Legislative Council

Thursday, 14 April 2011

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

PAPERS TABLED

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

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Twenty-first Report — "Shack Sites in Western Australia" — Tabling

Hon Brian Ellis presented the twenty-first report of the Standing Committee on Environment and Public Affairs in relation to the inquiry into shack sites in Western Australia, and on his motion it was resolved —

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

[See paper 3248.]

Statement by Chairman

HON BRIAN ELLIS (Agricultural) [10.02 am] — by leave: I will not go into this report in great detail as members can read the report themselves. As there were 52 findings and eight recommendations, I will leave the detail of the report for members to read. The Standing Committee on Environment and Public Affairs is pleased to table its report on shack sites in Western Australia. The committee understands that the delay in determining shack policy has caused shack owners understandable anxiety. The committee is also aware that the Wedge and Grey island shack leases expire on 30 June 2011. There are an estimated 1 060 shacks on public land in Western Australia, including an estimated 450 shacks at Wedge and Grey. These shack sites differ to varying degrees in standards and management. It is particularly relevant to consider shack policy at this time because the opening of Indian Ocean Drive between Lancelin and Cervantes in September 2010 has dramatically increased access to Wedge and Grey and the number of visitors to this region. These sites are no longer isolated.

It has been government policy since the squatter policy was announced in 1989 that shacks on unvested public land, such as Wedge and Grey, are to be removed, and nearly 700 shacks were removed under this policy. It has been known for many years that the opening of the extension of Indian Ocean Drive was to trigger the implementation of the policy at Wedge and Grey. The committee found that the exclusive use by occupiers of shacks on public land is inequitable, and a significant principle in shack policy is that public land should be available for members of the public to access and use. The committee also found that there are significant differences between shack sites in Western Australia, a one-size-fits-all policy is not appropriate, and decisions regarding a particular shack site should reflect the circumstances of that shack site.

In relation to Wedge and Grey, the committee recommends that the minister and the Department of Environment and Conservation instruct shack owners to remove their shacks and, as a priority, develop the area to provide the public with low-impact, nature-based, affordable visitor facilities and accommodation, including camping and caravanning facilities. The committee found that Wedge and Grey have a highly significant tourism potential and a capacity to add immense value to the development of this region.

I thank the members and staff of the Standing Committee on Environment and Public Affairs for the time and contributions they have put into this report. It is quite a long report and a lot of time was put in by all involved, particularly considering that the committee was dealing with two other inquiries at the same time. This is a comprehensive report that I hope will assist the government to make as soon as possible decisions on the future of shack sites that reflect the particular circumstances of the shack sites. I commend the report to the house.

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

The PRESIDENT: I point out that I have allowed that motion because the statement turned into quite a comprehensive statement rather than just a brief explanation.

STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW

Sixty-first Report — Occupational Licensing National Law (WA) Bill 2010 — Tabling

Hon Adele Farina presented the sixty-first report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the Occupational Licensing National Law (WA) Bill 2010, and on her motion it was resolved —

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

[See paper 3249.]

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Special Report — 2011–12 Budget Estimates Hearings

HON GIZ WATSON (North Metropolitan) [10.08 am]: I am directed to report that on Monday, 21 March 2011 the Standing Committee on Estimates and Financial Operations resolved to hold the budget estimates hearings in relation to the 2011–12 budget on 30 May 2011. The committee has revised its budget estimates process this year and is currently scheduling a program for the 2011–12 ongoing budget estimates to be undertaken from Tuesday, 14 June to Thursday, 16 June 2011, which are sitting days of the house. The committee has resolved to hold additional hearing days on Monday, 20 June and Monday, 27 June 2011. Once completed, the program will be distributed, together with an agency nomination form for the committee's ongoing budget estimates hearings. I move —

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

Hon NORMAN MOORE: Is there anything else the member wants to add to what she just read out?

The PRESIDENT: I will give the call again to the mover of the motion, for a further explanation, and then I will call the Leader of the House.

Hon GIZ WATSON: I was about to seek an opportunity to elaborate on that motion. I am sorry, once the Leader of the House stood, I assumed that he wanted to speak first.

By way of explanation for this motion, the Standing Committee on Estimates and Financial Operations has resolved, as was just stated, to hold the budget estimates hearings over three days on the sitting week of 14, 15 and 16 June. That was agreed to following a conversation with the Leader of the House, as members would already have expected to be here on those days. To some extent, this program goes back to the way we have conducted budget hearings in the past when we have held hearings in the chamber over three days. We will deal in particular with the big departments such as the Department of Education and WA Police. As the Chair of the committee, I am mindful of always trying to hold budget estimates hearings in a timely way to maintain the relevance of the hearings to the passage of the budget legislation, while at the same time trying to facilitate giving members the opportunity to interrogate the budget. After negotiations, we formulated a timetable, which will be provided to members very shortly. We will sit slightly earlier than usual and hopefully finish at 8.30 in the evening rather than 10.30 pm.

I am providing this information by way of explanation so that members can understand how the committee is proposing to hold the budget hearings this year. It is important that we provide a timely opportunity for members to ask questions of the budget and that they remain relevant rather than run the hearings on over a longer time frame. It is our intention to complete the interrogation of the budget papers by the end of June so that it can be done in a timely way and will not run on further into the year. I thank the Leader of the House for the discussions we have had to hold these hearings during sitting times. I hope that that will suit members who participate in the budget hearings. The Standing Committee on Estimates and Financial Operations has received some feedback about the length and extent of questions that have been presented during committee work. One of the roles of the committee, and my role in particular as the Chair, is to ensure that the questions remain relevant and focussed. We must establish a balance between not constraining the committee and its work and also not having reams and reams of questions that are, in effect, fishing expeditions. I indicate to the house that the committee is aware of that and has adjusted some of its procedures in acknowledgement of that feedback.

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [10.13 am]: As Minister for Fisheries, I am pleased that the member will get rid of the fishing expeditions! I understand some fishing will continue to go on but not as much as previously.

Hon Liz Behjat: No protected species will be harmed in the process!

Hon NORMAN MOORE: It is hard enough protecting certain species without some of the things that happen in this committee. However, that is for another day.

I thank the member for considering the proposals I put to the committee. The committee's original proposal would have meant that the hearings would be held during a non-sitting week and would have resulted in this house sitting for four weeks in a row, because there is a three-week sitting period before then. I have been here long enough to know that three weeks has the potential to cause some members to suffer from nervous exhaustion and to behave in an unusual way in the chamber. I thought that sitting four weeks straight would have been unacceptable and so the government has agreed to use one of the sitting weeks for the committee hearings. It is interesting to look at the history of the way this house has dealt with the estimates and to see how it has changed over time. There was a time when all we ever did was debate the budget bills in the house. Then we held committee hearings in the chamber for three or four days and that was it. Last year we had meetings in the chamber for one day and a running committee on Monday afternoons over the whole year to "interrogate" the budget, to use Hon Giz Watson's word. This proposal is similar to what used to happen when the house met in

Committee of the Whole and dealt with the budget estimates over three days. I was a little concerned that we would have three days of intense questioning followed by another set of agencies doing the same thing every Monday afternoon. I am advised by the committee that it will continue to do that sort of inquiry on Mondays until 30 June and that beyond 30 June it will do other work on agencies' annual reports and things of that nature. On the basis that the committee proposes to operate in that way, we are comfortable with the new proposal. I put to the committee the proposition that instead of sitting from 9.00 am until 5.00 pm on the three days of hearings, as has been the custom in the past, that we should sit during the usual hours of the house to enable members who had already made arrangements during that week to fulfil those arrangements and to allow party meetings to be held on the Tuesday, because the Assembly is sitting that week and the Parliament will be operating normally. The committee came back with a modified version of that, which I do not have a problem with. That will mean meeting at one o'clock on Tuesday and Wednesday and 9.00 am on Thursday but finishing earlier than the house would normally finish in the evenings. That is okay by me. The budget will be properly scrutinised by this house in a way that is appropriate. The government will support the committee's report and I look forward to the budget estimates hearings.

Question put and passed.

DISALLOWANCE MOTIONS

Notice of Motion

1. City of Perth Parking Local Law 2010.

2. City of Mandurah Waste Management Local Law 2010.

Notice of motions given by **Hon Jim Chown**.

RENEWABLE ENERGY FEED-IN TARIFF (REFiT WA) BILL 2010

Second Reading

Resumed from 1 July 2010.

HON PETER COLLIER (North Metropolitan — Minister for Energy) [10.20 am]: I would like to make a few comments with regard to the Renewable Energy Feed-in Tariff (REFiT WA) Bill 2010. I say at the outset that the Liberal Party will not be supporting this bill. It is not because we disagree with the feed-in tariff, it is not because we disagree with renewable energy, it is not because we disagree with a sustainable energy future; it is because we do not agree with this bill. The bill itself, while noble in thought, is flawed in a number of areas, and I will go through those. I think at this stage we are not ready for this type of bill. Ultimately I think there will be a much more comprehensive feed-in tariff, but at the moment we are not ready for it.

Just to recap a couple of things with regard to the feed-in tariff—the gross versus net feed-in tariff—and where it sits and where we as a party sit, I say at the outset that it was the very first issue that I was faced with when we came to office—that is, whether we were going to have the introduction of —

Hon Kate Doust: We know how you handled that one—a backflip.

Hon PETER COLLIER: It was a very good backflip, I can assure the member. Hon Kate Doust will see in a moment why it was the right decision. It was genuinely a good decision on our part, and I make no apologies for it. I think it was the right decision, and I think ultimately more and more Western Australians will benefit as a result of it.

For the benefit of those who are not aware, a feed-in tariff is when a consumer gets paid for the units of electricity generated. A gross feed-in tariff means that a consumer gets paid for every unit of electricity generated from a renewable energy source. For all intents and purposes, in most instances at the residential level it is from a solar photovoltaic unit on a roof. A net feed-in tariff, as opposed to a gross feed-in tariff, means that people get paid for every unit of electricity they feed into the grid after they have used their residential share. Obviously, a gross feed-in tariff is much more attractive to a householder from a financial perspective than a net feed-in tariff. People can say, "Let's have a gross feed-in tariff so that it will be more attractive. More and more people will take up the baton and that way it will encourage a more sustainable energy future." When we as a Liberal Party went into the last election, we matched the Labor Party's commitment to a 60c gross feed-in tariff, which amounted to $13.5 million.

Not long after we took office I went to my first Ministerial Council on Energy meeting. The federal minister for energy at the time said that a gross feed-in tariff was probably not a good move. Virtually all the state ministers suggested to me that it was not a good move to go down the line of a gross feed-in tariff at the time. They were all Labor ministers, and they asked, "Why are you going down the line of a gross feed-in tariff?" As I said, I was in my infancy as a minister at the time. I came back and did an enormous amount of research on the distinction between the gross feed-in tariff and the net feed-in tariff. One person I relied on very heavily for advice was a former member of this house, Paul Llewellyn. Paul is a very learned and passionate man. He is very committed

to the environment, particularly with regard to energy. I have great respect for Paul, and I relied very heavily on his advice. He provided me with a lot of advice. He made a very valuable contribution to the public submissions with regard to the feed-in tariff. I know that ultimately he would not have been happy with what we decided upon, but at the same time I could see where he was coming from. I have not spoken as much to Paul over the last 12 months as I would have liked. In fact, we missed calls from each other last week. I always value his advice and his opinion. As I said, at the time I took on board what he had to say.

At that stage, in the early stages of the government, we decided that we would maintain the commitment to a gross feed-in tariff—$13.5 million. Subsequent to that, we were about to make the cabinet submission, and one of my advisers came in and said, "Minister, we've got a bit of a problem." The issue was that, if we were going to stick to the $13.5 million, it would be manifestly inadequate, as I am sure Hon Robin Chapple would know, to deal with a comprehensive feed-in tariff.

Hon Robin Chapple: That was just assuming that it was actually the government that was going to pay for it.

Hon PETER COLLIER: Correct—from consolidated.

Hon Robin Chapple: This model does not.

Hon PETER COLLIER: Correct; I understand exactly. I know that Hon Robin Chapple's bill is for a completely different format, and I will get to that.

We found out that $13.5 million would service about 2 900 systems but it would not feed 10 megawatts into the grid, as was the commitment; it would generate five megawatts. The problem at that early stage was that we already had 4 000 applications. Had we gone down the path of the 60c gross feed-in tariff with a $13.5 million commitment, we would have had a Rolls-Royce system for fewer than 3 000 people, and everyone else would have missed out.

We could have kept on writing cheques for a 60c gross feed-in tariff, but ultimately of course that would have meant a massive burden on the community. Just ask Kristina Keneally, and I will get to her in a moment. The system in this form simply was not palatable to government. I am very confident that members opposite, in particular Hon Kate Doust, would see my argument in what I have just presented if the situations were reversed, because I can tell her right now that Treasury would have said to her, "We cannot afford a 60c gross feed-in tariff." That was something I had to deal with at the time.

I continued the consultation. We went through the consultation period through the Office of Energy. It was very comprehensive. We sought submissions from all around the state. I know Hon Robin Chapple and the Greens put in a submission that in essence talked about the bill we have at the moment. Interestingly enough, in the submission brought by Hon Robin Chapple, he referred to the New South Wales system as a reason why we should have his system, and of course they are completely different.

As I said, I spoke with ministers from other jurisdictions. I wanted to make sure in my own mind that we were doing the right thing. The fact is that the blow-out would have been extraordinary. It would have gone from costing $13.5 million to about $28 million just to service the demand at that time. As I said, that was unpalatable to the government, particularly as we had just undergone one of the worst financial crises in the nation's history. We simply did not have the money. Secondly, I do not think it was good value for money. It would have been a Rolls-Royce system for people who, probably more often than not, lived in the western suburbs, and the other people who would also like to embrace renewable energy and put some solar PVs on their roofs would have missed out. They would have had to pay for the lot. They might get the federal rebate, but they would not getting the feed-in tariff. I felt that that simply was unacceptable. We did need to have a system. It was part of a COAG agreement with regard to the rollout of feed-in tariffs; it was not from the federal government but from the various jurisdictions. National principles were brought out that were agreed to by COAG, the most fundamental of which was that the feed-in tariff was to provide fair and reasonable financial provision for renewable energy that is exported to the electricity grid.

As I said, I spoke to a number of ministers, one of whom was a man I also have tremendous respect for; namely former Victorian energy minister, Peter Batchelor. He stood down at the last election. I would imagine very few people in Australia have more understanding of the energy market than Peter Batchelor. He offered very good, sound advice and he said, "Believe me, the net system is much better and much more beneficial and will have a wider ranging impact in terms of the community than the gross system." I came back and looked at a number of different models. The government decided we would not have a 60c gross feed-in tariff; rather, we would have a net system that would cost 40c for each unit fed into the grid. Coupled with 7c from the renewable energy buyback scheme, that would make it 47c net, which is around about the middle of all jurisdictions. Other jurisdictions range from around 40c to 60c. The exception of course is New South Wales, which is 60c gross, and the ACT, which also had a gross feed-in tariff. Western Australia pretty much fell in line with the other jurisdictions.

When I announced that feed-in tariff, of course there were a few critics. I take it on the chin; that is fair enough. Some people said I had broken an election promise. I can understand that; but I think it was good policy. It is not a matter of breaking an election promise; I genuinely think it was good policy. Given the two distinct systems we had at the time, it was good policy. I want to make this quite clear: that is not to say there will be an expansion or provision for a change in the feed-in tariff in years ahead—and I mean in "years ahead". I do not think Western Australia is ready for it yet. It is certainly not, given the format this bill provides.

Hon Robin Chapple: Why do you think Western Australia is not ready for it now?

Hon PETER COLLIER: There are more efficient and, dare I say it, affordable ways we can develop renewable energy and provide renewable energy capacity than through the feed-in tariff. The feed-in tariff does one thing that pretty much all the wind farms, solar generators and geothermal power stations cannot do—it empowers the local community. That was important to me. Average mums and dads can be part of the process. People do not know, quite frankly, that their lights are on because of a wind farm in Albany or a solar power station in the Mid West; but they do know, if there are solar panels on the roof, that is contributing, number one, to improving the sustainability of the planet through more renewable energy, but also ensuring it will reduce their electricity costs quite significantly, I have to say. That is why we made that decision. We had our critics. Across the board, though, the community at large has embraced it enthusiastically.

There has been a massive uptake of solar photovoltaic panels on roofs since we introduced our policy. Averaging around 2 000 a month, there are now close to 40 000 systems. That is a ringing endorsement of the policy. Yes, probably if we had gone down to the 60c gross feed-in system we would have had even more—I am sure we would have—but I will tell members the implications of that. The current cost, based on current numbers, is around $145 million, and it keeps going up. That has gone up from $13.5 million. If we had stuck with a 60c gross feed-in tariff, do members know what the cost impost on the state would be? For Hon Kate Doust's benefit: had we stuck with a 60c gross feed-in tariff, at the current take-up rate the cost would have been half a billion dollars. It would have cost the state half a billion dollars! I can promise that if the Labor Party had been in government and Eric Ripper had still been Treasurer, there is no way he would have allowed that to occur.

Hon Kate Doust: We look forward to him being the Premier and us being able to make those kinds of decisions in 2013.

Hon Ed Dermer: Do you intend to work out the cost of your election promises next time you make them?

Hon PETER COLLIER: No, no; this is a Labor Party election promise. The Labor Party actually did the modelling of this—Treasury did not; the Office of Energy did not. The Labor Party did the modelling for it. We matched it. We assumed, as a naive opposition, that the government was doing the right thing; that the government had done all its sums and came up with a figure of $13.5 million to provide an endless supply of PVs on roofs across the state. No way! As I said to Hon Ed Dermer, fewer than 3 000 homes would have solar PVs on their roofs if the Labor Party's policy had been introduced.

Hon Ed Dermer: We would have been more efficient.

Hon PETER COLLIER: More efficient—the Labor Party would have said, "No, you can only have 3 000"!

Hon Ed Dermer: The Labor Party would have done it better.

Hon PETER COLLIER: I will say at the outset, the Labor Party cannot win this argument! If the Labor Party set a 60c gross feed-in tariff for 3 000 systems, that would have been honest, fair and transparent. But it was not.

Hon Kate Doust: I know you are a history teacher; you have a great love of history and you keep —

Hon PETER COLLIER: I loved every minute of it.

Hon Kate Doust: That is right. Perhaps you look forward to going back there one day —

Hon Ljiljanna Ravlich interjected.

Hon PETER COLLIER: Be careful; we are having a nice discussion here!

The PRESIDENT: Order! The photovoltaics on my roof work very well; Hon Kate Doust is making a point.

Hon Kate Doust: Thanks, Mr President. It is great that I am allowed to interject, with the President's permission.

Rather than reflecting upon the history, given we have such a short debate period today, it would be useful for us to hear the minister's reasons as to why he does not support the Renewable Energy Feed-in Tariff (REFiT WA) Bill.

Hon PETER COLLIER: Spot on. That is what I am getting to.

Hon Kate Doust: We all know the history. If the minister wants to move on and talk about the bill, that would be good.

Hon PETER COLLIER: The history is important, Hon Kate Doust; it really is. When Hon Paul Llewellyn, a former member of this place, spoke to me about where we were going with this bill, I have to say the bill looked quite attractive at the time. The government considered it as an option. We obviously considered it because it was part of the submissions. We have to set the scene for why we made the decision to go down the path we did, and why we cannot support this bill. I have provided the background. Everyone knows the difference between gross and net, they know what we provided, and they know the system we introduced. On our side of things I think we made the right decision. We have had this massive uptake. We are currently undertaking a review. There is one particular issue that Hon Matt Benson-Lidholm spoke to me about relating to those above the five kilowatts; namely, there is no provision for any reward for that. I will look at that and a couple of other things. I take Hon Kate Doust's point that it is probably outside the confines of this bill.

Hon Robin Chapple: Given this model is completely different to that feed-in tariff and actually does not create any impost on government —

Hon PETER COLLIER: I will get to that in a minute, because who does it create an impost on?

Hon Robin Chapple interjected.

Hon PETER COLLIER: I will get onto that right now. We made the right decision. Those who chose the gross feed-in tariff—New South Wales, and the ACT in particular—suffered the consequences. We all know that New South Wales was an absolute disaster. It put another nail in the coffin of the former Labor government. It cost them potentially billions and billions of dollars. I will not go through all these articles here, members will be pleased to know! There are a number of them. One is entitled "Power-hungry activists push up our power prices". It relates directly to the NSW gross feed-in tariff. Another article is entitled "Power blame game heats up". I will not actually go through them. Suffice to say it was a flawed decision on the part of the New South Wales government to go down the gross feed-in tariff path. It introduced a 60c gross feed-in tariff, realised "Oh, my God, holy gosh", it was going to be —

Hon Helen Morton: Holy what?

Hon PETER COLLIER: "Gosh"; I said "gosh".

The PRESIDENT: He stopped there; it is all right!

Hon PETER COLLIER: It was going to cost billions of dollars. New South Wales reached its threshold level within 12 months. Its constituents had to go from 60c to 20c. How would members feel if they were to get 60c and it goes down to 20c? Anyway, the proof is in the pudding. That was another nail in the coffin. New South Wales is no good.

The case in the Australian Capital Territory is interesting. Hon Robin Chapple may have read the Independent Competition and Regulatory Commission's reported entitled "Final Report: Electricity Feed-in Renewable Energy Premium: Determination of Premium Rate" for the ACT dated March 2010. I will read part of that because it is important —

Hon Kate Doust: Can you table that?

Hon PETER COLLIER: Members can actually get it on the website, but I do not mind tabling it.

It reads —

> Not overcompensating the occupier is important because, despite the benefits of the feed-in tariff scheme, it is a relatively costly way of reducing greenhouse gas. As the ACT Government has noted in relation to the potential expansion of the scheme, the cost of abatement is in the range of $195 to $434 per tonne, which is significantly higher than the (untested) modelling of the CPRS package, which was based on $23 per tonne. It is also more expensive than directly purchasing green energy; for example, ActewAGL promotes 100% green energy for an additional price of approximately 7.5c/kWh, or an abatement cost of $70 per tonne.

Members can read through that; it is part of the executive summary. As I said, it comments on the attributes and benefits of the feed-in tariff, but it also states that it is probably an expensive way of moving to a renewable, sustainable future.

Hon Robin Chapple interjected.

Hon PETER COLLIER: I know; I understand that.

Members might like to read the Australia Institute's report titled "The Australian Government's solar PV rebate program", because it covers very comprehensively the federal government's program and whether it is the best system to provide for a renewable future.

Hon Robin Chapple: We need to really focus on the fact that most of what you are talking about is solar PV for houses; this is a much more encompassing bill that deals with renewables right across the sector.

Hon PETER COLLIER: Yes, I know that. I do understand that is what I said, but I feel it necessary to provide background on our feed-in tariff because that is the current comparator. As I said, and I will continue to say, we are very cognisant of the fact that this is the first feed-in tariff that Western Australia has had; it is extremely popular, and there are avenues for the government to develop its renewable energy component. I will talk about that in a moment, and about why I feel the way we are progressing is much more beneficial to the community at large than the Renewable Energy Feed-in Tariff (REFiT WA) Bill 2010.

I will go through the objectives of this bill in a minute. I only received the final version of the explanatory memorandum yesterday, which was a bit disappointing. If we are going to discuss a bill that has probably been on the notice paper for a couple of years, I think we need to have an EM a little earlier than that; it was difficult to go through a bill without an EM.

The objectives of this bill are to minimise human-induced climate change in Western Australia by supporting the commercialisation of renewable energy technologies. That is a broad-base, generic objective.

Hon Robin Chapple interjected.

Hon PETER COLLIER: Correct.

Additional objectives are to enhance energy security through energy diversity by allowing both small-scale and large-scale renewable energy systems to be connected to the electricity grid, and a requirement for network operators to provide a reasonable rate of return for electricity fed into the grid from renewable sources. I take on board Hon Robin Chapple's emphasis on renewable sources, and that the bill will capture much broader sources of renewable energy.

The parameters of the scheme are that renewable energy generators would receive priority connection and transmission of their generated electricity over non-renewable generation from network operators—I will talk about the problems of that in a moment. Also, residential, commercial and large-scale systems of all sizes will be eligible. Participants will be paid on gross generation for 20 years at a rate of 20c to 30c a kilowatt hour, depending on the generator technology and capacity. The rates will reduce annually from 2012 at degression rates that will vary between one per cent and five per cent, based on the technology and the size of the generator. Network operators will be required to pay for the electricity generated by the renewable generator—I would really like to have some explanation from Hon Robin Chapple about why he feels Western Power, as opposed to Synergy, should be required to pay for the electricity generated.

Another requirement of the legislation is that system owners surrender all renewable energy certificates to the network operator, and the network operator will then proportionally distribute the certificates to retailers according to their share of total electricity sales. The bill does not make any mention of the surrender of the capacity credits that larger generators will be able to apply for under the reserve capacity mechanism administered by the IMO. I assume that they would need to be provided to the network operator and passed on to the retailers—is that correct?

Hon Robin Chapple: Yes.

Hon PETER COLLIER: To be honest, I have not had a chance to go through the EM.

The PRESIDENT: Member, perhaps you could spell out what the acronyms are the first time you use them—the IMO and EM, and so on.

Hon PETER COLLIER: IMO is Independent Market Operator.

Another requirement is that retailers must reimburse the network operators for the cost of the feed-in tariff, and have the right to pass these costs on to the end consumer. I will have a chat about that in a moment. That is the reason we are not supporting the bill, but bear with me because I need to go through and compare it with what we have at the moment; I will then talk about some of the fundamental flaws we see in the bill and why we feel we are doing enough anyway.

Our scheme is a net scheme, as I have said; the bill's scheme is a gross scheme. Ours includes photovoltaic, wind and hydropower technologies; the bill includes all renewable energy technologies that are eligible under the federal renewable energy technology scheme. Our rates are 40c a kilowatt hour, plus 7c from the renewable energy buyback scheme, making 47c; the bill's rate is variable between 12c a kilowatt hour and 30c a kilowatt hour for roof-mounted PV systems, depending on technology and system size. There is no degression rate for new or existing systems under the current system; it will remain at 47c, or 40c plus 7c. This bill provides for a degression rate for new systems. Under our system the payment will be made for 10 years; under this bill payment will be made for 20 years. The system size thresholds for Synergy customers will be five kilowatts and for Horizon Power customers they will be up to 10 kilowatts a phase—that is, 30 kilowatts in total. This bill includes systems of all sizes. Under the current scheme, residential systems are eligible; all systems are eligible under this bill. Our system is administered by retailers; under the bill it will be administered by network operators. I really want some explanation about why Hon Robin Chapple wants to go down that path.

The current scheme does not require any legislative change because we introduced it as a government decision; the proposed bill will require significant legislative change and a fundamental change in the role of the network operator. The current scheme is funded through consolidated revenue and does not increase electricity costs; under this bill it will be funded by electricity users and will increase electricity costs. Our scheme allows for payback in around three to five years; this bill allows for a system payback in around 11 to 14 years for small-scale systems. The length of time for larger systems is unable to be determined because rebates are forfeited to the system operator, so people will not actually get that rebate, making the time taken to pay it back much longer.

Our system is consistent with commonwealth and state government subsidies, and system owners keep the commonwealth subsidies; that is not the case under this bill, and it undermines commonwealth incentives and removes up-front rebates. That in itself, I suggest, raises competition policy issues, which the member might like to comment on.

That is a precis of the comparison between the two schemes, and I have mentioned, albeit fairly succinctly, a couple of the issues. I will now go through and expand on them, which might give the house a bit more of an explanation of why we do not support this bill in its current form.

As I have said, as a government we see no reason to introduce a bill like this when the system we have has been extremely successful. As I said, 36 000 or 37 000 solar PVs have been installed since we introduced our system. On average 2 000 a month have been installed; in February it was 3 200, so it continues to accelerate.

Hon Kate Doust: People are probably rushing before the rebate scheme finishes.

Hon PETER COLLIER: That has certainly contributed to the number of installations; I have no doubt about that whatsoever. At the same time, I think the industry has expanded because the message has gotten out, and the whole notion of a sustainable energy future has been taken on by the community. I will talk about that in a moment.

Also, rather than provide a more attractive provision for small retail renewable energy systems, in removing the commonwealth rebate, the bill would act as a disincentive and eventually limit any investment in small-scale systems. This would have a negative impact on small installation businesses in the sector. That is a valid point. That is a real issue in providing incentives to put a system on a person's roof: if it is going to take much longer than what is provided for under our system, I cannot work out why we would put in place a system that is not as good for consumers as what they have now. I understand that the motives of the bill are, dare I say, much broader and more altruistic in the long-term benefits for the community. But, as I have said, I do not think we are ready yet. We still have to deal with carbon prices and a raft of issues. We are giving constant attention to the renewable energy target, which puts enormous pressure on not just the energy sector but household consumers. At the moment, I am copping a shellacking because of increased electricity prices.

Hon Ljiljanna Ravlich: As you should!

Hon PETER COLLIER: As I said, increasing electricity prices was a responsible decision, and we are still not paying for the cost of electricity. I presume that the Greens agree with me on that.

Hon Robin Chapple: Absolutely.

Hon PETER COLLIER: Good, because that is the right decision. The financial imposts on householders from this bill would be even more arduous.

I mentioned this issue when I did a comparison. The combination of net feed-in tariff, the renewable energy buyback scheme and the commonwealth solar credits rebate will see small householder photovoltaic systems paid off in about three to five years. In comparison, under this bill, householders would pay off a 1.5 kilowatt PV system in 11 to 14 years.

Hon Robin Chapple: The minister talked about not being ready for this bill. Why?

Hon PETER COLLIER: I did touch on that, and I will go through that again. I can talk about this all day! I really, really like this industry. The simple fact is that the whole renewable energy sector is in its infancy; it really is.

Hon Robin Chapple: I suggest it is extremely mature.

Hon PETER COLLIER: It is in its infancy. The government feels, and certainly I feel, that we need to inject our investment into developing a broader portfolio of renewable energy resources—not just wind. As I said, that is why we injected $20 million into a 10 megawatt solar plant in the Mid West, and $12.5 million to the Carnegie Wave Energy project. It was so that we can have this multifaceted approach to renewable energy. That is where we should be spending our money. The feed-in tariff is just one component of a multifaceted approach to renewable energy. If the government did what this bill asks us to do, in essence, it could free up some consolidated revenue, but in comparative terms with the benefit to the community, our system is much better.

The government is much better off looking at broadening its renewable energy portfolio. That is what the government is doing. Geothermal energy is the way of the future. If members asked Hon Max Trenorden about this—if he is listening—he would tell them it is a way of the future. Hon Max Trenorden is helping me out at the moment with renewable energy. That is where the government sees the future at the moment. As I have said, in years ahead, we can look at expanding the feed-in tariff to be a much more comprehensive system that is much more intricate in the impost that it places on the community. At the moment, if we do that, a lot of the goodwill that currently exists within the community with renewable energy will be lost. I am telling Hon Robin Chapple now that if we were to go out into the community and say that the government was going to introduce this feed-in tariff scheme that would hike up electricity prices, we would lose that goodwill. We are faced with the prospect of a carbon price coming in and an impost for other renewable sources. If the government puts another layer on top of that, the goodwill that currently exists will be lost. That is why what we are doing at the moment is the right way to go.

Hon Robin Chapple: This actually will reduce the impact of carbon pricing.

Hon PETER COLLIER: With all due respect to Hon Robin Chapple, the jury is out on that. We do not even know what the carbon price is at this stage. The member cannot possibly speculate on how it will reduce the carbon price when we do not even know what the carbon price is!

