THE SPEAKER (Mr G.A. Woodhams) took the chair at 2.00 pm, and read prayers.

LOTTERYWEST TRAILS GRANTS PROGRAM

Statement by Minister for Sport and Recreation

MR T.K. WALDRON (Wagin — Minister for Sport and Recreation) [2.01 pm]: I am pleased to announce today a number of grants for upgrading several recreation trails from Onslow to Dumbleyung as part of the Lotterywest trails grants. Recreation trails are important to the health and wellbeing of individuals and their communities. These trails will also deliver additional community benefit, particularly through tourism. These trails grants are the latest in a 13-year strong partnership between the Department of Sport and Recreation and Lotterywest, which results in $1 million being invested in our state's trails each year. Some of this year's successful projects include: in the City of Kalgoorlie–Boulder, $57 500 towards the Karlkurla bushland trails upgrade; in the Shire of Ashburton, $100 000 towards materials in the upgrading of the Onslow boardwalk trail; in the Shire of Dumbleyung, $20 900 towards materials, fabrication and signage in the construction of the Cooran Hill trail; in the City of Joondalup, $40 000 towards professional fees for the development and production of a City of Joondalup trails master plan; in the City of Albany, $27 754 towards project costs for upgrading the existing Norman's Inlet Walk Trail; in the Shire of Augusta–Margaret River, $108 000 towards the Busselton–Flinders Bay rail trail development plan; and to the West Midlands Natural Resource Group Inc, $25 900 towards construction of the three bays walkway at Green Head.

I would particularly like to mention the significance of the Busselton–Augusta heritage trail, which received $100 000 for final concept planning. This trail will provide a huge recreation opportunity for tourists and residents in the South West region, which is already renowned for its world-class trails. Other regional trails projects supported by my department include the extension of the world-class Munda Biddi mountain bike trail through the south west, and the formation of loop trails that connect with the iconic Bibbulmun Track to form alternative access to and routes through the area.

A rise in the number of metropolitan trails seeking funding signifies a trend in the industry towards trails that create green corridors through the metro area that are easily accessible to metro residents and can be used by the full spectrum of trail users for recreation and active transport. An increase in planning grants shows a growing understanding in the industry of the importance of a comprehensive planning process. This ensures that each trail provides maximum benefit to the users and that asset maintenance is considered during development. I also mention the continued support of the Department of Environment and Conservation in the development and maintenance of these trails.

These are just a few examples of trails projects that this state government is supporting across WA. I take this opportunity to acknowledge the work that staff of the Department of Sport and Recreation put in across the state to work with local government and community groups in developing, maintaining and promoting the trails network across our state. I encourage members to work with their local communities to ensure that all electorates across the state benefit from this important government program.

HUMANITARIAN SETTLEMENT SERVICES — INTERAGENCY SETTLEMENT GROUP

Statement by Minister for Citizenship and Multicultural Interests

MR G.M. CASTRILLI (Bunbury — Minister for Citizenship and Multicultural Interests) [2.05 pm]: I am pleased to report on the progress of the Interagency Settlement Group. The ISG was established in August 2009 following a meeting between me and the then federal Minister for Immigration and Citizenship, Senator Christopher Evans. The purpose of the ISG is to improve coordination between, and services delivered by, state and Australian government agencies engaged in providing key settlement services to humanitarian entrants. One of the major projects for the ISG has been the development of an online, searchable catalogue of services for use by government agencies, non-government organisations and individuals. It contains information about services and programs targeting people who have entered Australia under the humanitarian program. Information is available for 10 priority areas: education, employment, health, housing, justice, language services, transport, civic participation, and family and social support. The information was collected as part of a national cataloguing of programs and services provided by each state and territory; however, Western Australia is the first jurisdiction to place it online.

The ISG has also developed an action plan to address the key issues of data collection, language services, education, health, transport, and family and social support. The plan is the outcome of a community consultation

in September 2010. This feedback from non-government organisations and community groups about the programs and services is listed in the catalogue, including gaps in service delivery. The Office of Multicultural Interests will monitor the action plan and report on its progress. The 2010–11 annual report of the ISG has been submitted to me and will shortly be sent to the federal Minister for Immigration and Citizenship, Hon Chris Bowen, MP.

I thank government agencies for their contribution to the ISG and commend the work of so many government and non-government organisations for providing services to humanitarian entrants in our state.

CITIES AS WATER SUPPLY CATCHMENTS PROGRAM

Statement by Minister for Water

MR W.R. MARMION (Nedlands — Minister for Water) [2.07 pm]: I am pleased to announce that on 24 October I launched the Cities as Water Supply Catchments program Western Australian research node, to be based at the University of Western Australia. The Liberal–National Government is proud to be part of the Cities as Water Supply Catchments program, a national collaborative science and research project focused on identifying ways to better manage stormwater to provide safe, cost-effective, alternative water supplies for the community and on reducing the demand on potable water resources.

Researchers will work to identify water-sensitive urban design techniques. These will enhance the liveability of our cities by delivering improvements in urban landscapes and waterway health—improvements that will be achieved through working with nature to reduce urban temperatures and to keep our cities and towns greener. These outcomes will deliver benefits to all Western Australians, and the Liberal–National Government has committed just over $1 million over the three-year life of the program, with $750 000 of that funding coming from agencies within my water and environment portfolios. That is a significant investment in our commitment to innovation and research in the area of water science.

The consortium behind this national program comprises 19 Western Australian research partners, government agencies and industry, who together have committed a total of $1.7 million. Our University of Western Australia–based research node is only the second of its kind in Australia, and will specifically address WA's different climate and hydrogeological conditions. As a result of work carried out here in WA, program outcomes will be adapted into a national program that will suit different local conditions and focus on better management of urban stormwater and groundwater.

It is great to see that the WA research node, in collaboration with Monash University, will bring together leading researchers from the University of Western Australia, as well as colleagues from the CSIRO and Edith Cowan University. They will work with WA consortium partners to deliver industry-relevant science suited to our state and its unique conditions.

The launch was also associated with a two-day workshop that saw eastern states and WA researchers work with the WA consortium partners to develop a work plan for the WA research node. From a state government perspective, it is extremely important to have such eminent partners working on local research outcomes and to be participating in national urban water science. The government supports all initiatives that seek to ensure our water resources are thoroughly researched and effectively managed as part of our commitment to water security for the economic and social development of Western Australia.

QUESTIONS WITHOUT NOTICE

ST ANDREW'S HOSTEL, KATANNING — ABUSE INQUIRY

760. Mr P.B. WATSON to the Premier:

I refer to shocking abuse perpetrated on young victims boarding at St Andrew's hostel, Katanning, and reported cover-ups by state and local government employees.

(1) Does the Premier agree that this issue requires a strong government response?

(2) When did the Premier first speak to Mal Wauchope about this issue?

(3) Will the Premier immediately establish an independent inquiry into this issue to prevent the perceived bias of a government inquiry, and provide justice and closure for these victims?

Mr C.J. BARNETT replied:

(1)–(3) I thank the member for Albany for the question. He should raise it; it is a very serious matter and is being treated as such by the government. I met yesterday with the Public Sector Commissioner, Mr Malcolm Wauchope. We discussed the issue, and I subsequently wrote to him yesterday afternoon formally seeking —

Ms M.M. Quirk interjected.

Mr C.J. BARNETT: I thought it was a serious issue—I think it is.

I wrote to Malcolm Wauchope yesterday afternoon seeking his formal advice as to whether an inquiry is warranted—I imagine the answer to that will be yes, but I will wait for that advice—and, if so, what form of inquiry should be conducted. The options are essentially an inquiry within the Public Sector Commission itself, a special inquiry along the form of the Keelty inquiry, or a royal commission.

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen, if you wish to ask a question, you know the process in this place. At this stage I will formally call you to order for the first time today.

Mr C.J. BARNETT: The government will await a response from Mr Wauchope. I do not imagine that will take very long at all. The matter will then be considered by cabinet. If the opposition is actually serious about the issue, I will inform Parliament of the decision.

Ms M.M. Quirk: More serious than you are. That will take three months!

The SPEAKER: Member for Girrawheen, I formally call you to order for the second time today.

Mr C.J. BARNETT: Again, I make the obvious point: this situation happened a long time ago—in the 1980s and perhaps into the early 1990s. I remind the house that the culprit, Mr Dennis McKenna, was found guilty in 1990 of sex offences against students at the hostel, and jailed in 1991. He served six years and four months in jail. More recently, he pleaded guilty to sex offences against children in his care at the hostel between 1975 and 1990. He was jailed for six years in October of this year. The culprit is behind bars; nevertheless, there are other issues. The Department of Education is obviously reviewing its documentation at the moment. I will await the advice of the Public Sector Commissioner; then cabinet will consider it. If we make a decision to hold an inquiry and on what form it should be, I will inform the house immediately.

ST ANDREW'S HOSTEL, KATANNING — ABUSE INQUIRY

761. Mr P.B. WATSON to the Premier:

I have a supplementary question. With so many agencies and levels of government involved in this issue, would an independent inquiry, such as that established by Geoff Gallop and undertaken by Sue Gordon, not be the most open and transparent option?

Mr C.J. BARNETT replied:

The inquiry the member is referring to by Magistrate Sue Gordon related to the Swan Valley community. As I understand it, that was an inquiry under the Public Sector Management Act by way of a special inquiry. That is exactly the process. That is one of the options being considered.

ORD–EAST KIMBERLEY EXPANSION PROJECT — LAND RELEASE

762. Mr V.A. CATANIA to the Minister for Regional Development:

I would like to acknowledge Dudley Maslen who is sitting in the Speaker's galley. He is a long-serving community leader and a long-serving local government leader.

Today the minister announced the release of over 15 200 hectares of land in the Ord including more than 7 300 hectares of new irrigated agricultural land. Will the minister update the house on the significance of this milestone in the Ord–East Kimberley expansion project?

Mr B.J. GRYLLS replied:

I am very happy to answer the question of the member for North West. I thank the member for his excellent help in ensuring that we deliver positive Indigenous outcomes in the East Kimberley project. Today the government is very proud to release 15 203 hectares of new, irrigable land on the Weaber Plain, which we call the Goomig farm area; the Knox plain, which is land near the Northern Territory border; and the Ord west bank, which is some infill land closer to the existing town site. This land will more than double the size of the existing irrigation area in the Ord Valley. For those who are interested, the white on this map represents the original land that is already under agriculture. The red represents the Goomig farm area, where we have put the irrigation channels and infrastructure in place. Knox plain is the new land near the border, and Ord west bank is shown in blue. We can see that it is a substantial expansion of the land. I have some subdivision maps and land maps that I will table so members can have a look.

Mr E.S. Ripper interjected.

Mr B.J. GRYLLS: Yes, the Sorby Hills mine is located here. I think that is also going to progress in the future, which is very positive. I will table that document at the end of my answer.

This agricultural expansion has been long awaited, but the project is much more than just farming new agricultural land. It is an opportunity of a lifetime to build the community of Kununurra into a model whereby there is prosperity for all. More importantly, this project is the cornerstone of the state's endeavour to fully engage and partner with traditional owners.

Today LandCorp released a request for proposal process for up to 16 lots in the Goomig farm area that have been identified as suitable for irrigated agriculture and have won the environmental approval of the commonwealth approval agencies. Under the request for proposal process, proponents will be required to submit offers for a three-year development lease, converting upon satisfactory compliance with lease conditions to either freehold or lease survey strata lot. The Miriuwung Gajerrong Corporation has been involved in the project development and land tenure considerations. The MG Corporation will take up its five per cent of land, which is 400 hectares, that is its entitlement under the Ord final agreement, and has indicated it will also exercise its option to purchase a further 7.5 per cent, which is 600 hectares, at market value. The MG Corporation will farm 1 000 hectares of this new agricultural land in the East Kimberley. Criteria is being developed by LandCorp and the Department of Regional Development and Lands, with input from the sales agents, Landmark Harcourts, and the community reference group on the ground in Kununurra.

As I have said, a further 6 096 hectares of Knox plain and 1 767 hectares of the Ord west bank will also be released through a slightly different process, an expression of interest process. This is required as successful proponents of these two parcels of land will need to complete outstanding environmental approvals, plan the infrastructure build on these parcels of land and comply with all the planning and environmental requirements so that development can occur on that land. The release of that land at the same time allows us to release over 15 000 hectares, which makes this a world class–scale agricultural project.

Over the past 18 months there has been increasing local, interstate and overseas interest in the impending land release. The timing of this release allows for the development of the land to commence in 2012 in parallel with the completion of the infrastructure works funded by the state to service that land. Submission for all three land releases—the Goomig, the Knox plain and the Ord west bank—will close at the end of February 2012.

The Liberal–National government is very proud to be progressing the release of this land consistent with the stated time line for the project. It is also consistent with our plan to grow the Kimberley and to grow the development of the Kimberley region. I welcome the bipartisan support for the project as we deliver on the Ord final agreement, which settled native title in the East Kimberley, as negotiated by the Leader of the Opposition. We thank the Leader of the Opposition for that work. We also recognise the $195 million of commonwealth community infrastructure spending, led by Gary Gray, that underpins the development of Kununurra and East Kimberley community infrastructure. This is a landmark day for the East Kimberley. It shows that the government can deliver an agricultural project closely linked with Indigenous participation and opportunity. I think we are now heading on a path that will see a wonderful agricultural precinct growing and developing in the East Kimberley.

[See paper 4203.]

OAKAJEE PROJECT — FEDERAL FUNDING

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

I refer to the Oakajee project that will cost state taxpayers at least $339 million for as yet uncosted common-user infrastructure.

(1) Has the government finalised negotiations with the commonwealth about how the federal contribution to the project will be applied?

(2) Has the Premier submitted the final business case to the commonwealth to comply with Infrastructure Australia requirements for federal funding?

Mr C.J. BARNETT replied:

(1)–(2) I do not know why the Leader of the Opposition is so against development in our state. He just continues to denigrate an important project for this state, one that the commonwealth government has seen the merit in —

Mrs M.H. Roberts: Stop being a sourpuss and get on with the answer!

Mr C.J. BARNETT: Why is the member for Midland so grumpy today?

The SPEAKER: Member for Midland, if you wish to ask questions, I will repeat what I said earlier to the member for Girrawheen. Member for Midland, I formally call you to order for the first time today.

Mr C.J. BARNETT: Oakajee Port and Rail has the mandate for the project until the end of this year. In the meantime, discussions are taking place with the participants in Oakajee Port and Rail, with the investors in the

various iron ore projects, with Mitsubishi and with Chinese government agencies. I expect that out of that the project will be restructured and proceed. Until that project is restructured and proceeds, there is nothing more than keeping the commonwealth informed.

Mr E.S. Ripper: You have not sent the business case yet to the commonwealth.

Mr C.J. BARNETT: No, because we do not have a final structure of the project. It was the Labor government that set up this absurd structure that I have had to spend the last three years trying to rearrange.

Several members interjected.

Mr E.S. Ripper: You are messing up another project! You nearly lost James Price —

Mr C.J. BARNETT: The Leader of the Opposition still does not get it, does he? When the biggest customer, and the customer for Oakajee, is China, the Labor government took Chinese interests out of a potential project and lined up Japan against China—and opposition members wonder why it has been difficult! In fact, there is a bit of a view around that that was a politically based decision by the Labor government.

Mr E.S. Ripper: What an outrageous assertion!

Mr C.J. BARNETT: I think it might have been a politically based decision.

Mr E.S. Ripper: How ridiculous! For what reason? What is your evidence for that?

Mr M. McGowan: What possible reason?

Mr C.J. BARNETT: There are a few rumours around that it was politically based. I would not add currency to those other than to say that they are out there. However —

Mr W.J. Johnston interjected.

The SPEAKER: Member for Cannington, I would like question time to proceed. I formally call you to order for the first time today, member for Cannington.

Mr C.J. BARNETT: In terms of the common-user infrastructure, which is basically the port and the channel and a few other bits and pieces around the port, that facility will be owned by the Western Australian government, as are other ports, and it will be administered and managed through the Geraldton Port Authority.

Mr E.S. Ripper: How is the commonwealth contribution going to be applied?

Mr C.J. BARNETT: It will be a state-owned asset to which the commonwealth has agreed to contribute.

Mr E.S. Ripper: Will they have ownership rights at all or an equity return?

Mr C.J. BARNETT: That is up to the commonwealth. If it wants to have a share of the ownership, obviously it would be entitled to do that. I doubt that it will do that. I think that it will see this as a grant towards the development of infrastructure that will be state-owned and therefore publicly owned.

OAKAJEE PROJECT — FEDERAL FUNDING

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

I have a supplementary question. Noting the Premier's comments about China, during his visit to China, did he get a commitment from Chinese interests that they will conclude a deal with Mitsubishi for involvement in the project by the end of the year, as he has required?

Mr C.J. BARNETT replied:

If I did, the Leader of the Opposition would be the last to hear about it. I can see why the Labor government could never put a deal together. We had discussions with China. I have encouraged both Mitsubishi and China Inc, if you like, to work cooperatively, which they are doing.

I have said in this house before that the National Development and Reform Commission, the body that oversees all Chinese overseas investment by all the state-owned enterprises, is doing a reassessment of the project. It is involving Chinese financial and engineering groups, and perhaps even steel mills in that. The commission is yet to come back to me on that but it will—and I hope that we will go forward from there.

BUSHFIRE SEASON — PREPARATIONS

765. Mr J.M. FRANCIS to the Minister for Emergency Services:

On behalf of the member for Scarborough, I acknowledge the year 5 students from St John's School and their teacher, Mr Greg Goldy.

In light of the severe fire season that was inflicted on this state last summer, could the minister please update the house on what the government is doing to prepare the state for the upcoming fire season?

Mr R.F. JOHNSON replied:

I thank the member for Jandakot for the question. I know he has a very serious interest in the government doing whatever it can to fight any possible bushfires in the coming season.

Ms M.M. Quirk interjected.

Mr R.F. JOHNSON: The member for Girrawheen is interrupting again. She is so rude. All she ever does is mumble, mumble, mumble whenever anybody on this side of the house gives an answer to a question.

Mr T.G. Stephens interjected.

The SPEAKER: Member for Pilbara, I am formally going to call you to order for the first time today.

Mr R.F. JOHNSON: Last Friday, the Fire and Emergency Services Authority of Western Australia, along with all the other agencies that play a part in fighting bushfires, organised a seasonal outlook, which is the annual briefing that outlines the latest predictions for the season. Certainly, what came out of that meeting was quite clear: the average rainfall has increased the annual grass fuel loads, resulting in a majority, or up to 80 per cent, of the state having an above-average potential for bushfire risk. The Liberal–National government is doing all it can to prepare for this very challenging and busy bushfire season.

Today I am pleased to announce that my very good friend and colleague the Minister for Environment and I announced that this government will invest more than $6.25 million in additional specialised firefighting equipment to protect local communities during the bushfire season. This includes the lease of an S-64 Erickson Air-Crane helicopter, which is to be based in Perth but which can be moved anywhere in Western Australia, for additional support during the bushfire season. This helicopter is very often known as Elvis. I cannot guarantee that this particular helicopter will be named Elvis. Apparently, there are a few in the eastern states. We could get Sally or one with another name.

Mr C.J. Barnett: Or Rob!

Mr R.F. JOHNSON: It could be called Rob!

Several members interjected.

Mr R.F. JOHNSON: I would truly be very honoured for an Elvis look-alike to be named Rob!

Ms M.M. Quirk interjected.

Mr R.F. JOHNSON: I think the member would know more about that than I would.

The government is very proud to have made that commitment to try to ensure that during this bushfire season, we save not only lives, but also as many homes as we possibly can. The benefits of this new Elvis-style air crane helicopter is that it will drop 9 500 litres of water per load. That is more than the four helitacks, which carry 1 000 litres each, can drop. The type 1 helicopters have roughly 3 800 litres to drop. This will be a huge benefit in that the helicopter will quickly off-load water. The high water volume delivery will rapidly increase the knockdown of running fires, resulting in reduced risk to life, property and the environment of Western Australia. Our current fleet includes the type 1 helicopters, which carry about 3 800 litres each, and the smaller helitacks, which carry about 1 000 litres each. This particular helicopter will be based in the metropolitan area and will primarily be used to respond to bushfires in high-risk rural–urban interface escarpment areas where local wind conditions severely affect smaller rotary and fixed-wing aircraft.

