ADJOURNMENT OF THE HOUSE

HON KIM CHANCE (Agricultural — Leader of the House) [9.51 pm]: I move —

That the house do now adjourn.

Teacher Enterprise Bargaining Agreement — School Clusters — Adjournment Debate

HON PETER COLLIER (North Metropolitan) [9.51 pm]: I would like to make a couple of comments about a few education issues that have transpired particularly over the past week. The first issue concerns the fact that the enterprise bargaining agreement between the government and the State School Teachers' Union has not been agreed to. Quite frankly, at a time when teachers need to be shown more than ever that they are valued by the community and the government, this EBA should be done and dusted. It should have been signed off in October last year. It still has not been signed off. Hundreds of teachers are resigning and morale is at an all-time low. If the government wants to stop this crisis in our public education system, it needs to sign the teachers' EBA and show teachers that it values them.

I have made a number of comments about the fact that the government's strategies on this EBA agreement have been fatally flawed. In particular, the advertising campaign launched by the Minister for Education and Training a couple of months ago was blatantly misleading. It compared 2011 salaries for Western Australian teachers with teacher salaries in the other states for 2008, claiming that Western Australian teachers were the highest paid in the land. Of course, that was nonsense. I tried on numerous occasions to get responses from the minister about the misleading advertising on which the government was spending tens of thousands of dollars. However, as with most questions I ask the minister, they were avoided and I was told to put them on notice, and when I do that, it takes months to get responses to them. However, I received a reply to one question regarding the advertising campaign. Members will see why the advertisement was misleading. I was stating the bleeding obvious; that is, we cannot compare Western Australian 2011 teacher salaries with 2008 teacher salaries in the other states and say that Western Australian teachers are the highest paid in the land. I asked the following question on 18 March —

> (2) Given that the advertisement states, in part, "This is what the government wants to pay classroom teachers", and, "Current pay $72,844: New pay $84,357", is it misleading in that it clearly implies that all teachers will be on this salary level?
>
> (3) If no to (2), will all teachers, at all levels, be the highest paid in Australia by February 2011 under the government's offer?

I received, in part, the following reply —

> (3) It is impossible for anyone to exactly predict what pay will apply in other states in 2011, given that those states have yet to start their negotiations. Reasonable assumptions can be made based on wages policy in those states. Based on those assumptions —

They are assumptions. It continues —

> Western Australian teachers at senior teacher level 2 will be the highest paid in Australia by 2011

We cannot assume that teachers in all the other states would not negotiate with their governments and that, in fact, their salaries would remain static while those in Western Australia increased under the current EBA agreement. Of course, that did not happen, and yesterday Victorian teachers were given a massive pay increase.

Hon Kim Chance: Fifteen per cent over three years, plus trade-offs?

Hon PETER COLLIER: I have not finished yet. It will make Victorian teachers the highest paid in the nation. *The Age* of 6 May reads —

> Victorian teachers will jump from being the worst paid in the country to the highest paid under a landmark deal designed to lure more talent to the profession and stem the tide of those leaving for other jobs.
>
> After three statewide teacher strikes, five weeks of rolling stoppages and 14 months of negotiations, public school teachers at the top of the classroom scale will now get an annual salary of $75,500 a year — an increase of about $10,000 — while graduate teachers will earn $51,184 — a jump of $5,000.

It states further on —

> The move means some of Victoria's newest teachers will get a wage rise of 38% over the next 3½ years, and senior teachers will eventually earn almost 33% more as the Government creates a new salary increment for "expert" teaching staff.
>
> "This is, I think, the best EBA by a long way, that we've signed in government. It's about building a better education system. It's been about rewarding teachers properly too. I've been a teacher, Bronwyn's been a teacher — so we know about teaching, we know about the demands . . . it's important that we pay our teachers well, and that's what this EBA does."

That was about the Victorian EBA and shows that this government's advertising campaign about teachers' salaries in Western Australia is patently misleading.

