Parliamentary Debates
(HANSARD)

THIRTY-NINTH PARLIAMENT
FIRST SESSION
2015

LEGISLATIVE COUNCIL

Tuesday, 8 September 2015

Legislative Council

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THE PRESIDENT (Hon Barry House) took the chair at 2.00 pm, and read prayers.

DISTINGUISHED VISITORS — OKABE COMPANY LTD

Statement by President

THE PRESIDENT (Hon Barry House): Members, welcome back for this session.

Firstly, I acknowledge the presence in the President's gallery of some important guests from the Japanese Okabe Company Ltd. I am told that Okabe produces the world's best fish aggregating devices. Western Australia has agreed to purchase six Okabe fish aggregating devices to trial in Perth conditions, and Okabe, I understand, has donated an extra one. To those four gentlemen here from Japan, welcome.

Members: Hear, hear!

ADVISORY OFFICER (PROCEDURE) — JOHN SEAL-POLLARD — APPOINTMENT

Statement by President

THE PRESIDENT (Hon Barry House): In late July this year a selection process commenced to fill the vacant position of Advisory Officer (Procedure) in the Legislative Council. Today, I am pleased to announce that I have appointed Mr John Seal-Pollard to this position. As members would be aware, for the past five months Mr Seal-Pollard has been assisting us as a parliamentary officer on secondment from the Office of Parliamentary Counsel. Mr Seal-Pollard comes to us with a diverse work experience having worked previously in the papers office of the other place, the United Kingdom Electoral Commission and, most recently, as the manager of legislation and publications at the Office of Parliamentary Counsel. On behalf of all members, I congratulate John on his appointment, welcome him to our small and dedicated staff, and wish him every success in his new role. Well done, John!

Members: Hear, hear!

BILLS

Assent

Message from the Governor received and read notifying assent to the following bills —

1. Appropriation (Recurrent 2015–16) Bill 2015.
2. Appropriation (Capital 2015–16) Bill 2015.
3. Fire and Emergency Services Amendment Bill 2015.

SHIRE OF SERPENTINE–JARRAHDALE

Petition

HON ROBIN CHAPPLE (Mining and Pastoral) [2.04 pm]: I rise today to present a petition containing 957 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 support a full Judicial Inquiry to be carried out into the affairs of the Serpentine Jarrahdale Shire Council.
>
> Numerous allegations have been made by members of the public against the Serpentine Jarrahdale Shire none of these allegations have been addressed.
>
> Your petitioners therefore respectfully request the Legislative Council to recommend and initiate a full Judicial Inquiry into the affairs of the Serpentine Jarrahdale Shire Council so as to arrive at a definitive conclusion to these allegations.
>
> And your petitioners as in duty bound, will ever pray.

[See paper 3222.]

STRATEGIC REGIONAL ADVISORY COUNCILS — KIMBERLEY AND PILBARA

Statement by Minister for Child Protection

HON HELEN MORTON (East Metropolitan — Minister for Child Protection) [2.05 pm]: On 7 May this year, the state government announced reforms to the way infrastructure and services are delivered to Aboriginal

communities in Western Australia. The Minister for Regional Development and I are co-leading these reforms and reporting to the Aboriginal Affairs Cabinet Sub-Committee, which is chaired by the Minister for Aboriginal Affairs. Since the reforms were announced, the Minister for Regional Development and I have travelled throughout the Pilbara and Kimberley, engaging with Aboriginal organisations, traditional owners and community representatives. Despite the vast differences across the regions, there has been one strong, consistent message from Aboriginal communities—that is, the status quo is unacceptable. Their objectives align with the reforms' five non-negotiables: first, that children are safe and nurtured; second, that children receive a quality education; third, that young people have a pathway to employment and adults are meaningfully occupied; fourth, that connection to culture, country and kin is maintained; and, five, that at the end of this process communities have certainty about their future.

As part of our continuing engagement with Aboriginal people, Minister Redman and I today announced the appointment of eight Aboriginal leaders to Strategic Regional Advisory Councils. In the Kimberley, we look forward to working with Mr Patrick Davies, Mrs Brenda Garstone, Mrs Mary O'Reeri and Mr Martin Sibosado. In the Pilbara, we look forward to working with Mr Adrian Brahim, Ms Kate George, Ms Triscilla Holborow and Mr Jason Masters. These leaders will provide strategic advice to the reform process, along with relevant directors general, and commonwealth and community service sector representatives. In addition, regional human services manager groups in the Kimberley and Pilbara are currently transitioning to become district leadership groups, with expanded membership. These groups will be called on to provide advice on opportunities for changes to government expenditure, policies, programs and governance that would improve Aboriginal outcomes in its region. Steering the reform at an agency level is a new cross-departmental reform unit, led by Mr Grahame Searle, who is the previous director general of the Department of Housing. Mr Searle is highly regarded throughout the state and has already moved to Kununurra to commence this leadership role.

Minister Redman and I have made a commitment to continue engaging directly with communities. Along with Mr Searle and the reform unit staff, we will be talking with Aboriginal people, planning with them and testing ideas with them. This is a long-term aspiration and it is important we take the time required to get it right. I look forward to providing more updates to this place as the reform progresses.

PROHIBITED BEHAVIOUR ORDERS ACT 2010 — STATUTORY REVIEW

Statement by Attorney General

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [2.08 pm]: I rise to table the report of the statutory review of the operation and effectiveness of the Prohibited Behaviour Orders Act 2010. The development of the Prohibited Behaviour Orders Act fulfilled the government's commitment to protect the Western Australian community by providing the courts with the power to make prohibited behaviour orders. PBOs enable courts to make orders that constrain offenders who have a history of antisocial behaviour. Since the act was proclaimed on 23 February 2011, a total of 88 PBOs have been made. On 3 September 2015, 18 PBOs were published on the PBO website and a number of others were waiting to be served on offenders, as well as applications being prepared by WA Police.

The statutory review commenced in March 2014. In addition to the operation and effectiveness of the act, the terms of reference for the review also sought stakeholder and public comment on the interpretation of the definition of antisocial behaviour—section 3 of the PBO Act—and the offences involving antisocial behaviour prescribed in schedule 1 of the Prohibited Behaviour Orders Regulations 2011 and the circumstances to be considered in determining whether a PBO application is appropriate.

Stakeholders were invited to make submissions to the review. Although there were differing positions in respect of the definition of antisocial behaviour, it is considered that the definition continues to meet its original purpose and no changes are contemplated. There were concerns about whether a PBO application is appropriate in some circumstances, but this issue had already been addressed by WA Police through a review of its policy and guidelines in relation to PBO applications. This will assist police officers to identify appropriate rather than merely eligible PBO candidates by ensuring each application reflects a pattern of antisocial behaviour. The result is a more focused approach to PBO applications. The revised approach, together with recommendations 4 to 6 in the report, will address many of the concerns raised in the submissions as they aim to protect vulnerable members of the community from having a PBO made against them. Recommendations 1 to 3 merely clarify existing provisions to assist interpretation.

In addition to actioning the recommendations in the report, an amendment will be made to the Equal Opportunity Act 1984 to make it unlawful to discriminate against a person in certain areas of public life because of the publication of relevant details on the PBO website, similar to what has been adopted in the publication of a person's details on the Fines Enforcement Registry website. Overall, the review outcome is consistent with the government's view that the PBO act is working as intended and only requires minor legislative improvements. I commend the report to the house.

[See paper 3223.]

PAPERS TABLED

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

STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW

Ninety-third Report — "Review of the Planning and Development (Development Assessment Panels) Regulations 2011" — Tabling

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [2.16 pm]: I am directed to table the ninety-third report of the Standing Committee on Uniform Legislation and Statutes Review, "Review of the Planning and Development (Development Assessment Panels) Regulations 2011".

[See paper 3224.]

Hon KATE DOUST: Pursuant to a referral from the Legislative Council, the committee was required to review the operation and effectiveness of the regulations in accordance with section 171F of the Planning and Development Act 2005. Consistent with the referral, the committee did not consider the policy of the regulations or whether development assessment panels should have been introduced in Western Australia.

The regulations introduced DAPs as decision-making bodies for the purposes of determining applications for planning approvals in Western Australia. For certain types of planning applications, DAPs have taken the place of local governments and the Western Australian Planning Commission. DAPs determine planning applications for each local government area where a planning scheme applies. A local development assessment panel operates for the City of Perth and eight joint development assessment panels operate in various other metropolitan and regional areas.

The committee considered evidence from a wide range of stakeholders, including community organisations, individual community members, government agencies, legal and planning experts, local governments, industry bodies and presiding members of DAPs. The evidence revealed a number of opposing views. The committee identified a number of issues including concerns about the impact of the currency of some local planning schemes on determinations by DAPs; the lack of a third-party right of review of DAP determinations; the role of local government councillors on DAPs; concerns about confidential processes; the extent to which DAPs are required to give reasons for determinations; how DAPs exercise discretionary powers; and the training of DAP members. The committee observed that the level of concern in some sectors of the community with the DAP system has arisen from a number of decisions that have caused frustration and a feeling of being disempowered and unable to influence the outcome of DAP determinations; and that there is a level of disconnect between what some in the community expect from and understand about the planning process and what is actually delivered by the DAP system. This community concern and level of disconnect could be reduced by the government addressing community expectations of transparency of the DAP process and undertaking further engagement with the community on the planning process.

The committee has made 19 recommendations that it believes will enhance the operation and effectiveness of the regulations and ensure they better reflect the purposes identified by the government prior to their introduction. During the inquiry, the government enacted a number of significant amendments to the regulations. The committee formed the view that the timing of these amendments, as well as the failure of the government to give the committee advance notice of their enactment, was inappropriate and hampered its work. Part of the rationale for this view was that the changes effected by the amendments have only been in force for a few months, impacting on the committee's ability to conduct a meaningful inquiry into their operation and effectiveness. I commend the report to the house.

CONSTITUTION AMENDMENT (RECOGNITION OF ABORIGINAL PEOPLE) BILL 2015

Second Reading

Resumed from 20 August.

HON PETER COLLIER (North Metropolitan — Leader of the House) [2.20 pm]: I proudly declare the government's support for this bill. The significance of this bill cannot be understated. I will make a few comments on why the government feels it is significant but also why I personally feel it is a very significant bill not just in the eyes of Aboriginal people but in the eyes of all Western Australians.

I would like to begin by acknowledging and thanking the member for Kimberley, Josie Farrer, MLA. Josie has had a tremendously challenging life. If anyone wants to acknowledge just how far Josie has come, they need to have a one-on-one conversation with her to understand how much adversity she has overcome. Born at Moola Bulla station, she was taken from her home at a very early age and transferred to Fitzroy Mission. That is where she grew up. The adversity that Josie and her family faced was extraordinary. The fact that she has reached the heights that she has to represent the people of the Kimberley and Aboriginal people in this place is testament to her strength and character. I acknowledge the role that Josie has played, not just in the progression

of this bill but right throughout her life, doing all that she possibly can for her family, for the people of the Kimberley and also for Aboriginal people as a whole.

I would also like to acknowledge all members of the Joint Select Committee on Aboriginal Constitutional Recognition—that is, the chair, Hon Michael Mischin; the deputy chair, Josie Farrer, MLA; Hon Jacqui Boydell; Hon Sally Talbot; Murray Cowper, MLA; Wendy Duncan, MLA; and Ben Wyatt, MLA—for the role that they played in formulating the bill in its current form. Frankly, the bill in its current form is not dissimilar to the original bill; it is very similar. But the government felt it was important that all parties who were involved in formulating the bill into its current form in one way or another ensured that there were no potential issues with the intent of the legislation. I thank all members of the committee for the role that they played. Fundamentally, I acknowledge the fact that it is Josie's bill. She instigated it and she deserves the credit for it. I have no problem with that whatsoever.

In short, the bill itself pretty much has a very simple intent—that is, to recognise Aboriginal people. Some would ask why we should bother and why do we need it. Well, we do need it. It is very much long overdue. It will not create new rights or privileges for Aboriginal people. It will not ensure that the literacy and numeracy rates among Aboriginal children will improve next week. It will not close the gap in so many areas of disparity between Aboriginal and non-Aboriginal people. It will simply formally recognise Aboriginal people as the first people of the land of Western Australia. That is so important. In addition, there is an aspirational component; that is, expressing the Parliament's desire to effect reconciliation with Aboriginal people. I will get on to that in a moment. Why is that reconciliation so significant to Aboriginal people? I am not offended by the term at all. Some people are assuming that we do not need it. We do need it. There is a genuine desire on the part of Aboriginal people that reconciliation is very much a part of the way forward for our society, our community and our nation.

There are amendments that seek to remove old sections of discrimination around the Aboriginal Protection Board and that is captured in that whole notion of reconciliation. We are the last mainland state to recognise Aboriginal people in the Constitution. It is long overdue but we have got there. It is a proud time for all Western Australians that we have caught up with the rest of the nation in this instance. Around 96 000 Western Australians identify as Aboriginal. I have no doubt that they will be very pleased with the outcome of the passage of this bill. In addition, I am not an Aboriginal man. There are literally thousands upon thousands of non-Aboriginal members of the Western Australian community who will equally be very pleased with the passage of this bill. It acknowledges the history, culture and heritage of the oldest living race on earth—Aboriginal people—and that is very, very significant, not just to Aboriginal people but to Australia as a whole. It reflects the shift in how far we have come as a community, particularly over the last 10, 15 and 20 years with what has happened both on the national stage and also what has happened here in Western Australia. It is important that we reflect. Not so long ago Aboriginal people were not even recognised in our Constitution. Up until 1967, they were not even included in the census. Every member of this chamber will remember the role that Aboriginal people played 100 years ago in 1915 in World War I. All members have a book that I gave them from the Department of Aboriginal Affairs called *They Served with Honour*. That is a great reminder of just how much adversity Aboriginal people have overcome. A total of 120 Aboriginal people from Western Australia fought in World War I. Thirteen Aboriginal men fought at Gallipoli. This was at a time when they were not allowed to enrol in the Australian Imperial Force but they took it upon themselves to overcome those barriers and they went and fought for their country. As I said, that is testament to the strength of character of those men. During the 100 years from 1915 to today, we have recognised Aboriginal people in the census at the national level and now at the state level we are at last recognising them within our Constitution.

I know that my views on the necessity of this bill are at odds with the views of a lot of Western Australians, including members of my party, and I can wear that. Just as a personal anecdote, I was at a Liberal Party function recently when someone asked me whether I felt that Aboriginal people needed to be recognised in the Constitution. I gave an emphatic yes and I gave reasons why. The same woman said to me afterwards, "Well, it's not going to make any difference whatsoever. You're going to spend all this money at the state level and at the federal level recognising Aboriginal people and it will not make any difference whatsoever to their quality of life." I said that we cannot use the two issues in the same sentence because closing that gap with Aboriginal people has a dual responsibility. We have to close the gap in their quality of life and overcome the huge disparity in their quality of life but we also have to close the gap in reconciliation. We cannot use one above the other because both are so powerfully symbolic and important in ensuring that the original Australians have the quality of life that they so desperately deserve. In closing the gap in the quality of life, I have no intention of making any political points about this bill; it is far too important. I think successive governments have always been altruistic in ensuring that they have done as much as they can to provide for Aboriginal people. We talk about billions of dollars. Successive governments have spent billions of dollars to ensure that the quality of life of Aboriginal people is enhanced. The way we have done that probably has not been as effective as we would like. We are undergoing a new program with regional reform. We think we will probably more effectively direct resources to

assist Aboriginal people. The simple fact of the matter is that there has always been a desire to ensure that Aboriginal people are provided with the resources that ensure that that gap is narrowed.

As I have said before as Minister for Education, the fact that we literally have thousands of Aboriginal students who fall well below the benchmark of their non-Aboriginal counterparts in the twenty-first century is unacceptable. The fact that we have thousands of Aboriginal students who do not attend school regularly is unacceptable.

The fact that 65 per cent of juveniles who are incarcerated in juvenile detention are Aboriginal is unacceptable. They are the facts that we all know about and that we talk about. They roll off the tongue day in and day out. That aspect of the attitude of government and community to Aboriginal people must continue; it must not to be remotely diminished and must continue to be a pivotal priority of any government of either persuasion. We must continue to do all that we possibly can to overcome that gap.

In closing the gap with reconciliation, I get back to the point I made a moment ago. Some people might say, "Why bother? What difference is it going to make for Aboriginal people?" Again, this gets back to the notion of doing what we feel is right for Aboriginal people through a top-down approach. We are telling Aboriginal people what is good for them. We have been doing that for over two centuries now. We tell Aboriginal people what the policies are and what will be best for them, as opposed to what Aboriginal people want, which is the bottom-up approach. What do Aboriginal people want? They want reconciliation and recognition, which is what this bill is about. This bill will give Aboriginal people what they want. That is not too much to ask of us. They have not put this enormous burden on our shoulders; they have carried this enormous burden for over 200 years. They are saying to us: show us recognition as the original inhabitants of land in Western Australia. That is why this is absolutely important and why this bill is so significant.

That brings me to a few final comments. From a personal perspective, I have a deep personal attachment to Aboriginal people. When I grew up in Kalgoorlie, I literally grew up with the Wongatha people, the Wongais. In the early 1960s, my parents had a grocery store in Johnston Street in Boulder. The Aboriginal people would come in from the lands once or twice a week. My father would keep from our shop the bread and anything else that he could, such as fruit and vegetables, for the Aboriginal people, who would literally camp in our backyard. I grew to have an enormous personal regard for Aboriginal people. They were my friends. My wall was covered with boomerangs. I grew an amazing attachment for these Aboriginals who could come in week in and week out. As a young fellow, a little tacker, that was really important to me. I went to school at North Kalgoorlie Primary School and then Eastern Goldfields Senior High School. I had a problem with the fact that Aboriginal students were educated in a detached fashion from the non-Aboriginal students at Eastern Goldfields Senior High School. I am not sure whether Mr President would remember this as my social studies teacher, but the Aboriginal students were taught in a demountable at Eastern Goldfields Senior High School; they were segregated from us. I, quite frankly, could not understand that. I genuinely could not understand that, because they were my friends.

My attitude changed somewhat in the later years of my adolescence. We moved from Boulder to Lamington, which was the posh area of Kalgoorlie, where we got a grocery-cum-liquor store. To be honest, that is where I saw for the first time an aspect of Aboriginal people that was not attractive, which was Aboriginal people who became addicted to alcohol and the impact that it had on their lives and their interaction with non-Aboriginal members of the community. When I left Kalgoorlie and came down to Perth to get my education, I had a very comprehensive history and personal understanding of Aboriginal people that has remained with me to the present day. I have always had this innate desire to do all I possibly could personally for Aboriginal people, mindful of the history that goes back to being a little fellow, a two or three-year-old, in 21 Johnston Street in Boulder. That time was so important. Since that time a lot of water has gone under the bridge. I never did get back to Kal to live. I wanted to go back, but I did not get back. I have a sister up there and I still have a lot to do with Kalgoorlie.

In my current role, I spend an enormous amount of time traversing the length and breadth of Western Australia and interacting with Aboriginal people through all areas of the state. It is one of my greatest privileges. I am proud to say I have dozens of very close Aboriginal friends. A large number of those Aboriginal friends are high profile, high achieving individuals, but equally a large number are not. A large number of my Aboriginal friends have gone through the missions and been part of the stolen generations and have lived a life of despair, inequity and inequality, but they still remain my valued friends. Having said all that, I accessed the views of a large number of my Aboriginal friends over the last couple of months to determine the significance of this bill and why it is important to them. They told me in no uncertain terms why it is important, which is why I have said that this bill is so important. At last we have listened to Aboriginal people. It is significant to Aboriginal people that they are recognised within our Constitution and it is a powerful message on their part.

I will read the words of one man in particular who has been a friend of mine for a number of years, a very proud Aboriginal man who is the current West Australian of the Year. Robert Isaacs is a very well respected Noongar

elder. I asked Robert to put down in a few words why this bill is important to him as an Aboriginal man, and on behalf of his people. These are Robert's words —

> The success of this constitutional recognition will unite us all as Western Australians. We know that our state's unique Aboriginal culture and diverse language groups enrich not only our state but our nation, which is important to our distinctive national identity. It will give us a greater sense of pride and deeper connection to the first peoples of this land.
>
> Aboriginal people have been for too long silent and invisible peoples in our Constitution. This government has remedied part of this issue through its Native Title Agreement across the state of Western Australia and with the Noongar people of the Metropolitan area and the southwest of Western Australia. Through this Agreement, Noongar people say it will have a massive and revitalising affect on Noongar people, culture and generations to come.
>
> This amendment will be the cornerstone for change and for true Reconciliation and Aboriginal people in this state will celebrate and embrace this piece of history making legislation.
>
> Now is the right time for change. Let us walk into history with sincerity and pride and truly reconcile with the first inhabitants and traditional custodians of the lands throughout our great state or the place we have all come to know and live in, Western Australia.

These are the words of a proud Aboriginal man, Robert Isaacs. This bill is the product of a proud Aboriginal woman in Josie Farrer, and I am a proud member of the Western Australian Parliament who gave Aboriginal people what they wanted, and that is recognition.

HON SALLY TALBOT (South West) [2.37 pm]: It is my honour to follow those words from Dr Isaacs that I find very moving and to add my own contribution to debate on the Constitution Amendment (Recognition of Aboriginal People) Bill 2015. We are dealing here with some very simple words, which is not always the case when we debate legislation in this place. This week we will become the last Australian state to acknowledge Aboriginal people as the first people of the state and to acknowledge that in the Constitution of the state.

These simple words, essentially, are inserted into the preamble to the Constitution, and they read —

> And whereas the Parliament resolves to acknowledge the Aboriginal people as the First People of Western Australia and traditional custodians of the land, the said Parliament seeks to effect a reconciliation with the Aboriginal people of Western Australia:

It is very, very important that we understand quite clearly that the Constitution, in fact, is not silent about Aboriginal people. We are not inserting into the Constitution the first recognition of the existence of Aboriginal people, and honourable members will see that when they read further clauses of this five-clause bill, clauses 4 and 5 deal with the excision of certain clauses that do indeed refer to Aboriginal people. The first is the deletion of section 75 of the Constitution Act 1889, which is the definition of the Aborigines Protection Board. The second, which forms the nucleus of the comments that I want to make, is about the deletion of section 42, which is the reference to Aboriginal natives. This reference was specifically framed as an enabling clause about calculating the population of Western Australia.

Section 42 of the Constitution Act 1889, which the Constitution Amendment (Recognition of Aboriginal People) Bill 2015 will delete, is a reference to the fact that when doing the headcount of Western Australia to determine how many people live here, Aboriginal natives should not be counted. That is the key to what we are doing here today. Up until today, Aboriginal people were made to feel that they did not count. By deleting those two sections, which of course will have no effect in any kind of statutory sense under the legislation of this state because they both involve spent provisions, and by putting a specific acknowledgment in the preamble to our Constitution we will be telling Aboriginal people that from this moment on they do indeed count.

Hon Peter Collier, in leading this debate today as Leader of the House, referred to the fact that public opinion has changed over the years, and that we have now arrived at a time when the community is ready for this kind of move. It surprised and saddened me, when doing my research into the provisions of this bill, to realise that it was only about a dozen years ago that similar words were proposed to be introduced to this Parliament, but at that stage there was no cross-party support for such a move. We in this place have also moved a great distance in a relatively short period of time. I would like to point out at this stage that it is actually we—white people; non-Aboriginal people—who have had to move the distance. We are not talking about Aboriginal people having to move the distance; it is we who have had to move our own thinking to get up to speed, get up to date and be able to reflect sentiments in line with fairness and equity.

Of course, the reason it has taken us so long to get to the stage of being prepared to say to Aboriginal people that they do indeed count is that over the centuries we have seen the propagation of what can only be called lies and misrepresentations about the lives of Aboriginal people who have lived here, as we now know of course, for thousands of years. They are lies and misrepresentations like the concept of terra nullius—the idea that there was

nothing here before white people arrived—and the misrepresentation of Aboriginal people as somehow fundamentally different from other species of homo sapiens. The lie propagated by white colonisers the world over was that people who were not white were somehow lesser human beings. Of course we have learnt that not only through our own endeavours—through our own, as Hon Peter Collier said, friendships with people across that racial divide—but also because we have heard some very powerful statements from our legislative leaders. I would have to name Paul Keating at the head of that list because he did some quite remarkable work in shifting white Australian opinion in that regard. We have also, of course, had some very powerful statements made by our cultural leaders, of whom I will mention two. They are numerous, and I am sure that other people in this debate will refer to many others, but I just want to refer to two of them. One is the academic Henry Reynolds, who, to my mind, was able to do a very important thing when he showed the precise location of the politics of terra nullius. I will give members a very brief flavour of the way he described it. In the book *Forgotten War*, Henry Reynolds was able to go back to the sorts of impressions that the first white settlers had when they arrived in Australia. It is fascinating to find out that their impressions were not that there was nobody here who counted; in fact, they were the very opposite. I will give members a flavour of that by quoting from *Forgotten War*, by Henry Reynolds. One of the early white settler leaders said —

> They are the native burghers of this wilderness … which they have inherited from their Ancestors. … cannot be expected to give up or retire from their native hunting grounds, unless they be purchased from them, without struggle, …

That is a very different view of terra nullius from the one that became the received notion in the second half of the twentieth century. The original white settlers did not arrive here and find an empty land, as is borne out in this very quaint way of designating the situation that states that Aboriginal people —

> … are the native burghers of this wilderness …

The other cultural leader I want to make reference to very briefly is the Western Australian novelist Kim Scott, who I think has written a series of quite remarkable accounts of white settlement and the lives of Aboriginal people during that period. I refer to *That Deadman Dance*, which I commend to people. The Parliamentary Library has a copy if members do not want to go and buy it—I would urge members to buy it to support the book trade in Western Australia—and if members are inclined to sit down one night and cast a look over it. It is a remarkable book. It is written as a novel, but he has based a great deal of the content on historical transcripts taken from the early nineteenth century. Most particularly I am intrigued by the extent to which he has drawn on the academic work of Tiffany Shellam—a fine historian who wrote a thesis called "Shaking Hands on the Fringe: Negotiating the Aboriginal World at King George's Sound". *That Deadman Dance* means a lot to me, coming, as I do, from the Albany–Denmark region because it is the story of white settlement in that region and its effect on the local Noongar people. Tiffany Shellam's argument, which informs the narrative throughout the book, is that in fact certainly the Noongar people of Denmark and Albany, contrary to the way it was usually represented in historical accounts, saw the first ships —

> … as vehicles for significantly extending kin networks and enhancing geographic knowledge and perspectives of country …

In other words, when the local Noongar people of Denmark and Albany saw the white settler ships arriving they actually went out and welcomed them because they saw the arrival of strangers as an opportunity to expand their horizons. That is far from the accounts that are usually fed to us of people who did not have any kind of meaningful, established traditions and links with the land. Those are just two examples of those kinds of lies and misrepresentations that I have referred to—the very things that have kept us from being, until now, able to make this extremely significant move; the myth that nobody who counted lived here before we came.

We are here today to make a small but significant gesture of reconciliation—a small but significant step in righting those terrible wrongs that were done either by us, or, if not by us, in our name. I will tell two brief stories that will indicate the dimensions of those terrible wrongs that were done. The first was a story told to me by a friend down in the Denmark region, which makes Kim Scott's account in *That Deadman Dance* particularly poignant. When her father died, she went through his papers and found his grandfather's diaries and, of course, read them with considerable interest. In one particular diary she found an account of the perfect Sunday. The old man talked about going to church in the morning, having the family around to lunch, what they ate for lunch and how well prepared it was, and then said that after they had had a bit of a rest after lunch the men saddled up their horses and went out to shoot Aboriginal people. It was stated as baldly as that in these diaries. That deeply shocked my friend; she still gets very emotional when she tells the story, because it was just so matter-of-fact.

I was reminded of that story the other day—this is the second account I want to give—when Josie Farrer, member for Kimberley, spoke at a function and made a comparison between then and now. She made the point at the beginning of her talk that some of the things she was going to say would be quite shocking to people. They were indeed, because the story she told—remember the story I just told from back in the 1800s in Denmark—was about her grandfather. This story only goes back to 1910 when Josie Farrer's grandfather was captured by

white men and shackled in a relatively public place that was quite well frequented in the Kimberley. People asked why he had been shackled and the fact was that he had not committed a crime and he had not been arrested. He was shackled in this place because the white men wanted to use him as bait. His cries were supposed to lure people out of hiding because the whole community had gone into hiding. Josie Farrer went on to say, and I quote her here —

> This was so those white men could steal the children, murder the men, keep the women and rape them.

Josie Farrer went on to make the point that at the same time that her grandfather was shackled to lure people out of hiding so that they could be captured, murdered and raped, white settlers were using Aboriginal people's expertise and their knowledge of the land to further their own enterprises. They were using Aboriginal people to find water and to lay fences; all the labouring on the stations was done by Aboriginal people. They were using the women to cook and clean. They were using young men as blacksmiths to make shoes for horses, and, of course, they were using Aboriginal women as midwives because there was no medical expertise in the bush in those days.

The wrongs are terrible and they are not new to us; none of these stories are new to us. I have made the point in this place many times that we probably do not need more documentation; we probably do not need more reports about Aboriginal disadvantage. I think that was the point of the remarks made by Hon Peter Collier. My own particular source of reference, an enormous body of work that was done twice over because governments were not prepared to listen to him, is the work done by John Sanderson. I commend anybody who wants to take this seriously to go back to the latest round of Sanderson reports in which he documents very, very clearly in simple language, the long, sad history of the legacy that we have inherited of colonisation, forced removal of children, the disconnection from family and culture and the ongoing, systemic racism that still pervades our society today. I commend John Sanderson's work and I hope that the day will come when he can stand up and take credit for some significant changes.

I want to say a little bit more about Josie Farrer. Josie has become my friend. I am part of her family. I am proud to be her sister and I am proud to be "JaJa" to her grandchildren. But it hurts me enormously when Josie Farrer, the member for Kimberley, tells me that there are still times now at the hotel where she stays down at the bottom of Mounts Bay Road when taxidrivers will not pick her up because she is an Aboriginal person. Josie Farrer has to go back into the hotel to bring the reception staff outside so that they can explain to the taxidrivers that she is a member of Parliament. Josie's has been a remarkable journey, but what I want to say, while respecting the remarks made by Hon Peter Collier, is that it is my honour to serve in this place with Josie Farrer. I feel I have had to travel a very long way to work in partnership with a woman who is so clearly a natural leader. She has been leading her community now for many, many decades, in the public office roles that she has played in local government and now in state government, but particularly—we know how important this is when we talk about righting the wrongs in Aboriginal communities—Josie realised when she was a very young woman that the way she could make a difference was to parent the un-parented. That is why wherever a person goes with Josie, they will find her children from the top to the bottom of this state. I always remember the first political meeting that I walked into with Josie, aware that this was an enormously intimidating experience for a person who does not speak English as a first language—does not even speak English as a second language, I may add. We walked in, looked around, and a young man rushed up to her and burst into tears and said, "Mum, I wasn't sure when I was going to see you again." He was another one of the people whom Josie had parented over the long time that she has been doing that in the Kimberley.

There are a couple of other acknowledgements I want to make. One, very importantly, is to Hon John Cowdell. Hon John Cowdell has made a remarkable impact on this Parliament. He, of course, was the President who refurbished this place to give us an Aboriginal People's Room. He had been to New Zealand and seen the Maori people's meeting room in the New Zealand Parliament and came back to WA determined that we would have a similar space. I was showing some people around the Parliament as recently as last Friday with Hon John Cowdell and we went into the Aboriginal People's meeting room, looked at the glass and at the magnificent art collection that is now there. It is a great source of pride to me as John's successor in this place that I had such an illustrious predecessor. I can tell members that he will never, ever be forgotten in this place, not only because he made the Aboriginal People's meeting room but also because just over a decade ago he first began the work of drafting the changes that we are dealing with today when, as I said, we could not get unanimous support across the parties in this place to bring those changes in. I know that it will be a proud moment for John later in this week when this legislation finishes its passage through the Parliament. It is a great source of pride to him to see that there is bipartisan support for such a significant measure.

There are some other acknowledgements that I need to make. I have done this at much greater length elsewhere so I will not use my full speaking time. I was a member of the Joint Standing Committee on Aboriginal Constitutional Recognition and I want to acknowledge my colleagues on that committee: Hon Michael Mischin, Hon Jacqui Boydell, Murray Cowper, Wendy Duncan and Ben Wyatt. I must also acknowledge the staff. It was a hard job to fit everything into the time. We wanted it to be short and sharp and

thanks to the advice and help we got staff-wise, that happened. Tim Hughes and Adam Sharpe played a major part in that, as did our expert external advisor Peter Quinlan, SC. I thank them all and acknowledge their roles and their parts in bringing about this significant change.

I want to finish with one more very brief reference to Josie Farrer. I speak only one language and a tiny bit of another. I do not speak any Aboriginal languages but I have picked up a bit by sharing a room with Josie. She does not actually own anything; she does not own a house and does not own a car but she does have what she calls her "dungarup" car. Her dungarup car does not really go. We would probably not even try to run it, but it does get people from A to B most of the time. I think that when Josie first looked at the Constitution she thought, "What we've got here is a real dungarup Constitution, but maybe we can scrub it up a bit and it'll still get us from A to B." She has managed to do that with the simple words in this bill. She has managed to bring us right into the twenty-first century in terms of our recognition of Aboriginal people.

My final comment is to leave honourable members with the words of Kim Scott. I want to finish with this because I think it is a good indication of how important this is. I really respect the fact that Hon Peter Collier concentrated on this fact: why does this matter? It matters, and I am going to use Bobby's words here as written by Kim Scott. Right towards the end of the book, Bobby says —

> This is my land, given to me by *Kongk* Menak. We will share it with you, and share what you bring.
>
> …
>
> Because you need to be inside the sound and the spirit of it, to live here properly. And how can that be, without we people who have been here for all time?

The recognition of Aboriginal people in the Constitution of this state is one of the ways that we can show the people who have been here for all time that they count.

HON JACQUI BOYDELL (Mining and Pastoral) [2.58 pm]: I rise today to speak on the Constitution Amendment (Recognition of Aboriginal People) Bill 2015. It is a historic bill for this Parliament and I am proud as a member of this house and also as a member of the committee to have been involved in the process. Before I start, I would like to pay my respects today to this land and to the Noongar people, the original inhabitants and traditional custodians of the land on which we meet today in this house.

