whether this report has got it wrong, and what circumstances exist in Western Australia that make us different. If it is true, we clearly need to make substantial changes to the bill before us.

Sims Metal does not want to work against the government; it very much wants to work with the government. I will run through some dot points from a document it has given me. It states —

- Simsmetal appreciates that the WA Government is committed to changing the attitude of waste generators and ultimately reducing the amount of waste sent to landfill.

That is a good cooperative statement with which to open its comments. Further along, the document continues —

b) Why The Waste Levy Fails:

A couple of points are made that are worth putting on the record. The document states —

- **FORCES UP THE COST OF RECYCLING TO THE POINT WHERE IT CAN EXCEED THE VALUE OF THE RECOVERED MATERIAL.**

This makes recyclables not worth being recycled. Already we are seeing much recyclable product being buried in landfill, particularly in regional areas. The very instrument that was introduced to enhance recycling is now actually having the opposite effect.

- **FORCES RECYCLABLE PRODUCT TO BE BALED AND EXPORTED OFFSHORE.**

This is very often in Third World countries, where waste levies and landfill costs are nil. The effects of this are as follows:

1. Governance over these landfills mean environmental outcomes are poor.
2. Australian jobs in the recycling and related downstream industries (steel production and sales) are being exported overseas.
3. Finally, the State Government is missing out on it's waste levy taxes due to this product going offshore.

The minister is going round and round in circles, and we know what happens to people who do that! Eventually they end up going down the plug hole.

Hon Ed Dermer interjected.

Hon SALLY TALBOT: Precisely, and what about the uncontrolled landfills in other countries? We know that landfills are major contributors to carbon emissions.

The fourth point states —

- **AN INSIGNIFICANT PORTION OF RECOVERED LEVIES ARE USED TO FUND RECYCLING AND WASTE MINIMISATION INITIATIVES.**

The initial concept for the use of waste levy revenues was to fund waste and environmental projects/initiatives/governance etc. Clearly it is now viewed as a substantial revenue stream somewhat removed from its original intent. In WA the State Government propose that only 25% of such revenues be used as originally intended!!

The final point is that the state government is double-dipping; that is particularly interesting. It states —

- **STATE GOVERNMENT IS “DOUBLE DIPPING”.**

When recyclable material eg; a car body, initially makes it's way to landfill the State Government charges and receives it's waste levy. Recyclers, such as ourselves, spend a lot resources in extracting this material from landfill for recycling purposes. As not all of the material is recoverable, a small percentage ends up back in the landfill and the waste levy charged on this material again!!

I leave members of the government to contemplate those points, all of which are very serious and suggest that this bill is not worth a cracker; it is a waste of the paper that it is printed on. The bill actually needs to be withdrawn, but if the government refuses to withdraw it and the opposition can see its way to amending it, it certainly will.

A number of other points have been put to me by industry players. A member of the Waste Management Association of Australia has given me a number of dot points. I will not reveal his name at this point, but he was an active participant in some of the consultations the Waste Authority undertook when devising the draft waste

strategy. I am sure that as I go through some of these points his identity will become apparent to members who have taken a close interest in this. He points out that the key issues of concern are the size of the increase and the end of hypothecation. He states —

1. Key Issues of concern

1.1 Size of increases (without consultation or warning)

- increased tax on households in recessionary times (putrescible);
- local government's increased role as unpaid tax collectors for State (putrescible);
- many small operators (e.g. disposal bins) locked into contracts at existing and previously announced new price increases before the budget — but not the budget increases (inert);

That particularly applies to inert waste —

- increased tax on new houses/first home buyers as this is where the market activity is currently (inert);

Again, that refers to inert waste —

- alternative waste technology systems can cost up to \$100m capital investment. Abrupt rule changes do not foster positive decisions by companies (putrescibles).

He makes another series of points to do with the ending of hypothecation, which he entitles “DEC to keep increased levy funds to offset budget cuts”. Again, there are five points —

- direct conflict of interest;

This is the same point the Conservation Council made in the letter that I quoted —

- former CALM was split into Forest Products Commission and CALM because of a comparable conflict;
- akin to Police keeping multi-nova fines to offset budget cuts;

Again, that is a point I have made and elaborated on —

- why would DEC do anything to help direct waste from landfill if it means reduced revenue and a budget hole?

Again, a point I have canvassed in some detail —

- recognise reluctantly that the 2009-2010 financial year may need re-dressing. Therefore no legislative amendments supported but a one-off bail out only through the Consolidated Fund ...

That is obviously not a course that any of us would welcome. I think I have said enough on that topic to give members on both sides a flavour of the fact that industry is very unhappy—as unhappy as local government and the people at the Waste Authority, who feel that their advice and expertise have been totally bypassed by the government in bringing us to this unhappy point.

Before I move off this topic I will quote one final letter from the Waste Management Association of Australia. Again we find, in this letter, a cooperative approach. The association indicates conditional support for a levy increase, but there is no support for the bill before the house. and no support for the ending of the hypothecation. It is worth going over those arguments in some detail. The letter starts off by saying that WMAA conditionally supports the landfill increase—making much the same points that the Conservation Council made—but it does not support on this occasion the process undertaken by the state government to propose amendments to the landfill levy. It is not supportive of levy moneys being used for initiatives that are not waste related. This is worth putting on the record —

Funding is required to further the development of the waste industry through the implementation of the mechanisms embedded in the WARR Act including but not limited to Extended Producer Responsibility Schemes such as Container Deposit Systems.

Local Governments across the State are in the process of submitting to the Department of Environment and Conservation (DEC) Regional Investment Plans (RIP) in order to implement waste reduction strategies identified during the preparation of Strategic Waste Management Plans initiated by the Waste Authority.

Again, if the minister is not aware of the material I am talking about, I urge her to have somebody dig it out for her so that she can be properly informed when she makes her contribution to this debate. The letter continues —

WMAA has in its letter to the Waste Authority in November 2008 identified waste related initiatives “Big Ideas” that without external funding will most likely not be implemented. WMAA’s “Big Ideas”, where still relevant, were included in the WMAA submission to the Parliamentary Inquiry during February 2009. A copy of WMAA’s submission to the Inquiry is attached.

The WMAA wants all the moneys collected through the landfill levies to remain hypothecated to waste-related initiatives. Finally, the letter makes the point that the association does not know what is happening with future levy increases. Those are all points that we need to look at in some detail as we move through the second reading debate and into the committee stage.

I will go back briefly to budget paper 3, because I noted at the beginning that it is hard to call the community a stakeholder in this, but it affects every ratepayer in Western Australia, everybody who has an interest in waste, and indeed anybody who has ever cleared out a shed. I mentioned at the beginning of my remarks the cost impost on them, and how this 300 per cent increase in the waste levy will bring that cost slug onto ordinary members of the community up to about \$1 000 a year. In appendix 10 of budget paper 3 I found the comments about the proposed changes to end hypothecation. I will read the introduction to appendix 10 —

The Department of Treasury and Finance has produced, for a number of years, a model that estimates the costs incurred by a ‘representative household’ through the consumption of certain State government goods and services. The model’s parameters are outlined in this appendix.

It should be noted that calculating the effects of changes in State government tariffs, fees and charges for a single ‘representative household’ can never capture the enormous diversity in household structures or the widely differing patterns of usage of State government goods and services.

The model simply seeks to highlight the impact of changes in major State government tariffs ...

I am looking here at the government’s own list of charges that have been increased: water, including both consumption and annual supply charges; sewerage; drainage; electricity, including both consumption and annual supply charges; public transport; compulsory third-party insurance; motor vehicle licence fees; driver’s licence fees; stamp duty on both compulsory third-party insurance and general insurance; and the emergency services levy. Those are all cost hikes. On top of that, there are the things that have been taken away. The government has taken away the It Pays to Learn program. Why any government would do that is a mystery to me. It Pays to Learn was one of the most basic forms of assistance that we could think of to give ordinary families some help with the cost of education, yet the first thing this government does is remove it. It is not in my portfolio, and it does not have to be answered by this minister, but it all adds up to the explanation of why the community is so unhappy. Not included on that list, of course, is the increase in the waste levy and, of course, the fishing tax that the government is stumbling around with at the moment.

However, this is not the only reason that the community is unhappy. I have mentioned before that we should not assume that the community is only unhappy when its hip pocket is hit. It is also very unhappy about the philosophical direction that the government is going in. I have referred already to the Boomerang Alliance, which periodically surveys the community to find out its attitudes to recycling and waste avoidance, and how those attitudes are changing. As a result of the data from the Boomerang Alliance we can see that there is a deep ideological commitment in our community to avoiding and reducing waste and changing the whole way that we deal with waste. Just a couple of months ago I took delivery of either a sofa or a fridge—I have replaced both recently. It was a piece of furniture of that size. I was absolutely staggered when the people who delivered it—who were incidentally not the people I had bought it from, because they all employ contractors now—unpacked it for me and then removed the packaging and took it with them. That is the first time that has ever happened to me. I thought that it was very interesting, and it showed me that community attitudes are indeed changing. I have checked with some of my friends and colleagues, and I have found that most people have never experienced this, so I think it is something that has changed in recent months. Deliverers of big items of furniture now know that often the packaging the customer is left with is bigger than the item itself, because it goes around it. So they took the packaging away. My problem of course is that I have no idea where it went. They may have just taken it to the nearest landfill site. There was no guarantee that they were actually going to recycle it.

As a mark of changing community attitudes, I have also used several times the example of water restrictions in Queensland. Interestingly, after many years of drought and very severe water restrictions, once it rained the government relaxed some of those restrictions. Queensland got to a point at which there was actually a community backlash against removing the water restrictions. The community turned around to the government and said, “Now we understand what a scarce resource this is, we don’t want the restrictions removed, because we have learnt to live with less water.” The government seriously underestimates the extent to which community unhappiness is to do with the ideological trashing of the policy of Towards Zero Waste by 2020.

I said briefly in my earlier remarks that the government appears to have abandoned the argument about this levy being a tax. It appears that the minister is now perfectly prepared to concede that it is a tax. If that is the case, I

would like to hear her talk more about it openly. Certainly if members have followed the debate in the other place, they would know that the government's only response to the accusation that it was a tax was that it was a tax when we introduced it. That is patent rubbish and will not be stood for in this house. I shall therefore be interested to hear what the minister has to say about that.

I have referred briefly to the regions and how we were a little surprised when we started getting comments back from the regions expressing their concerns. I have said that it is partly to do with the problem of the increase in illegal dumping, which the minister herself has conceded will occur once these measures take effect. We know that she thinks that will occur, because a couple of days after we raised that as a major issue connected with the legislation, she came into this place and said that she was going to significantly increase the penalties for illegal dumping—I think through an amendment to the Environmental Protection Act. That of course is a move that we welcome, but will that make a difference? Yes, of course it will make a difference. Will it make enough of a difference to make the measures contained in this bill palatable? Absolutely not! It will do nothing to mitigate the effects of this bill, because the reality is that the cost of cleaning up illegal dumping is still being duckshoved onto local government, and that adds to the concerns being expressed by local government.

We could summarise the problems in the regions as follows: an increase in illegal dumping; metropolitan waste being carted to unstaffed tips; and the Sims Metal problem with the removal of scrap metal from regional landfill sites. When people think in a personal sense about that second point about metropolitan waste being carted to unstaffed tips, they may ask themselves whether it really arises, or whether it is not just a little contrived, as there is no way that people are going to drive their trailer to Geraldton to get rid of waste for free or more cheaply than they can get rid of it at Red Hill or somewhere. Clearly, on the level of the individual, that will not be an issue. However, I suggest that when members consider the major industries that are working in this area, they can give themselves no such assurance that this will not occur. When we look at the millions of dollars of extra impost that will be put onto the cost of taking the leftover product from waste recycling to landfill, we then get an idea of the scale of this problem—the dimensions of the cost impost in relation to the amount that recycling costs. I suggest to members that it then does become an issue that needs very careful consideration. It is yet another reason why we need to chuck out this bill.

On the topic of illegal dumping, there was a very curious reaction from the minister who had carriage of this bill in the other place. On the topic of illegal dumping, reinforcing my suspicion that the government came to realise that one of the effects of this bill would be an increase, he said —

The government recognises that the levy increase may be seen to encourage some unscrupulous individuals to illegally dump their waste in beautiful forests, parks, rivers or wherever.

He got quite poetic about it, but clearly the government knows it is a problem. If the government thinks that it has taken adequate steps to address it, I suggest that it is seriously mistaken.

I want to give one more illustration about the effect that ending the hypothecation to the waste account, as proposed in this bill, will have in regional areas. I recently met with officers from the Shire of East Pilbara in Newman. I asked them how they organise their waste collection services in Newman. I asked them because I wanted to know whether, being so far away from the metropolitan area, they were in a sense immunised from the effect of what the government is trying to do, particularly the intent of this bill in ending the hypothecation and, therefore, providing less money to spend on waste recovery and recycling. The answer I got made it absolutely crystal clear that they are going to suffer as a result of less money going to those projects. Newman has a fortnightly yellow-top bin collection; every fortnight people's recycling is collected. There is no yellow-top bin service in Nullagine. As far as the East Pilbara shire goes, it is only in the town of Newman that this service operates. Up to 90 per cent of that material goes to landfill. Members will realise, if they recall my earlier comments, that communities such as Newman are still operating on that old-fashioned mentality that it is a big country and we will never run out of landfill. This, I point out to members, is happening at the same time as this government is talking about massive expansions of communities in the north west, such as at Karratha, Port Hedland and Kununurra; yet it is still working on the basis that there will always be enough space for landfill.

I make it crystal clear here that I am not having a go at the East Pilbara shire. The members of the East Pilbara community have gone above and beyond in taking all the reasonable provisions that they could have attempted to take to recycle the products that they do manage to recycle. They have an open area for manual sorting. At the moment they manage to extract basically glass, tin and paper. This is all done out in the open in the full glare of the sun. They do not even have a shed in which to carry out this operation. When I asked them what they need not only to expand the operation but also to undertake the current operation more effectively, they said they need a shed, a weighbridge and power to the site. At the moment they are talking about only \$300 000, which I do not think would be anywhere near enough to supply those three projects. My point is that those are all projects that could have been funded out of the waste account, if only the government had continued to resource the waste account from the waste levy. I think the Shire of East Pilbara does a sterling job and it is very sad that all funding to those sorts of projects is likely to dry up as a result of what the minister is doing in this bill.