I do not understand this point in the bill, and I have not been able to get anyone to explain to me how the renewable energy feed-in tariff will represent a fundamental change in the role of the network operator. It says the network services will move to provide wholesale services. There does not seem to be any benefit in that. If anything, it will congest that network operator in its roles and responsibilities. I would like some explanation of that.

Under the bill, the cost of the scheme will ultimately be passed on to end users: from the network operator to retailers to end users. I have just been through all of that, and that is true. That is a massive disincentive for this bill at the moment.

Also, the REFIT WA bill places no restraints on renewable energy generators and no requirement for them to negotiate a contract with the retailer by access to the grid; and it enshrines a right to be paid for electricity, even if the energy is not required. For the layman, that means that renewable energy generators can jump the queue. I really appreciate Hon Robin Chapple's interest and passion in energy, but that is illogical. As I said, it might be okay in years ahead. At the moment, we have a potential new gas-fired generator for 200 megawatts, which we will need in two years by 2014–15, but if someone says they want to put in another wind farm and if they are able to jump the queue and get access, that would have potential ramifications for energy security in this state. That is why the government is simply not ready for this bill.

Hon Robin Chapple: Is it not your concern that the wires cannot handle such an update?

Hon PETER COLLIER: Yes, it is. That is why the government gave over $3 billion to Western Power since the last budget, and why it will continue to do so. We have a massive and ageing network in Western Australia. We have about three-quarters of a million poles traversing the length and breadth of the south west interconnected system.

The PRESIDENT: Order! There are a couple of very audible conversations in the chamber. Other members obviously are interested in this debate, so please let the minister finish his comments and then other members will have a chance to make their contributions.

Hon PETER COLLIER: The network is suffering from decades of neglect. That is an issue, and why we continue to pump hundreds, millions and billions of dollars into that network. That is another reason —

Hon Kate Doust: You are neglecting it now! Where is the 330 kV?

The PRESIDENT: Order! I will have to go back to what I said 30 seconds ago! There will not be enough time for every member to make their contribution in this debate if members keep interjecting. Let the minister finish what he has to say, and other members can get the call.

Hon PETER COLLIER: I do not mind engagement in this debate, but I appreciate that perhaps we need to stay on track, so that is exactly what I will do.

The wire network is an issue, but that is a massive disincentive to pass this bill. Any responsible person in the energy sector would understand that jumping the queue for renewable energy generators is manifestly irresponsible, and we cannot do it. That is not to say in the future, as I said, we may be able to progress. At the moment, we need to understand that the industry is in its infancy. It is developing. It is an evolving industry. It has the support of the industry at large, and that is why the government is doing what it is doing in the way it is.

The REFIT WA bill would require significant amendments to the Electricity Act, the Electricity Corporations Act and related regulations and codes. That is a complete shake-up of the whole sector and the electricity market.

At the moment, Hon Robin Chapple may not see that as a reason not to proceed, but it is—certainly, at the moment, when there is so much disquiet in the energy sector. After disaggregation, we had a number of major issues with the sector. The government is resolving those issues. To have a complete upheaval at this stage would be manifestly irresponsible.

Hon Kate Doust: With the President's indulgence, if the minister sees that this bill would require significant change to legislation and the networks—if it were passed—would he regard this bill as having a monetary implication for government?

Hon PETER COLLIER: I checked that with the Clerk and the advice I received was no. That was the point that was raised with me.

Hon Kate Doust: In fact, I think I raised it with you.

Hon PETER COLLIER: That is right; the honourable member raised it with me and I raised it with the Clerk, I apologise.

I have given half a dozen very valid reasons, at this time, why we cannot support this bill.

Hon Robin Chapple: You said, "at this time".

Hon PETER COLLIER: Yes, at this time. We are still a long way from this bill; I promise Hon Robin Chapple. There still needs to be a lot of investigation into alternative renewable energy sources. The government is doing that investigation—I will talk about that briefly in a moment. The community is on board. As I keep saying, this would result in a complete disruption to the energy sector—it would be a massive disruption to the energy industry. If we went out there and said to those involved in the gas industry, in particular, but also those in other fuels that they will lose their spot in the queue and a renewal energy project will take their place, which would also mean a reduction in our peaking load and some real energy issues next summer, community support for renewable energy would evaporate. Support exists at the moment. It starts at the school level; I go to a lot of schools to talk to kids about it. I went all over the state with the strategic energy initiative. There is a genuine interest in renewable energy, but if we are going to hold onto that interest, we have to make sure that we do so responsibly, and this bill is irresponsible.

I mentioned the way forward. The way forward is exactly what the government is doing. There is a motion on the notice paper from Hon Kate Doust that I am looking forward to, and I will talk more at length about renewable energy when we debate that motion. I make a few points. Often, and I have said this publicly, my party, the Liberal Party, is portrayed as the philistine of renewable energy and as a party that just wants to slash and burn, which is rubbish. In the last not quite two years we have increased the renewable energy component in the south west interconnected system by 85 per cent. That needs acknowledgement.

Hon Robin Chapple: That is something that the Greens appreciate.

Hon PETER COLLIER: I really hope that the Greens appreciate that, because sometimes I lose a bit of patience with those at the fringes of the energy sector who feel that the only thing they can do is complain. Every now and again, it would be helpful if the Greens put out a media release supporting a 200-megawatt wind farm in the state.

Hon Robin Chapple: Certainly; we have worked with them for a very long time now. It is the sort of project we want. The problem that they have is the same problem that the government will have in the future. It is not so much to do with the degradation of the system, but with the system itself.

Hon PETER COLLIER: Does the member think that his bill will resolve that?

Hon Robin Chapple: No, I do not, but this bill makes it very clear to government and to Western Power that we need a robust system that will cater to renewable energy, not a system that is based around Collie.

Hon PETER COLLIER: It is not based on coal; 60 per cent of our fuel is gas.

Hon Robin Chapple: I am talking about the way in which the network is designed.

Hon PETER COLLIER: Yes, fair cop, and I will talk about that in a moment.

In addition, the government invested in the 20-megawatt Greenough River solar farm. We injected $40 million in the expansion, from 22 to 35 megawatts, of Verve Energy's Grasmere wind farm near Albany. There are two solar–diesel hybrid power stations at Marble Bar and Nullagine in the Pilbara with a total generation capacity of 500 kilowatts. In addition, we have given $20 million to support innovative projects through the low-energy emissions development fund, including $12.5 million for the next stage of Carnegie Wave Energy's five megawatt power project off Fremantle. We invested $2.3 million in the establishment of the Geothermal Centre of Excellence at the University of Western Australia. Another $5.4 million was contributed to the funding of commercial demonstration of the direct use of geothermal energy in hot sedimentary aquifers beneath the Perth metropolitan area to replace electricity for building air conditioning at UWA, and $2 million was invested in the

algae biofuel production plant in Karratha in the north west of the state—I looked at that recently; it is just fantastic.

Hon Kate Doust: What was the federal government funding component in each of those projects?

Hon PETER COLLIER: There is none; these are state government initiatives.

We invested $0.6 million in ground-source pumps, with solar power, to provide renewable energy for pool heating in Kalgoorlie–Boulder, east of Perth. They actually heat the pool in Kalgoorlie; they have all gone soft up there! We never had heating at the Olympic pool!

Hon Kate Doust: I remember that pool!

Hon PETER COLLIER: The federal government is injecting a significant amount of money into other renewable energy projects. There is the $1.5 billion Solar Flagships program. I would really like to think that Western Australia could be a recipient of one of those projects. I have written a number of letters in support of projects to the respective federal ministers and I would like to think that we can secure one of those projects in the near future. The federal government has also allocated $300 million for renewable energy demonstration programs, $50 million for the geothermal drilling program, $567 million for the Australian Centre for Renewable Energy and $100 million for the Australian Solar Institute.

This brings me to my concluding comments. This government is not averse to renewable energy; we are not averse to a feed-in tariff. We support a multifaceted approach to a renewable and sustainable energy future. The net feed-in tariff is one component of that multifaceted approach. I have just gone through a raft of different government initiatives in Western Australia. We have hit the ground running. I said at the beginning of last year that the coming year would be the year of the renewable energies and it was. I have outlined over half a dozen different projects and the injection of literally tens upon tens of millions of dollars to fund renewable energy projects. As I said, wind is a component and will continue to be a key component, as will solar, geothermal and algae biofuel. These will be part of our renewable energy future.

This brings me back to the question that Hon Robin Chapple asked: what about the network? That is a valid point. What about our ageing network?

Hon Robin Chapple: It is not so much about the ageing as the design.

Hon PETER COLLIER: The honourable member should let me finish. That is why we have the strategic energy initiative. I wanted the SEI; we got the SEI. The "Strategic Energy Initiative 2030" is a document that covers the whole state. I went right across the state with representatives from the Office of Energy to access the views of industry, government and the community at large. Those consultation sessions were fantastic. Anyone who wants to appreciate the passion in the community for energy should come along to those consultation sessions—they were terrific. The end product of the strategic energy initiative with its four key components of secure, reliable, competitive and cleaner energy was a broad-based policy. I know that Hon Robin Chapple does not like the SEI or the "Energy2031 Strategic Energy Initiative Directions Paper"; he made that quite clear, but I say to him yet again —

Hon Robin Chapple: We are putting in a significant submission about that.

Hon PETER COLLIER: Good, I hope so. I have read his submission to the original directions paper and it is quite a good submission. But the media release that was put out in response to that paper caused him to lose credibility. They could say that good things are happening but the government can do better, as opposed to this general slating. We get to the point at which people say that if the Greens are going to be serious about this issue, they need to be a bit more responsible, rather than saying they want to napalm every energy source other than renewable energy.

Hon Robin Chapple: We do not like napalm!

Hon PETER COLLIER: Wrong turn of phrase!

Hon Robin Chapple: The key issue is that if we want to follow the emerging countries around the world, which are really grasping the direction in which to go, we have to stop talking about the dinosaurs. Unfortunately, the SEI, in my view, contains a lot of dinosaurs.

Hon PETER COLLIER: I disagree with Hon Robin Chapple. That is not my document; it belongs to the people of Western Australia, because they contributed to it.

Hon Kate Doust interjected.

Hon PETER COLLIER: No, I take responsibility for it, but it is not my document. I did not sit down and write it. I went through it —

Hon Kate Doust: You would have been at the cabinet table and cleared it before you made it public.

Hon PETER COLLIER: Hon Kate Doust is missing my point. I take full responsibility for that document. I said it is not my document as in the ownership of it; it belongs to the people who contributed to it. The people who contributed to it created it. Those people are members of industry, of political parties and of the community at large. When I first got it, I slashed and burnt it because I was not happy with it, not because of the content but because I felt the formulation could be a lot better. It was delayed simply because I was not happy with it.

Several members interjected.

Hon PETER COLLIER: I do not mind interjections but some of them are like Gettysburg Addresses. I will take a short interjection. Hon Robin Chapple will have a chance to respond in a moment.

As I said, as one of the key pillars of the strategic energy initiative, it was imperative that we have a cleaner energy future, and that is what it provides for. In that document we can include targets. Hon Robin Chapple wanted an additional target.

Hon Robin Chapple interjected.

Hon PETER COLLIER: That is right. We are committed to the national renewable target; we are proud signatories to it. As I said, we are a hell of a lot closer to meeting that target than we were when the government took office. We have done an enormous amount. We have stoked the fire to make sure we have a multi-dimensional range of renewable energy sources that we can draw from. That is what we are doing with the SEI directions paper. A key extension of that is the cleaner energy initiative. The cleaner energy initiative is what we are working on at the moment through the Office of Energy and in consultation with industry itself. That is specifically related to energy efficiency and renewable energy to ensure we give that direction for where we are going. It is looking at network issues to determine what we need to do to provide an avenue for more renewable sources in the Mid West, the south west or wherever it might be—Hon Robin Chapple is right—so that it is not all centred around Collie. I am really proud of that. As a government, through the SEI and cleaner energy initiative, we are giving a sustainable energy future the relevance and the commitment it so richly deserves.

As minister, about 12 months ago when we were looking towards greater energy efficiency, I said, "Let's assist the community to become much more sustainable", much the same as we did with water. Members might remember that about 15 years ago our supplies of water were plentiful. Mundaring Weir overflowed; I remember it vividly. When I was coaching tennis, I used to miss coaching sessions three or four days a week due to wet weather. Nowadays, it hardly rains and people are conscious of that, and our water supplies are dwindling. We needed to assist the community to become more water wise and that is what the government did.

Hon Ljiljanna Ravlich: You need a strategy to deal with the water crisis. If you think you should build a canal —

Hon PETER COLLIER: I am not listening to Hon Ljiljanna Ravlich; she is irrelevant. We decided that we would assist the community, much the same as we did with water. The Waterwise campaign was really good. When we first introduced water restrictions for two days a week, the proverbial hit the fan throughout Western Australia because people said that the plants and the lawns would die, but it did not happen. People have become much more receptive to being efficient about their water use. People accept two days-a-week watering in summer and none at all in winter. A psyche has developed and there has been a cultural shift. The same applies to energy. It was important to me that we assist the community to become energy efficient. That is why the Switch the Future campaign is now running through Western Power and Synergy. It is symbolised with the little chuditch running on the little tumbler in the ceiling as fast as he can to keep the lights on, and if the lights are turned off, the little chuditch can slow down. It has been well received throughout the community, particularly with kids. That is once again, dare I say it, one part of a multi-facetted approach to energy efficiency. That will all be in the cleaner energy initiative, which is a key component of a cleaner energy future through the strategic energy initiative. As I said, the time for submissions to the SEI directions paper will soon end; it closes in early May. Then we will work towards the completion of the final document and have it out later this year. The SEI will then be a framework for us as a state to adopt, and the ownership of that document will be with the people of Western Australia. I want to make it clear that I am the minister; I will take responsibility for it, but it will be the first time since 1979 that we have taken a visionary approach to energy as opposed to an ad hoc reactionary approach. It is very important in the field of energy that we are forward looking, and that is the reason for the SEI.

As I said, we will not support this bill but we feel we are doing more than enough about a more sustainable future for energy in Western Australia, particularly through projects such as our net feed-in tariff, which has been phenomenally successful, as well as through the injection of tens upon tens of millions of dollars over the past two years that have seen a significant increase in the renewable energy component within the SWIS. I appreciate the intent of the Greens, particularly of Hon Robin Chapple, but this bill is a little premature and it is flawed in a number of areas for reasons I have already articulated. For those reasons the Liberal Party will not support the bill.

HON PHILIP GARDINER (Agricultural) [11.16 am]: I rise on behalf of the Nationals to speak to the Renewable Energy Feed-in Tariff (REFiT WA) Bill 2010. As everyone in this chamber accepts, I think renewable energy is a very important component in any strategic direction we have for the future. I think the minister has probably outlined the same view I have, which I suspect is similar to Hon Robin Chapple's view. The issue is one of strategic development and a strategic plan. From what I heard the minister say, his commitment to a strategic plan in this area is serious and committed. I think, again, in one aspect Hon Robin Chapple's bill is a matter of timing. But then one hears from people who have done the calculations about the cost of renewable energy proposals related to feed-in tariffs around the country. We currently have a price on carbon—if anyone is really interested in the price of carbon rather than the politics of it—which is around $150 to $200 a tonne of carbon dioxide equivalents. Do we really understand that price? Is that the price we really want if we are to have a price on carbon? Of course it is not. That is what is assessed as the cost as a result of the feed-in tariffs, which are around the country, plus other things that give us the price of carbon that our community is currently paying. It is short sighted; perhaps ad hoc, to use the minister's phrase; romantic; but very costly.

Let us not escape what this is about. If we want to change behaviour in relation to the real costs of energy and other things we use that produce carbon dioxide emissions, we need to have a change in behaviour. Let us not get away from the truth. Hon Grant Woodhams, Hon Max Trenorden, who has spoken very effectively about this on recent occasions, and I were at a breakfast yesterday for the property industry. It was addressed by a person from Ernst and Young, who has a reputation for being among the top five people in the country able to comment on this, and I presume that includes Professor Garnaut. I thought his address was one of the most informative addresses I have heard on this subject. I would like all of us, if only for intellectual reasons, to hear such a person talk about how we can relate the price of carbon to business and what we should be doing about carbon emissions. We could come away disagreeing, but we could also enlarge our intellectual capacity as a result of listening to a person of his expertise. His name is Michele Villa, a partner at Ernst and Young. If members have the opportunity to listen to him and question him about their position—each of us has our own prejudices in this area—he is, in my view, very much worthwhile talking to.

In terms of the renewables, as he described it, let us say that we have a market-based price on carbon, rather than the tax that has been proposed by each party. The price of carbon will probably be quite high—not very high, but, as he said, probably as high as $60 or $70 per tonne of carbon—to influence the initial change in our behaviour. But this will be a peak. As renewables, other energy forms and our behaviour change, the price will probably go down to a very low level. We can imagine carbon-fired power stations and even gas-fired power stations, and I will come to gas-fired power stations in a minute. Gas does not have zero emissions; gas has roughly half the emissions of coal.

Hon Robin Chapple interjected.

Hon PHILIP GARDINER: Hon Robin Chapple may be right on this. Where does it occur? It begins, unfortunately, in Australia's economy. This is one of the concerns of the gas industry in making a submission to the federal government. The emissions occur before gas is exported; therefore, it is our issue that we have to grapple with. It is not like coal, whereby we dig it out of a hole in the ground with excavators and so on and put it on a ship. There are not many emissions in that. The emissions problem is in the importing country. For gas, it is different. As it comes out of the ground, we process the gas and, as Hon Robin Chapple has implied, the processing of that requires enormous emissions of methane and other greenhouse gases. That is why we have the problem of grappling with how we hold a huge export resource for this country. But we have to deal with the emissions if we are to capture the full and true cost of that fuel. We have issues with these main energy resources, but as renewables replace those energy resources over the 10 to 20-year horizon that we are probably considering, the carbon price will fall. We need that carbon price to adjust behaviour. It will not be just the big companies that will incur this cost; we, as individuals, will incur it as well. That is part of the problem. It is part of the problem that the Minister for Energy has on his desk. He has to consider, first of all, how consumers are going to take these costs.

In other countries it is another dimension. The United Kingdom does not have a ministry for energy; it has a ministry for energy and climate change. I do not think that the UK is the only country to have this approach; I think a number of European countries, as well as a number of countries outside Europe, have this approach. That is a pretty sensible mix, because whatever decision a minister has to make about energy will impact on global warming and possible climate change. As members know, I separate the two; they are not inextricably linked. There is a lot of evidence to suggest that they are, but it is a complex area and we have to divide it up, because one side is about risk and the other is about reality. It is about science, and it is measured. The risk is with the climate change aspects of it, and each of us has to make up our own minds about that. A minister for energy faces that dilemma every time he makes a decision about his portfolio. It is formalised in the UK, but, as we heard our minister say a few minutes ago, he is acutely aware of it but it is not his full responsibility. But it should be, in my view; we need to change that part of the responsibility aspect.

When Hon Max Trenorden spoke about renewables a week or so ago, he outlined that the costs of energy that consumers will incur in this state in the near future will be very high. It is not just renewables that we are being faced with. The cost of renewables will always be higher in the very beginning and then it will lower as technology and innovation make that technological advance an attractive and increasingly competitive investment to replace the coal and gas that we currently use for energy. One of the big costs we have in this state is for the basic infrastructure—the way that energy is carried. We all know, from the accidents that have occurred in the past few years as a result of fires and other damage, that our pole infrastructure, owned and managed by Western Power, is in a serious and unhealthy condition. I know this from friends in Victoria who have been asked in the past to look at our pole infrastructure. The information I received from one of these people with a great deal of expertise in this area who inspected our poles was that he could not get out of Western Australia quickly enough because it was that bad. It is a dilemma. From what I can gather from talking about it some months ago, it was a political decision for a trade-off so that money was not put towards maintaining the poles over the past 10 years as it should have been and as has been done with railways and other things. That is the problem when politics gets in the way of the issue in so many circumstances. Now we are going to pay for it. I do not mean we as parliamentarians; our constituencies and the full population of Western Australia will have to pay for this in a manner which is quite serious and which also conflicts with the cost that should be incurred as we innovate and introduce renewables into our lives.

I know that Hon Kate Doust also wishes to speak. I have already cut it down to 12 minutes.

Hon Kate Doust: I'm happy for you to keep going because this will come up at a later stage.

Hon PHILIP GARDINER: Thank you very much.

The driver for renewable energy that must be considered is not just about carbon dioxide and the emissions that we make; it is also about energy security, the removal of pollution and price efficiency. I do not think I need to say much about energy security, because we all understand it; it is very simple. It is a risk we always have. We are well aware of the pressures on energy sources around the world and that we are exposed to them.

Hon Robin Chapple: You have not mentioned it, but surely it is also fundamental in reducing our carbon footprint.

Hon PHILIP GARDINER: Absolutely; of course it is. Does the member mean the renewable energy argument or the energy —

Hon Robin Chapple: The energy futures that we need to be following.

Hon PHILIP GARDINER: Naturally, as the price of these historical sources of energy rise, they will cause increasing pressures. The rub is when we want to introduce new renewable energy into our energy portfolio, and this goes to the planning area that the minister is currently addressing. There is a large spectrum of data from different sources about what the energy costs are depending on who measures it. I have a paper from the University of Melbourne that calculates energy costs that are apportioned to the different sources of renewables. In this case, it is renewables for wind, solar, geothermal and other renewable energies. It uses the term "levelised cost of energy". The paper says that is the most transparent method used to measure electric power generating costs and is widely used as a tool to compare the generation costs from different sources. I have a graph that shows the levelised costs of energy for solar and wind power, among others. The cost of producing renewable energy today is very high but falls over the next 10 to 20 years. The costs in these graphs are assessed by so-called reputable entities. Which one would this state government use and which one would the federal government use? Do any planners try to work out which is the most accurate of these measures? They are all humanly formed and calculated, and each one has a broad range. Let me give members an indication of the range of the spectrum. Concentrating solar thermal energy is when mirrors are built around a tower and molten salt is pumped up to the top of the tower. The dishes surrounding the tower focus the sun's rays onto the top of the tower, which heats the salt to 500 or 600 degrees Celsius. The molten salt then heats the water and turns it to steam to drive a turbine. That has the capacity—how much is not totally clear to me yet—to be a 24-hour baseload energy source. The graph I have shows that in 2010 the costs of producing renewable energy, based on the levelised cost of energy, ranges from a high of $340 a megawatt hour to a low of $250 a megawatt hour. That is a range of $100, which, in my view, is too big. These figures are from reputable, mostly Australian but also United States, sources of data. We must make assumptions about the innovations and technological developments that will take place by 2020. In 2020, the range is from a high of $270 a megawatt hour to a low of about $125 a megawatt hour. That is still a huge range. Anyone who has looked to see which winner they should pick would find it pretty hard based on these graphs for not only concentrated solar thermal energy, but also wind power, geothermal, wave power and others. By 2030 the range is from a high of $220 a megawatt hour to a low of about $65 a megawatt hour. When we get down to producing renewable energy for $65 a megawatt hour, be it solar, wind power or whatever, we are getting right into the realms of cost competitiveness with coal, but that requires time and innovation. Probably most importantly of all, it requires scale.

Hon Robin Chapple: Basing it on my engineering background, one of the fundamental problems that we have—we had this problem in engineering—is if it is too expensive now, we will not get into it, but we are actually required to get into it to reduce the price. We cannot say that innovation will just occur in a lot of cases if we wait for the technology to improve. We need to start using the technology to get the engineering or mechanical experience to learn from it and develop it. We find that in times of war there is suddenly an imperative on a nation to do things to resolve an immediate problem that it faces. Very quickly countries find that they can do things better. We have to start somewhere.

Hon PHILIP GARDINER: I understand where the member is coming from. The federal Liberal Party is, I think, developing an unwise policy of using the consolidated revenue, which is derived from taxes, as a direct action. I think the research should be a direct action but not the actual delivery. The member's question was whether the research will be big enough to show that a production plant is viable. As we all know, when we innovate—I have been involved in doing this in other fields—we might be able to get a pilot plant to work, but when a production plant works for one month or 12 months, unforeseen problems can arise that were not considered at the pilot plant stage.

Hon Robin Chapple: I have built them!

Hon PHILIP GARDINER: The member would have seen that. I can see that the member is right.

I talked about producing concentrated solar thermal energy, but there is another even simpler system that took the spark of imagination for someone to think of. That system involves covering 3 000 or 4 000 hectares in a hot part of a country—it could be the Sahara or Kalgoorlie—with a mat that is lifted off the ground. A big tower in the middle of it would act like a big straw. When someone blows across the top of a straw, it sucks things up. The sun hits the plastic mat and it absorbs the heat, which then heats the ground underneath. The ground has a slight incline to the centre of the huge tower. Because of the air going across the top of the mat and because hot air rises, the hot air underneath the plastic mat travels towards the centre and rises into the big tower. As it gets sucked into the tower, it can drive a turbine. What a simple way of doing it! It is a system we learnt at school; hot air rises. When the air is hot enough, it can drive a turbine to generate electricity. It is simple to have an idea, but the idea is not what counts; it is during the implementation of the idea when most things go wrong. That applies to all kinds of things. Hon Robin Chapple referred to the implementation of an idea and finding out how it could work. Once we can generate this sort of power, the scale of manufacturing it will reduce the cost. The Minister for Energy and I have had a chat about this. The cost of building the first plant would be huge and uneconomical when competing with tried and tested industries such as coal and gas. I believe that as long as the technology is production-driven, which goes back to the issue of verifying the government research, states or even countries will need to cooperate to build three or four new plants at once. Once a tender is put out, the tender needs to go to a company that is building three, four or five plants so that the scale of manufacture can come down. We need to manage the way that is done when we get to a point of implementation. It is very important that the strategy can have an implementation that is cognisant of the cost.

Debate adjourned, pursuant to temporary orders.

APPROPRIATION (CONSOLIDATED ACCOUNT) CAPITAL 2009–10 (SUPPLEMENTARY) BILL 2010

Committee

Resumed from 13 April. The Deputy Chairman of Committees (Hon Max Trenorden) in the chair; Hon Simon O'Brien (Minister for Finance) in charge of the bill.

Schedule 1: Consolidated Account for the year ended 30 June 2010 —

Progress was reported after the schedule had been partly considered.

Hon KEN TRAVERS: When we were finalising this bill last night, an issue arose out of the $110 million identified as working capital for the Department of Health. As a brief summary, I think we effectively agreed that the government is putting in capital, but at least part of that capital will be used to cover and replenish previous capital drawn down to fund recurrent expenditure in the previous year that was not authorised. Will the minister at least nod whether that is correct?

Hon Simon O'Brien: The finding of the Auditor General was that it was restricted funds that had been used, not capital.

Hon KEN TRAVERS: That is what I am saying. This bill will authorise $110 million in capital for the health department but, in part, that is to replenish the department's previous working capital that was actually drawn down because of the overexpenditure in the previous year when restricted funds were used for recurrent expenditure, which was not authorised.

Hon Simon O'Brien: Yes.

Hon KEN TRAVERS: It concerns me that we are in this situation. We are being asked to authorise a capital grant that effectively should have been—if the processes had been followed properly—recurrent expenditure in the previous year, but was never authorised. To me, that indicates a clear breach. The minister pointed out that that was brought to our attention by the Auditor General. He is absolutely right in that regard. The minister said that the Auditor General had investigated this matter.

I want to put on the record that in my view the Auditor General investigated the matter insofar as he got to the point of identifying that the issue occurred. That is as far as the Auditor General can take the matter. He then reports it to the house. It gravely concerns me that nothing has happened since that time—not a single thing. As members of Parliament, we should ask ourselves the question: should we approve expenditure if an agency exceeds its approved expenditure? By way of supplementary appropriation today, we are being asked to fix the problem of approved expenditure being taken without any authorisation by anybody; it was not even by a Treasurer's Advance Authorisation Bill. We now have to effectively approve this by way of supplementary funding. There has been no investigation into who authorised it, how they authorised it and why they authorised it. My view is that those people who authorised and approved that expenditure, which we are now being asked to retrospectively approve today through this bill, should be investigated. Somebody's head—or heads—should have rolled. It is a major fault in our system. The Auditor General can take it only to the point of reporting it to the Parliament. Some could argue that we, as the Parliament, have an obligation to pursue this matter further. It goes back to the control of the executive. We have failed. I still tax my mind whether it is a role for the Standing Committee on Estimates and Financial Operations, even though considerable time has passed, to investigate who approved this. We certainly know the CEO of the Department of Health approved it. That person has gone, but not because of this. I think one reason the former CEO left was that he could not get approval before the end of the financial year. The government left him to hang out to dry. There has been no punishment there.

Hon Simon O'Brien: Did the member's estimates committee not do any inquiry into this?

Hon KEN TRAVERS: No, we have never properly investigated it. I think the minister is right; I am still of the view that this matter should be properly investigated. I am still of the mind that it is potentially a legitimate issue for the estimates and financial operations committee to look at. Maybe it is something I need to take up with the Public Accounts Committee. In fact, there is a third element, which I will come to in a minute. The Public Accounts Committee sought evidence on this. I note some members of this chamber have great experience on the Public Accounts Committee; in fact, there is a member in this place who led the Public Accounts Committee with great distinction when he was in another place. Not only are the officers of the department ultimately culpable, but also, if there was ministerial approval given to do that, that minister should be held accountable. If that minister sought approval through the cabinet process for this funding, and was denied this funding as part of that process, for the minister to then "supplementarily" approve his agency to take action to incur the expenditure is inappropriate. That has resulted in us having to approve that money today as supplementary funding. That minister has gone around the back of his cabinet colleagues. He has deliberately gone against a decision of his cabinet, which he is bound to comply with. He still sits in that cabinet today. I find that extraordinary.

My view is this is probably the most fundamentally serious issue to do with financial management in this state that I have seen. I have not let it go. I actually think it is a matter that needs to be pursued. This matter will not be resolved until such time as there is a proper process. One thing I have learned over this process is that, firstly, there are gaps in the process and, secondly, we still have not brought this matter fully to account; yet the government now asks us to pass this appropriation today to approve that action. That is what we are doing. By approving $110 million in this capital account, we are retrospectively approving what happened. I have referred to the estimates and financial operations committee and the Public Accounts Committee. I mention the Public Accounts Committee because it is far easier for it to get the Minister for Health to appear before it to be held to account on this matter.

There are two other areas in which it could be dealt with. Was the action of a minister improper, and should this matter have been investigated by the Corruption and Crime Commission? I do not know the answer to that one, but I think it is legitimate to ask whether the CCC should have investigated the actions of the minister in giving direct approval to his department to take actions that were directly contrary to a decision of the cabinet. The other person who has an obligation in that regard is the Premier himself. He did not take action against a minister who again approved his agency to take an action that was directly contrary to a decision through the cabinet processes. When we pass this bill, we cannot pass it without making a very strong comment about that history. As I say, I am still of the view that the Premier has an obligation to take action. I would have thought that a minister acting in such a deliberate way to circumvent the processes and decisions of the cabinet is grounds for dismissal from the cabinet. I would further say that the actions of a minister —

Hon Norman Moore interjected.

Hon KEN TRAVERS: The Leader of the House can laugh, but it is a very serious matter.

Hon Norman Moore: I am not laughing at all. Don't you tell me what I am doing when I am not. I think it is a serious matter, but you have raised it about 27 times already.

Hon KEN TRAVERS: And no action has been taken!

Hon Norman Moore: And now you are trying to elevate it to a level that might get you some coverage.

Hon KEN TRAVERS: No, I am not trying to elevate it to a level that will get me some coverage.

Hon Norman Moore: That's why you mentioned the CCC, you have mentioned the Premier—

Hon KEN TRAVERS: What does the member think should happen?