I made reference in my speech when the committee handed down its report and I want again to take a moment to commend the member for Kimberley—in the debate in the other house she was twice referred to as the member for Kalgoorlie and once in this house today as the member for Kingsley; let us make it clear: she is the member for Kimberley, Josie Farrer, and is a proud Gidja woman from Halls Creek—for bringing this historic bill to the house and for bringing in last year the original private member's Constitution Amendment (Recognition of Aboriginal People) Bill 2014. As I previously noted when I spoke on that bill, I think this bill will be forever referred to as the "Farrer Bill".

As the member for Kimberley stated in the second reading speech on the 2015 bill in the other place in June last year —

> Recognition, acknowledgement and acceptance are necessary steps to true and lasting reconciliation and this bill is just one of those steps. In a way it is more than a step, it is a confident stride forward.

I think that is a really profound way to sum up exactly what this Parliament is doing by recognising Aboriginal people in its Constitution.

I sat in the other house during debate on this bill and listened to the member for Kimberley's story, which is very personal and very moving. Her delivery of her story was felt, I think, by every member of that house and by everyone who was listening at the time. She reminded us that constitutional recognition is an opportunity for us to come together as a Parliament and as a community in a sincere, mature and heartfelt spirit of reconciliation. I want to say, therefore, in my contribution today that I believe members across all parties represented in both houses agree that we should recognise Aboriginal people in the Western Australian Constitution and the time is right to do this now. There is wideranging support for the principle of constitutional recognition and a general consensus that, given that 126 years have passed since the passage of the Constitution Act 1889, such recognition is well overdue. I have referred before to the fact that the member for Kimberley received a standing ovation when she read her second reading speech on the bill into the house and that I think that shows the true bipartisan approach and feel of this Parliament that the time is now.

Western Australia's founding document in its Constitution is yet to include recognition of Aboriginal people. It will do so by the passing of this bill. That is something about which every member of this Parliament should be proud, despite the fact that our state existed tens of thousands of years before the British colonials arrived and the Constitution therefore fails to paint a full and accurate history of our state's history.

Reconciliation between Aboriginal and non-Aboriginal Australians is about ensuring that the history of our nation is consistent and involves taking ownership of our past. Western Australia is yet to synchronise the vast story of Aboriginal Australia with the state's colonial history. We as a society will not reach our full potential until we formally recognise the role of Aboriginal people in our history and until we have some pride in that. As I stated in my maiden speech to this house, I highly regard Aboriginal culture and spirituality, and I would like to see the day when all members of society understand and value our Aboriginal heritage.

I also emphasise the need for children and families to understand where they fit in the world. That is because if they do not understand that, they do not have the confidence to move forward knowing where they came from and where they are heading. I think that this bill will help to substantiate that for many Aboriginal people. To me, a fundamental starting point on which people can base themselves and their life is understanding where they came from, because without a defined starting point it is difficult for people to know where they are going. As I stated in my maiden speech, I have tried to teach my own children the value of the relationships they build with their family and communities in which they live and how important it is to know their history so that they can go forward with a great deal of confidence in knowing who they are.

Therefore, as a member of this Western Australian Parliament and the godmother of two young Aboriginal men, I am very proud to be part of this process. I will do all that I can to ensure that my godchildren's heritage is recognised so that they can stand strong and proud in their communities, as they have a right to. It is also heartening to know that successful constitutional recognition will also safeguard their proud Aboriginal heritage. I know that this bill is important to them. They are young Aboriginal men living in the community. We often say that we wonder who is listening to Parliament. They are two young men who are listening today.

It is for this reason that I now want to refer to the contribution from the member for Victoria Park, Ben Wyatt. I was also in the other house to hear his contribution to the debate last month. He reminded us all that the actions of government, which saw Aboriginal people controlled, bullied and demeaned for many decades, have taken place in recent history. I am not talking about hundreds of years ago but within his family's recent history; and the resounding impacts are still felt today, as evidenced by the story of his grandmother and father that he retold to the house. I think that was a very poignant moment, and I was glad to be in the house to witness that. He rightly noted that although constitutional recognition is largely a symbolic gesture, we should not underestimate the importance of these amendments for changing the document that discriminated and excluded his people for over a century.

As we know, the bill was referred to the Joint Select Committee on Aboriginal Constitutional Recognition. I was honoured to be a member of that committee and I want to formally thank the other committee members: the chairman of the committee, Hon Michael Mischin; the deputy chair, Josie Farrer, member for Kimberley; Hon Sally Talbot; Murray Cowper; and Wendy Duncan. We had a very short space of time in which to report. It was a complex issue we were discussing but the committee worked very well together and I thank my colleagues for working with me over that period.

The report made two recommendations. Firstly, the report's 16 findings concluded that the words of the 2014 bill were a suitable starting point for considering an appropriate form of words for constitutional recognition in Western Australia, and recommended some minor amendments to improve readability. It was important to the committee that the words be simple and easy to understand. It was important to me as a member of that committee that we not try to complicate the issue because it was important to the owner of the bill, the member for Kimberley, that the preamble we recommended be easy and simple to read so that all people across Western Australia, including Aboriginal and non-Aboriginal people, could understand the intent of that preamble.

Secondly, the report concluded that the 2014 bill appeared to be an option available to Parliament should it wish to consider a bill to recognise Aboriginal people in the Constitution Act—and we have done that.

The report also highlighted provisions in the Constitution Act 1889, referred to by Hon Sally Talbot, that were seen to be inconsistent with the spirit of reconciliation. I am talking about section 42 of the Constitution Act 1889, which relates to the formation of the state and legislature, and the amendment to section 75 to remove the reference to the Aborigines Protection Board, and I welcome those changes.

Most importantly, the report quashed a number of concerns from members about how the changes would affect the government's legislative power and found that if the bill were to be passed, the risk of unintended legal consequences would appear to be negligible; and I think that is important to note. The intent of the bill is reconciliation.

As a member for Mining and Pastoral Region, I particularly want to pay homage to Aboriginal people for assisting in the establishment of the pastoral industry and making it a successful industry for the state of Western Australia. I want to recognise their historical contribution to that industry. They made a historical contribution to many other industries, of course, but Aboriginal people's historic and ongoing involvement in the pastoral industry I know is highly regarded by pastoralists and people in the Mining and Pastoral Region.

I conclude my remarks by referring to two things raised during the 2014 debate on the Constitution Amendment (Recognition of Aboriginal People) Bill in the other house. First, there was a fear that recognition of Aboriginal people in the Constitution in passing this bill would impact on and put at risk pastoral leases; and, second, that such recognition may have the unintended consequence of triggering a futures act under native title. The committee resolved that those were not areas of risk for the state. I place that on record because I think it is important for the pastoral industry and how we consider the Native Title Act in WA.

Western Australia is the last state to officially recognise Aboriginal people in its state Constitution. The recognition of Aboriginal Australians as the first people of Australia and the passage of the Constitution Amendment (Recognition of Aboriginal People) Bill in Western Australia cements the sentiment of the nation. The nation is united in its recognition of Aboriginal people in the constitutions at a state level. Now it is time for this Parliament to show leadership as we vote on this bill today to right the wrongs of the past that have seen Aboriginal people left out of Australia's Constitution. In the words of Josie Farrer, the member for Kimberley —

> Let us be magnificent in this moment.

Western Australians pride themselves on equality and opportunity, and it is important that we have a Constitution that reflects those values. The passage of this bill will demonstrate to Aboriginal people that we in this place are genuine about acknowledging the importance of Aboriginal history in our state. I am extremely proud to be part of the Western Australian Parliament that makes history today by acknowledging the truth of our past and officially recognising our Aboriginal people as the first people of this land. In doing so, and given that the nation is united on a state front, I urge our federal counterparts to act swiftly to address this important issue at the federal level.

I commend the bill to the house.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [3.13 pm]: I begin my remarks today on the Constitution Amendment (Recognition of Aboriginal People) Bill 2015 by paying my respects to the traditional owners and their elders, past and present. One hundred and twenty-six years after the Constitution was passed, we now seek to amend it to add into the preamble, amongst other words, one very special set of words —

> And whereas the Parliament resolves to acknowledge the Aboriginal people as the First People of Western Australia and traditional custodians of the land, the said Parliament seeks to effect a reconciliation with the Aboriginal people of Western Australia: …

Those powerful words were developed by a bipartisan committee of both houses on the initiation and determination of one proud Gidja woman, the member for Kimberley, Josie Farrer. Her second reading speech urged us to note that if we do not want our cultures to remain separate forever, we must recognise who was here first so that from this point on, we join and go forward together. There is another debate. Indeed, Hon Jacqui Boydell referred to the debate that is being had nationally about a similar proposition. In that debate, I have heard some people say that if it is just a set of words that does not have a practical impact on the daily lives of Indigenous Australians, why do it? To that I say that if you hold the view that words and symbols do not have practical import, you are thinking way too small and way off the mark. In years to come, if not already, young Indigenous and non-Indigenous students in schools across Western Australia will learn how this bill came to pass. In their society and environment curriculum, in their school National Aborigines and Islanders Day Observance Committee Week celebrations and in visits to this Parliament and the Constitution Centre across the road, children will learn that in 2015, at the behest of the member for Kimberley, the Western Australia Parliament recognised the first and traditional owners of the land and, by doing so, sought to effect a reconciliation with the Aboriginal people of Western Australia. Hon Jacqui Boydell made the point that we all need to know where we come from and where we fit in the world. The amendments in this bill spell that out for every Indigenous Western Australian. If that adds to the sense of self and self-worth of Indigenous 12-year-olds of today and those of future generations, we will have done a very important thing.

Words and symbols do matter. I started school in 1968. I was at school with a few Indigenous students, but not many. We were taught nothing of the traditional owners of the land. Our curriculum was silent. It was as though that history had not occurred. I remember learning about migration waves and the connection felt by many of the Italian students in my class with the post-war waves of Italian and other European migration. I found the focus of history in secondary school frustrating because it was not Australian at all; it was the history of England and the United States post World War II. I had 12 years of school education with Indigenous students in my classroom at various points, but we learnt nothing of the rich and ancient culture that is right here—neither, of course, did we learn about the dispossession and the loss and exclusion of Indigenous Western Australians. Words and symbols do matter, and putting these words into the preamble and removing those provisions that gave effect to discrimination says to Aboriginal Western Australians, "This is your place. Here is your place. We as parliamentarians on behalf of all Western Australians recognise you and your place." Words and symbols do matter and these words say to all Western Australians that on your behalf we recognise the traditional owners and on your behalf we seek

reconciliation. It is not every day that we have bipartisan support for something and it is not every day that we see our little role in history, but today is one of those days. I am pleased to support the bill.

HON SAMANTHA ROWE (East Metropolitan) [3.18 pm]: Similar to my colleagues who have spoken before me, I am very pleased to rise this afternoon to make a contribution to debate on the Constitution Amendment (Recognition of Aboriginal People) Bill 2015. I begin my contribution by acknowledging the work of my parliamentary colleague Josie Farrer, MLA, the member for Kimberley, who has fought very hard for this historic change to Western Australia's Constitution. When Josie Farrer, as the member for Kimberley, introduced the bill into the other place, she made history for her people. She will be forever remembered for her work towards making this constitutional amendment a reality. I also acknowledge my other parliamentary colleagues who have assisted in this hard work to bring forward this constitutional amendment. Similar to my colleagues before me, I thank the Joint Select Committee on Aboriginal Constitutional Recognition and the hard work of our Victoria Park MLA, Ben Wyatt.

This Parliament has an opportunity to make history for Western Australia, and I am proud to be a part of this significant achievement. Like so many important historical achievements for Aboriginal Australians, this constitutional recognition has been a long time coming. Slowly but surely we have moved towards this moment—and I note that there is also growing momentum for recognition in the Australian Constitution, and I look forward to the day when that takes place.

Constitutional recognition will rightfully recognise our Aboriginal people as the first people and traditional custodians of Western Australia. It will acknowledge their unique and incredibly strong connection to country. Constitutional recognition is about reconciliation, acknowledgement and healing. It is about forging meaningful relationships with Western Australian Aboriginal people and moving forward in a spirit of cooperation and respect. I am also very proud that, with the passing of this bill and the subsequent changes to the Western Australian Constitution, we will join the other Australian states, which have also amended their constitutions to recognise Aboriginal people. As previously mentioned, I think there is growing momentum for change to the commonwealth Constitution. I will read a brief quote from Harold Ludwick, a Bulgun Warra man from Cape York, who said —

> If the Constitution was the birth certificate of Australia, then we are missing half the family.

I am confident, and maybe somewhat optimistic, that change cannot be far off. It is up to the entire Australian community to make sure that this change happens sooner rather than later.

I also make mention of taking pride in our Aboriginal cultures. We often hear people remark that we are a young country and, if we simply look at our history in terms of British settlement, then we are. But our human history goes back so much further than that. Australia has an unbroken human history stretching back some 40 000 to 60 000 years; it is home to the world's oldest surviving culture. Australian history is not separate from Aboriginal history; they are the same. It is a story of a unique country, its ancient past and its modern present. We should take great pride in our ancient history, and I believe that the bill now before us for constitutional recognition will go some way towards demonstrating that pride. We cannot travel around this great state of ours without feeling the presence of ancient cultures, whether in the south west or the great southern regions, or the rugged and expansive areas of the Pilbara and Kimberley regions. Each area has its own unique Aboriginal cultures, languages and traditions. Aboriginal cultures are an integral part of the Western Australian story. It is therefore only fitting that we now recognise in our Constitution the Aboriginal cultures as the first people and traditional custodians of Western Australia.

In her second reading speech in the other place, Josie Farrer challenged members not to be afraid or timid on this issue, and I hope that other members will be bold and forthright in their pursuit of this change. In her speech, Josie also invited members of Parliament to step forward with her and support this bill. I am proud to step forward with this Parliament and create a new chapter in the history of Western Australia's first people, the traditional custodians of this land.

HON ALANNA CLOHESY (East Metropolitan) [3.24 pm]: I, too, pay my respects to the Noongar people, the traditional owners of the land on which we meet today. I also pay my respects to the other Aboriginal nations of Western Australia, and I recognise that Aboriginal people are the first people of Western Australia and the traditional custodians of this land. Like all my colleagues, I am honoured to speak on the Constitution Amendment (Recognition of Aboriginal People) Bill 2015. This is one of the most important and significant bills that this house will consider and that I will have the opportunity to speak on. It is a very important bill for Aboriginal people, but it is also very important for our society as a whole. After many long and tortuous decades, this bill recognises in our Constitution—the supposed foundation document of our state—that Aboriginal people originally owned and occupied this land. This bill is important for our community as a whole because it puts us firmly on the path to reconciliation and, because we are on that path to reconciliation, it makes us better people. It makes our community stronger and places us on a more caring and understanding footing, and caring and understanding are concepts that we could always do with more of in this world.

The bill to include Aboriginal people in the Constitution has a couple of features. Firstly, it clearly states that all citizens are equal, but in doing so recognises that there has been a past in which Aboriginal people were not considered citizens. This bill once and for all puts a full stop to that notion of inequality before the law, saying once and for all that all people are equal. As a number of my colleagues have noted today, and as the member for Kimberley, Josie Farrer, pointed out, words are important. Words provide meaning to people, including whether all people are involved in the work and life of this state. By adding the simple words that Aboriginal people are the first people of this land, this bill achieves that aim. Actions are also important, and what we do next as a Parliament will be watched closely. We have much to do on the long path to reconciliation.

The committee that inquired into this bill made a number of important findings. I thank the members and staff of the committee for working very hard to consider this bill, at a time when not many other people were working, over the summer break. Their commitment to the bill and to the work should be recognised, and I thank them. That report found that the bill, as presented last year, contained no different interpretation of the Constitution Act, and that that in itself was really important. It enabled the bill to be accepted, as it did not change the intent of the Constitution to any significant extent. That was one of the reasons given to people over the years—that they could not attempt to pass a bill like this because it would change the meaning and intent of the Constitution. The committee found that the bill did not do this.

This bill also removes from the Western Australian Constitution the references to Aboriginal nature, and to the Aboriginal Protection Board, established under the Aboriginal Protection Act 1886. To depict that act as anything other than insidious and cruel would be to understate it. It forcibly removed Aboriginal people from their families, prevented Aboriginal people from marrying, and in some cases even prevented Aboriginal families from cohabiting. People are still living with the consequences of that act today. People who are living today have experienced the implications of that act in their lives and those younger than that still live with the consequences of that act today. That is why this Parliament and the government must move forward very quickly towards reconciliation and real action. As the member for Kimberley, Josie Farrer, pointed out, the act does something that is both symbolic and important in nature; that is, recognise Aboriginal people. I cannot think of a better piece of legislation to support. Members before me have quoted probably one of my favourite quotes of my political career from Josie Farrer, the member for Kimberley, in which she said —

> Here is an opportunity for us as parliamentarians to do something remarkable; let us be magnificent; let us step forward and deliver a great act for all Western Australian Aboriginal peoples: let us move together Towards a True and Lasting Reconciliation.

HON MARTIN ALDRIDGE (Agricultural) [3.31 pm]: I rise to make a contribution to the Constitution Amendment (Recognition of Aboriginal People) Bill 2015 this afternoon. In doing so, I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to their elders, past and present. The bill before us is of great significance to our state and to our people and probably one of the most important pieces of legislation that I have considered in my short time in this place. I must first pay due recognition to the member for Kimberley for the role that she played in initiating this bill. I agree with all the members who have spoken before me that this bill is known now and will be known into the future as the Farrer bill. I am sure that this has not been an easy road for her, bringing a bill of any type to Parliament in her first term as a member, particularly a bill of this significance.

In preparing for the debate today, I took the opportunity to look at some of the initial contributions that were made in response to the 2014 version of the bill. I found some of the behaviour exhibited and the comments expressed throughout the debate challenging and felt that they belittled the importance of this issue. Due recognition of Aboriginal people in our Constitution is a matter that we should all take very seriously. It is one of those issues about which party politics ought not to play a role. This is an issue that I will come back to later when I talk a little more about the parliamentary processes that have got us to the point we are at today. According to the 2011 census, 8 452 people associated themselves as Indigenous in my electorate of Agricultural Region. That is just over six per cent of my constituency, with the state average being 3.8 per cent. In almost every indicator we can possibly think of, our Aboriginal people continue to be the subject of disadvantage. Many of the speakers before me, including the Minister for Aboriginal Affairs, have articulated some of those challenges quite well.

With the passage of this bill, we will insert some very important words into our state Constitution and at the same time repeal redundant provisions which I agree with previous speakers today are contrary to recognition of itself. Words alone will not assist Aboriginal people in my electorate. We all have enormously privileged roles in this place and for those a bit closer to the front, some very powerful ones. It is important for our Constitution, our foundation document marking self-government in Western Australia, that it truly reflects the history and the Aboriginal people as the first Australians of our country. When I went to school, which was not all that long ago, this history was largely overlooked or ignored. It is important that we recognise Aboriginal people as the first Australians. It is important that we pledge to do more but first we must understand the history before us and the challenges that we have here and now.

When the member for Kimberley introduced her bill in June 2014, I recall my parliamentary colleagues making it a priority to attend the chamber in the other place. It was a significant moment not only for her but also for the Parliament. Debate on the bill ensued later that same year—early to mid-November, if my memory serves me right. Around that same time we received a briefing in our party room from very senior public servants of the Department of the Premier and Cabinet and the Department of Aboriginal Affairs. They raised a number of concerns, including that the bill was not sound and some of the risks were high. They had probably not judged the appetite of our party room towards the notion of constitutional recognition and the support that we have for the member for Kimberley in that regard. I recall putting to them the option of a parliamentary committee inquiring into and reporting on the very concerns that they had. The issues that they were articulating, without having an opportunity to further scrutinise them, were concerning. There were references to the impact of pastoral leases, which Hon Jacqui Boydell mentioned earlier in her contribution today, and the potential to jeopardise the future tenure and lease renewal process that was well underway at the time, even more reason in my view that we got this right.

I recall recommending a committee inquiry at that time, which was immediately downplayed. The ability of the Parliament to deal with this important matter in a mature and professional manner was significantly underestimated in my view. I know that we received criticism, particularly in the lower house, for a desire for a committee inquiry. It was suggested that this was a delay tactic—a plan to reject the bill and introduce a bill in the name of government. All I can say is that our intention was always genuine and without consideration for party politics. One of the things that we always held strong in the negotiations that took place was that the bill that was to proceed through the Parliament should be the bill belonging to the member for Kimberley.

The Leader of the National Party in the other place articulated on 19 November the work he undertook to bring the parties together, including a series of meetings with the Premier, the Deputy Premier, the Leader of the Opposition and the member for Kimberley. He also said on that day that if a committee referral failed and the member for Kimberley took her bill to a second reading vote, he would have crossed the floor to support it. This was not his preference in negotiating what he thought was the best outcome for the passage of this bill but nevertheless the commitment that he had to constitutional recognition of Aboriginal people.

At this time I would like to recognise the work of the Joint Select Committee on Aboriginal Constitutional Recognition. This committee undertook some solid work over the summer before reporting in March—quite a challenging time frame I am sure for those members during that time on what was quite an important and, at different stages, complex matter to consider. The report was comprehensive, well laid out and easily understood to the layperson. Most importantly, the committee dismissed the concerns that had been put to me and my colleagues previously and expressed support for the words proposed by the member for Kimberley. Although delaying the passage of this bill considerably, the committee process has instilled confidence in the decision we are hopefully making here today. If nothing else, this experience has cemented for me the importance of our committees in our parliamentary process.

We are the last mainland state to recognise Aboriginal people in our Constitution. This is even more reason that we move swiftly with the passage of this bill and continue the conversation on how we effect a true, long-lasting reconciliation. I pledge for whatever time I serve in this place to ensure that our first Australians enjoy the opportunity and prosperity of this land that we all call home. I commend the bill to the house.

HON ROBIN CHAPPLE (Mining and Pastoral) [3.40 pm]: I rise on behalf of the Greens to support and contribute to the second reading of the Constitution Amendment (Recognition of Aboriginal People) Bill 2015. Before going any further, I would like to recognise the traditional owners on whose land we stand, the Whadjuk Noongar people, their elders, past, present and future; they are the custodians, the owners of this land.

One of the points I want to talk about shortly is this notion that we are recognising Aboriginal people when, in fact, we are recognising Aboriginal peoples, because there are many; there are tens of nations in Western Australia. I would also like to commend from the outset the work of Josie Farrer, MLA, a Gidja woman from the Kimberley, who had the courage and fortitude to bring this recognition bill to the Parliament. I would like to commend all members of Parliament for unanimously supporting this legislation.

On 11 June 2014, Josie Farrer introduced the Constitution Amendment (Recognition of Aboriginal People) Bill 2014 into the Legislative Assembly. A motion was passed in both houses to establish a joint select committee to consider and report on the appropriate wording to recognise Aboriginal people in the Constitution of Western Australia. The first report of the Joint Select Committee on Aboriginal Constitution Recognition, "Towards a True and Lasting Reconciliation: Report into the Appropriate Wording to Recognise Aboriginal People in the Constitution of Western Australia" was tabled in both houses on 26 March 2015. The report's 16 findings concluded that the words in the 2014 bill were a suitable starting point for consideration of an appropriate form of words for constitutional recognition of Aboriginal people in Western Australia, and recommended some minor amendments to improve the readability. The report also supported the removal of section 42 from the Western Australian Constitution Act 1889. This section is no longer applicable, since Parliament has been

constituted. The amendment to section 75 will remove the definition of Aborigines Protection Board. I want to make a point on this, which is quite interesting. If members read the work done in Canada, Norway and many other places, it is interesting to note that our bill refers to Aboriginal people, whereas in most other nations they are referred to as Aboriginal peoples. One thing we must remember is that the benchmark work done by Norman Tindale showed there were many nations—as I said tens of nations, with 20 or so in the Kimberley alone—all speaking different languages and dialects, with up to 90 in this state. I have some problem that in fact we are to a large degree putting all these nations together under one banner. I, and some of the people I have spoken to, would have preferred the word "Aborigines" in the bill as opposed to "Aboriginal", because then it references to a large degree that we are a state of many nations. The joint select committee recommended in its report some minor amendments to the 2014 bill's wording for a Constitution Act 1889 WA preamble. The 2014 bill is an option available to Parliament should it wish to consider a bill to recognise Aboriginal people in the Constitution Act 1889. The report found that if the 2014 bill were passed, the risks of unintended legal consequence appeared to be negligible, thus this 2015 bill is substantively the 2014 bill with the joint select committee's recommended changes incorporated.

The history of the legislation in other states is interesting. Again, I go to some of the work contained within the report "Towards a True and Lasting Reconciliation" which dealt with matters in not only other states but also other nations. In that regard, the committee had a really good look at some of the other facets involved around the processes leading to this piece of legislation. It is interesting that in places such as Norway, Columbia, Ecuador, the United Mexican States and many others, there is a much more meaningful interpretation of recognition than within our Constitution, both the proposed federal Constitution and this state's Constitution. The Greens support this piece of legislation unreservedly. Whatever happens with the battles that still exist over sovereignty movements and the treaty now organisations, the advancement of the proper place of Aboriginal people in our nation will continue. This is not where it stops; this is where it starts. That has been articulated by Josie Farrer in the other place.

South Australia was the most recent state to recognise Aboriginal people in its Constitution through the Constitution (Recognition of Aboriginal Peoples) Amendment Bill 2012, which was introduced into the South Australian Parliament on 29 November 2012, passed on 5 March 2013 and assented to on 28 March 2013. The New South Wales Parliament introduced the Constitution Amendment (Recognition of Aboriginal People) Bill 2010 on 8 September 2010, passed the bill on 19 October 2010, and it received royal assent on 25 October 2010. It is interesting to note that the passage of that bill in New South Wales was roundly supported by everybody in that debate. The Greens spokesperson on Aboriginal Affairs in that place, Jan Barham, welcomed the passage of her motion supporting constitutional recognition of Aboriginal and Torres Strait Islander people by the New South Wales Legislative Council. At the time, Ms Barham stated —

> The passage of the Act of Recognition through the Senate last week was another important step towards Constitutional Recognition, but it is crucial that politicians across all Parliaments and parties help build support for a referendum.

That is one of the important components of the passage of this legislation in this place that clearly marks to the federal Parliament that we need a national position on and national support for recognition, and quickly. To again quote Ms Barham —

> "The Parliament passed an amendment to the NSW Constitution in 2010, and now the upper house has thrown its support behind constitutional change for Australia. I hope the Premier and his Government will work toward ensuring public support for Constitutional Recognition."
>
> The motion that was passed by the Legislative Council also recognised the contributions of the Expert Panel on Constitutional Recognition of Indigenous Australians, along with community organisations such as Recognise, for their work in establishing the path toward a Commonwealth Referendum.

I have met on a number of occasions with Recognise here in Western Australia, and I think that the incredible step by Josie Farrer, MLA, of moving the Constitution Amendment (Recognition of Aboriginal People) Bill 2015 forward in this Parliament is a credit to the work of Recognise. It is also an incredible recognition of the work Josie has done from her Kimberley base.

Josie Farrer's second reading speech continues —

> Queensland introduced the Constitution (Preamble) Amendment Bill 2009 on 24 November 2009, passed it on 23 February 2010 and the bill received assent on 25 February 2010. The first state in Australia to give constitutional recognition to Aboriginal people was Victoria, which introduced the Constitution (Recognition of Aboriginal People) Bill 2004 on 26 August 2004, passed the bill on 4 November 2004 and it was assented to on 9 November 2004. At a federal level, the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012 was passed by the House of Representatives on 13 February 2013 and was read into the Senate on 25 February 2013.

During the second reading debate on the Constitution Amendment (Recognition of Aboriginal People) Bill 2015, all members of the Legislative Assembly who contributed recognised the traditional owners of this land and gave historic and personal accounts. This bill has received positive and bipartisan support, for which I commend all members of Parliament.

Josie Farrer's second reading speech continues —

> Passing this bill will make Western Australia the last mainland state to recognise Aboriginal people in its Constitution. This Western Australian bill recognises that Aboriginal people are the original custodians of Western Australia. Recognition of Aboriginal people as the first people of Western Australia through our Constitution is vital in addressing the ethical issues that face all Australians.

We the Greens acknowledge the Aboriginal and Torres Strait Islander peoples as Australia's first peoples, and recognise their strong cultural and spiritual connection with the land and their rights and obligations as owners and custodians. As I have already stated in this house, we have to understand that culturally Aboriginal people do not own the land; they are of the land and the land is of them. We are committed to seeing those rights reflected in our laws and society.

This is an incredibly good first step, but many are still to be taken. It is concerning to me that although we are all standing here with genuinely heartfelt support for this motion, agendas still run that diminish the standing of Indigenous people in Western Australia. All Australians, including those living in remote communities, have equal rights to essential government services such as health, education, training, housing, community infrastructure, employment support and policing. We recognise that Aboriginal and Torres Strait Islander people must be partners in the development and implementation of policies, programs and services that affect them. To that extent, I acknowledge today's announcement of the members appointed to the committee that will assist government by providing direction, with Grahame Searle, for the programs that government wants to run. But we have to remember that a limited number of people have been chosen to represent many peoples. They have an extremely difficult task ahead of them, because as Josie Farrer, MLA, has said in the other place, it is sometimes very difficult for her to represent people she is not culturally of. We need to understand that we need to listen to many people, and it will be the task of the members appointed to that committee to seek wide counsel.

The Greens in Western Australia are concerned that governments continue to overlook important international agreements that recognise the rights of Indigenous peoples, and do not invest enough in efforts to bridge the gaps in many areas of our society. We are committed to delivering constitutional recognition for Aboriginal and Torres Strait Islander people, compensating the stolen generations and improving the native title system, which, I have to say, I am beginning to find more and more adversarial and problematic throughout WA. We stand with Josie Farrer and agree that constitutional recognition is vital to improving the conditions for Aboriginal peoples and recognising their rights as traditional owners, their language, culture and connection to the land and water. As I have already mentioned in this place, it is really rather frightening that we have already lost so many languages in Western Australia. There is a great struggle amongst Aboriginal people, whether they work out of Wangka Maya Pilbara Aboriginal Language Centre or many of the other language centres or Laverton, who are trying very hard, with the help of linguists, to record languages from the one or two speakers who remain capable of imparting that knowledge.

This bill is long overdue. Aboriginal people have been here over 60 000 years, and white settlers have been here for about 400 years. I wish to acknowledge Senator Rachel Siewert of the Greens, who has been a member of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples. She has done a lot of work and met with many hundreds of communities around Australia to listen to their concerns about the federal recognition process. Constitutional recognition needs to be substantive, address race provisions and be supported by Aboriginal and Torres Strait Islander people. Federally, we must keep up the momentum on achieving constitutional recognition in our nation's founding document. Constitutional recognition may be substantive, and archaic race provisions that remain within the Constitution should be removed. We must also address racial discrimination in the Constitution. This aligns with the views of the Australian community. I urge the federal government to not waste this opportunity.

A motion moved in the Senate by Senator Siewert yesterday reads —

> That the Senate—
>
> (a) notes that legislation amending the Western Australian Constitution to recognise Aboriginal people as the first peoples of Western Australia recently passed in the Lower House of the Western Australian State Parliament; and
>
> (b) calls on the Federal Government to keep up the momentum in moving towards substantive Constitutional Recognition for Aboriginal and Torres Strait peoples in Australia's Federal Constitution.

My only other comments would be that there are moves out in the community to attempt to engage. I am mindful of the Aboriginal women's group that is based at Port Hedland, which was doing a really tremendous job in

working with Aboriginal women throughout the Pilbara, the Central Desert, the Martu lands and down to Onslow. It had brought together meetings of over 2 000 women to discuss mental health issues and family violence with the last one being held at Auski roadhouse. Unfortunately, this really progressive group of people has been left unfunded. They are losing their coordinator and their offices. This group was doing something that was really positive and working well. These initiatives are really powerful, grassroots-driven and substantial, yet whenever we find our shoestrings a little too tight we cut loose the funding for Aboriginal communities. A meeting is coming up very shortly on 25 September 2015 to which, I understand, most of the members of this chamber and members representing that area have been invited. I hope to see the minister there and Hon Terry Redman, MLA. Hon Colin Barnett and Hon Helen Morton have been invited. Hon Mark McGowan, MLA, Hon Stephen Dawson, Hon Jacqui Boydell, Ms Josie Farrer, Hon Brendon Grylls and Mr Vince Catania have also all been invited to what will be one of the most substantive bush meetings held in recent times. The Yule River bush meetings used to have a gathering of 4 000 to 5 000 people and old man Parker—I will not use his first name—used to convene those meetings. It was one place where the mobs from the whole of the Pilbara and the north west used to come. Those meetings recommenced again last year and about 2 000 people attended that meeting. It is anticipated that this year the numbers will grow, if not double. It is a very important forum for people to go to and listen to the aspirations of Indigenous people from throughout the Pilbara and the north west. I encourage people to attend that meeting.

Although this is an incredibly important step and one that we cannot disavow in any way, shape or form, the Aboriginal Land Rights (Northern Territory) Act as it existed in that state in 1976 established many of the things that Aboriginal people right across Western Australia strive for: the right to speak for country and to protect country. One of the fundamental tranches of that legislation were those very elements. Unfortunately, native title in Western Australia has become one of the most divisive and destructive elements to Indigenous people. It drives family against family, kin against kin, and tribe against tribe. I remember about 10 years ago talking to a man who was entrusted with songlines in the Roebourne area who said, "I was born in Roebourne. I was part of the Roebourne mob. Native title came along and I had to choose sides. I had to become Yindjibarndi, Ngarluma, Yaburara or Mardudhunera. I had to become somebody. Suddenly I found that my aunty was in another group. We found ourselves arguing over who should speak for country when prior to native title we all spoke for country." In the Northern Territory Aboriginal people can speak for country and stand up for country without the bickering associated with native title as it rolls out in this state. I work in those areas and one of the biggest problems I have is that people say to me, "So-and-so is doing this" or "so-and-so is doing that" and they want me to take sides, but I will not do that for the simple reason that once a person does he is pigeonholed or caught. If we continue to go the way we are going, I am very fearful that Aboriginal people will be further disenfranchised by the native title process and the possible removal of people from the communities and the land to which they were born.

I must also talk about the inequities established between the Aboriginal Heritage Act and the Heritage of Western Australia Act. Heritage under the heritage act has far greater protection and fiscal impediment than that contained within the Aboriginal Heritage Act. In that regard, I urge the Minister for Aboriginal Affairs to take the essence of this motion, which is to recognise the rights of Aboriginal people in the Constitution, and give them the respect that they as Aboriginal people of Western Australia deserve.