The aircraft can also be used in regional areas of the state, especially in the south west land division. We will also double FESA's additional or reserve tanker fleet during the bushfire season, with four new additional appliances ready to respond to major incidents. The plan is for these appliances to be utilised throughout the state during the alternate fire seasons. It will be based in the south west during the summer period and will then be relocated to the north west during that fire season. During days of severe or greater fire danger ratings, these tankers will be based in the hills areas such as Mundaring and Roleystone, or other areas of identified high risk. These additional tankers will provide an immediate early response to fires and provide assistance to the predominantly volunteer fire and rescue crews and, indeed, the bush fire brigade crews. In addition to the four new tankers, a heavy pumper will be brought online to support the core fleet in times of major bushfire. To ensure that this strategy is in place this bushfire season, FESA will immediately refurbish four tankers and put plans in place for the new appliances to be ready for the 2012–13 season.

Today Western Australia's fire agencies tested their preparations for the upcoming season in an exercise scenario involving several simultaneous major bushfires across the south west. The exercise took place across six regions and involved agencies including FESA, the Department of Environment and Conservation, local government, Western Australia Police and the Department for Child Protection. Today's exercise provided a valuable opportunity for agencies to test their response to and coordination in a situation involving several serious and challenging bushfires occurring simultaneously.

BARROW ISLAND — ANIMAL DEATHS

766. Mr C.J. TALLENTIRE to the Minister for Environment:

I refer to reports that hundreds of native animals, many of them on the threatened or endangered list and protected by law, have been killed as a direct result of industrial development on Barrow Island.

(1) When did the minister become aware of these deaths?

(2) Why has not one fine been imposed, given that these animals are being trapped, crushed and run over, and the law provides for fines of up to $10 000 for such killings?

(3) With six Department of Environment and Conservation reserves officers based on Barrow Island to provide an operational and regulatory presence, how could so many deaths of threatened and endangered animals not have prompted the minister to take action?

Mr W.R. MARMION replied:

Can I thank the member for Gosnells for the question.

(1)–(3) The ministerial statement for the Gorgon project requires Chevron to produce a fauna handling and management procedure and to report any marine and fauna deaths to DEC. In consultation with DEC, Chevron has implemented a range of measures to militate against the high number of fauna deaths; and I acknowledge the high number, and it is obviously of concern. Chevron has implemented an awareness campaign, it has done programs on reducing vehicle speed limits, and it has a vehicle monitoring system. There have been deaths. In fact, the deaths are around 1 500. However, if I can use one example, 200 golden bandicoots are estimated to have died, out of a population of 40 000 to 60 000 bandicoots. DEC has suggested that there is no threat to any of the fauna population from the incidences that have occurred.

BARROW ISLAND — ANIMAL DEATHS

767. Mr C.J. TALLENTIRE to the Minister for Environment:

I ask a supplementary question. Why is the minister failing to implement the environmental conditions that were imposed on the Gorgon proponents, to insure against this sort of thing, so that the minister could take punitive action against them?

Mr W.R. MARMION replied:

No fines have been —

Several members interjected.

The SPEAKER: Member for Mandurah, it might be that sometimes you need to have eyes in the back of your head. I formally call you to order for the first time today. The minister has been asked a supplementary question. He is the only one I expect to hear from.

Mr W.R. MARMION: Thank you, Mr Speaker. DEC has not issued any fines, because all of the deaths have been accidental.

PRESCRIBED BURNING PROGRAM — DEPARTMENT OF ENVIRONMENT AND CONSERVATION

768. Mr M.J. COWPER to the Minister for Environment:

On Sunday I was down in Dwellingup, and I spoke to some fire crews. They are very concerned about the need for the Department of Environment and Conservation to undertake prescribed burning, particularly in rural–urban environments. Can the minister please give us some indication of what the government is going to provide to enable DEC to carry out a prescribed burning program and to tackle this upcoming fire season?

Mr W.R. MARMION replied:

I thank the member for Murray–Wellington for a very good question. I know he is a strong supporter of prescribed burning and, indeed, of the local volunteer bush fire brigades. DEC has begun its prescribed burning program for this year. This year, there is a greater emphasis on the urban interface and the Perth hills. I can report that this year, in the hills and the Swan coastal plain, DEC has completed or begun 34 burns, totalling an area of around 5 500 hectares of land. This is more than double the same time last year—this is more than double what we had achieved in 2010. Whilst many of these burns are relatively small, they do provide a strategic framework and protection for residents in the Perth hills with the coming fire season. But DEC is also carrying out larger prescribed burns to the east of the Darling scarp. These burns are essential to avoid the repetition of the fire that happened in January 2005 that burnt out 28 000 hectares over a 10-day period.

In terms of the south west overall, the Department of Environment and Conservation has managed to complete or begin 74 burns over a total area of 32 300 hectares since 1 July, and that will go through to 7 November. This

government is very committed to prescribed burning, and supporting DEC's capital funding to make sure that we meet our target of 200 000 hectares a year.

Several members interjected.

The SPEAKER: Member for Cannington, this is not an opportunity to try to call for another member's attention. I am formally going to call you to order for the second time today.

Mr W.R. MARMION: The Department of Environment and Conservation is well underway in spending the $5 million that was allocated this year. I can report that, so far, two additional fire trucks have been deployed to the Kimberley and one to Kalgoorlie, and an additional truck is due for delivery in Walpole early next year. Tenders have also been awarded for the supply of a bulldozer, a prime mover and a low loader for DEC's Wanneroo complex, as well as a prime mover and low loader to DEC's South West region. Also, back-up generators for continuity of power during bushfires is very important, and we have installed back-up generators at Collie and Mundaring, and a third one is scheduled for Albany. A tracked skid steer loader has also been delivered to DEC's Warren region in the lower south west.

Other projects that DEC will be undertaking under the $5 million program include the maintenance of airstrips—there are lots of them—at Walpole, Shannon, Nannup and Dwellingup. DEC has also upgraded two lookout towers—one at Mowen, a tower east of Margaret River; and the Solus tower near Serpentine Reservoir. A tender has also been awarded to construct a purpose-built facility at Bunbury to store a range of high-value equipment used for DEC's mobile incident control centre during bushfires. This government remains committed to prescribed burning as the primary bushfire mitigating tool in the south west forest regions.

KEELTY REPORT RECOMMENDATIONS — DEPARTMENT OF PLANNING

769. Mr J.N. HYDE to the Minister for Planning:

In relation to the coming fire season and recommendations in the —

The SPEAKER: Member for Eyre, member for Murray–Wellington, and member for Victoria Park, I formally call you to order for the first time today—the three of you. I have given the call to the member for Perth. Member for Perth, if you wish to read the question, feel free to continue.

Mr J.N. HYDE: My question is in relation to the coming fire season and recommendations in the Keelty report demanding urgent action by the Western Australian Planning Commission. When did the Western Australian Planning Commission complete the urgent task Mr Keelty set it in recommendation 3, which stated that if another disaster was to be averted, "The Western Australian Planning Commission should urgently assess those areas that should be declared bushfire prone"?

Mr J.H.D. DAY replied:

I am not surprised the member for Perth had a little difficulty in working out where I sit as Minister for Planning because I think that is the first question for the year. I congratulate the member for Perth for that!

Several members interjected.

Mr J.H.D. DAY: I have had plenty of questions; it is just that they have not come from the member for Perth.

As I am sure the member for Perth is aware, I represent the electorate of Kalamunda—previously Darling Range—and there are no places or electorates where bushfire prevention and management is more important than in the hills of Perth. Therefore, it is an issue that I have a very strong personal and electorate interest in.

The Department of Planning is considering the recommendations of the Keelty report —

Mr J.N. Hyde: Urgently?

Mr J.H.D. DAY: Of course it is doing it urgently; it is doing lots of work urgently at the moment. In fact, there is a lot going on within the Department of Planning, and, indeed, a lot being achieved. If the member for Perth wanted a detailed response on exactly the work that has been done or the decisions that have been made or the actions that have been taken, he should have given some notice of the question. The Department of Planning is considering and assessing the recommendations of the Keelty report.

Several members interjected.

The SPEAKER: Member for Girrawheen, I formally call you to order for the third time today.

Member for Perth, I suggest you listen to the answer. If you are not content at that point, a supplementary question is always an option.

Mr J.H.D. DAY: My understanding is that the government's response to the report is being coordinated by the Department of the Premier and Cabinet from a whole-of-government approach. The Department of Planning is part of that process and is working with other agencies, such as the Fire and Emergency Services Authority and the Department of Environment and Conservation.

KEELTY REPORT RECOMMENDATIONS — DEPARTMENT OF PLANNING

770. Mr J.N. HYDE to the Minister for Planning:

I have a supplementary question. When will the minister's agency complete this urgent recommendation from Keelty?

Mr J.H.D. DAY replied:

This might be a new issue to the member for Perth, but it is certainly not a new issue to the Department of Planning or the WA Planning Commission. Indeed, earlier this year, if I recall correctly, there was the publication of some bushfire —

Mr J.N. Hyde: You're struggling! Keelty said this was urgent and you have ignored it!

The SPEAKER: Member for Perth, I formally call you to order for the first time today. If you wish to get an answer to your questions, I advise you to cease interjecting.

Mr J.H.D. DAY: The department is to a large extent ahead of the game because earlier this year it published some revised bushfire prevention guidelines and guidelines for approval of the subdivisions in high bushfire-prone areas. This is not a new issue to me, the WA Planning Commission or the Department of Planning, albeit it may be to the member for Perth.

SECURE MENTAL HEALTH FACILITIES — SMOKING BANS

771. Dr J.M. WOOLLARD to the Treasurer:

The Minister for Mental Health has announced that she proposes to ask cabinet for approval to lift the ban on smoking in some Western Australian hospitals. Her proposal would mean that involuntary mental health patients will be able to smoke in designated outdoor areas.

(1) Has there been communication between the Minister for Mental Health and Treasury regarding the amount of money that the government plans to set aside as a contingency fund to allow for future insurance premium increases and future payouts based on claims brought against hospitals or government for smoking or smoking-related illnesses?

(2) Has he received, or will Treasury be seeking, legal advice on potential future claims from public hospital mental health patients, their families or guardians for smoking or smoking-related illnesses based on common law negligence, occupational health and safety law, occupiers' liability law, contract law or antidiscrimination law?

Mr C.C. PORTER replied:

I thank the member for Alfred Cove for the question. Did the member know that with that question she shares something in common with the member for Midland? If we count back to 17 August of this year, the member and the shadow Treasurer have both asked me the same number of questions—one! We have a $188 billion economy and the member for Alfred Cove has asked me the same number of questions as the shadow Treasurer.

Several members interjected.

Mr C.C. PORTER: It is just that it gets a bit dull! The member for Alfred Cove should be careful they do not try and seduce her to become shadow Treasurer!

I thank the member for giving some notice of her questions.

(1) The answer to the member's first question about communications between the Minister for Mental Health and Treasury regarding moneys the government plans to set aside is no; there has not been any communication.

(2) The answer to the second question about whether I have received or I will be seeking legal advice in regard to potential future claims from public patients and a range of other matters is no; I have not sought that legal advice. In fairness, the member is asking whether that is the type of advice that may be sought if this proposal did go further. It is unlikely that advice of that nature would be sought; and the costings —

Mr E.S. Ripper: The minister has announced it!

Mr C.C. PORTER: Had the Leader of the Opposition been listening to the question, the minister announced that she proposes to ask cabinet. I am not sure of the extent of the imminence of that asking or that proposal. However, as that comes forward—if it comes forward—through the cabinet process, there will first of all be interdepartmental communications, and then, no doubt, Treasury, in discussions with my office, will look at the types of information that we will need to have, and some of the information that the member has nominated will be the obvious questions that we will ask in due course.

Dr J.M. Woollard interjected.

Mr C.C. PORTER: Of course.

BUREKUP — RESIDENTIAL DEVELOPMENT

772. Mr M.P. MURRAY to the Minister for Regional Development:

I refer to community discontent over the proposed abattoir expansion in the Avon Valley and the subsequent Supreme Court action, and also to the proposed Burekup residential development.

(1) Does the minister stand by the proposal to build an agrifood processing plant that includes an abattoir at Burekup?

(2) If so, is the minister aware that the South West Development Commission, through the greater Bunbury region scheme, plans to build a new residential area at Burekup that will be within two kilometres of the proposed agrifood precinct?

Mr B.J. GRYLLS replied:

(1)–(2) I am aware that the South West Development Commission is leading a process looking to identify a processing precinct for agricultural produce. This is a contentious issue because, with the very strong growth of the West Australian economy, there is a need for us to find more places for people to live. That is a good thing and a positive thing for the state. I recently saw some figures in *The West Australian* that the population growth in Western Australia is currently 2.2 per cent. If the population continues to grow at 2.2 per cent out to 2050, the Western Australian population will be 5.4 million people—that is more than a doubling of the population by 2050 if we maintain our current population growth.

That leads to a range of challenges. The member identified the one currently before the courts—that is, Linley Valley and the concern about the lifestyle village at El Caballo Blanco. That is really interesting. I am the local member for the area and have actually given my support to the lifestyle village. The Minister for Agriculture and Food has a different view from that. The Minister for Agriculture and Food has been very keen to protect the agricultural production in that area and is concerned about urban encroachment.

Again, I think this is a healthy debate to be had in Western Australia, about the orderly growth and development of our state. I think that those types of issues will regularly arise. I understand that there is a process to go through. The lifestyle village proponent has recently gone to court and has, I think, had a small win. Again, that matter still has to play out.

With regard to the precinct at Burekup, I am not as aware of the issues surrounding that. I would be happy for the member to make his information available to me so that I can consider it as well.

BUREKUP — RESIDENTIAL DEVELOPMENT

773. Mr M.P. MURRAY to the Minister for Regional Development:

I have a supplementary question. Having heard that, will the minister admit that housing developments and abattoirs are not a good mix, and that an alternative site for the agrifood precinct should be found in the south west?

Mr B.J. GRYLLS replied:

I did not admit that.

Mr M.P. Murray: I heard what you said.

Mr B.J. GRYLLS: I just said that those types of challenges arise all the time. That is why we have planning laws. That is why we have environmental laws. That is why we have a range of things. We have —

Several members interjected.

The SPEAKER: Order, members!

Mr B.J. GRYLLS: Again, these are complex individual issues and different issues arise out of each individual project.

Mr P. Papalia interjected.

The SPEAKER: Order, member for Warnbro!

Mr B.J. GRYLLS: Again, as I have said, in my electorate, I have been heavily involved. I will very happily be heavily involved in the issue around Burekup. I do not think that we have actually identified that. I do not think that we have said that there will be a precinct there yet. Is that right, minister?

Mr D.T. Redman: No—that is right.

Mr B.J. GRYLLS: So it is proposed. Work is being done to look at all these issues, including community consultation. In that community consultation, obviously, people have raised concerns, as they should. That helps government look at the issue just as it has in the Avon Valley—the abattoir and the farming sector. There has been concern about urban encroachment on the Linley Valley abattoir. The shire and I, as the local member, are very keen to see a lifestyle village built around the infrastructure at El Caballo Blanco. It is infrastructure that has been underutilised for a long time. The whole Avon Valley corridor is growing very, very strongly and, again, government and the relevant processes will be used to ensure that we get the best outcome for each individual project. I look forward to the minister —

Mr M.P. Murray: You are dodging the issue.

Mr B.J. GRYLLS: Does the member have the information to give to me now?

Mr M.P. Murray: I can give you about 20 pages.

Mr B.J. GRYLLS: Beautiful. Thank you.

ORD RIVER IRRIGATION AREA — LAND RELEASE

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

As a farmer, I have considered relocating to Kununurra a number of times, so I noted with interest the Liberal–National government's momentous decision to release more than 15 000 hectares of land in the Ord River irrigation area. Can the minister please explain what opportunities this will unlock for agriculture in the East Kimberley?

Mr D.T. REDMAN replied:

Thank you, member for Geraldton. As the Liberal–National government has come to power and made the decision to consider a range of developments, agriculturally as well, more people like the member for Geraldton will make the positive decision to shift to these areas because the opportunities that come from a Liberal–National government considerably outweigh the fact that they are in government.

Several members interjected.

Mr D.T. REDMAN: This project certainly has national significance. The Minister for Regional Development highlighted —

Mr P. Papalia: How did the rice crop go?

The SPEAKER: Member for Warnbro!

Mr D.T. REDMAN: — a whole range of strictly infrastructure benefits and a range of Indigenous outcomes for that community that have been triggered from the investments there. At the end of the day this is an agricultural project in the Ord. Already a significant amount of produce is being produced in that area. It is indeed a food bowl of the north. When we look at the northern part of Western Australia, right from the Pilbara through to the Kimberley, the water resource is substantial. But it is considerably underdeveloped. The East Kimberley development highlights the sharp point of the opportunities that can happen in the northern part of Western Australia, which this government is looking closely at and making the economic decisions to support the economic growth within a region of the state that has the potential to do so.

During the many early visits I had to the region in considering the opportunities up there, one of the points that people were raising with me was that the scale of the development of Ord stage 2 was not large enough to get the ear or the support from those in the east or others internationally who were looking at investments in those areas. The more than 15 000 hectares the Minister for Regional Development announced today will double the size and scope of the Ord development such that many people can look at bringing what has been a dream in the past to reality.

Ms R. Saffioti interjected.

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro, I formally call you to order for the first time today. Obviously my hints have not been strong enough for you, member for Warnbro. Member for West Swan, you can capture your first formal call today as well.

Mr D.T. REDMAN: Thank you, Mr Speaker. The great people who have been progressing agriculture in the Ord East Kimberley development have been truly progressive; they are entrepreneurial and they look at the opportunities that present to them. They have been growing a whole range of crops from rice to chia, sorghum, pumpkins, melons, mangoes and a whole heap more. A whole heap of new crops are being trialled and looked at

at the Frank Wise Institute. The member for Collie–Preston has been to the Frank Wise Institute and understands what is going on there because he articulated that very, very well in a recent radio interview. When we look at the new opportunities around cotton, chickpeas, mung beans, wheat —

Mr M.P. Murray interjected.

Mr B.S. Wyatt: Hear, hear!

Withdrawal of Remark

The SPEAKER: Member for Victoria Park, I formally call you to order for the second time today. Member for Collie–Preston, I am going to instruct that you withdraw that statement.

Mr M.P. MURRAY: I withdraw that statement.

Questions without Notice Resumed

Mr D.T. REDMAN: Thank you, Mr Speaker. A whole range of new options are being developed at the Frank Wise Institute. I think that gives a chance to present —

Mr P.C. Tinley interjected.

Mr P. Papalia: What about the rice?

The SPEAKER: Member for Willagee, I formally call you to order for the first time today, and member for Warnbro for the second time today. If members want to deny themselves the opportunity of asking another question, you are going in absolutely the right direction.

Mr D.T. REDMAN: The research work that is happening at the Frank Wise Institute of Tropical Agriculture really presents an opportunity to industry to look at what options are available, what options actually meet agronomic needs, and therefore what potential exists for industry to make investments to follow on from the announcements made by the Minister for Regional Development. Western Australia, as an export state, has the comparative advantage of hitching to the food security needs of other countries. The north of Western Australia presents an opportunity for that. The Ord–East Kimberley development is the sharp point of some of those opportunities; there is a huge potential for growth up there. I am very excited about it, and I am sure that the people of Western Australia are excited about it, and the government certainly hopes that this will encourage strong investment in the north to support growth and development and to support Indigenous community outcomes to ensure that we can continue to make Western Australia the great state that it is.

HOSPITAL BEDS — AVAILABILITY

775. Mr R.H. COOK to the Minister for Health:

I refer to the Australian Medical Association report, released last week, which criticised the Western Australian state government for its failure to make the necessary number of hospital beds available to keep pace with Perth's population growth and demand for hospital services.

(1) Does the minister accept the AMA's claim that, when hospitals operate above 85 per cent capacity, they compromise patient safety?

(2) If so, when will the minister ensure that our hospitals operate below 85 per cent capacity given that, as of today, six major Perth hospitals are operating well in excess of 90 per cent?

Dr K.D. HAMES replied:

I thank the member for the question; I am sure he must have been getting out my old press releases!

(1)–(2) I got stuck into the previous Minister for Health so many times because our hospitals were running at 95 per cent to 105 per cent capacity. What have we done since we have been in government? We have made a further 150 beds available since that time—in fact, 150 beds since that report came out.

Mr E.S. Ripper: So it's all okay, is it?

Dr K.D. HAMES: Well, it is not okay, and the Leader of the Opposition knows as well as I do that it is not okay. The reality is that we need more beds. The reality is that, if we had had Fiona Stanley Hospital running in 2010, as the previous government said it would be, it would not be an issue; but I have to say, I do not really blame the opposition. I know the complexities involved in getting a hospital like that up off the ground and built and the time factor that it takes, so it is understandable —

Mr T.R. Buswell: You've gone soft!

Mr E.S. Ripper: Is this some new strategy?

Dr K.D. HAMES: It is, Troy! It is really a difficult project.