I want to say just a little more about this conflict of interest that has been pointed out by me and by several stakeholders whom I have quoted in my remarks. I ask: what are some of the programs that will get more money if the income from the waste levy rises? I will run through these programs very quickly, as none of this issue is a mystery to any member in this chamber. I have looked for specific examples of programs that are absolutely essential. They lie at the heart of DEC's activities, and they lie at the heart of community concern about the environment. These are the programs that, presumably, will have their funding reduced if the waste strategy works. When the waste strategy is working there will be less money from the waste levy, and therefore less money for programs such as the recovery of threatened species, and the establishment of fauna and habitat zones. I raise those two programs as the first examples, as we have just received a very troubling report from the Auditor General about how the state government handles those two important programs for the protection of threatened species. This is all out of the latest Department of Environment and Conservation report, so I have not had to go trawling through the archives to find these examples. The third example is forest monitoring and auditing—in other words, the monitoring of all the effects of harvesting, regeneration, burning, rainfall and water quality. The last example I will give is the management of contaminated sites. We will get more money for all those programs as we get more money into the waste account, and we will get more money in the waste account as more waste goes to landfill. In summary, we will either be knee-deep in cane toads or knee-deep in rubbish, because we cannot have it both ways. That is the fundamental flaw at the heart of what the government is attempting to do.

This might all be hypothetical, because according to —

Hon Helen Morton: Oh, no!

Hon SALLY TALBOT: Yes, I am afraid so, but this will not come as any surprise to Hon Helen Morton.

Hon Helen Morton: We have been sitting here on a hypothetical!

Hon SALLY TALBOT: I know how closely the member follows these things and I know that she has a very important role as a parliamentary secretary—a role, incidentally, that I think she severely misunderstands if she considers that she has any responsibility for budget line items, which was the distinct impression she gave to me this afternoon in her comments about an earlier debate in this place. Nevertheless, I know she takes a great interest, so I will refer her and other honourable members opposite —

Hon Ljiljanna Ravlich: I think you should repeat it all!

Hon SALLY TALBOT: That is very, very tempting, Hon Ljiljanna Ravlich! It is very tempting to do some kind of summary of what I have said.

Hon Ljiljanna Ravlich: I think so.

Hon SALLY TALBOT: Fortunately, I have the pleasure on this side of the house, which sadly the minister does not have, of having such able colleagues and comrades —

Hon Donna Faragher interjected.

Hon SALLY TALBOT: — that I know this will all be considered in significant detail by people who are waiting very, very patiently to make a contribution to this debate. Mr Deputy President (Hon Michael Mischin), would you send that renowned glare of yours down onto some of your colleagues in the government and stop them interjecting so that I can get through this with a little more speed?

Several members interjected.

Hon SALLY TALBOT: I refer members first to the minutes of the Waste Authority meeting held on Wednesday, 5 August 2009, and to item 7.16, headed "Financial Report 2008/09". This is where we begin to get to some of the real failings of the minister, and the trick that she has played on all government members in making them think that this scheme will ever work, because in item 7.16 we will find the following, and I will quote from those minutes, which are public documents —

Staff presented a report detailing the levels of expenditure and revenue for the 2008/09 financial year. The overall result of budget against expenditure is that expenditure and revenue are both lower than expected due to reduced activity. The WARR Account as at 30 June 2009 is \$16,048,189.

Staff advised —

This is the bit I would particularly like members to listen to —

that the April – June —

Several members interjected.

Hon SALLY TALBOT: Mr Deputy President, I am actually asking them to listen; I am not inviting interjections; I am trying to discourage them from interjecting. The minutes state —

Staff advised that the April – June 2009 levy returns shows inert landfill down by \$82,000 on the previous quarter and putrescible down by \$168,000 on the previous quarter. The total levy for the quarterly period is \$2,779,053.

Therefore, income is already falling due to those very factors that I have outlined—namely, the global financial crisis, and maybe even a change in consumer behaviour. It is already falling, yet the government is relying on this measure to fill up the black hole at the heart of DEC’s budget. This next quote is already on the public record, which is lucky because I may not be able to find it.

Hon Ljiljana Ravlich: That is most unfortunate—please find it!

Hon SALLY TALBOT: Fortunately, I know it by heart and it is very short! I know where it is; it is the yellow paper. Again, I am referring to 29 June, when I took part in the public hearings at which Barry Carbon reported to the Standing Committee on Estimates and Financial Operations. Mr Barry Carbon, the chair of the Waste Authority, illustrated that a link between what consumers put in their own rubbish bins at home and the direct charge for what goes into landfill does not exist and that he would not expect there to be much change. This is the key. Barry Carbon stated —

In my view there are two things operating right now—an increased charge, which is going to hit the biggest fraction, which is C and D waste; and we have a significant economic downturn anyway, so there is much less demolition for construction happening.

Point of Order

Hon HELEN MORTON: I would like to know whether the member is reading from uncorrected *Hansard*; and, if so, I do not think that is appropriate.

The DEPUTY PRESIDENT (Hon Michael Mischin): Hon Sally Talbot, can you identify the document that you are quoting from, please?

Hon SALLY TALBOT: Yes. It is the uncorrected *Hansard* of the transcript of the hearings.

The DEPUTY PRESIDENT: Can you just identify which page you are dealing with?

Hon SALLY TALBOT: Page 5.

The DEPUTY PRESIDENT: Of what date?

Hon SALLY TALBOT: It is 29 June—I have already said that.

The DEPUTY PRESIDENT: Thank you. I do not believe there is a problem with quoting from the uncorrected *Hansard* in light of a recent ruling that I recall. It is simply that it has to be identified.

Debate Resumed

Hon SALLY TALBOT: I will not requote that because I do not want to use up too much time.

Mr Barry Carbon said —

One would have to be a wild optimist to think that the levy would deliver four times what it previously did.

A wild optimist. I am sorry, but being a wild optimist is not a qualification for being a state government minister.

The reality is that we do not need this bill to get the 300 per cent increase in the landfill levy. I have canvassed that point several times. It cannot be stressed too often that that is not the case because the minister would have members believe otherwise. However, the simple fact is that we could have been getting the extra money now. That levy could have been increased at any point between 14 May and now. We could have been getting that extra money into the waste account. We are not getting the extra money into the waste account because the minister has delayed the increase. It seems that what the government has said is that it does not want the extra money to go to the waste account. That is the simple reality of what is happening. The government could have been charging the increased levy now. It would have been going into —

Hon Donna Faragher: Did you ever listen to the ministerial statement that I made? I will respond to this.

Hon SALLY TALBOT: That will be good. The minister will get her turn; I can promise that. The government does not need this bill to increase the waste levy amount; that can be done by regulation. It has been confirmed by Barry Carbon and by every stakeholder that we do not need this legislation to increase the waste levy. Most local authorities are already charging the 300 per cent increase. That money at the moment is sitting with local government; it could have been going into the waste account. The government is saying, “If we can’t have it, no-one else will.”

All the figures, with which the minister I know is very familiar, suggest that we are not doing very well in Western Australia compared with what happens in the other states. It is an open question I suppose as to whether this is due to our failure to grasp those new concepts—the new foundation principles that I have gone into in some detail. I suspect that it is not. I suspect that it is because the whole issue is much more complicated than has traditionally been imagined to be the case. That is exactly why the previous Labor government set up the Waste Authority with real authority—it is not called a waste “authority” for nothing. It was supposed to be a very practical driver in helping the community realise its expectations about the way that waste is handled and the way that we move towards increasing the amount of recycling. I suspect it is not because we failed to grasp those basic principles but because other things have not been put in place. I will quote from a Department of Environment and Conservation document. There are several versions of this, but the version I will quote from is called version 1 and is dated June 2008. I refer to page 19 of this report prepared for DEC by a company called Cardno. I will quote from section 2.4, which is the benchmarking of recycling activity. This analysis shows that Western Australia is lagging behind other states when we do a per capita comparison of recycling activity per state. I was particularly interested to read the commentary that went along with those figures and most particularly interested in the list of reasons we might be lagging behind. One of those reasons is indeed low landfill gate fees. As I have already pointed out, the previous Labor government had put in place incremental increases in the landfill gate fees to redress that part of the problem. My point is that a number of other things are mentioned here, including —

... the small manufacturing sector, the high number of strategically placed putrescible and inert landfills
 ... sparse population, relatively underdeveloped C&D recycling sector, long distance to markets and the poor education amongst government and the commercial sector compared to the Eastern States.

The reason I wanted those items put on the public record is that those are exactly the sorts of problems that the Waste Authority has been set up to tackle. It is ridiculous to suggest that we can use a blunt instrument like increasing the gate fees for landfill to bring about substantive change when none of those other issues is being addressed. The data is moving very fast. Some of the results in the data that shows Western Australia at the bottom of the heap depends upon how one asks the question.

I want to alert the minister to another document that may or may not have come her way. It is a report—I believe it may not have been published yet—dated October 2009 by Paul Oakes of Quadro Australia Pty Ltd. I believe that this is going to be published in an American waste recycling journal towards the end of this year. I bring it to the attention of honourable members because it points out that the latest data shows that WA outperforms all other Australian states when it comes to processing waste in resource recovery facilities. That might come as a bit of a surprise to members, who have been told that Western Australia is a bit of a basket case. I will share a couple of lines of the report with honourable members. The paper says, towards the very beginning —

The primary focus for waste processing implementation has been in New South Wales (population 7.1m) and Western Australia (2.2m) with an additional example in Queensland (4.3m).

I know the minister will be interested in this because she constantly uses New South Wales as her model of where we want to get to in this process. There is a very useful table in this paper that tracks chronologically the implementation of waste processing facilities across Australia. What interested me particularly was the number of these that are in Western Australia. The first one is at Port Stephens in New South Wales, and the second one is in North Perth. Others are listed. The Bedminster system is used at the Southern Metropolitan Regional Council in South Perth, and the Dicom system is used at the north metropolitan regional council in Shenton Park. One of those facilities has had interrupted operations since 1999; this is the one that my colleague in the other place Hon John Kobelke has expressed his forthright opinions on—the Atlas system, which seems to be less than ideal. A number of facilities exist in Western Australia. Here is the part that I want to quote and share with honourable members —

The installed facilities and those within the approvals process yield by state a tonnes per capita processing ratio as follows;

- Western Australia 0.150 tonnes per capita.
- New South Wales 0.086 tonnes per capita, and
- Queensland 0.023 tonnes per capita.

That means that New South Wales has about half the capacity per head to put waste through resource recovery facilities. That is an extraordinary achievement. It shows that local government has embraced wholeheartedly the development of resource recovery facilities without the need for a large landfill levy. It is not the case in New South Wales. That is why I particularly wanted to draw the minister’s attention to this research. It is not the case in New South Wales. Why on earth would we want to be using New South Wales as some kind of model when in this state we have made such a remarkable achievement in terms of available capacity per head? It shows that WA is providing nearly twice the amount of waste processing capacity on a per capita basis compared with the

situation in New South Wales. That is a remarkable achievement. If I have not succeeded in making government members interested in considering some of these arguments against the bill, surely that piece of information on its own will convince them.

We can take those interstate comparisons to pieces. I am happy to do that at some length but I am also happy to leave my comments in this regard to the committee stage. When we start taking those interstate comparisons apart and splitting them into their three components of domestic household waste, construction and demolition waste and industry waste, we see that Western Australia is not badly placed in relation to other states.

I had some comments about the national waste strategy, but, fortunately, between the time that I put those comments together and a meeting of the ministerial council in Western Australia, at which the federal minister displayed his great capacity for getting results, he has moved us quite substantially down the track of having a national waste strategy, which is a very significant move.

I also want to make some comments about product stewardship. Again, I am happy to leave those comments until we get to the committee stage.

As I have said, New South Wales has been the model for many of the minister's comments about the direction we need to move in, as the C and D stream of waste has been a major focus for the minister, yet all the material that DEC has put together shows the contrary. A DEC report states that a 50 per cent diversion of C and D material from landfill would bring WA's per capita recovery rate up to a rate comparable with that in other states. This could be easily achievable with a push from government and industry towards the recycling uptake of recycled building products in construction activities. Of course, with a landfill levy rate that is set at a realistic level, the demands on government to respond to improve the situation are compelling. It is a demand that this government is not showing itself up to meeting.

I summarise at this stage. In my remarks on this truly dreadful bill I have substantiated my judgement that it is an appalling piece of public policy and one that this house should reject out of hand. It shows a complete lack of planning and a complete lack of confidence on the part of the minister in her agencies. We have seen the minister hide behind the advice of experts in the argument about the health of the Swan and Canning Rivers, yet she blatantly disregarded expert advice available to her when drafting this bill. I simply cannot understand how she can show her face in this place given this amazing fundamental inconsistency that lies at the heart of her attempt to manage these very difficult issues. She has shown her complete lack of confidence in the agencies; she speaks with no authority; she has no support from any of the experts; she is not prepared to take advice; she is presiding over a department the budget of which is in tatters; and she is presiding over a waste management strategy that is in tatters. She is an incompetent member of an incompetent government. Thank you, Mr Deputy President.

Debate adjourned until a later stage of the sitting, on motion by **Hon Norman Moore (Leader of the House)**.

[Continued on next page.]

ARSON LEGISLATION AMENDMENT BILL 2009

*Reference to Standing Committee on Uniform Legislation and Statutes Review —
Standing Order Suspension — Motion*

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [9.31 pm] — without notice: I move —

That —

- (1) The house directs the Standing Committee on Uniform Legislation and Statutes Review to report the Arson Legislation Amendment Bill 2009 to the house by Thursday, 19 November 2009.
- (2) Standing order 230A(2) be suspended for the purposes of the Arson Legislation Amendment Bill 2009.

By way of explanation, the arson legislation was referred to the Standing Committee on Uniform Legislation and Statutes Review following the second reading speech. I have forgotten exactly which day it was. It is the government's very strong desire that this legislation be passed before this coming bushfire season. As only a very small element of this bill relates to uniform legislation, the government seeks the support of the house to enable the committee to report by Thursday, so that the house can deal with the bill during this session. Standing order 230A needs to be suspended in this respect because it requires that the bill cannot be dealt with for 30 days anyway regardless of what the committee does.