HON MARTIN PRITCHARD (North Metropolitan) [4.07 pm]: I rise to speak on the Constitution Amendment (Recognition of Aboriginal People) Bill 2015. Firstly, it gives me great pleasure to take this opportunity to acknowledge and recognise the Noongar people who are the traditional owners and custodians of the land on which we meet. I pay my respects to their elders both past and present. I would also like to commend Josie Farrer, MLA, a traditional Gidja woman from the Kimberley, for her tenacity and commitment to get this legislation before us today. I understand that this bill has bipartisan support as it should, but I thank those members opposite for their approach to this most important step in trying to right some of the wrongs of our history. It is good to see the government and the opposition working together to achieve something that is important to not only Aboriginal people, but also all the people of this great state. This bill is designed to recognise that Aboriginal people are the original inhabitants and custodians of Western Australia and that settlement by Europeans was without the consent of those original inhabitants.

To fully acknowledge the import of this moment, we need to look at what has led us up to this point. The human history of Western Australia began some 40 000 to 60 000 years ago with the settlement of Australia's original people, our Indigenous people. Western Australia's so-called modern history began with white settlement first in Albany in 1826 with the founding of a British military outpost, and then the colonisation of the Swan River area a few years later in 1829. A quote from the reconciliation.org.au website may give members some flavour of how colonisation was achieved. It reads —

> … Aboriginal people were dispossessed and displaced from their lands, forced into reservations and killed in battles for their land, by hunting parties and the poisoning of waterholes. … many died from introduced diseases such as small pox.

It goes on —

> As numbers declined and traditional lifestyles and cultures were disrupted, the Aboriginal and Torres Strait Islander peoples become increasingly marginalised. Many were moved, often forcibly, to missions or government reserves. Some became fringe dwellers on the outskirts of cities and towns, while others managed to earn a meagre living in the casual workforce of rural and outback Australia. They were no longer allowed to live as they had done for tens of thousands of years, but neither were they able to become equal partners and citizens in the wider society that had taken their land.

In 1890, Western Australia received its own Constitution and representative government. Unfortunately, this important document was written from a common viewpoint of that time that the Indigenous people of Western Australia were somehow inferior. This led to the leaving out and non-recognition of the original inhabitants and custodians of this land. This then led to a time line of racially discriminatory actions such as paternalism, the protection policy, native institutionalisation, assimilation and the tragedy of the stolen generations—not proud moments in our history. They were all put into legislation because of the discriminatory wording of our original Constitution.

There was no relief for Aboriginal people when Australia federated in 1901. They were excluded from participating in the new commonwealth, and continued to suffer restrictive and discriminatory laws that stripped them of any rights. They could not work as they wished or spend the money that they earned as they saw fit. They could not raise their family within their own culture and had little right to health care. They could not enter many public places, such as hotels, and they could not own land or live were they wished. In some cases, prior to 1967, Aboriginals who wished to enjoy some of the rights that were freely given to white people often had to apply for a passport that granted them citizenship in their own country. Even those who had fought for this country were given no special dispensation.

I can find no concrete date for when reconciliation started in Western Australia, or indeed in Australia as a whole, but just a growing acknowledgement of the past wrongdoings and the need to ensure that those same mistakes would never be repeated. There has been some progress over the years, in particular the introduction and enactment of the Aboriginal Heritage Act in 1972, which was groundbreaking for its time as it brought about the protection of sacred and ritual sites, although this was still bound in a mindset of white superiority.

There was further progress in 1975. The World Council of Indigenous Peoples was founded. The Aboriginal Land Fund Commission was established to buy land for Aboriginal groups across Australia. The Senate unanimously passed a resolution moved by Senator Bonner that acknowledged prior Indigenous ownership of Australia and provided compensation for dispossession of land. The Racial Discrimination Act was passed by the Whitlam government, which overrode state and territory legislation and made racial discrimination unlawful.

In 1991, the Australian government established the Council for Aboriginal Reconciliation, which for 10 years worked to promote reconciliation and advise government on the formal ways by which reconciliation could be achieved. Also in the 1990s there were the Mabo and Wik decisions, which washed away the ridiculous notion of terra nullius. I cannot imagine how as a people it must have felt to be so disrespected that their very existence was questioned.

In 2008, then Prime Minister Kevin Rudd issued a formal apology to the members of the stolen generations. More recently, other states of Australia have preceded us by providing recognition for Aboriginal people in their Constitution: Victoria in 2004, Queensland and New South Wales in 2010, and more recently South Australia in 2013.

Recommendation 290 of the national report overview and recommendations of the 1989–1996 royal commission into Indigenous deaths in custody states, according to my notes —

> It is recognised all over the world that when communities have traumatic experiences, there are long term consequences. Their children and grandchildren are affected, and depending on whether and how wrongdoings are acknowledged and continuing problems addressed, the trauma tracks down the generations. West Australians of today are not directly responsible for what happened in the past. But it is part of our shared history as Indigenous and non-Indigenous West Australians and, together, we are responsible for what happens in the future.

When moving ahead we must look to our past, the triumphs and tragedies, and although we cannot change history, we can certainly ensure there is a vehicle to acknowledge and correct those mistakes as far as we can. The amendments to the Constitution in this bill are part of this.

In this place we have acknowledged the rights of Aboriginals for a long time, and now it is time to recognise them formally in our Constitution—only 125 years later! Some may say that these changes are symbolic, but even if they are right, I would agree with the member for Victoria Park, Ben Wyatt, when he said —

> … symbols inspire us, and unite us. And they have a power to make people feel included, and that will spur on and complement the practical agenda on jobs, health and education.
>
> …
>
> To ignore the symbolic is to take a profoundly small view of the very nature of humanity.

I happen to believe that this bill is more than symbolism, and I encourage all members of this place to take up the member for Kimberley's challenge and be magnificent. I commend the bill to the house.

HON DARREN WEST (Agricultural) [4.16 pm]: Like the previous speakers, I also rise to support this very important piece of legislation, the Constitution Amendment (Recognition of Aboriginal People) Bill 2015. I begin by acknowledging the Whadjuk–Noongar people, the traditional owners of this land, and pay my respects to their elders past and present.

It is 186 years since white settlement in Western Australia, for which Western Australia Day—formerly Foundation Day—is celebrated in Western Australia, and finally the Aboriginal people, the first inhabitants of this land, will be recognised in the WA Constitution with the passage of this bill. It is a great day. When many of us look back on our political and parliamentary careers, I am quite sure that this will be the stand-out piece of legislation that we will recall from our time in Parliament. WA is the final state in the Federation to make this historic acknowledgement, which I think after 186 years is good.

It is somewhat disappointing to note that the bill was delayed by having to be worked through the committee process. Although in the words of Vincent Lingiari we know how to wait, I thought that given WA is the last state to bring in a bill such as this brought in by Josie Farrer, it may have passed through Parliament more expeditiously. However, I take the opportunity to make special mention of my colleague and friend the member for Kimberley, Josie Farrer—this quietly spoken Gidja woman who has brought us this bill for debate. I think that she will go down in Western Australian history as the person who was the driver of this final draft of the bill that we are debating.

I also acknowledge Hon John Cowdell, a former President of this Council, for his work 10 years ago when bipartisan support was not quite as forthcoming, but eventually we were able to get an acknowledgement that the legislation was supported by the majority. He certainly made a substantial contribution to getting the bill to this point. We have seen many other significant milestones in the journey to reconciliation: from the 1967 referendum to the Lingiari–Whitlam famous days in the 1970s, to land rights, to the Mabo decision and, of course, as mentioned earlier, to the apology to the stolen generations in 2008 by then Prime Minister Kevin Rudd. We have far to go on the journey towards reconciliation, but we are making steps and it is good to be a part of that.

I work with a lot of Noongar and Yamatji people in my electorate and it is a constant reminder of how much work there is yet to do. I will quote a letter written by the Midwest Aboriginal Organisation Alliance in Geraldton, an organisation that I deal with a lot. We had a meeting with MAOA when Ben Wyatt was in Geraldton recently. The letter is to Josie Farrer, and reads —

> On behalf of the Midwest Aboriginal Organisations' Alliance (MAOA), I would like to thank you, and congratulate you, for your determination and courage in your recent re-introduction, for a second reading, of the *Constitution Amendment (Recognition of Aboriginal People) Bill 2015*.
>
> It is indeed an important historic event to amend the State's Constitution in recognition of Aboriginal Western Australians as being the traditional custodians, and first people, of this land.
>
> MAOA is an alliance of 17 Aboriginal organisations in Western Australia's Midwest region. MAOA leads, and supports, an established group of dedicated Aboriginal organisations and service agencies which encompass a broad range resource agencies; media and art facilities; housing providers; health, social and emotional wellbeing services; sporting and youth agencies; and employment services. MAOA values the contribution of each of its member organisations, and works collaboratively with community, industry and government partners in addressing key issues affecting the health, education, housing, justice, socioeconomic and cultural futures of Aboriginal people living in the Midwest region.
>
> As a result of your dedication and work, this Bill will be etched in history. It will be a defining moment in moving forward in unity, and in recognising and respecting Western Australia's Aboriginal people as the first people and traditional custodians of this land. It will also propel us towards true reconciliation.
>
> Yours faithfully
>
> Gordon Gray
>
> Chairperson
>
> Midwest Aboriginal Organisations' Alliance (MAOA)

I do not think I can say it any better than that. That is how important the Constitution Amendment (Recognition of Aboriginal People) Bill is to Aboriginal people, and I quote people from my electorate. I am very proud to stand here and be part of the passage of such an important piece of legislation. There is a lot of work to do, but we are getting there, and it is terrific that we have this piece of legislation before us. It is a great day.

HON ADELE FARINA (South West) [4.22 pm]: I acknowledge the traditional owners of the land on which we are meeting, the Noongar people. My electorate of South West Region encompasses a large portion of Noongar country so many of my remarks today will relate to that area. However, I would like to acknowledge all Aboriginal peoples in Western Australia and the unique contribution they have made to the culture of the place we call home. I also express my gratitude to our colleague from the other place the member for Kimberley for all she has done to ensure that we are here today debating this very important Constitution Amendment (Recognition of Aboriginal People) Bill, and to all members of the Joint Select Committee on Aboriginal Constitutional Recognition. The members of the committee are to be congratulated for the wording of the amendment as it appears before us in the amendment bill. They did not succumb to using flowery language, to making emotive statements or using subjective language that would encourage unproductive debate about the intent of the amendment. They used plain English in a manner that can be easily understood by all who make a straightforward statement of historical fact and provided a clear framework for future work in this area. I commend them for their work.

The amendment focuses on a clear statement of historical fact but, of course, underpinning that statement and the apparent commitment of this Parliament to make that statement is thousands of years of history. The history of the past few hundred years saw the intersection of Aboriginal and non-Aboriginal cultures and experiences. The amendment deals primarily with the appropriate recognition of Indigenous people and I would argue that that recognition—or the lack thereof—is what has underpinned the relationships between Indigenous and non-Indigenous people since colonial times and has been a key contributor to the many injustices that litter our history. I would also argue that another key characteristic that defines this narrative is the sheer resilience of Aboriginal people. Enshrining the statement of recognition in the Western Australian Constitution will be a touchstone for the acknowledgement of the inequities of the past and will charter a different course for the future of this state that includes an indelible commitment to the principles of reconciliation. In making this recognition we enrich our knowledge of our place in the world, for without knowing and without acknowledging that Aboriginal people are the traditional owners of this land, we deny the 50 000 years of history for which Aboriginal people in Western Australia are the custodians.

Noongar people hold oral histories that tell of the time of Wadjemup, Rottnest Island, when it was still connected to the mainland and when people would walk across the sandbars to visit a place that is now only accessible by boat. The Noongar language contains the word “nyitting” meaning ice age. Such a word exists only because it has meaning and because it describes a recognisable event, the knowledge of which has survived thousands of years because of the retelling through oral histories and traditions. The Noongar people were witness to one of the most monumental environmental periods on earth and its impact on this place. For tens of thousands of years Noongar people were fire-and-stick farmers in the south west region. The knowledge and understanding of the country developed by Aboriginal people far exceeds that we have been able to develop over the past 100 years or so. To deny ourselves access to this history is to deny ourselves a comprehensive understanding of the place in which we live.

To put this into perspective, when the Egyptians were building the Great Pyramids 4 500 years ago, and when the Romans were building the Colosseum in Rome almost 2 000 years ago, Aboriginal people were living and thriving, and recording their oral histories here. Two of the great ancient civilisations of the world with a profound influence on the way our society has evolved have disappeared, but Aboriginal people are still here and their oral histories predate by thousands of years all the achievements of those earlier civilisations. We are home to the oldest living culture on earth and that is something that we should be extremely proud of. Access to that history and understanding of this place is a unique gift, a priceless asset that we should never take for granted. It is perhaps in understanding and recognising the concept of continuous culture, history and occupation of this land that we see the first example of the unparalleled resilience of Aboriginal people. As I said, all of those great ancient cultures have gone, but Aboriginal people are still here not only in a physical sense, but also in a cultural sense. They have evolved their way of being and adapted to an ever-changing culture and environmental landscape, but remain with a distinct, unique and identifiable culture in contemporary Australia. This is the greatest of human resilience and an unshakeable commitment to maintaining values and identity despite innumerable obstacles.

In acknowledging Aboriginal people as the traditional owners of this place, we are recognising an incomparable cultural achievement. Many Australians see our habitation of this country as some sort of battle from which we emerged the victors after surviving inhospitable bush and weather—fire and flood—to secure our place in the world, which is so different from the Aboriginal view of country. The Aboriginal connection to country and the identity it affords is something beyond our usual comprehension of what it is to call a place home. We use the

land and resources to achieve our ambitions; Aboriginal people are a part of it. One of the many things we have failed to give due recognition to is the role Aboriginal people played in the success of early settlers in surviving what was then alien land. Diaries of many early settlers in the south west are peppered with references to the positive relationships between those people and the local Noongar people. These were relationships of dependence, but not of the Noongar people being dependent on settlers bringing a modern way of life, but of settlers using the knowledge and open-hearted sharing of Noongar people to survive this alien land. Despite this, the relationships were far from equitable with massacres such as those that occurred at Pinjarra and Lake Minimup. These are examples of the settlers exerting their power over not just land but also the dispossessed original inhabitants.

Debate interrupted, pursuant to standing orders.

[Continued on page 5794.]

QUESTIONS WITHOUT NOTICE

WATER CORPORATION — RCR TOMLINSON

884. Hon SUE ELLERY to the minister representing the Minister for Water:

I refer to the privatisation of the engineering and construction services of the Water Corporation announced on 14 August 2015 with RCR Tomlinson as the successful bidder.

(1) Was RCR Tomlinson the highest bidder?

(2) Did Water Corporation directors, other than the chair, declare an interest; and, if so, who and what was their interest?

(3) Have final contracts for the $130 million worth of future work been signed with RCR Tomlinson?

(4) When did the minister become aware of the conflict of interest involving the chair, Eva Skira?

(5) What was the name of the probity auditor?

Hon KEN BASTON replied:

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

(1) Yes.

(2) Two other board members, Mike Hollett and Peter McMorrow, excluded themselves due to a potential conflict of interest. Once it was established that there was no conflict, they participated in the process.

(3) No.

(4) She was notified in writing on 3 March 2015.

(5) It is Stantons International.

SCHOOLS — NON-GOVERNMENT — ENROLMENTS

885. Hon SUE ELLERY to the Minister for Education:

(1) What were the total full-time enrolments at WA non-government schools as at the second semester census for 2015?

(2) Please provide a breakdown in year groups from years K–12.

Hon PETER COLLIER replied:

I thank the honourable member for some notice of the question. I have the information in tabular form and I seek leave to have it incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

1. – 2. The Semester 2, 2015 student census is still being finalised. I am advised that the Department of Education will be able to provide the data on 22 September 2015.

On 14 May 2015, I provided total first semester enrolments to you in response to QWN C561. I can now provide the year-level enrolments for Western Australian non-government schools as at the first semester census for 2015.

Year Level	Students
Kindergarten	10,721
Pre-primary	9,110
Year 1	9,000

Year 2	9,170
Year 3	9,236
Year 4	9,372
Year 5	9,421
Year 6	9,541
Year 7	12,490
Year 8	12,808
Year 9	12,671
Year 10	12,757
Year 11	11,852
Year 12	10,646
Ungraded secondary	185
Total	148,980

The table above shows the number of full-time students at Western Australian private schools, by year level, as at the Semester 1, 2015 student census. Kindergarten students are treated as 'full-time'.

CORRECTIVE SERVICES — CONSULTANCY SERVICES

886. Hon KATE DOUST to the Attorney General representing the Minister for Corrective Services:

(1) Since 1 October 2013, have any of the following organisations or persons associated with the organisations provided services to the Department of Corrective Services —

(a) Knowledge Consulting;

(b) Operational Leadership Consulting; and

(c) Quantum Consulting Australia?

(2) For each organisation that has provided a service —

(a) what was the nature of the service provided;

(b) what was the total cost of the service provided;

(c) was the service provided as the result of a tender process; and

(d) if no to (2)(c), how was the organisation engaged?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Corrective Services, I thank the honourable member for some notice of the question. The Department of Corrective Services advises —

(1) (a) Yes.

(b) Yes.

(c) No.

(2) For Knowledge Consulting —

(a) Participation in a staff selection process was provided.

(b) It was $12 614.50.

(c) No. There is no requirement to tender for services of this amount as this would impose unduly cumbersome and costly measures on government agencies, as recognised in the State Supply Commission procurement policies.

(d) By direct engagement.

For Operational Leadership Consulting —

(a) Leadership development training was provided.

(b) It was $19 393.

(c) No. There is no requirement to tender for services of this amount as this would impose unduly cumbersome and costly measures on government agencies, as recognised in the State Supply Commission procurement policies.

(d) By direct engagement.

PORT HEDLAND DUST HEALTH RISK ASSESSMENT

887. Hon STEPHEN DAWSON to the parliamentary secretary representing the Minister for Health:

I refer to the Port Hedland dust health risk assessment.

(1) Has the assessment been completed; and, if not, when will it be completed?

(2) When will the results be released?

(3) How will potential buyers of any apartments in the proposed Finbar development be made aware of the results of the assessment?

(4) What other developments in Port Hedland are awaiting the results of the assessment to proceed?

Hon ALYSSA HAYDEN replied:

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

(1) No. Department of Health toxicologists are currently completing a final analysis and review. It is expected to be completed by the end of September 2015.

(2) The results will be released as part of a comprehensive risk management response from the Port Hedland Dust Management Taskforce, which is expected later this year.

(3) The government has already decided on the risk management responses for that development. The health risk assessment does not apply to that development.

(4) The Department of Health is not aware of any developments awaiting the results of the health risk assessment. The task force's risk management framework, which will incorporate the health risk assessment findings, will inform planning and development decisions for all developments in Port Hedland in the future. Licences for increased transport of iron ore from the port are awaiting outcome of the task force deliberations.

BUTLER TRAIN STATION — CAR PARK CAMERAS

888. Hon KEN TRAVERS to the parliamentary secretary representing the Minister for Transport:

I refer to the cameras facing the entrances and exits of the car parks at Butler train station.

(1) What is the purpose of the cameras?

(2) On what date were the cameras installed?

(3) How was the installer of the cameras selected?

(4) On what date was —

  (a) work on them advertised or quotes requested; and

  (b) the job awarded?

(5) How much and when was money allocated for their installation?

Hon JIM CHOWN replied:

I thank the honourable member for some notice of the question. It is not possible to provide the information in the time available and I request that the member place the question on notice.

SYRIAN REFUGEES — PREMIER'S COMMENTS

889. Hon LYNN MacLAREN to the Leader of the House representing the Premier:

I refer to the Premier's proposal for WA to accept 1 000 Syrian refugees over and above Australia's current annual humanitarian intake.

(1) Has the Prime Minister responded to the Premier's offer?

(2) Does the Premier agree with suggestions that any additional intake should be restricted to Christians?

(3) Does the Premier think that Australia's moral obligation to help Syrian refugees increases if Australia partakes in bombing in Syria, which will inevitably affect civilians?

(4) Are there any other ways that WA can help address this global humanitarian crisis?

Hon PETER COLLIER replied:

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

(1)–(4) The Premier expressed the view that Western Australians would be supportive of federal government efforts to assist with the current humanitarian situation in Europe. The Premier has offered to take up to

1 000 refugees and the Department of the Premier and Cabinet and the Department of the Prime Minister and Cabinet have been in contact to discuss this issue. The state government will engage constructively with the federal government regarding any initiatives to assist those people displaced by the Syrian conflict.

FIREARMS AMENDMENT REGULATIONS 2013 — REVIEW

890. Hon RICK MAZZA to the Attorney General:

In October 2013, a committee inquiry into the Firearms Amendment Regulations 2013 found that the objections of legitimate firearms owners to licence fee increases of up to 131 per cent were justified. A key recommendation of the committee, which reported on 31 October 2013, was that a review of the act be undertaken. When the review by the Law Reform Commission of Western Australia was announced in March 2014, a discussion paper was to be produced by December 2014 and a final report by September 2015. Despite that the final report is now due, the discussion paper, originally due last year, has not been produced.

(1) Will the Attorney General now provide a date for the discussion paper?

(2) Will the Attorney General provide a date for the final report that will neither compromise the consultation process nor further delay the process?

(3) Will the Attorney General assure Western Australia's 83 000 firearms owners that —

(a) their concerns have been taken seriously; and

(b) the prospect of a review was not merely a delaying tactic by this government?

Hon MICHAEL MISCHIN replied:

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

(1) I am advised that the Law Reform Commission of Western Australia will publish its discussion paper on the review of the firearms legislation by 31 October 2015.

(2) I will confirm a date for the publication of the final report following the publication of the discussion paper and after further consultation with the commission. The date will provide for sufficient opportunity for stakeholders to make submissions and for the commission to conduct such further inquiries as it thinks fit to facilitate the review and inform its recommendations.

(3) Yes. The assignment of this subject to the Law Reform Commission is not a delaying tactic by government. The government is keen to ensure that any change to or reform of the firearms regulation regime in the state is comprehensive, considered and thorough.

As to progress, the commission operates as an independent statutory authority and exercises operational independence in the manner that it approaches the projects and terms of reference assigned to it. It is undertaking a comprehensive review of the firearms legislation, which is a large and complex body of work.

ROYAL PERTH HOSPITAL — LINEAR ACCELERATOR

891. Hon ALANNA CLOHESY to the parliamentary secretary representing the Minister for Health:

I refer to the one linear accelerator currently operational at Royal Perth Hospital.

(1) Is there currently any plan to remove the linear accelerator from use?

(2) If yes to (1), when will this occur?

(3) What public radiotherapy treatment centres are available within a 20-kilometre radius of Midland?

Hon ALYSSA HAYDEN replied:

I thank the member for some notice of this question.

(1)–(2) The Department of Health is undertaking a review of oncology services in the metropolitan area, which will inform the delivery of future radiation oncology services.

(3) Royal Perth Hospital, with the State Cancer Centre at Sir Charles Gairdner Hospital being 22.5 kilometres from Midland.

PEEL REGION — BRANDED SIGN SYSTEM

892. Hon SALLY TALBOT to the minister representing the Minister for Regional Development:

I refer to the Peel region branded sign system.

(1) Which organisations have collaborated in the project?

(2) What is the total cost of the project to date?

(3) How much funding was provided by —

(a) the Department of Regional Development; and

(b) royalties for regions?

(4) How many signs have been installed to date?

(5) Is the minister aware of problems relating to the legibility of the signs?

(6) If so, what is being done to improve their legibility and what is the cost of the change?

Hon COL HOLT replied:

I thank the member for some notice of this question.

(1) Through the Peel Regional Leaders Forum the following organisations have collaborated on the project: the City of Mandurah, the Shire of Murray, the Shire of Waroona, the Shire of Serpentine–Jarrahdale, the Shire of Boddington, the Peel–Harvey Catchment Council, Regional Development Australia Peel, the Peel Community Development Group and the Mandurah and Peel Tourism Organisation.

(2) The total cost to date is $1 104 895.

(3) The Peel Regional Leaders Forum was awarded $1 104 895 for the Peel tourism signage strategy as part of the 2011–12 country local government fund groupings.

(4) Eighty-nine signs have been installed to date, and 118 directional signs have also been installed in the region.

(5) Yes.

(6) The Peel Regional Leaders Forum advises that, to improve legibility, the signs will be getting larger font sizes at a cost of $55 000, taken from savings on the project.

WOOGENELLUP ROAD, MT BARKER — TRAFFIC WARDEN — APPOINTMENT

893. Hon DARREN WEST to the Attorney General representing the Minister for Police:

I refer to the children's pedestrian crossing located at Woogenellup Road, near the Mt Barker Community College.

(1) When was the vacant traffic warden's position advertised and how was the position advertised?

(2) Has a traffic warden now been appointed by the children's pedestrian crossing unit and when were they appointed?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Police, I thank the member for some notice of the question. I note that notice of this question was given on 17 June, so events may well have moved on significantly since then. The answer current at that time was —

(1) The vacant traffic warden's position was advertised on 5 February and 16 April 2015 in the *Albany Advertiser*.

(2) WA Police have identified an individual for this position, and are awaiting finalisation of the appointment.

I point out that that answer is several months old now.

TRANSPORT — COMMERCIAL VEHICLES

894. Hon SAMANTHA ROWE to the parliamentary secretary representing the Minister for Transport:

I refer to the Minister for Transport's media comments on 30 and 31 August, that 42 per cent of vehicles on the road are commercial vehicles.

(1) What is the total number of licensed vehicles, and the total number of licensed commercial vehicles?

(2) Will the minister provide a breakdown of the types of vehicles that come under this category of commercial vehicles, with a total figure for each type of vehicle?

Hon JIM CHOWN replied:

I will respond to that question at a later time. I am looking for the answer in my folder.

SYNERGY — BATTERY ELECTRICITY

895. Hon ROBIN CHAPPLE to the Leader of the House representing the Minister for Energy:

I refer to a section of the terms and conditions for Synergy's form "Application for installing or upgrading a renewable energy system and bi-directional metering" for systems with an inverter capacity that does not exceed 30 kilowatts and for systems between 30 kilowatts and one megawatt, which states —

> My facilities and equipment must not incorporate:
>
> i) a battery storage system;
>
> ii) an electrical vehicle system; or
>
> iii) both i) and ii)

(1) Given the Minister for Energy's recent statements regarding the future of solar generation at the Energy WA conference, why was this clause, which precludes solar households from installing household batteries, added into these Synergy agreements?

(2) If the answer to (1) is that it merely precludes consumers from exporting battery electricity back into the grid, as reported by Daniel Mercer in *The Weekend West* on 29 August 2015, why are consumers not allowed to export battery electricity into the grid?

(3) Would the minister agree that the current language of these agreements indicates that the inclusion of battery or electric vehicle technology in these systems would breach the terms and conditions of this agreement and may lead to the customer's disconnection?

(4) If yes to (3), will the minister agree to instruct Synergy to amend this language in all its relevant agreements, past and future, so customers are able to install batteries and purchase electric vehicles with no fear of disconnection?

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

(6) If yes to (3), and no to (4), why not?

Hon PETER COLLIER replied:

I thank the member for some notice of this question.

(1) The terms and conditions outlined by Synergy reflect the terms and conditions for eligibility under the AA3 access arrangement, approved by the independent Economic Regulation Authority.

(2) At the time of determining the AA3, the ERA determined that the impact on the network of exporting electricity onto the grid from electric vehicles and battery storage was largely unknown and agreed that further work was needed to understand and resolve issues.

(3) No.

(4) Not applicable.

(5) The language of the agreements reflects the terms and conditions for eligibility, approved by the ERA.

(6) Not applicable.

EMERGENCY SERVICES ACTS

896. Hon MARTIN PRITCHARD to the Attorney General representing the Minister for Emergency Services:

I refer to the proposed new emergency services act.

(1) At what stage is it?

(2) In particular, has drafting commenced?

(3) If yes to (2), when does the Minister for Emergency Services expect that to conclude?

(4) Does the minister have a time line to introduce the bill into Parliament; and, if yes, what is it?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Emergency Services, I thank the honourable member for some notice of the question.

(1)–(4) The discussion paper on review into the emergency services acts has been finalised. There will now be further consultation with state government agencies. When this is completed, drafting will commence and introduction of the bill to Parliament will occur as soon as possible.

SOUTH WEST REGIONAL CHILDREN'S SERVICES PLAN

897. Hon ADELE FARINA to the minister representing the Minister for Community Services:

I refer to the recently released South West Regional Children's Services Plan.

(1) Does the Minister for Community Services agree with the report recommendations?

(2) What funding will be provided by government to implement the report recommendations?

Hon HELEN MORTON replied:

(1) The report recommendations have been accepted by the Department of Local Government and Communities, which is managing the regional community childcare development fund, under which this plan was produced.

(2) The RCCDF is funded from $9.3 million provided from the royalties for regions budget over the past four years. The South West Regional Children's Services Plan was developed by Investing in our Youth and its appointed regional development officer as part of the project. The recommendations in the plan fed into an implementation plan, which is currently being progressed by the south west regional development officer. Investing in our Youth was provided with $340 000 to undertake this project, of which $170 000 was for implementation costs. The RCCDF project ends on 31 December 2015 and an implementation report is due at that date to report on the recommended actions that have been successfully implemented.

SCHOOLS — PUBLIC — LANGUAGE OTHER THAN ENGLISH

898. Hon SUE ELLERY to the Minister for Education:

I refer to Western Australian public schools.

(1) How many schools were teaching a language other than English in 2015?

(2) How many schools were teaching a language other than English in 2014?

(3) How many schools were teaching a language other than English in 2013?

Hon PETER COLLIER replied:

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

(1) In 2015, 377 public schools were teaching a language other than English.

(2) In 2014, 523 public schools were teaching a language other than English.

(3) In 2013, 507 public schools were teaching a language other than English.

BUILDING MANAGEMENT AND WORKS — PROJECT BANK ACCOUNTS

899. Hon KATE DOUST to the Leader of the House representing the Minister for Finance:

I refer to the current Building Management and Works trial of project bank accounts on eight projects, two of which are completed.

(1) Will the Department of Finance and the office of Building Management and Works provide a report on the outcomes and effectiveness of the project bank account trial?

(2) If yes to (1), when will it be tabled in Parliament?

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

Hon PETER COLLIER replied:

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

(1)–(3) The findings of the report are expected to be considered by the government in mid-2016, at which point a decision will be made as to whether the report will be tabled in Parliament.

WOMEN AND NEWBORN HEALTH SERVICE

900. Hon STEPHEN DAWSON to the parliamentary secretary representing the Minister for Health:

(1) Has funding for the Hedland Well Women's centre and the Nintirri Neighbourhood Centre in Tom Price been cut in the 2015–16 financial year?

(2) If yes to (1), what is the value of the funding cuts to both services?

(3) Have any other Western Australian women's health services, unplanned pregnancy programs and sexual assault services had funding cuts in the 2015–16 financial year?

(4) If yes to (3), what is the value of the funding cuts to each organisation detailed in (3)?

(5) What was the rationale for funding cuts to these essential services and does the minister stand by his decision?

Hon ALYSSA HAYDEN replied:

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

(1)–(5) The current contracts for women's health services contracted by the Women and Newborn Health Service have been extended to allow the tender process for the 2015–16 contract for services to be undertaken. The tender process and new contracts are expected to be finalised by the end of the month. The total funding allocation for women's health services has not been reduced.

ROE HIGHWAY STAGE 8 — ADVERTISING

901. Hon LYNN MacLAREN to the parliamentary secretary representing the Minister for Transport:

I refer to government-funded advertising for Roe 8.

(1) What is the total cost, including all mediums, of the current advertisement series bearing the tagline "Fewer trucks mean safer roads"?

(2) Will the parliamentary secretary please table the evidence to support the advertisement's claim that by 2021, Roe 8 will remove an estimated 5 000 heavy vehicles a day from various roads in the southern suburbs?

(3) Is the claim referred to in (2) based on the assumption of just Roe 8 being built or is it based on stages 2 and 3 of the Perth Freight Link being built as well?

(4) What is the forecast impact on heavy vehicle numbers on these roads by 2030?

Hon Simon O'Brien: Does that mean you're open to being convinced, if you're looking for information?

Hon Lynn MacLaren: No.

The PRESIDENT: Order!

Hon Simon O'Brien: What's the point? You're asking for factual information.

The PRESIDENT: Order! I will give Hon Simon O'Brien the call next time if he stands.

Hon Simon O'Brien: I don't want the call. I've been waiting for you lot to ask a sensible question.

The PRESIDENT: Order! Let us get back to the standard procedure.

Hon JIM CHOWN replied:

I thank the honourable member for some notice of this question. I do not have an answer. It is not possible to provide the information in the time available and I request that the member place the question on notice.

CORRECTIVE SERVICES — COURSES AND PROGRAMS

902. Hon SALLY TALBOT to the Attorney General representing the Minister for Corrective Services:

(1) For each WA prison, in each of 2008–09 and 2014–15, what was the total spending on vocational training courses, educational courses and rehabilitation programs?

(2) Were prisoners required to contribute to the cost of any courses or programs in either of those years?

(3) If yes to (2), which courses or programs, in which year and how much was the contribution?

Hon MICHAEL MISCHIN replied:

On behalf of the Minister for Corrective Services, I thank the honourable member for some notice of the question.

(1)–(3) The Department of Corrective Services advises that information on the total spending on vocational training courses, educational courses and rehabilitation programs for 2008–09 and 2014–15 is not recorded in a manner that is easily retrievable. The minister asks that the member place this question on notice.

GOVERNMENT OFFICE ACCOMMODATION — JOONDALUP

903. Hon KEN TRAVERS to the Leader of the House representing the Minister for Finance:

I refer to the Premier's announcement yesterday regarding options to develop new government office accommodation in Joondalup.

(1) On what date did the expression of interest close and which proponents were selected to submit a request for proposal?

(2) On what date did the government invite proponents to submit an RFP?

(3) On what date did the RFP close?

(4) Have the potential government jobs to be relocated to Joondalup been identified; and, if not, why not?

(5) If yes to (4), what jobs will be relocated to Joondalup?

Hon PETER COLLIER replied:

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

(1) The expression of interest process officially closed on 24 November 2014. Details of the four short-listed proponents will not be released at this point as the evaluation process is ongoing.

(2) The government invited proponents to submit an RFP on 17 June 2015.

(3) The deadline to submit a request for proposal was 28 July 2015.

(4) Yes.

(5) The Department of Finance is currently evaluating the submissions received through the request-for-proposal process.

TABLE GRAPES — IMPORTATION

904. Hon ALANNA CLOHESY to the Minister for Agriculture and Food:

I refer the minister to the draft policy review for the importation of fresh table grape bunches into Western Australia.

(1) How many submissions were received?

(2) When does the minister expect the final pest risk analysis to be released?

Hon KEN BASTON replied:

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

(1) Fifteen submissions were received related to this pest risk analysis.