The reality is that that is when we needed those beds—in 2010. They are four years late, and it has created significant problems with the growth in demand that we are experiencing. I remind members that we have 2.5 per cent growth in demand as a result of growing population, we have four per cent growth in cost demand as a result of inflation and increased wages, and we have approximately two per cent growth in demand because of the ageing population. That is why the health budget needs to increase by about eight or nine per cent a year, to match all that demand. There is an ex-Treasurer coughing in the background, but it is true; those demands exist, and we have to meet them.

I had an interesting conversation with representatives of the AMA when we had our usual meeting. I actually meet them; they did not get to meet the former Minister for Health very often, but I meet them every month and go through issues, and that was one of the issues we went through.

Mr R.H. Cook: Is it true that you don't let staffers in on those meetings?

Dr K.D. HAMES: No, not true. Kim Snowball was there at our meeting yesterday, and my staff was certainly there.

To get back to the issue of the number of beds, that report came out two years ago, so it does not take into account the additional beds at Joondalup and Rockingham. I note that Australia wide, only 378 additional beds were made available in that time. Since then, we have made about 150 additional beds available, so we are well in front compared with other states, but we do need those further beds. We need the Midland hospital to open, which will double the number of beds out there. We need the Fiona Stanley Hospital to open, because the percentage occupancy is not satisfactory; 85 per cent is the ideal. I do not think there are too many places in the world that actually get to that, so 90 per cent is okay, but we are still at 95 per cent plus. We need to get those percentages down and the only way to do it is to have more beds. That means that we need beds that are empty; if all the beds are full, then when we have surges of patients coming in, we will not have the ability to cater for them, so we actually need beds that are staffed but do not have patients to allow for those surges. One thing that is helping us to mitigate that is the changes with the four-hour rule, which allows for a much more efficient use of those beds, and the government's approximately $20 million funding for Silver Chain, which creates beds at home. That is one thing that the AMA has not counted in those numbers—the fact that we have created the equivalent of 500 additional beds at home.

Mr R.H. Cook: But that's not what they're measuring, is it?

Dr K.D. HAMES: No. They are not measuring those; they do not measure those, but they do not have that in any other state. It has impacted significantly on demand growth pressures in our hospitals because we have the equivalent of 500 patients at any one time who would otherwise be in hospital who are now being cared for by nurses and doctors in their home. I will wait for the supplementary question to finish my answer.

HOSPITAL BEDS — AVAILABILITY

776. Mr R.H. COOK to the Minister for Health:

I have a supplementary question. Given that the minister accepts the 85 per cent target, will he commit to that target and when will he achieve it?

Dr K.D. HAMES replied:

I certainly commit to working towards that target. I would love to achieve that target. We need a significant number of additional beds to do that and that is why we have a massive construction program. There are further beds that we need to build over the next 10 years to make sure that we achieve that and we have to maintain the efficiency.

Mr R.H. Cook: So when will you achieve the target?

Dr K.D. HAMES: I have no idea when we will achieve the target. I have no idea whether we will achieve the target. No other tertiary hospital in Australia meets that target because it is so difficult with the growth in demand that we have in our hospitals. I think that I would need to increase my percentage of spend in the budget from 25 per cent to about 50 per cent to achieve that.

Mr T.R. Buswell: You keep trying!

Dr K.D. HAMES: I keep trying to get those extra dollars, but the Treasurer just holds me back.

PAPERS TABLED

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

BILLS

Notice of Motion to Introduce

1. Integrity (Lobbyists) Bill 2011.

Notice of motion given by **Mr C.J. Barnett (Premier)**.

2. Community Protection (Offender Reporting) Amendment Bill (No. 2) 2011.

Notice of motion given by **Mr R.F. Johnson (Minister for Police)**.

3. Legal Deposit Bill 2011.

Notice of motion given by **Mr J.H.D. Day (Minister for Culture and the Arts)**.

PERTH WATERFRONT PROJECT

Notice of Motion

Mr J.N. Hyde gave notice that at the next sitting of the house he would move —

That, in relation to the Perth Waterfront project, this house calls on the Barnett government to —

(1) fully and transparently answer all concerns raised by its own departments and agencies as detailed in the metropolitan region scheme report submissions;

(2) fully and transparently answer all concerns raised by independent experts and stakeholders as detailed in the MRS report submissions; and

(3) fully and transparently answer all outstanding concerns regarding the $420 million budget and time line for this project.

ELECTRICITY BILLS — INCREASES

Matter of Public Interest

THE SPEAKER (Mr G.A. Woodhams): I today received within the prescribed time a letter from the Leader of the Opposition in the following terms —

I wish to raise the following as a matter of public interest today.

"That the House —

Condemns the Barnett Government for its savage jump in electricity bills across;

– The Jandakot electorate, specifically the suburbs of Banjup; Atwell; and Leeming and;

– The Wanneroo electorate, specifically the suburbs of Mariginiup, Wangara, and Gnangara."

The matter appears to me to be in order.

[At least five members rose in their places.]

The SPEAKER: The matter can proceed.

MR E.S. RIPPER (Belmont — Leader of the Opposition) [3.05 pm]: I move —

That the house condemns the Barnett government for its savage jump in electricity bills across the Jandakot electorate, specifically the suburbs of Banjup, Atwell and Leeming, and the Wanneroo electorate, specifically the suburbs of Mariginiup, Wangara and Gnangara.

We have spoken on many occasions in this house about the government's 57 per cent increase to date in electricity prices. We have also spoken about the government's plans, as revealed in the budget papers, for another 30 per cent increase over the next three years. The Premier has sought to dismiss the evidence of the budget papers, but that 30 per cent proposed increase has been confirmed by comments of the Minister for Energy Hon Peter Collier. Flowing from the evidence of the electricity utilities to upper house parliamentary committees, we also have disturbing evidence of the potential for even bigger price rises. We have spoken a lot about the extent of the increases but we have spoken about them in high-level percentage terms; we have not come down to see what these price increases mean for the bills that arrive in people's letterboxes.

WA Labor asked questions of the government about the average electricity bill issued in the first four months of 2009 and the average electricity bill issued in the first four months of this year, suburb by suburb. We have asked about the average two-month bill issued across a rolling four-month period in summer 2009 and summer 2011. The results are very interesting. Take, for example, the seat of Wanneroo. Member for Wanneroo, in Mariginiup the increase in the average bill between 2009 and 2011 is $212.77. The increase in Wangara is $192.57 and in Gnangara the increase is $164.04. Therefore, I will be very interested to hear the member for Wanneroo's participation in this debate and hear him defend why his government has seen those big increases in the average electricity bills issued to the member's constituents. I think that the member for Wanneroo's constituents would be very interested to know what he has to say and whether he agrees with the extent of the increases that they are experiencing or what action the member proposes to take to moderate future increases. In the seat of Jandakot, the figures show that in Banjup there has been a $155.49 increase, in Atwell it is a $104.83 increase and in Leeming it is a $101.17 increase. The member for Jandakot is usually very enthusiastic to participate in parliamentary debate, so I am very keen to hear whether he supports what has been done to his constituents and

whether he supports the government's evident intention to have at least a 30 per cent increase in electricity bills should the government, including the member, be re-elected in March 2013. But these are not the only increases. The member for Southern River might be interested to know that there has been a $100.83 increase in average bills from 2009 to 2011 in Southern River. In Canning Vale there has been an $81.42 increase. The member for Riverton is in the house, so I will advise him that the increase in Shelley is $91.92 and in Rossmoyne it is $98.91. I am wondering whether I have the figure for the Treasurer's electorate—perhaps not—but I do note that the member for Swan Hills is present. It would be interesting to have the member for Swan Hills defend the $174.12 increase in Red Hill, the $131.92 increase in Hazelmere and the $111.50 increase in Jane Brook.

Mr F.A. Alban: Get your facts right!

Mr E.S. RIPPER: So the member for Swan Hills does not care about Hazelmere! We all accept that the member for Swan Hills does not care about Hazelmere.

Several members interjected.

Mr E.S. RIPPER: Unfortunately —

The SPEAKER: Leader of the Opposition!

Mr E.S. RIPPER: I am sorry, Mr Speaker.

The SPEAKER: That is all right, Leader of the Opposition. I ask members, particularly those to my right, to cease interjecting. I know you may have been tempted to interject but I ask you to cease interjecting.

Mr E.S. RIPPER: What a shame it is that the member for Morley seems to be temporarily absent from the house. He could talk about the $97.53 increase in Nollamara and the $91.36 increase in Dianella. We also seem to be missing the member for Mount Lawley on this important issue of family bills. If the member for Mount Lawley were present in the house to debate this very important issue, he could explain to us why there has been a $153.04 increase in Coolbinia and a $97.33 increase in Menora.

There are therefore challenges for each one of the government members representing those seats. They cannot come into this place and back a government without being prepared to defend to their constituents what the government is actually doing to them. It is not as though the Barnett government is somehow separate from the member for Swan Hills, or the member for Riverton, or the member for Wanneroo, or the member for Southern River, or the member for Jandakot, or the member for Mount Lawley, or the member for Morley. They are all part of the Barnett government, they all keep it in power and they each have to take responsibility for the savage increases in electricity prices that their constituents have been forced to endure.

Several members interjected.

Mr E.S. RIPPER: When we look at the results suburb by suburb, it is interesting to note that some suburbs appear to be more vulnerable than other suburbs to this government program of price increases. It may well be that some suburbs, particularly outer metropolitan suburbs, have more families, larger houses and that feature that the Premier calls a luxury—air conditioning. It may well be that this program of electricity price increases is an attack on the living standards of people in the outer suburbs because of their particular vulnerability to increases in electricity prices. I know that government members, being good government members—perhaps apart from the member for Southern River—have been out in the community loyally defending the savage increases in electricity prices and that they have probably been running all the excuses that the Premier has been running. I therefore probably do not need to remind them of those excuses, but I thought I might run through them so that they can understand why they are not washing with the people of Western Australia.

The first excuse from the Premier for these price increases is, "We have to charge what it costs to produce electricity." That is the excuse of cost reflectivity. What the government does not tell the people of Western Australia, or even admit in this house, is that the budget papers and the financial plan across four years indicate that the government plans to take $2.7 million a day in clear profit out of the electricity and water utilities. We therefore go to the budget papers, look at the tariff subsidy and take the tariff subsidy away from the dividend and the income tax equivalent payments and we are left with an amount that, if divided by the number of days across four years, gives $2.7 million a day. The government has found it very hard to admit this; $2.7 million a day in clear profit is what the government's own budget papers say.

Mr C.C. Porter: What are you counting as the subsidies in that calculation?

Mr E.S. RIPPER: I am counting what the government identifies as the tariff subsidy. I have not taken account of the pensioner concessions.

Mr C.C. Porter: Ah!

Mr E.S. RIPPER: That is because they have been in the system for a long time. I am taking the government's explanation of what it says is the cause of its program of increases. Pensioner subsidies have been in the system for 25 years and therefore cannot be regarded as the cause of what the government is doing.

Mr C.C. Porter: So, have you taken HUGS into account?

Mr E.S. RIPPER: No, I have not taken the hardship utility grant scheme into account. Why should I take HUGS into account? People have to go and beg for HUGS. People have to front up to a financial counsellor. Of course there ought to be assistance schemes for people who are facing difficulties, but I am not going to take HUGS into the calculation when it is the profit derived by the government that is driving people to the humiliation of having to seek a HUGS grant.

The second excuse given by the government is: "Labor froze prices, that was irresponsible and we had to make a different decision." Let me say this: comparing Labor's freezing of the prices to what is happening now is just another way of saying that Labor looks after families and the conservatives do not.

Several members interjected.

Mr E.S. RIPPER: If members go back over 20 years and compare the price rises when the Premier was the Deputy Leader of the Liberal Party in the Court government, the price rises when Labor was in power and the price rises now, they would see a really significant difference between the records of the parties. They would see big increases under Richard Court, big increases under the Barnett government and very small increases in the total basket of charges while Labor was in power.

The third excuse of the government is astonishing. It just shows such gall, such hypocrisy, such hide and such a lack of regard for the truth. The third excuse is, "Labor left the debt and we have to pay the debt back." The state debt when this government came to power was $3.634 billion. It has nearly quadrupled since this government has been in power. The government's own projections—if it wants to talk projections—shows that the debt is heading for $23 billion. When we think about all the back-of-the-envelope decisions that the Premier has taken and all the press releases announced in the media by the government, but that the Under Treasurer says are not really government decisions, it is pretty disturbing to think that the debt will burst through that $23 billion barrier.

The fourth excuse is, "It is all the fault of the split-up of Western Power and the establishment of a competitive electricity market." Things would be a lot worse now if it were not for the fact that we have a competitive electricity market—the cost would be higher. The demonstration of that is the government having taken not one single action after three years in government to change that. There has been no re-merger of Western Power. Instead we have had some loose talk from the Premier whenever he is under pressure on electricity prices. The problem with that loose talk is that it is damaging in itself, because it undermines the confidence of the private sector in investment in generation. It therefore has the effect of reducing the potential for competition in the industry and increasing the pressure for future power stations to be funded by the government. In fact, the Premier is actually making the situation worse with that irresponsible thought bubble argument that he trots out every time he is under pressure —

Mr C.J. Barnett: So you are pro-privatisation of electricity are you?

Mr E.S. RIPPER: The Premier is the one who had a plan for privatisation. Remember "The Path to Privatisation" that the Premier, when he was the Minister for Energy, had David Eiszele prepare? That document came to light when we were in power—"The Path to Privatisation". The Premier, when he was Minister for Energy, was underinvesting in the network, fattening up Western Power and getting ready to privatise it; that is what he was doing. Therefore, he cannot talk about privatisation. And, he sold the Dampier to Bunbury natural gas pipeline to someone who did not have the capacity or the willingness to expand it; he gave them an irresponsible undertaking that could not be delivered upon on the tariff, and the lack of expansion of the pipeline put at serious risk the security of our electricity system. It was only the Labor government that finally got the pipeline into hands in which it has been responsibly expanded. Therefore, the Premier's record on privatisation has been very, very damaging to the state. Let us not forget that he privatised AlintaGas as well; what a great success the privatisation of Alinta has been!

There is one issue that I really think needs to be mentioned, because this issue is not just about electricity charges; it is about the whole basket of charges that the state government puts on families. Okay; the Premier says he has to increase electricity prices to match the cost of production. Why did he have to increase the waste levy? Why did he have to have a savage increase in the emergency services levy? Surely, if there was a problem with electricity prices, the government would be modest and moderate in the other increases that it imposes. But, no, the government has resorted to the budgets of Western Australian families to fill budget black holes in the Department of Environment and Conservation and in the Fire and Emergency Services Authority that the government created by withdrawing budget funds from those two organisations. I expect that the members for Wanneroo and Jandakot will enter this debate, because we have specifically raised issues about their electorates and we want to see them on the record telling their constituents what they think about this issue—telling their constituents whether they defend the actions of their Premier or maybe saying something else. Now is their chance to tell their constituents what they think about this issue.

I conclude with this final statement. People might ask: Why have we raised this matter? Why have we conducted this research? Why have we brought this matter to the house? We have done it for this reason: in politics we often use percentages, we often talk jargon, and we use terms like "cost reflectivity". In the end, I think people develop statistics fatigue, people develop a hardness, and people do not understand what is actually happening to the families of Western Australia. Therefore, we sought to translate all of this into what it means for actual price increases in actual bills in actual suburbs for actual Western Australian families. We have done that to bring home to government members, the Premier and government ministers exactly what pain they are causing with their decisions. That is why we have done this. I hope that government members, ministers, and even the Premier, confronted with this information, will think again about the evils of their plan to increase electricity prices by yet another 30 per cent following the very damaging 57 per cent increase to date.

MR C.J. BARNETT (Cottesloe — Premier) [3.24 pm]: I find it somewhat intriguing that the opposition would again focus on electricity and energy costs on the very day that their masters in Canberra pass the carbon tax legislation. We just wonder whether they got the phone call from Julia —

Several members interjected.

The ACTING SPEAKER: Thank you, members!

Mr C.J. BARNETT: Is it a coincidence? Were opposition members instructed or are they just so stupid that they did not realise?

A government member: Stupid.

Mr C.J. BARNETT: Probably.

It is important that members contemplate what has happened today, because they have brought on a motion about electricity prices, so allow me to tell and remind the public of Western Australia what the Labor Party in Canberra has done today. I understand —

Several members interjected.

The ACTING SPEAKER: Member for Forrestfield!

Mr C.J. BARNETT: I understand from the Leader of the Opposition that the Labor Party in Western Australia and the Leader of the Opposition support the carbon tax.

Mr E.S. Ripper: We support a cut in income tax; we support a rise in pensions.

Mr C.J. BARNETT: Do you support the carbon tax?

Mr E.S. Ripper: We support the carbon tax compensation. Do you support the compensation?

Several members interjected.

The ACTING SPEAKER (**Ms A.R. Mitchell**): Member for Joondalup, I think you were seeking the call; you will have your time later. The Leader of the Opposition had reasonable quiet when he presented his case. I think the same should apply to the Premier presenting his case.

Mr C.J. BARNETT: It is an important issue of public policy. The carbon tax is an issue that has been debated in Australia in recent years, and it is an important matter of public record. The people of Western Australia have a right to know: do the Leader of the Opposition and the Western Australian Labor Party support the carbon tax? Yes or no—do they?

[The Speaker took the chair.]

Several members interjected.

Mr C.J. BARNETT: Do they support it?

Several members interjected.

Dr M.D. Nahan interjected.

The SPEAKER: Member for Riverton! If you wish to speak, member for Riverton, I will give you the call. At this stage I formally call you to order. Members to my left —

Several members interjected.

The SPEAKER: Member for Warnbro, I formally call you to order for the third time today. I presume that this is a serious matter you have raised, Leader of the Opposition.

Mr E.S. Ripper: It certainly is, Mr Speaker.

The SPEAKER: Yes; I would hope everyone in this place treats it as such.

Mr C.J. BARNETT: The Liberal–National government does not support the carbon tax for a variety of reasons that were made public. It is important for the understanding of public policy in Western Australia that the Labor Party and the state Parliament and —

Mr M. McGowan interjected.

The SPEAKER: Member for Rockingham!

Mr C.J. BARNETT: — that the Leader of the Opposition has either the courage or the credibility to state the position of his party. Do you support it or do you not?

Several members interjected.

Mr R.H. Cook: You're the one who put up power prices.

The SPEAKER: Member for Kwinana, I formally call you to order for the first time today. Some of you in this place probably want to stay in this place; that would be my impression, as that is why you are here. Some of you are going the right way to not being here.

Point of Order

Mr M. McGOWAN: I have a point of order, Mr Speaker.

The SPEAKER: It had better be a good point of order, member for Rockingham.

Mr M. McGOWAN: Yes, Mr Speaker; when the Premier yells across the chamber to members opposite inviting interjections and members interject and are then called to order for doing so, it seems to me that the Premier ought to be called to order and told that his role is to answer the question contained in the matter of public interest, not to come up with other extraneous matters and scream abuse at the opposition.

The SPEAKER: There is no point of order, member for Rockingham. I will make that judgement.

Debate Resumed

Mr C.J. BARNETT: Mr Speaker —

Mr E.S. Ripper: Premier —

Mr C.J. BARNETT: I have the call; the Leader of the Opposition has spoken. The question is —

Mr E.S. Ripper: You have asked a question. Do you want me to answer?

The SPEAKER: Leader of the Opposition!

Mr C.J. BARNETT: I will ask the question again, because it is a matter of importance in public policy whether the Leader of the Opposition supports the carbon tax and whether the Labor Party of Western Australia supports the carbon tax. If he does do, he should have the courage and integrity to say so. If he does not, he should also say so. Because, unless the Leader of the Opposition can answer this question either yes or no, he has no credibility and no substance in the eyes of the public of Western Australia; he has none if he cannot answer that simple question.

Seeing as we are talking about electricity prices, I remind members opposite that the Labor carbon tax—maybe the Gillard–Ripper carbon tax, I do not know; we will wait for the answer—will increase electricity prices in the state by an estimated seven per cent. That means a $111 increase in electricity prices. It will also increase public transport fares by 1.9 per cent or $13.25 a year. It will also increase water charges by an average of one per cent.

Mr W.J. Johnston interjected.

The SPEAKER: Member for Cannington, I formally call you to order for the third time today.

Mr C.J. BARNETT: Clearly it will have a significant impact on household cost of living.

Ms J.M. Freeman: Yes, which is compensated.

Mr C.J. BARNETT: If that is the member's view, then she should stand up and indicate that she supports the carbon tax. Does she support it? If the member for Nollamara has an opinion, here is her chance to stand up for her electorate and state her position. What is her position? Does she support it? Do any members of the opposition support it?

Several members interjected.

The SPEAKER: I would like to see some progress on this matter of public importance. These sorts of circumstances are not helping.