Hon Norman Moore: It has been dealt with, and you know it has been dealt with.

Hon KEN TRAVERS: No, it has not been dealt with. Where has it been dealt with?

Hon Norman Moore: Vote against the bill.

Hon KEN TRAVERS: I am trying to get from the government what has been done about this matter. Nothing has been done about it.

Hon Norman Moore: You are saying that Parliament should deal with it. Vote against it.

Hon Helen Morton interjected.

Hon KEN TRAVERS: No, the Auditor General did not deal with it. That is where Hon Helen Morton misunderstands the role of the Auditor General. The Auditor General has the capacity only to report the matter to the Parliament. It is then for the Parliament to take action to deal with it. It is then for the Premier to take action to deal with it. The Auditor General's role stops at reporting it to the Parliament. He has reported that funds were used, but he has done nothing further, and he has no capacity to take it any further. That is the problem that we have today. We are now being asked to approve an expenditure of $110 million in capital, which is to retrospectively top up expenditure from 2008–09 which was beyond the approved limit but which was approved by the Minister for Health, and no action has been taken beyond that.

Some could argue that the only action is a political action. If that is the only action, I will keep repeating this matter to highlight the fact that this government has not taken that action. The government does not treat this as a very serious matter, because it has failed to take action on it. It is my view that it should be taken further either by the Premier or by the CCC. If the matter is not taken further, it says to every other minister that they can get their approved expenditure, and if they have surplus funds in their accounts, they can exceed their approved expenditure limit. Everything will be hunky-dory; it can be fixed up even if the cabinet processes have said, "No, you cannot have any more money." That is what this is about. If this is not one of the most serious matters of public financial discipline and accountability that has occurred in the state of Western Australia for as long as I have been a member of Parliament, I would welcome people to highlight to me a more serious one.

Hon Norman Moore: Can't you remember WA Inc? You weren't here then.

Hon KEN TRAVERS: The member can talk about WA Inc, and he is welcome to do it. If the member is equating this to WA Inc, I am glad that he is raising it to that level in his own mind.

Hon Norman Moore: Don't put words in my mouth. I did not say that at all. You said that you had never known anything as serious as this, and I told you one that was far more serious than that.

The DEPUTY CHAIRMAN (Hon Max Trenorden): Members, I can see a patient look on the minister's face, so I think we should try to get to the debate so that the Minister for Finance can respond to the question.

Hon KEN TRAVERS: There was a royal commission into WA Inc, but we do not have to have a royal commission because the CCC can do a very similar function to what the royal commission into WA Inc did. I am asking whether the government thinks it is appropriate for us to be approving supplementary funding for the purposes of putting in money that is required as a direct result of a minister of the Crown ignoring a decision of the cabinet processes and approving his agency to expend that money. Does the government believe that is an appropriate course of action? If it does not, what action is it going to take?

Hon SIMON O'BRIEN: The matters that are being canvassed are serious and the government takes them seriously. I indicate that the government places a very high level of importance on its accountability to the chamber in ensuring that the proper processes of government are followed. I want to place that reassurance in front of the member. He is demanding that that should be so, and I want to assure him of the government's agreement that proper procedures for the appropriation of moneys and their expenditure are adhered to.

With that assurance, I now turn to the issue that has been raised. This has been the subject of public and parliamentary debate on a number of occasions. The member has asserted that it is something that perhaps needs to be revisited and indeed he has signalled an intention today that it is a matter that we may need to be reminded of from time to time. I take no issue with that.

This matter had an airing in the debate on the Treasurer's Advance Authorisation Bill, because it was envisaged then that an indicative amount of $110 million would be required for this very purpose and, as members see from the bill before them, in due course it was applied to that purpose. Now that the Treasurer's advance has been exercised and this supplementary appropriation bill has been brought before members, that does not mean that we should not again consider the matter. Again, I take no issue with the honourable member for raising it.

My role in managing this bill is to say, "Here is the full amount for which we have sought supplementary appropriation as the necessary follow-up to the Treasurer's advance bills that were dealt with some time ago." I am in the situation in which I am representing this in a Treasury capacity, not as 17 individual ministers; I do not have the prerogative to do that. I am choosing my words carefully, because I do not want to risk speculation or unqualified or unauthorised comment for fear of misleading the chamber. Any reticence I have in offering views or counter-views has that genuine and well-founded restraint attached to it.

Drawing on what we know as a matter of public record and from the previous debate and drawing also—I think I can properly allude to this as I have alluded to it earlier in the debate—on the findings and previous actions of the Auditor General, who is a parliamentary commissioner and therefore in a very real sense is part of our processes here in the Parliament and not at some cabinet table or some health department headquarters, I indicate the following information that is available to me. As part of the 2009–10 budget, additional funding of $420 million was allocated to the Department of Health over the period to 2012–13 to meet increased activity, escalating costs, particularly in the Pilbara region, and other cost pressures. That was canvassed widely at the time.

In June 2009, the Minister for Health sought supplementary funding of $70 million for 2008-09. In September 2009, the Auditor General qualified the metropolitan public hospitals' financial statements for the year ended 30 June 2009 on the basis that metropolitan public hospitals did not have sufficient funds to meet operational needs and drew on $24.9 million of restricted funds to meet cash flow requirements. I think Hon Ken Travers is well aware of the statements of the time.

According to the Auditor General, controls over the restricted funds, which included specific-purpose grants money, were inadequate for ensuring that they were spent only on their approved purposes. The Department of Health advised that there was no alternative other than to use the restricted funds to pay its creditors. I think I recall correctly that the Auditor General identified and, in seeking to investigate further, formed a view, which was reported, that there was an error of judgement on the part of those involved, right up to director general level. Therefore, in response to what Hon Ken Travers said, there was some progress on the part of the Parliament beyond simply identifying the expenditure of money in that it actually tried to work out whether that had been properly done and who was responsible for doing it.

Subsequently, as part of the 2009-10 *Mid-year Review of Public Sector Finances*—so this brings us right into the realm of the bills we are dealing with now—the minister requested a cash injection of $110 million to address the Department of Health's significant liquidity issues, which were claimed to result from the unfunded budget deficits accumulated over the previous couple of years. The central issue, and the most serious issue that Hon Ken Travers has raised, I think, is that perhaps there was some device or artifice employed by the Minister for Health when he sought funding in 2009-10 —

Hon Ken Travers: In 2008-09.

Hon SIMON O'BRIEN: — and that when he was denied, he then somehow just said, "Oh, just go and spend the money anyway." My advice is that it was not a case of the department exceeding appropriation; it was just that it used the wrong funds to meet other problems it had. I have not been intimately involved with these matters, but that is the advice I have.

Hon Ken Travers: The department definitely exceeded its approved expenditure limit for the year.

Hon SIMON O'BRIEN: Granted it exceeded its expense limit, but it did not exceed its appropriation, as I said.

Approval was given at the appropriate cabinet level for a cash injection of $110 million in the course of the 2009-10 year, so that the Department of Health would be able to function and pay its debts as they fell due; that is the $110 million we are dealing with now. I think I am capable of offering that on behalf of the Minister for Health because it is what is known, and I take the opportunity to remind the chamber of it. I do not know that I can go any further than that, but Hon Ken Travers—indeed the Parliament—may have a view that there are further matters, or previous matters, to be put to the government, specifically to the Minister for Health. That is a matter for the house or for one or other of its standing committees, or members by question or by substantive notice of motion, or whatever course of action is deemed appropriate, and I respect that. I think I have gone about as far as I can go in assisting the chamber on this matter. I have acknowledged that it is, and has been, an issue, and I acknowledge what the honourable member opposite said about it continuing to be an issue in some respects.

In reference to the 2008-09 budget—this is really beyond what I am capable of responding to today, Mr Deputy Chairman—it was struck, of course, by the Carpenter government, and the balance of that financial year was inherited by the incoming government and a new minister. That probably does not assist us at all, but they were the circumstances at about the time that these moneys were being applied for purposes that they should not have been applied for. I offer that by way of response, and thank members for their contributions.

Schedule put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

APPROPRIATION (CONSOLIDATED ACCOUNT) RECURRENT 2009–10 (SUPPLEMENTARY) BILL 2010

Report

Report of committee adopted.

HOPE VALLEY–WATTLEUP REDEVELOPMENT AMENDMENT BILL 2010

Second Reading

Resumed from 16 March.

HON SALLY TALBOT (South West) [12.08 pm]: The Hope Valley–Wattleup Redevelopment Amendment Bill 2010 has been around for a couple of months, and I tried to set up briefings on it when I was still Labor shadow Minister for Planning—a position, of course, that has now swapped to the lower house. I want to begin my remarks, which will not be overly lengthy, with a comment about that briefing process.

When the Minister for Planning gave his second reading response, he referred to the fact that there had been some disquiet in the other place about a briefing having been provided just before the bill went into the Parliament. I will quote from *Hansard*, in which the Minister for Planning in the other place stated —

> I should place on record that a briefing for the opposition was arranged for 17 February with the previous shadow Minister for Planning, Hon Sally Talbot, which needed to be changed and that there was not any finalisation of arrangements afterwards.

Our colleagues in the other place ended up being briefed only on the day that the bill went into the other place on 15 March. I do not want to start any sort of protracted argument with the minister, but my record of that briefing clearly says that we requested the briefing and we booked the room. We were dealing with one of the minister's advisers, the planning policy adviser, and the day before the meeting we went back to the minister's office to confirm that the department was available. The email states, "Any luck with the department?", and when we did not hear back on the day of the briefing, we assumed that it was not going ahead. I want to make it clear that the opposition certainly did its best to be well prepared for this bill before it was debated in the Parliament.

Much has been made of the fact that this is a relatively minor bill. It is in effect a tidy-up of a bill that was debated in this place just over 10 years ago in 2000, and what we are doing now is fixing up some aspects of it to make sure that there is clarity and certainty in the way the act operates. That is certainly true, but I have a couple of questions about some specific aspects. It is fair to say that members on this side of the house view the minimal effects of this bill with some disappointment. We would like to have seen a bill that is more than just an administrative tidy-up of the original act. If members go back to the debate in 2000, they will see that the person with carriage of the bill in this place as the shadow Minister for Planning was Hon John Cowdell, who was my predecessor in the South West Region. I read the *Hansard* debate with some interest, because the thing that struck me was that in those days we were dealing with the dying days of the Court government, which was evidencing the same kind of uncaring approach to families as this government is showing after only two and a half years. I can sum that up with one small reference to the committee stage of that bill in this house on 21 November 2000. There had been an extensive debate in the other place. By the time it got to this place, it was decided to move various amendments to try to address some of the fundamental problems in the bill. I will go into a bit of detail on that in a moment. The Legislative Council was faced with a problem because some of the amendments that we wanted to move related to the raising of revenue, which of course cannot be done in this place. The first thing that Hon John Cowdell tried to do was to refer the bill back to the Assembly with some suggestions about how the bill needed to be changed. That failed on the numbers, and then the Labor Party tried to move various amendments as the debate proceeded—none of which was accepted by the government at the time. I want to read into *Hansard* what Hon John Cowdell said at the end of the committee stage because it characterises the nature of Labor's ongoing concerns about the way this bill has operated over the decade. Hon John Cowdell stated —

> The Australian Labor Party has attempted to send a clear message that it wants a better deal for the residents of Hope Valley-Wattleup with no heavy industry, the saving of the town sites, a balanced redevelopment, a proper development authority, decent compensation and continuing appeal to Parliament on the master plan.

It is interesting, to say the least, that we come to this amendment bill being introduced now by the Barnett government and we find that some of those issues are not addressed and remain as major concerns for the community.

In referring back to that debate in 2000, the major concern was about compensation for landholders. We were and still are looking today at a major devaluation of property values and ongoing demand for fair compensation for those properties. It is 10 long years later, and I turned the other day to the minutes of the Hope Valley Wattleup Redevelopment Plan Community Liaison Group meeting, which are published on the internet. I may also add at this point that this development has been known by a couple of names over the years. It started off as the Fremantle Rockingham Industrial Area Regional Strategy, and then morphed into the Hope Valley–Wattleup Redevelopment Project, which is what this community liaison group meeting relates to; and now, of course, we have the funky, modern, new name, Latitude 32, which I am pleased to say does not have any dots or missing spaces! I turned to the minutes of this community liaison group meeting, just to get a flavour for where things are now. In the minutes of a meeting held on 14 March 2011, item 4, titled "Rural Matters", reads —

> The issue of the future of the Rural area was the raised. Members were concerned that the lack of certainty on the future direction of infrastructure was having a detrimental effect on land holders. A letter has been sent to the Minister for Transport inviting him to provide an update specifically plans and time lines for the development of the port, Rowley Road and the Kwinana Intermodal Freight Terminal. Response pending.

It appears that this has been going on for a very long time, and these issues are still not resolved. I would have thought that an amendment bill of this kind was an opportunity to address some of these ongoing problems. If honourable members in this chamber want more detailed information about the nature of these problems, I can refer them to no better source than the second reading contributions in the other place made by the member for Kwinana, the member for Cockburn and the member for Rockingham, all of which give some quite detailed information about the precise ongoing concerns of the community relating to health, wellbeing and environmental threats to the area.

I went through the minutes to item 6.2, and I found one of the committee members saying that they wanted it to be made mandatory for LandCorp to purchase land from residents who cannot sell on the private market. Then at item 7, "General", another participant in the meeting advised of concerns about the uncontrolled dumping of asbestos in the town site. He suggested that a free asbestos dumping site should be established. One of the local government representatives said that the City of Cockburn did not support a free facility. This is by way of giving honourable members the flavour of the fact that all the concerns that were raised 10 years ago by the then member for Cockburn, Bill Thomas, and many other people, are still dogging the residents of these areas so many years later.

I note also that one of the specific concerns raised in that original debate was about the involvement of LandCorp and what would happen to LandCorp's management of the area. At that time the Department of Planning set up a shopfront in Wattleup. It was noted that although the poor souls staffing that office were always the bearers of bad news to every local who walked through the door looking for information, it was a welcome development. At the core, the concern of community members was that they did not want LandCorp to be the managing authority. They did not want the development handed over to LandCorp, not specifically because of any identified problems with LandCorp, but because it is a property developer. Local people and their representatives in this place felt it was inappropriate to simply hand over such a substantial development to a body that was first and foremost a property developer. They wanted a full-blown redevelopment authority of the type we see operating in Midland, Subiaco, East Perth and now in Armadale. I think probably East Perth and Subiaco are held up to be the best examples, although I think the Midland one is pretty good.

Hon Helen Morton: Armadale's is very effective too; it is excellent.

Hon SALLY TALBOT: I do not mean to rank them, but the Armadale Redevelopment Authority is more recently established; whereas the East Perth and Subiaco authorities have got lots of runs on the board already. I was not meaning to decry the operations of the other two. We are going back to 2000 when the East Perth and Subiaco authorities were already showing people they could have a model that delivered across the range of developments that the local people around the Kwinana and Cockburn areas wanted. We did not get that, and I cannot help but think that is one of the problems with trying to manage the ongoing developments in that area. A body with the clout and authority of a proper redevelopment authority would have been a better way to go at that time.

I have been working in politics in that area for a couple of decades now. I well remember as far back as the 80s when the air quality became a major issue down there. At the time, once the modelling commenced, it was discovered that there was a geographical quirk about the Hope Valley–Wattleup area; that is, it sits in a hollow. The prevailing wind sucks the air out of the industrial development that is there and settles in that hollow where it effectively stays for a much longer period than if that hollow were not there. That Kwinana air-monitoring study was groundbreaking in its day. Again, we need only pick up the daily newspaper and see that the issues surrounding Cockburn Cement are far from being resolved. Although there is the action group Lime in My Environment—the acronym is LIME, which is clever—we are nowhere near resolving those issues. It is an unhappy history when we look at the past 10 years.

There is a patent unfairness about this. I will single out only one person for particular comment here, and that is Ray Lees, a former mayor of Cockburn, because I think his story provides a kind of paradigm example of the unfairness of the way people in Hope Valley and Wattleup have been treated. As I said earlier, people who want further specific examples can refer to the contributions by the three Labor members in the other place. Ray is a former Mayor of Cockburn and has been a community activist for a long time. If members follow history, they will see that he is one of the people who tried to make a very difficult transition for the community to go from, essentially, a semi-rural residential area, to a modern industrial complex. Ray has paid a very high price for that. He sets a lot of store by his market garden; yet Ray's history will show that it has been an unhappy time for him. I take my hat off to him for his courage, determination and doggedness in making sure that these issues are brought to the attention of people who might be able to make a difference. Recently, we saw an astonishing situation in which local residents suddenly found they were individually subject to police investigations. After some, admittedly hot-tempered, comments were made that LandCorp interpreted—I am not passing judgement on whether it was a legitimate interpretation, but things got heated—as threats, suddenly protective services were on board, not to investigate the threats, but to interrogate every member of the public who was associated with the campaign around Cockburn Cement. It was a very unfortunate situation, bordering on a fiasco, I suggest. It adds weight to the general observation that Labor has been making throughout this debate that this issue has an unhappy history.

When the bill was introduced into this place, honourable members would have heard the second reading speech and noticed that the context of this bill has been set by the government as part of the red-tape cutting reforms. This is another of the suite of measures that the government has promised will cut so-called red tape. That, of course, is enough to ring alarm bells on this side of the house because of the bills we have seen go through this place. The one for which I was shadow spokesman was the Approvals and Related Reforms (No. 1) (Environment) Bill 2009. I think we argued quite compellingly to at least put the government on notice to deliver some of the improved time lines it was talking about because our argument in relation to that bill, which Hon Donna Faragher will remember very well —

Hon Donna Faragher: I am quite perplexed about where you are heading on this and whether you had any impact at all on time lines, if that is what you are suggesting.

Hon SALLY TALBOT: Does Hon Donna Faragher not think it has had any impact?

Hon Donna Faragher: That the Labor Party has assisted in improving time lines.

Hon SALLY TALBOT: That is not what I said. I said that when the bill was debated in this place we at least succeeded in putting the government on notice that we would be looking at the results of the bill because of what concerned us about the claim that these measures—this refers to all the bills we have seen so far under the umbrella of cutting red tape—were likely to have either a minimal effect or, in fact, to increase the length of time it takes to process assessments. As I pointed out at the time on the debate on that bill, the reason for that was that appeal points were being removed from the front end of the process rather than the back end. Removing appeal rights at the front end of the process means that if a subsequent appeal is upheld, it is much more expensive for proponents to fix the problem. We are waiting to see the results of that.

Hon Donna Faragher: You've just got to be a bit more positive about these things.

Hon SALLY TALBOT: I noticed that the Minister for Environment made a statement about improved time lines the other day, which seemed to me to cover a period that did not relate at all to the passage of the bills through the Parliament. I am not quite sure what point he thought he was making. But I noticed one thing: in a fairly lengthy statement, which then appeared as a press release, he made not one reference to improved environmental outcomes. That was a source of enormous disappointment to me and to all the stakeholders in Western Australia who may be a little more tolerant than I am, of the government promising that, "This will be all right. Trust us; of course we will look after the environment." I would have expected the minister to at least attempt to counter the criticism that we will see, as a result of this suite of reforms, a diminished outcome for the environment—a result that is to the detriment of the environment. The conclusion that one inevitably comes to is that the minister is not able to point to any improved environmental outcomes due to the cutting of red tape.

Again, I put the government on notice that this will not go unremarked by me or the stakeholders in the environmental field in Western Australia.

I refer to another aspect of this development that I thought might have been at least acknowledged in the bill under consideration. I have a document from LandCorp dated November 2007, that came out under the Western Australian Land Authority. It is the "Biodiversity Strategy (Final Report)" relating to the Hope Valley–Wattleup redevelopment project. This report came out just over three years ago. I realise that this query is not specifically about the terms of this bill, but I am concerned that there has been no acknowledgement of this document in the bill and I want to assure myself that the government has acted intentionally, and is not walking away from any of the obligations and actions contained in this biodiversity strategy. I would like some clarification about the paragraph on page iii the executive summary. The paragraph reads as follows —

> As redevelopment and implementation proceeds within the HVWRA, WALA —

WALA is now LandCorp. The paragraph continues —

> will have particular responsibilities to ensure that the Act is carried forth. However, redevelopment areas will be subject to a normalisation process where particular areas no longer fall under the Act or WALAs responsibility. Any implementation actions identified under the Strategy will only be applicable for the period that WALA has responsibility for that area as defined under the Act.

The minister representing the Minister for Environment can see why I need some clarification about the interaction of this bill and the statements in the paragraph I just quoted about these areas slipping out from any strategic environmental planning if certain changes are made to the act or LandCorp's responsibility under the act. I am happy to give the minister a copy of the paragraph if it will help. Earlier in the executive summary of this biodiversity strategy document, on page ii, certain actions are referred to. There are five actions. The first is —

- Develop a framework for the implementation, management and monitoring of potential areas identified for protection.

The second is —

- Develop an Overall Landscape Plan for the HVWRA.

The third is —

- Develop a Planning Policy with the purpose of: guiding future developments within 200m to 50m of Conservation Category and Resource Enhancement wetlands (within and adjacent to the HVWRA) to ensure that their activities and operations are compatible with the ecological values of the adjacent wetland; and assessing proposed developments and their compatibility with the ecological values of the adjacent wetland.

I am particularly interested in the fourth action, in light of some of the government's other plans for the Beeliar Regional Park; for example, building a highway through it. The fourth action is —

- In consultation with the Town of Kwinana and Department of Environment and Conservation (DEC), investigate options to incorporate Long Swamp within the Beeliar Regional Park.

The last one is —

- Review and update the HVWRP Master Plan, HVWRP Environmental Strategy … Proposed Planning Policy 1.3 Landscaping, the HVWRP Planning Strategy and the guidelines provided in the *Hope Valley Wattleup Redevelopment Area Quarry Landscape Report* to reflect the objectives of the Biodiversity Strategy and incorporate the Strategic and Management Actions (where relevant) listed in Sections 6.2 and 6.3 of this strategy.

I would like to know whether those actions have been completed; and if not, what their status is, and whether or not they are reflected by the changes to the original act proposed in this bill. The executive summary concludes with the expected outcomes. Again my question of the minister is: where are we up to with these? Again, there are five. They are —

- management and protection of Key Natural Areas identified for conservation;
- developing primary and secondary linkages by utilising current and proposed rail and road corridors.
- the long-term protection of the western and eastern wetland chains in the Beeliar Regional Park;
- the long-term protection of the wetlands located within and adjacent the HVWRA;
- protection of a north-south and east-west ecological link between Long Swamp, Hendy Road Swamp (east) and Conway Road Swamp.

I would not expect the minister representing the Minister for Environment to necessarily have that information to hand, but if she could provide some reference back to the biodiversity strategy, I would appreciate it.

I have a couple more comments and another specific question. This area has a troubled history for its residents, but it is also developing into a trouble spot for the government as far as industrial development goes. I refer to the development that is not specifically in the 1 400 hectares of the original Fremantle–Rockingham Industrial Regional Area Strategy land, but the Australian Marine Complex. Again, it is with some disappointment that we see no reference to trying to address some of those problems of attracting people into the area to make it a viable industrial area. I noticed that the comments on this legislation in the other place of the shadow Minister for State Development, who is also the local member for Rockingham, referred to the AMC. I do not want to talk the AMC down because it is one of the most important developments that we have ever had to encourage industry in the state, but as honourable members know, particularly if they are local members for the area or if they take an interest in industrial development, the AMC is really only a potentially exciting development. It is a bit sad that we still talk about the potential of the AMC. The time for governments to look at creative and constructive ways of attracting industry into that area is well overdue. Action on this would be a sign that the government's rhetoric about the local content issue is more than hot air—more than just huff and puff from the Premier. I am not an economist, but given the way that these things have been progressed in other states and given the way that the government talks about wanting to provide incentives through the tax system, I can think of a couple of ways of readily putting into effect some kind of taxation incentive scheme that would both encourage people to use the Australian Marine Complex, and therefore add to the viability of the whole Hope Valley–Wattleup industrial area, and put some concrete steps in the path towards increasing the amount of Western Australian manufacturing that goes into major projects. The first of these ways was referred to by the member for Rockingham in the other place—that is, some kind of payroll tax exemption for companies that are genuinely trying to structure their bids in such a way that they can compete on a price-competitive basis for contracts that are now almost uniformly disappearing overseas. Given that there are some parameters on which we cannot compete, such as wages, it seems to me that it would not be complicated to devise a mechanism whereby companies in that complex that are able to put together viable tenders—which we know they can do already—could have some sort of payroll tax exemption. Most of those companies employ more than 20 people, so it would have a significant effect in helping to make that playing field even. The second way was not referred to by Hon Mark McGowan, but I think it is worth throwing into the debate so that it plants the seed in the government's mind—that is, some kind of accelerated depreciation for industries operating in that area. These industries want to compete for contracts from the major projects in this state and therefore contribute to the state's economy. I cannot see that that would be anything other than a win–win situation.

Hon Norman Moore: How do state governments provide for accelerated depreciation? It is a federal issue.

Hon SALLY TALBOT: Yes, I know. But the Leader of the House talks to his counterparts in other states.

Hon Norman Moore: Not as much as you probably do.

Hon SALLY TALBOT: Just off the record, Hon Norman Moore, I would not be so sure about that!

I cannot see that this would be anything other than a win–win situation for governments and local industry and for the wellbeing of that area. I just mention that in passing to get the government's mind focused on some of these possibilities so that it begins to think outside the box if we are to solve some of the problems that are beginning to be intractable problems in this state.

I will conclude by asking the minister a question, and I think the answer should be readily obtainable for her. Comments have been made about this bill facilitating developer contributions. I cannot find that particular reference in the bill, so I would like some clarification of that from the minister. I did notice an answer to a question that was asked recently by John Hyde, the member for Perth, who of course is another shadow minister. It was question on notice 4807 and it was answered on 6 April. The question was about developer contribution schemes administered by land authorities and any other agencies within the minister's portfolio or department and it asked about their value and under what conditions they were being administered. Part of the answer refers to LandCorp, and it states —

> The Hope Valley Wattleup Redevelopment project has a planned Developer Contribution Scheme which has not yet commenced. While the Masterplan for Hope Valley Wattleup allows for a developer contribution scheme, the details are not yet finalised.

I am trying to make sense of that answer in connection with this bill, so if the minister is able to answer that question in her summary of the second reading debate, that would move us forward substantially.

HON LYNN MacLAREN (South Metropolitan) [12.44 pm]: I rise to make some comments on behalf of the Greens (WA) about the Hope Valley–Wattleup Redevelopment Amendment Bill 2010. I want to draw attention to some serious concerns about the large-scale development in this area. The bill, as we know, deletes the references to the Fremantle–Rockingham Industrial Area Regional Strategy, which is known as the FRIARS

document. The bill gives legislative effect to the master plan, and, as has been quoted, there is some urgency to ensure public and private confidence in the enforceability of the master plan. LandCorp identified that there was "some confusion as to the legal status of the master plan", and the result is that developer contribution plans are enforceable.

The bill also establishes penalties of $50 000 for contravening the master plan, with a daily penalty of $5 000. It provides retrospective application and transitional arrangements.

Latitude 32 will expand over 1 400 hectares in the Hope Valley–Wattleup region. It is one of the largest industrial redevelopments ever attempted in Australia. LandCorp currently owns 15 per cent of this land and is acting as the main driver in developing a structure plan for the area. I think that is a good thing. On behalf of all the future landholders there, it is playing a responsible role and is making a contribution to the development of that area. However, I have some concerns because elected local government authorities will have no decision-making powers. The planning authority was transferred to the Western Australian Planning Commission when the land was excised from the planning schemes. This was of course the purpose of the Hope Valley–Wattleup Redevelopment Act 2000, so that debate has been had and I recognise that. But it is important to note who the decision maker is in this area.

Although I was granted a briefing on this bill—I appreciate that and I thank the Minister for Planning for that—I could not really get to the bottom of why the act requires an amendment to establish the legal status of the master plan. Any clarification that the minister can provide in that regard would be helpful, and I know that Hon Sally Talbot also had some queries about that issue. Like Hon Sally Talbot, I took time to review the debate in 2000 when the act established this industrial area. At that time, I was working in an electorate office in the South Metropolitan Region. It was a very hot-button issue for the area. It was enlightening to read the debate; it was a very robust debate in this house. I think that the Legislative Council did a very good job of reviewing the legislation. This amendment is a blessing in disguise for us in the Legislative Council now because it provides the Parliament with an opportunity to reflect upon the plan to develop these 1 400 hectares. I will not take up too much of the house's time to do that, but I will raise some issues that have been raised previously.

I have a version of the master plan that was drafted in December 2004 and it was amended in April 2008. I attended one of the consultation sessions. I was trying to remember when that was; it was probably in late 2009 or early 2010, when LandCorp had its maps and was getting feedback from residents. I know that it has been working hard to develop this master plan. What I do not know is where we are up to in the finalisation of the master plan, because that is a key part. If we are to make this master plan enforceable, it would be great to know what is in it. I note that Hon Sally Talbot mentioned that many people in the region were very unhappy with the process and have been concerned about the time it is taking. But I think it is important to be prudent and to take our time with such a large-scale development. It would be great if there were more certainty for landowners in that area, especially when their land is being resumed. I know that there is considerable concern about industry being in their backyard and on their doorstep. It is important that the master plan puts in place guidelines for how the individuals in that area and their interests will be protected. If that cannot be done, adequate compensation must be allowed for. My criticism regarding the decision making authority will not go down well with members of the Western Australian Planning Commission and the Premier's ministerial task force on approvals development and sustainability, which, in my view, have been on a mission to remove the democratic scrutiny of planning decisions. They call it streamlining and planning reform, but what we have seen so far is the stripping away of the rights of people to make decisions about the place in which they live. The planning reforms will pull the rug out from under the wildly popular Keep Cott Low group by undermining its express wish to restrict heights to a sensible three storeys along the beachfront. Keep Cott Low also does not mind four or five storeys on particular parts of Cottesloe and on the Ocean Beach Hotel site. This undermining is likely to be achieved through the new planning mechanism—the government-controlled development assessment panels.

Members should know that those regulations are before us now and they should look at them very carefully. They are the cornerstone of the government's planning reforms. The panels replace the locally elected councils. In the case of the Hope Valley-Wattleup industrial estate, I ask the Minister for Mental Health: who will ensure that the community interest is served? I draw the minister's attention to the northern part of Latitude 32 where Cockburn Cement is located. The Cockburn councillors have worked alongside the residents to seek a solution to the problems the residents of that area are facing due to the industrial emissions from Cockburn Cement. Once the master plan is in place, will the councillors of Cockburn still have a role to play in helping the residents or will the residents have to seek out the faceless men and women of the WAPC to complain about their children's blood noses and asthma?

One of the contentious issues during the debate on the Hope Valley-Wattleup Redevelopment Bill was whether the master plan would be subject to the same review and accountability processes as other planning schemes. Unlike the Swan Valley Planning Act, which puts in place a regional planning committee, the only authority in this case is the WAPC. In that sense, I would appreciate the minister providing some clarity about the role of the

boundaries between LandCorp as the developer and WAPC as the planning authority. The government has a huge responsibility to ensure that the accountability and transparency of planning decisions are maintained.