(2) I expect the final pest risk analysis to be released in October 2015.

DEPARTMENT OF HEALTH–ST JOHN AMBULANCE — SERVICE CONTRACT

905. Hon ADELE FARINA to the parliamentary secretary representing the Minister for Health:

I refer to the contract between the Department of Health and the St John Ambulance service.

(1) Has a new contract been signed this year?

(2) If yes to (1), will the minister table a copy of the contract; and, if not, why not?

(3) If no to (1), when will the contract be signed and what has caused the delay?

Hon ALYSSA HAYDEN replied:

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

(1) Yes, the contract has been signed.

(2) Yes. I seek leave to table a copy of the contract.

Leave granted. [See paper 3225.]

(3) Not applicable.

DEPARTMENT OF AGRICULTURE AND FOOD — EDUCATION VAN

906. Hon MARTIN PRITCHARD to the Minister for Agriculture and Food:

I refer to the education van that is used by the Department of Agriculture and Food for the Royal Show and other interactive educational activities.

(1) What is the funding for the education van?

(2) What are the exact usage guidelines for the education van?

(3) Who can request the education van?

(4) Is the usage of the van for the metropolitan area or regional areas?

Hon KEN BASTON replied:

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

(1) The royalties for regions initiative ended on 30 June 2015.

(2) The education van is used under the department's normal asset usage arrangements, which may include loans to partner organisations.

(3) Any relevant organisation can request the education van.

(4) Principally regional areas, but also the metropolitan area, in which the van will deliver an agriculture awareness, education and engagement benefit.

I would also like to add that I am a great supporter of the education van. I was speaking to Mrs Dot Newton, the Deputy Mayor of the City of Wanneroo and also the president of the Wanneroo Agricultural Society, who raised this matter with me on Monday at the regional cabinet function. I will be looking at getting an education van to the Wanneroo show this year.

SYNERGY — BATTERY ELECTRICITY

907. Hon ROBIN CHAPPLE to the Leader of the House representing the Minister for Energy:

I refer to a section of the terms and conditions on Synergy's form "Application for installing or upgrading a renewable energy system and bi-directional metering" for systems with an inverter capacity that does not exceed 30 kilowatts, and for systems between 30 kilowatts and one megawatt, which states —

- My facilities and equipment must not incorporate:
  - i) a battery storage system;
  - ii) an electrical vehicle system; or
  - iii) both i) and ii).

(1) When was this particular clause introduced to the terms and conditions for connecting solar systems to the grid?

(2) How many Synergy customers have signed this form since —

(a) its introduction; and

(b) August 2014.

(3) Why does this provision not apply to Horizon Power customers?

Hon PETER COLLIER replied:

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

(1) The terms and conditions outlined by Synergy reflect the terms and conditions for eligibility under access arrangement 3 approved by the independent Economic Regulation Authority.

(2) This information cannot be provided in the time given. I ask the member to place this part of the question on notice.

(3) This is a matter to be determined by the ERA.

ROAD SAFETY — LESMURDIE ROAD AND WELSHPOOL ROAD EAST INTERSECTION — CYCLISTS

908. Hon SAMANTHA ROWE to the parliamentary secretary representing the Minister for Transport:

I refer to an article published in the *Midland Reporter* on 18 August 2015 regarding research conducted at the University of Western Australia that revealed the intersection of Lesmurdie Road and Welshpool Road East to be the most dangerous intersection for cyclists, with 11 crashes between 2010 and 2014.

(1) Does the minister intend to modify the intersection to make it safer for cyclists?

(2) If yes to (1), how will the intersection be modified and when will the modifications be complete?

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

Hon JIM CHOWN replied:

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

(1)–(3) Both Lesmurdie Road and Welshpool Road East are local government roads under the care and control of the Shire of Kalamunda, and council is responsible for the safe operation of this intersection.

Although any modifications to the intersection are the responsibility of council, Main Roads WA is always available to provide any technical advice or assistance required.

The member may be interested to know that in 2014–15, the Liberal–National government provided an unprecedented $167 million to local governments for important local road upgrades.

DEPARTMENT OF AGRICULTURE AND FOOD — BEEKEEPERS

909. Hon DARREN WEST to the Minister for Agriculture and Food:

(1) As at 1 July 2015 —

The PRESIDENT: Order! Hon Darren West has got a ventriloquist in the chamber!

Hon DARREN WEST: Mr President, with this cold, anything is possible. I continue —

(1) As at 1 July 2015 how many officers were employed by the Department of Agriculture and Food to work in research and support for apiarists?

(2) Are there any plans to change the level of support; and, if so, how many officers will this affect and when?

(3) Do individual registered beekeepers contribute toward the cost of this research and support; and, if so, how much has been contributed in each of the following financial years —

(a) 2012–13;

(b) 2013–14;

(c) 2014–15; and

(d) to date in 2015–16?

(4) How many commercial and non-commercial beekeepers are registered in WA; and, of those, how many of each are located in regional WA?

Hon KEN BASTON replied:

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

(1) There are 2.7 full-time equivalent officers.

(2) Yes. There was one officer in November–December 2015.

(3) Individual beekeepers do not contribute to research or support conducted by the Department of Agriculture and Food for apiarists. DAFWA has received external funds from organisations such as Rural Industries Research and Development Corporation for bee research in the past.

(4) There are 1 314 registered beekeepers in WA, of which 104 are commercial—with 50 or more hives. Of the commercial beekeepers, 47 have their registered address in the Perth metropolitan area, with 57 in the rest of WA.

SCHOOLS — PUBLIC — FUNDING

910. Hon SUE ELLERY to the Minister for Education:

I refer to the school community contributions and funding survey conducted by the Western Australian Council of State School Organisations that shows that WA parents are donating more than ever before—for example, $14 000 in 2014 compared with $11 000 in 2012—and that the majority of funds raised by parents are spent on literacy, numeracy and science programs. Is it not the case that as a result of direct cuts to schools by the Liberal–National government, WA parents now have to top up more than ever before?

Hon PETER COLLIER replied:

I thank the honourable member for the question. No. Let me make one thing perfectly clear, and as I say constantly: there have been no cuts to education funding. Funding last year increased by 6.5 per cent alone. Since 2008, funding in Western Australian schools has increased by 69 per cent.

Hon Sue Ellery: There have been no cuts!

Hon PETER COLLIER: Does the member want the answer or not?

Hon Sue Ellery: I've got it—there have been no cuts!

Hon PETER COLLIER: There have been no cuts to education funding. The member should look at the budget papers—check the budget papers!

Hon Sue Ellery interjected.

Hon PETER COLLIER: I know the member is tweeting this but she should make sure she gets her facts right! Why does the member not tweet "Go to the budget papers"? The budget papers will show the honourable member that funding has increased every single year that the Liberal–National government has been in office. Western Australian schools have never, ever been funded at a higher level than they are now, in the history of this nation. Tweet that, member! Make sure you tweet that because it is a very good figure! This is another one for the member to tweet. She should be consistent. Funding has increased —

Hon Sue Ellery: I cannot type as fast as you speak!

Hon PETER COLLIER: I will go really slowly: funding has increased in Western Australian schools by 69 per cent since 2008. That was at a time when we had a corresponding student increase of 15 per cent. In anyone's language, they are good figures. They are figures that members on this side of the chamber are very proud of. Can I say to the honourable member —

Hon Sue Ellery: I only have 140 characters!

Hon PETER COLLIER: I have not finished yet. The honourable member needs to remember that Western Australian students are funded at a far higher rate than students from any other state in the nation. The figure in WA is $18 700 per student; the national average is $15 500. I reckon that is pretty good. Let us get to the specific question. Has Hon Sue Ellery got all of that?

Several members interjected.

Hon PETER COLLIER: Did the member get "the highest rate in the nation"? She should make sure she tweets that WA funds its students at the highest rate in the nation and, I might add, that WA has the highest paid teachers by far in the nation; unlike under Mark McGowan, when they were the lowest paid teachers in the nation by far and we had massive teacher shortages —

Several members interjected.

Hon PETER COLLIER: I am really giving a very comprehensive response here, but it is pertinent because it is a very good question.

The WACSSO survey, to which one in six schools responded, was based on, dare I say it, the views of some of the schools. Members need to remember —

Hon Stephen Dawson: People at the coalface!

Hon PETER COLLIER: Not at all, I can assure the member. I have met with over 500 parents and citizens associations throughout this state and the message I get is very positive. The WACCSO survey indicated that schools were raising more money, and I say that that is sensational.

Hon Sue Ellery: Because they have to!

Hon PETER COLLIER: No, not at all. It is a great credit to the P&Cs of Western Australia. They are vibrant and dynamic, and are contributing to the welfare of students. That is the first thing. Over an equivalent two-year period, funding of Western Australian schools went up by half a billion dollars. We are now funding air conditioning within our schools; all our schools are air-conditioned. Previously, P&Cs had to contribute to air conditioning. We are now providing funding for shade cloth and playground equipment. Previously P&Cs provided funding for most of that. Members opposite should keep things in perspective.

I will add something else. This government has done something that members opposite did not do when they were in government. The Liberal–National government has given authority and autonomy to schools. It does not surprise me that P&Cs now are much more dynamic than they have ever been. It does not surprise me that they are being much more innovative and expansive in fundraising activities. I go out to schools every single week. I hold forums with P&Cs and chairs of school boards every single week and the unambiguous message I get is positive. They love the autonomy and having the authority that they never had before, and they love the fact that their schools are funded much better than any other schools of any state in the nation.

The PRESIDENT: Members, can I just remind everybody, following that question and answer, that there is only one official record of parliamentary proceedings, and that is *Hansard*.

SCHOOLS — PUBLIC — COURSE CHARGES

Question without Notice 798 — Answer Advice

HON PETER COLLIER (North Metropolitan — Minister for Education) [5.10 pm]: On Thursday, 13 August 2015 Hon Sue Ellery asked question without notice 798. I would like to provide an answer, and I seek leave to have it incorporated into *Hansard*.

The following material was incorporated —

1. a. The total amount collected for charges, including extra-cost optional components, as at end of April 2013 was $14.2 million.

b. The total amount collected for charges, including extra-cost optional components, as at end of March 2015 was $12 million.

2. a.—c.

I have the information in tabular form and I seek leave to have it incorporated into Hansard.

LC QWN C852

[Tabled paper]

2. a.

The debt collected on behalf of schools and the Department of Education for Term 1, 2013 was:

	Debt Recovered $	% of Debt Recovered	(c) Cost to recover $
Education Department	107,029	50%	16,975
Schools	8,889	See notes below*	2,205
Total	115,918	Not applicable	19,180

*Three schools accessed debt collection services in Term 1, 2013. One of the three schools advised that the debt had been fully recovered (i.e. 100%).

The debt categories for the Department of Education debt were general debt and vacated housing. The general debt related to salary recovery and cost of notebooks for teachers. The school debt category was student debt. The percentage of debt recovered is an average figure for the Department of Education.

2. b. The debt collected on behalf of schools and the Department of Education for Term 1, 2015 was:

	Debt Recovered ($)	% of Debt Recovered	(c) Cost to recover ($)
Department	12,006	25	1,699
Schools	116,944	18*	13,284
Total	128,950	Not applicable	14,983

*This is an average figure based on seventeen schools having recovered debt through debt collectors in Term 1, 2015. The percentage varied from less than 1% to 72% of the debt being sought.

It should be noted that schools may appoint debt collectors at different times throughout the school year to recover debt that may have been accrued at any time in the previous one to four years.

KIDSMATTER PROGRAM

Question without Notice 873 — Answer Advice

HON PETER COLLIER (North Metropolitan — Minister for Education) [5.10 pm]: On Thursday, 20 August 2015, Hon Sue Ellery asked question without notice 873. The answer reads that I should ask to have it incorporated into *Hansard*, but I will not because it is a very extensive response. I table that response.

[See paper 3226.]

QUESTIONS ON NOTICE 3215, 3240, 3241, 3245, 3246, 3248, 3249, 3250 AND 3277

Papers Tabled

Papers relating to answers to questions on notice were tabled by **Hon Helen Morton (Minister for Child Protection)**, **Hon Michael Mischin (Minister for Commerce)**, **Hon Ken Baston (Minister for Agriculture and Food)** and **Hon Col Holt (Minister for Housing)**.

POLICE — MULLALOO INCIDENT — ATTENDANCE

Question without Notice 865 — Supplementary Information

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [5.11 pm]: On 20 August, Hon Ken Travers asked question without notice 865 about an incident in Mullaloo involving a drink-driver crashing into a house and subsequently trying to break into the house. I responded in regard to police attendance at an incident in Connolly of a similar nature. Hon Ken Travers queried the Connolly location, and I undertook

to seek some further advice on the subject. Western Australia Police has confirmed that there were no incidents reported or attended of that nature in Mullaloo in the time frame referred to in the question. The circumstances and time frame of the reported incident in Connolly matched the details described in the question, and this was the incident outlined in my response on 20 August. On, I think, Friday, Hon Ken Travers' office provided my electorate office with an address in Mullaloo; I am seeking some further clarification in respect of that specific address, and I will revert to him once I have the advice of the Minister for Police.

TRANSPORT — COMMERCIAL VEHICLES

Question without Notice 894 — Answer Advice

HON JIM CHOWN (Agricultural — Parliamentary Secretary) [5.12 pm]: The folder malfunction I experienced was not as catastrophic as I initially anticipated in regard to question C947 asked by Hon Samantha Rowe, and from its claws I have managed to coax an answer. The answer is —

(1) The total number of licensed vehicles as of 31 August 2015 is 2 699 118. The total number of licensed vehicles for business use is 1 063 109.

(2) I table the attached information.

[See paper 3236.]

CONSTITUTION AMENDMENT (RECOGNITION OF ABORIGINAL PEOPLE) BILL 2015

Second Reading

Resumed from an earlier stage of the sitting.

HON ADELE FARINA (South West) [5.13 pm]: Any acknowledgement of traditional ownership of this land by Aboriginal people must, by necessity, recognise that dispossession. It is the formalised recognition of that dispossession that will truly set us on the path of genuine reconciliation that this amendment aspires to. Historically, this Parliament has had a less-than-auspicious track record of providing leadership and legislation to support equity in Western Australia and to promote the inclusion of Aboriginal people in a way that would have allowed them to walk in lock step with the broader community in reaping the rewards and benefits that flowed from the development of Western Australia. At this moment in time we have the opportunity to close that book and pass a just and forward-looking amendment to our Constitution. It is my hope that this amendment becomes the defining act of the Western Australian Parliament in terms of legislation that encapsulates the place of Aboriginal people in our society, and that it replaces the notorious Aborigines Act 1905 that has previously been, to our shame, the most-referred-to Aboriginal legislation in this state.

The Aborigines Act 1905 and its successor, the Native Administration Act 1936, were not only discriminatory in the extreme, cruel and unjust, but also they were based on the false premise that Aboriginal people were a dying race that needed looking after. The resilience of Aboriginal people has demonstrated that the foundation of that act was patently untrue. The provisions of the 1905 act that related to the removal of children and the consequences they had for those children and their families are well known, but other lesser-known provisions have had lasting and detrimental impacts on Aboriginal people in this state. I make comment on the provisions of the 1905 act not for the purpose of condemning our past deeds, but to recognise the truth of our history and to pay respect to the resilience of the Aboriginal people who survived this harsh legal regime with their commitment to their cultural and traditional values undiminished. Although it is true that the impact of that act was to cause a great loss of cultural knowledge, the act failed in its aim to dispense with Aboriginal identity; generations later, Aboriginal culture remains. What we witness today amongst Aboriginal people is a fierce commitment to the values that underpin that culture, to the maintenance of language and cultural knowledge that has survived, and an amazing willingness to share that culture with others.

Even a cursory reading of the 1905 act explains so much about the evolution of the relationship between Indigenous and non-Indigenous communities, and about the gap that exists between Aboriginal and non-Aboriginal Western Australia. It demonstrates that without reconciliation and recognition, that gap will be perpetuated and become so much more difficult to close. The provisions of the 1905 act set out to create social and physical apartheid; they devastated families and gave rise to hurt and confusion that would last for generations. Most significantly, the act allowed children to be taken from their parents, raised in missions and denied the opportunity to know their families, learn their language and understand their culture. It set out to make Aboriginal culture and people relics consigned to the past. Roelands Mission in the south west became home to not only hundreds of Noongar children, but also children from the north west—children who were taken so far from home that many never had the opportunity to truly know who they were. There are heartbreaking human stories from Roelands of parents who camped on the other side of the river from the mission just so they could occasionally catch a glimpse of their children. They would hide lollies and small treats in the bushes along the riverbanks in the hope that the children would sneak across the river to find them and know they had not been forgotten. The 1905 act failed to recognise the parental rights of Aboriginal people. It failed to recognise

that we share universal fundamental human emotions, and failed to understand the damage wrought on communities when grief, guilt and sorrow are all-pervading.

The act also made it an offence for non-Aboriginal people to live with Aboriginal people or even visit the reserves that became the enforced homes of Aboriginal people. It forbade marriage between non-Aboriginal and Aboriginal people, and, based solely on race, it prevented the natural evolution of friendships and relationships; it denied us the opportunity to know one another. It sought to ensure that Aboriginal people were dependent, denying them the right to work unless they had obtained a permit. It also afforded the Chief Protector of Aborigines, in respect to the property of Aboriginal people, the right to —

(1.) Take possession of, retain, sell, or dispose of any such property, whether real or personal;

It forced Aboriginal people to leave their ancestral lands, to live on reserves and to be denied the right to enter towns. It removed basic rights from Aboriginal people, allowing them to be arrested without a warrant. Clothes and blankets were purchased for Aboriginal people, but remained the property of the Crown. Every aspect of the life of an Aboriginal person was dictated by the government and recorded, with Aboriginal people being the subject of files sometimes as thick as phone books.

Under the Natives (Citizenship Rights) Act 1944, Aboriginal people could apply for citizenship to escape some of the limitations imposed on their day-to-day lives. All they had to do was sever all ties with their extended family and friends, effectively deny their Aboriginality, and prove they were free from disease and were civilised in their behaviour. Once granted citizenship, they then lived with the knowledge that it could be revoked at any time for such offences as rejecting a "civilised life", being drunk or contracting designated diseases. Citizenship was not automatically conferred on their children. What an appalling choice to ask people to make: their family or the right to be acknowledged by their country!

Despite all of this, Aboriginal people refused to be cowed. They are resilient. Through all the sorrow, the Aboriginal commitment to family and the sense of obligation to those they belong to remain. Many languages, traditions and histories have survived. It was, however, inevitable that the consequences of the 1905 act and its successors would be a complete absence of trust on the part of Aboriginal people, almost no understanding of Aboriginal people by non-Aboriginal people, and few opportunities for Aboriginal people to seek advancement in education or employment. These are the challenges of reconciliation as we seek to acknowledge past actions and unpick the consequences.

However, it was in this environment that Aboriginal men enlisted, left their home and went to risk their lives fighting for Australia. They had to deny their Aboriginality to go to fight for a country that denied them. It is estimated that more than 1 000 Aboriginal soldiers fought in the First World War, four of whom were Noongar brothers from Katanning: Kenneth, Augustus, Larry and Louis Farmer. Augustus became the first Aboriginal soldier to be awarded the Military Medal for bravery under fire, but only Kenneth made it home. That family sacrificed three of its sons for a nation that did not recognise their basic human rights. When Aboriginal soldiers made it home, they saw their traditional lands given to their comrades in the form of land grants for returned soldiers, but were denied such grants for themselves; they went back to the reserves. In the face of such discrimination, when World War Two broke out, Aboriginal people again enlisted—this time an estimated 5 000 enlisted. This time they came home to be denied the right to have a beer with their mates, were allowed in RSL clubs only on ANZAC day, and were confronted with the red line around Perth, the artificial boundary that prevented Aboriginal people from entering the centre of the city.

Since that time, the resilience of Aboriginal people has been proudly on display for anyone who cared to look. Despite the obstacles, they have carved out a place in contemporary Australia. They have become leaders for not only Aboriginal people, but also all Australians in many fields from education to the law, health, the arts, sport and indeed politics; and along the way non-Aboriginal Australia has changed. Since the 1967 referendum, we have sought to change the old laws to acknowledge the injustices and to recognise the unique contribution that Aboriginal people have made to Australian society and culture, but sometimes we have moved too slowly. This amendment gives us the opportunity to draw a line in the sand, to say that the days of an Aboriginal past and a non-Aboriginal past are behind us, and to say that we acknowledge the past but choose to walk forward together to forge a new history that is collective and distinctly Western Australian for all.

We came to this state and claimed it as our own, in total ignorance of the Aboriginal people already residing as one with this country. Today we seek to formally recognise that prior ownership, but one look at any map of WA tells us that the marks of that prior ownership have never been wiped away. Throughout the state, many places have always borne the names provided by those original custodians and are testament to the exchanges between Aboriginal people and our European forefathers. In the south west, where the place names change from those ending in "up" to those ending in "in", the ancient lines defining changes in territory, custom and language remain. Our history has obscured the position of Aboriginal people in Western Australia, but today we have the opportunity to formalise the recognition of a historical fact that should have always been clear: that Aboriginal people are the original owners of this place, and in doing so we will open the door to a genuine path of reconciliation.

It is a difficult task we have set ourselves. We have spoken for years of reconciliation, and although significant progress has been made, we must now stand committed, no matter the challenges or the obstacles, to a steady and unwavering course towards comprehensive reconciliation and all that entails. Today I have spoken of the three Rs—recognition, resilience and reconciliation—but there is a fourth "R". In his poem *The Dark Warrior*, about Australian Aboriginal servicemen, Victor Churchill Dale says, "Respect is the finest adornment of mankind".

This amendment we are considering today is about stating a historical fact and making a commitment to our future. It is about recognition, but ultimately it is about respect, the finest adornment, and perhaps that is one of the reasons why our colleague Josie Farrer in the other place has said that in passing this amendment we can be magnificent.

HON KEN TRAVERS (North Metropolitan) [5.25 pm]: I firstly acknowledge the traditional owners and custodians of the land on which we meet today, the Whadjuk–Noongar people, and pay respects to their elders past and present. I want to join the many members who have already made a contribution to this very important piece of legislation that we are passing, the Constitution Amendment (Recognition of Aboriginal People) Bill 2015.

In paying my respects to the Noongar elders, I pay respect in particular to Doolann Leisha Eatts and her husband, Walter, the two elders whom I have probably had the most to do with. One of the great privileges about being a member of Parliament is that we get to spend a lot of time with people such as the elders of the Aboriginal community, not just the Noongar elders, but also the many elders right across Western Australia. I have always found them to be very generous with their time, their consideration and their wisdom, and I give them my appreciation for that.

This bill, as it says, is very much about ensuring that our state's Constitution makes reference to Aboriginal people in an appropriate way, both by inserting a new section and by deleting some existing sections and references to Aboriginal people. As many members have said, it is a long overdue measure. It is yet another but very important step in the many steps we need to take in the walk to reconciliation that many of us have committed to for some considerable time. As the new section points out, by passing this bill we, as a Parliament, will make it clear that we seek to effect a reconciliation with the Aboriginal people of Western Australia—and we obviously do that on behalf of the Western Australian non-Aboriginal community.

I am probably one of the longest serving members of Parliament in this chamber—I understand that there is bipartisan support for the bill in this place; certainly, there was in the other place—and it has given me cause to reflect on the changes that have occurred in the way both this Parliament and our community seek to relate to and interact with the Aboriginal members of our community. This bill would never have passed this chamber if it had been introduced when I first arrived in this place. It is a compliment to every member who now sits in this chamber that this bill will pass through this chamber.

It has been a long walk. Some of us have been ahead in that walk; others have joined along the way. When I first arrived here, I remember some of the acrimonious debates around native title and the views on whether or not we should accept the decision that came about through the Mabo case, which finally recognised that terra nullius never existed in Australia. They were acrimonious debates; I am very pleased that we no longer have those debates. I congratulate the Premier for his position of seeking to effect a final native title settlement with the Noongar people. I take this opportunity to congratulate all the people who have been involved in that process, but in particular I congratulate former chief executive officer of the South West Aboriginal Land and Sea Council, whom I know, Glen Kelly, for his work. I know of the efforts and energy that were put in by all sides to effect a final settlement. Those are positive things of which we as a chamber can be proud, because they would not have occurred when I first arrived in this place. In fact, just before I arrived in this place members were still making quite outrageous racist remarks; remarks that would be howled down by all members from both sides of the chamber if they were said in the chamber today. Not only is that a positive for our community, but also it is something that members in this place can be proud of. As I say, this is another step—it is not the first step—and an important step in the path to reconciliation, but we will need to take many more.

In my inaugural speech, I committed to the process of reconciliation. I made those comments almost 18 and a half years ago. I said that I hoped to be seen as someone with an enlightened view. I realised along the path that my view has not always been enlightened. In fact, I pay tribute to the mover of the Constitution Amendment (Recognition of Aboriginal People) Bill in the other place, Josie Farrer, because she constantly challenges my views about whether I am as enlightened as I should be both in terms of her preselection and her contribution since being elected to Parliament. She has made me realise that I need to constantly rethink how I look to and respect Aboriginal people and the contribution they can make. One thing that I am in absolute awe of is this: I do not think I have ever sat at lunch with Josie Farrer in this building without her imparting a new piece of wisdom and without me being a better person for having spent some time with her. She is a remarkable woman. It is a true tribute that this legislation will be passed and it will be a tribute hopefully to the contribution that I think

she continually makes in assisting people such as me to also walk that path to reconciliation. I absolutely congratulate her for that.

There are many more things we need to do. For many years I have sat on the Aboriginal Education, Employment and Training Committee of the West Coast Institute. That is not something that I publicise greatly; rather, I do it as a member of Parliament and diligently make my contribution. I sit on that committee with Doolann Leisha Eatts and her husband, Walter. As a result of sitting on that committee, I want us to achieve a greater number of police officers who identify as Aboriginal. At the moment there are not enough. To achieve that will require us all to rethink how we do it. I am not asking for the standards to be lowered, but I am looking at the pathway for someone who identifies as Aboriginal and who wants to become a police officer. We need to change and we need to work and find ways to assist that. I hope that will be another step we can take on the path of reconciliation. When we look at the many issues and challenges that face us as we seek true reconciliation, the relationship between the police and the Aboriginal community will be so important. The number of police officers should at least reflect, on a population basis, the number of Aboriginal people in our community. There should be at least as many Aboriginal police officers in our community on a population basis as there are non-Aboriginal police officers. That will be a challenge for all of us and for those in the police force and Parliament. The West Coast Institute is certainly seeking to work with the Western Australia Police Academy because they are co-located to do that. I hope we will all take that path.

We also need to be honest about the real history of Western Australia. A number of members talked about that. The history I was taught as a student at school was not the true, full and complete history. In fact, it covered up many past injustices. We cannot avoid the fact that there has been bloodshed between Aboriginal and non-Aboriginal Western Australian communities. We need to be honest about that. We need to teach the true history of Western Australia to our students, because it is only through understanding the past that we can forge a pathway to the future.

We do not want to drop the very positive outcomes that this bill has created within the Parliament and within the community. One of the areas I hope we will all commit to as a result of the passage of this bill is the way we address the issue of Wadjemup, or Rottnest as it is known to European Australians. Along with my colleagues, I went to Wadjemup earlier this year and was given a full briefing of its history. The site is relevant to not only the Noongar people, but also to all Aboriginal people because Aboriginal people from all over Western Australia were imprisoned in, and died at, that facility. It is time that we as a community work with Aboriginal communities across WA to find full and complete acknowledgement—we will never be able to reach a resolution—and treatment of the importance of that site and a better way of treating it than it has been treated for many years, which is as a camping ground.

One of the things I noticed during my time as a member of Parliament was that it was often controversial to have a welcome to country at functions. Today it is now almost an official part of normal proceedings. I think we need to go further in acknowledging Aboriginal cultures. As members mentioned earlier, Aboriginal culture is the oldest living continuous culture in the world and there are many elements to that culture. It is not a single culture. In the Kimberley alone there are many different language and cultural groups. The elements of that culture can be shared with us and we should be proud of that. We need to be sharing that and rejoicing in that culture. That is part of how we will reach full and true reconciliation. I hope, through the passage of this bill, we are committing ourselves and the Parliament to that.

Finally, I want to talk about the six degrees of separation and a little bit of family history. When I spoke about Aboriginal reconciliation in my inaugural speech, I talked about some of my predecessors—my great-great-grandfather and my cousin. My brother has researched the family history and recently travelled to northern New South Wales where my great-grandparents first settled. I am sure what he has discovered about our family history is no different from the family history of many Western Australian families. He discovered that my gran had a half-sister of Aboriginal descent. He was able to identify and locate her descendants, who are my cousins. I was not aware of them until my brother did his research. I am very proud of the fact that he sought at a personal level to seek reconciliation for what my great-grandparents did in the local Aboriginal community in northern New South Wales and, as a result of doing that, he found a whole new chapter and a family group of whom we were not aware. Although they will not be covered by this bill, because it refers to Western Australia, I am sure that there are many other stories in Western Australia of a similar nature. If we dig deep enough we will find that there is only one or two degrees of separation between us and the Aboriginal people of Australia. In terms of my contribution today, I want to pay tribute and mark my respect to my cousins in northern New South Wales, who identify as Aboriginal people. They are members of the Bundjalung community.

I conclude by saying that the ultimate challenge for all of us is to ensure that each and every one of us has opportunities. We have always argued for the fair go and equal opportunity in Australia; it is important that we ensure that that goes to everybody, regardless of where we come from. There is no doubt in my mind that, at the moment, we still do not have that equality of opportunity for Aboriginal people, and I hope that the Constitution Amendment (Recognition of Aboriginal People) Bill 2015 will be an important and significant step towards

reaching that goal; I know that the Leader of the House would join with me in calling for that. I hope that we will see as a result of the passage of this bill many further steps taken along the journey to reconciliation. I think this Parliament can be very proud that we have a member like Josie Farrer to help us walk down that path. I commend the bill to the house.

HON LYNN MacLAREN (South Metropolitan) [5.40 pm]: I rise to make my contribution to the Constitution Amendment (Recognition of Aboriginal People) Bill 2015. This will be a brief contribution as Hon Robin Chapple has already spoken on behalf of the Greens and given a fulsome response to the bill before us.

I too acknowledge the Whadjuk–Noongar people on whose land we stand and pay my respects to their elders, past, present and future. Of late the Greens have taken to acknowledging future elders at our official gatherings because it is important that we look to the future and how young Aboriginal people will rise to those positions of authority, respect and recognition. It is also important that we consider what sort of society we will leave to those future elders so they can lead us all into a post-reconciliation future, if members can imagine that. In acknowledging those future Aboriginal elders, I also want to pay my respects to some of the Noongar people in the South Metropolitan Region who have, from time to time, shared their wisdom with me and helped the Greens in the South Metropolitan Region to respond to the various challenges we have in Western Australian politics.

Before I do that I want to acknowledge, as every other member thus far has acknowledged, the tremendous contribution made to this Parliament by Josie Farrer in bringing this bill to us. It is not inconsequential for a private member's bill to be supported by all side of politics. It shows the tenacity of a woman who has stood for her people, won a seat in the lower house, and has obviously been an effective negotiator in being able to move this bill from an idea, through the powerful work of the Joint Select Committee on Aboriginal Constitutional Recognition, to its now final stages; we are now perhaps in the final half-hour of debate on this legislation. As a member who has a few private members' bills on the agenda, I know it is no mean feat to get to this stage, and I commend her and everyone who has worked with her, to get to this point of passing a private member's bill, especially on such an important and critical issue. I think each of us feels a little bit of spine-tingling significance at this important moment.

As I mentioned, Hon Robin Chapple has already put on the parliamentary record the Greens' position on Aboriginal reconciliation and recognition, and how we have got to this point today. He also pointed to some of the work we have done in the Senate. Looking more closely at my own South Metropolitan Region, I wish to acknowledge the leadership and wisdom that has been shared with the Greens over time by individuals like Trevor and Richard Walley, Dr Noel Nannup, Rev Sealin Garlett and Len Collard. I have personally been inspired by Ingrid Cumming, who is a young, up-and-coming Aboriginal elder; Della Rae Morrison; and Karla Hart. These last three women have demonstrated optimism and joy in celebrating their Aboriginal culture, and that has been inspirational to me in my approach to this legislation.

I came from the United States of America to a country that has such challenges with racism; the US also has challenges, but in a different way. I have seen the challenges of inclusion of Aboriginal people, and it is not a small challenge. It is incredible that, in 2015, we are only now at the stage in Western Australia of making these amendments to our Constitution. Many members have given very fulsome accounts of our history in Western Australia and why it is important and significant. I do not want to dwell on that; I merely want to say that although we have come a long way, there is a long way to go, and I truly hope that the Constitution Amendment (Recognition of Aboriginal People) Bill 2015 will be a watershed moment and a step towards a more inclusive society.

When I did some consultation with people I know in the South Metropolitan Region, they were not really completely across what is going on here; much less so than for the Recognise movement, which is a movement for federal constitutional change. This state constitutional change was not so well understood, and the significance of it was difficult for people to comprehend. It is not really surprising that there was some concern about how it might affect the rights of Aboriginal people and their inclusion in government policies. I cannot really reflect upon or quote for members what any of the individuals I have mentioned feel about this legislation at this time. That is partly because I do not have responsibility for the Greens' Aboriginal affairs portfolio; Hon Robin Chapple has been more closely associated with this bill as it has progressed through the house. To be quite honest, I have been spending much of my time working on including Aboriginal people in the decision-making processes of the other issues that are going on. I know that they have also been completely engaged in such things as ensuring that their heritage is protected, preserved and respected.

Hon Ken Travers just mentioned Rottnest Island. I have spent quite a bit of my time working with people who are concerned about recognising and protecting Rottnest Island's heritage. I spent most of my time for the last several months working with the people who are trying to protect the Beeliar wetlands, which is a very precious place to Aboriginal people in the South Metropolitan Region, as members will well know. People are very concerned about the impact on their heritage of current government policies, and are perhaps distracted by these more immediate concerns and cannot see the symbolic significance of the amendments that we are now putting forward.

It is our challenge to communicate with those communities and articulate the significance of this legislation. I wonder whether we could have an educational or promotional campaign that would go to the heart of this legislation and teach our communities that this is a significant step that we have made, in much the same way as we see promotion of Roe 8, which I perceive to be the other side of the equation. Today I asked a question about Roe 8 and the advertising campaign that is going to explain why that is important. Why are we not putting that kind of money into explaining to people why this issue is important? It may well be that part of the change that we are passing today will result in considerable recognition. I really appreciated it when the Minister for Education gave us all little books explaining the contribution made by Aboriginal soldiers. Things like that make our reconciliation real; they put rubber on the road. We need to see that in order to speak to our communities about the significance of this constitutional amendment we are passing today.