Mr C.J. BARNETT: From the reactions of members opposite, the only member who has had the internal fortitude to express his view is the member for Bassendean, who clearly indicates he supports it. Not one other member has been willing to stand up in this chamber and indicate that they support the carbon tax.

Point of Order

Mr W.J. JOHNSTON: I seek assistance from you, Mr Speaker. I have been called to order three times and I am not allowed to interject, so I do not understand how I can answer the Premier's question.

The SPEAKER: I cannot provide you with any assistance at this stage, member for Cannington.

Debate Resumed

Mr C.J. BARNETT: Can I make it easier for members? Hands up, members opposite, who supports the carbon tax. One, two, three, four, five—five members of the opposition support the carbon tax; only five. At least five members opposite indicate they support the carbon tax. I assume the remaining opposition members do not support it. They can expect an email from Julia in the morning. They will be called to order, because the majority of Labor Party members do not support the carbon tax. They have no integrity and no substance—none at all.

Several members interjected.

The SPEAKER: Members! Some of you might be enjoying yourselves.

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro, I would like to keep you in this place. I suggest all members reflect on what they are trying to do and what they are trying to represent—all of you to my right and to my left. I do not think it is a very satisfactory way to proceed with an MPI.

Mr C.J. BARNETT: Given that very lukewarm reaction —

Mr E.S. Ripper: Premier, by interjection, you have asked me a lot of questions. Do you want an answer?

The SPEAKER: The Leader of the Opposition!

Mr C.J. BARNETT: I have the call, I believe. I take it from that response that five members opposite are prepared to say that they support the carbon tax. I feel bound to correspond with my friend the Prime Minister and point out to her that only five members of the Labor Party in Western Australia could be found who support the carbon tax. They have no substance, no integrity, no courage and no accountability to the people of Western Australia.

The carbon tax is going to have a significant impact on Western Australia. Will it help meet the cost of providing electricity? No. It is quite strange: I have heard members who support the carbon tax and indeed members of the federal Parliament make comments such as, "Electricity prices should not go up." Do they not get it? The whole point of the carbon tax is to push up electricity prices on the assumption that people will use less electricity or find other alternatives. That is the whole premise of the carbon tax. Members opposite do not support it so I guess it does not matter, but the whole premise of the carbon tax is to raise electricity prices. They will go up, and they will go up by seven per cent or $111 by, I assume, not state Labor policy but federal Labor policy. I think the Leader of the Opposition is going to get a phone call from Julia. I think she is going to ring him and say, "Young Eric, you've got a problem. Remember: we control you. We tell you what to do. You don't have an independent say."

Point of Order

Mr M. McGOWAN: Members of the house are meant to be referred to by their title and not by their first names. I ask the Premier to be reminded of that fact.

The SPEAKER: Member for Rockingham, you make an excellent point. Premier, I insist that at any point in this process you refer to members by their office.

Debate Resumed

Mr C.J. BARNETT: I apologise.

The carbon tax structure will have some impact but it will be very marginal. In my view it is a very ineffective policy, but that is not the debate. By the federal government's own measures, by 2020 and onwards at least 60 per cent of expenditure raised through this tax and abatement by companies will flow overseas. By 2050 we will have spent an estimated $57 billion of Australian money offshore on carbon abatement measures. How dopey is that? If we are going to raise a tax and raise money for carbon abatement, surely we would spend it in our own country and not in other countries. This tax is absolute lunacy. There are a lot of better ways, a lot of easier ways, a lot of surer ways of reducing carbon emissions.

Returning to the Western Australian scene, a lot has been said —

Mr M.P. Whitely: Do you support direct action?

Mr C.J. BARNETT: The member for Bassendean can make his speech; I look forward to it. Yes, I do; the direct action we should be taking is using gas for power generation across Australia, which would reduce emissions by five per cent with no cost to anyone.

Let me go back to the history. The Leader of the Opposition made claims about electricity prices increasing during the Richard Court government. I happened to be the energy minister, and, yes, they did increase in 1997 by 3.75 per cent. There was no increase in any of the other seven years. The utility continued to trade at a profit. How was that done? Was it magic; was it sleight of hand?

The SPEAKER: Member for Forrestfield, I am going to ask you to remove that item.

Mr C.J. BARNETT: Eight years and only one small, modest increase in line with the inflation rate in one year only. It was done by efficiencies within the organisation—reducing staffing levels, reducing a whole lot of excess procedures and the like. It was done by efficiencies—real gains in efficiency. Compare that to the record of Labor. Who was it? Of course it was the Leader of the Opposition, the then hapless energy minister.

Mr E.S. Ripper: Outmanoeuvred you!

Mr C.J. BARNETT: Brilliant job! I seemed to be able to keep electricity prices stable and have the utility make a profit.

Several members interjected.

Mr C.J. BARNETT: I did. One-year increase—3.75per cent.

Mr P. Papalia interjected.

Mr C.J. BARNETT: Go away, child. Stop waving your flags around. It is very immature.

I remind members of what the Leader of the Opposition said about his so-called reforms —

> These reforms will deliver substantial and sustainable benefits to Western Australian consumers and the economy, through greater competition and lower electricity prices.

That was in 2002. In 2003 he said —

> … in other words, compared with what would happen if we were to stay with the status quo—electricity prices will fall by 8.5 per cent by 2010.

I have not seen it. Did they fall? No; they have gone up. He left us with a massive debt, a massive problem. The Leader of the Opposition promised lower electricity prices, by 8.5 per cent. It did not happen. What happened as a result of the Leader of the Opposition? He created four corporations, each with a board, resulting in board sitting fees increasing from $393 000 to $1.5 million. The number of full-time equivalent staff in our four utilities—this is where the money went—went from 2 919 people in 2006 to 4041 to 2009. No wonder the profits and returns started to go down; the profits collapsed. It just went on and on and on. The Leader of the Opposition was a complete disaster. His policy was a complete failure, and it has been this government's job to fix it. It cost us political pain, because no-one likes to see their cost of living rise and no-one likes to see electricity prices running up. The opposition, the Labor Party, underestimates the public of Western Australia. The public know the problems that the Labor government left them in a number of areas, including electricity, at the last election. If the Labor Party thinks that the public will vote for it on its record of managing the electricity sector, think again. They do not like us for increasing prices, but they respect us for dealing with the problem in a businesslike and professional way.

MR A.P. O'GORMAN (Joondalup) [3.40 pm]: Once again, the Premier, instead of focusing on the issue in front of him, goes on about the carbon tax. Yet today not one cent has been charged for the carbon tax—not one cent has come out of Western Australians' pockets. Every cent that has gone out of Western Australians' pockets has gone out because of the Barnett government's charge on electricity prices. More are doing it tough in WA —

Mr C.J. Barnett: Do you support the carbon tax? Come on, leprechaun! The leprechaun from Joondalup, do you support it?

Withdrawal of Remark

Mr M. McGOWAN: That was a disgraceful comment from the Premier.

An opposition member interjected.

The SPEAKER: Member for Mandurah!

An opposition member interjected.

The SPEAKER: Member for Mandurah, I formally call you to order for the second time today. I was about to say to you that if you wish to make comments, please return to your seat. That was going to be my simple instruction. If you wish to make comments, I direct you to return to your seat.

Premier, I am not aware of what you might have said, but I think I have some indication from you that you will withdraw some comments.

Mr C.J. BARNETT: I referred to the member as a leprechaun and I withdraw and apologise.

Debate Resumed

Mr A.P. O'GORMAN: More families —

Several members interjected.

The SPEAKER: I want to give you the call, member for Joondalup. Members to my right and left, you had better not stop the member for Joondalup again, otherwise you will be called.

Mr A.P. O'GORMAN: We are talking about a number of households. A small article in *The West Australian* last Friday reads —

> The number of households needing help to pay their utility bills has more than trebled in the past two years ... Applications to the Government's hardship utility grants scheme went from 475 in September 2009 to 1638 two years later ...

I have gone to one of my local not-for-profit organisations that provides financial counselling and asked it for some statistics and information on the last four years. These figures concern people in the electorates of Wanneroo, Kingsley and Ocean Reef as well as in my electorate —

- Financial counselling (*which includes payment of bills rent, advocacy etc*) from 148 client in 2007 to 236 clients n 2010 and increase of 59%
- Emergency Relief episodes (*which includes food vouchers, simple bills*) from 912 in2007 to 1196 in 2010 an increase of 31%
- We have had to refer clients on to other agencies because of lack of appointments on 1091 occasions in 2007 and 2123 in 2010 an increase of 94% —

This is the clincher —

- We started providing food parcels additional to our services in 2007 and these have increased from 130 in 2007 to 1001 in 2010— an increase in 700%—this doesn't include the free bread that we provide.

As well as providing those additional services, its clients are coming in with more complex needs, as a result of increases in water, power and gas bills put on by this government. The government keeps saying that it is about the carbon tax; it is not. It is about every cent that this government has added to every unit of electricity that every Western Australian in this state buys. If members do not believe us, it is occurring in every single suburb. In Wanneroo, in 2009 the average bill was $178, in 2011, the average bill was $258, which is an increase of $80; Tapping, $182 in 2009 up to $254 in 2011, an increase of $72; Carramar, $243 up to $321, an increase of $78; Darch, $200 up to $320, an increase of $119; Hocking, $177 up to $268, an increase of $91; Madeley, $186 up to $293.

Most of those suburbs that I have just read out are brand-new suburbs with young couples doing it tough, and this keeps coming at them all the time from the Barnett government. The government is ripping money out of their pockets instead of leaving it in their pockets so that they can support the retail industry in this state and continue to live good lives in Western Australia. This government has ripped money off them so that it can build monuments to itself such as those up on the hill and down on the waterfront. It is about time that the government realised that it is hurting people out there. Stop it and start helping them.

MR J.M. FRANCIS (Jandakot) [3.45 pm]: I will take this debate seriously, Leader of the Opposition. I will make a couple of points to start with. Looking at the list of the three suburbs in my electorate that the Leader of the Opposition pointed out—Banjup, Leeming and Atwell—I know that the Leader of the Opposition has been to Atwell. About six months ago he wrote to about 3 000 people, through personally addressed mail, to invite them to Labor's shadow cabinet meeting at the community centre in Atwell. I know about 16 people turned up because four of them were my mates.

Several members interjected.

Mr J.M. FRANCIS: I know Atwell pretty well. I have lived in Atwell since 2003. I want to make some serious observations about the numbers put by the Leader of the Opposition. The Leader of the Opposition has put into this debate the net increases—he will correct me if I am wrong—in the electricity prices between 2009 and 2011; he is comparing apples with apples.

Mr E.S. Ripper: An average bill for each suburb in early 2009 compared with early 2011. It is a two-month cycle, but it is the average bill issued across the four-month period.

Mr J.M. FRANCIS: I am crystal-clear about what it is. Obviously, when a utility price goes up by a percentage, the people who will pay more net dollars are the people who are the biggest consumers. I will tell the Leader of the Opposition something about Banjup; most people here would not know where Banjup is, but it is on the eastern side of my electorate.

Mr C.C. Porter: Aspirational.

Mr J.M. FRANCIS: It is not even aspirational; I would say that it is a little wealthier than aspirational. About eight houses in Banjup are for sale on the REIWA website. About 465 houses physically exist in Banjup. They are all on five-acre lots. A few of them are for sale. One advertisement is titled "Mansion on 5 acres (2ha)". This house has five bedrooms, four bathrooms, and a four-car garage. The advertisement reads —

> Built in 1998 with Helena Valley bricks and mist green colorbond roof Double door entry hall Mansion …

Do members know the average price of a house in Banjup? This one is selling for more than $1.5 million. Another one in Banjup is advertised at $1.49 million and another one at $1.35 million.

Mr R.H. Cook: You should tell your constituents that you think that they can afford the increases.

Mr J.M. FRANCIS: I am saying that we have to keep this in perspective. By keeping it in perspective —

Dr K.D. Hames interjected.

Mr J.M. FRANCIS: I can keep stopping.

By keeping it in perspective, we realise that some of these are massive houses with other costs. Most of them have swimming pools —

Mr A.P. O'Gorman interjected.

Mr J.M. FRANCIS: Does the member mind? Does the member for Joondalup have to be so rude?

Mr A.P. O'Gorman interjected.

Mr J.M. FRANCIS: Shut up for a second.

These are massive houses with pools. The owners have to not only run bore water pumps for the pools, but also absorb other costs from living on these big properties. It is worth noting that the reason the percentage increase has had such a dramatic impact on some of these suburbs is that electricity consumption is greater in these suburbs. If members look at a suburb in Perth, probably closer to the western suburbs where there is a higher density of smaller dwellings, they will see that the net increase would be less because people there probably all live in smaller units that use less electricity.

To keep it totally in perspective, I have always mentioned in this place how much I detest the hypocrisy that goes on in the debate in here. It is worth looking at two issues. The member for Bassendean asked what the government is doing to compensate people for these increases in utility prices. The first thing is that over the last 10 years we have had this bizarre situation in which the taxpayers have been effectively, directly or indirectly, paying tax to subsidise their own electricity bills. What the government has done is exactly what the previous Labor government was going to do—that is, move to more cost reflectivity in electricity pricing. I will read into *Hansard* some of the comments made in the media before the last state election. An article in *The West Australian* of 7 April 2008 by Dawn Gibson reads —

> The Government announced on Friday —

That would have been a Friday in April 2008 —

> it planned to phase in a gigantic 72 per cent rise in household power bills over six to eight years to reflect the true cost of generating electricity, the same day that Premier Alan Carpenter admitted WA taxpayers faced a $1 billion-plus bill to bail out cash-strapped electricity generator Verve Energy.

Members opposite talked about compensation. What are we doing? I will tell members what the compensation is from our move towards cost reflectivity on electricity. It is more police. It is more hospital beds. It is better schools. It is more teachers. It is the whole gamut of things and services that the government provides, and that it can now provide more of—better roads, better rail, better public transport—because we are not having to spend as many hundreds of millions of dollars subsidising taxpayers' electricity bills with their own money. It was just a bizarre situation.

I will read out a few more articles. An article dated 17 January 2008 and headed "Water bills to soar in new price plan" reads —

> WA households, already bracing for sharp rises in electricity prices, are facing average increases of 50 per cent in water bills over the next six years as the Carpenter Government moves to a new pricing scheme that reflects the true cost of delivering water.

An article in the *Kalgoorlie Miner* of 7 April 2008 reads —

> Premier Alan Carpenter said rising fuel prices and the high cost of renewable energy made the increase inevitable.

An article in *The West Australian* of 27 March 2008 by Mark Drummond reads —

> Alan Carpenter will soon have some explaining to do.
>
> He will have to tell households why he plans to send their power bills through the roof at a time his Government is raking in $2 billion-plus annual Budget surpluses during the most buoyant economic times ever experienced in WA.
>
> Then he'll have to explain how such a situation could possibly have arisen given his Government sold its contentious plan to split up the old Western Power on the premise that doing so would put downward pressure on power prices.

Mr E.S. Ripper: As it has.

Mr J.M. FRANCIS: I will not go for too much longer. An article in *The Australian* in April 2008 by Paige Taylor reads —

> The Carpenter Government claims the price hikes, which include increases of up to 118 per cent for businesses, were "cost reflective" after an 11-year price freeze that contributed to Verve's woes.

An article in *The Weekend Australian* in April 2008 reads —

> Premier Alan Carpenter admitted yesterday the taxpayer bailout would be spread over three years and households would also be slugged with years of price hikes well above the inflation rate to keep the utility afloat.

The point I am making, Leader of the Opposition, is that before the last election, every single person in this place, on the Leader of the Opposition's side, and on this side, knew that no matter who won government in 2008, electricity prices and utility prices were going to go up. They had to go up.

Mr E.S. Ripper: So why did the Liberal Party run radio advertisements in the campaign attacking Labor on that basis?

Mr J.M. FRANCIS: They had to go up.

Mr A.J. Waddell interjected.

Mr J.M. FRANCIS: If the member for Forrestfield wants to accuse me of lying, he can stand up and do it by substantive motion in accordance with the standing orders. Okay?

Mr A.J. Waddell: I am talking about the Liberal Party. The Liberal Party told lies in the election campaign.

Mr J.M. FRANCIS: Okay, and I can say that the Labor Party told lies in the election campaign as well. If this is the level of pettiness that this debate has come down to—which party told lies —

Several members interjected.

Mr J.M. FRANCIS: I am talking about the principle.

Several members interjected.

Mr J.M. FRANCIS: The carbon tax is a great point that the Premier raised.

Mr A.P. O'Gorman: Not one cent has gone onto electricity prices today because of the carbon tax. It is all because of the Barnett government.

Mr J.M. FRANCIS: I know that it is going to kick in on 1 July next year. But the difference between moving to cost reflectivity on electricity prices, and cutting back the total amount that the government subsidises utility prices by, and bringing in a carbon tax, is that every single person knows that a carbon tax will not do anything at all to reduce carbon emissions. It is a socialist tax regime. If the Labor Party wants to tax the rich and give it to the poor, then do it. But do not use climate change as a rubbish excuse to try and bring in a socialist tax regime.

Several members interjected.

The SPEAKER: Members!

Mr J.M. FRANCIS: The point I make here is that members opposite knew damn well that no matter who won the election, utility prices were on a steep curve. That is the honest truth. Members opposite know it; we know it; every single person in Western Australia should know it; and we are going to tell everyone about it. Members opposite were not honest about it. If they were honest about it, they would not have sat on it for eight years without having a single increase in utility prices. So, as the cost of gas went up —

Several members interjected.

Mr J.M. FRANCIS: I was not here. I was too busy being under water, serving my nation.

Several members interjected.

Mr J.M. FRANCIS: It is all right for him to go on about it every single time someone criticises him. But I was still paying my utility bills while I was away, and I know they never went up. But the point is that members opposite knew they were going to go up; we knew they were going to go up; everyone knew they were going to go up. For members opposite to sit here and claim that they are holier than thou right now and that it is all our fault is just a rubbish argument. To come in here and pick on suburbs that have the highest demand and the highest consumption rates is just ridiculous. Members opposite are not comparing oranges with oranges or apples with apples. I really think the Leader of the Opposition should go back to the drawing board on this. He is not going to get traction on it.

Mr E.S. Ripper: I've noticed that!

Mr J.M. FRANCIS: I am trying to put some honesty into the debate here. Every single person knows that the Labor Party was going to do exactly the same thing, if not worse. So, it is a rubbish argument.

In closing, as I have said, I do get a bit frustrated with the hypocrisy of the politics in this place. I really think there are a few people here who should have a good look in the mirror, because they know in their hearts that we are right on this. They should have another look at it; stop trying to con the people of Western Australia; and stop telling Labor lies.

MR F.M. LOGAN (Cockburn) [3.56 pm]: In adding to the debate on this motion, I will say that the only factual thing that the member for Jandakot has just contributed to this debate was his comment about what the Labor Party and the Liberal Party were going to do with electricity prices. He is right. He is quite correct. We as a Labor government were very honest with people in indicating to them what had to happen to electricity prices. He is quite correct about that. We did say before the election in 2008 that the report from the Office of Energy indicated that electricity prices had to go up by 72 per cent; and we did that deliberately, because we wanted to be honest with people about it. What the member for Jandakot seems to have forgotten, along with the Premier, was those Liberal ads that said that prices would be lower under a Liberal government. That is what the member for Jandakot seems to have forgotten and that is what the Premier seems to have forgotten. They were ads on TV, and they misled the people of Western Australia. It is absolutely disgraceful that the Premier of this state can stand in this Parliament and justify a 56 per cent or 57 per cent increase in electricity costs, and completely forget about the promises that the Liberal Party made to the people of Western Australia that allowed him to become the Premier of Western Australia. That is what is disgraceful. What is even more disgraceful is that the member for Jandakot has stood here and has clearly deliberately forgotten, or not mentioned, that Liberal ad.

I will go to some of the things that the member for Jandakot has just said. He said a moment ago, just before he sat down, "I really get disappointed about people who select particular figures." Well, of the figures that were provided to the opposition—these are figures provided by this government to the opposition—he happens to have selected Banjup, and he then talked about the price increases in Banjup. He clearly slated his own constituents in Banjup, because apparently they are all living in huge mansions with spa baths and swimming pools. I know Banjup very well indeed, as the member for Jandakot knows I know, and that is not the case. The reason they have significant electricity bills is that they are on a five-acre block, because they have pumps, because they have a semi-rural property, and because they have great big sheds. That is the reason they have high electricity bills and they consume a lot. But I will tell members what. The people of Banjup are just as angry as everybody else in this state about the increases to their bills. Just because they live on a rural block and just because their entire block, including the house, might be worth $1.5 million does not mean to say they are really clapping the Liberal government for a 57 per cent increase in electricity costs. If the member thinks they are, he should ask them. Go and ask them!