Coupled with that, yesterday the Director General of the Department of Education and Training met about 185 public school principals and told them how parlous the situation is now and explained the prospect for our public education system. Our public education system is under serious threat at the moment. There has been a significant drift of students to the private sector over recent years. Literally hundreds of teachers are leaving the profession and, unless we do something about it, the situation will continue to deteriorate.

One of the department's proposals is to cluster schools and, therefore, transport students from one school to another. A small number of students taking a particular subject will be bussed to another school. In some instances, when only two or three students choose a subject, it is inevitable that the school will not be able to deliver the subject. However, we are talking about a whole new process in the notion of sharing subjects between schools. We are talking about potentially bussing thousands of students across the state from one school to another. Subjects such as the sciences, maths, design technology and particularly languages other than English, for which the teacher shortage is most parlous, will suffer the most. Inevitably, students who want to study the more difficult subjects of calculus, physics, maths and some of the sciences will be counselled into choosing subjects that their school is providing rather than catching a bus to another school across the other side of town. That is certainly inevitable. A number of subjects that will be provided in some schools will be seriously restricted, so students will be forced to go to other schools, and those students will be much more inclined to choose other subjects or move to the private sector. We must be mindful of that. It will be a sad day if we reach the stage at which students leave the public education system because they simply do not have the choices of subject in their school that alternative private schools or schools in the Catholic education system can provide. The best thing we can do is to acknowledge that we really do have a crisis on our hands with the shortage of teachers. The enterprise bargaining agreement needs to be done and dusted. We need to ensure that teachers are provided with what they deserve, which is a significant salary increase, so that practising teachers can be maintained in the classrooms and so that we can say to new graduates that teaching is not only a very rewarding job, which it is, but also a very lucrative job. Unless we do that, we will be faced with the very real prospect that the drift to the private sector will continue in earnest.

Alumina Refinery (Wagerup) Agreement and Acts Amendment Act Variation Agreement — Adjournment Debate

HON PAUL LLEWELLYN (South West) [9.59 pm]: This afternoon I tried to move for the suspension of standing orders to allow us to debate the disallowance of the variation agreement for the Alumina Refinery (Wagerup) Agreement and Acts Amendment Act 1978. The variation agreement effectively allowed the Western Australian government and the big American—that is, the Aluminium Company of America, now known as Alcoa—to have something of a secret deal attached to its state agreement act. The reason I needed to move for a suspension of standing orders to debate this matter was that this change to the state agreement act was quite unlike any other changes and was covered by the terms of the agreement rather than by a requirement that the standing orders kick in. The agreement said that if this matter was not brought up for debate in Parliament before 10 o'clock tonight, it would automatically come into force. At 10.01 pm, the new arrangement has now come into force without having undergone any parliamentary scrutiny.

The government would not allow us to debate this change to the agreement act because it thought it was not important enough. I challenge any member to tell me what that variation to the state agreement was about. The reason we did not know what it was about was that the Treasurer refused to answer several questions that I directed to him on this matter. We were eventually given those answers this afternoon, as the government knew full well that there was not going to be any debate on this matter and that it would be far too late anyway. This was not a major change to the state agreement act. It effectively allows Alcoa to sell off a small proportion of its land in Wagerup to Babcock and Brown Ltd for a co-generation facility. Again, the Greens (WA) have no problem with the co-location of a co-generation facility. In fact, these generation facilities should have been in operation 25 years ago. Of the gas that comes from the North West Shelf straight down to Alcoa, about 60 per cent is burned in the process of making alumina. In doing that, Alcoa generates vast amounts of heat, which should have been co-generated into electricity for the state electricity grid. It should never have been wasted.

Instead, Alcoa has flagrantly wasted that resource because it got it for something like 2c a kilowatt hour or a few cents per litre. Everybody else pays a great deal more than that for their electricity. Alcoa has been given the gas for next to nothing and has wasted it for at least 25 years. It has now entered into a special agreement with Babcock and Brown, or Alinta, to co-locate a facility on the Wagerup site. That has happened under a shroud of secrecy, with the Parliament not having the right to know what is going on. That is what is happening in Western Australia. The government used the state agreement variation process last year to upgrade Alcoa's refinery from four million to six million tonnes. We had to use extraordinary procedures then to have that matter debated in this house. On 10 April 2008, Hon Eric Ripper, the Treasurer, was asked whether he could explain the purpose of this particular change to the agreement act, but he ignored the question and said that it could not be answered. That is absolute rubbish. It was quite possible to answer that question and in fact we got the answer today and found out that indeed it was Alinta.