If through the passage of this amendment bill we will clarify the legal status and strengthen the powers of the master plan, I would like to be advised on whether the recommended environmental conditions are being implemented and enforced. I would like some feedback on six areas. Hon Sally Talbot has already mentioned a couple of them. The first is the water management strategy. That strategy was supposed to be developed to incorporate specified requirements and be approved before the finalisation of a precinct structure plan. I would like to know where we are up to with the water strategy. To meet the objectives and requirements of the water strategy, each use of and development within the redevelopment area shall be carried out within the water management plan, addressing the management of ground and surface water quality and quantity and potential contaminants. I would like the minister to provide some feedback on that. I would also like some feedback on the biodiversity strategy. Specified requirements were supposed to be met before the finalisation of the first precinct structure plan. In the consultation that I attended, concerns were raised about wildlife corridors and whether enough contiguous land had been set aside to maintain some of the fauna and flora that exist there. Prior to the finalisation of this biodiversity strategy, interim requirements shall apply to any subdivision use and development near wetlands in areas of good or better quality vegetation or at threatened ecological community sites. It would be prudent at this point of scrutinising the Hope Valley-Wattleup Redevelopment Act and how it is being implemented to see whether the biodiversity strategy, of which the government is the key developer, protects the biodiversity of the flora.

I turn now to the Environmental Protection Authority's objectives for the protection of the water quality of Cockburn Sound. The Cockburn Sound Management Council has been attending forums and looking at the industrial development in that area. This, of course, links into the water quality management strategy regarding how on-site water is managed and whether it flows into the sound. Has the quality of the sound been protected in the development of this area? The EPA has several objectives. I can either briefly summarise the EPA conditions or just refer the minister to the EPA report and recommendations.

Hon Helen Morton: That's okay.

Hon LYNN MacLAREN: Finally, the other environmental condition that the EPA set out for the master plan was that the construction of more than one house on a lot in a rural precinct shall be prohibited.

I will take a couple of minutes to note in detail the master plan environmental goals that I want to track. I am asking the minister to tell me where we are at in the achievement of the master plan's laudable goals. According to my notes, part 7 on page 40 of the amended 2008 version of the master plan that I have states —

> The use or development of land is not to have individual or cumulative adverse environmental or social impacts on:
>
> - residential areas outside the Redevelopment Area;

This is critical because we are finding that perhaps the Cockburn Cement buffer could have been firmer. We have heard testimony from the Kwinana Industries Council that the key point for industry to proceed with confidence in this state is setting adequate buffers so the industries do not conflict with residents. According to my notes, the goals of the master plan also include —

- other **land uses** and amenities within or outside the Redevelopment Area;

We are not supposed to have environmental or social impacts on other land uses and amenities within or outside the redevelopment area. That, too, goes to the buffers. Hon Sally Talbot has mentioned other sensitive environments within or outside the redevelopment area. The other goals of the master plan are to not impact adversely on —

- conservation category wetlands or any sensitive environments within or outside of the Redevelopment Area;
- Cockburn Sound;
- soil, groundwater and surface water;
- **air quality**; and
- future land uses within and surrounding the Redevelopment Area.

This is all about having adequate land use strategies in place so that the uses for the land do not conflict. The minister could update us on that. Market gardeners in that area are being priced out, and Cockburn Cement has some challenges with the emissions regulations that it should be held accountable for.

There are some excellent quality patches of bush in this redevelopment area, particularly alongside the road verges. I would like to know whether efforts are being made to preserve these areas because that is one way we can provide a habitat for the animals that are being pushed out due to the industrial development.

In conclusion, the constituents in the Hope Valley-Wattleup area want greater certainty. If this bill will deliver that, it should be supported. Likewise, clarifying the legal basis of the role of the developer contributions in the area is very important. For those reasons the Greens (WA) support the bill.

The DEPUTY PRESIDENT (Hon Matt Benson-Lidholm): The question is that the bill be read a second time.

Hon Simon O'Brien: Aye.

The DEPUTY PRESIDENT: The Minister for Child Protection.

Hon Ken Travers: We want to hear from the Minister for Mental Health, Minister for Finance!

The DEPUTY PRESIDENT: There are still two minutes remaining. I am sure that the minister can make a start.

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [12.58 pm] — in reply: I know, Mr Deputy President; I wanted you to refer to me as the Minister for Mental Health rather than the Minister for Child Protection.

The DEPUTY PRESIDENT: My apologies! The Minister for Mental Health has the call.

Hon HELEN MORTON: Thank you, Mr Deputy President.

I thank members for their contributions and for their support for the Hope Valley–Wattleup Redevelopment Amendment Bill 2010, albeit with some conditions. Some members want me to provide additional information, which I hope to be able to provide. I am very appreciative of having the lunchtime break to enable me to get those questions answered for members. However, I can make a start by providing members with some of the information that I have at hand. I will recap the background to this bill. In 2000 the Western Australian Planning Commission completed the Fremantle–Rockingham Industrial Regional Area Strategy—FRIARS—which Hon Sally Talbot referred to, to provide a strategic land use planning direction for the region over the coming 20 to 25 years.

Sitting suspended from 1.00 to 2.00 pm

Hon HELEN MORTON: Before the break, I had just started to remind people of the original purpose of the Hope Valley–Wattleup Redevelopment Amendment Bill 2010. In 2000, the Western Australian Planning Commission completed the Fremantle–Rockingham Industrial Area Regional Strategy, commonly referred to as FRIARS, to provide strategic land use planning direction for the region over the coming 20 to 25 years. FRIARS identified the redevelopment of the Hope Valley–Wattleup area as regionally significant for the future industrial and economic growth of Western Australia. The strategy highlighted the strategic significance of the region—which had experienced major population growth over the previous decade—being located adjacent to Western Australia's primary heavy industrial precinct, the Kwinana industrial area, its proximity to the state's principal existing port facilities at Fremantle, and the fact that it was adjacent to a proposed major new port development. FRIARS further addressed conflicts associated with inappropriate land use, such as residential land use, in the Kwinana environmental protection area.

The Hope Valley–Wattleup Redevelopment Act 2000 defined an area of more than 1 400 hectares in the local government areas of Cockburn and Kwinana for redevelopment for industrial use. The act required LandCorp, the state government's property developer, to plan, undertake, promote and coordinate the development and redevelopment of land within the Hope Valley–Wattleup project area. In March 2005, the Hope Valley–Wattleup master plan, developed by LandCorp in consultation with the Department for Planning and Infrastructure, the Department of Environment and the Department of Conservation and Land Management, was gazetted and hence had the support of the previous government. The area was officially re-branded as the Latitude 32 industry zone in December 2006. The two local government areas affected by Latitude 32 are Kwinana and Cockburn. LandCorp owns about 15 per cent of that area. The area is predominantly zoned industrial and commercial and will incorporate precincts that include a variety of uses and functions, such as general industry, transport industry, a commercial centre, eco-industry, a business park, resource recovery, and parks and recreation. The Environmental Protection Authority provided advice and recommendations on environmental factors relevant to the master plan and the conditions to which it should be subject. These were incorporated into the master plan, which provides for the retention and reinforcement of key remnant vegetation and the protection of wetlands.

Members raised the issue of compensation. LandCorp advises that only four residential landowners remain in the master plan area and that they are in negotiations with LandCorp to have their land acquired. If the owners do not sell their land on the open market or agree to a price with LandCorp, a decision may be made to compulsorily acquire the land pursuant to the processes under the Land Administration Act 1997 and the Hope Valley–Wattleup Redevelopment Act. This would include relocation costs and LandCorp paying up to 10 per cent more than the market price for the property.

I think it is worthwhile clarifying what the Hope Valley–Wattleup Redevelopment Amendment Bill 2010 is and is not about. This bill is a minor legal change to clarify that the master plan has full legal effect with the status of subsidiary legislation. The bill is not about addressing other concerns involving the Hope Valley–Wattleup redevelopment project more generally, although I will touch on some of those concerns. These other concerns that members raised have already been noted by the Minister for Planning.

The issue of the pace of development was raised. A number of different concerns have been raised by members of Parliament regarding the pace, size and nature of the development in the Latitude 32 area. Some argue that the project is going too slowly and others have argued that the land set aside for this project is too large. However, it is important to stress that this project, unlike many other development projects, is very long term with a 30-year projection. Obviously, a 30-year transition from a predominantly residential, semi-rural and rural area to an industrial area was always going to face challenges. There will always be people who feel that the pace and nature of the transition is not occurring quickly enough. As to the size of the development, it has been very prudent of the state government to do such forward planning and to set aside this area for the future industrial expansion of Perth.

Members asked about what stage the Hope Valley–Wattleup redevelopment is at currently. Although, again, this does not strictly relate to the purpose of the bill, the first stage of development, the Flinders precinct, is under construction and the district structure plan and amendments to the master plan are expected to be finalised in early 2011. I will tell the house a little more about that. The first stage of development, the Flinders precinct, is, as I mentioned, under construction. The master plan is currently being revised. It is basically the zoning plan for the area. The master plan outlines how the land can be developed in the future and sets out the process needed to gain legal surety. Following its initial release in 2004, the master plan is now proposed to be revised to incorporate the container handling facility proposed by the Department of Planning and other changes to reflect community feedback. The district structure plan is also being prepared. It is a document that provides a broad outline of how an area will be developed and an additional level of detail of land use, infrastructure and the environment. The district structure plan will enable and coordinate the delivery of the land use precincts within Latitude 32. It will provide a conceptual staging plan for the rest of the area based on land ownership, site levels, quarrying and access to infrastructure. However, it is hard to provide a specific time frame for those developments. This staging plan is important as it provides the necessary certainty to agencies, such as Western Power and the Water Corporation, to undertake their planning of the key infrastructure, water, sewerage, power et cetera needed to transform Latitude 32 from a rural area into an industrial area. The public consultation period for these proposed changes closed in August 2010. LandCorp advises that these new and amended documents will be published in early 2011.

Both Hon Lynn MacLaren and Hon Sally Talbot raised some concerns about the impact of this project on the current residents of the area. Although this does not relate strictly to the purpose of the bill, it is worth addressing some of those concerns. Firstly, claims have been made that residents have not been kept properly informed of the progress of this project. LandCorp has made strong efforts to properly advise residents. For example, the Latitude 32 website—for those who are interested, it is www.latitude32planning.com.au—contains a large volume of relevant public information, as well as contact details for people who seek further information. Moreover, LandCorp is amending the master plan to further reflect community feedback and stakeholder input from the public comment phase, which, as I said, closed in August 2010.

In relation to the purchase of properties in the area, as I have mentioned, LandCorp already owns 15 per cent of the properties in the area. It has never been the state government's intention to own all the land within the area. The private sector will need to play a major role in the development of Latitude 32. The district structure plan and the revised master plan will give landowners and the private sector confidence that the project is going forward and is a step closer to the provision of the infrastructure that is essential for the area to be developed. Landowners are, therefore, free to sell their properties on the open market and are encouraged to explore this avenue in the first instance if they want to move from the area. LandCorp will assist landowners to understand their options following the adoption of the district structure plan. Those options may include quarrying their site to the agreed level, working with adjoining landowners to understand the development intentions for their land, and preparing local structure plans, as well as timing for the provision of new infrastructure. In some circumstances, for compassionate reasons LandCorp does purchase properties at market value. Therefore, in the event that any landowners are unable to sell their land on the open market, LandCorp is able to discuss further options.

Hon Lynn MacLaren asked a question about the interplay between LandCorp and the Western Australian Planning Commission in respect of this bill. The act affords a number of responsibilities to LandCorp, as the Western Australian Land Authority, to plan, undertake, promote and coordinate the development and redevelopment of land in the redevelopment area. The Western Australian Planning Commission has responsibility to carry out the development assessment, enforcement, control and structure plan endorsement of the redevelopment area. It is important to distinguish between the roles of those two authorities. For example,

criticism has been made about the perceived inability of LandCorp to intervene in some incidents involving breaches of the act through unauthorised development. However, oversight and enforcement of the act is the role of the Western Australian Planning Commission, through the Department of Planning, and the department has acted on incidents promptly when required, such as, for example, in the Brajkovich case, which I think I mentioned in this house sometime this week, or it might have been last week.

Hon Sally Talbot asked why this redevelopment cannot be undertaken by a redevelopment authority similar to the redevelopment authorities that are in place elsewhere in the metropolitan area. Those redevelopment authorities are in the metropolitan area, and I think it is public knowledge that they are to be amalgamated into one single metropolitan redevelopment authority. This redevelopment sits very much on the outskirts of the metropolitan area, and I think it has a different sense to it from the areas that are covered by the existing redevelopment authorities.

Just to go a bit further, part 3 of the Hope Valley–Wattleup Redevelopment Act establishes a master plan. That is basically the zoning plan for the area. The master plan outlines how the land can be developed in the future, and sets in place the processes that are required to gain legal surety for that development. The master plan effectively operates as a local planning scheme and replaces the schemes over certain land in the local government districts of the City of Cockburn and the Town of Kwinana. The master plan deals with land uses, environmental and heritage aspects, infrastructure, economics, statutory requirements, social impacts and future direction of industrial development. To avoid any doubt, section 23(1) of the act provides that any town planning schemes or local planning schemes in relation to the redevelopment area will be repealed so that they will not apply to a development that commences in that area under this act. In this way, the act is similar to other redevelopment acts that apply throughout the Perth metropolitan area. Following the initial release of the master plan in 2004, the master plan will now be revised to incorporate the container handling facility proposed by the Department of Planning, and to reflect changes as a result of the community feedback.

A question was asked about the legal status of this bill, or why this bill is necessary. The purpose of this bill is to provide further clarity on the legal status of the Hope Valley master plan. As I have said, part 3 of the bill establishes a master plan that will effectively operate as a local planning scheme and replaces the schemes over certain land in the local government districts of the City of Cockburn and the Town of Kwinana. LandCorp, as the Western Australian Land Authority responsible for planning and developing the area, noted that there is some confusion over the legal status of the master plan. Continued uncertainty will affect the successful operation of the project, and particularly the confidence in the ability to enforce development contribution plans. The master plan sets out the development contribution plans that have been formulated for each relevant precinct. Development contribution plans identify in a general way the costs to be paid for administrative or infrastructure works, and seek to share those costs equitably between owners. Clause 6.3.5 of the master plan specifically prohibits the Western Australian Planning Commission from approving a development application before a landowner's cost contribution has been paid. To put the issue beyond any doubt, the bill inserts into the act a new section 22A, which confirms that the master plan has legislative effect, with the legal status of subsidiary legislation as defined in the Interpretation Act 1984. This amendment effectively confirms that the master plan will have the same status as other planning schemes under the Planning and Development Act 2005.

The bill also inserts into the act a new section 22B, which confirms that a person who contravenes the master plan is liable to a penalty of $50 000, and a daily penalty of $5 000. This will again improve clarity and ensure consistency with similar penalty amount provisions found in sections 25, 31(5) and 32(4) of the act.

The bill has been proposed at this time for a number of reasons. The government has acted as soon as reasonably practicable upon receiving advice about the possible problems associated with the legal status of the master plan. The first stage of development in the Latitude 32 industry zone—the Flinders precinct—is under construction. Thus there is some urgency to ensure public and private confidence in the enforceability of the master plan. LandCorp is amending the master plan following the closure of the public submission period in August 2010, as I have mentioned. This will be followed by an assessment by the Western Australian Planning Commission. LandCorp anticipates that the new, amended master plan will be published sometime in 2011. Therefore, the aim is to try to pass this bill to clarify the legal status of the master plan as subsidiary legislation before or around the time that the new, amended master plan comes into effect. When I say that the new master plan will be published sometime in 2011, that is always referred to as being in early 2011, and I do not have any better time frame for that.

The bill is consistent with the timetable for the state's overall planning reform agenda, given the successful introduction of the Approvals and Related Reforms (No. 4) (Planning) Act 2010 and the Directions 2031 policy in mid-2010, to be followed by the anticipated metropolitan redevelopment authority bill in 2011.

Development contributions were raised by both members.

Hon Sally Talbot: Developer contributions.

Hon HELEN MORTON: Sorry, developer contributions. Section 28(1)(a) of the Hope Valley–Wattleup Redevelopment Act 2000 requires the WA Planning Commission and the State Administrative Tribunal on appeal to consider the master plan when considering whether to grant or refuse development approval in the Hope Valley–Wattleup area. Paragraph 6.3.5 of the master plan prescribes a mandatory condition that the WA Planning Commission is not to grant approval until an owner has paid any relevant development contributions in accordance with the development contribution plan. The words "is not to" suggest that this is a mandatory condition. However, advice has been received that if, unlike other local planning schemes, the master plan is not subsidiary legislation, then it is arguable that the WA Planning Commission and SAT on appeal have to give only due regard, and nothing more, to the master plan. In other words, the WA Planning Commission and SAT on appeal could potentially choose to depart from paragraph 6.3.5 and give development approval even when a developer has not paid any required development contribution. This would obviously undermine the whole nature of the redevelopment area, could impose inequitable burdens on the state government, local government and other owners, and would be contrary to the state's intention as outlined in State Planning Policy 3.6, "Development Contributions for Infrastructure".

Hon Lynn MacLaren was also seeking information on the biodiversity strategy and water management. I think the member was asking whether these amendments would impact on environmental and other protective measures. I will go through the detailed answer that I have and then provide some more specific information. Obviously, the specific and separate requirements under the EP act, regulations and other measures will continue to apply. Section 28(1)(c) of the Hope Valley–Wattleup Redevelopment Act also requires the WA Planning Commission to consider any relevant environmental protection policy under part III of the EP act when making a decision on whether to grant development approval. For the avoidance of doubt, this requirement has existed since the act commenced on 7 December 2000, which was before the master plan came into existence in 2004. However, this bill will enshrine the legal status of part 7, "Environment", of the master plan. In particular, the WA Planning Commission and SAT on appeal will be bound by any mandatory conditions prescribed under the master plan. For example, paragraph 7.3.1, "Site Contamination", says that any development of the redevelopment area shall be carried out and managed so as to prevent site contamination. However, without this bill, it is debatable whether this is a mere policy statement to which the WA Planning Commission and SAT on appeal have to give due regard but from which they could otherwise depart. This bill removes any doubt by giving the provisions of the master plan the same status as provisions under regulations, local planning schemes and other types of subsidiary legislation.

The biodiversity strategy was a requirement of the Environmental Protection Authority assessment process. The strategy is contained in assessment 1470, which was completed and advertised in 2006. The biodiversity strategy was endorsed by the WA Planning Commission and the Department of Environment and Conservation in 2007. The key principles of the biodiversity strategy have been incorporated into schedule 10 of the master plan, have been included in the Flinders precinct structure plan, and have in turn been transferred into the district structure plan, which has now been completed and advertised and is just awaiting the endorsement of the WA Planning Commission.

The situation with the water management strategy is similar to that of the biodiversity strategy. It was a requirement of the Environmental Protection Authority and was incorporated into schedule 10 of the master plan. Further key principles that will be incorporated but are still in draft stage include a proposed district water management strategy and local water management strategy. Please note that LandCorp could not give me a time frame for when this is likely to be completed, given the time I had in which to get information for members.

With regard to bushland and the edge of main roads, again, LandCorp could not give me a complete, unequivocal answer as it was not 100 per cent sure what was being asked. I think I have already mentioned how bushland is going to be reserved. LandCorp could advise that areas of quality vegetation had been identified together with, and in connection with, biodiversity links and corridors. These areas of quality vegetation and biodiversity corridors will be further protected under the proposed draft district structure plan.

Hon Lynn MacLaren asked about there being one or more houses on a property. I could not get the answer to that either, because without the member's notes et cetera, I was not able to really outline the detailed information the member was requesting. I will ensure that I get that information to the member even if it is after the bill has progressed. On the basis of the information put to LandCorp, it said that it would generally be opposed to the development of more than one residence on a lot.

I think I am at the final part of the comments I wanted to make. We have already discussed the issue of Brajkovich in the house, so I do not really feel the need to go over that except to say that it is an example of when the authorities are prepared to take action. I think the member asked about the ability of the authorities to take action under those circumstances.

I have the impression that I have covered most of the issues that were raised. Again, if there is anything else that members would like to be addressed, I am happy to get that information outside this time frame; I obviously

missed one or two bits because of the limited time I had in which to get that information. However, I am happy to follow them up. With those comments, I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Hon Helen Morton (Minister for Mental Health)**, and passed.

ELECTORAL AND CONSTITUTION AMENDMENT BILL 2011

Second Reading

Resumed from 16 March.

HON KEN TRAVERS (North Metropolitan) [2.29 pm]: I rise on behalf of the opposition to indicate its support for the Electoral and Constitution Amendment Bill 2011. The Labor Party has for some considerable time supported the policy of fixed-term elections. It is worth noting that the bill we are dealing with today is very similar in substance to a bill introduced in 2003 by the then Attorney General, Jim McGinty. Further to that, Larry Graham introduced a private member's bill in, I think, 2004. It is fantastic that we now appear to have the agreement of the Parliament to support a piece of legislation in the terms that have been put forward to fix an election date. The bill provides for a range of required electoral reforms that the Labor Party has held up and cherished for some time, and a fixed date for elections is one of those. Certainly, in the past there has been debate about whether it should be a fixed date or a fixed window of dates. It is great that we have now reached the point of agreement.

I acknowledge that the government sought to and did consult about that very early after the last election and that this bill is clearly an outcome of that consultation. I know that in the past the Liberal Party's view has not necessarily been to support fixed terms. I note that this item was part of the Liberal Party's election commitments to be undertaken in the first 100 days of government. Although we could make a political point of that, the most important issue now is that we are moving forward in support of a fixed election date. I know that many of my predecessors will be very pleased to see the passage of this legislation.

The government has chosen to fix the date for the term of government as the second Saturday in March. Certainly, as part of the consultation phase, the Labor Party indicated that, as a result of the last election having been called early, it was quite prepared to, and supported the sensible move to, bring forward the date for the next election to a day in November, noting that to do so would require a corresponding shift in the date for the completion of the upper house terms. I want to briefly share with members some of the reasons behind that logic. One reason was to try to maintain four-year terms. Under that proposal, the government would still have had a slightly longer term than would previously have been the case. Another reason for the Labor Party view was that a November date would fit in with the budget cycle, which I think is a very important thing to give consideration to. A new government, elected in November, would then have a good six or seven months to prepare the budget and be able to bring down the budget in a normal cycle. I have some concerns about a March election date; particularly given the circumstances immediately following the 2008 election—this may not happen every time but I expect that it could occur reasonably frequently—when it was not immediately clear which party or parties or coalition with Independents would form the government.

Hon Mia Davies: That will happen at every election from now on.

Hon KEN TRAVERS: That may be very much the case. I am sure the National Party is hoping that it will continue to hold the balance of power, and Hon Mia Davies will probably be just coming to the end of her parliamentary career in 2050, was it, that she said?

Hon Mia Davies interjected.

Hon KEN TRAVERS: Is the member talking about towards the end of her parliamentary career or halfway through?

Hon Mia Davies: We will see how we go; thank you.

Hon KEN TRAVERS: Well, you never know your luck in a big city!

The point I make is that there is the potential for the term of government to stretch for some time beyond that second Saturday in March as, firstly, the seats are counted and decided and, secondly, as the negotiations to form government take place. I think the second Saturday in March is too late. Every four years, a newly elected government will require supply at the end of June, and a budget will be brought down in August. It is not the end of the world, but, if we are to go to fixed terms, looking at a date that guarantees an orderly budget process is

certainly one factor that should be considered. That is why the Labor Party originally proposed the November date. However, I accept that with legislation such as this, compromises need to be made and everyone in the chamber must agree on the final decision.

I will go through this in more detail during the Committee of the Whole debate, but standing in my name on the supplementary notice paper is an amendment that proposes the third Saturday in February—the date originally proposed in the 2003 and 2004 bills. Whilst discussing policy, I want to explain briefly the reason for that amendment; it is not to try to create difficulties in the chamber.

Hon Norman Moore: Have you proposed an amendment?

Hon KEN TRAVERS: Yes; there should be a supplementary notice paper. I raised it at the time of the briefing.

Hon Norman Moore: I understand that, but I did not necessarily know that you had an amendment on the supplementary notice paper.

Hon KEN TRAVERS: Yes; there should be one there.

I note that the government has proposed an amendment that arose from the briefing on this bill. During the briefing, it was mentioned that February is a shorter month; therefore, if we moved from a February date to a March date for the election, the time between the issuing of the writs and the election would be shorter. Under the original proposal, the range of dates between the issuing of the writs and the election would have floated between 25 and 32 days. Thirty-two days to conduct an election is probably a reasonable amount of time, but 25 days is clearly a short period. The government has now acknowledged that trying to conduct an election in such a short time frame would put immense pressure on the Western Australian Electoral Commission. That is always going to be a problem with a date in February. The other option that is now being proposed is to bring forward the date for issuing of the writs. I understand that that will mean an even longer election period. I imagine —

Hon Norman Moore: It would vary.

Hon KEN TRAVERS: It would vary, but it would range between, I would think, 32 days and 39 days, which I suspect is starting to become quite a lengthy election period.

Hon Liz Behjat: But you would have people campaigning on the Australia Day long weekend if we were to accept your date. Good luck with that!

Hon KEN TRAVERS: Historically, we have campaigned on Australia Day long weekends. I note, for the benefit of Hon Liz Behjat, that there is also a public holiday on the weekend before the second Saturday in March. The problem is that whichever date we choose, there is a public holiday.

Hon Liz Behjat: But in January, it is still school holidays.

Hon KEN TRAVERS: Yes, until the end of January. Everyone else is welcome to put forward their views, but I want to put forward my arguments now.

I see another difficulty with the second Saturday in March being the election date. The legislation provides that in extraordinary circumstances an election can be deferred. One such circumstance is that a federal election is called. Deferral is a requirement under the federal Constitution, as a federal election or federal referendum automatically overrides a state election. There may be other circumstances in which an election has to be deferred. As a result of the way in which the government has dealt with this issue, the date can be changed by agreement between the Premier and the Leader of the Opposition. I think that is an excellent mechanism. We do not try to describe exceptional circumstances; we leave it to those two people to make that decision. I fully support that clause. However, a further provision in the Electoral Act states that if polling is unable to be conducted because of natural disasters such as flooding, the polling for a particular electorate can also be deferred. Under the act, polling is required to be deferred to the next Saturday as long as that Saturday is available or the events that caused the election not to be held have eased. That change can be made by the local presiding officer.

There are difficulties with a March election if we look at the dates for Easter. The act provides that we cannot hold an election on the weekend before Easter, the weekend of Easter or the weekend after Easter. The problem with the second Saturday in March is that if there is ever a requirement that an individual poll be delayed because of a federal election, because the Premier and the Leader of the Opposition agree or because of some other event, instead of being delayed a week to the following Saturday, which is the Saturday before Easter, the election will be deferred for a month. There will be three Saturdays and then it will be held on the next Saturday, which is the fourth Saturday.

Hon Col Holt: Does it happen?

Hon KEN TRAVERS: There is the potential for it to happen. I will not make this point as an argument against the bill but for those who want to get into the nitty-gritty detail, I looked at the future dates for Easter. In the year 2285, the second Saturday in March will be the Saturday before Easter. There are many other years when we will have an early Easter. That one Saturday in the very distant future is not something that we need to worry about for the purpose of this bill. Technically, we could say that we should not pass legislation if those events could occur. More importantly, it gives us an indication that Easter does occur in March on a regular basis. The chances of deferring either the whole election or an individual seat, province or district in the election because of the likelihood of it backing up and hitting that Saturday before Easter is a real possibility.

Hon Liz Behjat: When did that last happen? When was there a deferral?

Hon KEN TRAVERS: I am not sure when it last happened. If we look at the events in March just gone, it is not unreasonable to assume that it could happen. Federal elections often occur in March. The possibility of that fixed election date occurring when the feds decide they want to hold an election is a real possibility, which would cause it to be changed, I would have thought. I do not think it is unreasonable to assume that there is the potential for natural disasters to occur. When we are dealing with legislation such as this, we need to think about the potential implications of those sorts of events.

We would have preferred for elections to be held in November or the third Saturday in February but we thought we would go with the second Saturday in March because the government is the government and it has a right to do it. When I carried out a bit more research and found some more detail on it and, following the briefing, continued to look at the potential implications, I arrived at the view that we should go back to the third Saturday in February purely because of these complexities that are potentially created. When we pass a piece of legislation such as this, we should be trying to pass it thinking about that long-term potential. The decision that we take as a collective Parliament in this house today and then in the other house will stand the test of time. In another 30 years someone could suddenly say, "Hang on, that is a mess up. We can't have the election on the second Saturday in March." I am not seriously proffering the example of what could occur in 2285. I think that is the date; I will need to check my notes in a second. I am saying that it is a real possibility that within the next 30 to 50 years an election will be pushed back as a result of this legislation. Instead of having the election completed in March, it will be pushed back to April. Probably the worst possible result will be if the election is for an individual seat. If the whole election was pushed back, that is not a huge drama. If one seat is pushed back and it is a close election, that becomes a real problem for the state, and we could potentially end up with four, five or six weeks without knowing the outcome of the election.

Hon Norman Moore: That can happen under the existing act.

Hon KEN TRAVERS: It can potentially happen under the existing act for one week.

Hon Norman Moore: If there's a natural disaster, like a cyclone that wipes out the north west or an earthquake, the Governor has the capacity to choose a date.

Hon KEN TRAVERS: I acknowledge that. The Governor is required to choose the first available Saturday after the date on which the election should be held. If it is held on the second Saturday in March, and the Governor is required to do that, if the next Saturday is the Saturday before Easter, the Governor is stopped from choosing that date or the next Saturday or the next Saturday, and the first available Saturday is the fourth Saturday. I would expect in most circumstances that the individual presiding officer has the capacity to delay polling at a particular location. There could be a really bad disaster that requires the election to be delayed for four weeks, and that is beyond our control. If a disaster occurs and an election cannot be held on that weekend and we are able to hold a poll on the following weekend, that would be the date we would choose. The way this legislation is constructed, because we pushed it so close to that Easter exclusion period, for want of a better term, of three weeks, it creates a complexity that we should be taking note of. In my view, we should be seeking to avoid that as it relates to the passage of this legislation. If there was a choice between March and February, I cannot see any other great reason why February is a bad month and March is a better month. The argument about the Australia Day long weekend is no different to the argument about the long weekend on the first Saturday of March, which is the Saturday immediately before the election.

Hon Liz Behjat: Except it's not in the middle of the school holidays.

Hon KEN TRAVERS: The vast majority of the campaign would not be held during the school holidays. If we look at the history of Western Australian elections, the vast majority of our elections have predominantly been held in February.

Hon Max Trenorden: You can only say that because you've never handed out how-to-vote cards on the street outside the Pinjarra town hall. March is much better than February.

Hon KEN TRAVERS: I was not going to raise that issue because one of the arguments that was proffered in the briefing related to the weather. If one looks at the Nyoongah calendar for Western Australia, they group

February and March together, and I think they got it pretty right because that is that period when the hot easterlies blow and we get hot temperatures. We could consider the chances of getting a hot day if the election were to be held in February or March. At one point I considered doing some research into the meteorological history of weather in Western Australia. I thought I would not because, realistically, the chances of having a hot day in February or March are pretty much the same. In fact, from January through to the end of March, I am pretty confident that if we did that meteorological research, the possibility of having an exceptionally hot day on polling day —

Hon Max Trenorden: It is not just a hot day; it is about a hot month. You campaign for a month.

Hon KEN TRAVERS: I remember doing a lot of doorknocking for the then member for Wanneroo, Jackie Watkins, in about 1986 in my first campaign. I remember doorknocking in 40 degree temperatures for a February election. I think we did a lot of doorknocking for an election in March.

Hon Norman Moore: There hasn't been a March election in living memory.

Hon KEN TRAVERS: There was a federal election and there were 40-degree days during that month. The temperatures during January, February and March are fairly consistent. We have just had the hottest March ever.

Hon Norman Moore: Would you go with April then?

Hon KEN TRAVERS: The difficulty with April is that Easter makes a complete mess of it.