Let us selectively look at another suburb in the member's electorate, South Lake, which does not happen to have $1.5 million houses. It has a lot of Homeswest homes. It has a lot of people struggling and battling to pay their bills. What has happened to them? They have had their electricity bills go up from an average of $154.27 in 2009 to $234.50—an $80.23 average increase in their electricity bills. The battlers of South Lake are paying 52 per cent more for their electricity. I should charge the member for Jandakot for the number of constituents that I service on his behalf. I have said this to him before. He is contracting out his constituents to me to service, because they never go to see him. They all come across the road to see me, because they know that I am available and that I will listen to them—unlike this member here! What do those battlers say? They ask, "How do I get support to pay my electricity bills? How do I get support to pay my water bills?" That is what they ask me. I help them by directing them to the Synergy website for the HUGS payment.

When we look at the number of people who have put out their hand for help with paying their electricity bills, since 2009 we see a fourfold increase in the number of people who cannot pay their electricity bills. A lot of

those people are in the constituency of Jandakot. They are the people who live in South Lake. They are the people who live in Atwell. They are the new families who live further south in the suburb of Aubin Grove. They are the people who live in Leeming and who the member for Jandakot thinks have plenty of money to pay their electricity bills. But they do not; they are struggling. They are struggling with electricity price increases. They are struggling with water price increases and with gas price increases, and they are angry. For the member for Jandakot to stand in this house and take the mickey out of people in Banjup for their electricity consumption is a disgrace that will be recorded. It will be recorded in local newspapers and he can explain to his constituents why he did not stand in this house to defend his constituents and why he did not stand in this house to challenge the government about the cost increases that his families—his constituents—face.

MR C.C. PORTER (Bateman — Treasurer) [4.02 pm]: This is a very interesting debate. I guess that, much like the member for Cockburn, I came into this place with no particular interest or expertise in the electricity industry. I have had to learn as much as I could in a short period, like many members here—like Hon Peter Collier in the other place and like the Leader of the Opposition. It is an incredibly complicated market. Everyone has a view. But one thing which is absolutely undeniable and which both sides of the house seem to agree on is that the costs of generating electricity over the past decade and the decade to come have been increasing, and they have been increasing rapidly. No one seems to disagree with that. As Treasurer, I met with the heads of the electricity utilities and asked them to explain to me the basis of that; what is contributing to that upward pressure on the cost of generating electricity? I think it was the CEO of Verve Energy who asked me if I wanted the answer in a nutshell. When I said that I did, he replied, "Everything." All the inputs into electricity generation are increasing—labour, fuel, the manufacturing of electricity power plants—and commonwealth policies require a certain percentage of electricity to be purchased from the least efficient generators, the green generators. All these things contribute to the fast increases in the cost of generating electricity.

The Leader of the Opposition raised my interest when he said that during the period of the previous Labor government, the reason for the price freeze was that it helped households. I know that the Leader of the Opposition is an intelligent person. He cannot honestly believe that to be true. I do not think anyone here accepts that what happened during the last decade helped anyone. I am about to show a graph of residential tariff increases for every state in Australia. The dotted line is the consumer price index and it starts off in —

Mr E.S. Ripper: Which line?

Mr C.C. PORTER: The dotted line is CPI—in the middle there.

Mr R.H. Cook: We cannot see it.

Mr C.C. PORTER: I will table the document for members, if they like.

Mr E.S. Ripper: Oh, yes; we can just see it.

Mr C.C. PORTER: Indeed; I am sorry, Leader of the Opposition. The bottom line—the black line—is Western Australia, which flatlines from 1997 right up until this government came to office. For the entire period of the Labor government there was no increase in the residential tariff, during a period when the costs of generating electricity were increasing year on year. Every other state government in Australia, all Labor governments at the time, made what must have been the most sensible decision, which was to at least try to gradually increase electricity tariffs along with CPI. The point is that if we hold tariffs still, if we freeze them during a period in which the costs of generating electricity are increasing —

Mr M.P. Whitely interjected.

The SPEAKER: Member for Bassendean.

Mr C.C. PORTER: The member for Bassendean says that it is Labor-stated policy to freeze electricity prices again and he bemoans the level of debt. But if Labor was to freeze electricity prices now, it would add a massive amount of money to net debt overnight with the stroke of a pen.

Mr M.P. Whitely interjected.

Mr C.C. PORTER: It would add about $1.9 billion to net debt with the stroke of a pen. But nobody can seriously think that freezing electricity prices over the last decade was good for households.

Mr M.P. Whitely: It was good for households.

Mr C.C. PORTER: It could not have been. It could not have been good for households.

Mr M.P. Whitely: It is good for households if they do not have to pay so much, and if debt is under control, that is evidence of good economic management. You fail on both counts. You are putting up fees and charges, and debt is blowing out of the world.

Mr C.C. PORTER: That is absolutely astonishing.

Mr M.P. Whitely: That is the bottom line and people understand it.

The SPEAKER: Order, member for Bassendean!

Mr C.C. PORTER: I think that people understand that there had to be some increase in electricity prices. When Labor was in government it said that, and in response to —

Mr M.P. Whitely interjected.

The SPEAKER: Member for Bassendean, I presume there will be an opportunity for you to stand to talk to this MPI. I ask you to stop interjecting, and I formally call you to order for the first time today.

Mr C.C. PORTER: In response to that flat black line, which no other state in Australia determined was a good idea, the member for Cockburn, when he was the Minister for Energy—it must have been a tough day; we have been through a few ourselves—had to announce a 10 per cent increase in electricity for seven years, if Labor were elected. That would have meant, in 2008–09, a 10 per cent increase in the price of electricity; in 2009–10, 10 per cent; 2010–11, 10 per cent; 2012–13, 10 per cent; 2013–14, 10 per cent; 2014–15, 10 per cent; and 2015–16, 10 per cent. Labor's assumption, on the evidence it had, was that it would bring the tariff close to the costs of generating electricity. In actual fact, had Labor been elected, the price increase for this very year would have been double what it is under this government.

Mr W.J. Johnston: That is not the case.

Mr C.C. PORTER: No; it is. Labor predicted a 10 per cent increase in 2012–13 and said that the increase would be 10 per cent in 2011–12, and we have a five per cent increase this year and five per cent is the increase the people of Western Australia will pay next year.

Mr E.S. Ripper: You know that is a dishonest argument.

Mr C.C. PORTER: No; it is not a dishonest argument. All we are arguing about is whether Labor front-loaded the increases, back-loaded the increases or smoothed the increases. That is the only thing that we are arguing about. It is true, and the former Minister for Energy knows it is true, that in 2008–09, Labor proposed a 10 per cent increase, as did the Liberal Party. In 2009–10, Labor's increase would have been 10 per cent; ours was 25. That was the year that we decided to take the most pain on this problem. In 2010–11, Labor proposed 10 per cent; we were 10 per cent. In 2012–13, Labor proposed 10 per cent; we have increased the tariff by five per cent. In 2013–14, Labor proposed a 10 per cent increase; and we will be five. In the final two years of that seven-year cycle, 2014–15 and 2015–16, Labor proposed 10 per cent and 10 per cent. At the moment, the estimates show, for this government, 12 per cent and 12 per cent. I suggest that one thing that we can guarantee about those estimates is that the increase will not be 12 and 12. I can suggest that. In actual fact, if we look at 70 per cent spread over seven years at 10 per cent, all we are arguing about is front loading versus smoothing. That is it. What is remarkable, and I take the point —

Mr P. Papalia: No; we are talking about people!

Mr C.C. PORTER: People whom Labor would have charged 10 per cent increases each year for seven years.

Mr P. Papalia: You're the one who is hurting.

The SPEAKER: Order, member for Warnbro!

Mr C.C. PORTER: Seventy per cent! And when we look at the final four years of this budget cycle, whatever those increases are, the figures for both sides will be about the same, because the people who advised the former Labor government are the people who are advising this government, and they say that we cannot, ever again, in this state freeze the residential tariff for electricity.

Mr F.M. Logan: Can I just say one thing, then, Attorney General?

Mr C.C. PORTER: Yes.

Mr F.M. Logan: There was only one price increase since 1993.

Mr C.C. PORTER: Indeed, and it may have been this. I have indicated that it may be a good idea to move an amendment.

Amendment to Motion

MR C.C. PORTER: I move —

To delete all words after "house", and substitute —

recognises that the botched disaggregation of Western Power by the former Labor government —

(a) created four corporations, each with a board, resulting in board sitting fees increasing from $393 500 in 2006 to $1.517 million, an increase of $1.124 million, or 285 per cent;

(b) led to executive salaries increasing dramatically from $1.87 million in 2006 to $10.5 million in 2009, an increase of 463 per cent;

(c) led to the number of full-time equivalent staff increasing from 2 919 in 2006 to 4 041 in 2009, an increase of 1 122 staff, or 38 per cent; and

(d) did not lead to cheaper energy in Western Australia as promised, and was a catastrophic failure to the expense of Western Australian household budgets.

In addition, the house does not support the federal government's recently passed carbon tax legislation.

Several members interjected.

The SPEAKER: I thank members to my left for providing the advice that my single voice could have achieved. Treasurer, I will need to be provided with a copy of that proposed amendment before I can make any decision at all.

Ruling by Speaker

The SPEAKER: Treasurer, in the context of the matter of public interest that has been presented to this house, I make the ruling that that is an entirely new proposition. I am going to rule that proposed amendment out of order, and am going to put to the house that the motion moved by the Leader of the Opposition be agreed to.

Matter of Public Interest Resumed

MR J.C. KOBELKE (Balcatta) [4.12 pm]: Labor Party members on this side of the house have personal experience of the real hardship and suffering that people have been put under by the Barnett government's 57 per cent increase in electricity prices over just three years. We know that this government has simply upped electricity and water prices to pay for its profligate spending. Its expenditure has increased by 32 per cent over its first three budgets, and that is why it is hitting people. It is not because of all the other reasons and excuses that the government has tried to put out. I put it to the house that the Premier's contribution to the debate today very much reminded me of the behaviour of Kenrick Monk. People who do not follow swimming perhaps would not remember Kenrick Monk; he is one of our better swimmers, and a very good member of our relay team in freestyle. He realised, during training leading up to major events and the Olympics, that he should not have gone out there and undertaken dangerous sports, but he did; he went skateboarding, fell off his skateboard, and broke his arm, obviously jeopardising both his career and those of the elite Australian swimmers on the Olympic relay team. So what did he do? He borrowed from the Premier's book and made up a cock-and-bull story! He actually said that it was a hit-and-run incident! He did not fall off his skateboard; no, it was a hit-and-run incident that broke his arm.

This Premier does that all the time. We know the pain that his increases in electricity and water prices have inflicted, and all because he cannot control spending. There is no other reason. Do not worry about the Treasurer's fancy numbers; the issue is a 57 per cent increase in electricity charges over three years and a 32 per cent increase in this government's recurrent expenditure over just three years. That is why it is taxing ordinary households and increasing charges, particularly the 57 per cent increase in electricity charges. What does the Premier do to justify that? He comes in here and says a whole lot of things that are either irrelevant or untrue. We did not hear him utter a single word of sympathy for the pain that he is causing ordinary households—pensioners who are battling and self-funded retirees who are having all this extra impost put on them by the Barnett Liberal government.

Mr C.J. Barnett: Do you support the carbon tax?

Mr J.C. KOBELKE: I thank the Premier for his interjection. He wants to talk about the carbon tax which has not even come in yet, but which will provide a whole lot of support to people to actually ameliorate any ill effects. On the other hand, this Premier has had his hand in the pockets of pensioners, taking the money out to pay for his palace across the road, for all the extra government offices and for all the singing toilets and plastic cows. They are higher priorities for this Premier than the people of Western Australia who are battling to make ends meet. The people are doing it tough because this Premier whacks them time after time after time, and then he comes in here and does a Kenrick Monk: he makes up a story that has little or no truth to it, because he cannot handle the truth. He cannot handle the fact that his decisions are hurting the people out there. Labor Party members know it; we share their pain and we want to stand up for them. Liberal Party members opposite will not even stand and speak on behalf of their constituents. They do not represent their constituents; they are simply toadying to this Premier—this Kenrick Monk!

Several members interjected.

The SPEAKER: Member for Victoria Park, I formally call you to order for the third time today, along with the member for Mandurah. Member for Nollamara, I call you to order for the first time today.

DR J.M. WOOLLARD (Alfred Cove) [4.17 pm]: I can appreciate that many people across the metropolitan area are very concerned that there has been an increase in electricity prices. However, that increase in electricity prices has come about because, for many years, people have had their electricity subsidised. I would hope that —

Several members interjected.

The SPEAKER: Leader of the Opposition, I hope you appreciate that I am trying to get this matter of public interest in front of the house. Member for Pilbara, I formally call you to order for the third time today. I suggest to members that they might like to read the standing orders and be a little more aware of what happens in this place on a minute-by-minute basis.

Dr J.M. WOOLLARD: As I was saying —

Point of Order

Mr M. McGOWAN: Mr Speaker, I am interested in your ruling. Ordinarily, matters of public interest are guided by standing order 145, which indicates that there can be a debate for an hour and five minutes. I think that standing order assumes that Independent members may have five minutes in total. I seek your ruling in relation to the member for Alfred Cove because it is my belief that she is not independent and is not an Independent member. She is a part of the government, and, therefore, that five minutes should not go to a member who is a part of the government.

Ruling by Speaker

The SPEAKER: Member for Rockingham, it is an issue that I will pursue because you have asked it. My ruling at this point is that the member for Alfred Cove is an Independent member in this place and I am going to go with the standing orders that provide her with five minutes, and then I will put to the house the motion moved by the Leader of the Opposition. Member for Rockingham, as you know from previous occasions, I am more than willing to look at this question that you have provided. My ruling at this stage is that she is an Independent member.

Debate Resumed

Dr J.M. WOOLLARD: Thank you, Mr Speaker. I am very pleased to stand here as an Independent to discuss this issue.

Several members interjected.

The SPEAKER: Members!

Dr J.M. WOOLLARD: There are people —

Mr P.B. Watson interjected.

The SPEAKER: Member for Albany!

Withdrawal of Remark

Mr J.M. FRANCIS: Sorry; Mr Speaker, I ask for a point of order as well. Just last week the Minister for Health withdrew, on your request, exactly the same allegation that the member for Joondalup has just made about the member for Alfred Cove. I suggest —

Several members interjected.

The SPEAKER: Members!

Mr J.M. FRANCIS: In the interest of consistency, I suggest that the member for Joondalup also be asked to withdraw the comment of calling the member a puppet.

The SPEAKER: I am not aware of what the member for Joondalup might have said.

Debate Resumed

Dr J.M. WOOLLARD: I am very pleased to be able to join in this debate because many people in the community are having difficulties because of the increase in electricity bills, but the figures that the Treasurer put to the house today show that there was a guaranteed 70 per cent increase by 2015–16 from the previous government, and with the current Liberal–National government, there is not that guarantee.

Mr P.B. Watson interjected.

The SPEAKER: Member for Albany!

Dr J.M. WOOLLARD: Its figures are 10 per cent in 2008–09, 25 per cent in 2009–10, 10 per cent in 2010–11, five per cent in 2011–12, five per cent in 2013–14, and the Treasurer has said that, although initially the government thought it might be 12 percent for 2014–15 and 2015–16, that is not guaranteed, and it might be less

than that; it could be only eight per cent. That means that the price rises will not be as high as they would have been under the previous government.

Mr A.J. Waddell interjected.

The SPEAKER: Member for Forrestfield!

Dr J.M. WOOLLARD: I would hope that both sides of this house would look at the people who are having problems with these bills and that the government will give some kind of assistance to people in recognised need.

Mr B.S. Wyatt interjected.

The SPEAKER: Member for Victoria Park!

Dr J.M. WOOLLARD: The people who can pay these increases should be paying for the true value of electricity, but some people are struggling. I hope that the government will look at those people who are struggling and give them assistance. Bearing that in mind and having had a commitment from —

Several members interjected.

The SPEAKER: Thank you, members! I presume some of you want to vote. There are two minutes left; I want to hear it in silence.

Dr J.M. WOOLLARD: I am very pleased that the Treasurer has given a commitment that those people who are in genuine need because of these increases in prices will be considered on an individual basis and given support when support is needed. That being the case —

Mr A.J. Waddell interjected.

The SPEAKER: Member for Forrestfield, I formally call you to order for the first time today—remarkable.

Dr J.M. WOOLLARD: That being the case, I would like to delete all the words after "house" and substitute "recognises that increases in electricity prices are a direct result of the —

Several members interjected.

Dr J.M. WOOLLARD: I know; I need to get stronger glasses!

The SPEAKER: Member for Albany, I formally call you to order for the second time today.

Amendment to Motion

Dr J.M. WOOLLARD: I move —

To delete all the words after "house", and substitute —

recognises that increases in electricity prices are a direct result of the botched disaggregation of Western Power by the previous Labor government.

Point of Order

Mr E.S. RIPPER: What is the convention of the house when it comes to the moving of amendments that provide absolutely no possibility for any response because of the interaction of the standing orders? An amendment has been moved and there will be no chance to debate it or to respond to it because it has been moved at the very last minute in the debate. Is that in accordance with the spirit of the rules?

Ruling by Speaker

The SPEAKER: Leader of the Opposition, I would not necessarily think it was within the spirit of debate. It is my opportunity at this particular point to decide whether to accept the amendment or not, and I am going to have a look at that, Leader of the Opposition.

Several members interjected.

The SPEAKER: Members!

Mr M.P. Whitely interjected.

The SPEAKER: Member for Bassendean, I formally call you to order for the second time today. Some members in this place might not appreciate that occasionally I endeavour to look after their interests. That is the only comment I will make on that.

With respect to the question that you have asked, Leader of the Opposition, and this particular amendment that has been proposed, I once again make the decision that the original motion as put by the Leader of the Opposition stands in this house.

Matter of Public Interest Resumed

Question put and a division taken with the following result —

Ayes (25)

Ms L.L. Baker	Mr F.M. Logan	Ms M.M. Quirk	Mr P.B. Watson
Ms A.S. Carles	Mr M. McGowan	Mr E.S. Ripper	Mr M.P. Whitely
Mr R.H. Cook	Mrs C.A. Martin	Mrs M.H. Roberts	Mr B.S. Wyatt
Ms J.M. Freeman	Mr M.P. Murray	Mr T.G. Stephens	Mr D.A. Templeman *(Teller)*
Mr J.N. Hyde	Mr A.P. O'Gorman	Mr C.J. Tallentire	
Mr W.J. Johnston	Mr P. Papalia	Mr P.C. Tinley	
Mr J.C. Kobelke	Mr J.R. Quigley	Mr A.J. Waddell	

Noes (29)

Mr P. Abetz	Mr V.A. Catania	Mr R.F. Johnson	Mr D.T. Redman
Mr F.A. Alban	Mr M.J. Cowper	Mr A. Krsticevic	Mr M.W. Sutherland
Mr C.J. Barnett	Mr J.H.D. Day	Mr J.E. McGrath	Mr T.K. Waldron
Mr I.C. Blayney	Mr J.M. Francis	Mr W.R. Marmion	Dr J.M. Woollard
Mr J.J.M. Bowler	Mr B.J. Grylls	Mr P.T. Miles	Mr A.J. Simpson *(Teller)*
Mr I.M. Britza	Dr K.D. Hames	Ms A.R. Mitchell	
Mr T.R. Buswell	Mrs L.M. Harvey	Dr M.D. Nahan	
Mr G.M. Castrilli	Mr A.P. Jacob	Mr C.C. Porter	

Pairs

Dr A.D. Buti	Dr E. Constable
Ms R. Saffioti	Dr G.G. Jacobs

Question thus negatived.

BILLS

Assent

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

1. Electronic Transactions Bill 2011.
2. Statutes (Repeals and Minor Amendments) Bill 2010.
3. Inheritance (Family and Dependants Provision) Amendment Bill 2011.

BILLS

Appropriations

Messages from the Governor received and read recommending appropriations for the following bills —

1. Local Government Amendment Bill 2011.
2. Prostitution Bill 2011.

MANSLAUGHTER LEGISLATION AMENDMENT BILL 2011

Second Reading

Resumed from 3 November.

MR J.R. QUIGLEY (Mindarie) [4.32 pm]: When this bill was brought on for debate last week, I was absent from the house at the International Bar Association conference held overseas. The opposition's shadow spokesperson for police, the member for Girrawheen, the honourable Ms Quirk, was the lead speaker on this bill. I have had the advantage of reading the honourable member's speech given to this chamber on Thursday, 3 November. I cannot really substantively add to what the honourable member said in her excellent speech. She made several points that I will just touch upon.