I seek, fundamentally, to have standing order 230A suspended in respect of the arson legislation so it can be dealt with during this session. I would appreciate the support of the house on that matter.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [9.32 pm]: I indicate the opposition's support for the motion moved by the Leader of the House. Some discussion has taken place behind the chair, and I thank my colleague in the chair of the relevant committee, Hon Adele Farina, for her counsel on

this matter. The opposition supports the legislation and is prepared to support the government's timetable for dealing with it before the summer period when arson will be an increased problem. On this occasion, for a very specific set of reasons, we are happy to support the motion.

Question put and passed with an absolute majority.

WASTE AVOIDANCE AND RESOURCE RECOVERY AMENDMENT BILL 2009

Second Reading

Resumed from an earlier stage of the sitting.

HON ROBIN CHAPPLE (Mining and Pastoral) [9.34 pm]: The Waste Avoidance and Resource Recovery Amendment Bill has an interesting title. What are we trying to recover—dollars for an almost bankrupt department? The resource is dollars and the avoidance is the abrogation of responsibility. It could be called the “Robbing Peter to Pay Paul Bill”. In dealing with this legislation, I think, again, it is beholden on us to identify how this bill fails. It is not a bill that deals in any way, shape or form with waste avoidance or recovery. I think the conservation movement and the Greens (WA) were briefly elated when we heard that the levy rate was to increase because we believe in a waste levy that reflects the need to aim for a zero waste strategy. But that excitement was extremely short lived when we realised that funds were being raised, not for waste avoidance and resource recovery, but to facilitate the funding of a cash-strapped government.

I want to touch on a number of points. In essence, it is probably appropriate that we start with a time line. That time line and a parallel time line show almost a complete and utter difference between what we are doing at a state government level and at a federal government level. According to the minister's second reading speech to the WARR bill 2007, the levy has been imposed since 1998 in line with the amount of waste going to landfill. The primary purpose of the establishment of a landfill levy was to provide resources to fund projects for advancing waste reduction and recycling. The money we seek to raise here does none of that. The levy was \$3 a tonne for putrescible waste and \$1 a tonne for inert waste. The waste levies in 2006-07 jumped to \$6 a tonne for putrescible waste and \$3 for inert waste. The WARR bill was introduced on 17 October 2007. The second reading speech of that same date noted that the landfill levy funds could be used by DEC only for the administration of the WARR account and for developing or coordinating the implementation of the programs consistent with the purpose of the legislation. It outlined that the levy is not to be used to fund other normal ongoing operations of DEC. That latter point is exactly what this amending bill, in contradiction, seeks with the direction of the funding.

On 6 December 2007 the Waste Avoidance and Resource Recovery Bill 2007 and the Waste Avoidance and Resource Recovery Levy Bill 2007 were passed. On 20 June 2008, the WARR act and regulations were proclaimed, and we started what was an incredibly good project that was established during that time. On 1 July 2008, the Waste Authority was established. On 11 May 2009, the minister issued a memo to Treasury noting that the 300 per cent levy increase may not yield the full \$39 million per annum revenue increase, and therefore DEC may have a revenue shortfall in 2009-10 that would need to be addressed as part of the midyear review. We became aware of that as a result of a question asked by Hon Sally Talbot. The letter to the Treasurer stating the shortfall in landfill revenue was tabled. I thank Hon Sally Talbot for her persistence in questioning the minister about that letter. This memo was made public only on 16 September 2009 after those questions were asked. The state budget was released on 14 May 2009. It was, by virtue of the memo, out of date when it was first made public. When we received a briefing on the Waste Avoidance and Resource Recovery Amendment Bill 2009, just after it was first introduced, the people who briefed us were still arguing that there was nothing untoward about the budget figures that showed there was no reduction in the estimated landfill revenue over time. The minister's media release of that day made no mention of the landfill levy increase. On 14 May 2009, Senator Scott Ludlum's Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2009 was second read. That is parallel with what is being done at the federal level and in this state. On 19 May 2009, the Legislative Council —

Hon Donna Faragher: He is not a member of the state government.

Hon ROBIN CHAPPLE: No, but the minister will find out that his bill has been passed. On 19 May 2009, the Legislative Council's Standing Committee on Environment and Public Affairs tabled its sixteenth report, which is quite detailed. The standing committee included government members Hon Wendy Duncan, MLC, and Hon Bruce Donaldson, MLC. The inquiry found, amongst other things, that a container deposit scheme could help with recycling in the regions in particular. That was finding 6 on page 15 of the report. Recommendation 3 on page 84 states —

The Committee recommends that the *Waste Avoidance and Resource Recovery Act 2007* be amended to expressly limit the Department of Environment and Conservation's access to funds from the landfill levy to the offsetting of the actual administration costs of the landfill levy fund, and for other specified purposes to be set out in regulations.

That is also finding 23 on page 114. Recommendation 10 on page 97 states —

The Committee recommends that the Government give consideration to the development of essential services legislation, and to incorporate waste collection and management in any definition of “*essential services*” included within such legislation.

On 27 May 2009, the Legislative Assembly held its estimates hearings. On 3 June 2009, Robert Taylor wrote a key article in *The West Australian* on the proposed new landfill levies and what led up to them. The article is headed “Landfill levy opens can of worms on recycling” and states —

The Government’s decision in the State Budget to ratchet up landfill levies an astonishing 400 per cent for industrial and household waste has caused plenty of angst in local government, where most of the anger from householders and businesses will be felt.

This is an abrogation of the government’s duty to an entity that had no part in this. The Waste Authority has continued to make representations to us at all levels and has told us that this is a dysfunctional bill that does nothing to help recycling and places a cost burden on local government. The article said that Mr Barry Carbon, in taking up his role, identified that the increase in the levy was a substantial increase and that he doubted whether it would reduce waste avoidance.

I will deal with the amendments shortly. It is interesting to note that we are putting DEC in charge of a process whereby it will be in DEC’s interest for more waste to go to landfill because DEC will be the net beneficiary of an increase in that type of waste.

On 16 June 2009, the Western Australian Local Government Association placed an advertisement in *The West Australian* noting that the state government faced a significant problem because the current legislation does not permit revenue from the landfill levies to be used for purposes other than reducing waste going into landfill. That is the very point that I have made. The government seems to be wearing a set of blinkers. It desires to not adhere to the intent of the legislation but to use the levy merely as cash cow for its cash-strapped department.

On 16 June 2009, the Senate referred Senator Scott Ludlum’s Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2009 to the Standing Committee on Environment, Communications and Arts. On 18 June 2009, the Waste Avoidance and Resource Recovery Amendment Bill 2009 was introduced into the other place and the annual estimates hearing was held in the Legislative Council. I was at the hearings and asked the Minister for Environment a number of questions that still demand an answer. When asked about the use of policing illegal dumping, Mr Cowie identified that it was essentially correct that the police could be used for that purpose. He said that the legislation was still being drafted and that more than 120 authorised inspectors under the environmental protection legislation plus police officers would be able to enforce the legislation. That was a rather interesting answer. The police said that they knew nothing about it and that they would not be involved. Increasing the levy by the amount that is proposed and not allowing any of those funds to go into policing, managing ungated tips or into facilitating the outcome of the desire for a landfill waste minimisation program will raise money for the sole purpose of funding DEC just because the government cannot otherwise find the money to fund it.

Mr McNamara said that the department has a total staff complement of about 1 950 or 1 970 throughout the state. He said that in the Perth urban area national park rangers and other workers are in place at Mundaring, Serpentine-Jarrahdale, Yanchep and Gnanagara. He said that the department has lots of eyes and ears out there. He said also that the budget includes, under the election commitment at the bottom of page 887 of the *Budget Statements*, an extra \$1 million to improve the department’s compliance and monitoring capability. I suggest that \$1 million to provide police and staff to manage what will be an increased load of illegal dumping will not go very far. I note that it was later said by Mr Cowie that under the offence of illegal dumping—once the legislation is passed—the cost of the cleanup can be recouped from the person under the Environmental Protection Act. We have to catch the offenders first, and we have to remember that in most cases they will be driving their trucks out of the Perth metropolitan area into the ungated tips. These are places where there are no eyes and ears, and where prosecution will not take place because people will be dumping illegally and trying to avoid detection.

That was, in essence, what came out of the decision relating to the estimates hearing on 18 June. On 22 June, the Treasurer issued a memo acknowledging the need to again look at Department of Environment and Conservation funding as part of the annual midterm review process. The memo stated —

I acknowledge that revenues to be generated from changes to the *Waste Avoidance and Resource Recovery Act 2007* and *Waste Avoidance and Resource Recovery Levy Act 2007* will be influenced by a number of factors, such as delays in legislative changes and likely increases in waste recycling.

That is an interesting phrase—“likely increases in waste recycling”. The memo continues —

The impact of these factors on the DEC's budget will be reviewed by the Department of Treasury and Finance as part of each budget process, including the annual mid-year review process. The need for supplementary funding will be addressed as part of these processes.

We will wait.

On 23 June, the minister announced that the new levies would come in on 1 January 2010, rather than the original date of 1 July 2009. The ministerial statement released that day makes it clear that the government needed legal advice after it realised that there might be question marks about introducing new levies before the Waste Avoidance and Resource Recovery Amendment Bill had been passed. The minister's statement reads —

I wish to advise the house that, as announced in the budget, the state government has decided to introduce a 300 per cent increase in landfill levy charges on 1 January 2010 to ensure certainty for local governments.

The certainty for local governments is that they are going to have to pay an awful lot of extra money to manage this process, to look out for illegal dumpers and to control ungated tips, especially in some of the more remote areas adjacent to Perth.

On 17 September, the Senate reported on Senator Scott Ludlam's Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2009. I mention this because it is my understanding that in setting up the waste avoidance and resource recovery process, we are genuinely trying to do something about waste. If we are to increase the waste levy by 300 per cent, Mr Carbon will be in a very good position to assist the establishment of container deposit legislation and actually do something about reducing waste.

Hon Donna Faragher interjected.

Hon ROBIN CHAPPLE: I hear what the minister is saying; I doubt whether it will be significant enough to meet what is actually needed, especially given the time frames, but I will get to that in a minute.

It will be interesting to see how long Mr Carbon decides to remain with the Waste Authority. I am not sure whether the minister has had any discussions with Mr Carbon about his continued role there. I note that yesterday Mr Carbon joined the board of Bauxite Resources Limited, so I would suggest that he is quite clearly looking at other options for his future. I have a lot of time to Mr Carbon; I have worked with him and I believe that his intentions in the work that he was doing with the waste avoidance and resource recovery scheme were genuinely about reducing waste. We were excited about the prospect of the levy increase for the reason that we thought there would be some net benefits and because we firmly believe in a beyond-waste strategy. We proffer the idea of zero waste; that does not mean zero waste per se, but it involves the elimination of subsidies for raw material extraction and waste disposal, and holding producers responsible for their products and packaging from cradle to grave. It also refers to policies and practices that support the development of beneficial uses for materials which are currently deemed to be waste but which can become resources.

We have to get out of the mindset that waste is something we can just bury in a hole. As we heard from the recent report referred to by Hon Sally Talbot, local governments and their private sector supporters are doing an extremely good job in moving forward with waste, notwithstanding the position taken by the government in basically ripping off the money that was earmarked for the waste avoidance and resource recovery scheme for its own purposes because of its fiscal ineptitude in managing its departments.

There are a number of further points I want to touch on. The landfill levy was designed to raise the levy for putrescible waste disposal in the Perth metropolitan area from \$7 a tonne to \$28 a tonne, and for inert waste—building materials et cetera—from \$3 a cubic metre to \$12 a cubic metre. That is yet to come into effect, but since the budget was brought down the rate for putrescible waste went from \$7 a tonne to \$8 a tonne, with effect from 1 June. The inert waste rate has not yet increased. It is difficult to compare this new regime with landfill levies in other Australian jurisdictions, as illustrated in the interstate rate comparison table provided by the minister's office. The table is quite unclear, given the nature of some of the hypothecation and, indeed, because of the nature of the ownership of the land to which the waste is going. It is clear that there is some precedent for other jurisdictions partially funding their Environmental Protection Authorities with some of the proceeds from landfill levies. The levy increase will be introduced by delegated legislation under the regulations of the Waste Avoidance and Resource Recovery Act 2007, and related legislative changes appear in the Waste Avoidance and Resource Recovery Amendment Bill 2009. Under the provisions of the WARR act, revenue generated by the increased levy would normally flow directly into the WARR account, which currently funds waste management operations in Western Australia. The state government introduced the Waste Avoidance and Resource Recovery Amendment Bill into the Legislative Assembly on 18 June. The bill, among other things, amends the WARR act to require revenue to go first into an operating account of the Department of Environment and Conservation.

Debate adjourned, pursuant to standing orders.

CRIMINAL INVESTIGATION AMENDMENT BILL 2009*Receipt and First Reading*

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

Second Reading

HON PETER COLLIER (North Metropolitan — Minister for Energy) [10.02 pm]: I move —

That the bill be now read a second time.

The government is introducing this bill in response to an increasing concern by government, police and the community in relation to the proliferation of weapons and the increasing number of incidents of violence and antisocial behaviour in entertainment precincts. As a result of this, it has been identified that powers of search need to be extended to enable police officers to stop and search people and vehicles in these areas without the consent of the person and without the need for the usual reasonable suspicion test.

Currently, under the Criminal Investigation Act 2006, police officers may stop and search a person or vehicle in a prescribed or declared area and seize any thing found that is relevant to an offence or that the officers reasonably suspect may endanger the place or people within it. However, these powers are limited and can be exercised only when the person provides consent for the search to occur. The problem with this is that if a person does not consent to a search, police officers can then only refuse the person entry to the relevant area. This leaves the potential for drugs and weapons to remain in public, which therefore may lead to their engagement in violent and other antisocial acts of behaviour.

The bill will insert new provisions into the Criminal Investigation Act 2006 in a new section that will enable police officers to stop and search people in prescribed and declared areas without the consent of the person. Police officers also will not have to rely on the reasonable suspicion test in these areas. To provide some safeguards to the public, police officers can exercise these new search powers only within a public place contained in the specified or declared area. This ensures that police cannot use these powers within a private residence that might be within the specified area. Searches of private residences will still be subject to the normal search warrant provisions. Furthermore, only a basic search of a person will be able to be conducted, which includes the use of metal detectors; the removal of a person's outer clothing, such as hats, jackets and shoes; and a pat-down search of the person. But if a person was found in possession of weapons, drugs et cetera, that person would be arrested and then a strip search might occur subject to the current provisions of the Criminal Investigation Act 2006 that allow for strip searches to happen in certain circumstances. During the search, should the officer locate any thing that is relevant to an offence that he or she reasonably suspects may endanger the place or people within it, the officer may seize that item.