Hon Norman Moore: What about November 2013 as a compromise?

Hon KEN TRAVERS: Do not tempt me; I might just take the Leader of the House up on it. The member has tempted me too much. I know the government is keen to extend its term as long as possible and it has chosen the last possible date for holding the election that was feasible before May. I was not going to go down that path and I will back away from it, because I am not trying to make this into a political speech.

Hon Norman Moore: What you are saying is perfectly worthy of consideration.

Hon KEN TRAVERS: This is a matter about which we could make a lot of political issues, but I think the important thing is to consider the issues, get consensus and reach a position. I will put forward the problems as I see them with the dates and the detail. I overwhelmingly support the policy of the bill, because I think it is important. We should focus on this bill as a bill that will hopefully stand the test of time. I hope that the bill that we pass today will stay in place long after we have all left this chamber and others have filled our places. This bill seeks to amend the Constitution Acts Amendment Act 1899. I hope that this amendment will stand the test of time in the same way as some of the clauses within that piece of legislation. I wanted to put that on the record. We can have a more substantial debate when we come to the actual detail section, but at this point I think that is an area where there are some legitimate issues that we need to go through and consider. People have talked about the complexities and, again, I am happy to deal with it in detail or if the minister wants to raise it in the policy.

I am also concerned about the mobile polling booths that are conducted prior to the election. I wonder what impact the long weekend will have in making the week immediately prior to election day a shorter week. The mobile booths often start in the second week prior to polling, but certainly the vast majority occur the week immediately prior to election day, and increase in intensity in the days immediately before election day. I would certainly appreciate some feedback on the impact that shorter week will have on mobile polling booths.

I want to ask the government about an issue that is not necessarily directly related to this bill, but it is related to the issue of mobile polling booths. I have always found it interesting that in the Pilbara and the Kimberley a large number of Aboriginal communities get polling booths for only two hours, but they are more substantial communities than some towns that get polling booths for a whole day. I think that issue is worth considering in a bipartisan way, but perhaps not today while discussing this bill. We need to look at whether we need to make some changes so that some of those larger communities have a polling booth on election day, rather than voting at a mobile polling booth prior to the election day. I understand that in the Kimberley some communities can have anywhere up to 1 500 or 1 800 people living in the community and the surrounding camps. That population is significantly larger than the populations of a range of other towns across Western Australia that get a polling booth for the whole day. We should think about why that group of citizens is treated differently from other groups of citizens. I have the view that in dealing with electoral laws, we should make laws to make it as easy as possible for people to vote, try to encourage as many people as possible to exercise their responsibilities to vote, and treat people equally in the way in which their votes are considered.

The only other comment I make on this legislation is also a more general comment on electoral reform and needs to be considered in the context of the Parliament potentially down the track: the mechanism by which this bill operates fixes the date for the upper house and not the date for the lower house. I understand the constitutional arguments for why that is necessary, and that to do it any other way would require a referendum. I understand and accept the practical argument that says it is unlikely for a government to call for a lower house election separate from an upper house election. I think in practical terms we create a single date for elections.

Hon Norman Moore interjected.

Hon Ken Travers: There is one exception to that. I think this Parliament is probably one of the only Parliaments that I am aware of in Australia and arguably the world—I have not done that level of research—that still has an upper house with the power to block supply, but when it blocks supply it does not go back.

Hon Norman Moore: I am not going to deal with that on this occasion. That is an additional issue.

Hon KEN TRAVERS: No, but the point I am making that is relevant to this bill is that this is one of the few Parliaments that I am aware of where the upper house can block supply and force the Assembly to go back and be judged by the people while the upper house is not required to do so. I would argue that if we have a house with the power to block supply, at the very least it should be on the same terms on which the federal Parliament blocks supply; that is, the members in the upper house not only have the power to block supply, but also go back to the people to test whether their decision was correct, so the people have the right to make the judgement at the same time. I know that is not in this legislation, but it is relevant if members think about the fact that we are now fixing the terms. I accept that under the act there is only a limited period during which, if the upper house blocks supply in the last 12 months before an election—I will not go into the complicated details of the timing of upper house elections under the act—the government can say that supply is blocked and therefore take both houses back to the public in that last year. Under this bill that option is removed.

Hon Norman Moore: After 1 November both houses would go back.

Hon KEN TRAVERS: Yes, after 1 November.

Hon Norman Moore: The old system was a year; this is six months.

Hon KEN TRAVERS: This is six months. I make the point that it is compacting and I am of the view that that is an area of reform that still needs to be looked at. There is a debate to be had on whether the upper house should have the capacity to block supply, but I have at least argued that if it maintains the power to block supply, it should as a result of blocking supply be required to put itself before the people to test whether it got that decision right. I am not seeking to amend this bill.

Hon Norman Moore: That is another issue and I do not intend to have a debate about that on this occasion. However, if you want to bring the issue on some other time, you could bring in a bill or indeed do it when you are in government, but you haven't. I understand what you are saying, but it is a broader issue than this bill.

Hon KEN TRAVERS: I do not expect to have a long debate about it. I put that out there because it is another issue that is related to the bill that we are dealing with today. There are still other areas we can move forward to progress and improve our electoral system, both in campaign finance reform and continuous disclosure. Those debates have been happening elsewhere. Again, they are not debates for today, but I make the comment that those are the areas where there is still room for improvement in the Western Australian electoral system. On those sorts of issues it is best to seek consensus between all parties. I therefore flag those issues at this stage.

I indicate again that the Labor Party will support this legislation. When we get to the committee stage, we will move the amendments I outlined, as we believe the dates are better from a practical point of view. I look forward to the passage of this legislation on behalf of people such as our former President, Hon John Cowdell, and our former Attorney General, Jim McGinty, who were strong proponents of the legislation. Like the Labor Party, both those people have long sought the implementation of this sort of reform in Western Australia.

HON ALISON XAMON (East Metropolitan) [3.00 pm]: The Greens (WA) will also support the Electoral and Constitution Amendment Bill 2011. The Greens have a longstanding policy on the issue of fixed-term elections. In fact our most recent policy states specifically that the Greens will support legislation that establishes fixed parliamentary terms to improve certainty and to prevent the calling of elections simply to suit the political interests of the government of the day. This bill, therefore, certainly seems to fit within the Greens policy position on that issue.

Hon Norman Moore: You've just talked me out of it!

Hon ALISON XAMON: Ha, ha!

I note that this position is Liberal Party policy and was part of the initial Liberal plan for the first 100 days of government. Although reform is a little overdue, I do not believe it is a problem. Clearly, the process need not be rushed and would not benefit from being rushed. Rushing the legislation would have no positive impact, as it will not come into effect until 2013. I therefore do not take issue with the delay in presenting the legislation.

The Greens congratulate the government for bringing in this legislation. Noting that we met to discuss the first draft of the bill as far back as 2009, we thank the minister for taking time to draft different versions of the bill, for the initial consultation on the bill and for seeking feedback to get consensus of sorts from all political parties. It is a good thing that the legislation provides for fixed terms, if for no other reason than that the electorate likes it. The electorate likes to have certainty on when it is going to the polls. It does not like the cynical exercise of

the government of the day thrusting an election on the electorate without good reason. It is also a good thing to have fixed terms because it contributes to good planning of elections, particularly for the Western Australian Electoral Commission. It means that the commission can be proactive in ensuring the electoral roll is up to date. It means that the commission can target electors who are traditionally disenfranchised from the election process. It will ensure that the maximum number of electors are able to vote at any given election. It also makes it easier on a practical level for people planning events, whether they be private matters such as a wedding or larger scale events. It is easier for people to know that the date of an event could clash with the date of the election. We also have evidence from previous elections that the electorate punishes governments for undertaking an election prematurely. The electorate does not like premature elections. More than anything, the Greens are concerned that the capacity to call an election at any time leads to a significant disconnect between both houses. The Greens want to make sure that the terms of the Assembly and the Council are meshed as much as possible. For me, waiting nine months between the time I was elected and the time I was able to take my seat was a very long time.

Hon Liz Behjat interjected.

Hon ALISON XAMON: I could have had a baby in that time!

I also note that for elected members who have been public servants it is a long time to go without employment. For those practical issues, therefore, apart from anything else, it is important that the terms are as close as possible.

As part of the round of consultations, the Greens wrote to the minister to clarify our position on the first draft of the bill. We put a number of other reform suggestions before the minister. I note that many suggestions we raised in that first round have been adopted in this subsequent bill. However, we would have liked to see further reform incorporated and extended in the bill. Some suggestions we made have not been adopted in this bill. Perhaps there is an opportunity for them to be taken up some time in a future round of reform. Of course the Greens could always present a private member's bill, but we already have quite a backlog of private members' bills and very little time in which to debate them. It is our preference, therefore, that any further reform favourable to the government be taken up by the government of the day as there would be more opportunity for debate.

The Greens regard the introduction of fixed terms as a good opportunity to change the regime for the disclosure of political donations. We would like that to occur on a six-monthly basis so that going into the next election donations would be declared for the six-month period prior to the election. Another reform the Greens would like is to give the Auditor General the capacity to scrutinise over a specified time any government advertising campaign in the lead-up to the fixed-term election to ensure that taxpayers' dollars are not used to fund election campaigns in the guise of government announcements. Now that we are looking at fixed-term elections, the Greens would argue that the use of taxpayers' dollars for that purpose is an entirely possible scenario.

The Greens note that concerns have been raised consistently about the proposed date in the bill for the election. We support a fixed date rather than a range of dates. We noted a fair bit of discussion at one point that the proposed date—the second Saturday in March—would clash with the Wagin Woolorama. I accept that it will be difficult to find one date to suit everybody. There is always the likelihood of a big event occurring. Having said that, of course, I am rather relieved that it will not clash with the Mundaring Truffle Festival! Anyway, I recognise that it will be difficult to find a date that will not clash with any event.

I listened with interest to Hon Ken Travers' arguments for why we should move the date forward. I do not like the idea of moving the date even further away from the fixed May date for the Council. As I said, the Greens' policy position is for the dates for both houses to be as close together as possible. However, I will be interested to hear the government's response about any event that the date might clash with if the date needs to be changed. Of course, we do not want to inadvertently choose a date past May, but that will not occur if the proposed date is agreed to. I have to say that if the election is to be held in February or March, the weather is hot in both months; in fact, I believe March is hotter than February. The weather will be hot at the time of the election anyway, so I am not really too worried about that. However, it is important that there be at least some consistency in the dates. I also take on board Hon Liz Behjat's comments by interjection on the date being as far away as possible from school holidays, as that simply would not be practical.

I have a few questions on which I will seek clarification during the Committee of the Whole. I will also seek to put some things on record, particularly the sorts of scenarios that are likely to constitute a justification for needing to change the date. Overall, the Greens (WA) recognise that this is a good bill, and one of the reasons for that is that it has gone through a consultation process and it is different from the bill that was originally presented. I would also be interested to hear whether the minister has any comments to make about the way that other Australian jurisdictions deal with fixed terms; from what I understand, no specific problems have arisen, but I would be interested to hear whether the minister has any comments to make about that.

In conclusion, the bill is welcome. The Greens did not see that it necessarily needed to be rushed; we think that the consultation process was an important exercise to undertake. We do, however, wish that the opportunity had

been taken to engage in additional reform. We are certainly hopeful that additional reform can be looked at sometime in the future, particularly around the issue of disclosure of donations and the way in which government advertising is utilised prior to elections. On that note, the Greens (WA) will support this bill.

HON ED DERMER (North Metropolitan) [3.11 pm]: I am pleased to join with Hon Ken Travers and Hon Alison Xamon in supporting the Electoral and Constitution Amendment Bill 2011, but I do so with a serious reservation pertaining to the choice of date, and I will explain that more fully later in my comments.

I am very pleased that Hon Ken Travers is our shadow Minister for Electoral Affairs; he has a particularly diligent approach to his work and I know that his commitment to democracy is genuine and personal. In that regard, I am very happy to be guided by Hon Ken Travers in whatever he might suggest in respect of support for this bill and the amendments he proposes to move to improve it. I respect the fact that Hon Ken Travers is approaching this bill in a nonpartisan way; he is very much a statesman! But I am afraid that I am going to be a bit more political in my approach, as will become apparent during my comments.

I support this bill for the reason that I think it is extremely important that the discretion of the Premier to call the election date be removed. I think it results in a very unfair advantage being held by the incumbent Premier —

Hon Norman Moore: I think some Premiers would argue that it wasn't an advantage at all!

Hon ED DERMER: I understand Hon Norman Moore's point; there are occasions on which the choosing of an election date can be to political disadvantage. Hon Norman Moore is obviously thinking of the 2008 election, but there are more elections in which leaders with limited confidence in their ability to be re-elected, either as Premier or Prime Minister, have opted for a later date, and that has been to their disadvantage.

Hon Norman Moore: That's been very rare. Most of our elections have been held in February, without many exceptions.

Hon ED DERMER: I am thinking about other Australian jurisdictions, including the commonwealth Parliament.

Hon Norman Moore: Fair enough.

Hon ED DERMER: The point remains that for a Premier, as the leader of a competing political party and a government that may be composed of more than one party, to have the right to choose the date of the election is an unfair advantage and an inequity in what should be an equal and full contest at the time of an election; that is at the heart of democracy. Removing that right is very important.

I would like to share with the house a conversation I had that was probably private at the time, and I hesitate a little to do so. It was a conversation that I had the good fortune to have with former Senator Robert Ray, who represented Victoria with distinction in the commonwealth Parliament for a long time, fulfilling some very important ministerial roles in areas such as defence, immigration and other portfolios. I hope Robert does not mind me disclosing the conversation; it was some time ago, and it was not confidential, but it was of a private nature. Nevertheless, I think sufficient time has now passed to enable me to share the conversation with the house. I appreciated the opportunity to draw on former Senator Ray's experience. I asked him about the selection of election dates by political leaders, and he said that there were a few rules. The first rule that guided a political leader in choosing an election date was to choose a date on which the leader expected that his party could win. That made sense; but it was also very important to not leave that choice up to the last possible date, because if the last possible date was chosen and the climate was not good for the party, there would be no further choice and the party could be in trouble. I share this conversation with the house for the reason that the whole consideration of how a leader might decide on the best tactic for his political advantage over his competitors emphasises a very important point: it will be a more democratic and more equal competition if the discretion of the leader of a state or the country to choose the election date is removed. That is why I support the bill.

My concern about the bill is the selection of the second Saturday in March every four years as the election date. Consideration of matters such as the weather is very important. The weather, of course, is always subject to exceptions; I remember the February 1993 state general election, when we were washed out. That is not something that one would anticipate when planning legislation to govern the time of elections, but that did occur. Generally speaking, March, in large part, is more of a summer month than an autumn month. I understand that in other jurisdictions around the world, the change of season is based on the solstice and the equinox, and I think that that would be more appropriate; until 21 March, the weather is more in the nature of summer than autumn. I take Hon Max Trenorden's point about not wanting to hand out how-to-vote cards in the sun, outside a particular primary school.

Hon Max Trenorden: Pingelly.

Hon ED DERMER: Pingelly Primary School. That is certainly a sensible consideration, but I have a series of other considerations I would like to share with the house to argue the case for having a November election.

Hon Max Trenorden: I picked that because it is a bit of Western Australian history. It was 40-something degrees in the 1986 election, and Brian Burke gave the Pingelly town hall an air conditioner—out of government funds, of course—because the Pingelly town hall is concrete and there is not a tree in sight, so it is a pretty desperate place to be in 40-degree heat.

Hon ED DERMER: I was very interested to listen to Hon Max Trenorden's interjection; I was worried for a moment that it might become a full speech! Before further interjections, perhaps I should focus on what I want to say.

Notwithstanding comments about hot days outside Pingelly town hall, it would be much more to the advantage of the people of Western Australia if our state elections were held in November.

Hon Norman Moore: That's not what you said when you were in government. I'm taking into account all sorts of positions that people have had in the past, trying to work out where to go in the future, but that's never been on anybody's agenda, to my knowledge, until this time round, which was to try to get back a bit of the extra time you gave us.

Hon ED DERMER: I am very pleased to be talking to Hon Norman Moore and other members about this today, and I am very pleased that Hon Norman Moore is listening. If I can have some uninterrupted time, I will endeavour to explain why I believe November is the best time for the election day. There is a strong and rich tradition in Australia, including Western Australia, for people to relax a little through the period of late December, New Year's Day and Australia Day. I think for them to put up with an election campaign at that time would be unfortunate. I think that we should consider our own benefit and, most importantly, the benefit of all Western Australians. We should give Western Australians a little peace through that period from Christmas to Australia Day. I know from talking amongst ourselves and to other people who are actively involved in politics that, generally speaking, the one time of year when people can get some peace is the first half of January and the period following Christmas. To sacrifice that every four years because of a state election campaign is not good for our health and wellbeing; nor is it good for the people whom we are trying to convince to vote for us. They would rather spend the Christmas period focusing on family, on celebrations—religious celebrations for quite a few people—and on cricket and such matters, than have that period distracted by election campaigning. All this can be achieved with a November election date.

The example I use to illustrate public approval for an early election is the 1996 election, when Richard Court chose to have an election on the first Saturday in December and enjoyed a resounding success.

Hon Ken Travers: It was the second Saturday, wasn't it?

Hon ED DERMER: The second Saturday in December—I stand corrected, Hon Ken Travers.

Hon Ken Travers: It was the tenth, wasn't it?

Hon ED DERMER: I cannot remember the date, but I remember it being December.

Hon Max Trenorden interjected.

Hon ED DERMER: I am sure that Hon Max Trenorden's advice is the least appropriate possible!

The point I am getting at is that when the election was called at the end of the year, it enabled people to enjoy the Christmas–New Year period—cricket season, the season when people might go to the beach, have a few barbecues and try to relax—free from an election, and Hon Richard Court enjoyed resounding success. At the 2001 election held in February, Richard Court had a disastrous defeat. I do not believe that that was the reason for Richard Court's disastrous defeat, because there are many reasons why he was defeated resoundingly in February 2001, but it is interesting to point out that his successful re-election bid was in December. I think that having an election in December puts it too close to Christmas, which is why I suggest a November election date and a spring election campaign. I think November is a very suitable time to have an election campaign for all concerned, both the political activists participating and the electors we endeavour to convince to vote for us. I think it is very unfortunate that the opportunity to prescribe a November election date in the bill before us was not taken up.

I listened to and have taken into account Hon Alison Xamon's point about the gap between when the election may be held and when new members are able to take their seat in the Legislative Council. That is a valid point, particularly if the new member is in an occupation before they are elected that makes it impractical or impossible to continue serving in that occupation after the election. Through an interesting set of circumstances that was not a problem that I confronted in 1996. I was able to go in straightaway because I was further down the list in the 1993 election and number one on the list at the 1996 election.

Hon Mia Davies: It's a long time to wait on no income.

Hon Alison Xamon: It is.

Hon ED DERMER: I remember particular adventures that Hon Mia Davies had during that time as well.

Having said that, it affects a very small number of people in the context of the population of this state. I think that the people of Western Australia would be much happier if the period in which we as political activists endeavour to persuade them corresponded with spring rather than summer. Therefore, I would ask the small number of people who are incoming members of the Legislative Council to cope with that difficulty, rather than have a hot summer election at the expense of the entire population of Western Australia.

Hon Alison Xamon: Although it is a long time. If the electors have decided that they want a change of government, it is a very long time between when they may have decided to change the numbers in the upper house and when that change actually occurs. So I think there's an argument that it is important to have the terms of both the Council and the Assembly as close to each other as possible.

Hon ED DERMER: That is a very good point. I remember the industrial relations legislation being rushed through this chamber, when I first came in, before the composition of the house changed. That is a very good point, notwithstanding that I think it is possible to achieve a November election date if one were to make some adjustment to the starting time of the Legislative Council. I think that would be a better course of action. I understand that that would be a more difficult point to reach consensus on across the house —

Hon Norman Moore: I suspect Queen Victoria would be unhappy about that.

Hon ED DERMER: Hon Norman Moore suggests that a date on which we change over—I cannot remember whether it is 21 or 22 May—corresponds to her late majesty Queen Victoria's birthday. On one occasion, I was thumbing through a book of the history of British monarchs and I do not believe that is her birthday. Her birth date is a May date, but I do not believe that it is either 21 or 22 May.

Hon Norman Moore: It is actually a moot point when the sovereign has a birthday because we celebrate the current Queen's birthday on a date different from the actual date. Just take your pick, but I know she would be upset if you tried to change this, because we've had it for a very long time!

Hon Ken Travers: The changeover date was originally in October in WA.

Hon Norman Moore: They used to have three lots of elections for the upper house.

Hon ED DERMER: This is a very interesting conversation and I am enjoying the interjections. If Hon Norman Moore were to guarantee me an extension of time, I would be happy to make way for all the interjections!

Hon Norman Moore: I gave you one the other day.

Hon ED DERMER: Hon Norman Moore did and I appreciate it and I am looking for more!

Hon Norman Moore: Everybody else wanted to throw me out!

Hon Ken Travers: He needs the last 15 minutes to praise me!

Hon ED DERMER: Mr Deputy President, I think that I am going to engage with you in another one of our fairly one-sided conversations and hope that that will have the influence of quietening others in the chamber who may be rude enough to endeavour to interrupt us.

For all those good reasons, a spring election campaign is much better. As someone who has been fortunate enough to survive a melanoma, I am very strongly of the view that extensive doorknocking in January, February and part of March, as proposed, is a bad idea, so a spring campaign is also much healthier. Two very important Australian pursuits—I would say institutions—are football and cricket. An election campaign in October falls in the happy circumstance of being the month after the football season has finished and before the cricket seriously fires up. There are lots of reasons that a spring election campaign would be much better than a summer election campaign in the service of Western Australians.

I think the fact that the 2008 election was called for September, which was remarkably early, offers this Parliament a unique opportunity to move to a November election date. If we moved to a November election date, it would mean that the government formed based on the numbers—the Legislative Assembly's numbers at least—would be in office for four years and two months.

Hon Norman Moore: We didn't ask you to go to the election.

Hon ED DERMER: Of course, it was Hon Alan Carpenter's —

Hon Simon O'Brien: Tony Barrass described it as an Alan Carpenter brain snap, so don't blame us.

Hon ED DERMER: I found each of Hon Alan Carpenter's decisions as Premier to be well considered. I think it belittles Hon Simon O'Brien to suggest otherwise.

The result was that the election was called early and we did not win. That is part of history. The point I am making is that because that election was early and the current government and the current Legislative Assembly started at an earlier time, if we go from September to March, as is proposed in the Electoral and Constitution

Amendment Bill, the term will be near enough to four and a half years. Because the last election was early, it provides the best possible opportunity for us to decide to move to a November election date, which would result in a term of, roughly speaking, four years and two months, which is far more appropriate than four and a half years.

I find myself in the concerning position of again offering electoral advice to the Barnett government. This creates a degree of internal turmoil for me, but I am coping with it. I am again putting ahead of any partisan political advantage for the Australian Labor Party the genuine wellbeing of the people of Western Australia, because that is what we should do, and, Mr Deputy President (Hon Matt Benson-Lidholm), your colleague the President reminds us of that every day as Parliament starts.

I am concerned that the Barnett government is endeavouring to delay the day of reckoning for all of the things that it is doing to the people of Western Australia, very much to their disadvantage.

Hon Peter Collier interjected.

Hon ED DERMER: Hon Peter Collier will understand how real my words are, I believe, at the next election.

I go back to what former Senator Ray said to me in that conversation. He said, "Leaders will try to choose the date which gives them the best opportunity to win, but they need to be very careful not to wait until the last possible date, because they may get there and find it an unfortunate time." I look at governments that have delayed the election, when they have had a range of dates to choose from. I believe that there are a number of educational examples of Prime Ministers and Premiers who have chosen a late date and have suffered as a consequence. That has probably been driven by them being unable to find an earlier date on which they are likely to win, because they are on the nose.

This bill will have the effect that Western Australians will have to live under and put up with the Barnett government for approximately four and a half years, rather than the four years that people would normally expect to receive as a result of the decision that they make collectively at the election. That will be to the disadvantage of this state. That is yet another reason why the second Saturday in March is an inappropriate date, and another reason why a November election date would be far more appropriate than the date proposed in the bill.

Notwithstanding my comments, I am pleased that this bill is before us. As I have said, I believe there is a very strong case for a November election date rather than a March date—or a February date, for that matter, although I believe that a February date is more appropriate than a March date. I think it is very appropriate that we take note of the comments of Hon Ken Travers when he explained the various complications that could arise from a March election date—complications that we have a duty to be aware of when we prepare legislation and debate it.

As a momentary distraction, Mr Deputy President, one of the reasons that I am very pleased about the composition of the houses of the Western Australian Parliament is that in the Legislative Assembly, where the decision is based that gives advice to Her Majesty's representative as to who to commission as Premier, a very sensible uneven number of members is elected. Australia was very lucky last September that, in the end, albeit by the narrowest of margins, a resolution was achieved as to who had the support of the Parliament to be Prime Minister. I do not know whether any of our federal colleagues are listening. But I have taken every opportunity to raise with every federal member of Parliament whom I have met since that time that the national Parliament has to find a way of achieving an uneven number in the House of Representatives, before the crisis that Australia very narrowly averted, in having an even number of members support each of the potential Prime Ministers, comes to fruition at an election. I imagine that in those circumstances, the Governor General would find the earliest possible opportunity to call a new election, and then everyone in this country would be hoping and praying that we would not get another tied result. I noted in a recent article in the Commonwealth Parliamentary Association journal, *The Parliamentarian*, that Nauru has had a succession of tied results in elections, and all sorts of problems have arisen.

I have very much been distracted, Mr Deputy President, but I do hope that the federal government and the federal Parliament will take steps to achieve an uneven number in the House of Representatives, for the reasons that I have mentioned. It is interesting that when we look at matters of electoral affairs, one thought does lead to another, and that will stand as my excuse for going off on that tangent about the House of Representatives.

I understand that there has been a process of examining drafts towards this bill. I would be delighted if the government were to indicate that it has been persuaded by my argument and is now interested in a November election date—but I would probably be as surprised as I would be delighted. I am very happy to fully support the judgement of my colleague Hon Ken Travers, who has done so much thorough work on examining the bill and its consequences, and other potential reforms. It is a matter of regret that the very sensible option of a November election date has been overlooked.

HON MAX TRENORDEN (Agricultural) [3.35 pm]: My task is to deliver the National Party's view on the Electoral and Constitution Amendment Bill 2011.

Hon Sue Ellery: That's good! What is it?

Hon MAX TRENORDEN: I will let the member know.

Interestingly, for the National Party, the debate about the date on which the election should be held was around when does an incoming government go about the process of considering the budget. Hon Ed Dermer has suggested that there should be a November election date. But there has also been some debate about an election date that goes in the opposite way to the date suggested by Hon Ed Dermer—that is, May. We agree with the Leader of the House, who has the carriage of this bill, that once we go beyond a March election date, we start running into a raft of reasons why it is difficult to hold an election. As I have said, one of the important issues for an incoming government is formulating a budget. There was some debate in our party room about a November election date, and about the argument that that would give the incoming government time to put a budget together. But, on balance, we have decided to support the date that is proposed in this bill.

I want to bore the house for a few moments about the question of temperature, because this is an important matter for National Party people. I have to throw a few facts at Hon Ken Travers. On how many days in March was the temperature above 37 degrees?

Hon Ken Travers: In the March just gone?

Hon MAX TRENORDEN: Yes.

Hon Ken Travers: This March was one of the hottest Marches we have ever had. I think we had a spell where every day the temperature was above 30 degrees.

Hon MAX TRENORDEN: The answer is none—nil. It was the hottest March on record, not because the maximum temperature had increased, but because the minimum temperature has increased. In February, there were two days when the temperature was 39 degrees. Therefore, March does have a significant advantage weather-wise. The argument is not only about the day on which the election is held. It is also about all those days around the election. In March this year, there was not one day on which the temperature rose above 37 degrees. The hottest March day on record was 42 degrees. The hottest February day on record was 44.5 degrees. So, the chances of getting a hot day in March are significantly less than in February. That is actually important to the National Party. We live with climate every day of the year, so it is an important part of our consideration.

Hon Ken Travers: I am not having a shot at you. I did not raise it until you raised it.

Hon MAX TRENORDEN: I agree that Hon Ken Travers is not having a shot at us. I am just making the point that climate is important to us.

Hon Ken Travers: If all other things were equal, I would be happy to go with a March date. It is only because of the other complexities that I see with Easter, and because March and February are both hot months, so we are going to be sweating when we are campaigning, whether it is in February or in March.

Hon MAX TRENORDEN: There is no question about that; it is summer.

I do not want to spend a huge amount of time on this bill. But I must say that if we look at opportunistic governments, in recent times governments that have sought to gain an opportunity in going to an election early have not been successful. On the other side of the argument, the fixed date in New South Wales was actually a disaster. The whole business council—a raft of people—had to watch the slow death of the Labor Party and the slow disintegration of administration in that state until finally the election date came up. I do not make that point to be negative about a fixed date; I make that point because for all decisions made in this place, on the one hand there are certain facts and on the other hand there are certain facts. We believe, on balance, that a fixed date is the better way to go.

We have heard a little today about another argument. The second reading speech should perhaps have had a final point to say that one of the reasons for the reform is to assist governments to win elections. The point has been made that incumbents have a significant advantage either with a fixed term or under the current method. I agree with Hon Alison Xamon that the issue is: what does the public want and what is a good term of administration? I think the public wants a fixed term. I think it is more a perception that it is fairer rather than a fact. On balance, I argue that it is fairer. I repeat my point: incumbent governments have an advantage. If it is a fixed term, a government can stack up money for four years and then belt it out at the end.

Hon Ed Dermer: Is that what they are planning to do, Hon Max Trenorden? Do you know something that we don't?

Hon MAX TRENORDEN: That is always the point. Other issues have been raised. There is no point in me running over issues that have been raised by other members, but things like the electoral roll are important. If a

person knows that a certain date is the election day, he really does not have much of an argument for not being on the roll. The question of the electoral roll is debated with every election. That is an important point.

It is interesting that in this country we argue only about elections being held on Saturdays. Most other countries around the world have elections during the week. It is really quite interesting that we think that only one day is available, which is Saturday. That is because of the mechanics we run around our election days. When we think about it, it would be easier for public servants and a whole raft of people if elections were actually held on a work day. I was in Portland in the United States just before the most recent American elections. In Portland—I am sure it must be the same everywhere else in the United States—a person can vote by just picking up a ballot from a table, filling it in and putting it in a box. There are no officers around to verify it. That is all done after the event. If a person voted a number of times, an audit is done after the event and not prior to the event.

Hon Ken Travers: So many more people are working all day Saturday now. It is becoming a problem with the booths opening only from eight until six. They cannot get there before and they are closed afterwards. A lot of people now work for that whole period on Saturdays.

Hon MAX TRENORDEN: I make the point that we have this attitude that we have to lock ourselves into a Saturday. I am not opposed to elections being held on Saturdays. For a raft of reasons, I am certain the National Party would be happier with elections being on Saturdays. But it is interesting that we will not consider other days, because there are clearly some other benefits in that.

The bill will provide a fixed time early in March. That is a good signal to send out for administration and for the public.

I cannot remember which comedy team it was, but a very famous English comedy team argued about who was the worst off. I am going to get into that argument right now.

Hon Col Holt: Monty Python.

Hon MAX TRENORDEN: Was it Monty Python? I thought it was a bit before them.

Hon Ed Dermer: It might have been Peter Cook and Dudley Moore, perhaps.

Hon MAX TRENORDEN: Most members will remember —

Hon Ken Travers: I thought the Nats' favourite line was, "What have the Romans ever done for us?"