Firstly, why on earth was this bill brought on as urgent legislation? It is not because there is a leak in the courts. It is not because there is some case before the courts that requires immediate legislative attention. I suggest it was brought on because during the past three weeks the political commentators have advanced the opinion, both in *The West Australian* and elsewhere, that the government's hard line on law and order and its law and order agenda seem to be falling into a bit of a shambles. To give it a boost, I suggest, the Attorney General was called upon to bring in some legislation that would grab a headline. That bit of legislation is the Manslaughter Legislation Amendment Bill, which in its terms principally does two things. Firstly, it increases the maximum penalty for manslaughter from the current 20 years to a maximum of life imprisonment. Secondly, it requires people convicted of dangerous driving in circumstances of aggravation—that is, involving drugs and alcohol—to be dealt with by the District Court and not by the courts of summary jurisdiction. However, it is to the first proposition that I wish to direct most of my remarks.

The Attorney General of course achieved the purpose that the government wished to achieve; that is, on the PerthNow site, upon announcing this legislation, the headline suggested "A life for a life". The site then went on to give a summary of the Attorney General's media statement. Of course the headline, without criticising the headline writers of the PerthNow site, is glib and misleading. This legislation does not mean that people who are convicted of manslaughter—that is, unlawful killing—will receive a life sentence. I am sure the Attorney General in his response will confirm that that is not the case; and will further confirm that the headline, implying that one will get a life sentence for the unlawful taking of a life, is just palpably wrong.

In his media statement in announcing this legislation, the Attorney General cited three cases as examples in his opinion that the community's expectation of sentence was not met, and probably as examples that the community's expectation of the sentencer was not met. The first was the case of Hall, who was convicted of unlawful killing in Busselton, I think, over a drug debt. The case went before Mr Justice Simmons and a jury. The Director of Public Prosecutions ultimately accepted a plea to manslaughter, and the judge imposed a term of imprisonment of four years and three months. The circumstances under which the victim, Mr Lawrence Dix, was killed over a $100 drug debt were tragic in the extreme and shocking for his family, and remain so. However, in his press release, the Attorney General fails to inform the public that the Director of Public Prosecutions, having available to him the process of appeal, decided not to appeal the sentence of four years and three months' imprisonment for the death of Mr Dix. The Attorney General failed to mention that in his press release or in his second reading speech. In fact, we were informed in the briefing that Mr Cock, QC, who was then the Director of Public Prosecutions, is no longer the Director of Public Prosecutions and therefore it has not been possible to provide an answer about why there was no appeal. Given that Mr Cock is still a public servant and given that senior prosecutors involved in that case are still with the Office of the Director of Public Prosecutions, it is just an insufficient explanation to the public. The government's only response is to up the sentence—to up the maximum sentence to life, in part in response to the sentencing of Mr Hall. The member for Girrawheen went on to address, as shall I, the case involving the tragic death of Mr Rowe in a Geraldton beach car park.

Before coming to his case, just on this question of failure to appeal, the Attorney General has of course received correspondence, as have I, from members of the public concerning the death of Ms Saori Jones. A number of letters have been written to the Attorney General and they have been copied to me. A letter has been read in full by the member for Girrawheen that sets out the extreme disappointment of members of the community that the person responsible for the death of Ms Saori Jones, her partner Bradley Wayne Jones who killed his wife as a result of domestic dispute, was sentenced to five years' imprisonment with a three-year minimum. The sentence for this case was struck on 21 September 2011. This is not a case in which the Attorney General can run and hide from giving this chamber an explanation about why there has not been any appeal on the basis that the DPP at the time is no longer the current DPP—quite the contrary; this is a contemporary case. This sentencing only occurred approximately six weeks ago on 21 September. Why has there not been an appeal? If the Attorney General's proposition is right; that is, there is inadequacy in the sentencing for manslaughter, about which I am not convinced overall, we can always point to individual cases that the judiciary is failing the community in this regard, but nevertheless, it is the government's contention that they are. The right and proper course is for the state to appeal those sentences that it regards as being wholly inadequate. Instead of appealing the sentence, the government brings into this Parliament a bill to increase the maximum penalty, as if by increasing the maximum penalty available to be inflicted against any particular offender, it will increase the overall tariff. That is eyewash, because the judiciary, in striking any sentence, is governed by principles of proportionality, not just in relation to the offence before the court, but the entire calendar of offences brought before the courts and requiring sentence. The Attorney General says in his media statement —

> "This Bill is meant as a clear message from Parliament that present sentencing for deaths caused through violence or gross recklessness do not always properly reflect the enormity of a loss of life in the eyes of a community and the effect of such deaths on those left behind.

Well, the appropriate course is to go to the Court of Appeal and argue that proposition. The appropriate course is to go to the Court of Appeal and to seek to have the tariff raised. I can recall, before the Court of Appeal was instituted, when it was the Court of Criminal Appeal, there was a feeling in the community in the 80s that the overall sentencing for armed robbery, what we now know as robbery with violence, was inadequate and that given the amount of offences that were then occurring, driven by the heroin scourge that was then in Perth, the overall sentencing for armed robbery was inadequate. The Office of the Director of Public Prosecutions mounted and argued several appeals against sentences that had been struck for armed robbery, eventually causing an upping of the tariff, with the Court of Criminal Appeal, as it then was, making clear pronouncements of the expectation of the community that significant terms of imprisonment would be inflicted for these offences. Similarly, with drug trafficking in the late 70s, I can remember a string of cases being run by the State Prosecutor—I think it was before the inauguration of the Office of the Director of Public Prosecutions—that saw an elevation in the tariff for selling cannabis and other drugs at that time, but especially cannabis. But here we have a situation in which the Attorney General, both in his press release and before this Parliament, cites a

number of cases that he regards as having failed to meet the community expectation in the sentencing process, but for which the Office of the Director of Public Prosecutions, an office that comes within his portfolio, has decided not to institute appeal proceedings. What is the judiciary to do when it strikes a sentence that is not criticised on appeal by the Director of Public Prosecutions? The judiciary continues to say it is within the range; it is still striking the appropriate tariff. The Attorney General would have it that by increasing the maximum penalty to life imprisonment, it will of itself increase the tariff. Of the cases that have been debated in this Parliament, there has not been a case cited that has achieved more than a 10-year sentence—that is half of the current maximum—with the bottom range of the cases cited being in the order of three years and four months going up for some of the most dreadful cases, including the unlawful killing of the Buddhist monk.

I think the Attorney General, and I make no criticism of him for it, had his attention drawn elsewhere in the chamber when I referred to the case of Saori Jones, and I will just repeat, seeing as I now have his attention, that I am aware he received letters complaining about the sentence delivered in that case—I think it was five years with a three-year minimum—and pleading that the state appeal that sentence. Certainly I received letters that asked that I support the correspondent's plea to the Attorney General to appeal the case and try to achieve a sentence of at least 10 years for a dreadful homicide in a circumstance of domestic violence.

[Member's time extended.]

Mr J.R. QUIGLEY: The case of Mr Hall, as I said at the outset of my speech, was a case in Bunbury. Mr Hall was charged with murder, and ultimately the Supreme Court accepted a plea of manslaughter. The sentence was imposed, and Mr Hall was later released. This case attracted subsequent media attention about whether Mr Hall was complying with the orders of his release and avoiding the families of the victim at all times, which we understand is the case; nonetheless, given his relatively light sentence, it is a cause of great grief to the family of the deceased. The Attorney's department says, "We can't get a response as to why there was no appeal in that case, because Mr Cock is no longer the Director of Public Prosecutions."

The case involving the death of Saori Jones is a much more contemporary matter. That is one instance that, rather than bring this legislation before the Parliament, would have provided an excellent vehicle to argue before the Court of Criminal Appeal that the tariff for these cases is too low and for the state to argue before the Court of Criminal Appeal that, where the death involves the use of a weapon or sustained use of violence, the tariff needs to be increased.

A case that shocked the community was the death of Mr Rowe in a car park at Geraldton beach. He was hit with a cricket bat by Mr McDonald. It is another case referred to in the media release by the Attorney General. Once again the Attorney General fails to inform the public that the Western Australian prosecutor decided not to appeal the inadequacy of the sentence. The opposition says that the only way to effectively increase the tariff is to persistently argue these cases over and over again in the Court of Appeal until the Court of Criminal Appeal raises the tariff, as it did with regard to armed robbery offences in the 1980s and as it did with drug trafficking cases in the 1970s.

Of course in the United Kingdom people can make submissions to the Sentencing Council, which then issues guidelines, as it did recently in response to the sentences imposed for the London riots. The judiciary was imposing immediate terms of imprisonment on rioters. There was a response from the English bar and, indeed, from one retired Director of Public Prosecutions in London, that it was inappropriate to raise the tariff in this way and that these acts of breaking and entering and theft should be looked at by the courts in isolation. The Sentencing Council recently—about a month ago; the Attorney General probably recalls it better than I do—confirmed the judiciary's approach that these acts of entering premises, arson and stealing during the London riots could not be looked at in isolation because each rioter was giving comfort to the other rioter not only by their actions but by the mass of people involved all acting together; they were all likely to escape prosecution and punishment and therefore the increased sentences were justified. That is how they raised the tariff in the United Kingdom—through the Sentencing Council.

In this state the proper and most effective way to raise the tariff is to take these cases on appeal. For example, it would be to take the case involving the death of Saori Jones to the Court of Appeal and say that it might fit with an overall pattern when one looks at the cases of Hall, McConkey and others, and we can see how Her Honour arrived at the sentence, but it was wrong. The error was not in what Her Honour did in striking that sentence, but the tariff was wrong.

I know that Her Honour was involved more recently—just before Commonwealth Heads of Government Meeting—in sentencing another offender who killed his housemate in an amphetamine rage, repeatedly stabbing him with a pair of scissors. The sentence was passed last month. I believe the sentence that Her Honour imposed was eight and a half years for the sustained attack. The accused offered that he had no intention to kill, that he was deluded and demonised by methamphetamines. Her Honour noted the viciousness and unrelenting nature of the attack and struck a sentence of eight and a half years.

In the case of Saori Jones, the sentence was lighter. As I said, it was five years with a three-year minimum. However, the correct way to increase these tariffs is to go down and argue for them in the Court of Criminal Appeal. I have no faith in the Attorney General's proposition in his press release, because I have seen it in practice. He writes —

> This Bill is meant as a clear message from Parliament that present sentencing for deaths caused through violence or gross recklessness do not always —

Whatever that is meant to be; it is not in every case —

> properly reflect the enormity of a loss of life in the eyes of a community and the effect of such deaths on those left behind.

That is the argument that should be advanced to the president and the rest of the Court of Appeal. The Attorney General goes on to say in his press release —

> These laws will give courts the capacity to ensure sentencing practices for manslaughter and dangerous driving causing death better reflect community sentiment, and we will closely monitor how they use their expanded discretion.

The body that should be closely monitoring the expanded discretion is the Court of Appeal. Merely increasing it from 20 years to life as a maximum does nothing to ensure that the tariff is raised. That is what the community wants to see and that is what the government is seeking to do, but the government is doing it in a highly politicised way. It is saying, "We are now increasing the penalty for manslaughter to life," which reaps for them the reward of the headline on PerthNow, "Life for a life". However, in reality the Attorney General and I know that that does not follow. The Attorney General would not have an expectation that anyone is going to get life for manslaughter—that is, to make it the same as for murder—given that under the 20-year maximum the most a person has ever received in the cases brought before this Parliament is 10 years, and the state has not appealed as being inadequate any of those cases that the Attorney General has brought before this Parliament.

The only realistic way to increase the tariff is for directions to be given in judgments by the Court of Appeal. That is brought about by the state taking cases to the Court of Appeal on the basis of the sentence being inadequate.

I will conclude my speech and wait with some anticipation for the Attorney General's response to those correspondents who have written to him as recently as 21 September 2011 to complain of the inadequacy of the sentence inflicted upon Mr Bradley Wayne Jones. If that sentence is regarded as inadequate by the Attorney General, why has there not been an appeal?

MR W.J. JOHNSTON (Cannington) [5.01 pm]: I do not intend to speak for long on the Manslaughter Legislation Amendment Bill 2011. I would like to put on the record an issue that a constituent raised with me some time ago. Following my discussion with the woman, she did not ask me to raise the issue with the Attorney General because, in her view, she already has enough information. She had met with staff at the Office of the Director of Public Prosecutions and although she was unhappy with the answer, in her belief she has all the information that she needs. This issue needs to be discussed. I have been waiting for over a year to put the issue on the record. This constituent's husband was killed outside a bar following a fight. She had a strong expectation that a charge of murder would arise from the incident. However, when the trial commenced, she found that the DPP had charged the offender with manslaughter and the perpetrator pleaded guilty to the manslaughter charge. There was effectively no opportunity for the wife of the victim to be heard on the decision not to proceed with the murder charge.

In Western Australia we have an entirely appropriate system for dealing with prosecutions—that is, we have the independent Office of the Director of Public Prosecutions. The Director of Public Prosecutions is beyond political control, which is very important. It is important that politicians do not make these types of decisions and that they are made by an independent office. That arrangement is very longstanding and all sides of politics agree with it, as do I.

A question arises about when the DPP makes a decision not to proceed with a prosecution for murder but to proceed with a prosecution for only manslaughter. Some of that goes to the question of resourcing because, clearly, if the DPP goes to a trial with a murder case, it will be a major matter. As a Parliament and as a government we need to make sure that the DPP has enough resources to ensure that it can make the decision to take matters to trial when it thinks it is appropriate to do so. The opposite of that, as in the case I just quoted, is when there will be a conviction for a serious offence, an offence of manslaughter, the DPP might be minded to say, "Well, given the resources involved in trying to secure a conviction for murder, it is in the public interest to proceed with a charge of only manslaughter." It makes that decision and proceeds with that case.

I think there needs to be consideration of how these decisions are made. Again, there is no involvement of politicians in that decision-making process and it would not be appropriate for there to be. However, I wonder

whether there is some way for the DPP to include families of victims in making those decisions. I do not know how it could do that, but I wonder if there could be some simple opportunity for the family to make a submission about their views on a decision to proceed with one charge against another. Alternatively, when the DPP is deciding not to proceed with a murder charge but with only a manslaughter charge, perhaps, Attorney General, Senior Counsel could be required to review the decision before it is implemented so that the community could be assured that the decision is not being made lightly. I am not saying that the DPP would necessarily make the decision lightly, but the DPP has a range of pressures; time, resourcing and workload pressures all come into play.

I take this opportunity to comment not directly on the issue of the bill. I am not like the members for Girrawheen and Mindarie who have such strong backgrounds in this area. All I am doing is raising, on behalf of a constituent, an issue that was brought to me. I think it is quite important. I can understand why she was so upset with the decision to not proceed with the murder charge. I do not know all the details of the matter. There has been a trial and the person is in jail; all those things have been dealt with. I do not intend to talk about the specifics of the matter as that is not really for this debate. Is there some way the Attorney General could consider some process to ensure that when these tragic circumstances arise, a decision is not made to reduce a charge for murder to manslaughter without some form of review process. Again, I do not suggest that the Attorney General should be directly involved in that review, because I do not think politicians should be involved in those sorts of decisions. However, I wonder whether there is some way of having the involvement of the family or some external process so that people know that these decisions are not made lightly.

MR C.C. PORTER (Bateman — Attorney General) [5.06 pm] — in reply: I thank all the members for their contributions on the Manslaughter Legislation Amendment Bill 2011. I will do my best to speak to each of the matters raised by the members opposite. First of all, the member for Mindarie echoed the sentiments of the member for Girrawheen that this is not an urgent bill. At one stage the member for Girrawheen might have used words to the effect that it was contemptuous—or something of that nature—of Parliament to treat this as an urgent bill. I certainly accept that this bill has been a long time in development. No particular matter on the horizon warrants the rushing of this bill through Parliament; it should be properly debated. My own views on this issue, which I have provided to government and argued inside and outside of politics and government, were formed in 2008 in this place, soon after my arrival, during the debate of the range of amendments that were consequent upon the review of the law of homicide that year. Indeed, it is a view I formulated some time ago and this bill has taken some time to come to fruition.

Standing order 168(2) reads —

> (2) If the Assembly agrees to a motion without notice by or on behalf of the member with carriage of the bill "That the bill be considered an urgent bill", the second reading can proceed forthwith. Debate on that motion will not exceed 20 minutes and no member may speak on it for more than five minutes.

The issue of whether this warranted being deemed an urgent bill seemed to arise in the substantive second reading stage rather than there being any debate at the time about whether it was urgent. This house determines what an urgent bill is by agreeing to allow a bill to be made urgent. There may be any number of reasons for that. My view is that when the importance of this bill is considered in light of the other things that appear on the notice paper, this is a matter of some significant gravity. In any event, my view is that we have agreed to it being an urgent bill. If people think that it is contemptuous of Parliament to have it declared urgent, I encourage them to vote against its declaration as urgent.

The second point raised by the member for Girrawheen and echoed again by member for Mindarie was that in some way this piece of law reform is purely cosmetic and is designed, in the words of the member for Girrawheen, "to allow the government to be seen to be doing something". Again, if that were the case and this were purely cosmetic and purely for the purposes of the government to be seen to be doing something, the option would be open to the opposition to vote against the bill. Indeed, the member for Mindarie appears to argue less that this is purely cosmetic but more that there are better ways of going about moving a tariff. I will address that issue in a moment. Again, the option is open to vote against the bill.

I would argue that this is not purely cosmetic. It is not an exercise in perception, although, in part, perception has an important role to play in sentencing in this area. It can, and I would expect would, have some effect on the tariff. There may be other ways to go about moving a difficult-to-move tariff, and I will address those other ways in a moment.

I will start off, member for Girrawheen and member for Mindarie, by explaining in a short way why I think this bill is important. I know, having been Attorney General for three years now that there is a pervasive sentiment amongst mainstream Western Australians that sentencing is too soft. At its not-too-distant extreme, there is a view that all sentencing processes and outcomes in the jurisdiction of Western Australian are rotten, and that sentencing is a broken system. My view, for what it is worth in terms of my observation prior to coming to this

place in the courts, and as Attorney General, is that, generally speaking, sentencing is conducted thoughtfully, and the outcomes of sentencing across the vast array of offences that we see in our courts do reflect community expectations, but there are some notable exceptions to that general principle. In my view, if ordinary members of the public were offered a regular opportunity to go into the Magistrates, District or Supreme Court and see sentencing unfold for any number of offences and were able to hear submissions in mitigation by defence counsel and the prosecution submissions, hear a judge weighing up the facts and speaking about all of the matters in issue, and then giving a sentence, my guess is that, generally speaking, people would be satisfied, having all of that full information available to them, that the outcomes are generally in accordance with their general expectations. I think that would be true of the overwhelming majority of all of the sentences handed down—call it 70 per cent or 80 per cent or 85 per cent.

There are, however, some areas of sentencing for which a view exists about the sentences that I think is a fair view. My own perception of this is that where people see a life lost in circumstances of criminal activity, particularly in the area of manslaughter, and they see the sentence that results, there is a pervasive view amongst the wider community that the result is insufficient in terms of its quantum and that the result does not accord with community expectations; and that view poisons the view about sentencing entirely. If one category of offence genuinely produces results upon sentencing that in some best objective sense do not accord with community expectations, even if that is only a few matters a year, if they are high-profile matters, the risk we run is that that poisons the attitude of Western Australians against the sentencing process entirely—and this, being manslaughter, is such an area.

I go back to that original assertion and test. My view is that if average members of the Western Australian community went to court and watched the sentencing process, defence counsel pleas in mitigation, prosecution submissions, the judge's weighing up of the facts, and information about the history and personal antecedents of the offender, then in the overwhelming number of sentences, people would be satisfied with the result. But the perception that I have, and the perception that government has, is that that cannot truthfully be said of sentencing for manslaughter. That is to say, it is not merely the fact that people are not in possession of anything more than a newspaper article about sentencing that leads to the dissatisfaction; there is a fair argument to suggest that if those average members of the Western Australian community went to the court and watched a manslaughter sentencing, and heard all the information that was put before the court, they would still have a view that the outcome is insufficient to represent their expectations of what punishment should flow when a life is lost. If the government is right about this, that is something that has to be addressed by any and all means necessary.

Mr J.R. Quigley interjected.

Mr C.C. PORTER: I will come to those issues, and they are fair ones that the member for Mindarie has raised.

If in cases such as the case of Farmer, or the case of Jack Benjamin Hall, or the case of Matthew Roy McDonald, or the case of Ian Samuel James McConkey, the view of the public is based on the media—that is, that the sentencing is too light—and if we could reasonably argue that those average members of the community, if they had all the information available to them at sentencing, would think the sentence is too light, those handful of high-profile cases, which seem to cluster around this issue of manslaughter, as well as dangerous driving causing death, which is the other part of this bill, have the effect of poisoning the entire view of the wider community on sentencing in general. That is why I believe that this is an important bill. In part, it is about perceptions, and people have a perception, it appears, that the tariff that exists for manslaughter is too low, and that is poisoning their view of sentencing across the board.