Some vigilant observers in the community understand that this is an agreement to locate Babcock and Brown's co-generation facility at Wagerup. Effectively it is splitting the emissions from the operations between Alcoa and Babcock and Brown and the special property purchase program that relates to the emissions of diesel particles and burning of this gas and the operation of Alcoa so that it becomes all mixed up and we do not know who bears the liability for having an impact on those communities. It serves the whole industrial complex there very well to have a few different owners and emissions coming from different operations so that liability is difficult to establish. We know from newspaper reports that a certain very famous American has taken up the cause of the people of Yarloop—namely Erin Brockovich—and that certain companies in Queensland are going to take up a class action on behalf of the people of Yarloop. Ironically, people from America will stand up for the people in Western Australia for being polluted and contaminated by a company that has its base in the United States of America. Not even the Western Australian government is standing up for the people in Yarloop—the people that I represent in the South West Region.

Instead we get secretive, obstructive, inappropriate and antidemocratic behaviour from the government in trying to disrupt the debate of a fairly benign but important change to the state agreement act. It turns out that the Community Alliance for Positive Solutions, which is based in Yarloop, seems to have got the drift and knows what this is about; it wrote a letter to members of state Parliament —

> **Ref . . . Hon. Paul Llewellyn MLC, Disallowance Motion; Sale of Land , Wagerup Cogeneration site**.
>
> We ask that you support this Disallowance Motion put by Hon. Paul Llewellyn MLC.
>
> There has been no community consultation with CAPS Inc., the major community stake holder, requires the following specific questions to be answered . . .
>
> 1. Why is Alcoa Selling this land and to who?
> 2. Who will own and operate the Co-generation plant?
> 3. Who will be responsible for the Air and Environmental Pollution?
> 4. Who will be responsible for the Water Usage?
> 5. Who will be responsible for the Salt Contaminated Waste Water?
> 6. Who will be responsible for the supply to the S.W. Grid?
> 7. Who will the Sale Benefit financially?
> 8. Who will be responsible for the impact on the local community?
> 9. Will a formal buffer zone be provided for this separate power generation plant?
> 10. Is this project an efficient allocation of WA's Consolidated Revenue, to provide extra power, vis-à-vis other benchmark projects?

Quite frankly, I do not know what that particular point is.

However, it is left up to the local community to write a letter pleading that members of Parliament support this inquiry—in other words, to bring the variation to the state agreement to attention. This agreement will not face the scrutiny of the Parliament, which is why disallowable instruments were established in the first place. It is left to the people of a community that has been polluted for years and years—those with a health liability, with a community liability—to bring this to the public's attention. That is disgraceful, and the Greens will stand up for communities that are being polluted by the big American, with the assistance of the big Western Australian government in secret deals.

Perpetrators of Child Abuse, Access to Bail — Adjournment Debate

HON ROBYN McSWEENEY (South West) [10.10 pm]: I am becoming increasingly alarmed about people who inflict horrific abuse on defenceless children and are then given bail. I have seen three such cases in Western Australia recently. I appreciate that there were amendments to the Bail Act 2007 as a result of the Doig review, which certainly brought the old act up to date. However, I will refer to these three cases and then speak further about the Bail Act.

The first case was that of a three-year-old boy who suffered from incontinence. He died from multiple soft tissue injuries after being hit repeatedly by his mother's partner for more than two weeks. An autopsy on the body of Mason James Coughlan showed that he had bruises the length and breadth of his body and on all four limbs. The *Great Southern Herald* reported prosecutor James Mactaggart as saying —

> The injuries speak eloquently of the fact that his last few days on this earth were ones of great torment.