Under the new provisions, an area can be specified either in regulations or by declaration of the Commissioner of Police. Areas specified in regulations can operate for up to 12 months, whereas the commissioner can declare an area only for up to two months. To provide flexibility and to better target the exercise of these new powers, an area can be specified or declared to operate only on certain days of the week or at certain times on these days. Furthermore, the commissioner will be able to make a declaration only with the approval of the minister. Details of any declaration made by the commissioner will be published in the *Government Gazette*. The commissioner will be able to delegate his power to the deputy commissioner or any assistant commissioner. To ensure that these new powers are operating effectively, the bill requires the minister to carry out a review of the operation and effectiveness of these new police powers after they have been in operation for five years.

I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

HIGHER EDUCATION AMENDMENT BILL 2009*Receipt and First Reading*

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

GAS SUPPLY (GAS QUALITY SPECIFICATIONS) BILL 2009*Assembly's Message*

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

ADJOURNMENT OF THE HOUSE*Special*

On motion without notice by **Hon Norman Moore (Leader of the House)**, resolved —

That the house at its rising adjourn until Wednesday, 18 November at 2.00 pm.

Ordinary

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [10.06 pm]: I move —

That the house do now adjourn.

Rottnest Island Accommodation — Emergency Audit — Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [10.07 pm]: I rise tonight in relation to a matter that is quite concerning. It arises out of an incident on 27 October that led to the death of a three-year-old boy following a column failure on one of the units at Rottnest Island. Following that incident, the Minister for Tourism gave an undertaking that there would be an independent assessment by structural engineers of all the units on Rottnest Island, particularly those that had masonry columns. Following that undertaking, a media release was made public today about the independent review findings. I want to put on the public record that, even though this media release has been made public, it is somewhat disappointing that the full report of the structural engineers has not been made available to people who want some additional information about the analysis of the state of the buildings on Rottnest Island, particularly the accommodation units.

The Rottnest Island Authority moved fairly quickly to address the findings of the independent structural review of masonry columns. The review included an assessment of all masonry columns on Rottnest Island Authority accommodation units. My understanding is that there are a total of 583 masonry columns on Rottnest Island accommodation and other structures, including such things as barbecue shelters. Of those, 561 columns were deemed to be structurally sound. The report found that 22 columns from 15 accommodation units required preventive works to address potential risks. The columns requiring immediate attention lacked tie-downs to the veranda edge beams. They were fitted with a double metal bracing to the columns and the veranda edge beams. The RIA has completed work on those columns and the independent structural engineer has approved the work undertaken as an acceptable permanent solution.

One of the things that is of concern to me is about the full involvement of the independent structural engineer. It is fair enough for some questions to be raised, and for the Rottnest Island Authority and the minister to provide Parliament with information about, for example, whether an independent structural engineer simply approved the work undertaken on the 22 columns from the 15 accommodation units that required tie-down preventive works to address the potential risk, or whether the independent structural engineer assessed all 583 masonry columns on Rottnest Island accommodation units. It was the view of the public that all 583 masonry columns on the Rottnest Island Authority accommodation units would be assessed by an independent structural engineer so as to restore public confidence in the safety of the accommodation structures on Rottnest Island. There is an issue about how many of the 561 columns that were found to be structurally sound and were to be dealt with through the Rottnest Island Authority's ongoing maintenance program needed tie-down bracket adjustments and strengthening. It seems to me that the whole issue of the integrity of the tie-down bracket adjustments and strengthening is absolutely critical.

We also seek information on whether the Rottnest Island Authority's maintenance budget could be brought forward to address those matters; in other words, the 561 columns found to be structurally sound but many having issues, such as tie-down bracket adjustments and strengthening, that require attention. As opposition spokesperson I am asking for the maintenance budget to be brought forward so that the work that is required to bring all those units up to safety standard is a priority, rather than spreading out the work on those 561 columns over perhaps the next five or 10 years because it is part of the ongoing maintenance schedule of the Rottnest Island Authority. We also clearly want the minister to table the full report of the detailed investigation by the independent structural engineer, although I am advised that may be difficult as the report will be used as part of the State Coroner's investigation. I want to put on the public record that I fully recognise the importance of the work of the coroner, but I believe the unit where the original accident occurred is the unit in question that would be of interest to the coroner, rather than the 583 masonry columns right across the island. I do not know whether all that information would necessarily be relevant to the work of the coroner.

It is very important that this full report of the detailed investigation by the independent structural engineer be tabled because there is no doubt in my mind that public safety should be the number one priority of the Rottnest Island Authority. Public confidence in the safety of the accommodation needs to be restored. The comprehensive report by the structural engineer would go a long way to achieving that objective. On behalf of the Western Australian people it is fair to say that there is no room for complacency when it comes to public safety on this island, especially as we move into the very busy summer period. We know that schoolies will be going over there in the next week or so; we know that they are pretty tough on the infrastructure; they like to party; and we must make sure on behalf of them and their parents that they can have confidence that the structural integrity of those units is such that they can withstand some of the pressures that will come on that accommodation.

Although I am pleased that 22 columns identified as requiring immediate work have been attended to, I do want to see that maintenance program brought forward to deal with the 561 columns that require maintenance work,

which in some cases of course includes the tie-down bracket adjustments. It is very important that we restore the much-needed public confidence in the safety of the accommodation units at Rottnest. This is a very difficult time for the tourism sector. It is certainly the time, as it is always, when people want their safety assured. I would hate to see Rottnest Island not viewed in the positive way that it has been viewed for many decades now purely and simply because people cannot have confidence in the infrastructure on the island. I therefore call on the minister to provide me with a response to the questions I have raised in this house this evening.

Forgotten Australians — Adjournment Debate

HON ALISON XAMON (East Metropolitan) [10.15 pm]: I rise this evening, the day after the federal government finally issued the long-overdue apology to those people who have become known as the “Forgotten Australians”. The forgotten Australians were among those from half a million children who in the last century, from the 1920s to the 1970s, found themselves in institutional care, whether it was in an orphanage or some other form of out-of-home care. Some of those children had been removed from their parents and were made wards of the state because they were deemed to be at risk; some were orphans or had parents who went missing or who were in prison; and some were placed in institutional care by their parents because the parents were too poor to provide for them or were perhaps divorced. Some of those forgotten Australians were Indigenous children, now known as the “Stolen Generation”, and some were child migrants who had been brought from overseas.

There have been three separate inquiries into the fate of our forgotten Australians. The physical, mental and sexual abuse as well as the neglect of far too many of those vulnerable children have been extensively documented and are heartbreaking to read or hear about. I have mentioned in this house previously that my mother was one of those who helped to uncover and document the extensive abuse that was suffered by too many of those children at the hands of the Christian Brothers. The parliamentary inquiries into the abuse of our forgotten Australians have brought down multiple recommendations on how to begin to address the many issues that have arisen for those Australian children for whom the state basically failed in its duty of care to protect. An apology was the first step, and I congratulate our Prime Minister for finally issuing it. It was an important first step, but it is just that. It was only a first step, and we still have a long way to go.

A couple of weeks ago I was privileged to be invited to attend the launch of Forgotten Australians Coming Together, otherwise known as FACT. FACT is part of the Alliance for Forgotten Australians, and I use this opportunity to acknowledge the tireless work of Laurie Humphreys, who is one of the drivers behind this work. I first met Laurie 20 years ago; he himself is a forgotten Australian. He has been tireless in his efforts to advocate for his fellow forgotten Australians. There are many issues that need to be addressed for those people. The long-term effects of neglect and abuse should never be underestimated. The toll is often felt for generations, by their children and their children’s children, and impacts of this abuse and neglect are physical as well as emotional for far too many of those Australians.

However, I would like to speak to two immediate issues that this state government could move swiftly to address. The first, which is something that has been identified by FACT, is the need for forgotten Australians to be provided with a state-funded drop-in centre. Such a centre could serve as an essential hub for the provision of services and support to our forgotten Australians. It is not actually a huge ask, particularly when we consider the degree of suffering to which so many of our forgotten Australians have already been subjected. If we had a well-equipped drop-in centre with opportunities for service referrals and appropriate service provision, as well as providing just a drop-in centre for people to socialise and connect, I believe this would be an invaluable service. It is something that I think we should be looking at. As I said, this is an initiative that the forgotten Australians themselves have identified as an important tool to address their particular needs, and I ask the minister to give serious and urgent attention to this request and also to meet with Forgotten Australians Coming Together to discuss how this initiative could be progressed.

The second issue, which has been touched on many times in this house and I will do so again, is to get Redress right. As time goes on, the despair that so many of these Redress applicants have experienced over the cuts to Redress payments is not diminishing; it is just highlighting their pain and sense of betrayal over their treatment by the state. It has become a painful reminder for them that the state is not there to protect their interests and that the state continues to fail them as it did all those years ago.

We are starting to see a turnaround now in the state’s financial position, and perhaps now is the time to revisit and reverse the decision that was made at the time to halve the Redress payments. I understand that when the government made this decision, it did so on the basis that initially not enough money had been put aside, but that does not relinquish the government’s responsibility to do the right thing by these people. Perhaps now is the time to look at alternative options and perhaps be creative about finding solutions. For example, maybe the payments could be restored but paid in instalments. That is just one idea. But the point is that this is an issue that is not going to go away, and nor should it. On that note, I wish to read a poem written by Maureen Briggs Frewin,

herself a child migrant and a forgotten Australian. It is her own version of the *Desiderata* and it was read out at the last Redress rally on the steps of Parliament. She writes —

Go placidly among the politics and the decision making and remember what peace there may be for us the abused and neglected when Redress is made right. As far as possible we hope for a change of mind and see some compassion come our way to make Redress right.

We have the right to be heard. We are the abused and neglected children of the past. And whether or not it is clear to you Minister Robyn McSweeney we want Redress made right.

Therefore Minister Robyn McSweeney be at peace with yourself. Enjoy your achievements, make this one the best you have ever made and make Redress right.

We are the children of Western Australia no less than the trees and the stars we have a right to be here and be respected and recognised for who we are. We deserve justice and closure for the terrible wrongs of the past. With all its sham, drudgery and broken dreams, it is still a beautiful place. Strive to make us happy and make Redress right.

Marine Parks and Reserves Authority — Annual Report — Adjournment Debate

HON GIZ WATSON (North Metropolitan) [10.23 pm]: I will talk this evening about an annual report that was tabled today in the house—that is, the annual report of the Marine Parks and Reserves Authority. I was very interested to read what is in that annual report, particularly in light of questions that I have been asking of the Minister for Environment recently about management plans for the marine parks that we have in existence and the program which successive governments have said they are interested in but which successive governments have been very slow to implement—that is, to establish a representative marine reserve system for Western Australia. I note that the Marine Parks and Reserves Authority, on page 1 of its annual report, reiterates its vision, responsibilities and strategies. One of the responsibilities it lists is “to oversee the development and management of the marine parks and reserves system.” I was particularly struck by the chairman’s comments in this particular report, because it seemed to me that it was fairly straightforward that we are currently failing to establish an adequate representative reserve system. The annual report states —

Despite the very high biodiversity and conservation values of State waters and the pressure that is being brought to bear on those values, Western Australia has only some 12 per cent of its State waters within 13 CALM Act marine parks and reserves ... and only 2.5 per cent of its State waters under a higher level of protection.

The Marine Parks and Reserves Authority ... considers that the current state of development of the Western Australian State marine protected areas system does not achieve best practice (and much needed), biodiversity and conservation outcomes. It also does not reflect contemporary community expectations for marine conservation, and the substantial benefits that marine protected areas bring to all sectors of the community.

I think this is also very pertinent in the debates that we have had in the past few months about the state of fish stock off the west coast of Western Australia as well. The report continues —

Priorities for developing the marine conservation program in Western Australia have been substantially based on the candidate areas identified in the 1994 report of the Marine Parks and Reserves Selection Working Group ... also known as the Wilson Report. The ... report continues to serve as an appropriate and scientifically valid guide to identifying the important and representative areas of State waters that should be considered for inclusion in the marine parks and reserves system.

On page 2 the report also goes on to state —

... other proposed reserves including Geographe Bay/Leeuwin-Naturaliste/Hardy Inlet ... and the Dampier Archipelago/Regnard ... proposals, which were at an advanced stage prior to the election —

The comment was made that four marine parks were well progressed and then the election was called. Although these parks were at an advanced stage prior to the election, they have not been so fortunate and are once more before government for consideration. The report continues —

...The MPRA has provided advice to the Minister for Environment that the Government should progress the implementation of these proposals without delay.

...

In relation to the forward program for marine conservation, the MPRA has provided advice to the Minister for Environment that the MPRA considers the Government should adopt a three year work program, the objective of which would be to substantially complete a system of representative marine protected areas for the State as envisaged by the 1994 report ... The MPRA believes the

implementation of its proposed forward program would provide a sound basis for the preservation and management of the biodiversity values of the State's marine environment.

The proposed forward program would, in summary, consist of implementing the proposals for the MPR's that are currently in process, including the Pilbara/Eighty Mile Beach proposal, and undertaking planning for new MPR's on the South Coast and in the Kimberley, the other two areas of high marine conservation value in the State that currently have no protection or representation in the CALM Act MPR system. A program in the latter two areas would also provide a complementary process to the Commonwealth marine planning processes that are currently underway in the southwest of the State and in the Kimberley.

It is also interesting to note that the report states —

In relation to the Kimberley, the Authority has proposed to the Minister for Environment that the Government urgently protect the Kimberley through the establishment of a multiple use marine park over the whole of State waters in the Kimberley with the full reservation of currently identified iconic areas by an appropriate zoning system in the broader multiple use marine park.

I reiterate "protect the Kimberley through the establishment of a multiple use marine park over the whole of State waters in the Kimberley". The report also states —

In relation to broader policy issues, the MPRA is concerned that there appears to be continued resistance in some sectors to the use of sanctuary zones as a key tool in marine conservation, particularly in the face of the overwhelming local and international scientific evidence of both the effectiveness of, and need for, sanctuary zones. In that regard, the previous Government committed to a review of the role of marine sanctuaries in biodiversity conservation. This was a welcome initiative, however, the report, which was completed sometime ago, has yet to be released by Government. The Authority encourages the Government to release this report as a matter of urgency.