Hon MAX TRENORDEN: That was a great movie. We will not go to any of those places.

The point I make is that I went from the Assembly to this place following the last election. I spent nine months on the pension. Everyone in my electorate knew that I had been elected. Everyone expected me to be a member of Parliament. Everyone was on my back. I make the point that I was a member of Parliament before the writ was called and I was elected as a member of Parliament on election night, but I was unemployed for nine months.

Hon Kate Doust: Was that nine months on the parliamentary pension or the commonwealth pension?

Hon MAX TRENORDEN: I was on the parliamentary pension.

Hon Kate Doust: That would have been really difficult, I imagine.

Hon Ken Travers: I don't think you're going to get much sympathy on that one, Max.

Hon MAX TRENORDEN: No, but the point I want to make —

Hon Ed Dermer interjected.

Hon MAX TRENORDEN: No, I am not saying it was dreadful, but I did actually go backwards financially. It is a stupid piece of mechanics to be put in that position. If we go to a March election date, as somebody before me said, March to 21 May is not an extended period, so whoever might be caught in that set of circumstances in the future might find it a bit more comfortable than did the three members of this chamber who identified themselves as having been in that position following the last election.

We do support the bill, but, like everyone else, I want to make some other comments on areas of interest to the National Party and on which it may or may not take some action in the future. I am not arguing that this is captured by the clauses in the bill, so the minister has no need to respond to this if he does not wish to.

Hon Norman Moore: You're not going to breach standing orders by talking about things other than in the bill, are you?

Hon MAX TRENORDEN: Yes, I am, just like every other speaker before me has done. I will not take up much time.

Hon Norman Moore: It is all right; I was being totally facetious.

Hon MAX TRENORDEN: I know.

Hon Ken Travers: It is only government members who do that; the opposition never does that.

Hon MAX TRENORDEN: It is a fair point. I used to sit in the chair. One day shortly I will not be in the chair. I hear that sort of thing happening from time to time.

I will quote from my maiden speech in this house on 25 June 2009. I raised a point that the National Party has discussed on a number of occasions and on which members have a view. My bringing it forward came from a paper from "Bruce Topperwien's Legal Page" on the World Wide Web. It contained three issues, but I wish to talk only about the second issue. I stated in my maiden speech —

> The second issue relates to electoral equality and cites the cases of McKinlay v The Commonwealth, and also McGinty v Western Australia. The paper debates whether the constitutional requirement that members of the House of Representatives be directly chosen by the people of the commonwealth meant that equal numbers of electors are required within electoral divisions. All judges of the High Court except Murphy, J. held that the Constitution did not require equal numbers of electors in electoral divisions. The Supreme Court of the United States also held that, as nearly as practical, one man's vote in a congressional election is to be worth as much as another. The Supreme Court of Canada has a finding of its own, and it settled on a definition of "effective representation", which allows up to 25 per cent variation between ridings. In the United Kingdom several ridings have insisted on a single seat, whether it be a perceived advantage or disadvantage on the number of voters based on the community of interest. The mother of our Constitution does not use equality of voters as described by the American Constitution. I will quote the Australian High Court judges involved in this decision.

This goes back to the McGinty decision. It continues —

> Chief Justice Barwick stated —
>
> > Unlike the case in the American Constitution, the Australian Constitution is built upon confidence in a system of parliamentary government with ministerial responsibility.

He and other judges rejected the use of American cases to assist in deciding the matter. Justice Toohey declined to rely on American cases for guidance in this matter, instead, relying on Canadian cases for that purpose because Canada adopted and was built on the British tradition. Justice McHugh stated —

> > the Australian people do not regard one vote one value as an essential requirement of representative democracy.
>
> He, too, rejected the American cases as they would produce inaccurate results. Justice Gummow stated that the Canadian situation was far more applicable to Australian society.
>
> The one vote, one value bill is based on the American Constitution and the premise of the bill has twice been found in our High Court to be against the intent of the Australian Constitution. The American Constitution speaks of equality. The Australian Constitution speaks of effective representation.

I offer that in support of the mechanical arguments yet to be made; particularly about local government. There will be a range of debates about local government in the months and years ahead. However, if we impose an American-style system, it will make the practicalities of working out ward and section sizes and drawing up local government boundaries very difficult. That is the primary reason for raising the matter.

The mood throughout Western Australia, local governments and, I suspect, in this chamber and the other place, is for reform. However, that reform will be made more difficult if we hang our hat on the need for every ward to be the same. At some time in the future, we may look to include a preamble in our Electoral Act recognising that both the Australian and the Western Australian Constitutions speak of effective representation and not equal representation.

As we go about making decisions in this place, we should be conscious of our Constitution and its requirements—unless someone wants to be reckless enough to hold a referendum to change the Constitution, which has not been historically successful.

The National Party members support the bill. We have considered it and are of the view that a March date is more appropriate.

HON NORMAN MOORE (Mining and Pastoral — Minister for Electoral Affairs) [3.53 pm] — in reply: I thank members for their contributions to the Electoral and Constitution Amendment Bill debate and for their general support, at least, for the policy of the bill; albeit some members have different views about some aspects of the bill—namely the date on which elections are to be held.

I begin by acknowledging that this bill's strategy is indeed based upon that contained in the bill of the former Minister for Electoral Affairs, Jim McGinty. Mr McGinty brought in a bill to have fixed terms and the fixed date

for the election was to be the third Saturday in February. There was provision in that bill to reduce the time period for Legislative Council members to, I think, 21 March. That bill was attached to other issues relating to, I think, the public funding of political parties. For reasons I do not really understand, the then government did not proceed with the legislation and it therefore remained in limbo until the election in 2008. The strategy behind the McGinty legislation is the same as that contained in this bill; namely, that the fixed date is in fact set for the Legislative Council because the legal advice we have, which is based on the same legal advice Mr McGinty received, is that we cannot set a fixed date for the Legislative Assembly without amending the Constitution. The Constitution has certain provisions relating to the powers of the Governor, and setting a fixed date for the Legislative Assembly impinges upon the Governor's powers, making it necessary to amend the Constitution to change his capacity to call elections. The government has taken the view, as did the previous government, that having a referendum of this nature is both an expensive exercise and one that would certainly not excite the interest of the public; particularly as we have another mechanism, contained in this bill, by which we can achieve the outcome that we want while avoiding the need for a referendum.

However, as I said by way of interjection, the fundamental principle of the bill is based upon putting in place a disincentive to governments to call an early election. This bill does not prevent governments from calling early elections. However, it provides that if an election is called after 1 November in the year preceding the election year, both houses go out together on the second Saturday in March. If however a government wishes to go to the polls ahead of 1 November, this bill does not prevent that happening, but the Legislative Assembly will go to the polls without the Legislative Council. That would be a significant issue for the government of the day and provides the sort of disincentive that the bill is based upon. To call such an election would lead to the houses being out of kilter and, in the absence of any other legislative change, the Legislative Council elections would be held at a different time from the Legislative Assembly elections. I do not think any Premier will be much interested in being the person responsible for creating that scenario.

Hon Ken Travers: I suspect that it will be the first time a Premier will take note of the upper house!

Hon NORMAN MOORE: I have known some Premiers who have taken notice of the upper house.

Hon Ed Dermer: At your insistence, I imagine, Hon Norman Moore.

Hon NORMAN MOORE: It was well before my time; ever since I have been here, nobody has taken any notice of me! But that is understood.

However, I should say that the election called by the Carpenter government for 8 September could have been called under this legislation. It would have been held, but it would have been an election for only the Legislative Assembly. I suspect that that would have been a significant disincentive for the then Premier to go to an election at that time. We are using the same strategy in this legislation to achieve fixed term elections as was contained in the McGinty legislation.

When the Liberal Party went to the election in 2008, it made a decision to support fixed-term elections. That decision was in a sense made, if I may say so, with some reluctance, because there has not been in the past many occasions, if any, when a Premier has gone to the polls at a time significantly different from the normal date for an election. If we look back through history, most elections in Western Australia have been held in February, with very few exceptions. Because over time there was a general acceptance by Premiers that a Parliament should go to its full term, there has not been the situation of an extraordinarily early election, such as in 2008. I guess the decision of a Premier to do that in 2008 convinced us that the time had come when it was necessary to put in place a mechanism to prevent that from happening again. I might add the decision to call an early election was to our advantage, because there was, I think, a general revolt in the community at having an early election, which contributed to the demise of the then government. The Liberal Party made a commitment to have fixed-term elections but not on a fixed date. Our election commitment was for elections in February or March. We took that view because there may well be exceptional circumstances that would require a period of time in which to have an election. That would give the Premier of the day at least a little flexibility in calling the election. As has been mentioned, it was part of our 100-day commitment.

When I became the minister, I took the view that the election date and major changes to the electoral legislation required me to consult widely with other political parties. I have a fundamental view that if we are making significant changes to the Parliament or the electoral system that involve mechanical issues as opposed to political issues, it is important to try to get some kind of consensus from the various parties in the state. As a result, I instructed my office to negotiate with the various parties and to explain what the legislation might look like. The initial draft was based upon the window of February–March being the period in which the election could be held. That was made available to the political parties. I sought their feedback and that has been taken into account. That is the reason it has taken a while for us to get this bill to Parliament. What we have now probably reflects as good a consensus as we can get when it comes to the different views of the different political parties.

As I said, the Liberal Party had a window of February–March. Members of the National Party came to us and said that March or April was their preferred time for the reasons that Hon Max Trenorden has outlined. They wanted a fixed date as opposed to having a window. John Bowler, an Independent, had a similar view. He wanted a fixed date in March. The ALP wanted a fixed date in November. At the time I assumed that it was trying to make up for the stupidity of its previous leader going to the election early so it cut down the advantage it had given to the Liberal–National government. In politics we do not give away things that people give us, particularly if it is helpful in the context of carrying out the legislative program.

Hon Ken Travers: We also suggested February. We did proffer November but we also said that there was merit in the third Saturday in February.

Hon NORMAN MOORE: I am just referring to the initial response. Having heard the comments made by Hon Ken Travers, who now wants to amend the ALP's preferred election date to February, and Hon Ed Dermer, who wants a November election, I am not quite sure whether the Labor Party is fixed on a particular date. I will work on the basis that the amendment Hon Ken Travers will move represents the Labor Party's position because it is appropriate that I know where the parties are coming from.

The Christian Democrats wanted a fixed date in November, so Hon Ed Dermer has some friends there. The Greens were not unhappy about having a window but they wanted a smaller window. They chose February–March, the particular reason, which I will talk about later, being the connectivity between the Legislative Assembly and the Legislative Council. That has been mentioned by a number of members. We consulted the Western Australian Electoral Commission. It wanted a fixed date so that it can plan for an election well in advance, rent the necessary premises and do all the administration work attached to an election knowing full well when the date of the election will be. Dr Woollard, another Independent, favoured a fixed date in March. Putting all those views together, we came to the conclusion that we would have a fixed date and that it would be in March. I then requested that research be done into which Saturday in March was the most appropriate day, bearing in mind Easter, the public holiday on the first Monday in March and all the other issues surrounding the relationship between this date and the Legislative Council taking office. We came to the conclusion that the second Saturday in March was the only Saturday in March that would meet the requirements of this legislation. Hon Ken Travers raised a number of issues relating to this date and whether the third Saturday in February is a better time. I will not go into the arguments about the detail of his proposal now; we will deal with that during the committee stage.

It is virtually impossible to legislate for every eventuality. I cannot legislate for cyclones, earthquakes or other unforeseen circumstances. I recognise that in its current form the Electoral Act provides for the deferment of elections if there are circumstances in which the Governor determines that a deferral is required. That provision already exists. It seems to me that with respect to this bill, the exceptional circumstances in which the Leader of the Opposition and the Premier of the day are required to concur would probably occur ahead of the election period. If there is a circumstance during the election period that requires the deferral of the election, that can be done on the day by the Governor or an individual presiding officer. There are already provisions for changes to an election date within an election period. That has not been changed by this legislation.

It seems to me that there will be very, very few occasions, if any, in which the Premier and the Leader of the Opposition will have to sit down and say there is an exceptional circumstance for the second Saturday in March that would need the election to be deferred. I spent a lot of time trying to think of an exceptional circumstance. I cannot think of one. Most of the exceptional circumstances we think about are to do with climate, earthquakes or things of that nature which would not happen four or five weeks before the election and cause the election to be deferred as a general rule. It might it if was severe enough. We would be looking at other things that might be taking place on the second Saturday in March that would take precedence over a state election. I am really struggling to think of any. If there is a federal election on that date, there is provision in the bill to hold our election on another day. It might be that the Pope decides to visit Perth on that weekend and there may be a view that we should not have an election that day. I do not know that that would be an exceptional circumstance. It may be decided to have CHOGM in Western Australia on that date. I am struggling to think of any occasions that might lead to these exceptional circumstances requiring the election to be deferred.

Hon Alison Xamon: The Mundaring Truffle Festival.

Hon NORMAN MOORE: That and the Wagin Woolorama are almost of such significance that we should defer an election!

Hon Ken Travers: Especially if they both happened on that same day.

Hon NORMAN MOORE: It would be an extraordinary problem. It has exercised my mind and worried me constantly ever since I introduced this legislation.

Hon Matt Benson-Lidholm: I am a little concerned about the vintage.

Hon NORMAN MOORE: That is even more important. If the member could convince the two leaders that the vintage is more important, we could probably get away with it.

The point I am trying to make is that if we look back in history, there have been very few occasions, if any, when an election was deferred. There may have been one occasion when a Kimberley election was deferred for a week because of flooding but in my 35 years or so I cannot recall any election being deferred for any reason. I do not see the circumstances arising that Hon Ken Travers talked about—we can go through the detail during the committee stage—and I do not see the need to seek to legislate to overcome something that might happen in 2285. I expect that the member and I will still be here when that is the case. We will sort it out in 2285.

Hon Ken Travers: If not physically, in spirit I'm sure you'll be here.

Hon NORMAN MOORE: No way, José!

Hon Ed Dermer: Perhaps Hon Ken Travers is more foresighted than you are.

Hon NORMAN MOORE: It is interesting that Hon Ed Dermer interjects on me yet takes great exception when I interject on him.

Hon Ken Travers: The year 2285 is the year when you will have to shift the election because of Easter. The potential for exceptional circumstances may occur before that.

Hon NORMAN MOORE: I agree. I give an absolute assurance to the house that in 2285 I will make sure that the election is deferred. I will pass the necessary legislation to make it happen. That should be about halfway through my period in office.

I appreciate the comment of Hon Ken Travers with respect to trying to quantify or prescribe the circumstances that might occur. I think some other legislation in other states has tried to quantify the exceptional circumstances. However, that can create a serious problem if something is left out. Leaving it to the opposition and the government to sort it out ensures that no political influence is brought to bear on a deferral of an election. The Greens suggested that they should also be involved. When the Greens are in government, they can be part of it; it is pretty simple. If we start going around and asking each party what they want, we would never finish.

Hon Ken Travers raised the issue of mobile polling booths and the effect of the Monday public holiday. I am advised that the Electoral Commissioner has two whole weeks in which to organise mobile polling booths. It is the commissioner's view, and I agree, that having one day as a public holiday will not adversely affect the capacity of the mobile polling booths to do their job. Hon Ken Travers mentioned the larger Aboriginal communities that have two-hour polling booths. Some of those communities are quite large. I am quite happy for the Electoral Commissioner to take on board the member's comments. It is the commissioner's call and not mine; it is not for the minister to decide where polling booths go. Members would be upset if I started doing that. I have spoken to the Electoral Commissioner many times and one of his overriding determinations is that everybody who is entitled to vote should be given every opportunity to do so.

Hon Ken Travers: I accept that; I just thought it was a good opportunity to put that point on the record. You are right. If there is a legislative impediment for those communities not to get a full booth, we should —

Hon NORMAN MOORE: There is no legislative impediment—none at all. I leave that matter for the Electoral Commissioner to sort out. Hon Ken Travers talked about the Legislative Council being able to block supply. I am happy to argue about that one of these days, but not today if the member does not mind. It is a peripheral issue to this bill, but it is a significant issue that has been around for a long time. I happen to have a very strong view on that, but I will not worry about telling the house about it at the moment.

I thank the Greens for their support. Hon Alison Xamon particularly raised the issue of the connection between the two houses. I agree, and that is one of the reasons we want the date to be the second Saturday in March. The member asked about political donations and the Auditor General's power to scrutinise government advertising. That issue is for another day; it is not part of this bill. The intention of this bill was to deal with this issue alone.

Hon Alison Xamon: Is that an undertaking that the government may consider that in a future bill?

Hon NORMAN MOORE: Highly unlikely, but who knows? We are looking at another electoral bill down the track that will deal with more mechanical issues as opposed to matters of great substance such as this. I doubt there will be any changes to that sort of legislation, but I am happy to talk about it with the government in due course.

I can provide members with a document on how other Australian jurisdictions decide the date of their election day, but not all the other states have fixed terms. It is interesting that Hon Max Trenorden mentioned New South Wales. Some people would use that as a reason not to have fixed terms, because it means that people watch the government in decline. However, even without fixed terms, that government would never have gone to the polls because it was in such a bad condition.

Hon Ken Travers: They could have held out longer!

Hon NORMAN MOORE: Hon Ken Travers is probably right. The government is not likely to do that. Victoria, New South Wales, South Australia, the Northern Territory and the Australian Capital Territory have fixed terms and the other states do not. Queensland does not and I do not know that it is even thinking about it.

Hon Ken Travers: They are still stuck on three-year terms!

Hon NORMAN MOORE: They are probably talking to Robert Ray to get a window of opportunity for a good election in Queensland. I have a couple of minutes so I will try to finish quickly.

I listened with great interest to Hon Ed Dermer, who wants a November election. If the member suggested a November 2013 election and bringing forward the upper house changeover time to early 2014, someone might listen to him.

Hon Ed Dermer: How worried are you about the election?

Hon NORMAN MOORE: I would love a November election, but I am not prepared to go that far. I am not giving back the Labor Party the six months that it gave us so generously at the last election. I take on board the comments made by Hon Ed Dermer and they are all legitimate. A lot can be said for not campaigning over the Christmas holidays. That is one of the reasons we did not go for the third Saturday in February and we have gone for the second Saturday in March; we do not need campaigning during the holiday period. I am very much of that view. The member said that we are delaying the day of reckoning. I just looked at Newspoll today and I am happy to have an election this Saturday if he likes. The Labor Party would disappear off the face of the earth. If members want to be political about this, that is the fundamental situation.

I thank the National Party for its support. I appreciate the comments that Hon Max Trenorden made about the weather, because that is an important component.

I thank members for their support and commend the bill to the house.

The DEPUTY PRESIDENT (Hon Michael Mischin): Section 73 of the Constitution Act 1889 has been drawn to my attention. I do not think that this bill falls within the scope of that provision, but for the record there is an absolute majority in the house of, I think, 23 members and there has been no dissenting voice.

Question put and passed with an absolute majority.

Bill read a second time.

Sitting suspended from 4.16 to 4.30 pm

QUESTIONS WITHOUT NOTICE

LAKE CLIFTON BUSHFIRES — DISASTER RELIEF

307. Hon SUE ELLERY to the minister representing the Minister for Emergency Services:

I refer to the recent Lake Clifton bushfires.

(1) Is the minister aware of the federal government's announcement yesterday to provide disaster relief to the victims of the recent Lake Clifton fires under the Australian government disaster recovery payment?

(2) Is the minister aware that the federal government relaxed its technical natural disaster definition criteria to allow the payment to proceed to the affected Lake Clifton residents?

(3) Is the minister aware that further federal funds will be available if the area is declared a natural disaster area; and, in light of this, will the state reconsider its decision?

(4) Will any further state financial aid be forthcoming to the Lake Clifton residents affected by the fires; and, if yes, how much and when?

Hon PETER COLLIER replied:

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

(1) Yes.

(2) No.

(3) Yes. Further assistance may be available; however, the extent is unknown as this would be subject to means and/or income testing. The state would reconsider its decision if the Western Australian natural disaster relief and recovery arrangement criteria were met.

(4) At this stage I am unaware of any additional funding that will be provided.

DEPARTMENT OF HOUSING — EVICTION POLICY — DISABLED TENANTS

308. Hon SUE ELLERY to the Minister for Disability Services:

(1) Prior to the announcement of the new version of the Department of Housing's eviction policy for public housing tenants was advice sought from or provided by the Disability Services Commission on —

(a) the number of tenants with a disability who are likely to be evicted under this policy;

(b) the cost of emergency housing for this cohort of evictees; and

(c) who will meet that cost?

(2) Will the minister table that advice, and, if not, why not?

Hon HELEN MORTON replied:

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

(1) The Disability Services Commission and the Department of Housing are in ongoing discussions about all matters related to housing for people with disabilities, including the process and impact of eviction on people with disabilities from public housing. The commission has advised me that the change of policy by the Department of Housing is unlikely to have any significant impact on people with disabilities, given the low number of people with disabilities who are evicted from public housing.

People with disabilities who are evicted from public housing tend to be relocated into other housing options that are more suited to their needs. The commission has advised me that the change of policy by the Department of Housing is unlikely to increase the demand for emergency housing beyond current demand.

(2) Not applicable.

SYNERGY — FINANCIAL COUNSELLING REFERRALS

309. Hon KATE DOUST to the Minister for Energy:

(1) For each of the periods 1 April 2009 to 31 March 2010 and 1 April 2010 to 31 March 2011, how many referrals to a financial counsellor were made by Synergy?

(2) Of those referrals, how many customers were deemed eligible for the hardship utility grant scheme?

(3) On 1 April 2009, 2010 and 2011 how many of Synergy's customers were being paid a subsidy under the scheme?

Hon PETER COLLIER replied:

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

(1) There were 4 087 referrals made between 1 August 2009 and 31 March 2010.

Hon Kate Doust: That is not the right time.

Hon PETER COLLIER: Is this the question?

Hon Kate Doust: It was April to March 2009–10 and April to March 2010–11.

Hon PETER COLLIER: I just have not finished the answer. I will continue —

Unfortunately figures between 1 April and 31 July 2009 cannot be provided, as these metrics were not recorded at that time. There were 10 299 referrals made between 1 April 2010 and 31 March 2011.

(2) Eligibility for the hardship utility grant scheme is determined by the Department of Child Protection. This question should be referred to the Minister for Child Protection.

Hon Sue Ellery: When you ask the Minister for Child Protection, she says to ask the Minister for Energy.

Hon PETER COLLIER: I do not think that the opposition has asked the question of the Minister for Child Protection.

Hon Sue Ellery: We have.

Hon PETER COLLIER: And what was the response?

Hon Sue Ellery: To ask you.

Hon PETER COLLIER: Is that right?

Hon Sue Ellery: Yes.

Hon PETER COLLIER: That is not good enough. I will follow it up. I am sorry; I was not aware of that. HUGS is under the Department for Child Protection, but I will not get into that; I will personally follow it up.

(3) The question should be referred to the Minister for Child Protection. However, it should be noted that the hardship utility grant scheme involves the one-off payment of a grant to a customer in hardship and is not an ongoing payment of a subsidy. Having said that, I will undertake to get that information.

SWAN–CANNING RIVERPARK — REPORT

310. Hon SALLY TALBOT to the minister for representing the Minister for Environment:

I refer the minister to the report titled "Economic Benefits Associated with the Swan–Canning Riverpark Perth, Western Australia" and her answer to question without notice 252.

(1) Who wrote the report; did the Swan River Trust or any other government agency pay for it; and if so, what was the cost?

(2) Why is quantifying the economic benefits of the Swan–Canning Riverpark a worthwhile exercise?

(3) What methods were used by the report's author or authors to obtain the necessary financial information?

(4) Were other government or non-government agencies involved or consulted during the preparation of the report?

(5) If the report is classed by the minister as a preliminary study, what further work is the minister commissioning or intending to commission to quantify the economic benefits of the Swan–Canning Riverpark?

(6) Why does the fact that the objectives of the study proved to be beyond the scope of the study justify the minister not making the report public?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of this question. The Minister for Environment has provided the following advice to me —

(1) The report was written by the Curtin Sustainable Tourism Centre. The Swan River Trust paid $30 000 for the study.

(2) Quantifying the economic value of the Swan–Canning Riverpark helps to raise the profile and community awareness of the value of the park and the need to look after it as a valuable state asset. It also demonstrates the importance of the asset to the state's economy.

(3) Three approaches were used to obtain information. Revenue relating to direct use of the riverpark was collected from a range of commercial operators and government organisations; surrogate market valuations were used to estimate indicative indirect use value of the riverpark; and a stated preference technique was used based on a survey of Perth metropolitan residents to obtain information on non-market and non-use riverpark values.

(4) Yes, several government and non-government organisations were consulted to obtain financial information including the Department of Transport, Eventscorp, Transperth, ferry operators, local governments, commercial boat operators and volunteer groups.

(5) No further work is planned.

(6) I am advised that, given time and data constraints, the preliminary study was unable to provide robust enough information to be used for public debate. It demonstrated the limitations of publicly available relevant information.

COMMONWEALTH FUNDING

311. Hon PHIL EDMAN to the Minister for Finance:

I refer the minister to the opposition spokesman on transport's speech last week in which claims about commonwealth funding were made.

(1) Has commonwealth funding increased since the last election; and if it has, is that funding available to the state government to use as it pleases?

(2) Is the opposition correct in claiming that commonwealth funding is being hidden?

Hon SIMON O'BRIEN replied:

(1)–(2) I thank the honourable member for his question and for his ongoing interest in state finances. Hon Ken Travers has made sweeping claims recently that the government is awash with money. He has told us

that state revenue is way up. That is wrong; it is down. He told us that net receipts from government trading enterprises were up; that is wrong as well. Hon Phil Edman, as he so often does, especially on a Thursday, which is his strong day —

Several members interjected.

The PRESIDENT: Order! I am very conscious of the minister using this time to make a statement, but the minister cannot do other than extend his answer if there are continual interjections. Members, let the minister answer his question and we will get on with the rest of question time.

Hon SIMON O'BRIEN: In response to Hon Phil Edman, whom I again thank for his ongoing interest, Hon Ken Travers was right in saying that the commonwealth government provided significant increases in funding grants to the states. What he did not mention was that the funding increase is of a temporary nature and is linked to the commonwealth government's stimulus package. He also failed to acknowledge that it is all in the form of tied funding grants and specific-purpose grants. It is revenue that we spend according to Canberra's determinations.

Hon Ken Travers: Based on what you requested!

The PRESIDENT: Order!

Hon SIMON O'BRIEN: Despite this funding adding to our revenue total, it is not revenue that we can use as we please, and thus we cannot direct it to other priorities—ours or the Labor Party's, or, indeed, to tax cuts. When the commonwealth stimulus funding is removed —

Several members interjected.

The PRESIDENT: Order!

Hon SIMON O'BRIEN: When the commonwealth stimulus funding is removed, the amount of revenue available to Western Australia looks like a very different proposition indeed. Secondly, the member is wrong to suggest that the commonwealth funding has been hidden. I refer the member to budget paper 3, "Economic and Fiscal Outlook", appendix 3; it provides more detail on budget revenue, including all the commonwealth funding listed under current and capital grants.

Hon Ken Travers interjected.

The PRESIDENT: Order! Obviously Hon Ken Travers does not want to ask a question today.

Hon SIMON O'BRIEN: The same information can be found, if Hon Ken Travers wants to look for it, in the 2010–11 *Mid-year Review of Public Sector Finances*, page 81. The government does not have anything to hide.

WESTERN AUSTRALIAN HERBARIUM — RELOCATION

312. Hon GIZ WATSON to the minister representing the Minister for Environment:

I refer to the recent move by the Western Australian Herbarium to the new Biodiversity Conservation Science Centre.

(1) Are there, or have there been, problems with the air conditioning at the new Biodiversity Conservation Science Centre?

(2) Is some or all of the state's herbarium collection still being kept in the old facility?

(3) If yes to (2), is the collection at any risk of damage or deterioration because it is not being stored in a suitable facility?

(4) If yes to (1), when will the air conditioning be operational at the new Biodiversity Conservation Science Centre?

(5) Will the minister give an assurance that the state's herbarium collection is not at risk?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of this question. The Minister for Environment has provided the following advice —

(1) Yes.

(2) Yes, the bulk of the state collection remains in the old herbarium building.

(3) The main factors that could put the collection at risk are high humidity and temperature, leading to insect and/or fungal damage, fire, water damage and theft. Conditions in the old herbarium are being maintained at equivalent conditions to those under which the collection has been stored for many years.

(4) It is expected that air conditioning work on half of the vault areas will be completed by the end of next week, with pre-storage testing of those areas to be undertaken in the following two weeks. The remaining vault areas will be completed in time for the progressive relocation of the collection.

(5) The professional staff responsible for the collection have implemented all reasonable measures to ensure that the collection is not placed at increased risk.

SUICIDE VERDICTS — CORONER

313. Hon LJILJANNA RAVLICH to the parliamentary secretary representing the Attorney General:

I refer to the 290 verdicts of suicide announced by the coroner.

(1) How many were in the metropolitan area?

(2) How many were in regional Western Australia, and of those —

(a) in which regions did they occur; and

(b) how many suicides occurred in each of those regions?

Hon MICHAEL MISCHIN replied:

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

I confirm that the figure of 290 verdicts of suicide referred to, as reported by *The West Australian*, is incorrect. The correct figure quoted by the coroner is 260.

(1) The figure for 2010 is 194.

(2) Albany, eight; Broome, seven; Bunbury, 22; Carnarvon, zero; Geraldton, 11; Kalgoorlie, seven; Kununurra, two; Northam, four; and South Hedland, five. That is a total of 66. These figures are provisional and subject to final determination as suicides by the coroner. I point out that the question was first asked on 5 April 2011 and the figures are current as of that date.

TRANSMISSION LINE COSTS

314. Hon MATT BENSON-LIDHOLM to the Minister for Energy:

If Gindalbie Metals Ltd can build a 180-kilometre, 330-kilovolt transmission line from its Karara project to Eneabba at a current unit cost of around $666 000 per kilometre, as outlined in an Australian Securities Exchange announcement on 22 September 2010, why is Western Power's cost for the construction of a similar 330-kilovolt line from Pinjar to Moonyoonooka about 40 per cent per kilometre greater?

Hon PETER COLLIER replied:

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

I am advised that Western Power believes that the Gindalbie Metals Ltd line costs have been based on a construction-only basis, with the supply to Downer EDI of steel, conductors and materials made by Gindalbie Metals Ltd. As such, $666 000 per kilometre does not reflect the total cost of the 330-kilovolt line per kilometre. The scope of the southern section of the Mid West Energy project is significantly different from the Gindalbie Metals Ltd constructed line and involves building a 330-kilovolt double circuit on an existing route for the whole length and includes a 330/132-kilovolt terminal substation at Three Springs. The difference in scope between the Gindalbie Metals Ltd line and the Western Power line makes comparison difficult. Western Power will go out to competitive tender for the line and substation works to ensure efficient construction costs.

COUNCIL OF AUSTRALIAN GOVERNMENTS HEALTH REFORM PROCESS

315. Hon ALISON XAMON to the Minister for Disability Services:

I refer to the Council of Australian Governments health reform process and to proposed changes to the funding of bodies responsible for the provision of disability and aged-care services.

(1) What consultation will the minister undertake with the stakeholders?

(2) Which stakeholders will be consulted?

(3) What will be the time frame for the consultation?

Hon HELEN MORTON replied:

I thank the member for some notice of this question.