Mr Mactaggart told the court that for about two weeks before the boy had died he had been wetting himself, and Farmer, who was the accused, had begun to smack him repeatedly as part of a disciplinary regime. Farmer also admitted using the branch of a tree, a garden hose and a thong to inflict injuries on this little fellow. Earlier on the day the boy died, the wife saw Farmer hitting the boy hard on the buttocks. Farmer said later that he had put the boy in the shower, and when he found the boy was not breathing, he presumed the boy had hit his head on the wall or shower screen. The autopsy revealed that the boy had bruising to his face, skull, chest, back, abdomen, pelvis, buttocks, upper and lower limbs and genitalia. Internally he had damage to the brain, aorta, liver and pancreas. What a mongrel! The newspaper reported Justice Eric Heenan as saying —

> There's hardly a child born who does not have incontinence of one kind or another.

This poor child was just terrified. The more terrified he got, the less able he was to control himself. This bloke was already on bail for a serious assault for which he could have been remanded, but instead he was given bail.

The second case is that of a Perth man who admitted confining a severely malnourished six-year-old boy to a cot in his garage and physically and psychologically abusing him. Department for Child Protection workers found the boy in a house in Perth's northern suburbs following a tip-off from the public. The boy was confined to a cot, with bruising to his body, and weighed just 12 kilograms. Troy Ian Kerr, aged 31, described as the boy's guardian, pleaded guilty in court to unlawfully detaining and unlawfully assaulting the boy and causing bodily harm in circumstances of aggravation. He also admitted to reckless conduct resulting in physical, emotional and psychological abuse. Kerr's five other apparently well-fed children were also found at the house. He was bailed until sentencing in the District Court. Why should this man have been bailed?

The third case is that of an Albany man accused of causing grievous bodily harm to his three-month-old son—this is a three-month-old baby. He was granted bail in the local Magistrates Court. It is alleged that 33-year-old Jonathon Lowe fractured both of his son's legs—these are the legs of a three-month-old baby—one of his arms and several ribs in assaults alleged to have occurred between February and April. There are no words for people such as these. The police prosecutor told the court that staff at Princess Margaret Hospital for Children described the injuries as the worst case of child abuse they had ever seen. However, Magistrate Elizabeth Hamilton released Mr Lowe on strict bail conditions and banned him from going within 50 metres of his child. This man is due to appear in court next month.

Those are three cases. One accused was remanded because he had murdered a child, but he had done so while out on bail for a serious assault. Another accused had assaulted a three-month-old baby, and another accused had tied up a little fellow who weighed only 12 kilos. I am no lawyer, probably more of a bush lawyer than anything else.

Hon Peter Collier: They are the best kind.

Hon ROBYN McSWEENEY: Yes. Part C of schedule 1 of the Bail Act refers to "Bail before conviction to be at discretion of bail authority, except for a child". Clause (1)(g) reads —

> whether the alleged circumstances of the offence or offences amount to wrongdoing of such a serious nature as to make a grant of bail inappropriate.

Schedule 2 of the Bail Act deals with serious offences. Some of the serious offences listed in schedule 2 are wilful murder; murder; manslaughter; disabling in order to commit indictable offence; acts intended to cause grievous bodily harm or to resist or prevent arrest; and grievous bodily harm. My esteemed colleague Hon George Cash has called the offence that was committed against that three-month-old baby grievous bodily harm. Schedule 2 then goes on to list wounding and similar acts; and acts or omissions, with intent to harm, causing bodily harm or danger. It then lists various types of assault, including serious assault, indecent assault, aggravated indecent assault; and sexual penetration without consent.

The Bail Act does not have a separate section to deal with child abuse. I do not think that is good enough. I understand that it would be particularly difficult to bring in such a section. However, the Bail Act does have sections dealing with grievous bodily harm and assault occasioning bodily harm. Therefore, there is a bit of an anomaly here. Child abuse is not being given serious consideration by the magistrates and the courts. In the three cases that I have mentioned, the person should never have been granted bail. What sort of a mongrel would break the arms, legs and ribs of a three-month-old baby and cause so much damage to that child? However, a magistrate has granted that person bail. That is not right. As I have said, there has been a review of the Bail Act. However, there is an anomaly, because the act does not deal with child abuse.