I do not want members to infer that I am in any way being negative about this. I am incredibly optimistic about this measure; I know it is a good move in the right direction. However, as in any debate there is light and shadow. Some members have alluded to that shadow. It is important that we do not forget that that shadow is there, and it drives me. Words alone will have very little impact on the daily lives of Aboriginal people. Today, across the state of Western Australia, Aboriginal people are faced with significant challenges, disproportionate to non-Aboriginal people. In three weeks' time, on 28 September, I will join Aboriginal elders to mark the death of John Pat, and all those who have died in police or prison custody since his death on 28 September 1983 at the Roebourne Police Station. He was beaten to death by five off-duty police officers. The outcry over his death led to the Royal Commission into Aboriginal Deaths in Custody. The majority of the 339 recommendations of that commission remain unimplemented or were abandoned. Since the royal commission, there have been more deaths in custody than recommendations implemented. Although we are firmly focused today on the opportunity for reconciliation afforded by this constitutional change, I have committed myself to never remaining silent about what is yet to be done.

There is significant opposition from traditional owners to the proposal to build Roe Highway stage 8 through a place of archaeological and spiritual Aboriginal heritage. It is difficult to see how deaths in custody or the destruction of heritage places will stop when this constitutional amendment bill is passed, but that is our challenge. As the member for the South Metropolitan Region representing the Greens in this Parliament, it is incumbent upon me to raise that in this debate. This debate is not fulsome. Many members have not raised the shadow, and have stayed in the light, and I respect that, but it is not a detailed truth about Aboriginality in Western Australia today. I want to draw the attention of members to some of the positive things that we can do. Today I am supporting a program to teach the Noongar language in schools, and a young man who is starting to offer that teaching through music in schools. If we look at things that we can do in a real and positive sense today, I encourage members to support that program, so that young people can learn the original language of this country. That original language will also teach respect and understanding across cultures in a way that nothing else will. Many leadership programs exist, and the Halo Leadership Development Agency is one that has had really good success in the South Metropolitan Region. I draw the attention of members to that program.

I commend the bill to the house and pay my respects to all the people who have worked on this constitutional amendment. It is outstanding that we have been able to achieve this. It took us a little longer than the other states of Australia, but we are there, and we should be proud. Most members have said that they are proud and I want to particularly express my appreciation to Josie Farrer. I do not know why we cannot just call her honourable Josie. To the member for Kimberley, thank you very much for bringing this bill to us, and to the government and the opposition for supporting it so generously.

HON DAVE GRILLS (Mining and Pastoral) [5.55 pm]: I rise to contribute to the significant debate on the Constitution Amendment (Recognition of Aboriginal People) Bill 2015, and acknowledge all the comments made by members who have contributed to this debate. I thank the Joint Select Committee on Aboriginal Constitutional Recognition for its work on this bill. Altering the Constitution in such a way, and in a bipartisan manner, is not an easy feat and I am glad that, at least on this occasion, we have demonstrated that members of Parliament can work together in a productive and cooperative manner. The committee is to be commended for the final wording, which I believe is relatively non-contentious. The joint select committee's report notes, on page 55 —

> Relative to other proposals, this is a modest, uncomplicated, but nonetheless symbolically significant statement. It is unlikely to generate substantial controversy and is arguably, the most widely consulted and supported proposal for constitutional recognition undertaken in Western Australia to date.

This is an important statement because it is vital that all Western Australians, Aboriginal and non-Aboriginal, are involved in this process. It has been stated on numerous occasions during the process of formulating this bill that it is an important step in the reconciliation process, specifically reconciliation between the Aboriginal peoples who have inhabited this land for thousands of years and European Australians, whose forebears began arriving here with the start of British settlement in 1826. In recognising this state's original peoples, it is important that we do not alienate parts of the Western Australian population by giving greater acknowledgement to one cultural

group over others. As the joint select committee chair, Hon Michael Mischin, noted in the report's foreword, acknowledging one segment of the Western Australian community over others could possibly work to aggravate, rather than to heal, relationships between the descendants of our state's pre-colonial inhabitants and their fellow citizens. The joint select committee was cognisant of these concerns and I believe it has addressed them through the careful and thoughtful final wording put forward in this bill.

It is clear that we all want to see real reconciliation in this state and it is my firm view that reconciliation is a two-way street. It requires mutual cultural understanding and acceptance. It means recognising that we have an Aboriginal and a European history in this state and that the cultures and peoples that make up contemporary Western Australia must learn to live together in a harmonious and mutually respectful manner. Most importantly, real reconciliation must be built on a joint belief that we have a shared common future in which all Western Australians can feel at home and share in the prosperity and quality of life that Western Australia has to offer. Across my Mining and Pastoral Region electorate, I see potential and evidence that we are making progress in building a better joint shared future. As other members have noted during this debate, it is important that we see tangible action on the ground in improving Aboriginal living standards and socioeconomic outcomes. I believe economic empowerment is the key to achieving a better outcome for Western Australia's Aboriginal peoples. Providing opportunity and allowing everybody to be a full participant in our modern economy and society is the only real way that we will be able to close the gap between Aboriginal and non-Aboriginal Australians. I look forward to working with members over the coming months and years to see these changes happen.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [5.58 pm]: I am very pleased to be able to participate in debate on the Constitution Amendment (Recognition of Aboriginal People) Bill 2015 today. It is very rare in this place to have such strong bipartisan support for a significant piece of legislation such as this. I know that this bill has been a long time coming, and I want to follow Hon Sally Talbot in acknowledging the work done by Hon John Cowdell many years ago in trying to get a bill similar to this passed. I also want to acknowledge the significant contribution by the member for Kimberley, Josie Farrer, who in her short period as a member has achieved something that many people in this place will not achieve—that is, to see the passage of a private member's bill of significant importance to people right across the state. When Josie Farrer eventually leaves this place, this is one piece of legislation that she can hold up and be extremely proud of. I also want to commend and thank the parliamentary committee that looked into the language used in this legislation. Given the short period the committee had, it has done very good work, and the report we have before us is very significant, given the detail of the bill before the house, which is very good in the way simple language is used to amend the Constitution of our state.

Sitting suspended from 6.00 to 7.30 pm

Hon KATE DOUST: I am very pleased to be able to continue my remarks, albeit briefly, about this very important Constitution Amendment (Recognition of Aboriginal People) Bill 2015. The only disappointing thing about this bill is the fact that we are dealing with it in 2015 and not 50 or 100 or more years ago when it probably should have been dealt with. I say that because it has taken us a long time in Western Australia to acknowledge the Aboriginal people of this state and I think that is why this bill is so important: it will acknowledge them as the first people of our state. Over our history, Aboriginal people in this state have been treated appallingly and the advancement of our settlement has come at the direct expense of Aboriginal people in Western Australia. I say that because from 1829, the first period of our colonisation of this state, through to today, we have seen significant issues around dispossession, physical ill treatment, social disruption, population decline, economic exploitation, organised discrimination and cultural devastation for those groups of people throughout our state, and we still see aspects of that today in varying forms. This piece of legislation will not be the panacea to those problems and it will not be a silver bullet, but it is certainly the start to demonstrating recognition and respect for Aboriginal people in our state.

Having grown up in Coolgardie and Kalgoorlie, like the Leader of the House, I am fully aware of the problems that Aboriginal people in those towns experienced back in the 1960s and 1970s. The way people had to live was quite appalling, particularly in Coolgardie, where people were forced out to the fringes of the town to live on reserves—things we would now find utterly offensive, if you like, and should never have happened, but, sadly, that is a situation a lot of people were put in. Some significantly draconian laws were put in place around the management of Aboriginal people in our state. Thankfully, we have become a lot more mature and that is why we have a piece of legislation such as this in front of us. I think we need to recognise that over the last couple of decades there has been a growing awareness of the significance of Aboriginal culture and language in our community. Even over the last 15 years of my having been in this place, just the fact that we acknowledge the traditional owners of the land on which we stand, not just in this place but in a range of venues and forums as we move around the state, is a significant change. There is also the fact that we are now talking about the opportunity to teach Aboriginal language in our schools. I spent last week in Dublin, and noting the growth of the Irish language in Ireland again and its significance there, I hope that one day we are at a similar point with Aboriginal language being used alongside English in normal everyday activity, on government documents or

taught throughout schools. As we grow and mature as a state, these significant changes add to that respect and value that should apply to the first people of our state.

I do not have much more to say about this particular piece of legislation, because I think my colleagues have canvassed a broad range of matters. Noting the importance of this bill, I want to congratulate Josie Farrer, the member for Kimberley, on being able to stand up and persevere to have this legislation introduced, to take it through a committee and now have it passed in a bipartisan way through both houses of Parliament. I want to acknowledge that the government has stepped up on this occasion and supported this legislation. These types of symbolic changes will hopefully open up other opportunities in our communities that lead to improvements on a range of issues for Aboriginal people. With that, I support this bill and hope we see it passed in this place very fast.

HON STEPHEN DAWSON (Mining and Pastoral) [7.36 pm] — in reply: I thank all members who have made a contribution to the debate on the Constitution Amendment (Recognition of Aboriginal People) Bill 2015 this afternoon, particularly the Leader of the House, Hon Peter Collier, who spoke on behalf of the Liberal Party, all members on this side and other members such as Hon Robin Chapple, Hon Lynn MacLaren, Hon Martin Aldridge, Hon Dave Grills and Hon Jacqui Boydell. This is an important debate and I am very pleased that all members were generous in their words and commentary about Josie Farrer, the member for Kimberley, who instigated this bill in the other place. As the Leader of the House said, the significance of this bill cannot be understated. It is a huge bill, and although we are dealing with simple words—as many members said, this bill will not change the lives of many Aboriginal people in any great way—it is a very symbolic piece of legislation and it will go some way towards a path of reconciliation. I am pleased too that members in their contributions also acknowledged the work of the Joint Select Committee on Aboriginal Constitutional Recognition, and many members pointed to the fact that the committee met over the summer period when many of us were in our electorates or away from Parliament on urgent parliamentary business. Those members deserve to be congratulated for the way they worked together in such a speedy way to come to a resolution that has meant that this bill is before us today. Many others, and indeed the Leader of the House, acknowledged that this bill is long overdue, and I think Hon Sally Talbot and Hon Ken Travers spoke about the fact that 11 or 12 years ago when a similar bill was introduced in this place, there was not unanimous support and the bill did not in fact proceed. So, it is pleasing to them, as it is to me, that we have been able to agree unanimously that the time for this legislation is now. We can all be very proud of this legislation and what it will mean to many people in this state in the future.

The Leader of the House also said that this bill will not create new rights and it will not fix all the problems faced by Aboriginal people. That is correct, and other members echoed that point in their contributions. These are words and they are simple words, but, as Hon Sally Talbot said, we are telling Aboriginal people that from this day on they will count and they will count in this state's Constitution.

A number of members pointed out that we are the last mainland state to recognise Aboriginal people in our Constitution. Others have been able to move on that over the last 10, 15 or 20 years and it has taken us a bit longer, but we should certainly be proud of the fact that we are finally here and this legislation will pass this place in the next few days. That is more than symbolism; it is a very important feat and we should all be proud of that fact.

A number of members touched on the fact that successive governments have been deciding what has been best for Aboriginal people. Although we have been deciding what is best for Aboriginal people, we have not been listening to what Aboriginal people want. Only in recent times have Aboriginal people been at the table and been part of the solution. It is no longer simply well-to-do or good-intentioned non-Aboriginal people deciding what is best; we are taking into consideration people's culture and we are ensuring that Aboriginal people are at the table and making decisions about themselves and their futures.

I think it was Hon Sally Talbot who mentioned in her contribution Josie Farrer's grandfather, who had been shackled and used as bait in days gone by. It is not that long ago that we treated the Aboriginal people in this state as second-class citizens. Although there is absolutely more work to do, this Constitution Amendment (Recognition of Aboriginal People) Bill will certainly contribute towards that reconciliation in the future. There is no doubt that some Aboriginal people are concerned that this bill does not go far enough. Some Aboriginal people have said that they see this bill as a sell-out. I certainly do not believe that that is the case. Josie Farrer, the member for Kimberley, certainly does not see it that way. She sees this as a momentous occasion and she asked us all to be "magnificent", and I believe members have recognised that in their contributions today.

A number of other members of this place spoke about why they support the legislation and about the journey they took in coming to this decision. I thank Hon Jacqui Boydell, who, as a member of the Joint Select Committee on Aboriginal Constitutional Recognition, also raised a number of issues about why she and members of the National Party initially had some concerns with the original bill. I think Hon Martin Aldridge also indicated this evening that some of that concern came from a briefing from senior bureaucrats in the

Department of the Premier and Cabinet and the Department of Aboriginal Affairs. I am pleased that having raised those concerns, the opportunity was provided for the bill to be examined by the select committee, and that committee was able to look at those concerns and knock them out of the park, essentially. I am pleased for Hon Jacqui Boydell and her constituents, and my constituents, particularly in the pastoral region of the Mining and Pastoral electorate, who may have feared that this bill would affect them negatively in some way. I am pleased that through the select committee's deliberations, the committee could advise us and give us the confidence and comfort that that will not be the case.

I think Hon Sue Ellery said in her contributions that people had said to her that if this is just a set of words, why do it? The amendments to this bill will spell out to Aboriginal people where they came from and that words and symbols do matter, Leader of the Opposition, and that is why we are going forward with this bill.

I will not go through all members' contributions but I want to touch on the contribution made by Hon Lynn MacLaren, who spoke about some of the advertising that the government spends money on in this state. She raised an interesting point: will there be an advertising campaign as a result of this bill; will we tell the people of Western Australia about the passage of the bill and what it will mean? I certainly think that is a good suggestion by Hon Lynn MacLaren and I hope the government takes it on board. We should all be proud that this legislation is before us and we should all be happy that this legislation will be passed by this place later this week. It is a good suggestion and I hope the suggestion is taken on board. I think Hon Lynn MacLaren spoke also about light and shadow. She said that words alone will not help the lives of Aboriginal people. That point was echoed by a number of people in this place. Words alone will not solve all the ills and issues that Aboriginal people face in this state. Let us not be under any illusion; this is a first step in many respects, but a very important step. It is about us in this place saying to Aboriginal people, "Yes, we recognise you have been here from the start; yes, the contribution you have made has been a valuable and powerful one; yes, you will now be in the state's founding document; and yes, that is a good thing to have before us."

There has been strong bipartisan support. Hon Kate Doust talked about that in her contribution, and that is important. We are not always on the same side in this place and we do not always agree with each other, but I am very pleased that today we are all of similar opinion. We have all said that it is time for this change and we have been able to work together. It is amazing what we can do when we work together in this place: we can make legislation that will have lasting benefits for the state.

With those comments, I commend the bill to the house.

Question put and passed.

Bill read a second time.

CRIMINAL LAW AMENDMENT (HOME BURGLARY AND OTHER OFFENCES) BILL 2014

Second Reading

Resumed from 19 August.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [7.47 pm]: I made most of my second reading contribution when we were last debating this Criminal Law Amendment (Home Burglary and Other Offences) Bill, but for those who missed it and want to be reminded, essentially, the Attorney General's second reading speech tells us that the purpose of the bill, the policy intent, is four-fold. It is intended to incarcerate those who are convicted of offences carried out during a home burglary for longer periods than they would currently be incarcerated. Those offences are serious violent offences, assaults, bodily harm, grievous bodily harm, sexual assaults or killing during an unlawful home entry or invasion. The government's second reading speech tells us also that the policy intent is to deter such offenders. I made the point that although lengthening the minimum sentencing levels, which is what this bill will do, certainly goes to the community's concern and abhorrence of the kinds of offences we are talking about, the impact that lengthening the sentence will have on deterrence remains to be demonstrated by the government. I invited the Attorney General to address us on that question because although this bill will certainly meet the objective of satisfying the community's concerns about lengthening the minimum sentences, I am not sure it can be demonstrated that the bill will result in deterrence by those who commit and are found guilty of those offences. Indeed, before we sentence those people with whatever the minimum sentence or otherwise may be, we need to catch the criminals, and that is about policing. One of the major drivers of these forms of crime these days includes the use of ice, a methamphetamine. The evidence is overwhelming in support of a far more serious effort to address the drivers of crime. We need to be far more systematic and vigilant in attacking the drivers of crime that lead to these kinds of horrendous offences committed during the course of a home burglary. I have made the point that after seven years in government, Western Australian crime rates are at their worst and I do not think it can be said that Western Australians feel any safer than they felt seven years ago.

The opposition will not oppose this bill. Yesterday I, perhaps like other members, received some email correspondence from Amnesty International Australia that raises six elements that I ask the Attorney General to

respond to in his commentary. Amnesty International is running a laudable campaign around the issue of reducing the number of young Indigenous people who end up in our criminal justice system. However, there is a notion that opposition to this bill will somehow ensure that we are not adding to the disproportionate number of Indigenous people in prison. This bill will add to the length of time that anyone convicted under these provisions will serve, but we need not be under the illusion that under the law as it stands, without this bill, someone convicted of those kinds of violent offences during the course of home burglary will be imprisoned—that is not the issue. Although I understand why Amnesty International is running its laudable campaign, if the sole objective of its campaign is directed at reducing the number of Indigenous people ending up in our prison system, then the notion that opposing this bill will achieve that result is not an accurate objective. This bill is about lengthening the minimum sentence and a few other things that I touched on in the first stage of my remarks. This bill is not about putting a bunch of people in jail who otherwise would not have been put in jail unless this bill had been carried through Parliament. If a person commits the kind of serious offences we are talking about right now, today, in the course of a home burglary, they will receive a jail sentence. This bill is about the minimum sentence that should be applied by the judiciary. Nevertheless, Amnesty has raised these issues with me and I have given it an undertaking that I will raise these matters in the course of my second reading contribution and ask the minister to respond to them. I have made the point to Amnesty International, and I have made it in this place already, that we will not be opposing the bill. I am not sure if the Attorney General has received this correspondence from Amnesty, but I can quote from it and at the end, if it is helpful to him, I am happy to give him a copy of the email. The six items raised by Amnesty read as follows —

1. In the definition section of the Bill, juvenile offences for which a conviction was not recorded must be counted as a strike. This is contrary to the principles of juvenile justice and will be significantly detrimental for the rehabilitation of young offenders. We are extremely concerned that proposed section 401A(2) would count circumstances where a young person has admitted guilt and participated in a court ordered restorative justice program as a strike.

2. Changes to the counting rules, under proposed section 401(A)(1)(b), for what is treated as a strike for a 'juvenile offender' have not been adequately justified. They will lead to more young people being imprisoned more quickly. Amnesty International is concerned that, under these changes, there is a real chance that a 16 year old with no prior record could end up with three strikes against their name at their first court appearance, all but removing the prospect of diversion or rehabilitation.

The ACTING PRESIDENT (Hon Simon O'Brien): Order! I apologise for interrupting Hon Sue Ellery. There are too many overly audible conversations going on in and about the chamber. Could members be nice and allow the member speaking to be heard and recorded.

Hon SUE ELLERY: Thank you. I continue —

3. The extension of mandatory minimum sentences for violent offences committed in the course of an aggravated home burglary already carry heavy penalties.

That is what is written in the email and where I make the point that people who think that opposing this bill will reduce the number of people going into prison are wrong. People who commit those offences today will receive a prison sentence. This bill lengthens the minimum sentence. I return to what Amnesty International said in its email —

> The Government has not made the case for mandated minimum sentences, particularly in relation to children. The WA Government highlighted three cases in support of these changes. None of these cases involved a 16 or 17 year old.

4. The legislation would apply 3-year minimum penalties to young people for acts intended to prevent arrest or cause grievous bodily harm as well for the more serious offences highlighted. Amnesty International is extremely concerned about the possible unintended consequences of these mandatory minimum 3-year sentences.

Amnesty then gives examples but I will not go into that detail. The email continues —

5. The review provided for in the bill (proposed section 740A) is after 5 years of operation. This is a long period of time and will not allow unjust, unintended or unforeseen circumstances to be remedied in a timely fashion. Should the Bill pass despite our concerns, it should be amended so that a review occurs after 1 year and 3 years of the laws and is made publicly available.

6. The lack of comprehensive debate or scrutiny about the economic and social costs of the bill on young people has been deeply concerning. The Government has acknowledged that the Bill will cost $93 million that has not been budgeted for. This would be a cost that is additional to the $43 million in costs of detention that would flow from an extra 60 juveniles and 206 adults

> the government concedes will end up in jail under these laws. The social and opportunity costs of many more young people finding themselves in detention are likely to be much higher.

I invite the Attorney General to provide a response to the issues raised by Amnesty. I might conclude my remarks there. I began my remarks by saying that the birth of this bill, if you like, was a pretty ugly election debate, and its treatment since that promise was made has been an interesting revelation of exactly how high a priority this legislation has been. Despite it being the subject of intense effort during the 2013 election campaign in March, here we are in September 2015 debating it in the house. Nevertheless, the case remains that WA Labor made a commitment during the course of 2013 that we would not oppose the legislation and we do not intend to.

HON ROBIN CHAPPLE (Mining and Pastoral) [7.58 pm]: I do not think it will come as a surprise to members opposite or, indeed, to the Labor Party that we will oppose the Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014. Before I go any further, I would really like to thank the parliamentary briefing advisers who gave us some lengthy briefings on this bill: Kate Mort, senior policy adviser for the Minister for Police, and Malcolm Penn, assistant director at WA Police. I thank them for their detailed overview of the legislation.

The Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014 poses a number of amendments to the Criminal Code and the Sentencing Act 1995. The proposed amendments amend the Criminal Code to provide mandatory minimum sentences with specific serious offences of physical or sexual violence committed in the course of an aggravated home burglary. These minimum sentences would apply to only adult offenders 18 years or older and juvenile offenders between the ages of 16 and 18 years. It will revise the repeat offender counting rules for home burglary offences for the three-strikes legislation, increase the mandatory minimum sentence for adult repeat home burglary offences and provide a clear distinction between aggravated home burglaries and aggravated burglaries of places other than dwellings.

The bill also proposes amending the Sentencing Act 1995 to provide a minimum non-parole period of 15 years for adult offenders who commit murder in the course of an aggravated home burglary. The bill proposes that a new provision be inserted in section 279 of the Criminal Code that mandates a minimum period of imprisonment for 15 years if the offence of murder or manslaughter is committed by an adult in the course of an aggravated home burglary. The definition of "circumstances of aggravation" states —

> ***circumstances of aggravation*** means circumstances in which —
>
> (a) immediately before or during or immediately after the commission of the offence the offender —
>
> (i) is or pretends to be armed with a dangerous or offensive weapon or instrument; or
>
> (ii) is or pretends to be in possession of an explosive substance; or
>
> (iii) is in company with another person or other persons; or
>
> (iv) does bodily harm to any person; or
>
> (v) threatens to kill or injure any person; or
>
> (vi) detains any person (within the meaning of section 332(1));
>
> or
>
> (b) immediately before the commission of the offence the offender knew or ought to have known that there was another person (other than a co-offender) in the place;

Furthermore, the bill proposes that a provision be inserted mandating that when a juvenile between 16 and 18 years of age commits the offence of murder or manslaughter in the course of an aggravated home burglary, a minimum period of three years' imprisonment or detention be imposed, the imprisonment not be suspended and a conviction must be recorded.

For serious offences of physical or sexual violence, the bill proposes that a minimum mandatory sentence be applied to adults and juveniles between 16 and 18 years of age when any of the following offences are committed during the course of conduct that includes an aggravated home burglary: unlawful assault causing death under section 281, seven and a half years for an adult and three years for a juvenile; attempting to unlawfully kill under section 283, 15 years for an adult and three years for a juvenile; an act intended to cause grievous bodily harm or prevent arrest under section 294, 15 years for an adult and three years for a juvenile; grievous bodily harm with circumstances of aggravation under section 297(3), 10 and a half years for an adult and not applicable for a juvenile; grievous bodily harm in any other case under section 297(1), seven and a half years for an adult and three years for a juvenile; sexual offences against a child, between seven and a half years and 15 years for an adult depending on the offence and three years for a juvenile; sexual offences against a child over 13 and under 16 years

of age under section 321, between three years and 15 years for an adult depending on the offence and three years for a juvenile; aggravated indecent assault, five years and four months for an adult and three years for a juvenile; sexual penetration without consent, 10 and a half years for an adult and three years for a juvenile; aggravated sexual penetration, 15 years for an adult and three years for a juvenile; sexual coercion under section 327, 10 and a half years for an adult and three years for a juvenile; aggravated sexual coercion, 15 years for an adult and three years for a juvenile; sexual offences against incapable persons under section 330, between 15 years and five years and four months for an adult depending on the offence and three years for a juvenile.

On the issue of repeat offenders and the three-strikes rule, currently the Criminal Code provides for offences in relation to home burglary in aggravated circumstances and the definition of a repeat offender. Presently, section 400(3) of the Criminal Code defines a repeat offender as a person who has committed and been convicted of an offence of burglary of a place ordinarily used for human habitation and who has subsequently committed and been convicted of said offence again. If a repeat offender commits a further offence of burglary of a place ordinarily used for human habitation, this enlivens the mandatory sentence provisions of section 401(4) and (5) of the Criminal Code. These provisions provide that an adult repeat offender is to be sentenced to a mandatory minimum sentence of 12 months' imprisonment and that this period of imprisonment is not to be suspended. These provisions also specify that a repeat offender who is a young person—a person who has not reached the age of 18 years as per section 3 of the Western Australian Young Offenders Act 1994—is to be sentenced to a mandatory minimum period of detention of at least 12 months and that this period of detention is not to be suspended.

On the proposed amendments to the definition of a repeat offender, the bill proposes amendments to the method by which offences are counted to avoid instances in which multiple offences with multiple convictions may be counted as only one offence for the purpose of ascertaining whether the offender is a repeat offender. That comes from the second reading speech of the Minister for Police on 12 March 2014. The bill proposes that a person be classed as a repeat offender if the person has at least three relevant convictions. Whether a conviction is deemed to constitute a relevant conviction depends on whether the home burglary offence was committed before or after the commencement day of the bill. If the home burglary was committed before the commencement day of the bill, a person's conviction for home burglary is a relevant conviction if it is the person's first conviction for a home burglary and the person's first relevant conviction, it is the person's first conviction for a home burglary committed after the date on which the person's first relevant conviction was recorded or the person's second relevant conviction, or it is a conviction for a home burglary committed after the date on which the person's second relevant conviction was recorded. This rule is similar to the current counting rules in section 400(3) of the Criminal Code but with altered wording.

If the home burglary was committed on or after the commencement day of the bill, the following rules will determine whether the person's conviction for a home burglary is a relevant conviction. Firstly, if the person is an adult offender with respect to the home burglary, any conviction for a home burglary would be regarded as a relevant conviction. Secondly, if the person is a juvenile offender between 16 and 18 years of age with respect to the home burglary, it will be a relevant conviction if it is the person's first conviction for a home burglary or if at the time of the home burglary, the person already had a conviction for a previous home burglary. Thirdly, if the person has not reached the age of 16 at the time of the home burglary, it is a relevant conviction if it is the person's first conviction for a home burglary or it is the person's first conviction for a home burglary that is committed after the date on which the person's first relevant conviction was recorded—the person's second relevant conviction—or it is a conviction for a home burglary committed after the date on which the person's second relevant conviction was recorded. The rule for people who have not reached 16 years of age at the time of the home burglary is similar to the current counting rules in section 400(3) of the Criminal Code, but with altered wording.

The bill contains an exemption for historical burglary offences. This provision stipulates that when an offender has completed the sentence for a second relevant conviction or is later convicted of a home burglary offence—the current offence that predates the second conviction offence—the court has the discretion not to count the current offence as a third relevant conviction if it considers there are exceptional circumstances. That is an important point because we are now going back to the court making the decision. Our fundamental concern about this legislation is that we are actually taking away, to a large part, the court's ability to make any judgement in relation to any convictions under this proposed amendment. The court is obliged to provide written reasons when the finding is that exceptional circumstances exist. The bill does not define what exceptional circumstances should be. The Minister for Police, in her second reading speech in the other place on 12 March 2014, stated —

> … the government expects that a court may consider such factors as the rehabilitation of the offender, the offender's employment prospects and the length of time during which the offender has not offended.

Whether the home burglary offence that is before the court was committed before or after the commencement of the proposed legislation is relevant and different penalties apply accordingly. Should the current offence be committed prior to the commencement day, an adult is subject to a mandatory minimum sentence of 12 months'

imprisonment. A person under 18 years is also subject to a mandatory minimum sentence of 12 months' imprisonment or detention. Should the current offence have been committed on or after the commencement day, an adult is subject to a mandatory minimum sentence of two years' imprisonment. A person under the age of 18 is subject to a mandatory minimum sentence of 12 months' imprisonment or detention.

Presently, section 401 of the Criminal Code makes a distinction between three types of burglary. The first is an offence of a burglary in circumstances of aggravation punishable by imprisonment for 20 years. The second is an offence of burglary of a place not ordinarily used for human habitation and not in circumstances of aggravation, punishable by imprisonment for 18 years. The third distinguishes burglary "in any other case", punishable by imprisonment for 14 years. The proposed amendments delete the first and second points aforementioned, and instead substitute an offence of aggravated home burglary, punishable by imprisonment for 20 years; an offence, not of home burglary, that is committed in circumstances of aggravation; and, if the offence is a home burglary, not committed in circumstances of aggravation, punishable by imprisonment for 18 years. According to the extract of *Hansard* of Wednesday, 12 March 2014 in the other place, the Minister for Police stated —

> However, it is arguable that the punishments imposed by the courts for home burglaries, and for offences committed in the course of home burglaries, are limited by longstanding court-established sentencing tariffs and precedents, and Court of Appeal judgments, and are out of step with community expectations.

According to the Minister for Police, the intent of these amendments is to provide a clear distinction between aggravated home burglaries and aggravated burglaries of places other than dwellings. She stated that it is proposed that this distinction will allow more accurate data collection and therefore the ability to gauge the efficacy of the other proposed amendments as set out previously.

Our concerns are firstly about the contravention of the Convention on the Rights of the Child. Mandatory sentencing of children contravenes the Convention on the Rights of the Child and, in particular, article 37(b), which states that imprisonment of a child should be a last resort and for the shortest appropriate time.

Another issue is the removal of the court's discretion. If the court is obliged to impose a mandatory minimum sentence, this removes the court's ability to reflect the level of seriousness of the particular offence in the sentencing option and the length of the term imposed. For example, entering into a house by an open door and taking food from the fridge may be subject to the same penalty as entering into a house and causing a lot of damage and/or the removal of property. Obviously, we are very concerned at the disproportionate effect on Aboriginal and Torres Strait Islander children. In April 2014, about 74 per cent of children in custody on remand were Aboriginal children. About 81 per cent of children in custody and sentenced to detention were Aboriginal children. These statistics are consistent with historical statistics that show a gross over-representation of Aboriginal children in custody in Western Australia.

The bill seeks to make some convictions for home burglaries committed before the commencement date relevant convictions. This is regardless of whether or not they were recorded before or after the commencement date. This may be designed to fast-track young offenders to becoming third strikers after the commencement date.

On the impact on corrective services, I have already heard Hon Sue Ellery identify to members that Judge Reynolds has been informed that Banksia Hill Detention Centre will need an additional 130 beds for juvenile detainees in just two years if the proposed legislation is passed.

There is also a lack of evidence-based research. The intended laws have no consistent rationale. The government introduced the laws to reflect public concern. I will deal with what Judge Reynolds, President of the Children's Court of WA, had to say about this on 13 May 2014. I quote —

> **Youth Justice in Western Australia - Contemporary Issues and its future direction**
>
> Thank you for the kind invitation from the University of Notre Dame to speak with you this evening.
>
> Firstly, I wish to pay my respects to traditional owners of this land, the Noongar people and to the elders past and present.
>
> In the course of my address to you this evening I propose to refer to and comment on the riot at Banksia Hill Detention Centre (BHDC) in January last year, the essentials for a good plan for a young offender, the proposed extension to mandatory sentencing, and the paradigm shift in youth justice within government agencies currently led by WA Police.
>
> Along the way I will refer to a variety of issues including the gross overrepresentation of aboriginal children in the juvenile justice space. At the end, I will summarise my conclusions on the best direction for youth justice and the community of Western Australia.

It is a very long and compelling read, and I will not present the whole document to the house. However, I will turn to a number of points. Judge Reynolds, the President of the Children's Court of Western Australia, went on to talk about how home burglaries have varying degrees of seriousness and not all are the same —

> Home burglaries are committed in a large range of scenarios/factual circumstances, e.g.:
>
> 1. entry without causing any damage, no one home, and with intent to commit an offence but no offence actually committed,
> 2. a lot of damage and/or property taken, but no confrontation with an occupant and so no violence or threats,
> 3. little or no damage or property taken, but violence or threats of violence against the occupant(s), or
> 4. entry through an open door knowing that no one is home and only taking food out of a fridge or alcohol. (Burglaries for food and/or drink are sometimes committed by young neglected children)
> 5 entry into a garage under the main roof and stealing a push bike.
>
> Two points arise from that. First, if the Court is obliged to impose a term of detention or imprisonment of at least a year, it will have little or no scope to properly reflect the level of seriousness of the particular offence in the sentencing option and the length of the term imposed.

Judge Reynolds went on to talk about the increased number of Aboriginal children from country Western Australia who are in the prison system —

> The mandatory sentencing legislation will likely result in an increase in the number of aboriginal children from country WA being sentenced to lengthy terms of detention. That detention will need to be served in … Perth. That is a very long way from their country and family.

As members would know, one of the reasons for establishment of the new prison near Derby was to ensure that people in detention would be close to family, because we often find that detention away from country and family leads to suicide. He continues —

> I am also very mindful that Noongar children who live in Perth will most likely have family connections outside of Perth.
>
> Aboriginal children across that State do not share the same language and culture. Aboriginal children from the Kimberley and Pilbara have different language and culture to other aboriginal children, including Noongar children. Mixing different aboriginal groups is difficult for both the children themselves and the detention management.

Judge Reynolds went on to talk about how older detainees are negatively impacting younger detainees —

> Younger child detainees less than 16 years of age mixing with such a cohort as just mentioned will create management problems. In addition to negatively influencing the younger children in the detention centre, such mixing may manifest itself in the younger children's behaviour and who they associate with when they return to the community.

It is obvious from many places around the world that incarceration leads to the risk that when detainees return to their community, they are better at being criminals, because they have mixed with people who are more hardened than they are. The document goes on to refer to a range of things, and I think my colleague Hon Lynn MacLaren may touch on some of those.