(1)–(3) Obviously, members know what home and community care services are; they are services provided to frail or disabled people in their homes. When I was involved in these services, the commonwealth provided 40 per cent of the funding and the state provided 60 per cent and they were administered by the state. As part of the COAG hospital reform process, even though some of that funding has been set to one side at this stage, I understand that some preliminary considerations are taking place around HACC services. The Department of Health has been the lead agency in those negotiations. I have spoken to the Director General of Health recently, and he has made it very clear that it is at such a

preliminary stage that I cannot get information on how HACC services funding might change. However, he has assured me that the Mental Health Commission, the Disability Services Commission and all the peak bodies associated with the provision of services in this area, such as the community service bodies, the aged and community services, some of the carers' associations, a lot of non-government organisations and local government authorities, will be consulted in that process. At this stage the information about the changes is quite ill-defined, but I can give the member an assurance from the Director General of Health that the Disability Services Commission and agencies involved in the provision of disability services will be consulted in that process before the state's position on anything is determined. We will ensure that nothing happens that would in any way diminish the ability of the state to provide those services appropriately.

DEPARTMENT OF THE PREMIER AND CABINET — SECTION 68 REDUNDANCY PACKAGES

316. Hon ED DERMER to the Leader of the House representing the Premier:

I refer to the advice provided in answer to question without notice 280 that the end-of-contract payments made to Danielle Reid, Blair Stratton and Regina Titelius were in accordance with clause 7.2 of their employment contracts. What was the period of unbroken service with the state government for each of these officers on which the payment calculations were made?

Hon NORMAN MOORE replied:

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

The period of unbroken service for Danielle Reid was 10 years, 77 days; Blair Stratton, five years, 150 days; and Regina Titelius, three years, 87 days.

PRISONER TREATMENT PROGRAMS — IMPRISONMENT TERM

317. Hon LINDA SAVAGE to the minister representing the Minister for Corrective Services:

(1) How many prisoners were serving custodial sentences of two years or fewer for the calendar year 1 January 2010 to 31 December 2010?

(2) How many of these prisoners undertook treatment programs?

(3) What was the total number of programs these prisoners undertook?

(4) Which specific treatment program was undertaken by the greatest number of prisoners in 2010?

(5) Who was the provider of the treatment program undertaken by the greatest number of prisoners in 2010?

Hon SIMON O'BRIEN replied:

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

(1) There were 4 314 distinct prisoners who had a minimum expected sentence of two years or fewer, excluding prisoners who were serving time only for fine default, or suspension or cancellation of early release orders, during the 2010 calendar year.

(2) The department is unable to answer this question in the time frame provided and requests the member put the question on notice.

(3) The department is unable to answer this question in the time frame provided and requests the member put the question on notice.

(4) The department collates data for offenders' participation in treatment programs by financial years, not calendar years. In 2009–10, the program with the greatest number of offenders was a prison-based cognitive skills program, Think First, with a total of 456 participants. Over the same period, the greatest number of program hours delivered was in the substance use program Pathways. Prisoners received more than 34 200 hours of program intervention through this program.

(5) The department provides the Think First program across the state. The Pathways program was delivered by departmental staff and contracted agencies, including Cyrenian House; Holyoake; the Women's Health Service; South West Psychology Counselling and Training Services, Bunbury; and Regional Counselling and Mentoring Services, Albany.

BURRUP AND MAITLAND INDUSTRIAL ESTATES — DRAFT MANAGEMENT PLAN

318. Hon ROBIN CHAPPLE to the parliamentary secretary representing the Attorney General:

I refer to part (3) of question without notice 279 answered by the Minister for Environment on 12 April 2011, and funding for the preparation of a draft management plan as identified in clause 4.5 of the Burrup and

Maitland Industrial Estates Agreement implementation deed. Will the minister provide an itemised expenditure list for this draft management plan?

Hon MICHAEL MISCHIN replied:

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

The Attorney General has been advised that it will take upwards of one week to provide this information because of the level of detail requested and the fact that the information is located within two different government agencies. It is requested that the honourable member place this question on notice.

NATIONAL WATER INITIATIVE — GOVERNMENT COMMITMENT

319. Hon HELEN BULLOCK to the minister representing the Minister for Water:

(1) Is the state government still committed to the National Water Initiative signed by the Howard and Carpenter governments?

(2) If yes to (1), when will the government establish irrigators' water entitlements as property rights and set up trading in those entitlements?

(3) Why has the government arbitrarily reduced water entitlements for some Carnarvon growers while increasing allocations for others, rather than implement water trading?

(4) Given that such decisions have substantial financial implications for affected growers, on what basis have these decisions been made?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of the question. The Minister for Water has provided me with the following advice —

(1) Yes.

(2) The government is considering proposed legislative changes required to create property rights and thus further facilitate trading. It is important to ensure the benefits to both the state and water users outweigh any accompanying regulatory and administrative costs.

(3) The process to reduce water entitlements was an equitable and transparent one, as outlined in the 2004 lower Gascoyne groundwater management strategy. Total licensed entitlements were greater than the amount of fresh water that was able to be drawn safely without causing long-term salinity increases in the aquifer. Entitlements have been reduced but they are based on metering of actual water use and salinity information over the past seven years. Actual water use has not been reduced.

(4) The new entitlements are higher than actual demonstrated water use. This has minimised any financial implications. The review of entitlements in 2010 was agreed with industry and the community in 2004, and set out in the 2004 lower Gascoyne groundwater management strategy. This time span allowed the collection of seven years of metered water use and salinity data to inform the process.

BUNBURY CITY TRANSIT BUSES — SERVICE TO BUNBURY SENIOR HIGH SCHOOL

320. Hon ADELE FARINA to the minister representing the Minister for Transport:

I refer to the Public Transport Authority and the Bunbury City Transit bus service.

(1) Is the minister aware of, and did he approve, the PTA's recent decision to cease Bunbury City Transit buses stopping at the Bunbury Senior High School bus stop on the Upper Esplanade, resulting in students having to walk about four to five city blocks through the CBD area to the Bunbury bus terminus to access Bunbury City Transit buses?

(2) What are the reasons for this decision and what action has the government taken to ensure the safety of students now having to walk through the CBD area to access a Bunbury City Transit bus?

(3) Did the PTA consult with the Bunbury Senior High School principal, staff, students and parents before stopping this service; and, if yes, what form did the consultation take?

Hon SIMON O'BRIEN replied:

I thank the honourable member for some notice of this question. The Minister for Transport advises as follows —

(1) I am advised by the Public Transport Authority that Bunbury City Transit services ceased using the Bunbury Senior High School bus stop on the Upper Esplanade a number of years ago. There have been no recent changes to these arrangements. The former Minister for Transport was aware that Bunbury City Transit's bus services were being reviewed by the Public Transport Authority in the latter half of

2010 in conjunction with Bunbury City Transit, and the broader detail of the proposed changes. The effective date for these changes was 6 December 2010.

(2) Not applicable. I note, as part of the 6 December 2010 service improvements, the afternoon number 3 school bus special was changed to commence at 3.10 pm from the bus stop at the Bunbury Senior Citizens Centre to take Bunbury Senior High School students to the Bunbury bus station to reduce the need for students to walk across the Bunbury CBD area to the bus station.

(3) Not applicable.

TRAIN INCIDENT — MIDLAND–FREMANTLE LINE

321. Hon KEN TRAVERS to the minister representing the Minister for Transport:

(1) Has the minister now sought further advice from the Public Transport Authority on the incident regarding a train on the Midland–Fremantle line at around 8.00 am on 10 November 2010 in which it is alleged that the brakes failed twice?

(2) Has the PTA confirmed that an incident occurred; and, if yes, why did the minister previously deny that any serious fault had occurred with the train?

(3) If the PTA has not confirmed the incident, what action is the PTA taking to investigate this matter?

(4) Has the minister confirmed that the Office of Rail Safety received a report regarding an incident on a train on the Midland–Fremantle line at around 8.00 am on 10 November 2010 in which it is alleged that the brakes failed twice?

(5) What action is the minister now taking to ensure this very important issue is fully investigated by an independent body?

Hon SIMON O'BRIEN replied:

I thank the honourable member for notice of this question. The Minister for Transport provides this response —

(1) Yes, although previous questions from the member referred to an incorrect time and did not mention brake issues.

(2) See previous answers. The member should also be aware that none of the incidents was considered serious, hence no referral being made to the Office of Rail Safety.

(3) Not applicable.

(4) This was not a notifiable incident in accordance with ON-S1—occurrence notification standard 1.

(5) This was not a serious incident and not a notifiable occurrence. No further investigation is necessary.

TONKIN HIGHWAY ON-RAMP

322. Hon ALISON XAMON to the minister representing the Minister for Environment:

I refer to ministerial statement 714, dated 20 January 2006, regarding the construction of an on-ramp at Tonkin Highway.

(1) Has work on this project substantially commenced?

(2) If no to (1), has the proponent requested and received an extension as per condition 4–2?

(3) If no to (2), will the minister confirm that approval for this proposal has now lapsed as per condition 4–1?

Hon HELEN MORTON replied:

I thank the member for some notice of this question.

(1) No.

(2) Yes. On 13 January 2011, the Office of the Environmental Protection Authority received a request from the proponent, Main Roads WA, to extend the approval as per condition 4–2. The request is currently being assessed and a recommendation will be submitted to the minister before the end of May 2011.

(3) Not applicable.

HORIZON POWER — ECONOMIC REGULATION AUTHORITY REPORT

323. Hon KATE DOUST to the Minister for Energy:

I refer to the Economic Regulation Authority's final report on its inquiry into the funding arrangements for Horizon Power.

(1) Does the minister support the Economic Regulation Authority's draft recommendation to reduce Horizon Power's capital expenditure by more than $43 million, and does the minister expect that this reduction will be displaced by any private sector investment?

(2) Will the upcoming state budget rectify the $275 million gap between the budgeted expenditure and the ERA's recommended capital expenditure for Horizon Power?

(3) What percentage of cost reflectivity is currently reached throughout towns in regional Western Australia?

(4) Does the government seek to reach cost-reflective tariffs in regional Western Australia; and, if so, over what period of time will cost-reflective prices be reached?

Hon PETER COLLIER replied:

I thank the member for some notice of this question.

(1) The government is presently considering the Economic Regulation Authority's report and has not reached a final view on the report's findings. The government will consider the recommendations of the final report as part of the 2011–12 budget process.

(2) The budget requirements for Horizon Power will be considered in the context of other budget demands as part of the normal budget process.

(3) Among other things, the Economic Regulation Authority report estimates the cost-reflective tariff for each town that Horizon Power supplies. This estimate is based on Horizon Power's efficient cost to supply in each location. The report shows that gazetted tariffs are not cost-reflective at any of Horizon Power's supply locations.

(4) The government is considering how tariffs should be adjusted over time. In this regard, any benefits of the move to greater cost reflectivity must be balanced against social and economic impacts.

GORGON GAS PROJECT — WORK CONTRACTS
STATE AGREEMENTS — LOCAL CONTENT REPORTS
MOTOR VEHICLE LICENCE RENEWALS

Questions on Notice 3702, 3703 and 3704 — Answer Advice

HON SIMON O'BRIEN (South Metropolitan — Minister for Finance) [5.03 pm]: On behalf of the Leader of the House, pursuant to standing order 138(d), I wish to inform the house that the answers to questions on notice 3702 and 3703 asked by Hon Jon Ford on 16 March 2011 to the Leader of the House representing the Minister for State Development will be provided on 17 May 2011.

Pursuant to standing order 138(d), I also wish to inform the house that the answer to question on notice 3704 asked by Hon Matt Benson-Lidholm on 16 March 2011 of the minister representing the Minister for Transport will be provided on 17 May 2011.

QUESTION ON NOTICE 3725

Paper Tabled

A paper relating to question on notice 3725 was tabled by **Hon Peter Collier (Minister for Energy)**.

SUICIDE PREVENTION STRATEGIES — MINISTER'S MEETING
SUICIDE PREVENTION — ACTION PLANS
SUICIDE PREVENTION — RESOURCES AND SERVICES

Questions on Notice 3713, 3714 and 3718 — Answer Advice

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [5.04 pm]: Pursuant to standing order 138(d), I wish to inform the house that the answers to questions on notice 3713, 3714 and 3718 asked by Hon Ljiljanna Ravlich on 16 March 2011 of me, the Minister for Mental Health, will be provided on 17 May 2011.

APPROPRIATION (CONSOLIDATED ACCOUNT) RECURRENT 2009–10 (SUPPLEMENTARY) BILL 2010
APPROPRIATION (CONSOLIDATED ACCOUNT) CAPITAL 2009–10 (SUPPLEMENTARY) BILL 2010

Third Reading

Resumed from an earlier stage of the sitting.

HON SIMON O'BRIEN (South Metropolitan — Minister for Finance) [5.04 pm]: I move —

That the bills be now read a third time.

It is not normal for a third reading debate to be entered into when a bill has not been amended—of course, we cannot amend these bills. They are also a bit unusual in the sense that I was requested, in the course of the committee stage, to provide some further information in answer to a few questions, and I might avail myself of the third reading debate to do that. I know it is a bit unusual, but that seemed to be the will of the Committee of the Whole, so I would like to just briefly provide that information in support of the third reading.

Hon Ken Travers: It will help us decide whether to support or not support the bill as it came out of the committee stage.

The PRESIDENT: Minister, have you moved that they be read a third time?

Hon SIMON O'BRIEN: Yes.

The PRESIDENT: Okay.

Hon SIMON O'BRIEN: Mr President, if you would prefer, I could deal with that matter, and then I could seek leave to provide the information.

The PRESIDENT: No, I need to put the questions separately, that is all.

Hon SIMON O'BRIEN: Of course.

The PRESIDENT: If you could deal with the first bill on which you wish to make a few comments, and then the second bill. The minister has moved that the bills be read a third time; continue.

Hon SIMON O'BRIEN: Thank you, Mr President; I am sure the house appreciates your indulgence. I will be brief.

The first matter raised by Hon Ken Travers related to the Australian Shipbuilding Industry groyne buyback, at $560 000. It is not one of those places that the member and I used to work on. I could not place the acronym, but of course it is the Australian Shipbuilding Industry groyne that was bought back. The Department of State Development had been receiving ongoing appropriations of $560 000 per annum for some time under the category of controlled grants and subsidies. It was there because the money was being provided to LandCorp, which in turn was entering into the buyback of that groyne. As it transpires, the last payment under the buyback agreement had been made in April 2008, so therefore this money was no longer required and therefore was not expended for that purpose.

The question regarding the suicide prevention strategy was: how much was spent under the $6.25 million in 2009-10, and what was it spent on? I advise that nil funds were spent from this pool of funds in 2009-10. The funds were, however, drawn down and re-cashflowed by the Mental Health Commission and applied as part of a $13 million program into 2010-11 and the out years. In relation to the question about Health and Indigenous Affairs, and Indigenous economic participation and whether or not this item was related to the Closing the Gap program, I am advised that the national partnership agreement on Indigenous economic participation, which was signed in December 2008, outlines strategies to halve the gap in employment outcomes between Indigenous and non-Indigenous people within a decade. It is not strictly health related, except in the way that self-determination through employment will contribute to better health outcomes, and therefore assist in closing the gap in life expectancy and child mortality, and some of the positions are in the health services field. The national partnership agreement has four elements: firstly, to create stable employment in areas of government service delivery that have previously relied on subsidisation through community development employment projects. Only this element is addressed in the supplementary fund, and only this element is addressed in the supplementary funding request. Secondly, it will strengthen current government procurement policies to maximise Indigenous employment. Thirdly, it will incorporate Indigenous workforce strategies into all new major Council of Australian Governments reform contributing to the Closing the Gap targets. Fourthly, it will review all public sector Indigenous employment and career development strategies to increase employment to reflect population share by 2015.

In terms of the landfill levy and the Department of Environment and Conservation budget, I was asked to provide the monthly budget versus actual revenue in 2009–10. I advise that the landfill levy is collected quarterly in arrears. As a general rule, receipts are collected in July, October, January and April each year. The 2009–10 estimate is $52 million, which, as we discussed in the committee stage, was based on collections of $13 million a quarter. Delays in the implementation of legislation meant that collections for the March quarter, which were received in April–May, were the only revenues collected under the new regime. Therefore, total collections for the year of $18.1 million included those collections from the March quarter, which, as we surmised during the committee stage, showed a total of $8.9 million.

I was also asked whether the Waste Authority got all that it was originally budgeted to get. I am advised that the Waste Authority did get all that it was originally budgeted to get in 2009–10; that is, $13 million from that landfill levy.

I was asked what was the Department of Environment and Conservation's budget versus actual appropriation for 2007–08, 2008–09, and 2009–10. In 2007–08, the appropriation was $196.6 million, and the actual was $2.3 million. In 2008–09, the appropriation was $2 016 million, and the actual was $215.6 million. In 2009–10, as we discussed yesterday, the appropriation was $171.8 million, and the actual was $210.8 million—I can confirm that. As a footnote, that figure incorporates the transfer of environmental protection services to the OEPA in November 2009.

Hon Sally Talbot referred to the wildfire suppression item for the Department of Environment and Conservation and asked whether there were any particular wildfire events that caused the extra wildfire suppression costs. I advise that the extra $16 million of wildfire suppression costs in 2009–10 was not due to any specific wildfire event, but general wildfire suppression expenditure over and above the then base funding allocation of approximately $4.9 million per annum. The base funding beyond 2009–10 has been increased to approximately $20.9 million a year, escalated to reflect historical expenditure trends. I was asked whether any of the $210 million provided to child health services was allocated in the south west. I am unable to source a definitive answer in the time available, but from all appearances it would seem that none of that money was allocated to child health nurses in the South West.

Finally, I refer to the Department of Education in the capital works bill schedule. I was asked: on which capital works did the Department of Education underspend in 2009–10? I advise that the 2009–10 investment program budgeted $1.126 billion, and actual expenditure totalled $925 million. The resultant underspend was $201 million. This included $38 million for budgeted asset investment expenditure transferred to the Department of Training and Workforce Development at the time of the merger. The net underspend reflects the total net position of all underspends, overspends and re-cashflows on almost 800 individual asset investment projects, including over 700 projects funded by the commonwealth under its Nation Building and Jobs Plan and the Building the Education Revolution infrastructure initiatives. It is not possible to provide a list of expenditure variations by project in the time requested. If that information is still required, it should be sourced directly from the asset investment records of the Department of Education, which has the most accurate and up-to-date records of those matters at this time.

Mr President, thank you again for your indulgence allowing me to keep faith with those members who asked for further information and took it on trust that it would be provided. I have now provided that information. I ask that the house now support the third reading of both these bills.

HON KEN TRAVERS (North Metropolitan) [5.15 pm]: I thank the minister for undertaking to provide that information, thereby facilitating the passage of these appropriation bills. I want to raise one other quick matter during the third reading debate about some of the comments I made during the second reading debate. In question time today, the minister suggested that I had been incorrect in my comments. Before we pass the bill on the third reading, I think we need to make the situation very clear. The minister has confessed during question time that the state is receiving record amounts of money from the commonwealth, but that the commonwealth determines where that money is spent. During the second reading debate, I spoke about the road and infrastructure projects that the federal government is funding; projects the Western Australian state government requested the federal government fund. The minister cannot say that the federal government directs where that money is to be spent. The federal government put money into the underground end of the Perth railway line because the minister's government requested funding for that project. The federal government is funding Oakajee because that is what the minister's government has requested. Even though the state government did not need to spend that money, it requested funding for that project. The minister has acknowledged that the federal government is putting in more money, but he has not acknowledged that it is putting that money into the projects the Western Australia government has asked it to. In fact, the federal road funding project is for the roads the Western Australian state government requested.

During my contribution to the second reading debate, I spoke about the minister hiding information about congestion. I also asked the minister about the asset investment program for the departments in his portfolios. Previously, when I have asked about that, I have been referred to the budget papers. We know the Public Transport Authority's asset investment program is receiving commonwealth money for its underground railway project and I challenge the minister to show me where that money appears in the budget papers. It does not appear; that is why I asked the question and why the government refused to provide the information. It told me to look in the budget papers for that information, but it is not in the budget papers! I wanted to know, for each project in the asset investment program, how much was state money and how much was commonwealth money. In the sense that he does not want to make that information public, the minister was hiding that information. I do not think the government ever wanted to admit that Western Australia is getting more out of the current commonwealth government than we have ever got from a commonwealth government. Is that good enough for Western Australia? No; we deserve more. Labor agrees that Western Australia deserves more. But the government should acknowledge that the current commonwealth government is giving us a far greater —

Hon Simon O'Brien: They are killing us with GST relativities, and you know it! They are absolutely killing us.

Hon KEN TRAVERS: Because of the agreement that Mr Court, Mr Howard and Mr Costello signed when the current Premier was a senior minister. That is the agreement it is based on.

Hon Sue Ellery: Would Howard agree to an amended GST?

Hon KEN TRAVERS: This commonwealth government is prepared to review that—something that Mr Costello did not want to do and something that Mr Baillieu does not want to do—that is, to give a better deal to Western Australia.

Hon Simon O'Brien: What has this got to do with this bill?

Hon KEN TRAVERS: The minister raised it!

Hon Simon O'Brien: Oh come off it!

Hon KEN TRAVERS: If the minister wants to come in here and use question time in that way, I will use the appropriate forum to respond—a debate on money bills. The issues the minister raised during question time related directly to the second reading debate of this bill; therefore, we should consider those matters before we decide whether the bill that has come out of the Committee of the Whole, should or should not be passed.

Even though the minister sits opposite with his pious approach and misinformation, the opposition will still support the bill as it is. We hear the Minister for Education blame her own failures on the lack of commonwealth funding—it goes on and on. This government cannot keep hiding behind and trying to blame the commonwealth government for its failures. Where there are legitimate problems with the commonwealth–state financial relationship, we will join with the government in speaking out, but do not try to turn it into more than it is.

Question put and passed.

Bills read a third time and passed.

GRANDCARERS

Statement

HON ALISON XAMON (East Metropolitan) [5.20 pm]: I rise tonight to raise an issue that members should have some knowledge of, but in particular it has been brought to my attention by one of my constituents. It is the issue surrounding the circumstances for grandcarers. It is estimated that there are around 4 000 Western Australian grandparents who are currently caring for their grandchildren. Some of the grandparents have been granted formal custody and are official foster carers and some of them have formally adopted their grandchildren, but many grandparents are actually operating outside of formalised arrangements. They care for their grandchildren as a result of informal arrangements with the children's parents and sometimes without necessarily even the knowledge of the children's parents. They are doing an extraordinary job. However, I particularly want to talk about those grandcarers who are engaged in informal arrangements in looking after their grandchildren.

They often find themselves in the situation of having to look after their grandchildren under quite tragic and very sad circumstances. Often it is due to their children having drug issues or mental illness issues. In any event, their life plans do not usually include once again having to take on the parenting role and looking after small children later in life. Added to this is the fact that a lot of these children also have quite significant challenges. They often have health problems that have resulted from their parents' substance abuse. They often have quite serious behavioural and emotional problems as a result of sometimes coming from abusive homes and hence having developmental and learning issues. It is enough for people to find themselves parenting when they have not asked for it; it is even harder at a period of life when they are thinking of retiring to be taking on children with very particular needs. It is a big thing for people to be taking on the parenting of children that are not their own at a point of life when they are expecting to slow down.

I particularly want to talk tonight about the significant financial burden that many of these grandcarers are finding themselves in. Although grandcarers have access to various payments, including family tax benefits, childcare benefits, parenting allowances and carer allowances, in many cases it just is not enough to live on. There is still serious inequity between the support received by informal grandcarers and that which is given to foster carers. Some grandcarers find themselves not being able to even collect family allowance out of fear that their children—the parents of their grandchildren—will react badly to that situation and that the children will be taken away from them. I want to outline just how financially difficult it can be. A constituent who spoke to me shared with me her household weekly budget, which is based on a sole parent pension and family benefits, parts A and B. She cares for her three school-age grandchildren. Her total income is $601 a week. Each week she spends $251 on accommodation, which includes rates and excess water. She pointed out to me that she considers herself lucky to have only a small mortgage and notes that there is no way this amount would be enough to cover rent on an open market. She spends $75 a week on all utilities—electricity, gas and water—and phone and insurance costs and notes that that amount is going up further and further. She spends only $49 a week on the

cost of running a vehicle. This amount is expected to cover fuel and registration, with a tiny amount left over for servicing and repairs, basically enough to cover one oil change each year, which is clearly inadequate. It does not allow for the replacement of the vehicle or repairs if anything drastically wrong happens to the vehicle. With three school-aged children in the outer east metropolitan area, it is virtually impossible to get by without a private vehicle. Her car is only small. She puts aside $15 a week for costs associated with schooling three children. That amount is expected to cover uniforms, fees, excursions, school swimming lessons and the like. She spends $20 a week on clothing the family of four. That amounts to only $200 a year for each family member. That $200 covers shoes, underwear, socks, bathers, jeans, jumpers, shirts and T-shirts—the whole lot. It is not a lot of money. She is scrimping and saving for the children to be able to play sport over the winter, and she budgets $140 a year per child for this, which is only $8 a week. She notes that it is not enough for the grandchildren to undertake dancing or swimming lessons or buy expensive sports uniforms. There is $19 a week for other miscellaneous expenses. That includes medical costs, haircuts, birthday gifts and dental services, to name a few things. After these expenses, she is left with $164 a week to feed a family of four and to pay for essential groceries such as toilet paper and cleaning products. That is clearly not enough.

Foodbank estimates that, by being careful, people can live on $8 per person per day. That is $224 per week. That is $60 more than this grandcarer has left in her purse. She cannot give the children pocket money; she cannot take them to the movies; she has no money to spend on herself. There is nothing to spare for entertainment and there is nothing for a major emergency. She is an amazing and resourceful woman and she knows the system. She knows how to access government rebates and she knows which charities provide assistance, whether it be for food, clothing or some limited bills. She knows about hardship payments and support services, which means the children get to experience occasional days out. She sells things at garage sales, she sells scrap metal and she celebrates the card that allows her to shop at Foodbank. This really highlights how difficult the situation is for her financially. I worry about those other grandcarers who may not know the system as well as she does, and even then she is struggling.

I want to acknowledge the wonderful work that is being undertaken by Wanslea Family Services, including facilitating the sharing of information such as this. Wanslea's Grandcare program is fantastic. It provides access to support groups as well as practical assistance. It provides an invaluable level of support. That is not enough for what these people need. They have effectively been failed by both federal and state governments because they have fallen through the cracks. I recognise that the state government has established a one-off establishment allowance of $1 000 but I note that that is not paid retrospectively; it is paid only to new carers. I should point out that I think it should have been paid to all grandcarers. I also note that even a one-off payment does not come close to addressing the disparity between what foster carers receive on an ongoing basis and what grandcarers receive on a weekly basis. These people are doing it really tough. They are saving taxpayers considerable dollars. More importantly, we need to recognise that they are at a point in their lives at which they need to slow down. I met a group of grandcarers, and one woman in particular, who is on an age pension and looks after school-aged children, was in a wheelchair. Those people are already doing it pretty tough.

I wanted to bring that to members' attention. It is difficult to think about how tight these budgets can be. These people have been left behind and lost in the system. We need to do more and we need to do a better job of supporting them.

LET'S READ PROGRAM

Statement

HON LINDA SAVAGE (East Metropolitan) [5.30 pm]: I had the opportunity today to attend and be part of the launch of the Let's Read program at the Midvale playgroup, in Morrison Road. Let's Read is an initiative of the Centre for Community Child Health, which is part of the Murdoch Children's Research Institute and the Royal Children's Hospital in Melbourne. It has been developed and implemented across Australia in partnership with the Smith Family. It is a program designed to encourage parents to have fun reading with their children aged 0–5, but, more importantly, to help their children from infancy to develop a love of books and words and to encourage and assist them in naming letters and playing with the sounds of words. All of this is the building blocks of what is called reading readiness or preliteracy, which is essential for children so that when they enter the school system they are best placed to be able to begin to learn.

The links between literacy, school performance, self-esteem and chances and outcomes in adult life is very well documented. Poor literacy skills are associated with a general lower standard of education, lower levels of employment and poorer health and social outcomes as well as being linked to high rates of welfare dependency and teenage pregnancy. In addition, children who experience difficulties in literacy in the early years are unlikely to catch up with their peers. Children who struggle in this area will continue to struggle and often fall further and further behind. That is why the early years from birth onwards in the home or with the carers, and increasingly for some babies and toddlers in the childcare setting, is a crucial time in the development of language and literacy.

The Let's Read program has worked actively to enunciate the early skills and interactions that adults, parents and carers have with children to ensure that that basic preliteracy is laid down and includes, no doubt as many members will have done with their own children, reading to children and the repetitive use of sound and language. That comes together to help build what will be the skills of language. Obviously, with the Let's Read program and other programs, parents can be assisted through making available books and information about how to interact with their children and to encourage and praise their children and, therefore, help them to have a love of books and language.

The Let's Read program has been run in Australia since 2005. Literacy is like the passport to the world of learning, and it is a passport to the wider society. As members will know, I have spoken often about the crucial period for cognitive, emotional and physical development from birth through the first three years. It is concerning then that I have noticed in the press recently—other members might have read it—a report called "No More Excuses", which found that between seven million and eight million Australians come out of school with insufficient language, literacy and numeracy skills to be effectively trained for higher level jobs. This was reported in the context of the Australian workforce being at risk because of the lack of skills. In particular, the report found that approximately 52 per cent of working-age Australians have some difficulty with numeracy skills, and 46 per cent of Australian adults have difficulty with reading skills. As I said, poor literacy is associated with a range of poor outcomes. I am not sure whether I have used these figures before from the Australian Institute of Criminology, but I am sure that members will be interested to know that poor literacy is also associated with offending behaviour and incarceration. In fact, around 50 per cent of people who are incarcerated have a maximum education level of year 10 or less.

Among the people who were at the launch this morning and the many who deserve credit for making the Let's Read program come to fruition in Midland are the Smith Family, an organisation that many members will be familiar with, and the Midvale Playgroup, which hosted the launch. In addition, there were people from the Midland Early Years Action Group, which is a group coordinated by the City of Swan. I would like to mention Jacinta Ellis, in particular, who is the community development policy officer for the City of Swan. She does a wonderful job integrating and building relationships between the many people in the region who are interested in the early years. Since I became a member of Parliament last March, I or someone from my office has attended the monthly meetings of the Midland Early Years Action Group and the Ellenbrook Early Years Action Group. The Midland Early Years Action Group took the lead after its planning meeting late last year and established the "Fun around books" group, which was instrumental in getting the Let's Read program going.

As I said, reading readiness provides the best chance for a child when they start school, and that leads to other positive outcomes. The necessary ingredient in all this is an adult who has the time, is prepared to spend the time and understands how important the time is, so that babies and infants can develop that love of language and have things pointed out to them in the world that they live in. Often parents do not have the time to do that with babies and infants. That is why it is very important for childcare workers to be highly trained, as many children spend their waking hours mainly with someone outside the home in a childcare situation.

At the launch this morning, I thought about the role of parents and carers and I was reminded of a comment that was made to me at least 20 years ago by a young woman who lived across the road from us. She was a preschool teacher, and she told me the story of her first placement at a preschool where three and four-year-olds arrived who had not even been taught the basic colours. The children looked at the sky and saw blue, but they did not know the word "blue". We know that children need someone to give them language. We are seeing more and more children arriving at school without the readiness for learning. We need to reclaim the important work that parents and other carers do for children. The launch really reminded me of the skills, the patience and the time it takes to give children the gift of literacy and the best opportunities for the rest of their lives. It also reminded me of the many books that I had read to my children over the years. I must say that I had the advantage of having a mother who was a primary school teacher who knew exactly how important this is. The books that came back to me included *Hairy Maclary from Donaldson's Dairy* and *The Very Hungry Caterpillar*, as well as all the classic nursery rhymes and fairytales. I was told that these are still amongst children's favourites. That reinforced for me that, despite the rapidly changing world that we live in, the needs of babies and children remain remarkably constant.