At this point I will also lay my criticisms at the feet of the previous government, which also failed to put a realistic time frame on establishing an adequate system of marine protected areas in the marine environment. It wasted eight years and achieved very little. The report goes on to state —

In relation to another of the MPRA's key responsibilities, the audit of existing management plans, the Authority has included its summary —

In this report. In relation to the Jurien Bay Marine Park, the report states —

... the audit clearly demonstrated that the park is failing to meet the objective of comprehensive protection of its biodiversity values through provision of adequate sanctuary zones, and there is qualitative evidence that the objectives for the conservation of populations of targeted finfish are not being achieved. As with the MPRA's other audit processes, the determination of quantitative outcomes is severely hampered by the lack of coordinated and structured monitoring programs. The Authority has made a number of recommendations arising from the Jurien Bay Marine Park periodic audit that are set out in the audit report and are available on the MPRA section of the DEC website.

I raise the point of the Jurien Bay Marine Park having had a lot to do with debate in the public arena about the establishment of that marine park—that is, outlining that it was a Clayton's marine park as very little of its area was a no-take zone. This report from the MPRA vindicates those concerns raised by the Greens (WA) and other conservation-minded people. If we simply establish a marine park in name and then make the majority of that marine park available to crayfishers and recreational fishers and everybody else, it is a marine park only in name. It does not achieve things like conservation of the population of finfish. I again refer to the report —

A further audit initiative was the commencement of the 10 year audit of the Shark Bay Marine Reserves which is several years overdue.

This is a matter that I have been pursuing via questions. The report continues —

The delays in commencement of this audit have been exacerbated by lack of funds and availability of the required support from DEC.

That is quite contrary to the reply that the Minister for Environment gave me today in this place. I asked the minister to ensure that sufficient resources are provided to the Department of Environment and Conservation to carry out these reviews. The answer was that reviews are scheduled and resourced in the context of overall planning priorities for proposed new and existing marine parks and reserves. What a load of bureaucratic gobbledegook that is! The Marine Parks and Reserves Authority is tasked with auditing these matters. It says quite clearly that this review is overdue by several years because it lacks funds and the required support to do it. The report continues —

The Shark Bay Marine Reserves and Marmion Marine Park have management plans that have considerably exceeded their ten year term and are not outcome based.

I trust the minister will check *Hansard* at some point, as I am sure she will, because she needs to go back to her department and tell them to stop giving her inaccurate advice.

I am going to run out of time. In effect, this annual report is critical. It indicates that the management of marine parks is inadequate in its funding and resourcing. It also rings warning bells about management risk, particularly in relation to the management of fishing in marine reserves. I refer members to page 28 of the annual report. It is essential that people are not under any illusion that the marine reserves we have are being adequately managed. Page 28 states —

Targeted fish populations, where they could be estimated, consistently scored poorly across all marine parks and reserves indicating an extreme risk of management failure for this KPI ...

For that reason, we need adequate marine protection areas in this state as a matter of urgency.

Question put and passed.

House adjourned at 10.32 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

RED HILL QUARRY — SUPREME COURT RULING

1223. Hon Alison Xamon to the Minister for Environment

I refer to the 2007 Western Australian Supreme Court ruling on the Hanson (previously Pioneer) quarry (WASCA 137, and in particular paragraph 126, page 49) and to the Ombudsman's document of 2 January 2009, Report on an investigation into the complaint received from Mr Tony Elwood concerning the Department of Environment and Conservation (DEC), and ask —

- (1) What actions will the Minister take against Hanson, given the court's finding that Hanson's quarrying activities in the Southern Extension and West Pit Extension prior to 25 January 2006 failed to comply with ministerial conditions?
- (2) If the answer to (1) is none, why?
- (3) What actions is the Minister taking to follow-up the findings of the Ombudsman, regarding the actions of the DEC in this matter?
- (4) If the answer to (3) is none, why?
- (5) Has the DEC reported back to the Ombudsman?
- (6) If yes to (5), would the Minister please table DEC's report?

Hon DONNA FARAGHER replied:

- (1)-(2) I have been advised that the then Department of Environment (DoE) investigated this matter in late 2005. The investigation found that commitments made by Hanson (formerly Pioneer Concrete Pty Ltd) in Statement 199, relating to the visual amenity of the quarry, were unlikely to be enforceable and concluded that it was not in the public interest to commence a prosecution.

A further Statement was issued by the then Minister for the Environment on

21 December 2005 (Statement 705). The new conditions imposed through Statement 705 have stringent rehabilitation and screening requirements, including consultation with land owners and occupiers.

I would expect the Director General of the Department of Environment and Conservation to take appropriate compliance and enforcement action under the Environmental Protection Act 1986.

- (3)-(5) It is the responsibility of the Director General of the Department of Environment and Conservation to implement the findings of the Ombudsman's report and I am advised that he has addressed these matters and reported back to the Ombudsman on 6 July 2009.
- (6) No, the Ombudsman has advised that reports on responses to investigations are confidential.

INDIGENOUS PARTICIPATION IN SPORT

1238. Hon Ken Travers to the Leader of the House representing the Minister for Sport and Recreation

- (1) What strategies has the Government adopted to increase and promote indigenous participation in sport?
- (2) Has the Government developed any policies that apply to indigenous sport?
- (3) If yes to (2), what are they?
- (4) Which indigenous agencies or associations has the Government consulted when developing their strategies and policies to address indigenous participation in sport?
- (5) Can the Minister provide a list of all monies allocated to indigenous sport participation and through which organisations and which programs the funds have been provided?

Hon NORMAN MOORE replied:

- (1) The Department of Sport and Recreation (Department) has initiated a range of strategies to increase and promote participation in sport across the community — including Indigenous. The Department has also initiated a range of targeted initiatives for Indigenous populations and contributes to broader Government strategies that may impact on participation. The flagship strategy in this area is the continued development and expansion of the Indigenous Sports Program (ISP) which is a strategic approach to service delivery state-wide. Significant targeted initiatives commenced recently are:

- Indigenous Sport and Culture Plan for sites in the Kimberley identified through the COAG process.
- Community Participation Funding — a community funding program that targets low participation populations, particularly culturally and linguistically diverse (CaLD) and indigenous. There is a minimum allocation requirement for indigenous projects.
- Community Sport and Recreation Facilities Fund (CSRFF) requires a minimum allocation to be spent on Indigenous projects.
- Proposed Nyoongar Cultural Corridors project — including the Juvenile Justice Diversionary program and trails development projects (Munda Biddi and Bibbulmun tracks). This project is still in its development stage;
- Development of a strategic plan for the Ngaanyatjarra Lands (Warburton including the Ngaanyatjarra and Anangu Pitjantjatjara Yankunytjatjara (Ng/APY) Lands);
- Northbridge Project — establishing a pilot program in two priority local government areas aimed at diverting young people that have been detained in Northbridge on Friday and Saturday nights to sport and recreation activities; and
- Contributed to the deliberations of the Aboriginal Affairs Coordinating Committee (AACC) as it seeks positive outcomes for the communities of Roebourne, Oombulgurri and Armadale.

(2)-(3) Refer question 1

(4) The Department of Sport and Recreation has regular consultation with various Indigenous agencies throughout the state including: Nyoongar Sports Association; Derbarl Yerrigan Health Service; Aboriginal Alcohol and Drug Service; South West Aboriginal Land and Sea Council; Ngaanyatjarraku Shire (Warburton); Geraldton Sporting Aboriginal Corporation; Martu Sports Committee (Western Desert); David Wirrpanda Foundation; Gascoyne Aboriginal Sporting Association; Kooya Consultancy; Ngarda Civil and Mining; Kaata-Koorliny Employment Enterprise Development Aboriginal Corporation (Narrogin); Coolgardie CAPS (Aboriginal controlled Christian School); and Garduwa Amboorny Wirman Aboriginal Corporation.

(5) 2008/09 Consolidated Funding. [See paper 1530.]

DAVID SMITH — POSITION WITHIN CABINET AND POLICY DIVISION

1240. Hon Ljiljanna Ravlich to the Leader of the House representing the Premier

I refer to the organisational chart on the Department of Premier and Cabinet website which shows as at 27 March 2009, Mr David Smith as Acting Deputy Director General of the Cabinet and Policy Division, and ask —

- (1) Does Mr Smith still hold that position?
- (2) Is it still in an acting capacity?

Hon NORMAN MOORE replied:

Department of the Premier and Cabinet advises:

- (1)-(2) Yes

PREMIER AND CABINET POSITIONS — SELECTION PROCESS

1241. Hon Ljiljanna Ravlich to the Leader of the House representing the Premier

I refer to the two new positions of Deputy Director General Strategic Issues and Deputy Director General Coordination, within the Department of the Premier and Cabinet that were advertised with a closing date of Friday 18 September 2009, and ask —

- (1) Will applications be considered and a successful applicant chosen by a selection panel or by the Director General alone?
- (2) If the process is by selection panel, has a panel been chosen or convened and what are the names of the people on that panel?
- (3) If the selection panel has not yet been chosen, have potential members for the selection panel been considered?
- (4) If yes to (3), who has been considered for membership of the selection panel?
- (5) How does the creation of two new very senior level, highly paid public service positions contribute to a 'more efficient and streamlined public sector'?
- (6) With the merging of the Public Service Commission and the Public Sector Standards Commissioner, how can we be assured that appointments will not be politicised?

Hon NORMAN MOORE replied:

Department of the Premier and Cabinet advises:

- (1) Selection Panel.
- (2) Selection Panel is Mr Ron Alexander, Anne Nolan and Peter Conran.
- (3)-(4) Not applicable
- (5) There has only been one net addition of the position of Deputy Director General created, as one position has existed for many years. The last substantive appointment made to the Deputy Director General Position was in January 2008.
The new positions will assist the Department of the Premier and Cabinet address the policy priorities of the Government and the achievement of positive outcomes from public services for all Western Australians.
- (6) Appointments in the public sector are made in accordance with the general principles of human resource management in S8 of the Public Sector Management Act 1994.

DEPARTMENT OF TRAINING AND WORKFORCE DEVELOPMENT — NEW ARRANGEMENTS

1251. Hon Ljiljanna Ravlich to the Minister for Training

I refer to the Minister's recent media comments in relation to the new Department of Training and Workforce Development, and I ask —

- (1) Will those Secondary Schools that have cooperative arrangements with local TAFE Colleges to run VET courses, be allowed to maintain those arrangements as they exist now?
- (2) If no to (1), —
 - (a) will those arrangements have to cease;
 - (b) what aspects of the arrangements will have to change;
 - (c) will there be added costs to Secondary Schools; and
 - (d) will Secondary Schools be given extra resources to continue their VET courses?
- (3) Will those Secondary Schools that provide VET courses independent of TAFE Colleges be allowed to continue providing those courses or will they be required to direct their VET students to the re-badged TAFE Colleges?

Hon PETER COLLIER replied:

- (1) The establishment of the new Department of Training and Workforce Development will not affect cooperative arrangements between local TAFE colleges and secondary schools.
- (2) Not applicable.
- (3) Yes, those secondary schools who are Registered Training Organisations will be able to continue providing VET courses.

TRAINING — PRODUCTIVITY PLACES PROGRAM

1252. Hon Ljiljanna Ravlich to the Minister for Training

I refer to media reports highlighting concerns that the Productivity Places Program, of which this Government is a participant, is failing to provide for higher-level training places for apprenticeships and traineeships, and ask —

- (1) What is the estimated number of new apprenticeships to be created in 2009-10 in Western Australia?
- (2) What is the estimated number of new traineeships, Certificate III and above, to be created in 2009-10 in Western Australia?
- (3) In the light of the emerging information that most enrolments as result of this program have been for low-skilled courses, will the Minister revise down his estimate of the number of apprenticeships and traineeships his Government will be able to create this year?
- (4) Will the Minister admit that short-changing the training sector in the 2009-10 State Budget, and wasting money on creating the new Department of Training and Workforce Development, will not do anything to create extra higher-skilled training places?

Hon PETER COLLIER replied:

- (1)-(3) In the Government's training plan Training WA, we have set a target for an increase of 219 apprentices and trainees in training between 2008 and 2009 and a further increase of 1200 apprentices and trainees

in training between 2009 and 2010. This is equivalent to an additional 700 apprentices and trainees in training over the period 2009-2010 compared to the period 2008-2009.

I am currently reviewing these targets in response to the recent developments in the mining and resources industries, such as the Gorgon project, and expect that the apprenticeship and traineeship targets will be increased.

Consistent with Training WA's focus on increasing the number of training places in higher level qualifications, it is expected that almost 80% of additional trainees in training will be at Certificate III level or above.

Western Australia introduced, as part of the Productivity Places Program, higher level traineeships for existing workers at Certificate IV and above in 2008. By August 2009, there were 2 311 such trainees in training compared to 140 in July 2008.

- (4) There has been no short changing of the training sector in the 2009-2010 budget. As previously announced the Western Australian Government injected an additional \$47.4m into the training system as part of the economic stimulus package. This was essential to ensure that the State's training effort remained strong in the face of the global economic downturn and has set the foundation to provide the higher-skilled training required to support the economic recovery in Western Australia.

TAFE COLLEGES — INDEPENDENCE

1253. Hon Ljiljanna Ravlich to the Minister for Training

I refer to the Minister's media comments in relation to the new Department of Training and Workforce Development, and the proposed 'greater independence' of TAFE Colleges, and ask —

- (1) Will the cooperative, collegiate sharing of curriculum development continue or will each TAFE College, under the new competitive model, keep curriculum materials to themselves to retain a competitive edge against other TAFE Colleges?
- (2) What plans does the Minister have to address the problems associated with competition between TAFE Colleges, in particular the reluctance to share resources and ideas?
- (3) Will individual lecturers and TAFE Colleges be responsible for developing their own new curriculum or will there be some centralised curriculum development?
- (4) If yes to (3), what are the details of the proposed centralised curriculum development?

Hon PETER COLLIER replied:

- (1)-(2) Curriculum material that is developed with Government funding is not owned by the college that develops it. All curriculum developed with public funds is Crown Copyright and providers that request funding for curriculum development are obliged to share those resources with all other training providers.
- (3)-(4) There are no plans to create a centralised curriculum body. Sharing resources is actively encouraged to reduce the burden on individual colleges. Engagement with existing networks is one way of maximising the use of available resources.