Judge Reynolds went on to make the following points about the proposed extension of mandatory sentencing through the Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014. He said that it is economically unaffordable and unsustainable; it will lead to a significant increase in the detention population; and it will likely be followed by an ongoing sustained increase in offending. He notes that the number of home burglary offences actually increased after the introduction of the three-strikes legislation in November 1996. That is very poignant. If we want to be tough on crime, stop the problem—do not incarcerate. He goes on to say that it is a macro-economically unsustainable approach, because the state expenditure on Aboriginal Affairs is about $30 000 per annum per person, and mandatory sentencing will only add to that figure.

He goes on to say also that the Banksia Hill Detention Centre lacks the capacity to accommodate the increased number of detainees resulting from the proposed mandatory sentencing; there have already been riots at that facility as a result of over-crowding; and the facility is not equipped for double-bunking. He goes on to talk about the increased risk of suicide in Banksia Hill and/or in the community. I am sure that Hon Helen Morton, from some of the studies that she and her department have been doing around suicide, will be able to validate that. Clearly, moving Indigenous people away from country and putting them into an inhospitable foreign environment leads to shame, which again leads to suicide.

Judge Reynolds talked about the increased risk of another riot at Banksia Hill. He talked also about how home burglaries vary in degree of seriousness, and not all are the same. In that regard, he is referring to the role of the judiciary and to how mandatory sentencing precludes the judiciary from being able to evaluate the cases that come before them. He talked also about the increased number of Aboriginal children in Banksia Hill who are from country WA and a long way from their country and family, and about how older detainees are impacting negatively on younger detainees.

I turn now to an article written by Tammy Solonec and published on 18 August in WAtoday. It states —

> Like all West Australians, I want to live in a safer community, and I expect my state government and its agencies to pass laws and policies that protect me and my fellow WA citizens.
>
> That's why I am dismayed that the proposed Home Burglary Bill, which has passed WA's Lower House and is up for debate soon in the Upper House, will be yet another example of kneejerk legislation in this state. It will serve only to jail marginalised people, particularly Indigenous people, with no evidence of improving community safety.
>
> For almost 25 years, mandatory sentencing has been used by successive governments in Western Australia as a populist approach, to give the perception of being tough on crime".
>
> But while these ever-stricter laws—some of the toughest in the country—make for a cheap soundbite and help win over fearful voters, they have failed the entire West Australian community, because they have never been shown to make West Australians safer.
>
> They also have failed WA's Indigenous community, who have been incarcerated in even greater numbers as a result of these laws. Indigenous kids in WA are now 52 times more likely than non-Indigenous young people to be in detention—twice the national rate of overrepresentation.

She went on to say —

> This is because, no matter how strict laws become, they still do not address the underlying reasons that cause people to commit crimes: childhood trauma, poverty, unemployment, or alcohol and drug abuse.

I add to that the growing evidence concerning foetal alcohol syndrome, which is becoming more and more apparent as juveniles move into adulthood. She went on to say —

> WA has a history of laws that ignore evidence-based research and international best practice about community safety.
>
> Let's look at the Lawrence Labor Government's Crimes (Serious and Repeat Offenders) Act, introduced in 1992 following a spate of car thefts and car chases. The bill targeted repeat offenders of violent crimes with mandatory minimum sentences of 18 months, followed by indeterminate detention.
>
> The Act was criticised as a kneejerk response to moral panic, with a WA Crime Research Centre evaluation showing it had no impact on reducing car theft, and it quietly expired in 1994.
>
> Then came the 1996 'three-strikes policy' introduced by the Court Liberal Government, in response to community concern about home invasions. The law mandates minimum 12 month sentences for offenders convicted of burglary for the third time.
>
> The law has been a failure, with a 2001 University of Western Australia study showing the law did not lead to fewer home burglaries. The study also found that the vast majority of young people sentenced under the law were Aboriginal.
>
> The third incarnation was passed in 2009 following the assault of Police Constable Butcher, which tragically left him permanently injured. A district court jury acquitted the attackers after finding police had used "unnecessary and excessive force" against them.
>
> After intense local media scrutiny and public outrage, the Barnett Liberal Government amended the criminal code to apply a mandatory minimum term of six to twelve months imprisonment for adults, and three months for sixteen and seventeen years olds who are convicted of assaulting public officers.
>
> Not only have WA's mandatory sentencing laws not been proven to work, they have been indirectly discriminatory in their effect on Indigenous people and especially children, both in relation to the types of offences the sentences apply to, and the way police discretion is administered.
>
> This has earned WA the criticism of the United Nations, with concerns expressed about the laws by the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Committee Against Torture, and the Human Rights Committee.
>
> If the home burglary amendments are passed, it will get even worse. Both the WA President of the Children's Court, Judge Reynolds, and Chief Justice Wayne Martin, have stated that the Bill will heighten the incarceration of Indigenous people, particularly young people.

> It also comes at great financial cost to WA taxpayers. The Department of Corrective Services estimates that 350–400 additional people will be incarcerated due to the Home Burglary Bill, which will cost WA taxpayers $93 million in the costs of building a new prison, and a minimum of $43 million in the cost of detaining people over one year.
>
> The WA Government would do far better to invest that $136 million in programs to help high-risk communities and families—such as improving school attendance and providing meaningful activities for youth, providing TAFE and university scholarships, creating employment, addressing drug and alcohol addiction, and improving the availability and cultural relevance of community-based alternatives to detention.

In that regard —

Hon Rick Mazza interjected.

Hon ROBIN CHAPPLE: If the member wishes to make some comments, he can do so shortly.

In that regard, I have visited in Halls Creek and Fitzroy Crossing the work of the Yurmulun Aboriginal Corporation and have seen how they can actually steer people away from criminal activity. Pandanus Park is another example of potential young offenders being taken out of the system before they start.

Hon Michael Mischin: That is potential offenders. What about ones who have offended?

Hon ROBIN CHAPPLE: We would not have the offenders if we put more money into —

Hon Michael Mischin: What about after the event—the ones who have offended?

Hon ROBIN CHAPPLE: Leave it up to the courts; do not go mandatory.

Hon Michael Mischin: Don't imprison; don't detain.

Hon ROBIN CHAPPLE: I am sure the Attorney General will have a lot to say about this, but I have a fair bit to go. The article continues —

> These measures would help address the social problems that lead children to commit burglary, which would not only keep them out of prison and in their communities, but would reduce crime rates and keep all West Australians safer—which is what all West Australians deserve.

That article was written by Tammy Solonec, a Nigena woman and a lawyer from the Derby region. She works as Amnesty International's Indigenous rights manager and has lived in Perth for the last 20 years.

I will go to the position of the various political parties on this bill. The National Party has identified that it will be supporting the legislation. I refer to a media release by the National Party headed "Brown supports new home invasion laws" published on 18 March 2014. It states -

> Member for the Agricultural Region, Hon Paul Brown MLC, has welcomed the introduction of tough new mandatory minimum jail terms for home invasions.
>
> Police Minister Lisa Harvey introduced legislation to tighten mandatory sentencing laws for serial burglars and serious home invaders on March 12.
>
> "People have a right to feel safe in their own homes —

I agree with Mr Brown on that —

> and these laws will send a strong message to those who take that right away," …

We have heard from just about every survey and study into this issue that the messaging does not work. It might be a message, but it does not solve or stop the problem. We need to stop the problem before it starts. The media release continues —

> Mr Brown attended a community forum on crime in Geraldton on Saturday which was attended by Minister Lisa Harvey and senior members of WA Police.
>
> The forum was held in response to a march through Geraldton CBD last month organised by community organisation Geraldton Residents Demand Our Streets Back.
>
> Speaking at the forum, Mr Brown said he supported the introduction of the legislation and commended the Minister for taking the concerns of the community seriously, whilst also opposing any form of vigilante action that community members proposed.

I congratulate Mr Brown for those comments. It continues —

> "Members of the public who have been victims of home invasions or would like to share concerns regarding this legislation should contact my office so that I am able to convey their concerns to my parliamentary colleagues," he said.

> "There have been reports of community members planning to take the law into their own hands.
>
> "I strongly urge them to abandon any form of planned or ad hoc vigilante action and let changes to this legislation remove repeat and violent offenders from the community."

I will not go to the next bit because it basically repeats what the bill does.

Hon Michael Mischin: Hasn't stopped you before.

Hon ROBIN CHAPPLE: I am sorry about that! I will continue then.

Hon Michael Mischin: Filibuster away.

Hon ROBIN CHAPPLE: I am not filibustering, I assure the Attorney General.

The ACTING PRESIDENT (Hon Liz Behjat): Order! Stay focused on the matter at hand. That would be the best advice.

Hon ROBIN CHAPPLE: The ALP's position on the bill was made clear in the Assembly by Mr Papalia, the member for Warnbro, who stated —

> I am pleased to rise to address the Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014 … Our objective in this debate is to keep the commitment that we made prior to the 2013 state election. During the election campaign, we were called upon, with no notice, to commit to this legislation, which we did. That was a commitment that the Labor Party made. Unlike the government, when we make a commitment before an election, we intend to keep the commitment post the election.

So the ALP supports parts of this bill, and I understand it is doing that because it gave a commitment to do so.

Our position is that the Greens are the only party that is standing up for good policy. Why support bad policy based on ill-conceived election commitments? Greens WA called for the bill to not be passed or at the very least amended so that it does not apply to 16 and 17-year-olds. Failing that, it calls for the bill to be referred to a committee so that the full impact of the bill can be investigated. The reasons for the Greens' position on this bill are based on the value of justice reinvestment; the futility of mandatory sentencing—every study that has ever been done into mandatory sentencing shows it does not stop the crime; it actually, in most cases, produces better criminals—the contravention of the UN Convention on the Rights of the Child, which I am sure my colleague will speak to later; and the inability of mainstream service providers to correctly assess the mental state of an Indigenous person in custody. Again, my colleague will touch on that, but I really need to go to the issue of foetal alcohol spectrum disorder, which is becoming quite endemic in the area. The reasons for the Greens' position on the bill also include the lack of evidence and research by the government to formulate this legislation and the separation of powers. Here I turn to page 143 of a paper by Pauline German at the Murdoch University School of Law, titled "The Separation of Powers: Contrasting the British and Australian Experiences", which states —

> ***The Australian Experience***
>
> In practice, most modern "Westminster-based" systems ignore the doctrine of separation of powers, to varying extents. Most do not enforce a separation between executive and legislature, due to the constraints placed by adhering to the more fundamental doctrine of responsible government. In the Australian example, despite the explicit structuring of the first three chapters of the Constitution into descriptions of the executive, legislative and judicial branches of government, there is little general enforcement of separation between the first two.

That comes to the point whereby we actually empower courts to make a judgement call. In this case, we take away that judgement call so the court has no other option —

Hon Michael Mischin: Hang on!

Hon ROBIN CHAPPLE: I am sure the Attorney General will respond shortly.

Hon Michael Mischin: My question is: is that dealing with the commonwealth Constitution or the state Constitution?

Hon ROBIN CHAPPLE: It is dealing with the state Constitution.

I move on to the value of justice reinvestment. The South Australian government has committed to trials of justice reinvestment in two locations. In Australia justice reinvestment has been advocated as an approach for addressing the overrepresentation of Aboriginal people in the criminal justice system. I refer to Mick Gooda's comments in "Social Justice and Native Title Report 2014 Launch" and his comments about justice reinvestment at page 4 of that document, which state —

> ***Justice reinvestment and target***
>
> It is shameful that we 'do better at keeping Aboriginal people in prison than in school or university'.

> The way to change this is by investing in and creating safer communities.
>
> Instead of investing in imprisonment, governments and local communities, such as those in Bourke and Cowra, are looking to invest in the underlying causes of crime, such early childhood education, disengagement from school, housing support and creating employment.
>
> This grass roots level of justice reinvestment has exciting possibilities that could inform developments across the nation.
>
> I raise again the need to add 'justice targets' to the existing 'Closing the Gap' targets. Targets have made the gap between Aboriginal and Torres Strait Islander Australians and non-Indigenous Australians visible, which needs to happen to address the overrepresentation of our peoples in the criminal justice system as both victims and offenders.
>
> These targets would directly address the underlying causes of this overrepresentation, look at the transition to adulthood, substance abuse and building the resilience of families and communities.

Mick Gooda, the Aboriginal and Torres Strait Islander Social Justice Commissioner, supports the idea that we really need to do better.

I also refer to comments by the WA Commissioner of Police on justice reinvestment that appeared on the Western Australia Police website, which state —

> Justice reinvestment
>
> For my sins I occasionally have to read Hansard when there are matters pertaining to police in parliamentary debate. One debate that caught my eye last week was much about laying the blame for the occurrence of crime squarely at the feet of the Police Minister. Blaming a Police Minister for the occurrence of crime, however, is akin to blaming a Health Minister for a flu epidemic. A Health Minister might suggest that the best way to deal with such an epidemic is to vaccinate against it. Prevention is surely better than suffering the pain and discomfort.
>
> Unless we adopt a 'vaccination' approach to crime prevention we are always going to be treating the symptoms rather than the cause. Current thinking around justice re-investment is a part of this approach. No one would argue that good policing is a necessary deterrent for criminals but it is only one part of the total crime equation and will not, in the longer term, solve our problems with youth crime, alcohol fuelled violence and substance abuse, just to name a few.
>
> The underlying drivers for crime and criminal behaviour are already well known and most of them are out of the hands of police. For example, the Telethon Institute for Child Health has shown that the key risk factors associated with juvenile offending in Western Australia include teen pregnancy, lower socio-economic status, indigenous population and having an older sibling who is already involved with the justice system.
>
> In addition, the Australian Early Developmental Index (AEDI) measures areas of childhood development like language and cognitive skills, emotional maturity and social competence. Where high levels of vulnerability in the AEDI are identified juvenile offending risk factors increase.

I think it is quite clear to the Attorney General and members of this place that we will not be supporting this legislation and, as members will see from the notice paper, we will be seeking to move a number of amendments if and when we get to the committee stage of the bill to ensure that juveniles are not part of this legislation. I will leave most of dealing in relation to the matters pertaining to the Convention on the Rights of the Child to my colleague; I just want to touch on a couple of other things.

There are some important points to be made in relation to a report entitled "Indigenous young people with cognitive disabilities and Australian juvenile justice systems: A report by Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission, Funded by Commonwealth Attorney General's Department, Indigenous Justice and Legal Assistance Division". A table in that report shows the incarceration rates for Indigenous juveniles and the figures come out as pretty stark. The table indicates the rate of detention in each state and territory for both Indigenous and non-Indigenous young people. In New South Wales the Indigenous detention rate is 339.2 per 100 000 compared with 18 for non-Indigenous young people; in Victoria the Indigenous rate is 169 and the non-Indigenous rate is 12.6; and in Western Australia—get this—it is 578.44 for Indigenous people and 12 for non-Indigenous people. When we look at all the figures, the only incarceration rate that is higher for Indigenous people matched by a higher rate for non-Indigenous people is that of South Australia, with a rate of 610 for Indigenous people and 24 for non-Indigenous. The comparative figures in Western Australia by percentage show the highest rate of Indigenous incarceration for young people of any of the states in the nation, including the Northern Territory.

The report then outlines issues I have already talked about. It states —

> In the scoping paper prepared by Simpson and Sotiri for ATSIS, the complications of estimating prevalence of cognitive disability in Indigenous people in the criminal justice was raised. The paper indicated four key factors that hinder identification of the number of people affected:
>
> 1. The absence of solid statistical data examining more generally the extent of disability in Indigenous populations (further influenced by the mode in which such information is collected) including the fact that tools for assessing cognitive disability may not be culturally appropriate;
>
> 2. The limited solid information in the extent of cognitive disabilities in the criminal justice system settings;
>
> 3. Differing frameworks in Indigenous and non-Indigenous communities for defining and understanding cognitive disabilities;
>
> 4. The tendency for cognitive disability to be 'masked' in Indigenous populations as a consequence of the many other disadvantages endured by Indigenous people.

As I say, that basically came from "Criminal Justice and Indigenous People with Cognitive Disabilities—A scoping paper" by J. Simpson and M. Sotiri published in 2004. The report continues —

> Given these barriers it is difficult to provide precise information on the prevalence of Indigenous young people with cognitive disabilities in the juvenile justice system.

In my own experience in the Kimberley and the Pilbara, it is amazing to see the number of juveniles who are suffering cognitive-related issues pertaining to petrol abuse, substance abuse, foetal alcohol spectrum disorder and many other things. It is becoming endemic, and these are the people who in most cases will end up in the system.

There is field note in that report that states the following —

> A 15 year old Aboriginal boy in a detention facility started behaving in a distressed manner. Staff witnessed the young boy talking to himself and crying mournfully, especially during the night. Staff started behaving towards him as though he had a delusional psychosis and were awaiting a mental health assessment by a visiting psychologist in a few days. Meanwhile an Aboriginal Youth Worker at the centre suggested the young boy might benefit from a visit from a family member. The boy's Grandmother came in and spent some time with him. She later spoke with the staff and explained that a relative had passed away recently and her Grandson's distress arose from his talking to spirit. She explained that the spirit of the relative had come to visit the boy and she had counselled him to be strong and listen to what the relative had to say to him. Staff reported that the young boy's distressed ameliorated and he soon returned to 'normal' behaviour …

Quite often, many of the issues faced in the prison system by Indigenous people are not well understood by those charged with managing them. Further, the document also states —

> ***Diversion from the juvenile justice system—alternative sentencing mechanisms***
>
> Several consultations, including the National Roundtable, raised the potential for diversionary programs as a way to address the specific issues confronting Indigenous young people with a cognitive disability and/or a mental illness who come into contact with the juvenile justice system.
>
> Diversionary programs aim to divert the offender, in this case a juvenile offender, away from the formal criminal justice system. Diversion can include oral or written warnings, formal cautions, victim–offender and family conferencing or referral to a community based program. There are also innovative sentencing mechanisms such as circle sentencing and drug courts, which divert offenders from the normal court sentencing process. Juvenile diversionary programs have been developed recognising:
>
> > contact with the formal system can contaminate young people who would otherwise avoid involvement in further criminal activity if just left alone'.

And it goes on. These documents show that there are pathways to assist Indigenous young people, and it is really important that we do not create a new criminal society in the future. If by locking juveniles up we just increase our prevalence of criminal offending, which in turn will lead to more incarceration over time, I am sure it will not be a good outcome for Western Australia. On that point I state again that we will not support this legislation. We understand to a large degree why it is being brought in, but it is the wrong method for the wrong outcome.

HON LYNN MacLAREN (South Metropolitan) [8.59 pm]: I rise to also oppose the Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014. I thank Hon Robin Chapple for going through the very meticulous detail of the legal reasons for opposing this and some of the experience overseas and elsewhere that we are trying to reflect upon in order to assess whether this piece of legislation is good for Western Australia.

It is apparent at this stage of the debate that Hon Robin Chapple and I may well be the only voices of dissent. Be that as it may, it is really important to us to represent our constituencies and also for me as a Legislative Councillor to have that opportunity to reflect, review and determine whether this is the right way forward. It is appropriate for us, as the house of review, to critically analyse this and we intend to do that. It is unfortunate that a position was taken in the other place that limited the amount of scrutiny on this legislation. It might be that the two of us are the ones to put on the record the various voices that oppose this, and I will do that for the next little while.

This legislation started way back in 2014 and it is now towards the end of 2015. At the time, the Criminal Law Amendment (Home Burglary and Other Offences) Bill was introduced into the upper house, I wrote to the constituents whom I consult with on Criminal Code amendments and I received a response almost immediately from the Aboriginal Legal Service of Western Australia. The ALS advised me that in July 2014, it provided a detailed letter to members of the opposition about the Criminal Law Amendment (Home Burglary and Other Offences) Bill expressing their concerns about the proposed extension to mandatory sentencing laws. The ALS provided me with a copy of that letter, which is addressed to Mr Ben Wyatt, an Assembly member in the South Metropolitan Region, representing people in Victoria Park. The Aboriginal Legal Service of Western Australia has expressed that it has significant concerns about this bill. As Hon Robin Chapple has laid out the purpose of the bill, I might briefly summarise that the bill's purpose is to seek to extend the operation of the existing mandatory sentencing laws for home burglaries and to introduce those mandatory minimum terms of imprisonment for certain serious offences committed in the course of an aggravated home burglary. We have heard the second reading speech, so we know the purpose of the bill. What does the Aboriginal Legal Service say about it? It asks —

> Will the proposed new laws reduce home burglaries in Western Australia?

That is a very good question to ask. I was curious to see the ALS's assessment. The ALS says in its letter —

> In the Second Reading Speech, the Minister for Police argued that the number of home burglaries committed in Western Australia is 'unacceptably high'. Further, it was noted that according to the 'Report on Government Services 2014', Western Australia had the second highest rate of burglaries and attempted burglaries in the nation) Proponents of mandatory sentencing argue that mandatory penalties 'help to reduce crime by acting as a stronger deterrent to would-be offenders' and may help to reduce crime because offenders are unable to commit further offences while they are in custody for longer periods of time.
>
> However, the proposition that mandatory sentences have a deterrent effect assumes that offenders commit home burglaries after making a rational decision that the benefits of committing the offence outweigh the potential sentence that will be imposed. From the perspective of the ALSWA, many Aboriginal offenders are suffering from —

As Hon Robin Chapple also has just expressed —

> high levels of substance abuse, serious mental health issues and extreme socio-economic disadvantage. Therefore, in reality, such rational decision-making does not take place. Further, if it could be proved that mandatory sentencing is likely to influence the decision making process for some offenders, the probable consequence would be a shift in the nature of offending (eg, offenders will commit robberies instead of burglaries).
>
> The ALSWA is of the view that it is misleading to suggest that extending mandatory sentencing for home burglaries will impact on the rate of home burglary when there is no evidence that the current mandatory sentencing laws have had any impact on the incidence of home burglary. The current 'third-strike' home burglary sentencing laws came into effect in 1996. It has been observed that burglary rates in Western Australia had started to decline before the three-strike laws were introduced in 1996. Further, the former Department of Justice reviewed the laws in 2001 and found that there had been no reduction in the number of home burglary offences as a result of the new legislation.
>
> Statistics published on the Western Australia Police website in relation to burglaries on dwellings demonstrates that since 1999 the number of reported home burglary offences each year has fluctuated. The number of reported home burglarise for the years 1999/2000 to 2002/03 was approximately 40,000 per year. From 2004/05 until 2013/14 the total number varied from a low of 21,694 in 2009/2010 to a high of 27,375 in 2011/12. Interestingly, a significant decrease in the total number of reported home burglaries occurred in between 2003/04 and 2004/2005 (a decrease of 7,116)—this was approximately seven years after the introduction of the three-strike laws. Between 2009/10 and 2010/11 the number of reported home burglaries actually increased by 4,928. It is highly unlikely that these fluctuations have been caused by mandatory sentencing laws. In this regard, it has been observed that increased use of security measures such as electronic alarms may have influenced the overall decline in burglary rates in Western Australia. In addition, the 'Burglary Reduction Taskforce' was initiated in 2002 and included crime prevention initiatives.

> In more general terms, the ALSWA highlights that the rate of recidivism for Aboriginal adult prisoners and juvenile detainees in Western Australia is unacceptably high. The general recidivism rate for adult prisoners in Western Australia is concerning enough—in 2011–2012 the general adult recidivism rate (defined as re-incarceration within two years of release from prison) was 44%. Alarmingly, the recidivism rate for Aboriginal adult male prisoners is 70% and for Aboriginal juvenile detainees the rate is 80%. While the comparable recidivism rate for Aboriginal females is less than it is for males, the rates are also significantly higher than the rates for non-Aboriginal females.

Hon Robin Chapple gave us some statistics indicating the difference between Aboriginal and non-Aboriginal detainees. It continues —

Hon Michael Mischin: What do you draw from those statistics?

Hon LYNN MacLAREN: I am about to tell the Attorney General what the Aboriginal Legal Service of WA has drawn from them. It states —

> These high recidivism rates demonstrate that imprisonment is clearly not achieving any positive gains in terms of deterrence or rehabilitation for Aboriginal people.

It would be to my delight to hear an argument against that—to hear any one of the members in this chamber stand and give me some kind of evidence that that is not true—because I have argued against several of these laws about mandatory sentencing. I have raised this point time and again and I have not heard any reasonable debate with any kind of evidence that counters what the Aboriginal Legal Service is telling us. As stated by the Chief Justice of Western Australia in relation to these figures, I quote —

> *The imprisonment of Aboriginal offenders is singularly unsuccessful in reducing the likelihood of them reoffending.*

Hon Michael Mischin: Perhaps we shouldn't imprison Aboriginal people!

Hon LYNN MacLAREN: Perhaps the Attorney General could start by simply withdrawing this bill.

Mandatory minimum terms for serious offences committed during an aggravated home burglary is another aspect of this bill. The Aboriginal Legal Service has advised me. We know what that provision will do, so we will see what the ALS says. It states —

> The primary rationale for the introduction of mandatory minimum terms of imprisonment for stipulated serious offences committed during the course of an aggravated burglary appears to be perceived lenient sentences imposed for such offences.

That would be true if we believed the media reports about crime. That is certainly what they are implying. The ALS letter continues —

> During the Second Reading Speech, the Minister for Police referred to three case examples where the sentences imposed were considered to be unduly lenient. However, it is dangerous to make assumptions about the perceived leniency of sentences across the board without having fully assessed the circumstances of the offending and the offenders and considering a significant sample of relevant cases. The ALSWA notes that there are cases involving serious violent and/or sexual offending during home burglaries where significant sentences of imprisonment have been imposed. The ALSWA continues to be strongly opposed to any form of mandatory sentencing or any restriction on judicial discretion. Having said that, it is essential that any new laws introducing mandatory minimum sentences —

As this one is doing —

> are only enacted after careful and objective consideration of the perceived problem which the laws are intended to address. For this purpose a full review of sentences imposed for the relevant offences should be undertaken. In addition, it is important to remember that long standing legal processes exist to ensure that any perceived inappropriate exercise of judicial discretion can be rectified—the State has the right to lodge an appeal against the leniency of a particular sentence. There is no evidence to suggest that this established system has failed.

One of the things I intend to do at the end of my contribution to the second reading debate is consider that there may be an opportunity for us to look into that in more detail through a committee referral. The letter continues —

> The ALSWA is concerned that the proposed minimum mandatory sentences will result in injustice because there is no scope for the sentencing court to take into account exceptional circumstances.

We have heard that one before many times —

> In addition, the Bill sends a message that these stipulated offences are more serious if they are committed in the course of an aggravated burglary than if they are committed in other circumstances.

> Without undermining the seriousness of violent or sexual offending during a home burglary, the question must be asked: is such offending always more serious than similar offending committed in different circumstances. For example, is an offence of grievous bodily harm committed against an occupant of a home during a burglary necessarily more serious than an offence of grievous bodily harm committed by a husband towards his wife in the sanctity of the family home and in front of their children?
>
> …
>
> The Bill proposes to increase the current mandatory minimum term of imprisonment for adult 'third-strikers' from 12 months' imprisonment to two years' imprisonment. The ALSWA reiterates its comments above in relation to the abolition of judicial discretion and resulting inability to take into account individual circumstances. The Minister for Police stated that in 2012 in the adult courts, 49% of persons convicted for home burglary and aggravated burglary were sentenced to imprisonment and the average term was 15 months. No further details are provided but this data appears to include sentences for aggravated burglary (which may not necessarily involve a dwelling). In any event, the sentencing levels for repeat home burglary adult offenders are not provided. How many of the 51% of offenders who were not sentenced to imprisonment were first offenders or had good prospects for rehabilitation?

The Attorney General may seek to address that question in his reply to the second reading debate. The other aspect of the Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014 with which the Aboriginal Legal Service Western Australia is concerned and is writing to the opposition about is the changes to the counting rules for determining repeat offender status. It gave the following hypothetical case example that demonstrates the potential injustice of these proposed changes —

> *A is now 30 years old. The new laws came into effect six years ago. A is charged with three home burglary offences that occurred five years ago on three separate days within the space of a week. He has no prior convictions. At the time of offending, A was addicted to amphetamines and committed the offences to obtain money to purchase drugs. With the assistance of his family, he voluntarily underwent drug rehabilitation and has remained drug free for the past four years. He has also married and has a one-year-old son and his wife is currently pregnant. He has been in full time employment for the past three years. Under the proposed new laws, the court would have to sentence A to at least two years' imprisonment.*

> For a juvenile offender (defined as a person who is at least 16 years but less than 18 years) the Bill proposes that one 'strike' must have occurred after a relevant home burglary conviction. In other words, the juvenile offender must have committed at least one home burglary after being convicted of another home burglary offence. For example, this would mean that if a 17-year-old was dealt with for his first home burglary and then subsequently committed two further home burglary offences on different days … he would be a repeat offender and liable to the minimum mandatory sentence (12 months' imprisonment or detention).

The Aboriginal Legal Service goes on to state how this will increase the number of juveniles in detention and how it is extremely concerned that the impact on Aboriginal children would be disproportionate, which is very interesting in light of the bill that we have just passed. Its letter goes on —

> This data does not refer to the proportion of repeat offenders who received a custodial sentence nor does it necessarily relate solely to home burglaries.

In conclusion the letter states —

> The ALSWA highlights that the further erosion of judicial discretion in sentencing is likely to lead to serious injustice, especially for juveniles. There does not appear to be any compelling justification for the introduction of minimum mandatory sentences …

The letter continues but it is clear that the ALSWA is opposed to this bill for good reason. I am conscious of the time I have left, but I have only a couple of things to read in before I conclude.

At the same time I also contacted the Youth Affairs Council of Western Australia and I heard back very quickly, as usual, from Craig Comrie, its chief executive officer, who advised me in an email —

> In summary, YACWA is against these amendments, particularly those relating to the mandatory sentencing of children aged between 16 and 18 years of age whom are found guilty of aggravated home burglary. We also oppose the 'three strikes' legislation.
>
> These amendments will result in children aged between 16 and 18 years of age being placed out of the realm of the Young Offenders Act 1994, and as such treated as adults. Further, it is reasonably foreseeable that more young people will be placed in detention and in prison.

> In adhering to our international human rights obligations under the *Convention on the Rights of the Child (CRC)*, we must ensure that the interests of the child are the primary consideration in sentencing, and that detention must only be used as a last resort. We believe that our State's obligations under this Convention are breached by these proposed amendments.
>
> We also believe that the cost of implementing these proposed amendments will be significant. Young people need to be supported, particularly those who are at-risk of offending. Criminal records will have a detrimental impact on their future education and employment opportunities. Our focus must be on building safer communities, not imprisoning more people.
>
> YACWA urges a reassessment of these amendments to ensure that young people's rights are enhanced not diminished. We also support long-term evidence-based solutions to justice issues, rather than quick-fix legislative changes that will increase our prison population.

Craig Comrie has said that he is more than happy to discuss these amendments further if the Attorney General wants to contact him. Craig contacted me on 10 April 2015. He may well have been one of the people who joined Amnesty International Australia's campaign because clearly these two very powerful advocates have not been listened to from within the government and the opposition took a position contrary to the position argued by YACWA.

Amnesty International took up the cause and I have an email from it dated 12 June. An update states —

> ***… More than 20,000 people have emailed WA's Government, asking them to scrap mandatory sentencing for kids.***
>
> ***We've caught the government's attention; now we need to escalate this. Will you send a message higher up the chain—to WA's Attorney General Michael Mischin—and ask him to scrap mandatory sentences for kids?***
>
> *Note: You may receive an email back from Michael Mischin asking you to raise it with Liza Harvey instead. However the Bill is currently in the Upper House, where Michael Mischin is leading the debate on the Bill for the government.*

It backed up its letter campaign by stating —

> Western Australia … locks up Indigenous young people at the highest rate in Australia.
>
> Despite this, the WA Government hopes to pass a 'Home Burglary Bill' which, if successful, will send more young people between the ages of 16 and 17 to prison, and won't reduce burglaries.
>
> **The Bill has now passed parliament's lower-house—we need to urgently step up the pressure to stop it entering into force.**
>
> **WA is gutting our young peoples' futures. Tell them to scrap the Home Burglary Bill now.**
>
> Indigenous young people in WA are already 58 times more likely to be in detention than other young people and if the Bill passes, **judges will have no choice** but to lock up even more of them.
>
> This Bill would not only contravene the Convention on the Rights of the Child, it would label young people as criminals incapable of reform and would leave them no pathways—except towards a prison cell.
>
> **Tell WA's Attorney General Michael Mischin that it's time to solve problems, not lock young people up.**

I would like to know how many of these letters the Attorney General received and what his response was to the individuals who contacted him. Twenty thousand people is a lot of people. I would like to think that our government at least had the courtesy to contact them and express and defend the position that it is taking.

On 30 June this year, someone from Amnesty International's Margaret River group wrote to me and urged me to vote against this bill. She stated —

> The Government is seeking to toughen legislation through this bill despite:
>
> - the Premier's commitment to reduce the over-representation of Indigenous children in detention (Amnesty International reports that Aboriginal children—under 18 years—in WA are 53 times more likely to be jailed than their non-Indigenous peers);
> - expert opinion that if passed the Bill will make the situation worse, leading to an increase in incarceration costs of $93m over four years;
> - Law Society and UWA reports indicating there is no evidence to show mandatory sentencing or WA's three-strike laws have acted as a deterrence;

- the Convention of the Rights of the Child requiring detention to be a measure of last resort;
- representation from Aboriginal interests showing that (adequately resourced) community-led programs are lessening recidivism;

The legislation would be unlikely to deter, but simply punish and temporarily prevent offending behaviour. There are manifestly more effective ways to deal with the problem.

At a time of growing recognition of the legitimacy of Aboriginal concerns it would undermine any commitment to their welfare.

I call on your support to have the Bill withdrawn, or amended so that mandatory sentencing is removed. I also ask that the Bill be referred to the Legislation Committee for review.

I am acting on my constituents' wishes and at the end of this speech, I will so move. Members are forewarned so that they can be forearmed.

Hon Dave Grills interjected.

Hon LYNN MacLAREN: I think she is asking the Standing Committee on Legislation to look at that. There is ample evidence, as both Hon Robin Chapple and I have cited, and no less an authority than Judge Reynolds, who has spent the better part of his career looking at justice for children, has said to us and to all the legal people who are listening that this is not the way forward.

Hon Dave Grills interjected.