The PRESIDENT: I still remember Dick, Dora and Fluff!

Hon LINDA SAVAGE: I do too!

CHILDCARE SERVICES — WHEATBELT

Statement

HON MIA DAVIES (Agricultural) [5.40 pm]: That was a very interesting speech from Hon Linda Savage. I want to follow on from her comments by talking about the importance of child care, particularly in my electorate. I will touch on some of the issues that she spoke about, including access to high-quality child care in

the regions and how important child care is as part of the early years. Last June I raised concerns about the sustainability of some of the childcare services in regional Western Australia, particularly in the Wheatbelt. The Wheatbelt is unique for many reasons and, from the government's perspective, it is quite a challenging part of the state to deliver services to because of the small population centres distributed across the area. Last year I raised concerns that had been triggered by the withdrawal of federal funding for occasional childcare services, but other issues had been bubbling alongside those concerns, including the fact that some services in the Wheatbelt required part-time long-day care licences, rather than long-day care licences. That was due to the population, the demand for the services and the burden of regulation on some of the smaller centres, which is no doubt a challenge across the sector. These issues were all coming to the fore, but it was really triggered by the fact that the commonwealth government removed funding for occasional childcare services.

I am pleased to report that, soon after this cut to the funding, the state government, via the royalties for regions program, stepped in and gave these centres funding for another two years to enable them to make plans to either transition or provide a different type of service. I think the challenge was that not a great deal of notice was given to the centres; the announcement was made and two months later the funding was going to disappear and the services that they provided were not going to exist. Unfortunately, there were no other services in 17 of the 21 towns in which theses services were impacted. These towns would have been left without any form of child care. We have stepped in to make sure that these services continue until 2012. This means that they can plan for their future. I spoke last June about the fact that Hon Brendon Grylls and I had for some time been trying to raise this issue at a federal level with the Minister for Employment Participation and Childcare, Hon Kate Ellis. We had offered her several invitations to travel with us through the Wheatbelt to look at this unique part of the world and to meet some of the people who were providing the services in these towns. Unfortunately, we did not have a lot of luck. We were repeatedly told that occasional child care did not meet the national standards that the federal government was trying to introduce through the new regulations and the quality framework and that the quality of the services being offered to the children posed risks and so these services were more likely to fail. They were the reasons given to me at the end of last year.

I am pleased to report that, since we have gone through that process, we have had a federal election, at which Tony Crook was elected as the member for O'Connor. Tony joined with me, Hon Brendon Grylls and our other colleagues in the chorus on this issue. He has been very effective, because in a debate at the end of last year, he invited Hon Kate Ellis to visit the Wheatbelt and she took up his offer. On 4 and 5 April, Tony Crook, Hon Kate Ellis, two of her staff members and I spent two days travelling through the Wheatbelt and met with the providers of the various services in a number of towns. We went to Quairading and visited Little Rainmakers Child Care Centre. It is a long-day care centre that shares space in the Country Women's Association of Australia's old building. The centre offers childcare services on a couple of days and when the CWA members come in on the weekend, the childcare centre has to pack up everything and put it away. However, that is how it works and the town is very grateful for the service that the centre is providing.

We went to Narembeen and visited the Narembeen Numbat Occasional Childcare Centre. We went to Kulin and Katanning over two days, and we invited representatives from surrounding centres. It is testament to the fact that people feel so passionately about this service in their town that representatives from The Boodie Rats–Mukinbudin Occasional Care drove to Narembeen to put their point of view; representatives from Cunderdin came to Quairading; and representatives from Darkan came to Katanning. People travelled a significant distance to put their case to the minister firsthand and they certainly appreciated the opportunity to do so. The people there included committee members, parents, children, staff members and shire representatives—and we had a lot of food. I think there was food in every photograph that was taken. The people there laid on the food Wheatbelt-style and it was absolutely fantastic. However, when I got back home I felt that I did not need to see another cake!

I take a moment to thank Minister Kate Ellis for accepting the invitation. It is a busy time of the year; it is budget time; she was in negotiations with her staff as she was driving around the countryside; and she has other ministerial duties. To her credit she took two days out of her schedule to drive to the electorate with us. We did not fly in, fly out; we actually drove between each town. That also helped her to take in some of the unique aspects of the Wheatbelt, and it was much appreciated.

I want to talk about the message from those representatives that I came away with; that is, the overriding desire to establish services that reflect the needs of the population in the Wheatbelt. It was interesting to hear the minister talk about the issues that were raised, specifically the vital need for part-time, long-day care services and occasional childcare services. A number of issues were raised, but the issues and challenges raised with the minister in that part of the world were unique; they had not been raised by anyone anywhere else in Australia. The two main issues that came through during the two days we travelled around were the movement towards offering only long-day care services without part-time day care exemptions as part of the national quality framework; and the neighbourhood model of occasional care that has fallen out of that because the government does not want to fund those services. I have to say that some permanent exemptions have been given to some

communities for long-day care centres so that they can operate part-time. Previously they had to ask the department every six months for the exemption to be continued. That put them under a great deal of stress and strain. Therefore, Cunderdin, Dalwallinu, Darkan, Corrigin and a few others have permanent exemptions. That indicates a willingness to provide some flexibility in the system so that it can work in these Wheatbelt communities. Those centres acknowledge that flexibility is very important to them, as it gives them some level of confidence that they will be there in another six months.

Another issue that was raised was the apparent start-up funding for long-day care centres through the Department of Education, Employment and Workplace Relations. However, that funding can be accessed only in an "exceptional circumstance". People who intend to set up a childcare service in a small town must prove that they need sustainability funding and they must meet the exceptional circumstance criterion. We are not sure quite what "exceptional circumstance" means. We have asked for clarification and we are hoping that the minister will come back to us on that.

Questions were asked about other types of funding, such as sustainability funding, which people can apply for if the childcare centre is the only service in town. In Katanning there are two childcare services. When the neighbourhood model ceases to exist, the remaining centre must transition to a long-day care centre or cease to exist. The centres in Katanning are unable to apply for sustainability funding because there are two centres in town. It is a wonderful thing for the town to have two centres, and the parents expressed their delight at having the choice between long-day care and occasional care. The parents we visited in the occasional day care centre said that it suited their needs and they would not go across to long-day care because it was more structured and they did not have as much flexibility. That service is at risk and we look forward to working with the minister.

It was a very worthwhile experience. I hope it will lead to a greater understanding by the federal government of the Wheatbelt, and the fact that perhaps there is a need to look at the region as a unique part of the nation and that a degree of flexibility is needed when these challenges occur; particularly with the introduction of new quality framework regulations. It would be remiss of me not to mention and thank the Wheatbelt Organisation for Children's Services, which has lobbied very hard on this issue for the past year—in fact, for longer than a year. It was present at all of these meetings and it put its case to the minister very well.

FUKUSHIMA NUCLEAR PLANT ACCIDENT

Statement

HON ROBIN CHAPPLE (Mining and Pastoral) [5.50 pm]: Since the earthquake and tsunami of 11 March, Greens parliamentarians and party members around the world have been very concerned for the people of Japan, including our friends and colleagues whose lives changed on the day of the earthquake. Japan faces a very long recovery and rebuilding effort from an event that took such a short time. As someone who knows about geology, I am deeply aware of the sheer unforgiving force of an earthquake and the magnitude of that much water moving that fast. I am joined by my Greens colleagues in being amazed and heartened by the actions taken by the Japanese people in their recovery efforts: their ingenuity and improvisation and their capacity to organise on large scales is being tested greatly; how the Japanese people have met the test of cooperation within their communities; how efficiently they have moved to house and care for the displaced; and how they support the grieving and traumatised. All are different kinds of life-saving work, but crucial during the early stages of surviving a catastrophe on this scale. How quickly, also, have the Japanese people acted on the realisation that they do not need to use so much electricity. Electricity consumption has, out of necessity, reduced dramatically in big city centres, but this situation has advanced the idea that places do not need to be seen from space to be absolutely fantastic, interesting and prosperous places.

Acts of international support received in their hour of need have been important messages of solidarity for Japanese people. I wish to join my colleague Senator Scott Ludlam's acknowledgement in federal Parliament of the speed with which the Australian government offered and delivered aid and assistance.

This week, on Tuesday, in the month of the twenty-fifth anniversary of the Chernobyl accident, the Fukushima nuclear plant accident was classified a level 7 incident—the worst possible type of nuclear event. I served on the Radiation Health and Safety Advisory Council of the federal government's nuclear regulatory authority before serving this term in Parliament, and therefore know what it means for several nuclear reactors to experience serious power outages and fires for over a month, leading to radioactive and radiation leakages—some of them very large, others smaller—into the air and ocean. I know what it means for the workers on 10-minute shifts risking their lives, working to fight a radiation fire that they cannot see. The radiation levels are thousands of times those permitted normally. I cannot imagine what it means, however, for the Japanese people whose land, food and agriculture are at serious risk of contamination. I cannot imagine not letting my child drink water from a tap. I cannot imagine not returning to my home because it is now part of an exclusion zone that will be depopulated for many generations. I am aware of the science, the current thinking about acceptable levels of radiation, and level 7 disaster radiation releases are far from being acceptable for human health, water, fish,

plants and all living things. Much of the actual damage, the cancers and mutations, will not be seen for a long time; in some cases, decades. Radiation works in mysterious ways and that is something the nuclear industry absolutely banks on—literally. It banks on the fact that radiation cannot be seen, tasted or smelled and that the damage shows up a long time later.

The Western Australian Nuclear Free Alliance, made up of Aboriginal people from all over Western Australia and their allies, met on 4 April under the slogan, "We Can't Close the Gap by Digging a Deeper Hole".

Traditional owners from the Pilbara, the Kimberley, the Goldfields, the Great Victoria Desert, the Central Desert, the Gascoyne, Perth and the South West all say that on a good day Australian uranium becomes radioactive waste; on a bad day it becomes fallout. They express their profound regret that Australian uranium bought by TEPCO could be what is contaminating the sea water, food chain and gene pool. These Australian people are joined by others who have opposed Australia being the source of uranium, which is causing so much long-term damage, risk, alarm and controversy. I take this opportunity to seek leave to table their conference statement.

Leave granted. [See paper 3251.]

Hon ROBIN CHAPPLE: Yvonne Margarula, traditional owner of the lands on which the Ranger uranium mine sits in Kakadu National Park, summed up this sense of responsibility in a letter to UN Secretary General Ban Ki-moon, which appeared on the front page of last Friday's *The Age*. In it she expressed her profound sadness that radiation problems at Fukushima were possibly fuelled by uranium derived from her traditional lands. As we all know, the Ranger uranium mine in Kakadu is currently out of action, with milling suspended until July and mining also suspended. It is likely that the uranium was from the Olympic Dam mine—a mine that uses 33 million litres of water each day at no cost whatsoever to BHP. In the driest state in the driest continent on earth, we simply cannot afford to waste that much water. The Greens globally agree that the energy future is renewable rather than radioactive, and calls on the Western Australian government to join the actions of the German, Swiss, Chinese and Venezuelan governments and to pause and conduct a thorough review of its responsibilities, and of the risks and consequences of being a major uranium supplier, including our links to not only Fukushima and the many other reactors around the world burning Australian uranium, but also the nuclear weapons industry, which continues to hold the world to ransom, 66 years after the first use of nuclear weapons on the Japanese cities of Hiroshima and Nagasaki.

The PRESIDENT: Members, further to that statement I inform you that earlier today I welcomed the new Japanese Consul General to Parliament, and passed on my condolences to him on behalf of all members of the Legislative Council.

MEDICAL RESEARCH — FUNDING

Statement

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [5.57 pm]: I want to put on the record my congratulations to the Western Australian scientific community for today coming out and rallying in such very impressive numbers. I understand that several hundred people from that community and the general community came together in Forrest Place to talk about their concerns for mooted federal funding cuts to medical research in our state. I share their concerns and sincerely hope that these are merely rumours and that the federal government is not going to make this drastic cut to a very important area of research. I understand that the proposed cuts range somewhere between $100 million and $400 million, of which 75 per cent goes to wages. We are looking at the potential for approximately 1 000 people to lose their jobs across the research sector. This is a vital industry in our state and its members do amazing work. We have been the beneficiaries of some outstanding medical researchers in this state, and we should be doing whatever we can to support them. The concern is that the industry will lose not only its federal funding, but also the state component. It is very disappointing to not hear a single voice from the state government in support of this very important industry. Minister Day is away, missing in action overseas, and has not lobbied the federal government or asked it to confirm or deny these funding cuts. We cannot afford to lose this area of research, and I refer to the comments I made a week ago about the appalling state of science and innovation in this state and the appalling circumstances in which the state government is placing this industry.

I ask whoever is representing the Minister for Science and Innovation while he is not in the country to approach the relevant federal ministers. I have written to each of the four federal ministers who I believe have responsibility for this area and I have written to the very senior scientific people in this state expressing my concerns and solidarity for their cause. If we cannot sustain funding for the sciences in Western Australia today, it will be very difficult to get that funding back at a future date and replace those very important people whom we have lost to the eastern states or overseas. The state would lose opportunities also to find a cure for the range of diseases that our friends and family suffer from. It was enlightening to see some family members speak publicly today about their concerns and the potential damage the loss of this funding would do to the wonderful

work that is happening in our state. I call on the state Liberal government to stand up for and speak up on behalf of this vital industry and put pressure on the federal government to sustain the funding.

BUILDING BILL 2010

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Simon O'Brien (Minister for Finance)**, read a first time.

Second Reading

HON SIMON O'BRIEN (South Metropolitan — Minister for Finance) [6.01 pm]: I move —

That the bill be now read a second time.

The Building Bill, along with the three related building services bills, delivers the most significant reform to building regulation in Western Australia in 50 years. The existing process for building approvals was established in the Local Government Act 1960. It reflects the way buildings were designed and built in the 1950s. It relies on builders registered under the Builders' Registration Act 1939. It is clearly time for change. I acknowledge the significant work done by the previous government in preparing the way for these reforms and I look to the support of all parties in enacting these bills without any further delay.

Our built environment is at the core of our culture and our community. The quality of our buildings impacts directly on our quality of life, how efficiently we work, and how effectively we relax. We need our buildings to be safe, accessible and sustainable. This means setting high standards and ensuring that those standards are met. The building industry is a significant contributor to our economy and our quality of life. Building, construction and renovation account for more than nine per cent of this nation's gross domestic product. Approximately 10.5 per cent of the state's total workforce is engaged in building and construction, and it is a critical training ground for the wider economy. Efficient processes are critical, and delays in approvals must be eliminated. Innovation is essential in improving our living standards and growing our economy. The Building Bill 2010 plays a central role in facilitating these outcomes.

The philosophy that underpins the Building Bill is to encourage and empower qualified people to do things right the first time, rather than to build a series of hurdles along each step of the way. The bill does not restrict who can design a building, but it requires a qualified building surveyor to certify that the building complies with building standards. The bill allows building surveyors to work in private practice or local government, and to work alongside the design team, exploring options and confirming compliance as the design progresses. This will encourage innovation in building design and get the best value from performance-based standards in the Building Code of Australia.

Formally registering building surveyors under the Building Services (Registration) Bill 2010 and providing the Building Commissioner with auditing and advisory powers under the Building Services (Complaint Resolution and Administration) Bill 2010 provide effective oversight of the quality of the building surveyor's work without having to build complexity into the approval process for individual buildings. Skilled building surveyors can do more than just check compliance with the building standards; they can help owners, builders and their design teams through the approvals process. They can advise whether building proposals are consistent with other approvals that have been obtained, such as planning or heritage. They will continue to play a significant role in helping permit authorities enforce compliance with both standards and processes.

It is not practical or economical to design and document every aspect of a building so that it can be checked by a building surveyor. We rely on competent builders to construct buildings in accordance not only with the certified plans, but also with good trade practice and the building standards that are not documented. Builders will be registered under the Building Services (Registration) Bill and will be named on building permits. The Building Bill sets out the builder's obligations and provides for a notice to the permit authority when these obligations have been met.

Buildings are becoming more complicated and often rely on mechanical or electrical systems to ensure the safety of occupants. The Building Bill requires occupancy permits for buildings other than single residential buildings and outbuildings. The occupancy permit not only confirms that new buildings have been constructed in accordance with the certified plans, but also confirms the use of the building approved under planning or other legislation, and requires inspection and maintenance of essential services. These inspections can be carried out by any qualified building practitioner and reported to the permit authority. Responsible building owners already do this, and these provisions are no extra burden; rather, they provide a robust system for owners to demonstrate that they have effectively managed their risks.

Occupancy permits allow one simple system to be used to approve temporary use of a building before it is completed, or a different use for a short period of time. They allow for a permanent change of use or

classification to confirm that a building is suitable for strata titling or to retrospectively approve a building that was constructed or altered without authorisation. Over time, existing buildings as well as new buildings will be issued with occupancy permits, and these will provide a simple basis for data to be loaded onto the state land information platform. Single residential buildings will not require an occupancy permit, so that most people will not be restricted from occupying their own homes. Owners of single residential buildings can apply for an occupancy permit or a simpler building approval certificate if they wish.

The Building Bill requires all buildings in the state to comply with the building standards. Previous exemptions for buildings owned, occupied or controlled by the state are removed, but the Building Commissioner is given power to exempt a building from complying with a standard if this will help innovation or prevent unjustifiable hardship. High-risk buildings or parts of buildings require thorough checking and inspection. Processes for medium risks are simpler and allow for self-certification by registered practitioners. If risks are low, the bill does not require approval up-front, but still allows for enforcement action if standards have not been met.

Approval processes in the Building Bill are based on a proportionate response to risk. Buildings incidental to infrastructure, ports, mining and petroleum installations, and industrial plants are already regulated through processes under other legislation to ensure their safety. They do not require separate building approval under this bill, thereby avoiding duplication and unnecessary red tape in important sectors of the state's economy.

Most buildings will require a building permit, an occupancy permit and, at times, a demolition permit. The permit authority that grants these permits will normally be the local government in which the building is located. The state of Western Australia is also a permit authority under the bill, able to deal with any building anywhere in the state. In practice, the state will provide permits for its own buildings, thereby preserving its current independence from local government building control. The state might also provide permits for privately owned buildings of state significance, or where state agreement acts require the state to provide all approvals for a project. Local governments can also ask the state to take over responsibility for complex or specialised buildings if the local government does not have the skills or capacity to deal with it effectively. The Building Bill also allows the minister to approve special permit authorities. These can be used when a group of local governments wish to combine their building control functions; where facilities are located in more than one local government area; or to give redevelopment authorities building control as well as planning functions.

The Building Bill will clarify issues related to construction on boundaries that have caused anxiety and uncertainty for many years. The Dividing Fences Act provides a mechanism for seeking a contribution to the cost of building or maintaining a dividing fence, but does not specify construction standards or processes. The bill has been drafted to align with that act and reinforce the principle that a person's home is their castle and that other people must get permission to intrude, be they workmen seeking easy access to work on a neighbour's building or encroachment on the building itself. If permission is refused, a builder can seek a court order to get access, but cannot just march in. There are clear rules dealing with removal of fences, protection of adjoining buildings during construction, jointly owned walls, and quality of construction along boundary lines. Local governments are given effective powers to intervene when a builder does the wrong thing.

The bill continues the role of local governments and other permit authorities in enforcing compliance with building standards and processes. A local government will monitor building activity in its area and can give notices requiring owners to improve, obtain approval for, or demolish unsafe or unauthorised buildings. The permit authority for a building will be able to inspect at any time and require compliance with certified plans. The bill provides a range of enforcement options, including infringement notices, improvement notices and prosecution for noncompliance. If dangerous situations are not being dealt with, the permit authority can take action itself and recover the costs from the owner or builder. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

CRIMINAL INVESTIGATION (IDENTIFYING PEOPLE) AMENDMENT BILL 2011

Receipt and First Reading

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

[Quorum formed.]

Second Reading

HON PETER COLLIER (North Metropolitan — Minister for Energy) [6.11 pm]: I move —

That the bill be now read a second time.

On 20 April 2009, Hon Robert Anderson, QC, handed down the Criminal Investigation (Identifying People) Act 2002 Statutory Review Reference Group's report titled "Criminal Investigation (Identifying People) Act 2002: Statutory Review". The review made 31 recommendations and 15 other findings on the Criminal Investigation

(Identifying People) Act 2002, of which a number require legislative amendment to satisfy. The government is currently working on numerous amendments to address the recommendations of this review; however, it has been decided to introduce this bill urgently to address critical issues with the matching rules of DNA profiles as dealt with in recommendations 9, 25 and 26.

Section 78 of the act provides for the permitted matches that may take place on the DNA database. This is currently provided in table format and sets out the various indexes across the horizontal axis, and the different types of DNA profiles on the vertical axis. Where the various indexes intersect with the types of DNA profiles in the table, the instructions "yes", "no" or "if within limit" are inserted to direct the database manager on which matches can occur within the database. The primary focus of this bill is to amend the matching rules currently provided in section 78 to adopt the nationally agreed matching rules for DNA profiles.

On 16 November 2006, the fifty-first Australasian Police Ministers' Council considered agenda item 1.8 relating to resolving the impediments to the national exchange of DNA data. This meeting passed a resolution "that jurisdictions aim to develop matching rules that achieve, or move towards achieving, the effect of the Queensland matching table". The focus of this resolution was to resolve the disparities that existed in matching rules from one jurisdiction to another that were severely restricting the effectiveness of the National Criminal Investigation DNA Database. Since this time, the commonwealth, the Australian Capital Territory, South Australia, Victoria and Tasmania have all made changes to their legislation to achieve matching rules consistent with the national model. This bill seeks to bring Western Australia in line with this model to not only enhance the ability of the national database, but also overcome several local issues and anomalies with the matching rules that compromise the ability of police to investigate crime.

This bill will enhance the ability of PathWest to create statistical datasets. To be able to present accurate DNA evidence in court, the forensic biology laboratory at PathWest relies on statistical datasets. These are statistical sets of DNA profiles grouped according to declared ethnicity. Analysis of these datasets is completed to extract data on the frequency of matches of particular parts of a person's DNA profile. This information allows expert forensic statisticians to calculate probabilities that are used to weight DNA evidence. To generate these statistical datasets, expert forensic statisticians require duplicate data within a DNA database to be investigated so that the same person does not appear on the database more than once. A large percentage of the DNA profiles held on the Western Australian DNA database are those in the suspects index. The current matching rules in section 78 of the act do not allow DNA profiles of suspects to be compared with the suspects index; therefore PathWest is unable to establish matches within the suspects index for the purpose of extracting duplicate samples. This bill will resolve this by allowing these profiles to be compared both within and outside of a database environment.

This bill will resolve an anomaly in section 78 that currently results in there being different rules for DNA profiles, depending on the order in which they are loaded into the database. This has been referred to as "asymmetry of the matching table". This has substantially limited the comparisons that may be made on the national database, as the national rules for WA comparisons have had to be limited to the most restrictive rule.

The bill will also resolve an issue with matching rules for the profiles of deceased persons. Section 63 of the act currently provides rules for dealing with "identifying information" of deceased people, and generally provides power to the State Coroner to determine the rules for matching DNA profiles of deceased persons. However, the section currently has a circular reference, with section 78 of the act, making it unclear which comparisons can be made with other types of profiles on the database. This is resolved in the bill by repealing section 78 of the act and making it clear in section 63 that all comparisons of DNA profiles of deceased persons are to be in accordance with the direction of the coroner.

Another issue that will be resolved by this bill is the application of DNA technology to some sexual assault cases. There are occasions when the DNA profile obtained from a child volunteer needs to be compared with the DNA profile obtained from the victim of a sexual assault and the DNA profile of a suspect to determine whether the suspect is a parent of the child. Currently, the DNA profile of the suspect can be compared with both volunteers—the victim and the child—but recent legal opinion has cast doubt on whether the act authorises the comparison of the two volunteer profiles. This situation is currently impeding the progression of several police investigations and court cases involving this kind of testing. The adoption of the national matching rules, as provided for in this bill, puts this question beyond doubt and will ensure that police can continue to utilise this technology to assist in investigating these heinous offences.

Finally, clause 11 of the bill will insert a transitional provision that will ensure that the matching rules provided by the amendments contained in this bill will apply to DNA profiles currently stored within the DNA database, or otherwise lawfully obtained, before or after the commencement of the legislation.

I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

BILLS

Assembly's Messages

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following bills —

1. Police Amendment Bill 2010.
2. Criminal Investigation Amendment Bill 2010.
3. Juries Legislation Amendment Bill 2010.

CRIMINAL CODE AMENDMENT (INFRINGEMENT NOTICES) BILL 2010

Assembly's Message

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

CHARITABLE TRUSTS AMENDMENT BILL 2010

Returned

Bill returned from the Assembly without amendment.

ADJOURNMENT OF THE HOUSE

Special

On motion without notice by **Hon Simon O'Brien (Minister for Finance)**, resolved —

That the house at its rising adjourn until Tuesday, 17 May 2011 at 3.00 pm.

House adjourned at 6.18 pm

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QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

TRANSPERTH BUS SERVICES — DRIVER DRUG AND ALCOHOL TESTING

3562. Hon Ken Travers to the Minister for Finance representing the Minister for Transport

(1) What type of drug and alcohol testing system is used for drivers of Public Transport Authority (PTA) funded services?

(2) How long does it take from the time a test is taken to receive a test result?

(3) Are the drug and alcohol tests used different to the tests used by Western Australian Police on Western Australian drivers?

(4) Has the PTA ever considered adopting an instant drug and alcohol testing system?

(5) If yes to (4), what was the outcome?

Hon SIMON O'BRIEN replied:

The Liberal–National Government takes the issue of drugs seriously, unlike the previous Labor Government which allowed people to grow two Marijuana plants per person per household.

The Public Transport Authority advises:

(1) A range of testing is performed including breath and urine tests.

(2) Varies from instant to otherwise depending upon type of test performed and location.

(3) Yes

(4)–(5) Accuracy and reliability were questionable.

HEALTH PROJECTS — PROCUREMENT OPTIONS

3708. Hon Ken Travers to the Minister for Mental Health representing the Minister for Health

(1) Will the Minister table the procurement options analysis for —

(a) Midland Health Campus;

(b) QEII Medical Centre car park; and

(c) Fiona Stanley non clinical services?

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

(3) Has the Government developed the public cost model against, which the private sector cost will be compared for each of these projects?

Hon HELEN MORTON replied:

(1) (a) The procurement options analysis for the Midland Health Campus forms part of the Business Case for its development. Business cases are considered as part of EERC and Cabinet deliberations and therefore are subject to privilege and not released.

(b) The procurement options analysis for the QEII Medical Centre Car Park forms part of the Business Case for its development. Business cases are considered as part of EERC and Cabinet deliberations and therefore are subject to privilege and not released.

(c) The procurement options analysis for non-clinical services at Fiona Stanley Hospital forms part of the Procurement Plan for its development. The Procurement Plan was considered as part of EERC and Cabinet deliberations and therefore is subject to privilege and not released.

(2) See (1).

(3) A public sector comparator for Midland Health Campus is being developed and will be used as one of the assessment measures in the evaluation process.

A public sector comparator has been developed for the QEII Car Park and is part of the assessment of the procurement process currently underway.

A public sector comparator has been developed for the non-clinical services at Fiona Stanley Hospital and is part of the assessment of the procurement process currently underway.

PUBLIC TRANSPORT AUTHORITY — NATURAL DISASTER MANAGEMENT

3722. Hon Ken Travers to the Minister for Finance representing the Minister for Transport

(1) Does the Public Transport Authority have procedures for dealing with a storm, flood, bush fire or other natural disasters?

(2) If yes to (1), will the Minister table a copy?

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

(4) Do these procedures cover actions to be taken to protect passengers, staff, trains, buses and other infrastructure?

Hon SIMON O'BRIEN replied:

The Public Transport Authority advises:

(1) Yes.

(2)–(3) These procedures have been prepared for internal use only and given the nature of some security and emergency responses covered in the Manual, it would be inappropriate to table.

(4) Yes.

TAXI DISPATCH SERVICE — INVESTIGATION

3723. Hon Ken Travers to the Minister for Finance representing the Minister for Transport

I refer to question No. 2864, and ask —

(1) Has the investigation into the taxi dispatch service been completed?

(2) If yes to (1) —

(a) what was the nature of the investigation; and

(b) what was the outcome?

(3) If no to (1), when does the Minister expect this investigation to be completed?

Hon SIMON O'BRIEN replied:

The Department of Transport advises:

(1) No

(2) Not applicable

(3) The investigation is still in progress.

HARVEST MASS MANAGEMENT SCHEME — ROAD SAFETY IMPACT

3724. Hon Ken Travers to the Minister for Finance representing the Minister for Transport

(1) What studies have been undertaken to measure the impact of the Harvest Mass Management Scheme on —

(a) road safety; and

(b) road conditions?

(2) What is the estimated cost of any impacts of this Scheme?

(3) Have any Local Government Authorities raised any concern about this Scheme?

(4) What monitoring is done to ensure this Scheme does not have an adverse impact on the condition of roads and road safety?

Hon SIMON O'BRIEN replied:

The Liberal–National Government has undertaken this scheme to support farmers and the agricultural sector which was neglected by the previous Labor Government.

Main Roads WA advises:

(1)–(4) The Harvest Mass Management Scheme (HMMS) is not a concessional loading scheme that allows a blanket increase in axle loads on local roads. The HMMS has just completed its second trial.

The HMMS represents a risk management approach to providing flexibility in the movement of grain at harvest from paddock to receival facility, without compromising safety or the structural integrity of the

road and bridge network. An underlying objective of the scheme is to eliminate gross overloading and reduce road damage.

The HMMS was designed to encourage farmers and cartage contractors to adopt loading practices that target compliance with regulatory mass limits, while providing a "buffer" above a vehicle's gross mass to assist them to manage the natural variation experienced in the density of grain between growing areas and in different grain varieties when loaded from paddock.

To this time, CBH has been the only grain receiver with the systems available to participate in the HMMS. CBH actively manages the axle masses of heavy vehicles delivering grain, which includes suspending non-conforming vehicles, and maintains data on the operation of the scheme to enable Main Roads to conduct a review at the end of the season. Main Roads also monitors compliance with the requirements of the scheme through on-road inspections and random audits on CBH during the harvest period.

WESTERN POWER — ADDITIONAL SUBSTATIONS

3725. Hon Ken Travers to the Minister for Energy

(1) Has Western Power identified any additional sub-stations or terminal substations, that will be required within the next 10 years, in the North Metropolitan Region?

(2) If yes to (1), what are the areas that will require additional substations?

(3) Have specific locations been identified?

(4) If yes to (3), what are these locations?

(5) When is it expected these substations will be required?

Hon PETER COLLIER replied:

(1) Yes. All projects are dependent on load growth, customer requirements and environmental approvals, so may change and new project requirements may emerge, depending on customer and community need.

(2) [See paper 3250.]

(3) Specific locations have been identified for some substations.

(4) The proposed developments and locations are summarised in [See paper 3250]. A number of these projects still have to receive regulatory and financial approvals and are subject to timing changes.

(5) [See paper 3250.]

ROAD PROJECTS — FUNDING

3726. Hon Ken Travers to the Minister for Finance representing the Minister for Transport

What are the top five road projects in Western Australia not currently fully funded?

Hon SIMON O'BRIEN replied:

The State and Commonwealth 2011–12 budget processes are currently underway which will determine the level of funding for road projects in Western Australia.

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