BALGA WORKS PROGRAM — IMPACT ON FORMER EMPLOYEES

1255. Hon Giz Watson to the Minister for Energy representing the Minister for Education

I refer to the Department's communications with former employees of the Balga Works Program, regarding the impact of the program on them, and ask —

- (1) Has the Department received all information it requires from the former employees in order to make an assessment of the impact of the program on them?
- (2) If no to (1), —
 - (a) what further information does the Department require; and
 - (b) when did the Department communicate this to the former employees?
- (3) If further information is required from one or some, but not all, former employees will the Department proceed with assessment regarding the former employees who have provided all necessary information?
- (4) If yes to (1) and/or (3), has the Department made an assessment?
- (5) If yes to (4), —
 - (a) what assessment has been made regarding payment of compensation by the Department to the former employees;

- (b) what assessment has been made regarding the Department assisting the former employees to recover any appropriate compensation from other parties;
 - (c) what assessment has been made regarding any other assistance from the Department to the former employees; and
 - (d) when did the Department communicate the results of its assessment to the former employees?
- (6) If no to (4), —
- (a) what needs to occur before the Department can make an assessment;
 - (b) how long is this likely to take;
 - (c) has the Department communicated this information to the former employees; and
 - (d) if no to (6c), why not?

Hon PETER COLLIER replied:

- (1) The Department offered to meet with those individuals who worked on the Balga Works Program to give them an opportunity to outline to the Department the impact of the program on them and to listen to their experiences. The Department also undertook to provide these individuals with any further information they sought as well as counselling, as needed.
- (2)-(6) Not applicable

PRISONER TRANSPORT SERVICES — CONTRACT

1256. Hon Giz Watson to the Parliamentary Secretary representing the Minister for Corrective Services

I refer to the court and custodial services contract for prisoner transport services relating to tender number EOI 832/97 and ask —

- (1) Have the contractual obligations of the service provider changed since the contract was first issued?
- (2) If yes to (1), —
 - (a) what changes have occurred;
 - (b) when did each change occur; and
 - (c) will the Minister please table the original contract together with documentation implementing each change?
- (3) Noting that the Government's response to recommendation 11, made by the State Coroner following the investigation into the death of Mr Ward, refers to further or other documentation apart from the contract that imposes obligations on the service provider (for example a Contract Management Framework and associated Work Instructions), —
 - (a) what changes have occurred since this documentation was first issued;
 - (b) when did each change occur; and
 - (c) will the Minister please table the original documentation together with documentation implementing each change?
- (4) How are the provisions of the *Court Security and Custodial Services Act 1999* reflected in the contract and the documentation referred to at (3)?
- (5) How does the Department currently monitor the contract and the documentation referred to at (3) to ensure —
 - (a) the service provider is consistently meeting all obligations contained in those documents; and
 - (b) relevant issues raised by the Inspector of Custodial Services are addressed?
- (6) Does the contract and/or the documentation referred to at (3) contain notification provisions requiring the Department to be kept informed of, —
 - (a) all acquisitions by the private service provider of other companies;
 - (b) all contracts awarded to the private service provider or its subsidiary or parent companies by other Departments;
 - (c) the identity of the private service provider's directors;
 - (d) the identity of the private service provider's major corporate share holders; and
 - (e) the subsidiaries and parent companies of the private service provider?

- (7) If yes to (6), —
- (a) what other contracts does the government have with the current service provider or any of its subsidiary or parent companies;
 - (b) who were the directors of the previous service provider immediately before its acquisition by the current service provider;
 - (c) who were the directors of the current service provider immediately after its acquisition of the previous service provider;
 - (d) which companies hold over 100,000 shares in the current service provider (please identify how many shares are held by each company);
 - (e) which companies are currently subsidiaries of the current service provider; and
 - (f) which companies are currently parent companies of the current service provider?
- (8) If no to (6), —
- (a) why not;
 - (b) is the Department kept informed of these matters by any other process?
- (9) If yes to (8b), —
- (a) what is the process;
 - (b) what other contracts does the Government have with the current service provider or any of its subsidiary or parent companies;
 - (c) who were the directors of the previous service provider immediately before its acquisition by the current service provider;
 - (d) who were the directors of the current service provider immediately after its acquisition of the previous service provider;
 - (e) which companies hold over 100 000 shares in the current service provider (please identify how many shares are held by each company);
 - (f) which companies are currently subsidiaries of the current service provider; and
 - (g) which companies are currently parent companies of the current service provider?
- (10) On what date did the then Government become aware of discussions between the previous service provider and the current service provider about acquisition of the former by the latter?
- (11) Has there been a cost benefit analysis of prisoner transport services since 1997?
- (12) If yes to (11), —
- (a) when was the last cost benefit analysis; and
 - (b) will the Minister please table it?
- (13) Why has no new Expression of Interest for the prisoner transport services relating to tender number EOI 832/97 been issued since 1997?

Hon MICHAEL MISCHIN replied:

- (1) Yes.
- (2) (a) The agreed services in the contract have been subject to variation to ensure service provision meets the changing requirements of court security and custodial services across the State, which has included (but not limited to):
 - The excise of the Central Law Courts from the contract (following the commencements of the new District Court Buildings (DCB) Contract);
 - The excise of transport services for juvenile offenders in the metro region;
 - Lockup services at specified prescribed locations; and
 - Increase in Court services to certain specified areas.
- Changes have also been made to the contractual terms which have improved the manner in which the Department manages the performance of the service provider, including (but not limited to):

- The replacement of the client satisfaction survey (namely the client agencies) with performance improvement requests;
 - A review and adjustment of the performance measures to reflect the key priorities of the client agencies; and
 - The reporting structure for critical and major incidents.
- (b) Two Deeds of Variation have been executed by the Department, in 2006 and 2009 respectively, to formally encapsulate amendments to the contract.
- (c) No. The Department is however agreeable for the original contract and the subsequent deeds of variation to be released to you for review.
- (3) (a) Changes to the Departments' process for managing the approval of Contractor policies and procedures have occurred. The changes to the CS&CS Contract Management framework and associated Work Instructions were:
- The Contractor is responsible for developing policies and procedures in relation to the Services (in accordance with an existing contractual term).
 - Each policy and procedure must be submitted to, and approved by, DCS Contracted Services prior to its implementation.
 - All Contractor policies and procedures are assessed by Court Security and Custodial Services Policy Review Panel.
 - The Contract Manager has delegated authority under the Contract for final approval of the policies and procedures.
 - Each policy and procedure is to be reviewed at least annually.
 - Any changes to policies and procedures proposed by the Contractor must first be reviewed by DCS Contracted Services, and then follow the process articulated above.
- It should be noted however that the purpose of these documents are for use internally by DCS as to contract management procedures (and not to impose additional, non-contractual obligations on the service provider).
- (b) 2008
- (c) As the Contract Management Framework and Work Instructions are for use internally by DCS it is not considered relevant for tabling.
- (4) The current contract ensures that the specified contractual requirements as set out in the Act are met (noting that a Contract Management Framework and Work Instructions are not legislative requirements).
- (5) (a) The contract is monitored by a team of monitors who conduct compliance testing in accordance with the Department's Monitoring Plan. The Contract Management Framework and Work Instructions are for use internally by the Department and are monitored through the Corporate Support Quality Management Team. The Contract Management Framework provides for a range of processes, including a Compliance Calendar which entails monthly meetings and annual reviews.
- (b) As part of the Compliance Calendar processes, a representative from the Office of the Inspector attends the monthly meetings with the contractor and client agencies.
- (6) (a)-(b) Yes and No. This is not a specific contractual obligation on the service provider, however the contract does provide for the following:
- "Throughout the Term and any extension of the Contract the Contractor shall not engage in any activity or obtain any interest likely to conflict with or restrict in providing the Services and shall disclose to the State any activity or interest which may conflict with the provision of the Services". (Clause 30(h) of the contract)
- (c)-(e) The contract provides that the "contractor must notify the Contract Manager within seven (7) days of any change in the control, management or ownership of the contractor or any subcontractor, including (without limitation) any change from that identified in the Proposal" (clause 24.4(b)). This includes changes to:
- The company structure
 - Company shareholdings (any increase or decrease of more than 5%)

- People holding positions of authority of control
- (7) (a) Although the contract does not specifically provide for details of all contracts awarded to the private service provider or its subsidiary or parent companies by other Government agencies to be made known to the Department, the Department is aware that the current service provider also provides court services to the District Court Buildings (DCB) under sub-contract to the Western Liberty Group.
- (b)-(c) Michael McCarthy
- (d) The current service provider is 100% owned by G4S Australia Pty Ltd.
- (e) The current service provider does not have any subsidiary companies.
- (f) G4S Australia Pty Ltd (which forms part of G4S Asia Pacific, which in turn is a subsidiary of G4S Plc).
- (8) (a) Commercial in confidence.
- (b) No.
- (9) (a)-(g) Not applicable.
- (10) 19 December 2007.
- (11) Yes. The Department has sought to review the services and service delivery model on a number of occasions in order to better manage the financial and operational risks of the existing contract and also, in response to directions from Government, to consider other options for the delivery of services.
- (12) (a) It is currently in progress.
- (b) No. It is currently in commercial confidence until such time a decision is made by Cabinet regarding the future delivery of services.
- (13) The Government made the decision not to re-tender the services and to extend the Contract under those terms which were available at the time.

DALYELLUP REPORT — MILLENIUM INORGANIC CHEMICALS

1259. Hon Giz Watson to the Minister for Environment

I refer to the 2008 Dalyellup Annual Assessment Report (the report) of Millenium Inorganic Chemicals (MIC) —

- (1) Will the Minister table the full report, including the radiological testing results?
- (2) Did MIC provide a report to the Department of Environment and Conservation, about their response to the high levels of heavy metals in the Kemerton Filtrate Levels in mid-2007 outlined on page seven of the report?
- (3) If yes to (2), will the Minister explain MIC's response to the exceedance?
- (4) If no to (2), did MIC breach Condition G2(iv) of their 2007 licence, namely to provide a summary of incident and exceedance reports and discussion of any significant responses taken to minimise the likelihood of reoccurrence?
- (5) How will the Department ensure that the levels of heavy metals in the Kemerton Filtrate do not exceed the Australian Drinking Water Guidelines in the future?

Hon DONNA FARAGHER replied:

- (1) Yes. [See paper 1534.]
- (2) MIC provided a report about the levels of heavy metals in the Filtrate Levels in its 2007 Annual Assessment Report, which was lodged with DEC on 30 June 2008.
- (3) The information provided by MIC in its 2007 Annual Assessment Report showed that one heavy metal sample in September 2007 was reported as having a level outside the statistically significant range for the full data history. This result was considered an anomaly and can be discounted on a statistical basis as likely to be due to other (unknown) factors, as it lies outside the normal range of expected results. As MIC was not able to determine a process reason for that sample, MIC concluded that the sample was not reliable and should not be considered as representative of the heavy metal concentration level for that month.

On 24 July 2009, DEC requested that MIC undertake two independent reviews of groundwater and ocean and shoreline impacts caused by metals within filtrates to support its current licence

application. DEC has received the reports from MIC and is currently assessing the reports as part the licence assessment process.

- (4) Not applicable.
- (5) DEC uses the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000) for comparison with samples taken by MIC, as the shallow groundwater at Dalyellup is not a drinking water source. Therefore, the Australian Drinking Water Guidelines are not applicable.

NATURAL RESOURCE MANAGEMENT — FUNDING

1260. Hon Giz Watson to the Minister for Child Protection representing the Minister for Agriculture and Food
I refer to the answer to question four, of my question without notice No. 708 dated Tuesday, 11 August 2009, and ask —

- (1) Regarding the \$30 million in the 2009-10 budget allocated for a state natural resource management program, have approvals for allocating part of those funds to state agencies and departments been finalised yet?
- (2) If yes to (1), —
 - (a) how much in total will be directed to state agencies and departments; and
 - (b) what is the breakdown for each Agency and Department?

Hon ROBYN McSWEENEY replied:

- (1) Yes
- (2) (a) \$20 434 513
Note: State agencies have been requested to ensure that, wherever possible, components of projects are to be delivered by community groups or other non-government organisations.
- (b) Department of Agriculture and Food \$1 990 000
Department of Environment and Conservation \$4 704 000
Department of Fisheries \$2 235 000
Department of Planning \$1 150 000
Department of Water \$6 425 513
Multi-agency projects \$3 930 000

STUDENTS IN YEARS 11 AND 12 — EDUCATION RETENTION RATE

1261. Hon Alison Xamon to the Minister for Energy representing the Minister for Education
I refer to the Acts Amendment [Higher School Leaving Age and Related Provisions] Act 2005, and ask —

- (1) What is the current education retention rate for students in years 11 and 12?
- (2) What is the current participation rate of 16-17 year olds in education, employment and/or training?
- (3) How many participation managers and coordinators are currently employed?
- (4) Where are they deployed?
- (5) What are their caseloads?
- (6) Please advise the outcomes and any follow up support arising from students' contact with participation coordinators in 2009?
- (7) What other programs are in place to provide individualised case management to students at risk of disengaging from school, training or employment?

Hon PETER COLLIER replied:

- (1) The current education retention rate for students in Year 11 is 95.5 per cent and for students in Year 12 is 72.5 per cent.
- (2) The level of participation for 16 and 17 year olds in education, training, approved employment or combinations of options, is 95.2 per cent.
- (3) There are currently 14 Managers Participation, 10 Senior Participation Coordinators, 62 Participation Coordinators and four Participation Support Officers employed.
- (4) These officers are currently deployed in the following education districts:

	Manager Participation	Senior Participation Coordinator	Participation Coordinator	Participation Support Officer
Albany District	1	-	3	
Bunbury District	1	-	3	
Canning District	1	2	9	1
Esperance District	1	-	2.5	
Fremantle-Peel District	1	2	9	1
Goldfields District	1	1	2.5	
Kimberley District	1	-	3	
Midlands District	1	1	2	
MidWest District	1	-	4	
Narrogin District	1	-	2	
Pilbara District	1	-	3	
Swan District	1	2	8	1
Warren-Blackwood District	1	-	3	
West Coast District	1	2	8	1
TOTAL	14	10	62	4

- (5) Case loads for district participation staff are on average 226 (metropolitan), 220 (regional) and 122 (remote). Participation Coordinators provide individualised support services to approximately 50 — 80 clients per month. Individual cases are classified as low to severe risk and a balance is sought for each Participation Coordinator's case load.
- (6) Outcomes for young people resulting from intervention from Participation Coordinators include: apprenticeships, traineeships, Community Based Courses, private registered training organisations, senior school engagement programs, enrolment at another school, meaningful employment, specialised program or tertiary institutions.
- Follow up support includes: regular monitoring and support with young people, their family and the provider; brokering access to external support agencies (e.g. drug and alcohol assistance); transport assistance; food welfare services; Centrelink; multi-cultural services; family intervention; and Notices of Arrangements.
- (7) Services to assist young people at risk of disengaging include school psychologists and other career support staff in schools. A range of specialist programs are offered by schools (e.g. Senior School Engagement Programs), and by community based organisations, private registered training organisations and TAFEWA colleges. A range of Commonwealth programs will provide some complementary services.