Before I go on to talk about that issue of raising tariffs, I would like to address one of the issues the member for Girrawheen raised, which is with respect to the Law Reform Commission report. I make no criticism of that report. I think it was a well-researched and scholarly piece of work. I did not necessarily agree, and nor does the government, with everything in it. However, the member for Girrawheen noted that Mr Hylton Quail of the Law Society of Western Australia has said that the changes are unnecessary, and has said that there is absolutely no need to increase homicide penalties again when they were reviewed in 2008. What is fascinating about that is that the maximum penalty for manslaughter now is 20 years. During the period of the review in 2008, the Law Society at that point in time was arguing that the maximum should be increased to 25 years. So, the Law Society is saying now that there is no need to increase it above 20, but not more than two years ago it was arguing that it should be at 25 years. Ultimately, the report did recommend to the Labor government at the time that the manslaughter penalty not be raised above 20 years, and indeed not be raised to life imprisonment.

There were several submissions that argued to that report that the penalty for manslaughter should be life imprisonment. If we look at page 320 of that report, it appears that the DPP was not a body that submitted that the imprisonment penalty should be life imprisonment. However, very interestingly—it may interest the member for Mindarie—two notable criminal lawyers in this jurisdiction who did argue that the penalty for manslaughter should be life imprisonment were Justice Miller and Justice McKechnie. If we look at page 321 of that report, two submissions supporting mandatory life imprisonment for murder also suggested that the maximum penalty

for manslaughter should be increased to life imprisonment. Although expressing the view that the currently penalty structure for wilful murder, murder and manslaughter is appropriate, Justice Miller submitted that if homicides that are currently classified as murder were instead included in manslaughter, the maximum penalty for manslaughter should be life imprisonment. Justice McKechnie stated that the penalty for manslaughter should be a maximum of life imprisonment. The reasons for Justice Miller's submission in that respect are clear. Justice McKechnie's submission I have not had the opportunity of reading, and there is no further information given as to why in particular Justice McKechnie thought that life imprisonment should be the penalty. I think the first point is that the government's view here is a view shared by some of the most experienced criminal practitioners in this jurisdiction. Justice Miller's view I think is a thoughtful, interesting and ultimately correct view. The point he was making was that during the reforms that the Labor government brought in in 2008, which removed the distinction between murder and wilful murder, and redefined a global offence of murder, something quite significant changed. What changed is that previously, a murder, leaving aside a felony murder, might have been in circumstances in which there was an intention to do an act likely to endanger life, or an act likely to endanger life was done; or there was an act done, or intended to be done, that was likely to cause grievous bodily harm. That part of the basis for murder, and acts causing grievous bodily harm, was removed. The interesting point—I think it was a point made in debate at the time—is that it is possible and far from inconceivable that person A may do an act to person B that does, and is intended to do, GBH to that person but does not constitute an act likely to endanger that person's life. There are a whole range of scenarios that could be imperfectly described as torture-type scenarios, in which person A does intentional physical damage to person B for the purposes of doing that damage, but expressly in circumstances in which they expressly intend not to endanger that person's life. They may break an arm or a leg with the purposes of extorting money from the person, but because the person is no good to them if they expire, they have no intention of doing an act likely to endanger the person's life. The point that Justice Miller makes is that if that category of offending was murder but is now to be defined as manslaughter, is it not equally culpable and therefore warrant a sentence of life imprisonment? For my own part, and for the government's part, that is a very pervasive and persuasive argument, which without more I think justifies manslaughter in those rare circumstances when person A tortures person B, and although not intending to endanger person B's life, person B dies as a result of that torture, and person A should face a mandatory term of life imprisonment. Those cases do arise, albeit irregularly. The point is that the government is following submissions from two of the most experienced criminal lawyers in the jurisdiction. There are mechanical reasons because, based on the 2008 changes, some offences that used to fall within the offence of murder now fall within the offence of manslaughter. To properly be able to access penalties to punish those offences requires that they have the same penalties available, which is a mandatory term of life imprisonment.

I want to talk now to the issue of tariffs and how we shift tariffs. The cases that we have talked about today have involved briefings to the opposition. The member for Mindarie said that matters were omitted from press releases. Of course, press releases have a limited scale and form, but this information was not meant to be, and never was, hidden and is firmly available. It is the case that for some of the matters the government has nominated as motivating this reform, appeals were either considered or rejected or it was unclear on what grounds they were rejected.

With respect to Jack Benjamin Hall, who shot and killed Mr Lawrence William Dix at the victim's home, Mr Hall attended the victim's home in the company of three other men for the purposes of recovering Mr Dix's outstanding drug debt of $100 to Mr Benjamin Noel Keiley, the driver and owner of the vehicle in which they travelled to the victim's home. Importantly, the jury failed to reach a verdict at the first trial, in which the charge was murder. Following consultation with various stakeholders, the Director of Public Prosecutions accepted the plea to manslaughter pursuant to section 280 of the Criminal Code, which goes to the issue that the member for Cannington raised and which I will come back to in a moment; namely, how we determine that sometimes difficult and often controversial decision between murder and manslaughter as the charge. Mr Hall was sentenced on 24 April to four years and three months' imprisonment with eligibility for parole after two years and three months, backdated to 2 April 2007. I am unaware of the precise reasoning of the then director as to why it was that that matter was not appealed against. However, I would guess—I think it is a fairly sound estimate of the situation—that where there is a tariff and the matter is within range, it is a very difficult process to argue that the sentence is manifestly inadequate, which would be the appropriate grounds for appeal, when other similar matters over long history have been determined in that same range. This is the issue the member for Mindarie talked about when he spoke about a tariff. For instance, the penalty for armed robbery, which is also punishable by life imprisonment, generally speaking has a range of, I think, about six to nine years' imprisonment, and that is known as the tariff. Generally speaking, armed robbers get six to nine years. In this instance, the argument before the house is that the types of tariffs, the types of sentences, that are being returned do not reflect community expectations.

The next matter was that of Matthew Roy McDonald. At a family Christmas function on 25 December 2007, at a Geraldton beach, Mr Matthew Roy McDonald hit Mr William John Rowe with a cricket bat to his head. The facts of that matter are relatively well known to members of this house. Mr McDonald was sentenced to five

years' imprisonment, which represented the average sentence imposed for that type of offence over several years in Western Australia. The DPP's assessment in the matter was that the sentence of five years' imprisonment represented something about the middle of the tariff for manslaughter matters of that type. The DPP's decision in that matter about the appeal was motivated by some other factors as well. There were other considerations including the comparative youth of the offender and the remorse shown by his early plea of guilty. The DPP considered that a sentence of five years' imprisonment was within the range of sentences imposed by other judges in similar situations, and that an appeal by the prosecution to the Court of Appeal would not have resulted in any increase in that sentence. A thorough review of the case by the then DPP, Mr Robert Cock, QC, and other senior prosecutors concluded that Justice McKechnie had not erred in fact or law when handing down Mr McDonald's sentence, which was slightly above the sentence customarily imposed for such an offence.

In that case, a sentence of five years' imprisonment with eligibility for parole to be served cumulatively on a nine-month sentence for unlawful wounding—that is a sentence of five years—was seen to be within range, and slightly higher that what would historically have been given for offences of that type. Indeed, the view formed inside the DPP was that had there been an appeal, it would most certainly have failed. The member for Mindarie raised the point that the tariff will not be changed upwards unless appeals are made even in those cases in which it appears on the surface that the appeal would fail. There is some merit to that argument, and I will come back to it in a moment.

Mr Ian Samuel James McConkey is the individual who killed by kicking and stomping on a Buddhist monk. He was charged with manslaughter. No weapon was involved and it appears that the best evidence was that it was not his intention to kill or cause grievous bodily harm to Mr Lieu, the monk. He had a history of convictions for violent offences and breaches of court orders, and in those circumstances a decision was again made about the flashpoint of whether or not to appeal. The consultant state prosecutor who appeared at sentencing in that case, Mr Dempster, having reviewed the sentence, determined that there was no reasonable prospect for a successful appeal against that sentence. The sentence imposed on Mr McConkey was considered to be within the range imposed by the courts for this type of offending. So, there is clearly a tariff—clearly a range. The proposition that the government is putting is that the range is too low and is infecting negatively peoples' views about sentencing across the board.

I think the argument raised by the member for Mindarie is: how do we shift a sticky tariff? The member makes the point that the best way, or the appropriate or better way to move a tariff upwards is to appeal it, and to appeal it again, and again. There may be some merit in the assessment that that is something that should occur. Obviously, it is the case that I cannot direct the DPP on individual prosecutions, on individual appeals and on individual exercises of discretion on individual cases as to what the charge should be. That is something that I as Attorney General am strictly forbidden from doing under the DPP act. Indeed, whether this could even be the subject of something that I am able to do, which is to give a direction on policy, is a little bit doubtful, but is something that I am looking into. It may be the case that if appeal after appeal is made, there may be some movement up of the tariff. It is not something that I would argue against. It is something that should happen, likely in addition to and in concert with what this government is doing now by virtue of this change. However, the fact is that moving the maximum penalty for manslaughter up to life imprisonment is something that can have an effect. It can have an effect in a pull factor–type of way and in a push factor–type of way.

As the member for Mindarie would be well aware, section 6 of the Sentencing Act provides that the seriousness of an offence must be determined by taking into account the statutory penalty for the offence. The fact is that by changing the statutory penalty from 20 years to life—which is not dissimilar to many other jurisdictions—a clear message is being sent that that tariff should move upwards. Whether that is successful or unsuccessful, time will tell. Should it be accompanied by robust appeals and a policy of robust appeals by the Director of Public Prosecutions in those types of matters? I would agree that it should be accompanied by such a thing.

It is interesting to consider a recent sentence handed down by His Honour Justice McKechnie in respect of a matter in which the charges related to arson. Of course, that is an area in which we have recently shifted the penalty upwards. Justice McKechnie said in that case that Parliament had very recently amended the penalties for arson to life imprisonment. He said to the defendant that, although that was not the penalty he would receive, it was an indication that the community is fed up with people who light fires. Justice McKechnie was therefore doing what we expect all judges to do, quite properly. In respect of section 6 of the Sentencing Act, he had regard to how seriously this crime was viewed by looking at the statutory maximum penalty for arson, which is now life imprisonment. That is the push factor that can be applied to a tariff. What is the pull factor? It is being able to access maximums in terms of the actual time spent in prison greater than what is, as a matter of law, conceivably available at the time. The argument that I put to the members for Mindarie and Girrawheen is that there is probably no case that better illustrates why this change to the law is necessary than that of Timothy Leonard Gordon Farmer. This is probably one of the saddest cases I can recall hearing about, reading about or having any information in respect of.

Mr Timothy Leonard Gordon Farmer was charged with one count of murder pursuant to section 279 of the Criminal Code, relating to the victim, a young infant, Mason James Coughlan. The infant was the son of Mr Farmer's de facto partner whom Mr Farmer had, in the hours and days preceding the young infant's death, repeatedly hit, abused and bashed, causing serious head and other injuries. At about 10.30 pm on 30 October 2006, Ms Kristy Marie Coughlan, Mr Farmer's de facto partner, presented at the emergency department of Albany Regional Hospital with the deceased, her infant son Mason, then aged three years and eight months. The child did not appear to be breathing and his heart did not appear to be pumping. According to Ms Owens, a registered nurse on duty, Mr Farmer, when asked if the child had banged his head, acknowledged that he had. Mr Farmer also told Mr Clarke, an orderly at the hospital, that he had hit the child and said that the child had wet the bed, got a smack, was put in the shower and must have fallen in the shower.

Dr James Leighton, who endeavoured to treat the child at the hospital, observed that the child was very cold and wet and was covered in innumerable small bruises, with a large bruise covering his right face, right temple and right ear. There was extensive bruising on the child's anterior pelvic area, to the extent that the skin was quite tense. The child's buttocks were also bruised, and Dr Leighton's opinion was that the bruises did not appear to be old. The child appeared to have vomited. Dr Leighton recalled that Mr Farmer kept saying, according to my notes, "Please God, let him be all right", repeating this on a number of occasions. Dr Leighton spoke to both Mr Farmer and Ms Coughlan about the extensive bruising on the child, asking if they had any idea as to how the bruises were caused, and Mr Farmer told Ms Coughlan to shut up. Dr Leighton then directly asked Mr Farmer whether he had been hitting the child, to which Mr Farmer replied, according to my notes, "Only once or twice over the last couple of days". When asked what had happened that evening, Mr Farmer replied that he had put the child in the shower and that he had collapsed and did not get up. The child was moved to Perth. When Dr Lee, who is attached to the Royal Flying Doctor Service, arrived at the hospital he noticed that the infant boy was unconscious, hypothermic and had non-reactive dilated pupils.

Ultimately there was evidence of extensive and marked bruising over multiple areas of the deceased's body—in particular his anterior chest wall and the anterior abdominal wall, extensive bruising over his right flank and hip, and marks over his scrotal and penile region, including haematomas. All four limbs were covered with bruises and several of the bruises looked older. Dr Lee continued resuscitative efforts at the hospital but was unsuccessful, and he certified life extinct at 6.45 am on 31 October 2006. A post-mortem report on the deceased child was undertaken by Dr White, who determined that the cause of death was complications of multiple soft tissue injuries.

Two statements were completed for the purpose of the brief by Ms Coughlan, Mr Farmer's de facto partner. She stated that she had recently formed a relationship with Mr Farmer. A couple of weeks previous to 31 October 2006, Ms Coughlan had been out shopping, and when she arrived home Mr Farmer told her that he had smacked the kids. On the following morning, Ms Coughlan saw that both her children—the deceased and his sister—had bruises on their buttocks. A week after that Ms Coughlan recalled hearing Mr Farmer hitting the deceased. Apparently the deceased had begun regularly wetting his bed and himself, and this annoyed Mr Farmer. The following day, Ms Coughlan saw bruises around the deceased's ears and observed that the deceased had a black eye. Either that night or the following morning, Ms Coughlan heard Mr Farmer shouting at the deceased and observed the deceased crying, with no nappy on, and could see a red mark with a cut on the deceased's penis. When Ms Coughlan told Mr Farmer to stop doing that, Mr Farmer told her to mind her own business. Ms Coughlan observed that the deceased had swollen genitals the following day and was having trouble walking. Mr Farmer apparently told Ms Coughlan to put the deceased in a bath of salt, vinegar and disinfectant. At around that time, Mr Farmer hit Ms Coughlan around the ears for interfering with him while he "disciplined" the deceased. At that time, Ms Coughlan apparently wanted to take the deceased to hospital, but Mr Farmer would not let her. Ms Coughlan did not take the deceased to kindergarten in the week prior to his death, because he had bruises on his face and buttocks and they were very noticeable. That week Ms Coughlan could hear Mr Farmer shouting at the deceased again.

On the face of those facts, members will unlikely find a worse example of a manslaughter offence. When I read that, I just think about that poor little boy who ended up suffering ritual beatings by this offender for nothing more than wetting himself. He also suffered cuts to his penis and bruising to his genital area, which obviously related to the fact that he was wetting himself, and those were the injuries inflicted on him by Mr Farmer. Eventually, those beatings caused his death.

In respect of sentencing and decisions regarding appeal, it is very important to remember that it was undoubtedly the case that Mr Farmer, by his violent actions, had caused the death of the young boy. The circumstances of the case, combined with the post-mortem finding, however, failed to identify any single specific injury as directly causing the death of the deceased. The view was taken at the highest levels of the DPP that it would have been open to any jury to reasonably entertain doubt about whether Mr Farmer intended to inflict either life-threatening injuries, or injuries that amounted in law to grievous bodily harm. That is, it would have been open to a jury, given the state of the evidence, to conclude on reasonable doubt that the elements of murder were not satisfied.

After very careful consideration by the file manager and the then Director of Public Prosecutions, Mr Robert Cock, QC, a decision was made to accept Mr Farmer's proposal to plead guilty to the lesser offence of manslaughter.

This goes to the issue that the member for Cannington raised: that that flashpoint decision about whether to accept a plea of manslaughter or try to pursue a charge of murder is a very difficult decision to make. In this case, the decision was made, and I have no complaints about the way in which it was made. It was made very soberly and was a very difficult decision. But I say again: this is a very terrible incident of manslaughter. On its facts, one could not find too many instances of manslaughter that are as bad. The argument that can be fairly put here is that Mr Farmer's moral culpability in this case of manslaughter is equal to that of many people who commit murder; many people who have an intent to perform an act to endanger someone's life and eventually kill that person.

There are offences—not just because of the 2008 amendments of this place—that sit inside murder, where the moral culpability of the individual is at least that of other people who would otherwise be charged on the evidence for murder. Mr Farmer was convicted of manslaughter. By his own admission, the case against him was absolutely overwhelming. The maximum penalty of imprisonment was 20 years, which it still is, of course, to this day and will remain so in the absence of this legislation that we seek to pass; this legislation will change that. In sentencing Mr Farmer, His Honour Justice Heenan was required to reduce the penalty of 20 years' imprisonment by one-third. That was the truth-in-sentencing discount, so automatically there was a one-third discount. Therefore, straightaway there was a discount of six years and eight months. Of course, we got rid of that truth-in-sentencing one-third discount. The court was then left with a term of imprisonment starting at about 13 years and four months; that was the starting point after taking away the truth-in-sentencing discount of one-third. That starting point was further reduced to accommodate a discount for an early plea. That discount was 25 per cent. That decision was taken by His Honour Justice Heenan because that is the prevailing discount afforded, if we like, as a matter of consistent application by the court in its discretion. Indeed, one of the policy arguments that this side of the house ran before the last election is that that should be changed. We are working on how to change that system. It is always important to have a system with a discount for an early guilty plea because we want to ensure that we do not clog the courts with trial after trial when we could be achieving pleas and there should be some reward for pleading guilty. However, the point arises in this case that the case against Mr Farmer was overwhelming; there was no real choice other than to plead guilty to manslaughter in the circumstances. Nevertheless, a 25 per cent discount ensued, which was on top of the one-third truth-in-sentencing discount. Mr Farmer, interestingly, was therefore sentenced to a term of imprisonment of just less than 10 years, which was half the statutory maximum of 20 years. At the time of committing the offence, Mr Farmer was on bail for an unrelated offence of assault occasioning bodily harm, so another sentence was laid on top of that; accordingly in sentencing Mr Farmer, Justice Heenan imposed a total term of 11 years' imprisonment, being 10 years for the manslaughter and one year for the assault. Therefore, for one of the worst conceivable cases of manslaughter, because of the law that was operating at the time, the maximum penalty was 20 years, the starting point became 13 years and four months, there was a 25 per cent discount for an early guilty plea, and leaving aside the other offence, the penalty was 10 years. When someone is sentenced to more than four years, I think it is, a person must serve the sentence minus two years; therefore, someone who receives a term of imprisonment of 10 years is eligible for parole after eight years, so the minimum non-parole period is eight years.

In my view and I think in the view of any member of the community, that is a radically inadequate sentence for that level of offending. This is not blaming the court; that was the absolute maximum sentence under the law of the time that person could get for that offence. For, in effect, beating a small boy to death because he wet his pants, the maximum term that we could expect for the offender was 10 years' imprisonment and he would be eligible for release after eight years. Those types of results destroy confidence in what is otherwise an excellent criminal justice system and excellent sentencing across the board.

We should take a moment to consider, now that truth-in-sentencing and the one-third discount have been done away, what the situation would be absent this legislation we are talking about today. For argument's sake we could also consider it absent the idea that we had to give Mr Farmer a 25 per cent discount for an early plea. We would start with the maximum term of imprisonment of 20 years. There are no truth-in-sentencing provisions so there is not a one-third discount any more. If we sentenced Mr Farmer today we would start with 20 years and we would have to give him a 25 per cent discount for the early guilty plea—that is something the government is looking at; nevertheless, that is the law as it exists at the moment—which would mean that the maximum penalty we could give Mr Farmer is 15 years. He would serve two years less than that before he became eligible for, although there would be no guarantee of, parole. As things presently stand, if Mr Farmer were sentenced today, he would receive 15 years and he would likely be eligible for parole after 13 years' imprisonment. The question then arises: is a minimum non-parole period of 13 years sufficient to punish Mr Farmer and to meet community expectations in these circumstances? The government's view on that is no. As the law presently exists, under a

20-year maximum sentence, we cannot give offenders such as Mr Farmer a sufficient minimum non-parole period in prison and that is the pull factor we expect that this legislation will have on sentencing and the tariffs that the member for Mindarie spoke of. The expectation on the part of government in introducing this legislation is that the minimum non-parole period that Mr Farmer would get would be significantly higher than 13 years. That is the bottom line with this legislation.