Hon LYNN MacLAREN: I am really interested to hear any second reading contributions on this bill other than these two opposing views, because I know that members have a depth of experience and views to contribute to the debate and it does not have to just fall on the shoulders of us to represent young people's stakeholders and experts in child justice and to mention the Convention on the Rights of the Child, which was adopted and opened for signature, ratification and succession by the United Nations General Assembly resolution 44/25 of 20 November 1989 and which entered into force on 2 September 1990 in accordance with article 49. I do not think I need to table this. I think everybody understands and has heard of the Convention on the Rights of the Child. I do not even need to read it to members, but I want to mention one particular article. Article 37 states —

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

That is regardless of whether or not they were recorded before or after the commencement date of the CRC, which we signed on to. This may be designed to fast-track young offenders to become third strikers after the commencement date.

Australia ratified the CRC in December 1990. This means that Australia has a duty to ensure that all children in Australia enjoy the rights set out in the treaty. The CRC states that every five years the Australian government should prepare a report with detailed information about what it is doing to protect and promote the rights contained in the CRC, the progress it has made in protecting and promoting those rights, and the obstacles and problems that have been encountered in implementing the CRC. Usually, the preparation of the report will be coordinated by the Attorney-General's Department. The state and territory governments and other relevant Australian government departments and agencies will also be consulted. The government usually seeks input from the community on its draft report. When the report is finalised, the government will publish the report on the AGD's website.

My question to the Attorney General is whether the government will be seeking community input and how. I would also like to know whether he feels comfortable that this amendment will fulfil the state's requirement under the CRC. From some of the interjections I have vaguely heard in the background, it is clear that the Attorney General has an argument to address this, so it is appropriate to hear his argument about how the government is fulfilling the state's requirement under the CRC, and we are open to hearing that.

I looked at the latest report of 28 August 2012 to see how we are tracking and these features were in it —

> **Administration of juvenile justice**
>
> 82. The Committee regrets that despite its earlier recommendations, the juvenile justice system of the State party still requires substantial reforms for it to conform to international standards, in particular the Committee is concerned that:
>
> (a) No action has been undertaken by the State party to increase the minimum age of criminal responsibility …
>
> (b) No measures have been taken to ensure that children with mental illnesses and/or intellectual deficiencies who are in conflict with the law are dealt with using appropriate alternative measures without resorting to judicial proceedings …
>
> (c) Mandatory sentencing legislation (so-called "three strikes laws") still exists in the Criminal Code of Western Australia for persons under 18 …
>
> (d) All 17-year-old child offenders continue to be tried under the Criminal Justice system in the State party's territory of Queensland …
>
> 83. Furthermore, the Committee is concerned that:
>
> (a) Although the majority of 17 year olds are held separately from the wider prison population, they are still cases of children being held within adult correctional centres;

I will skip a few paragraphs, because I am aware that time is marching on. It continues —

> 84. **The Committee recommends that the State party …**
>
> **…**
>
> **(b) deal with children with mental illnesses and/or intellectual deficiencies who are in conflict with the law without resorting to judicial proceedings …**
>
> **(c) take measures with a view to abrogating mandatory sentencing in the criminal law system of Western Australia …**

It goes on to talk about Queensland and Victoria. I would like to know from the Attorney General whether Western Australian children who are tried and convicted under this mandatory sentencing law will go into detention or be managed in the community.

Hon Robin Chapple referred to the speech by Judge Reynolds at the University of Notre Dame Fremantle campus Eminent Speakers Series, titled "Youth Justice in Western Australia—Contemporary Issues and its Future Direction". There are a couple of things in that speech that Hon Robin Chapple did not quote. One of the headings in that speech is, "Why do home burglaries remain a problem and what is the best solution". This should be the nub of the problem for members. Judge Reynolds said —

> Everyone agrees that home burglaries remain a problem which needs "a solution". That said, and in no way departing from it, it is interesting to note that the number of burglaries reported to Police in each of the last two financial years is actually less than the number reported each year in the late 1990s. The question is, what is the best "solution". The extension of mandatory sentencing assumes that mandatory sentencing is "the solution". The evidence and research shows us that it is not.

Judge Reynolds also raised several miscellaneous concerns arising from the bill. The first was the retrospective operation of the bill. The second was as follows —

> To catch a young offender as a third striker for the first charge for a home burglary committed after the commencement date of the new regime, the legislation seeks to make some convictions no matter whether or not they were recorded before or after the commencement date, for home burglaries committed before the commencement date, as relevant convictions. This is obviously designed to fast-track young offenders to becoming third strikers after the commencement date.

Judge Reynolds said also —

> The requirement to impose mandatory detention/imprisonment sentences for home burglaries which are not relevant offences will inevitably lead to injustices. This comment particularly applies to some back captured home burglaries committed before the offender became a third striker.

Another concern was as follows —

> The real potential for young offenders (and adults) to be caught up in being sentenced on multiple occasions because of time gaps between charges being made and/or because of when the Court resolves charges, such that he or she could remain in custody almost indefinitely or at least for many years. With that comes the risk of becoming institutionalised, which in turn reduces the prospect of a successful rehabilitation back into the community. As mentioned, it also increases the risk of developing a sense of hopelessness and suicide.

He said also —

> As mentioned, a serious problem with the proposed extended mandatory regime is that there is no recognition at all that while home burglary is a particular category of offence, a particular home burglary can be committed within a very large range of factual circumstances, some circumstances being very serious and some not.

I would encourage anyone who has an interest in justice for children to read that speech. Unfortunately, I am limited in time and cannot go into any more detail on that.

I will now look briefly at some statistics that are outlined in the document "Western Australia: youth justice supervision in 2013–14" from the Australian Institute of Health and Welfare. It states, in part —

> Aboriginal and Torres Strait Islander young people have a long history of over-representation in both the youth and adult justice systems in Australia. In Western Australia, Indigenous young people constitute 6% of the state's population aged 10–17 … but made up two-thirds (67%) of those aged 10–17 under supervision on an average day in 2013–14 …. This was higher than the national level (45%). The proportion of young people aged 10–17 in detention in Western Australia who were Indigenous (78%) was higher than the proportion under community-based supervision who were Indigenous (64%) ….
>
> Indigenous young people aged 10–17 in Western Australia were 29 times as likely as non-Indigenous young people to be under youth justice supervision on an average day …

Hon Robin Chapple is the Aboriginal Affairs spokesperson on behalf of the Greens. That is why he has been our lead speaker on this bill. There is no doubt that this bill will have a disproportionate impact on Aboriginal young people. That is why Hon Robin Chapple has gone to great lengths to list the statistics and to draw a picture, giving examples from people's lives, of how this bill will impact Aboriginal people. I believe it is very appropriate that the Western Australian Legislative Council do this. I do not want to take too much time going over what Hon Robin Chapple has put on the record. I believe that if the government listened to the stakeholders who have contacted us, whether that is Amnesty International, the Youth Advisory Council of Western Australia, Judge Reynolds, or the Aboriginal Legal Service of Western Australia, it is clear that there is a case for this bill to be defeated. Some of those stakeholders who wrote to us—I point in particular to a Margaret River constituent from Amnesty International—believe that if this bill were sent to a Legislative Council review committee, it might be able to be crafted more carefully to deliver the government's intention, which is, I imagine, to reduce the number of home burglaries. The evidence that we have on the record suggests that this bill will not achieve that. Therefore, it is appropriate that we take a bit more time and consider the detail of this bill in a standing committee of the Legislative Council. For that reason, Hon Robin Chapple and I have come to the conclusion that it is appropriate that I move the following motion.

Discharge of Order and Referral to Standing Committee on Legislation — Motion

HON LYNN MacLAREN (South Metropolitan) [9.38 pm] — without notice: I move —

> That the Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014 be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 31 December 2015.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [9.39 pm]: I rise to indicate that the opposition will not be supporting the referral motion. I have already put the position of the opposition on this bill.

The ACTING PRESIDENT (Hon Liz Behjat): I call Hon Robin Chapple, but I remind the member that this is the debate on the motion to refer the bill to a committee and is not an opportunity for him to reiterate anything he said in his contribution to the second reading debate.

HON ROBIN CHAPPLE (Mining and Pastoral) [9.39 pm]: I assure you, Madam Acting President, that I will not. As members might be aware, there was a petition on this issue to the Legislative Council. Whilst that petition has not been resolved by the committee that is looking at it, the petition was part of our reason for moving to refer this bill. It was a significant petition, signed by many thousands of people, to this Parliament.

The terms of that petition are —

> We the undersigned residents of Western Australia are opposed to the passage of the *Criminal Law Amendment (Home Burglary and Other Offences Bill) 2014*. The Bill expands the mandatory sentencing regime in Western Australia, including for 16–17 year olds, and will result in a significant increase in youth detention rates for non-violent home burglaries. The Bill will disproportionately impact Aboriginal and Torres Strait Islander young people, who made up 78.3 per cent of all young people in detention in Western Australia in 2013–14.
>
> The serious and violent offences committed in the course of an aggravated home burglary, for which the Bill also introduces new mandatory minimums, already carry extremely heavy penalties, and the Government has not provided evidence of a single case which shows that existing sentences given to 16 and 17 year olds are inadequate.
>
> If, despite our opposition, the Bill is passed, your petitioners respectfully request that the Legislative Council introduce and pass the following amendments:
>
> - Remove all references to 'juvenile offender' and changes to the counting rules for those under the age of 18, so that the Bill does not apply to young people.
> - Change the definition of 'review date' to mean 'the first anniversary of the day on which the *Criminal Law Amendment (Home Burglary —*

Point of Order

Hon MICHAEL MISCHIN: I am getting a sense of deja vu; we have been through these dot points as part of Hon Robin Chapple's speech during the second reading debate.

THE PRESIDENT: I am sure that this matter will resolve itself overnight. Noting the time, the debate stands adjourned until the next sitting of the house.

Debate adjourned, pursuant to standing orders.

WAYLEGGO CUP

Statement

HON PAUL BROWN (Agricultural) [9.44 pm]: I will take the opportunity to briefly highlight a disappointment that I received by mail only yesterday from the federal Minister for Agriculture, Hon Barnaby Joyce. About four months ago—there has been a delay in getting a response—I wrote to Minister Joyce in my capacity as a representative of the Agricultural Region about a team that will be representing Australia in New Zealand later this year in the yearly trans-Tasman event called the Wayleggo Cup. Participants in the Wayleggo Cup showcase their skills and workmanship in the iconic Australian sport of sheepdog trials. In my letter I asked the minister to consider waiving the quite onerous fees that are involved in getting our Australian competitors of the four-legged variety to New Zealand. The cost involved in getting the dogs to New Zealand for the participants—that is, the owners of the dogs and not the dogs themselves—are considerable; it costs some $2 000 to go just from Sydney to New Zealand return by freight. The Australian Quarantine and Inspection Service fees to check the animals and do the washes at export and then on import are quite considerable. Out of that $2 000, it costs nearly $1 300 or $1 400 to do just the quarantine procedures. I asked the minister whether he would waive the fees, given that the vast bulk of the four members who will be attending this event are from the Agricultural Region in Western Australia. It is a quite prestigious event. It is held in Australia or New Zealand each year. Next year it will be held in Northam. We are looking forward to holding that event here. I am sure that it will be a tourist win for Northam; people from both within and without Western Australia will travel to Northam to watch this event. As I said earlier, I am quite disappointed that Hon Barnaby Joyce has chosen not to support my request, especially given that he made a rather lengthy statement previously on two other dogs that had been brought into Australia—namely, Pistol and Boo. He saw fit to weigh into that argument about biosecurity. It was very rough of him to do that! It is quite disappointing and quite narrow-minded of the honourable minister to not waive those considerable fees.

In light of that—I have not discussed this with Hon Ken Baston but will put him on notice now—I ask that the state government and the Minister for Agriculture and Food support these competitors. The minister's counterparts in other states might also provide support if members of the Australian team who are attending the event in New Zealand are from other states and also seek support to subsidise the transport of the dogs, the competitors, to New Zealand. The federal minister did not see fit to support an iconic Australian sport by waiving the quite onerous fees to New Zealand, which is not a high-risk destination for biosecurity, particularly when it comes to dogs. We are taking them not to Outer Mongolia or Pakistan or somewhere like that where we might find a range of exotic diseases, but to New Zealand, the other state of Australia. I ask that the Minister for Agriculture and Food considers supporting our Australian team and that he perhaps even asks his colleagues in the other states to support the team as well, given that the federal minister has not seen fit to support this team for

this iconic event. It does not matter whether it is cricket, rugby or sheepdog trials—there is nothing better than Australians going across the ditch and beating New Zealand at their own game. I hope that the competitors get support from the minister.

BATTLE FOR AUSTRALIA DAY

Statement

HON PHIL EDMAN (South Metropolitan) [9.50 pm]: I am not going to make a speech about adjourning the house because tomorrow is going to be 31 degrees and sunny, but I could come close to it. What a beautiful day! However, I would like to talk about something that we have missed in Western Australia, and it is not that we are going to miss a 31-degree day while we are in here, but that the first Wednesday in September is the Battle for Australia Day. I would like to know whether any member in this house can tell me where in this state this day is being remembered. From my study it looks as though recognition of the day is being completely missed.

The Battle for Australia Day was proclaimed by Governor-General Michael Jeffery in 2008 to commemorate and honour the courage, sacrifice and service of Australians and the Allies to protect our country during World War II. We had more than 97 air raids on Australia and more than 1 200 people die on our soil. I believe that recognition is significantly important. Western Australia was hit more than 13 times, in seven towns. I guess that is something that takes a while to get out, but I think that we should embrace that and remember all the people who lost their lives and the fear of our grandfathers and ancestors who gave us the freedom that we have in this country today, which I am sure none of us take for granted.

This is the second time I have spoken about preserving the Point Peron gun battery, which was all about protecting the secret fleets based in Fremantle. More than 160 submarines were based in Fremantle with more than 10 000 marines, made up of Americans, British and Dutch, as well as Australians, who protected that secret base. There were batteries as far north as Swanbourne and as far south as Point Peron. That secret submarine base that had over 160 submarines was responsible for ensuring that the war in the Pacific ended a lot earlier than it could have.

A lot of the remnants of the past are still around in Western Australia today, but a lot of it we have lost. Point Peron is definitely one gun battery that is being restored. On Saturday, the 11th/28th Battalion and the Rockingham cadets came to dig out more of the remains of World War II ammo bunkers and trenches at Point Peron. I thank them for that. Some of those trenches have not been seen for over 70 years. There is also Leighton and Rottnest, but a lot of the gun batteries have gone.

It is a sad day when we cannot remember those who sacrificed their lives to protect our soil. It is especially important not to forget the battle of New Guinea, in which we lost a lot of Australians. We won that battle and were able to stop the Japanese from invading our country. I think if we spoke to our grandparents, they would be able to tell us stories about the fear and tyranny in those days.

I ask members to help me commemorate the Battle for Australia Day on the first Wednesday in September every year to remember those Australians, including Western Australians, who lost their lives. They are responsible for allowing us to live the life that we have today—the life that they wanted themselves—and for making Western Australia a better place to live. Even today we are trying to make Western Australia a better place to live. It is time that we give those souls the respect they deserve.

MEMBERS OF PARLIAMENT — WORK–FAMILY COMMITMENTS

Statement

HON MARTIN ALDRIDGE (Agricultural) [9.56 pm]: I will not detain the house long. I wanted to rise to complete a contribution I commenced on the last sitting day of the house to a motion moved by Hon Sue Ellery on gender representation in this house. During the debate that day, six women spoke and one-and-a-half males spoke, and I was the half—maybe not quite half. I think I spoke for about a minute and a half. I wanted to conclude some of those remarks but also focus on a couple of other issues. I do not want to revisit everything that was said on 20 August when the house considered this matter, but I wanted to comment briefly on the substance of the motion. In doing so, I want to quote something that I said in my first speech to this house, which I think is somewhat relevant to the issue under consideration. I said —

> I often reflect on the contemporary political debates with my peers surrounding vexed issues and wonder whether there will be a point when we look back and wonder: What was all that about? Why did it take us so long to get there? Generational change is real and that means that the values and beliefs of each generation are different. If members accept my argument that each generation has differing values and beliefs, how can this place be truly representational of the community until we have a much broader cross-section of the community represented here? With half the region's voters aged 44 years or under, how do we challenge young people to seek office in this place? I hope that I am able to connect with my region's young people and help restore some of the trust and respect that was once associated

with political life. Too often politics gets in the way of good policy. I am sure I will be guilty of it too at some stage. However, some issues are just too important for us to accept failure.

The proposition that I put to the house then, and I reiterate tonight, is that for this house to operate effectively it requires a good cross-section of the community. My latter comments go to some of those issues, one of which is the issue that we have almost completed in the chamber today, and that is the constitutional recognition of Aboriginal people.

I rushed out some remarks on 20 August that I want to continue tonight, particularly as they relate to how we support members who come to this place, particularly their families. I want to reflect briefly on the contribution of Hon Amber-Jade Sanderson. She made some remarks in her contribution about some of the challenges that she faces. I have not scrutinised those comments any further than what I heard last month when we dealt with this matter, but she expressed some of the concerns she faced as somebody who is about to give birth and remain as a member of Parliament in this place.

I want to talk further about my experience. Admittedly I am not a mother, but I have two young children, both of whom are under two years of age, and I think my experience is not uncommon in that the role that my partner plays in my family is not inconsistent with many others. She is the primary carer of my children, and I think that the responsibilities that I have as a member to my electorate often mean that at times she feels as though she is raising a family alone. She does an amazing job, but I confess at times that some of those challenges become difficult.

It has caused me to reflect on that over the winter recess, and as a result I have taken the decision to reduce some of the parliamentary responsibilities I did have to focus more on my family and my constituents, and to try harder to get that balance right. From that experience I have enormous respect for the women who serve in this place, especially those who have had children whilst they have been here or continue to raise children whilst they are here.

I want to talk a bit about the support offered, particularly in a regional context. I touched on this slightly when we last addressed this matter, but entitlements for members of Parliament are quite topical at the moment and probably what has been overlooked is where sensible reform to members' entitlements could occur. I think this is one area that really needs some serious attention. If I were a member representing the Mining and Pastoral Region living in, for example, Port Hedland, in my circumstances as a male MP, the Department of the Premier and Cabinet would afford my spouse and my dependent children four return flights per year to Perth. To put that in some context, the Legislative Council this year, without considering additional sitting weeks, committee responsibilities or any other official business we might have to undertake in Perth, will sit for 20 weeks alone. My family circumstances are such that when I come to Perth, my family travels with me on every occasion, and fortunately for me we live only 90 kilometres from the CBD, so that travel is not too onerous. The same could not be said for a colleague living much further afield in the Mining and Pastoral Region or even the Agricultural or South West Regions. That would be a challenge for me and I have complete certainty in saying that if I were presented with those circumstances, I would find it very difficult to re-contest in the next election, given the balancing those work–family commitments require.

One of the other issues I want to express some frustration about is the administration of our entitlements. I have made remarks in this house before about this issue, as many others have, and I think on each occasion they fall upon deaf ears. Often it is not the entitlement provided, but its interpretation or administration that becomes problematic. Some issues arose just in the last fortnight that I will not go into detail about tonight, but I think they are great examples of bureaucrats in government departments being completely detached from the life that we lead as members of Parliament, and having no understanding of the demands placed on us in our roles. I acknowledge the work commenced by Hon Robyn McSweeney that has led to the temporary orders, which we now sit under and which have been extended until, I think, the end of this year on the recommendation of the Standing Committee on Procedure and Privileges. Those temporary orders are certainly much better for me and my family and I hope they will continue in the future.

I wanted to just make those brief remarks, and, I guess, reflect on some of the issues that we really need to tackle and consider, and encourage to be addressed, if we are to have more women in particular, but young people generally, coming into his house to make sure they and their families are supported so that they will feel that they can continue to serve the people of their electorate and the community of Western Australia.

House adjourned at 10.04 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

SPEECH THERAPISTS — APPOINTMENTS — SOUTH WEST REGION

3205. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health:

(1) What is the mean wait time for an appointment with a speech therapist in the South West region?

(2) What is the longest wait time for an appointment with a speech therapist in the South West region?

(3) How many children are on the wait list for an appointment with a speech therapist in the South West region?

(4) What is the mean wait time for an appointment with a speech therapist at Hudson House in Bunbury?

(5) What is the longest wait time for an appointment with a speech therapist at Hudson House?

(6) How many children are on the wait list for an appointment with a speech therapist at Hudson House?

(7) As parents have complained to me that they cannot get an appointment with a speech therapist at Hudson House because demand outstrips the service provided, will the Minister increase the speech therapist services at Hudson House in Bunbury?

(8) If no to (7), why not?

Hon Alyssa Hayden replied:

Answer as at 16 June 2015 —

(1) The WA Country Health Service — South West has recently implemented a new patient administration system with a staged roll out across sites between October 2014 and May 2015. Due to the changeover it is presently not possible to extract accurate wait time figures for the region. However, the WA Country Health Service advises that average wait times for speech pathology services are 4–6 weeks.

(2) All referrals for speech pathology are triaged and high priority referrals are seen within 1–2 days. A small number of non-urgent referrals may wait 3–4 months.

(3) 134

(4) The estimated average wait time at Bunbury Community Health (Hudson Road) is 4–6 weeks.

(5) A small number of non-urgent referrals will wait 3–4 months to see a Speech Pathologist at Bunbury Community Health (Hudson Road).

(6) There are 60 children on the wait list at Bunbury Community Health (Hudson Road).

(7) There are no plans to increase Speech Pathology Services at Bunbury Community Health (Hudson Rd).

(8) Speech Pathology has previously been increased in the South West with the State Government's investment into Child Development Services 2009–13, which has funded additional Speech Pathologists and also the ability to contract private Speech Pathology services to supplement capacity. Since 2013, the investment has been sustained and has funded speech pathology services on an ongoing basis. In addition, Speech Pathology services in the school system have been enhanced through funding of Speech Pathology to support the Carey Park Child Parent Centre.

SPEECH THERAPISTS — SCHOOL VISITS — SOUTH WEST REGION

3206. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health:

(1) What schools in the South West region have a speech therapist visit the school?

(2) In relation to each school identified in (1), how many hours/days per week is a speech therapist at the school?

(3) In relation to each school identified in (1), how many students at the school are currently accessing the services of the speech therapist?

(4) In relation to each school identified in (1), what is the wait time for an appointment with the speech therapist?

Hon Alyssa Hayden replied:

(1) WA Country Health Service (WACHS) employs Speech Pathologists to visit primary schools in the South West Health region on an as needs basis. The need is in response to referrals by the school or

school health nurses and to support program implementation by Allied Health Assistants, Education Assistants and Teachers in the school setting. There are 153 schools in the South West and Speech Pathologists cover all 153 schools in response to referrals / requests.

(2) The Patient Administration System does not collect data for which school the child attends and is not able to provide a report for which service was delivered at a school. At this stage, it is not possible to provide information on the time each Speech Pathologist spends at each school. The number of hours/days per week that Speech Pathologists visit each school is variable dependent on referral numbers and programs running.

(3) The Patient Administration System does not collect data for which school the child attends and is not able to provide a report for which service was delivered at a school. Only the number of school age (4 to 12 years of age) children accessing Speech Therapist services can be provided by the system, and is determined by reporting on activity against client age. As at 16 June 2015, 485 school age children (4 to 12 years of age) have accessed WACHS — South West Speech Therapy since 1 April 2015.

(4) The Patient Administration System does not collect data for which school the child attends and is not able to provide a report for which service was delivered at a school. At this stage it is therefore not possible to provide information on the wait time for referrals per school. However, all referrals are triaged and urgent referrals are seen within 1–2 weeks. As at 16 June 2015 the average wait time is approximately 4–6 weeks.

WILUNA URANIUM PROPOSAL — FLOODING

3209. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum:

I refer to rainfall events in late March which filled the salina systems of Lake Way and Lake Maitland associated with the Wiluna uranium proposal, and ask:

(a) was the Minister aware of the flooding of Lake Way where the Wiluna uranium site was proposed;

(b) was the Minister aware that the proponent Toro Energy plans to store radioactive mine waste tailings in an area now inundated with water;

(c) given that the company completed a test pit at the Centipede site in 2011, has or will the Minister require a review of the site to assess if damage was done, or if radiation was released into the environment post-flooding; and

(d) given that a motion through parliament was supported to effectively isolate uranium tailings from the environment for no less than 10 000 years, does the Minister consider tailings in a mine pit on a lake bed that was submerged due to flooding can meet this requirement?

Hon Ken Baston replied:

(a)–(d) Please refer to Question on Notice 2999.

CORRECTIVE SERVICES — ABORIGINAL FINE DEFAULTERS

3212. Hon Robin Chapple to the Attorney General representing the Minister for Corrective Services:

(1) Did the Minister for Corrective Services meet with Senator Nigel Scullion, Federal Minister for Indigenous Affairs to discuss a capped 14 per cent deduction from Centrelink instead of jail time for fine defaulters?

(2) If yes to (1), what was the outcome of the meeting?

Hon Michael Mischin replied:

The *Fines, Penalties and Infringement Notices Enforcement Act 1994* falls under the responsibility of the Attorney General.

(1) No

(2) Not Applicable

MINING INDUSTRY — GOVERNMENT ASSISTANCE

3215. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum:

What direct government assistance, such as grants, subsidies, exploration incentives, royalties relief, and/or concessions are currently available to the mining industry (please list by program, cost and, if possible, recipients)?

Hon Ken Baston replied:

The Department of Mines and Petroleum advises:

[See tabled paper no 3234.]

GOVERNMENT DEPARTMENTS AND AGENCIES — FOSSIL FUEL CONSUMPTION — SUBSIDIES

3218. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Forestry:

(1) Will the Minister please list the subsidies available for fossil fuel consumption, including diesel fuel rebates in your portfolio?

(2) Will the Minister please list the programs and recipients, and the amounts of the subsidies and rebates?

Hon Ken Baston replied:

(1) No agencies within the forestry portfolio give subsidies for fossil fuel consumption. The fuel tax credits are administrated by the Commonwealth.

(2) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — FOSSIL FUEL CONSUMPTION — SUBSIDIES

3219. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Water:

(1) Will the Minister please list the subsidies available for fossil fuel consumption, including diesel fuel rebates in your portfolio?

(2) Will the Minister please list the programs and recipients, and the amounts of the subsidies and rebates?

Hon Ken Baston replied:

(1) No agencies within the water portfolio give subsidies for fossil fuel consumption. The fuel tax credits are administrated by the Commonwealth.

(2) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — FOSSIL FUEL CONSUMPTION — SUBSIDIES

3220. Hon Robin Chapple to the Attorney General representing the Minister for Emergency Services:

(1) Will the Minister please list the subsidies available for fossil fuel consumption, including diesel fuel rebates in your portfolio?

(2) Will the Minister please list the programs and recipients, and the amounts of the subsidies and rebates?

Hon Michael Mischin replied:

The Department of Fire and Emergency Services (DFES) advises:

(1)–(2) DFES does not provide subsidies or rebates in relation to fossil fuel consumption; however, it does claim Fuel Tax Credits for eligible fuels from the Australian Taxation Office.

DFES figures incorporates DFES owned vehicles/vessels/equipment located with DFES staff/CFRS and Volunteer Stations. DFES does not include the below items owned or leased by local governments or volunteer entities. Generally VMRS groups apply for Fuel Tax Credits for their vessels directly with the ATO via the Business Activity Statements.

In the 2014–2015 financial year, DFES claimed the following:

Eligible Activity	Amount
Road Transport — Emergency Vehicles with Gross Vehicle Mass greater than 4.5 tonnes	$63,988
Marine Transport — Emergency Marine Vessels	$40
Total	**$64,028**

GOVERNMENT DEPARTMENTS AND AGENCIES — FOSSIL FUEL CONSUMPTION — SUBSIDIES

3221. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment:

(1) Will the Minister please list the subsidies available for fossil fuel consumption, including diesel fuel rebates in your portfolio?

(2) Will the Minister please list the programs and recipients, and the amounts of the subsidies and rebates?

Hon Helen Morton replied:

Botanic Gardens and Parks Authority

(1)–(2) Not applicable

Department of Parks and Wildlife

(1)–(2) Not applicable

Department of Environment Regulation

(1)–(2) Not applicable

Office of the Appeals Convenor

(1)–(2) Not applicable

Office of the Environmental Protection Authority

(1)–(2) Not applicable

State Heritage Office

(1)–(2) Not applicable

Zoological Parks Authority

(1)–(2) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — FOSSIL FUEL CONSUMPTION — SUBSIDIES

3224. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum:

(1) Will the Minister please list the subsidies available for fossil fuel consumption, including diesel fuel rebates in your portfolio?

(2) Will the Minister please list the programs and recipients, and the amounts of the subsidies and rebates?

Hon Ken Baston replied:

The Department of Mines and Petroleum advises:

(1)–(2) Fossil fuel consumption subsidies, including diesel fuel rebates, are not administered by the Department of Mines and Petroleum.

GOVERNMENT DEPARTMENTS AND AGENCIES — FOSSIL FUEL CONSUMPTION — SUBSIDIES

3227. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Planning:

(1) Will the Minister please list the subsidies available for fossil fuel consumption, including diesel fuel rebates in your portfolio?

(2) Will the Minister please list the programs and recipients, and the amounts of the subsidies and rebates?

Hon Helen Morton replied:

Department of Planning

(1) Not applicable

(2) Not applicable

Western Australian Planning Commission

(1) Not applicable

(2) Not applicable

Metropolitan Redevelopment Authority

(1) Not applicable

(2) Not applicable

Culture and Arts Portfolio incorporating Department of Culture and the Arts; State Library of Western Australia; State Records Office; ScreenWest; Art Gallery of Western Australia; Western Australian Museum; Perth Theatre Trust

(1) Not applicable

(2) Not applicable

Landcorp

(1)–(2) Answer will be forthcoming from the Minister for Lands.

GOVERNMENT DEPARTMENTS AND AGENCIES — FOSSIL FUEL CONSUMPTION — SUBSIDIES

3228. Hon Robin Chapple to the Minister for Housing representing the Minister for Lands:

(1) Will the Minister please list the subsidies available for fossil fuel consumption, including diesel fuel rebates in your portfolio?

(2) Will the Minister please list the programs and recipients, and the amounts of the subsidies and rebates?

Hon Col Holt replied:

Department of Lands

(1)–(2) Not applicable. The Department of Lands does not receive or provide subsidies and/or rebates for fossil fuel (including diesel fuel) consumption.

Landcorp

(1)–(2) Not applicable

Landgate

(1)–(2) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — FOSSIL FUEL CONSUMPTION – SUBSIDIES

3229. Hon Robin Chapple to the Minister for Housing representing the Minister for Regional Development:

(1) Will the Minister please list the subsidies available for fossil fuel consumption, including diesel fuel rebates in your portfolio?

(2) Will the Minister please list the programs and recipients, and the amounts of the subsidies and rebates?

Hon Col Holt replied:

Department of Regional Development

(1)–(2) Not applicable

Gascoyne Development Commission

(1)–(2) Not applicable

Goldfields Esperance Development Commission

(1)–(2) Not applicable

Great Southern Development Commission

(1)–(2) Not applicable

Kimberley Development Commission

(1)–(2) Not applicable

Mid West Development Commission

(1)–(2) Not applicable

Peel Development Commission

(1)–(2) Not applicable

Pilbara Development Commission

(1)–(2) Not applicable

Southwest Development Commission

(1)–(2) Not applicable

Wheatbelt Development Commission

(1)–(2) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — FOSSIL FUEL CONSUMPTION — SUBSIDIES

3232. Hon Robin Chapple to the Minister for Fisheries:

(1) Will the Minister please list the subsidies available for fossil fuel consumption, including diesel fuel rebates in your portfolio?

(2) Will the Minister please list the programs and recipients, and the amounts of the subsidies and rebates?

Hon Ken Baston replied:

(1) The state government does not offer any subsidies for fossil fuel consumption through my Fisheries portfolio.

(2) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — FOSSIL FUEL CONSUMPTION — SUBSIDIES

3233. Hon Robin Chapple to the Minister for Agriculture and Food:

(1) Will the Minister please list the subsidies available for fossil fuel consumption, including diesel fuel rebates in your portfolio?

(2) Will the Minister please list the programs and recipients, and the amounts of the subsidies and rebates?

Hon Ken Baston replied:

(1) The state government does not offer any subsidies for fossil fuel consumption through my Agriculture and Food portfolio.

(2) Not applicable, see answer to (1)

HEALTH — DRUG COUNSELLING SERVICES

3239. Hon Darren West to the Parliamentary Secretary representing the Minister for Health:

(1) How much funding is allocated to drug counselling services in regional Western Australia?

(2) What specific services are funded?

(3) Which specific organisations receive the funding and how much does each receive?

(4) Where are these organisations listed in (3) located and what geographical area does each organisation cover?

Hon Alyssa Hayden replied:

(1)–(4) Please refer to Legislative Council Question on Notice 3240.

MENTAL HEALTH — DRUG COUNSELLING SERVICES

3240. Hon Darren West to the Minister for Mental Health:

(1) How much funding is allocated to drug counselling services in regional Western Australia?

(2) What specific services are funded?

(3) Which specific organisations receive the funding and how much does each receive?

(4) Where are these organisations listed in (3) located and what geographical area does each organisation cover?

Hon Helen Morton replied:

(1) In 2015–16 an estimated $15 008 391 is allocated to alcohol and other drug outpatient counselling services in regional Western Australia.

(2) Services include assessment, counselling, education, support and referral and are provided by a mix of Community Alcohol and Drug Services and specialist community based service providers.

(3)–(4) [See tabled paper no 3227.]

REGIONAL DEVELOPMENT — COMMUNITY RESOURCE CENTRE NETWORK

3241. Hon Darren West to the Minister for Housing representing the Minister for Regional Development:

I refer to the Community Resource Centre (CRC) network and the move from grant funding to service agreements, and I ask:

(a) what is the duration of each of the service agreements with each of the CRCs;

(b) how much does each CRC receive per year;

(c) have there been any operational changes required as a result of the move to service agreements and, if yes, what are they;

(d) if no to , will there be any operational changes required in the future and, if yes:

(i) what changes will be required; and

(ii) when will the changes be implemented;

(e) have there been any administrative changes required as a result of the move to service agreements and, if yes, what are they; and

(f) if no to (e), will there be any administrative changes required in the future and, if yes:

(i) what changes will be required; and

(ii) when will the changes be implemented?

Hon Col Holt replied:

(a) Three years

(b) [See tabled paper no 3235.]

(c) Yes

Community Resource Centres (CRCs) are now required to open a minimum of 25 hours per week from a previous requirement to open between 30 and 37.5 hours per week.

CRCs are required to provide access to government and information services, along with providing a minimum number of business and social development activities.

(d) Not applicable

(e) Yes

CRCs are no longer required to provide the Department of Regional Development detailed annual business plans and comprehensive six monthly acquittals of expenditure.