HOME BIRTHS REVIEW — RECOMMENDATIONS

1264. Hon Nigel Hallett to the Minister for Transport representing the Minister for Health

I understand that a steering committee has been established to progress the implementation of the recommendations from the Western Australian Home Births Review 2008, —

- (1) Can you please advise the current status, in particular in relation to implementing recommendation 20, 'a Community Midwifery Program could be established in the South West area'?
- (2) The previous Government announced that the Improving Maternity Services Policy released in January 2008 outlined the direction Western Australian health would take over the coming five years. As part of the implementation of this policy the previous Minister stated that Western Australian Health was investigating the feasibility of establishing a birth centre in the South West, if this policy is still current, please advise the status and projected timeframe for the completion of this study?

Hon SIMON O'BRIEN replied:

- (1) Yes. The steering committee is currently assessing the recommendations and will submit a report on all the recommendations of the WA Home Births Review 2008 to the Department of Health's State Health Executive Forum for consideration by late November 2009.
- (2) The Improving Maternity Services Policy is still current. No commitment is made within this policy to investigate the feasibility to establish a birth centre in the South West. However, recently the Minister

for Health has requested that Bunbury Regional Hospital along with the Community Midwifery Program through the North Metropolitan Area Health Service investigate this option.

JANDAKOT AIRPORT — RUNWAYS EXTENSION

1266. Hon Lynn MacLaren to the Minister for Child Protection representing the Minister for Planning

The lessee of Jandakot Airport, Ascot Capital Limited, a development company with no background in aviation, has recently released for public comment its revised master plan for the development of Jandakot Airport. The master plan includes a proposal to extend two existing runways and construct a new fourth runway, as well as a significant non-aviation mixed business commercial precinct, —

- (1) What area (in size and percentage) of the 167 ha of Banksia woodland on the site to be cleared, is for the fourth runway?
- (2) What area (in size and percentage) of the 167 ha to be cleared is for the proposed mixed business commercial development?
- (3) Does the airport already contain a 132 ha commercial precinct?
- (4) How much of the existing commercial area is currently vacant?
- (5) Does 53 ha of this existing commercial precinct remain to be cleared?
- (6) How many developed businesses are currently operating out of the commercial precinct?
- (7) Why is this area being developed for commercial uses when there is existing development in Cockburn Central and Armadale Road?
- (8) How does this proposal comply with the Minister's statements in Directions 2031 which promised to prioritise land already zoned as urban?
- (9) How does this proposal relate to the strategic industrial sites identified for the region in Directions 2031?
- (10) How does this proposal comply with the key strategic theme of a 'Responsible city' in Directions 2031 in which a key principle was to prioritize the development and use of land that is already zoned urban or urban deferred?
- (11) How does this development support the Minister's proposal in Directions 2031 to introduce a Green Network, which promises to protect and manage significant biodiversity areas, protect water supplies, protect our coastline, reduce greenhouse gas emissions and energy use, promote the reduction of the amount of waste generated and promote reuse and recycling, improve air quality, integrate natural resource management into land use planning, and expand and enhance our open space network (p.32)?

Hon ROBYN McSWEENEY replied:

Preliminary Background

Jandakot Airport is located on land owned by the Federal Government and in accordance with Section 81 of the Federal Airports Act 1996, the authority to approve or refuse development at the airport rests with the Federal Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon Anthony Albanese MP. This includes the approval of the Jandakot Airport Preliminary Draft Master Plan 2009 which has been advertised by Jandakot Airport Holdings for public comment in accordance with the Airports Act 1996.

Neither the Western Australian Planning Commission nor myself have any legislative authority to approve or refuse development at the airport. In addition, the Western Australian Planning Commission and the Department of Planning are not involved with the detailed planning of the airport. This is undertaken by Jandakot Airport Holdings in association with the Federal Department of Infrastructure, Transport, Regional Development and Local Government.

A wide range of issues have been raised in the State Government's submission(which is tabled) on the draft master plan. This submission has been forwarded to Jandakot Airport Holdings. The Federal Minister for Infrastructure, Transport, Regional Development and Local Government, the Hon Anthony Albanese MP and Federal Minister for the Environment, the Hon Peter Garrett MP.

The State Government will also continue to liaise with Jandakot Airport holdings regarding the issues of concern.

(1)-(11) [See paper 1536.]

JANDAKOT AIRPORT — FLYING TRAINING EXPANSION

1267. Hon Lynn MacLaren to the Minister for Transport

- (1) To what extent does the partnership between the Department of Transport and Jandakot Airport Holdings (JAH) exist in promoting and supporting JAH in the expansion process of the airport in increasing flying training both from overseas and local flight training organisations?
- (2) The Department of Transport actively promote Jandakot on their web site and promote the Jandakot airport consultative committee (JACC) process and the fly neighbourly campaign as policy, —
 - (a) when was the last time the JACC met;
 - (b) how is the Fly Neighbourly campaign progressing; and
 - (c) is the campaign it supported by Air Services Australia?
- (3) The Western Australian Government Policy Planning Paper 5.3 on Jandakot produced in 2006, was created at the behest of the DPI Aviation Planning Manager of the day, when it became clear and apparent that no policy existed. How does this Planning Paper compare with the planning policy for Perth Airport of 2003?
- (4) Why is the Planning Policy Paper 5.3 still being used by Western Australian aviation policy planning in support of expansion at Jandakot?
- (5) Is there any intention for the government to create a second General Aviation airport for Perth, which has been recognised as necessary since 1992, in order to support the reduction of the expansion of Jandakot and its associated noise, pollution, and environmental impact problems?

Hon SIMON O'BRIEN replied:

- (1) Jandakot Airport is leased by Jandakot Airport Holdings from the Commonwealth Government and is under the jurisdiction of Airservices Australia. The responsible Federal Minister is the Hon Anthony Albanese MP, Federal Minister for Infrastructure, Transport, Regional Development and Local Government. This is similar to the arrangement with Perth Airport that is leased by the Western Australian Airports Corporation (WAC). As such the Western Australian Government has no jurisdiction over aircraft routes, noise or what occurs on both Perth and Jandakot airport land.

Jandakot Airport is the only general aviation airport in the Perth Metropolitan Region and is an important infrastructure asset for Western Australia, generating substantial economic benefits for the State.

Jandakot Airport Holding's (JAH) recently released their Draft Master Plan for comment. JAH's stated vision from this Master Plan is "...to successfully develop and manage Jandakot Airport as a strategically significant aviation hub with a supporting business campus." Of note, the Airport supports a significant number of flight training schools and a large contingent of students from Australia and internationally. Again from the Master Plan it has been identified that the Airport's future growth in general aviation activity will in part be directly linked to flight training.

Over the next five years, JAH intends to invest a total of \$60 million in infrastructure and in excess of \$1 billion in development of the precincts to support the vision of the Master Plan.

While the Airport and airspace are ultimately controlled by the Commonwealth Government, the State of WA and the Department of Transport have a major interest in the Airport's contribution to the economy and therefore flight training.

- (2)
 - (a) The Jandakot Airport Community Consultative Committee last met on the 7th September 2009.
 - (b) Feedback from JAH and the responsible Commonwealth authority in Airservices Australia suggests the Fly Neighbourly Campaign is working well and reminders are regularly made to flight training school operators and other general aviation airport users to comply with the Fly Neighbourly Campaign.
 - (c) As outlined above the responsible Commonwealth Government agency for the Fly Neighbourly Campaign is Airservices Australia.
- (3) While this question should be referred to the Minister for Planning, I advise that the Western Australian Government Policy Paper 5.3 (Policy), produced by the Western Australian Planning Commission in March 2006, was a Statement of Planning Policy for the Jandakot Airport Vicinity. It applied to land in the vicinity of Jandakot Airport which may be affected by aircraft noise associated with the movement of aircraft.

The objectives were to:

- protect Jandakot Airport from encroachment by incompatible land use and development, so as to provide for its ongoing, safe, and efficient operation; and
- minimize the impact of airport operations on existing and future communities with particular reference to aircraft noise.

To achieve these objectives, it utilised the traditionally used Australian Noise Exposure Forecast (ANEF) system which is the most suitable modelling tool for land use planning. The modelling once undertaken is then ratified by Airservices Australia. For Jandakot Airport it determined two areas a "Core Area" defined by the 20 ANEF contour and the "Frame Area" defined by the area between the 20 ANEF contour and Roe Highway, Ranford Road, Warton Road, Armadale Road and Kwinana Freeway.

The areas within the ANEF contours at Jandakot Airport are substantially smaller than for the respective ANEF contours around Perth Airport, despite the substantially greater volume of movements at Jandakot. For example the area inside the 25 ANEF contour for Jandakot Airport is around 400ha, which compares with an area of some 3200ha inside the 25 ANEF contour for Perth Airport.

- (4) It was noted in the Policy that there are deficiencies with the ANEF system especially as it had not been validated for use in relation to general aviation airports. But as there was no appropriate method available, the ANEF system had to be utilised to develop this Policy. The Policy recommended that national guidelines be developed for land use planning around general aviation airports.

The question as to why the Planning Policy Paper 5.3 is still being used should be referred the Minister for Planning.

- (5) Jandakot Airport has indicated in its Draft Master Plan 2009, that the airport will reach its theoretical capacity during 2027/28. Similarly the Perth Airport Draft Master Plan 2009 has forecast that, with proposed developments, it will comfortably service the expected increased demands for approximately the next fifty years.

I am advised by my Department that they are cognisant of the fact that long term planning for a Second General airport facility is necessary, especially given the unprecedented growth in demand for air services in the last 10 years. The need to set aside land reserves and undertake the appropriate planning has been raised with the Department for Planning, and the Government will continue to monitor the situation closely to ensure that appropriate facilities are provided in the longer term.

CHILD CARE OPERATORS — REGULATION BREACHES

1270. Hon Sue Ellery to the Minister for Community Services

- (1) How many breaches of regulations by child care operators have occurred in the period 1 July 2009 to 30 September 2009, by licensed category?
- (2) How do the number of breaches compare to the same period in 2008?
- (3) How many of breaches listed in (1), have proceeded to prosecution?
- (4) What is the outcome of those prosecutions?

Hon ROBYN McSWEENEY replied:

(1)	Child Care breaches	411
	Family Day Care breaches	120
	OSHC breaches	81
	Total breaches	612
(2)	Child Care breaches	232
	Family Day Care breaches	46
	Outside School Hours Family Day Care breaches	1
	Outside School Hours Care breaches	23
	Total breaches	302

The increase in breaches from 2008 to 2009 was caused by Child Care Licensing conducting more checks of services, more thorough checks of services, and more training in compliance for licensing officers to help them better identify breaches.

The increased number of checks over the period this year (675) compared to the same period last year (477) is a result of more services coming up for licence renewal. Part of the renewal process requires a licensing officer to visit and perform a complete service check (which is more likely to find minor issues such as incorrect procedures), instead of the smaller spot check that is conducted annually.

In 2006 the regulations governing the licensing of child care centres were amended to change the licence period from two years to three years; one of the results of that was that between 1 July 2008 and 31 December 2008, no services applied to renew their services, so the only full checks conducted were for those services that had applied for a new licence, or that CCLSU felt required a full check.

- (3) No breaches listed in (1) warranted prosecution.
- (4) Not applicable

CHILDREN AND FAMILY SERVICES — INTEGRATED SERVICE DEVELOPMENT

1271. Hon Sue Ellery to the Minister for Community Services

Following the collation of the discussion paper feedback in July 2009, what is the timeline for the delivery of an integrated service development for children and family services?

Hon ROBYN McSWEENEY replied:

There is no defined timeline for the delivery of an integrated services model for children and family services. Work to progress integration in Western Australia is being underpinned by the National Early Childhood Development Strategy (NECDS). This was agreed for public release by the Council of Australian Governments at its 2 July 2009 meeting.

Officers from the Department for Communities and the Department of Education and Training are currently involved in meeting compelling timelines for the first component of the NECDS. This initial component aims to bring early education and care services closer together and improve quality. It includes the development of an integrated licensing and accreditation system and a rating system to provide easily accessible information on quality to parents.

The discussion paper, 'Integrated Services: A framework for children and family services' developed by the Department for Communities (DfC) aimed to promote ongoing dialogue about integrated service development in Western Australia.

The feedback from this is being analysed and a report will be placed on the DfC website.

An Interagency Senior Officers Group has responsibility for implementing the COAG early childhood agenda in Western Australia. DfC will be proposing to the membership of this group that they oversee the development of a further paper on the delivery of integrated services. This would ensure Western Australia is well positioned to influence further development of the NECDS. The Strategy

DEPARTMENT FOR COMMUNITIES — RESIDENTIAL PLACES

1274. Hon Sue Ellery to the Minister for Child Protection

I refer to page 12 of the 2008-09 Annual Report, and I ask —

How many of the 84 additional tier one residential places put to tender through the non-Government sector, have been delivered?

Hon ROBYN McSWEENEY replied:

Tenders have been let for the 84 beds to be rolled out over 10 months. The first 20 beds are currently being established and will be delivered in the coming weeks.

GENETICALLY MODIFIED CROPS — UWA INFORMATION FORUM

1277. Hon Giz Watson to the Minister for Child Protection representing the Minister for Agriculture and Food

- (1) What was the total cost of holding the recent Department of Agriculture and Food's information forum at UWA on GM crops, including venue hire, refreshments, publications, invitations and administration?
- (2) Why was the forum held?
- (3) Will the Minister fund to the same value a forum to promote the values of non-GM and organic farming?
- (4) If no to (3), why not?
- (5) Did any company or individual provide assistance of any kind with the forum?
- (6) If yes to (5), will the Minister provide details?
- (7) Was consideration given to provide a contrary view to the pro-GM speakers?
- (8) Why wasn't a contrary view presented?
- (9) Does the Department have a pro-GM policy?
- (10) If yes to (9), please table this policy?