I have mentioned only three high profile cases that I know about. I am sure there are many more. It is up to the government, if there are anomalies in the Bail Act, to sort them out. I will be taking this matter further and seeking further advice on it. As I have said, I am only a bush lawyer. However, there is a fault in the act. Why are these people being granted bail and being given time out in the sunshine that they should not be enjoying? Is it because the prisons are full, or is it because the magistrates are just so used to seeing criminals in front of them that they are giving them all bail? I suppose I am giving the magistrates a bit of a serve. However, it is very much warranted in this case.

Youth Homelessness, Unity Foundation Program — Adjournment Debate

HON SHELLEY ARCHER (Mining and Pastoral) [10.17 pm]: During our last sitting, I spoke about youth homelessness and the problems being encountered by Indigenous youth in rural and remote regions. Tonight, I want to speak about a long-term care program being delivered by Unity Foundation in Melbourne that has achieved great success in supporting Indigenous youth to reconnect with their families, their country and society. Unity Foundation is a not-for-profit, Melbourne-based organisation that was founded in 2006 following the community work of Xavier Clarke, Allan Murray and Peter King. It focuses on empowering Indigenous youth to achieve their dreams, goals and ambitions. The programs delivered by Unity Foundation include homelessness, programs, reinforcing healthy eating habits and the benefits of physical activity, and decision-making programs for youth in secondary schools, as well as individual support for Indigenous people in academic development, vocational training and job placement programs.

As stated in the report of the National Youth Commission Inquiry into Youth Homelessness, "Australia's Homeless Youth", there is clear evidence that homelessness among Indigenous youth is disproportionate to the number of Indigenous young people. For example, Indigenous youth comprise two per cent of the Australian population. However, they comprise 17 per cent of supported accommodation assistance program clients.

The inquiry also noted that although homeless Indigenous youth face the same problems as non-Indigenous youth, they also experience more frequent problems with the justice system, accessing services, keeping in good health, educational disadvantage, unemployment, and unsuitable housing stock. Unity Foundation provides a long-term care program designed to support at-risk Indigenous youth between the ages of 12 and 22 years in all dimensions of their lives. The program is underpinned by a commitment to cultural, community and family values. Recognising the specific problems of Indigenous youth homelessness in Victoria, Unity Foundation secured two homes from which it runs a homelessness program. Each home operates 24 hours a day and can house up to six young people, plus a primary carer and a support carer. Participants in the program are encouraged to make a two-year commitment to the program and are given support to attend school, technical and further education or university, or to obtain work, depending on their individual circumstances. Participants are also provided with health education and life skill programs that are underpinned by the principles and practices of dialectical behaviour therapy. Importantly, each of the homes is supported by elders from the local Indigenous community. The program has resulted in positive outcomes for Indigenous youth and is regarded as a relatively inexpensive model. Informal reviews have found that all the participants have reconnected with their families and are in either education or work, and that none of the participants has had any contact with the justice system since beginning the program. The program is thought to be the only one of its kind in Australia, and it reports high levels of interest from Indigenous communities throughout Australia.

The Unity Foundation homelessness program is a model that could be adapted and delivered, with the support of local communities, in an attempt to address the problem of Indigenous youth homelessness in regional and remote communities within my electorate. I believe that if the government included a program of this nature in future planning processes for youth homelessness in regional and remote locations, it would be of significant benefit to the Indigenous people of my electorate. I commend this program to the house and urge the state government to seriously undertake implementation of this strategy as soon as possible. I also commend the work of Unity Foundation, and I hope that its efforts to secure funding for a third facility will be successful.

Mental Heath Patients, Risk Assessment Guidelines — Adjournment Debate

HON HELEN MORTON (East Metropolitan) [10.22 pm]: Mental health services in Western Australia are struggling to adequately manage suicidal people. A large part of the reason for this is the failure of the Minister for Health to implement across Western Australia risk assessment guidelines that were established in 2000. Patients are dying and families are suffering as they struggle to cope with the added responsibilities placed upon them. Despite significant prompting, two Auditor General's reports, a parliamentary inquiry and two coroner's reports, Mr McGinty has been inactive and has failed to put risk assessment guidelines in place. Cases of self-harm are spiralling while the minister provides hospital beds that he cannot staff.