CRCs are now required to:

provide an annual action plan, outlining the services and activities they will offer under their contract

provide basic quarterly statistics, showing the volume of services and activities provided and number of people accessing the services

participate in an annual health check (audit) that takes approximately two hours

provide a copy of their annual report.

(f) Not applicable

DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT — RESPONSIBLE PARENTING AGREEMENTS

3243. Hon Stephen Dawson to the Minister for Child Protection:

(1) For the period 1 March to 31 May 2015, how many Responsible Parenting Agreements have the Department for Child Protection and Family Support implemented?

(2) How many of the Responsible Parenting Agreements listed in (1), originated from a referral from another State Government department, and how many were referred by each department?

Hon Helen Morton replied:

(1) 283 Responsible Parenting Agreements were implemented.

(2) 118 Responsible Parenting Agreements originated from a referral from another State Government department:

Department of Education — 50

Department of Corrective Services — 31

Western Australia Police — 22

Department of Health — 15

DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT — REFERRALS TO CENTRELINK

3244. Hon Stephen Dawson to the Minister for Child Protection:

(1) During the months of March, April and May 2015, by district, how many individuals did the Department for Child Protection and Family Support (DCPaFS) refer to Centrelink for compulsory income management?

(2) By district, how many individuals with children have presented seeking financial assistance on two or more occasions to the DCPaFS, for the period 1 March to the 31 May 2015?

Hon Helen Morton replied:

(1) During the months of March, April and May 2015, the Department for Child Protection and Family Support referred a total of 96 individuals to the Department of Social Services (Centrelink) for compulsory income management.

March 2015

Armadale — 7

East Kimberley — 2

Perth — 3

Rockingham — 3

West Kimberley — 3

April 2015

Armadale — 4

Cannington — 4

East Kimberley — 6

Fremantle — 2

Joondalup — 2

Midland — 6

Rockingham — 5

West Kimberley — 4

May 2015

Armadale — 3

East Kimberley — 15

Fremantle — 5

Goldfields — 1

Joondalup — 4

Midland — 5

Mirrabooka — 2

Peel — 1

Perth — 4

Rockingham — 3

West Kimberley — 2

(2) Three individuals with children sought financial assistance on two or more occasions and all were responded to by the Crisis Care Unit.

DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT — SAFETY AND WELLBEING ASSESSMENTS

3245. Hon Stephen Dawson to the Minister for Child Protection:

(1) As at 31 May 2015, what was the number of new Safety and Wellbeing Assessments for a child recorded during that month, by district?

(2) As at 31 May 2015, what was the number of children in care for more than 20 days with no planning recorded, by district?

(3) As at 31 May 2015, what was the number of Safety and Wellbeing Assessments with a harm assessment open for more than 90 days, by district?

(4) As at 31 May 2015, what were the number of open Safety and Wellbeing Assessments with a harm assessment, by district?

(5) As at 31 May 2015, what was the number of 'monitored' or 'active holding' cases not allocated to workers caseload, by district?

Hon Helen Morton replied:

(1)–(5) [See tabled paper no 3228.]

CHILD PROTECTION — HARDSHIP UTILITY GRANT SCHEME

3246. Hon Stephen Dawson to the Minister for Child Protection:

(1) For each of the utilities, Synergy, Horizon, Water Corporation and Alinta, in relation to the Hardship Utilities Grant Scheme, how many applications were received, and how many applicants were approved and provided with financial assistance to pay utility bills for the following suburbs in February 2015:

(a) Leeming;

(b) Canning Vale;

(c) Morley;

(d) Wanneroo;

(e) Willagee;

(f) Samson;

(g) Spencer Park;

(h) Balcatta;

(i) Dalyellup;

(j) High Wycombe;

(k) Kingsley;

(l) Clarkson;

(m) Noranda;

(n) Yokine;

(o) Currambine;

(p) Parkwood;

(q) Innaloo;

(r) Huntingdale;

(s) Ellenbrook;

(t) Darch; and

(u) Peppermint Grove?

(2) What was the average payment for each utility for each of the suburbs listed?

Hon Helen Morton replied:

(1)–(2) [See tabled paper no 3229.]

CHILD PROTECTION — SUSPECTED CHILD ABUSE

3247. Hon Stephen Dawson to the Minister for Child Protection:

(1) For the period 1 March 2015 to 31 May 2015, what was the number of initial inquiries in relation to suspected child sexual abuse received, by district and by category of mandated referrer?

(2) For the period 1 March 2015 to 31 May 2015, what was the number of safety and wellbeing assessment with harm assessment, by district and by category of harm of:

(a) neglect;

(b) sexual abuse;

(c) physical abuse; and

(d) emotional abuse?

Hon Helen Morton replied:

(1) For the period 1 March 2015 to 31 May 2015, there were 875 child protection notifications in relation to suspected child sexual abuse in the following districts:

Armadale — 59

Cannington — 57

Crisis Care — 135

East Kimberley — 9

Fremantle — 24

Goldfields — 64

Great Southern — 27

Joondalup — 61

Midland — 29

Mirrabooka — 36

Murchison — 60

Peel — 42

Perth — 40

Pilbara — 58

Rockingham — 63

South West — 48

West Kimberley — 18

Wheatbelt — 45

By category of mandated reporter

Doctor — 104

Midwife — 6

Nurse — 59

Police officer — 234

Teacher or principal — 184

Non-mandated reporter — 288

(2) Between 1 March 2015 to 31 May 2015, there were 3,132 Safety and Wellbeing Assessments in the following districts:

Armadale — 247

Cannington — 223

Crisis Care — 167

East Kimberley — 90

Fremantle — 128

Goldfields — 116

Great Southern — 199

Joondalup — 182

Midland — 162

Mirrabooka — 206

Murchison — 133

Peel — 144

Perth — 133

Pilbara — 245

Rockingham — 314

South West — 179

West Kimberley — 88

Wheatbelt — 176

By category of harm

(a) Neglect — 1 083

(b) Sexual abuse — 941

(c) Physical abuse — 1 016

(d) Emotional/psychological abuse — 1 391

DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT — EMPLOYEES — FULL-TIME EQUIVALENTS

3248. Hon Stephen Dawson to the Minister for Child Protection:

(1) As at 1 June 2015, what was the total Department for Child Protection and Family Support (DCPaFS) funded full time equivalent (FTE) employee allocation, by directorate and district?

(2) As at 1 June 2015:

(a) what were the vacancies in FTE terms, by directorate and district;

(b) how many of those vacancies were subject to advertising, by district; and

(c) of those vacancies not subject to advertising, please provide the reason why?

(3) As at 1 June 2015, what was the total service delivery FTE employee allocation, by directorate and district?

(4) As at 1 June 2015, what were the total vacant service delivery positions, by directorate and district?

(5) As at 1 June 2015, what was the total FTE case worker allocation, by directorate and district?

(6) As at 1 June 2015, what were the total FTE vacant case worker positions?

(7) As at 1 June 2015, what was the FTE number of employees, by directorate and district on:

(a) permanent contract; and

(b) fixed term contract?

(8) As at 1 June 2015, how many DCPaFS field officers have been co-located with Western Australia Police staff from the family protection unit, in regional and rural offices, as part of the strategy to combat family and domestic abuse?

(9) What are the co-location sites where the DCPaFS officers referred to in (8) are situated?

Hon Helen Morton replied:

(1) As at 1 June 2015, the Department for Child Protection and Family Support (DCPFS) total funded allocation was 2 265.4 FTE. Please refer to Attachment 1 for a breakdown by directorate and district.

[See tabled paper no 3230.]

(2) (a) There were 89 FTE vacancies. Refer to Attachment 1.

[See tabled paper no 3230.]

(b) 40.2 FTE were subject to advertising/pool recruitment processes. Refer to Attachment 2.

[See tabled paper no 3230.]

(c) Vacancies not subject to advertising were being reviewed with regards to recruitment options and the operational requirements of the business unit.

(3) 1 496.3 FTE. Refer to Attachment 1.

[See tabled paper no 3230.]

(4) 71.4 FTE. Refer to Attachment 1.

[See tabled paper no 3230.]

(5) 774.3 FTE. Refer to Attachment 1.

[See tabled paper no 3230.]

(6) 29.7 FTE. Refer to Attachment 1.

[See tabled paper no 3230.]

(7) (a) 1 941 FTE were permanent.

(b) 276 FTE were on fixed term contract.

Refer to Attachment 3.

[See tabled paper no 3230.]

(8) Nine (9) Senior Child Protection Workers — Family and Domestic Violence were working with WA Police to combat family and domestic violence in regional and rural areas.

(9) In six (6) locations, WA Police and DCPFS officers were co-located. In the East Kimberley, Pilbara and Wheatbelt, WA Police and DCPFS officers were working in partnership but were not co-located.

The Family and Domestic Violence Response Teams were operating in all regional and rural areas on 1 June 2015.

DCPFS District Police Station (site of co-location)

Co-Located:

Goldfields Kalgoorlie

Great Southern Albany

Murchison-Gascoyne Geraldton

Peel Mandurah

South West Bunbury

West Kimberley Broome Not Co-Located:

East Kimberley

Pilbara

Wheatbelt

DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT — FOSTER CARE APPLICATIONS

3249. Hon Stephen Dawson to the Minister for Child Protection:

(1) As at 31 May 2015, what was total number of applications to be a foster carer approved, by category of relative and non-relative carer, by district?

(2) As at 31 May 2015, what was the total number of registered foster carers, by category of relative carer and non-relative carer, by district?

(3) As at 31 May 2015, what was the total number of registered foster carers with children placed, by category of relative and non-relative carers, by district?

Hon Helen Morton replied:

(1)–(3) [See tabled paper no 3231.]

DEPARTMENT FOR CHILD PROTECTION AND FAMILY SUPPORT — CHILDREN PLACED IN CARE

3250. Hon Stephen Dawson to the Minister for Child Protection:

(1) By district, how many children were under the care of the Department for Child Protection and Family Support during the month of May 2015?

(2) By district, how many of the children in (1) were placed in non-government group facilities?

(3) By district, how many of the children in (1) were in placements with Department for Child Protection and Family Support foster carers by category of:

(a) relative carer; and

(b) non-relative carer?

(4) By district, how many of the children in (1) were in placements with non-government organisation foster carers?

Hon Helen Morton replied:

(1)–(4) [See tabled paper no 3232.]

MINES AND PETROLEUM — BURU ENERGY — YULLEROO 2 GAS WELL

3251. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum:

I refer to the alleged damage to Buru Energy's Yulleroo 2 gas well in the Kimberley, reported in January 2015, and I ask:

(a) has the Department of Mines and Petroleum (DMP) completed its investigation into a gas leak and the alleged damage to the well head;

(b) if no to (a), when is the investigation expected to be completed;

(c) if yes to (a), will the Minister table the results and findings of the investigation and, if not, why not;

(d) did the investigation conclude how and when the damage occurred;

(e) did the investigation rule out the possibility that the damage was caused inadvertently by Buru Energy or its contractors;

(f) how old was the Christmas tree on the Yulleroo 2 well head;

(g) was the master valve shut when the well was inspected for the gas leak and, if not, why not;

(h) when was the last inspection by the DMP of the Yulleroo 2 well before the gas leak was found;

(i) what was the reading of the gas meter at the gas leak site; and

(j) will the Minister apologise for his groundless accusations about people concerned about fracking and, if not, why not?

Hon Ken Baston replied:

The Minister for Mines and Petroleum advises:

(a) No

(b) The investigation is expected to be completed by October 2015.

(c) Not applicable

(d) The investigation has not been completed.

(e) The investigation has not been completed.

(f) The Christmas tree was installed in 2008.

(g) The investigation has not been completed.

(h) 7 May 2008

(i) The investigation has not been completed.

(j) No

STATE DEVELOPMENT — ONSHORE LNG PROCESSING FACILITY — KIMBERLEY

3252. Hon Robin Chapple to the Leader of the House representing the Minister for State Development:

With regard to a Liquefied Natural Gas (LNG) hub on the Kimberley coast to service the Browse Basin gas fields, I ask:

(a) has the Minister had any discussions in the past 12 months with any companies about using an onshore LNG processing facility anywhere along the Kimberley coast:

  (i) if yes to (a), with which companies has the Minister had such discussions and when did they take place; and

  (ii) will the Minister provide details of the meeting or meetings and, if not, why not?

Hon Peter Collier replied:

(a) Yes

  (i) The Minister met with the Browse Joint Venture (Woodside, Shell, BP, MIMI and PetroChina)on 25 February 2015.

  (ii) At the meeting the Minister restated his preference for the onshore processing of gas from the Browse fields, but also acknowledged the Joint Venture's intention to use Floating LNG technology.

LANDS — COASTAL EROSION CONTROL — BROOME

3262. Hon Robin Chapple to the Minister for Housing representing the Minister for Lands:

With regard to a business case proposal for Revetment Work to Protect and Control Erosion of Broome's Coastal Cliffs from Town Beach to Catalina's which has been submitted for Royalties for Regions funding, I ask:

(a) is the Minister satisfied that there is sufficient understanding of the causes of erosion at the area proposed for revetment at Town Beach;

(b) if no to (a), why not;

(c) is the Minister satisfied that the proposed revetment work would not cause erosion or other problems elsewhere along the coastline; and

(d) if yes to , what evidence does the Minister have to demonstrate this?

Hon Col Holt replied:

(a) No

(b) Early assessment of this proposal indicates additional information is required. The Shire of Broome (Shire) recently completed a Broome Coastal Vulnerability Study. The proposed revetment structure should now undergo consideration within a Coastal Hazard Risk Management and Adaption Plan (CHRMAP). This is in line with the Department of Planning's State Coastal Planning Policy SPP2.6 and would consider the causes and appropriate management actions to address coastal erosion issues on the Broome foreshore.

The Kimberley Development Commission is working with responsible regional and State agencies to consider the Shire business case before making a recommendation on the project. As a result, a decision has not yet been made regarding support for this proposal or its suitability.

(c) No. The Shire will need to consider the proposal within a CHRMAP which should include an updated assessment of the revetment proposal at this location and any impacts on surrounding areas.

(d) Not applicable

REGIONAL DEVELOPMENT — COASTAL EROSION CONTROL — BROOME

3263. Hon Robin Chapple to the Minister for Housing representing the Minister for Regional Development:

With regard to a business case proposal for Revetment Work to Protect and Control Erosion of Broome's Coastal Cliffs from Town Beach to Catalina's, which has been submitted for Royalties for Regions funding, I ask:

(a) is the Minister satisfied that there is sufficient understanding of the causes of erosion at the area proposed for revetment at Town Beach;

(b) if no to (a), why not;

(c) is the Minister satisfied that the proposed revetment work would not cause erosion or other problems elsewhere along the coastline; and

(d) if yes to , what evidence does the Minister have to demonstrate this?

Hon Col Holt replied:

(a)–(d) Please see answer to Legislative Council question on notice No. 3262.

HOUSING — BUILDING CODES — KALGOORLIE SUPERPIT

3265. Hon Robin Chapple to the Minister for Housing:

I refer to the building codes in the City of Kalgoorlie–Boulder, specific to the requirements for homes within a two kilometre vicinity of the Superpit blasting operations, and ask:

(a) is there specific construction that is required to withstand vibration and earth movement caused by blasting of the Superpit;

(b) if yes to (a), what percentage of homes in Kalgoorlie–Boulder, within a two kilometre perimeter of the Superpit, are of that acceptable construction;

(c) are there specific construction types that might be common in Kalgoorlie–Boulder but would be ruled 'non-compliant' under the city's latest building codes;

(d) during the consultation process for the expansion of the Superpit in 2008–2009, what were the building standards;

(e) what changes to building standards has the City of Kalgoorlie–Boulder since introduced, and why;

(f) what changes to building standards has the City of Kalgoorlie–Boulder introduced since the commencement of the Superpit construction in the late 1980s, and why;

(g) besides blasting operations, are there any specific environmental or geological conditions in the City of Kalgoorlie–Boulder that may require a different building standard to the rest of the State of Western Australia;

(h) are properties of approved City of Kalgoorlie–Boulder construction or amendments (through licensed builders) prior to the Superpit now illegal; and

(i) what changes does the City of Kalgoorlie–Boulder require of properties that meets standards pre-dating the Superpit, prior to sale?

Hon Col Holt replied:

(a)–(i) Please refer to Legislative Council Question on Notice No. 3264.

MINES AND PETROLEUM — KOOLAN ISLAND AGREEMENT

3268. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum:

I refer to recent media reports and ASX announcements regarding Mount Gibson Iron Ltd's (MGI) agreement with Qube Ltd for the development of a supply base on Koolan Island for the offshore oil and gas industry, and I ask:

(a) what mining leases or other mining-related tenements granted under the *Mining Act 1978* does MGI currently hold on Koolan Island;

(b) will the Minister provide a comprehensive list of those current tenements held by MGI on Koolan Island, their location, when they were granted and, in summary, what rights, purposes and conditions apply to each of them and, if not, why not;

(c) does MGI currently hold any other legal rights over any part of Koolan Island beyond those mining tenements;

(d) if yes to , under what Act, and section or sections of those Acts, are each of those additional leases or tenements granted and what is the purpose of those leases;

(e) is MGI in full compliance with all relevant conditions on each of the leases or other tenements it holds under the *Mining Act 1978*:

  (i) if no to (e), in which case(s) is it non-compliant and why;

(f) given the recent seawall collapse and halt to mining on Koolan Island, is MGI under investigation or has it been under investigation by the Department of Mines and Petroleum;

(g) if yes to (f), what stage have these investigations reached and when will decisions be made as to whether MGI breached its legal obligations under the Mines Act on Koolan Island;

(h) is the Minister aware that MGI has been conducting negotiations and signing agreements with a third party to develop Koolan Island for a completely different purpose to that which its mining leases allow:

  (i) if yes to (h), when and how was the Minister made aware of these negotiations and agreements; and

  (ii) on what legal basis is MGI conducting these negotiations and signing these agreements; and

(i) has the Minister or the Department of Mines and Petroleum specifically authorised these negotiations and agreements:

  (i) if yes to (i), when did this authorisation take place and under what provisions of the *Mining Act 1978* was it given; and

  (ii) if no to (i), will the Minister intervene and direct MGI to cease such negotiations and cancel such agreements and, if not, why not?

Hon Ken Baston replied:

The Department of Mines and Petroleum advises:

(a) Koolan Iron Ore Pty Ltd is a wholly owned subsidiary of Mount Gibson Iron Ltd and currently holds Mining Leases 04/416 and 04/417; Exploration Licence 04/1266; and Miscellaneous Licences 04/29 and 04/68 on Koolan Island.

(b) The list of relevant tenements is provided in the answer to (a). The location, date of grant, purposes and conditions that apply to each of these tenements is publicly available information which can be obtained through the Department of Mines and Petroleum's Mineral Titles Online and Tengraph systems.

(c) The Department of Mines and Petroleum is not aware of any other legal rights. The underlying tenure for Koolan Island is Vacant Crown Land.

(d) Not applicable

(e) A check within the Department of Mines and Petroleum indicates Mount Gibson Iron Ltd is compliant with conditions of its Mining Act tenements. No non-compliances with tenement conditions were identified by the Department of Mines and Petroleum during the last inspection of Koolan Island on 18 May 2015.

(i) Not applicable

(f) The cause of the seawall failure continues to be under investigation.

(g) The investigation is ongoing and it is not appropriate to discuss likely outcome at this time.

(h) Yes

(i) Through public statements reported in May 2015 relating to options to develop Koolan Island as a logistics base.

(ii) As the Minister for Mines and Petroleum I am not a party to commercial discussions between Mount Gibson Iron Ltd and Qube Holdings Limited.

(i) No

(i) Not applicable

(ii) No. The Minister has no obligation to intervene in private arrangements between companies that are not known to be breaching an Act or Regulation.

ENVIRONMENT — FORMER PASTORAL LEASES

3269. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment:

I refer to five former pastoral leases in the Mid-West region of the State, Locharda, Karara, Thundelarra, Burnerbinmah and Kadji Kadji, and I ask:

(a) when were the Locharda, Karara, Thundelarra, Burnerbinmah and Kadji Kadji pastoral leases purchased to become part of Western Australia's conservation reserve system;

(b) who purchased them and how much was paid for each property;

(c) what is their combined area;

(d) for each ex-lease, what specific type and category of conservation reserve was proposed at the time, or subsequently, by the purchasing agency;

(e) given they were purchased more than a decade ago to become part of the public conservation estate, have any of the properties been formally established as conservation reserve:

  (i) if yes to (e), which one(s) and what type or category of reserve are they; and

  (ii) if any of the properties have not become conservation reserve as intended, why has that purpose not been achieved in each case;

(f) since the leases were purchased, have any mining or exploration projects been approved on any of them:

  (i) if yes to (f), on which of the ex-leases are the mining or exploration projects located, which company or companies is/are the proponent(s), and what is/are the status of the project(s);

(g) are there other mining or exploration proposals currently under assessment on any of the ex-leases:

  (i) if yes to (g), for each proposal, on which of the ex-leases are they located, which company or companies is/are the proponent(s), and what is/are the status of the assessment(s);

(h) given that public funds were used to acquire these leases so that they could be converted to the public conservation reserve, does the Minister consider it is appropriate that, rather than become conservation reserve, they are instead being used as mine sites or proposed to become mine sites;

(i) are any of the ex-leases subject to ongoing monitoring and management to ensure their conservation values are not further diminished by threats such as feral animals and weeds:

(i) if yes to (i), for each lease, what form of monitoring and management is occurring, who is undertaking it, at what annual cost, and to whom;

(j) is the Minister actively progressing the formal establishment of these areas as conservation reserve and, if so, in what way or ways;

(k) when will the ex-leases be formally established as conservation reserves; and

(l) what of their original conservation value will be left when they are established?

Hon Helen Morton replied:

(a) Lochada — May 2000

Karara — January 2002

Thundelarra — June 2007

Burnerbinmah — October 1995

Kadji Kadji — September 2003

(b) Lochada — two-thirds Natural Heritage Trust/National Reserve System (Australian Government), one-third Department of Conservation and Land Management; $300 000.

Karara — two-thirds Natural Heritage Trust/National Reserve System (Australian Government), one-third Department of Conservation and Land Management; $460 000.

Thundelarra — one-half Natural Heritage Trust/National Reserve System (Australian Government), one-half Department of Environment and Conservation; $803 000.

Burnerbinmah — two-thirds Sandalwood Conservation and Regeneration Project (SCARP), one-third Department of Conservation and Land Management; $251 787.

Kadji Kadji — one-half Natural Heritage Trust/National Reserve System (Australian Government), one-half Department of Conservation and Land Management; $320 000.

(c) 487,954.1 hectares

(d) Lochada — unclassified conservation park.

Karara — unclassified conservation park and class ‘A’ nature reserve.

Thundelarra — unclassified conservation park.

Burnerbinmah — class ‘A’ conservation park.

Kadji Kadji — unclassified conservation park and timber reserve.

(e) No, except a portion of Kadji Kadji.

(i) A portion of Kadji Kadji has reverted to its previous tenure as timber reserve.

(ii) All properties require support for reserve creation by the Department of Mines and Petroleum and resolution of native title negotiations.

Notwithstanding formal reservation as conservation estate, the removal of grazing from these areas has assisted in natural regenerative processes taking place to restore the conservation and biodiversity values of those areas.

(f)–(g) These questions should be referred to the Minister for Mines and Petroleum.

(h) The Minister for Environment is committed to the reservation of the former pastoral leases, which includes liaison with the Department of Mines and Petroleum to obtain necessary government approvals and reach agreeable outcomes.

(i) Yes

(i) The Department of Parks and Wildlife undertakes feral animal control, maintenance of priority fire access tracks and firebreaks and remote sensing vegetation surveying. Western Australian Rangelands Monitoring System sites are contained on each ex-pastoral lease, except for Burnerbinmah.

Specific works undertaken by the Department of Parks and Wildlife include:

Lochada - boundary fencing, implementation of Interim Management Guidelines.

Karara — funding under the *Parks for People* initiative for camping opportunities and visitor facility improvements, boundary fencing, access maintenance, weed control, ongoing appointment of a caretaker, renewable energy system to homestead, scientific surveys for ground dwelling invertebrates, bird assemblages, small mammal and reptile assemblages, flora surveying.

Thundelarra — ongoing appointment of a caretaker, removal of shearing sheds, renewable energy system upgrade, repairs to water system and homestead.

Burnerbinmah — fence line clearing, goat proof boundary fencing, goat surveying, dam closure, ongoing appointment of a caretaker, homestead maintenance, shearing quarters assessment for works, road grading, flora surveying.

Kadji Kadji — boundary fencing, salvage and removal of station infrastructure including homestead and other buildings.

All land parcels are managed by the Department of Parks and Wildlife, with expenditure of $545 518 for the 2014–15 financial year comprising Department of Parks and Wildlife recurrent budget of $365 764 and external funding of $179 754.

(j) Yes. The Department of Parks and Wildlife is liaising with the Department of Mines and Petroleum to obtain relevant government approvals. Reserve creation is also dependent on native title negotiations, which have been delayed by native title uncertainties, including overlapping native title claims over the area and legal uncertainty over the status of native title in the recent Federal Court determination over the Badimia claim area.

(k) The establishment of conservation reserves will be progressed pending successful completion of native title negotiations.

(l) Notwithstanding formal reservation as conservation estate, the above management activities, in particular the control of declared flora and fauna species, allows for natural regeneration of vegetation which has and will continue to provide a broad scale improvement to the conservation values.

LANDS — FORMER PASTORAL LEASES

3270. Hon Robin Chapple to the Minister for Housing representing the Minister for Lands:

I refer to five former pastoral leases in the Mid-West region of the State, Locharda, Karara, Thundelarra, Burnerbinmah and Kadji Kadji, and I ask:

(a) when were the Locharda, Karara, Thundelarra, Burnerbinmah and Kadji Kadji pastoral leases purchased to become part of Western Australia's conservation reserve system;

(b) who purchased them and how much was paid for each property;

(c) what is their combined area;

(d) for each ex-lease, what specific type and category of conservation reserve was proposed at the time, or subsequently, by the purchasing agency;

(e) given they were purchased more than a decade ago to become part of the public conservation estate, have any of the properties been formally established as conservation reserve:

(i) if yes to (e), which one(s) and what type or category of reserve are they; and

(ii) if any of the properties have not become conservation reserve as intended, why has that purpose not been achieved in each case;

(f) since the leases were purchased, have any mining or exploration projects been approved on any of them:

(i) if yes to (f), on which of the ex-leases are the mining or exploration projects located, which company or companies is/are the proponent(s), and what is/are the status of the project(s);

(g) are there other mining or exploration proposals currently under assessment on any of the ex-leases:

(i) if yes to (g), for each proposal, on which of the ex-leases are they located, which company or companies is/are the proponent(s), and what is/are the status of the assessment(s);

(h) given that public funds were used to acquire these leases so that they could be converted to the public conservation reserve, does the Minister consider it is appropriate that, rather than become conservation reserve, they are instead being used as mine sites or proposed to become mine sites;

(i) are any of the ex-leases subject to ongoing monitoring and management to ensure their conservation values are not further diminished by threats such as feral animals and weeds:

(i) if yes to (i), for each lease, what form of monitoring and management is occurring, who is undertaking it, at what annual cost, and to whom;

(j) is the Minister actively progressing the formal establishment of these areas as conservation reserve and, if so, in what way or ways;

(k) when will the ex-leases be formally established as conservation reserves; and

(l) what of their original conservation value will be left when they are established?

Hon Col Holt replied:

(a)–(l) Please refer to Legislative Council Question on Notice No. 3269.

HOUSING — BAYVIEW CARAVAN PARK — CORAL BAY

3272. Hon Robin Chapple to the Minister for Housing:

Regarding the decision to move long-term, semi-permanent residents and business owners at Coral Bay out of their temporary accommodation at 'Canya' or 'Kenya', I ask:

(a) have the owners of the Bayview Caravan Park promoting and operating the area known locally as Canya or Kenya been doing so with or without a license for about the past 20 years;

(b) have the owners/operators of Canya or Kenya been receiving rent from people staying or residing there;

(c) if the owners have been operating without a license, and receiving rent, what action has been taken, or will be taken, to investigate the matter;

(d) will the owners/operators be sanctioned and required to repay the monies if found to have been taking monies without a license and, if not, why not;

(e) what building code applies to Coral Bay as regards cyclone rating, and are all buildings compliant; and

(f) if all buildings are not compliant, please advise which buildings are non-compliant and what steps are being taken to ensure compliance?

Hon Col Holt replied:

(a)–(f) Please refer to Legislative Council Question on Notice No. 3271.

DEPARTMENT OF COMMERCE — FEES AND CHARGES INCREASE

3277. Hon Kate Doust to the Minister for Commerce:

I refer to the 2015–16 state budget, and I ask:

(a) will the Minister provide a table depicting the increases in fees and charges within all areas of the Department of Commerce portfolio for the budget years 2012–13, 2013–14, 2014–15 and 2015–16; and

(b) what savings measures will be implemented within all areas of the Department of Commerce portfolio by division/agency?

Hon Michael Mischin replied:

(a) [See tabled paper no 3233.]

(b) The department has just completed a staff consultation process to determine the savings measures that will be adopted to meet the savings target. The exact savings measures and the effect that these have on individual divisions within the department are not yet known.

LANDS — PASTORAL LEASES — NINGALOO STATION

3309. Hon Robin Chapple to the Minister for Housing representing the Minister for Lands:

(1) Will the Ningaloo Station's pastoral lease be renewed on 1 July 2015?

(2) If yes to (1), how much of the station will be excluded for conservation purposes?

Hon Col Holt replied:

(1) No, however, the former lessee has initiated proceedings to challenge the non-renewal in the Supreme Court.

(2) Not applicable

ENVIRONMENT — PASTORAL LEASES — FERAL ANIMALS

3315. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment:

I refer to question on notice No. 3021, asked in the Legislative Council on 5 May 2015 by Hon Robin Chapple to the Minister for Housing representing the Minister for Lands regarding pastoral leases and feral goats, and ask:

(a) will the Minister provide a detailed explanation of how the department will control and/or remove feral animals, including goats on unallocated Crown Land from 1 July 2015; and

(b) if no to (a), why not?

Hon Helen Morton replied:

The Minister for Environment has provided the following response.

(a) Yes

The Department of Parks and Wildlife manages pest animals, including feral goats, on unallocated Crown land, unmanaged reserves and other department-managed lands, in order to minimise their impact on the State's natural environment and native wildlife. A range of control measures are employed to manage pest animals across the State, including aerial and ground shooting using authorised and trained Department staff and contractors. Where appropriate, the opportunity exists for recreational hunting groups to partner with Parks and Wildlife to support managed pest animal control programs.

As part of Western Shield, the Government's flagship wildlife conservation program, one million baits are laid annually across more than three million hectares of department-managed land, from as far north as the Pilbara, throughout the south-west forest regions, to areas east of Esperance.

Parks and Wildlife works with adjacent pastoral lease holders to support pest animal control programs across tenure, including feral goat control, to minimise the impact on agricultural productivity.

Parks and Wildlife cooperates with Recognised Biosecurity Groups (RBG) in the rangelands to implement landscape-wide pest animal control programs, including feral goat control, through financial and in-kind support or coordinating activities between Department-managed and RBG-managed control programs.

(b) Not applicable

COMMERCE — MOTOR VEHICLE ACTS REVIEW

3326. Hon Kate Doust to the Minister for Commerce:

I refer to the combined review of the *Motor Vehicle Dealers Act 1973* and the *Motor Vehicle Repairers Act 2003* being undertaken by the Department of Commerce, and I ask:

(a) at what stage is the review;

(b) what stages remain; and

(c) when is the review scheduled to be completed?

Hon Michael Mischin replied:

(a) The review is currently in the second stage, with a Consultation Regulatory Impact Statement due for public release in the coming weeks.

(b) The remaining stage involves the preparation of a Decision Regulatory Impact Statement which will address the outcome of consultation with stakeholders and make recommendations for reform to the government.

(c) The review is scheduled to be completed during the first half of 2016.

FISHERIES — SHARK MONITORING NETWORK — RECEIVER MAINTENANCE

3328. Hon Amber-Jade Sanderson to the Minister for Fisheries:

(1) How many data-recording acoustic receivers (VR2W) in the shark monitoring network were serviced in each of:

(a) 2009–10;

(b) 2010–11;

(c) 2011–12;

(d) 2012–13;

(e) 2013–14; and

(f) 2014–15?

(2) How many data-recording acoustic receivers (VR2W) in the shark monitoring network will be serviced in each of:

(a) 2015–16;

(b) 2016–17; and

(c) 2017–18?

(3) Will the servicing undertaken from 1 July 2015 change compared to that done previously and, if yes, how will it change?

(4) How many data-recording acoustic receivers (VR2W) are there in the shark monitoring network?

Hon Ken Baston replied:

(1) The numbers shown below are for the Shark Monitoring Network only, and do not include VR2 receivers in other arrays deployed by the Department of Fisheries' research division, the Ocean Tracking Network and the Australian Animal Tracking and Monitoring System.

(a) 19

(b) 19

(c) 19

(d) 142

(e) 146

(f) 158

(2) The Shark Monitoring Network (SMN) was established as part of a research project to get a better understanding of shark movement patterns in WA. The SMN has provided a significant level of data on shark movements that is currently being analysed and will be released as a report by the end of the year. For tracking movements of sharks, the SMN includes (i) arrays of seabed receivers that log information which is retrieved at regular intervals (known as VR2 receivers) and (ii) real-time surface receivers that send messages via satellite (known as VR4 receivers). The VR4 receivers have also acted as a real-time detection tool for tagged sharks at key locations along the Perth and South-West coasts and at Albany thereby providing a component of the shark hazard mitigation strategies adopted in WA. The VR4 receivers will continue to be serviced as part of the Department of Fisheries maintenance program. Arrangements for the VR2 receivers will be reviewed now that the data collection component of the research is complete.

(3) Refer to (2) above.

(4) 158

HEALTH — CYRIL WALTER HUNTER — 1983 POST MORTEM

3350. Hon Robin Chapple to the Attorney General:

I refer to question on notice No. 6340, asked in the Legislative Council on 23 October 2012 by Hon Robin Chapple to the Minister for Mental Health representing the Minister for Health regarding the death of Cyril Walter Hunter of 128 Knowsley Street, Derby on 5 November 1983, and ask:

(a) will the coroner release the P78A Western Australia Police form; and

(b) if no to (a), why not?

Hon Michael Mischin replied:

(a) A copy of the P78A (Form to Accompany Post Mortem Exhibits) can be provided to the Next of Kin on their written request to the State Coroner. Alternatively, with the written consent of the Next of Kin the P78A can be released to a third party.

(b) Not applicable

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