Hon ROBYN McSWEENEY replied:

- (1) \$22 754
- (2) The aim of the forum was to provide information on the Australian regulatory system for genetically modified (GM) crops to members of the Western Australian community.
- (3) No
- (4) The Department of Agriculture and Food works to support every opportunity for current and future agricultural production. This includes work to support small land holders, conventional farmers, organic farmers and also work to engage the urban community in extending the biosecurity surveillance network.
- (5) Yes
- (6) The Office of the Gene Technology Regulator and Food Standards Australia New Zealand paid for the airfares and accommodation of their representatives. Agrifood Awareness provided advice on possible speakers. Estill and Associates were contracted to prepare the invitation list and to record the names and addresses of persons who agreed to attend the forum.
- (7) The speakers were not pro-GM. The first two speakers were representatives of the independent bodies responsible for the regulation of GM crops in Australia. The third speaker was a farmer who grew GM canola last season but opted not to grow it this season because it did not fit into his cropping system.
- (8) The forum was designed to provide information on the Australian regulatory system rather than to debate the pros and cons of GM crops. There was an opportunity at the end of the forum for discussion.
- (9) No
- (10) Not applicable

"RIBBONS OF BLUE" ENVIRONMENTAL PROGRAM — FUNDING

1280. Hon Alison Xamon to the Parliamentary Secretary representing the Minister for Regional Development
I refer to the Ribbons of Blue environmental education program, and ask —

- (1) Will any Royalties for Regions funding be made available to the Ribbons of Blue program for this financial year?
- (2) If yes to (1), how much?
- (3) If no to (1), why not?

Hon WENDY DUNCAN replied:

- (1) The Minister for Regional Development; Lands announced the allocation of \$45 million for the second round of the Regional Grants Scheme on 20 October 2009, which is administered by the nine Regional Development Commissions. Each of the nine regions will distribute \$5 million through a contestable Regional Grants Scheme and this will close 10 February 2010.

Ribbons of Blue organisations can apply through the Regional Grants Scheme to support their activities if they can demonstrate how the program meets the broad intent of the Royalties for Regions program objectives.

- (2)-(3) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — COMPLAINTS MANAGEMENT UNIT

1289. Hon Ljiljana Ravlich to the Minister for Mines and Petroleum

For each Department and Agency within the Minister's portfolios, —

- (1) Does the agency have a complaints management unit?
- (2) If yes to (1), how many complaints have been received by the agency since 23 September 2008?
- (3) What are the categories of complaints received?
- (4) What is the nature of complaints in each category?
- (5) How many of the total complaints fall into each category?
- (6) How many complaints in each category are under investigation by the Corruption and Crime Commission?

Hon NORMAN MOORE replied:

Department of Mines And Petroleum

- (1) No. Complaints are received and managed via a Complaints Management System.
- (2) 13 complaints were received via the Complaints Manager System between 23 September 2008 and 3 November 2009.
- (3) Products and services
Staff issues
Website
Multiple areas
- (4) Products and Services: Duplication of name on a mailing list;
Lack of response on a "Helpline" phone number;
Difficulty in contacting a Division;
Inability to access information on departmental databases; and
Accessibility to Geological Survey digital exploration packages.

Staff issues: Complaint regarding response from a staff member.

Website: Difficulty locating information.
Request for update to a link.

Multiple areas : Difficulty locating information and inability to make phone contact with an area of the department.
- (5) Products and Services: Six
Staff issues: One
Website: Five
Multiple areas: One
- (6) Nil

Minerals And Energy Research Institute of Western Australia

- (1) No
- (2)-(6) Not Applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — COMPLAINTS MANAGEMENT UNIT

1290. Hon Ljiljanna Ravlich to the Minister for Fisheries

For each Department and Agency within the Minister's portfolios, —

- (1) Does the agency have a complaints management unit?
- (2) If yes to (1), how many complaints have been received by the agency since 23 September 2008?
- (3) What are the categories of complaints received?
- (4) What is the nature of complaints in each category?
- (5) How many of the total complaints fall into each category?
- (6) How many complaints in each category are under investigation by the Corruption and Crime Commission?

Hon NORMAN MOORE replied:

- (1) No. The Department of Fisheries addresses any complaints received through its Fisheries Feedback Management System.
- (2) No complaints have been received since 23 September 2008 through the Fisheries Feedback Management System.
- (3)-(6) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — COMPLAINTS MANAGEMENT UNIT

1295. Hon Ljiljanna Ravlich to the Minister for Disability Services

For each Department and Agency within the Minister's portfolios, —

- (1) Does the agency have a complaints management unit?
- (2) If yes to (1), how many complaints have been received by the agency since 23 September 2008?

- (3) What are the categories of complaints received?
- (4) What is the nature of complaints in each category?
- (5) How many of the total complaints fall into each category?
- (6) How many complaints in each category are under investigation by the Corruption and Crime Commission?

Hon SIMON O'BRIEN replied:

- (1) The Disability Services Commission has a complaints management process in place for Commission provided services.
- (2) 45 complaints were received from 23 September 2008 to 6 November 2009.
- (3)-(4) Complaints are categorised according to the Disability Services Standards:
 - Service access—Each consumer seeking a service has access to a service on the basis of relative need and available resources. ;
 - Individual needs —Each person with a disability receives a service which is designed to meet, in the least restrictive way, his or her individual needs and personal goals;
 - Decision making and choice —Each person with a disability has the opportunity to participate as fully as possible in making decisions about the events and activities of his or her daily life in relation to the services he or she receives. ;
 - Privacy, dignity and confidentiality — Each consumer's right to privacy, dignity and confidentiality in all aspects of his or her life is recognised and respected.;
 - Participation and integration — Each person with a disability is supported and encouraged to participate and be involved in the life of the community.;
 - Valued status — Each person with a disability has the opportunity to develop and maintain skills and to participate in activities that enable him or her to achieve valued roles in the community.;
 - Complaints and disputes — Each consumer is free to raise and have resolved, any complaints or disputes he or she may have regarding the service provider or the service.
 - Service Management- Each service provider adopts sound management practices which maximise outcomes for consumers.
 - Protection of Human Rights and Freedom from Abuse and Neglect — The service provider acts to prevent abuse and neglect, and to uphold the legal and human rights of consumers.
- (5) See table below.

Disability Service Standard	Number of Complaints Received (23/09/08 — 06/11/09)
Service Access	15
Individual Needs	29
Decision Making	1
Privacy, Dignity and Confidentiality	4
Participation and Integration	0
Valued Status	1
Complaints and Disputes	0
Service Management	17
Protection of Human Rights and Freedom from Abuse and Neglect	4

- (6) No complaints are under investigation by the CCC.

GOVERNMENT DEPARTMENTS AND AGENCIES — COMPLAINTS MANAGEMENT UNIT

1299. Hon Ljiljana Ravlich to the Leader of the House representing the Minister for Sport and Recreation
For each Department and Agency within the Minister's portfolios, —

- (1) Does the agency have a complaints management unit?

- (2) If yes to (1), how many complaints have been received by the agency since 23 September 2008?
- (3) What are the categories of complaints received?
- (4) What is the nature of complaints in each category?
- (5) How many of the total complaints fall into each category?
- (6) How many complaints in each category are under investigation by the Corruption and Crime Commission?

Hon NORMAN MOORE replied:

DEPARTMENT OF SPORT AND RECREATION

- (1) No. The Departments complaint management processes operate without a dedicated unit.
- (2) One.
- (3)-(4) Recruitment and Selection.
- (5) One.
- (6) None.

VENUESWEST

- (1) VenuesWest does not have a complaints management unit. VenuesWest complaints are handled by the Customer Service Coordinator and Customer Services Officers or they go directly to Branch Managers or Directors. Venueswest uses a Patron Comment electronic logging system for all complaints and customer feedback
- (2) 228 complaints have been received by the agency since 23 September 2008
- (3) The categories of complaint received were:
 - Equipment
 - Food and beverage
 - Cancelled services
 - Staff matters
 - Crèche
 - Cleanliness
 - Fees
 - Lack of Facilities
 - Maintenance
 - Pool
 - Timetables
 - Bookings
 - Miscellaneous
- (4) The nature of complaints within each category are as follows:

(1)	Equipment	Broken or poorly operating equipment
(2)	Food and beverage	Poor service, lack of choice, restricted opening hours, not enough healthy options
(3)	Cancelled services	Classes cancelled
(4)	Staff matters	Rude, lack of knowledge, waiting times, incorrect information provided
(5)	Crèche	Use of a booking system, lack of spaces available
(6)	Cleanliness	Cleaning of toilets, emptying of bins, general up keep of venue, rubbish build up in events, no regular cleaning, lack of flexibility
(7)	Fees	Fees too high
(8)	Lack of Facilities	Not enough equipment, lack of space, lack of programmes
(9)	Maintenance	Capital items around the venues broken or in a state of disrepair.
(10)	Pool	General operating matters particularly to do with water quality, space and access
(11)	Timetables	Not enough classes, wrong times, lack of variety, poor music
(12)	Bookings	Incorrect and unavailable bookings
(13)	Miscellaneous	Specific matters relating to individuals

- (5) The total complaints respectively fall into each of the categories as follows:

Category	Totals
Equipment	1
Food and Beverage	8
Cancelled Services	13
Staff Matters	22
Creche	3
Cleanliness	24
Fees	4
Lack of Facilities	39
Maintenance	22
Pool	27
Timetables	16
Bookings	0
Miscellaneous	49
TOTAL	228

- (6) VenuesWest is not aware of any complaints under investigation by the Corruption and Crime Commission.

WESTERN AUSTRALIAN INSTITUTE OF SPORT

- (1) No
 (2)-(6) Not Applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — COMPLAINTS MANAGEMENT UNIT

1306. Hon Ljiljanna Ravlich to the Minister for Child Protection representing the Minister for Agriculture and Food

For each Department and Agency within the Minister's portfolios, —

- (1) Does the agency have a complaints management unit?
- (2) If yes to (1), how many complaints have been received by the agency since 23 September 2008?
- (3) What are the categories of complaints received?
- (4) What is the nature of complaints in each category?
- (5) How many of the total complaints fall into each category?
- (6) How many complaints in each category are under investigation by the Corruption and Crime Commission?

Hon ROBYN McSWEENEY replied:

- (1) Yes
- (2) The department has received a total of 13 complaints since 23 September, 2008.
- (3) There is no specific categorisation of complaints.
- (4) For the purposes of this enquiry the complaints have been put into four groups:
 - Accuracy of Information — related to information released through the department's website, press releases or publications.
 - Buildings — adequacy and upkeep of buildings and facilities.
 - Conduct of Officers — actions of Department of Agriculture and Food (DAFWA) officers in carrying out their duties.
 - Regulations — the department's actions in relation to enforcing or monitoring activities under its legislative control.

All complaints came from persons outside the organisation.

- (5) Four complaints were regulatory in nature, four concerned the accuracy of information, one concerned the state of buildings and four related to conduct of officers.
- (6) Nil

GOVERNMENT DEPARTMENTS AND AGENCIES — COMPLAINTS MANAGEMENT UNIT

1307. Hon Ljiljanna Ravlich to the Minister for Child Protection representing the Minister for Forestry
For each Department and Agency within the Minister's portfolios, —

- (1) Does the agency have a complaints management unit?
- (2) If yes to (1), how many complaints have been received by the agency since 23 September 2008?
- (3) What are the categories of complaints received?
- (4) What is the nature of complaints in each category?
- (5) How many of the total complaints fall into each category?
- (6) How many complaints in each category are under investigation by the Corruption and Crime Commission?

Hon ROBYN McSWEENEY replied:

- (1) There is no formal complaints management unit within the Forest Products Commission (FPC). The FPC has a complaints management policy and system and an Officer that coordinates responses through the system.
- (2) Thirteen complaints have been recorded since 23 September 2008 to present.
- (3) Categories of complaints received:
 - Contractual
 - Native Forests
 - Sandalwood
- (4)-(5) Nature and number of complaints for each category:
 - Contractual category relates to complaints regarding the evaluation and outcome of tenders — 4
 - Native forest category includes complaints regarding harvesting and operations in native forests — 6
 - Sandalwood category involves complaints regarding operational issues — 3
- (6) The FPC is not aware of any complaints made to the agency being under investigation by the CCC.

STARLING ERADICATION PROGRAM — PRIORITY

1314. Hon Giz Watson to the Minister for Child Protection representing the Minister for Agriculture and Food
Referring to the Minister's media statement on 19 October 2009, State Government commits \$400 000 to help eradicate starlings, as well as to question No. 219 asked in the Legislative Assembly on 9 January 2009 by Mick Murray MLA, I ask —

- (1) Why does the Minister consider the eradication of starlings as a priority goal for Natural Resources Management?
- (2) What projects will be funded from the \$400 000?
- (3) What agencies will receive the funding?
- (4) The media statement refers to an estimated 300 starlings currently in Western Australia, what is the evidence to support this estimate?
- (5) Who made this estimate?
- (6) Has John Parkes (from Landcare Research, New Zealand) who was commissioned by the Department of Agriculture and Food in mid-2008, to review the effectiveness of the program to eradicate starlings from the South Coast of Western Australia, completed his report?
- (7) If yes to (6), will the Minister table that report?
- (8) If no to (7), why not?

Hon ROBYN McSWEENEY replied:

- (1) Biosecurity has been identified as one of the Government's key Natural Resource Management priorities, and starlings represent a significant biosecurity threat. If starlings became established in Western Australia they would have a significant impact on our grains and horticulture industries. They would also impact on community, social and tourism values, cause considerable damage to property and crowd out native birds.

- (2) These funds will be used to enhance surveillance for starlings in the areas where starlings have been reported to occur and to facilitate early removal of starlings by trapping and shooting, and the removal of nests.
 - (2) The Department of Agriculture and Food will receive the funding.
 - (3) The media statement estimate of 300 starlings remaining at the end of April 2009 was based on the extensive surveillance by field staff of the area where starlings are known to occur, adjusted for the biology/dynamics of starling populations.
 - (5) Estimate was arrived at in consultation between Dr Andrew Woolnough (Manager, Animal Pest Research and Advisory Service), and Mr Ron Payne (Manager, Starling Management).
 - (6) The report produced by John Parkes has been completed.
 - (7) [See paper 1535.]
 - (8) Not applicable
-