The Deputy State Coroner, Evelyn Vicker, has said that the lack of appropriate bed space underpins almost all suicide cases, so I do not completely denounce what the minister has done, even if medical practitioners have denied that lack of bed space is a cause of suicide. The problem is exacerbated by two other factors. There are difficulties with inter-hospital transfers, as police stopped transferring mental health patients between hospitals from 31 March. That has resulted in high-risk patients being managed in open beds without suitable security. The department has failed to ensure that these risk assessments are being undertaken properly. The risk management guidelines were established in 2000 by the Australasian College for Emergency Medicine and the Royal Australasian College of Physicians. In 2001 the Auditor General conducted a performance examination of the Department of Health's management of deliberate self-harm and how its guidelines were implemented. That report was tabled in Parliament on 28 November 2001. The examination was motivated by growing community concerns about the increasing incidences of suicide and deliberate self-harm among young people. The topic was of such significance that the Auditor General conducted a follow-up examination in 2005 to determine the acquittal of the six recommendations that had been made regarding the implementation of the guidelines. The follow-up inquiry concluded that the Department of Health had made only limited progress in addressing the six recommendations. That report was tabled in Parliament in October 2005. The Legislative Council's Standing Committee on Public Administration was so concerned about the conclusions of Auditor General's follow-up report in 2005 that it considered that further scrutiny was warranted. Its report was tabled in September 2006. The two Auditor General's reports and the report of the parliamentary inquiry that have been tabled in this Parliament are telling the Minister for Health that these are important issues and that the guidelines need to be implemented. The Standing Committee on Public Administration made a further eight recommendations, including that the Department of Health prioritise the allocation of resources to expedite the implementation of the deliberate self-harm assessment tool. That was to be piloted in two hospitals. Despite that, in May 2006 the resources had been neither provided nor sought. By December 2006 the Department of Health had established six groups and committees but had not begun to implement the recommendations. A coronial inquiry on 15 May 2007 again highlighted the inaction of the government in implementing the guidelines, and in June 2007 the answers to questions without notice that I asked stated that the guidelines still had not been implemented. A training package was going to be developed, but nothing had happened at that stage. By 14 November 2007 the guidelines were still being worked out in response to another question without notice that I asked. In March 2008 the Department of Health put out a tender for the development of a training package to implement the guidelines that are now called the "clinical risk assessments and management in mental health", and the proponents were meant to get underway by 1 May 2008 and have completed the project by no later than the end of November.

On 9 April another young person committed suicide by hanging while she was a patient in a non-secure ward at Royal Perth Hospital, despite being resuscitated just two days before in the emergency department at the hospital and being managed in the intensive care unit. That person was assessed as not being at risk and was put into an open ward. Her body was not found for eight hours. No-one was monitoring her. She could not have been assessed for risk. Health's response to questions put to it about this on 24 April was that the standards for mental health clinical risk assessments, which include suicidal risk, are still to be implemented. Two secure beds were available at Graylands Hospital that night. Staff vacancies at Royal Perth Hospital were 5.3 full-time equivalents in the mental health unit, and still the hospital said that the tender was being prepared for the clinical risk assessment management. How many people have died in the eight years since the risk assessment guideline was developed because Mr McGinty has failed to see that the implementation of these guidelines is a high priority? That is despite the three reports that were tabled in this Parliament. Two Auditor General's reports have been tabled and a parliamentary inquiry has asked the minister to implement these guidelines as a priority, yet still nothing has happened. The Auditor General's reports were tabled for the government to take notice of and for action to take place. The parliamentary committee's work was done for the same reason. The coroner's hearings were held in public, and I sat through some of those. The government responded to the Hope report into deaths with some knee-jerk reaction, but what action has taken place since the latest death at Royal Perth Hospital? I conclude by saying that that death is not just another statistic. The person who died was a young woman.

Question put and passed.

House adjourned at 10.30 pm