The member for Mindarie indicated that the media article talked about life for a life and I think the member spoke about the idea of whether anyone would actually get life for manslaughter. If by that the member meant would anyone get the maximum penalty of life imprisonment, the answer is that the government expects that will happen. The way the Sentencing Act works, life imprisonment does not mean that someone spends the rest of their life in jail. It never has meant that. If the court elects to impose the maximum penalty, pursuant to section 96 of the Sentencing Act, the imposition of life imprisonment for an offence other than murder—in this case, manslaughter—means a court must impose a non-parole period of at least seven years. However, a court can set a minimum non-parole period that is significantly higher than seven years and, indeed, higher than 13 years. The minimum non-parole period that a person such as Mr Farmer would get at the moment is 13 years. The expectation on the part of this government in passing this bill and reforming this area of criminal law is that any individual who did what Mr Farmer had done will get a minimum non-parole period that would be very significant indeed—significantly higher than 13 years. That itself drags up the averages for tariffs. One of the points about this legislation is that the moral culpability of individuals who commit manslaughter is often equal to or greater than some individuals who are successfully charged with murder. I take the member for Mindarie's point and I do not disagree with him that there should be a robust policy of appealing manslaughter cases because I think that they are absolutely critical to public confidence in the criminal justice system, except that it is also Parliament's responsibility to give a helping hand in that respect. We do that in two ways with this legislation. First, by requiring the court to judge the seriousness of the offence by looking at the maximum penalty and there is no more serious maximum penalty than the one that we are moving to implement here, and, secondly, by allowing the absolute worst cases of manslaughter to have minimum non-parole periods of greater than 13 years apply to the offender.

I think that covers largely the issues each member raised in their contribution. I thank members for those contributions. The member for Cannington also raised an issue, but I am not quite familiar with the individual circumstances. He put the view that the Director of Public Prosecutions' decision whether to charge someone with murder or manslaughter, or if there is a charge of murder, to accept a plea to manslaughter and thereby not pursue the murder charges, is a very difficult question that impacts very significantly on the secondary victims of the homicide—the family of the deceased. I do not disagree with the member. I might have a private conversation with him about that matter. Very strict rules are applied inside the DPP about who makes that decision, the level of seniority at which that decision is made and who reviews that decision. That decision is perhaps the most important decision that is made inside the DPP and it is taken very seriously. I will have a conversation with the member for Cannington. I put on record for the benefit of the house, though, that one factor that never bears on that decision inside the DPP whether to pursue a murder charge or accept a plea of manslaughter is resourcing; that is simply not something that has a bearing on it. Only the DPP guidelines bear on that decision and the DPP is very adequately resourced to deal with all those matters. That is not a matter that could statutorily bear on their exercise of discretion.

One final matter is that I am not sure whether we will go into consideration in detail. However, I had a conversation with the member for Girrawheen about a review of this. Obviously, this legislation is designed to increase the tariffs that exist. We will be following carefully the effect on tariffs over the next several years. The member for Girrawheen suggested a conceivable amendment so that the legislation would contain a requirement for review. I have undertaken to the member for Girrawheen that we will conduct such a review. I would prefer not to have that clause in the legislation. A review clause is more appropriate in a stand-alone bill rather than in a bill that amends one small part of a much larger act. However, we will certainly be undertaking a review of the bill.

I have taken on board what the member for Mindarie has said. It is not the case that this amendment to the legislation is purely cosmetic. Perception is important in this area, and this bill is designed to meet a requirement on the part of the community that sentences reflect community expectations in this area. We expect that the worst cases of manslaughter can be and will be dealt with more severely under this legislation and that all judges will have regard to the fact that this tariff must move upwards. This is the mechanism by which Parliament sends that message to the courts and that the legislation will in due course do some good in terms of administering a greater level of public confidence in sentencing.

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 **Mr C.C. Porter (Attorney General)**, and transmitted to the Council.

WATER SERVICES BILL 2011
WATER SERVICES LEGISLATION AMENDMENT AND REPEAL BILL 2011

Cognate Debate

Leave granted for the Water Services Bill 2011 and the Water Services Legislation Amendment and Repeal Bill 2011 to be considered cognately, and for the Water Services Bill 2011 to be the principal bill.

Second Reading — Cognate Debate

Resumed from 26 May.

MR F.M. LOGAN (Cockburn) [5.52 pm]: Thank you, Madam Acting Speaker, for the opportunity to contribute to these two pieces of legislation: the Water Services Bill 2011 and the Water Services Legislation Amendment and Repeal Bill 2011. These are significant pieces of legislation, particularly the Water Services Bill. In effect the Water Services Bill is a rewrite of a significant number of existing pieces of legislation, namely the Water Agencies (Powers) Act 1984; the Country Areas Water Supply Act 1947; the Country Towns Sewerage Act 1948; the Land Drainage Act 1925; the Metropolitan Water Authority Act 1982; the Metropolitan Water Supply, Sewerage, and Drainage Act 1909; the Rights in Water and Irrigation Act 1914; the Water Services Licensing Act 1995; the Water Corporation Act 1995; and the Water Boards Act 1904. All of those acts will be effectively harnessed, amended or replaced with the Water Services Bill. The Water Services Legislation Amendment and Repeal Bill contains changes that will be made to some acts such as the Rights in Water and Irrigation Act 1914, which will continue on but will be amended as a result of the first bill, the Water Services Bill. However, a significant number of bills will disappear, hence the reason for the repeal bill, and be replaced with the Water Services Bill 2011.

The history of the Water Services Bill goes back to the commitment given by the then Carpenter government to sign on to the National Water Initiative that was initiated by the then Howard commonwealth government. As part of the National Water Initiative, each state around Australia committed to modernise, overhaul and reform not only its existing water legislation, but also the operations of its water and sewerage services. The commitment to the National Water Initiative from the then Labor state government was in 2005, not long after the election of the Gallop Labor government. However, Premier Gallop's illness and his replacement with Premier Carpenter led to a change of heart on opposition to the National Water Initiative by the then Labor government. The previous Labor government under Geoff Gallop believed that Western Australia would not actually get a great deal out of the National Water Initiative, as primarily it was aimed at—and still is—reform of water rights along the Murray–Darling basin in the eastern states, and that it would not have a significant impact on Western Australia. Incoming Premier Carpenter wanted to ensure that we acted in a harmonious way, given that all other states and territories were moving to the reform of water legislation and water services generally, and so committed Western Australia to sign on to the National Water Initiative to overcome some of the penalties that the then Howard government had imposed on Western Australia for not signing on, and to basically move on with life. That was the beginning of the steps that have ultimately concluded with this legislation before the house this evening.

When Labor went to the polls in August 2008, there was already a draft water services bill with the Department of Water and with the Minister for Water. A significant rewrite, therefore, had already taken place on all those pieces of legislation that I referred to in my opening remarks. The then minister, Hon John Kobelke, was proceeding to finalise the Water Services Bill. Had Labor remained in power until February or March 2009, without a shadow of a doubt that Water Services Bill would have been endorsed by cabinet and would have been introduced into this house probably in late 2008. Obviously that did not occur. The government was replaced with the Liberal–National government and a new Minister for Water was appointed, the member for Eyre. Really, it can only be suggested that the new minister sat on his hands on this legislation for his entire period in office. One question I would like to put to the Minister for Water is: what happened with this Water Services Bill? It was not exactly ready to go in late 2008, but it had been concluded in the sense that drafting had been finished, it was about to be run past cabinet and it would have been introduced to this house before December 2008. Yet, following the election of the Liberal–National government, the bill appears to have literally dropped out of debate and analysis and has remained in limbo for a period. I can only presume—this is why I would like to hear the minister's answer on this—that it remained in limbo while the new government decided what it was going to do with this legislation and with the commitment to the National Water Initiative.

Sitting suspended from 6.00 to 7.00 pm

Mr F.M. LOGAN: I will continue my contribution to the cognate debate on the second reading of the Water Services Bill 2011 and the Water Services Legislation Amendment and Repeal Bill 2011. The frontbench

members of the Labor opposition feel fighting fit now because we have all been down to the gym, so we are ready to give the government a good smashing!

Mr R.F. Johnson: So, are you ready for a heart attack or something?

Mr M. McGowan: There was only one Liberal down there!

Mr F.M. LOGAN: There was only one Liberal down there, and it was not the member for Hillarys!

Mr R.F. Johnson: I don't even know where it is.

Mr W.R. Marmion: It wasn't me.

Mr F.M. LOGAN: That is right; and it was not the member for Nedlands either!

Before the dinner break, I ended the debate on the Water Services Bill 2011 and the repeal bill by asking the minister why it had taken so long for this bill to appear before the house, given where it was up to when Labor left office. I would like the minister to address that criticism when he responds to the opposition's second reading debate. However, I make it clear to the house that the opposition will be supporting this bill, and, given that it is a cognate debate, it will also be supporting the repeal bill. We will not be moving amendments, but we will be taking this matter to consideration in detail for the purposes of seeking further information about the impacts of the various clauses in this bill, and asking various questions.

Mr W.R. Marmion: We have some amendments.

Mr F.M. LOGAN: In that case, minister, we will definitely go into consideration in detail.

I have given an outline of the bill and what it intends to do, and voiced our initial criticism of the length of time it has taken to bring this piece of water reform legislation to the house. I will now go to the Water Services Bill and make a few general comments about the impact of the bill, and then I will go through some of the detail of it.

Obviously, the intention of the bill is to consolidate the acts and modernise the legislation for the purposes of water reform in Western Australia. Significant water reform took place under the former Labor government, which begs the question of how far water reform will go under the current Liberal–National government, and what is the Liberal–National government's intention in seeking further water reform that would be possible under this new Water Services Bill. After the minister responds to my criticism about the length of time, one of the first issues I would like him to address on the consolidation of all these bills and the general impact of the Water Services Bill is the intention of the bill and the intention of the Liberal–National government with respect to water reform. One of the changes that this bill will introduce is that other water services—not necessarily providers—will be available to industry and the general public, should the minister of the day sign off on those new services. The objectives of the bill as outlined by the minster's department are, according to my notes, "To enable an effective, competitive, sustainable water services industry that is responsible to all Western Australians."

This side of the house has very significant concerns about not only the content of this bill, but also the general direction of the Liberal–National government around the privatisation of public assets and public services, hence the second question I put to the minister, which was whether he would provide a broad overview of what the Liberal–National government intends to do in terms of future water reform in this space—in water services. If we go back one minister to the current minister's predecessor—the member for Eyre—he was very proud of the fact that he was the first water minister in Western Australia to sign off on a public–private partnership for the water treatment plant in Mt Helena in the Shire of Mundaring. As the minister knows, a significant investment was sought by this government; it may well have been sought by the Water Corporation and proposed to the government, but nevertheless the government signed off on it. I am not too sure who initiated it—whether it was Water Corporation or the government—nevertheless, it was signed off. The minister's predecessor seemed to be very happy that this massive piece of equipment that normally would have been paid and constructed by Water Corporation had been pushed out to the private sector for, I believe, a 35-year period—it was a significant period—for the building, operation and maintenance of that piece of treatment plant in Mt Helena.

Should it be the intention of the government to continue on the path of entering into public–private partnerships with the existing or future assets of Water Corporation, we will see—this is the concern of the Labor opposition—the death by a thousand cuts of Water Corporation. Gradually, Water Corporation's importance as the monopoly supplier of water and the trusted—when I say "trusted", I mean trusted by the general public—guardian of our water and sewerage services will be undermined, whether by the continuation of PPPs, which would undermine the confidence of the general public in Water Corporation and its ability to deliver services, or its gradual diminution as a service provider for and on behalf of the state. That is the concern the Labor opposition has. The reason we have that strong concern is that the Water Services Bill allows the contracting out of services, whether it be for sewerage, drainage, re-use of sewage and drainage water or stormwater services. All of those services could quite effectively and legally be put out to the private sector under this Water Services Bill. That does not mean that the Water Corporation could be privatised following the introduction of this bill—

we asked that question of the minister's office and they were quite clear that the privatisation of Water Corporation would require other legislation to be introduced to the house. But we can look at what the minister's predecessor has already done. The minister's predecessor took the first step in actually undermining, I believe, the confidence of the general public in the Water Corporation by taking a large asset that normally would have been owned, operated and constructed through and by the Water Corporation and putting it out to the private sector through a public–private partnership. That is one example. That is the reason we have those concerns. That is the reason I asked the second question: is this what the government intends to do with the Water Corporation and particularly its role in the provision of drainage and sewerage services?

Another example that has come to our attention goes to what is allowable under this bill. It is a project that has already been partially funded. There is an intention to take this project much further and make it much bigger. There is a proposal by the Peel Development Commission and five local councils in the Peel area to undertake a water re-use scheme. I would certainly like the minister's comments on this proposal, which I am sure he is aware of. This proposal, which I will go through, would be specifically allowed under this legislation. As the minister knows, the PDC and the councils intend taking water from the Gordon Road waste water treatment plant in Mandurah and piping it through to a baseload customer, being Alcoa, for re-use.

The concerns I have are shared by members of the Labor Party. Firstly, what is the minister's view on that proposal? Why is the Peel Development Commission leading a consortium of local councils to establish a private company—namely, Peel Infrastructure Holdings Pty Ltd—to provide water to a very large multinational company in the area? They have apparently selected Tyco as the preferred private sector proponent to fund, build and operate the water re-use project. I would like to know the minister's view on this proposal, given that it would not have seen the light of day without the existence of this legislation. What is the minister's view of a consortium of local councils being led by a public sector agency to establish a private company to provide water to an American multinational through a preferred private contractor, who will build and operate it for them, when an alternative could have been for Alcoa to go to the Water Corporation as the key organisation and ask it how it could help to resolve the problem, or even to go out to tender? Because of the problems Alcoa experienced with water last year, its future objective is obviously to find alternative sources of water. What role is it for the PDC to step into the space currently occupied by Water Corporation to provide a service to Alcoa partially funded by royalties for regions? The money that has been used so far to establish this little scheme down in Mandurah is $1.8 million from the royalties for regions country local government fund. I would have thought, and maybe the member for Rockingham could advise me on this, that it is not an appropriate use of that fund to use taxpayers' money to build infrastructure that will provide water to a giant international private sector company. I could understand it if the Water Corporation did this, because it would be a business transaction—it would be an investment in an asset that ultimately Alcoa would pay for as the customer—but in this case we have a group of councils led by a public service agency that is using taxpayer money from a fund that was really established to provide other forms of local government infrastructure to provide exactly the same service that Water Corporation does as part of its business operations. This will effectively be a subsidy to Alcoa.

I raised that example because I must ask: is this the type of service that we are going to see emerge in Western Australia as a result of this legislation? If it is, this is an appalling direction for water services in Western Australia. Of course, the Gordon Gekkos of the local governments and the Peel Development Commission obviously know no bounds when it comes to business acumen and investment. They have far grander schemes in mind than just building a $21 million pipeline from Mandurah to Alcoa in Pinjarra. They also want to build a $300 million pipeline from the Woodman Point waste water treatment plant in Munster to pump water down there as well. They will run it past the various horticultural precincts—some exist and some do not—and will provide water, I presume on a fee-for-service basis, to these supposed horticultural precincts and to other facilities such as abattoirs along the way to the preferred end point of the Peel region. That would be allowable under the Water Services Bill. Is that the sort of water service the minister considers to be appropriate going forward in Western Australia? I imagine that water services will take on, under this government's ideology, a far more competitive private sector theme when it comes to the delivery of those types of services to customers in Western Australia.

The Peel water re-use scheme proposal is quite visionary, which I suppose is the kindest word we could use for it, because not only does it want to use the water from the Woodman Point waste water treatment scheme for industry and for agriculture, but it also wants to do aquifer reinjection programs in the area. The Minister for Water knows what it takes to get approval to do an aquifer reinjection program in the Gnangara mound; it takes a significant amount of time and approvals, including a significant investment in a treatment plant before the water is then injected into the aquifer, which has to be taken into account in any of the concepts presented by stakeholders in this Peel re-use scheme. Nevertheless, it seems to be up and running; the stakeholders are off on their merry way wanting to get significant amounts of money from the commonwealth, from the Minister for Water —

Mr W.R. Marmion: You mean they are up and running on their proposal.

Mr F.M. LOGAN: Yes, they are up and running on their proposal —

Mr W.R. Marmion: They are pushing their proposal.

Mr F.M. LOGAN: Yes. They have grand plans, as the minister knows, and they seek money from all sorts of sources. The reasons I raised it are: one, I want to know whether the minister is aware of it; two, I want to know what the minister's opinion of it is; and three, given the fact that both the Minister for Water and I, as shadow spokesman for water, share the same views and values on the recycling of water for potable use—for drinking—what is the minister's opinion of this scheme? It is a good use of water at a fit-for-purpose level, which provides another alternative source of water for other purposes, but, it is not an alternative to the system. The water that would be used in this scheme would not be replacing water from the south west interconnected system. It would maybe replace water from the dam and replace water from certain private sector bores, but it will not replace water out in the south west interconnected system and that is, in my view, a real problem with this proposal. If it was to actually save water by re-using waste water, I think there would be justification for the argument, but that is not there and I think it is a major flaw in the argument for this re-use scheme, particularly if the proposal is to take water from the Woodman Point waste water treatment scheme, which is large-volume water, and which both the minister and I agree should be identified for an alternative potable use of that water.

I ask that the minister address those issues I raised. First is the time frame. Second is the general overview of where the government wants to go on water. Third are the types of schemes and projects that the minister believes would be acceptable under this new Water Services Bill, given that I have highlighted two examples: one from within government, which is a public–private partnership project with Helena Water; and the second, ultimately from within government with the Peel Development Commission, but outside of the Water Corporation, which is an alternative proposal for the re-use of waste water. I would like to know the minister's views on those and whether they are examples that he or his government would approve as models under this Water Services Bill.

The next issue I highlight, before I go into the detail of the bill itself—it is not an issue I raised with the department; I should have done so but I did not—goes to the problems we had earlier this year with drainage fees. I do not believe—unless the minister can take me to them in the bill, and we will maybe do that in consideration in detail—that there are provisions in this bill that allow the minister to review from time to time the boundaries of the drainage zones that exist within metropolitan Perth. There might be a provision in this bill that allows or requires the minister to do a review from time to time, but I certainly cannot find it and if there is, I would like to minister to bring it to my attention. I would also like the minister to explain to me how a future review should take place under this bill. Who will be notified of that review and how will it be done? What obligations are there on either the minister or the Water Corporation—because the Water Corporation did the last review on the minister's behalf—to notify people of that review and to involve Water Corporation clients, the consumers, in that review? And, what requirements are there to notify both consumers and this Parliament about any proposed changes to the boundaries before they take place? I raised those questions because they go to the problems that even the Minister for Water admitted emerged as a result of changing those boundaries. Without a shadow of a doubt, the last changes to those drainage boundaries were done in secret. I think that even the minister acknowledged it was not done openly and that there was no transparency. It was done in secret; it was done over a significant period of time. Only local governments, the Department of Water and the Water Corporation seemed to know anything about the review that was taking place, and the minister had signed off on the review before notifying the general public, this Parliament and, most importantly, before notifying the consumers that they would have to pay more in drainage fees, or have to pay the fees when they did not have to previously, in an area that some had lived in for nearly all their lives. Those were the real problems associated with the drainage boundary review.

The other part of that drainage boundary incident that came to light relates to the fee. I would like to know whether this bill addresses that, because as far as I can see it does not. When I asked the minister questions in this house about the drainage fees, the review of the boundaries and the implementation of the new boundaries, I raised an issue about how the fees are structured and why they are structured in the way that they are. If the minister remembers, one of the criticisms was about the infrastructure for the drainage on a new subdivision—we talked about these examples; the developer had already been required to put in the stormwater drainage, and the drainage off the various blocks, as part of the development. There is also a requirement by both the Western Australian Planning Commission and local government to pay for that drainage infrastructure. As we found out and as the minister acknowledges—this applies to most if not all local councils in the metropolitan area that are within the drainage boundaries—local councils also structure a drainage fee as a component of their rates. On top of that, as we are all aware, if boundaries suddenly change, people pay a drainage fee to the Water Corporation as well. Let us look at the entire sum that people have to pay. They have to pay the Water Corporation fees and they have to pay a component of a drainage fee to the local council because that is included in their rates, yet the infrastructure has already been paid for by the private sector developer in building the subdivision in the first place, and the purchaser of the block has already paid as part of the block price for that infrastructure.

Mr W.R. Marmion interjected.

Mr F.M. LOGAN: I agreed with the minister that when the Water Corporation can prove that it costs a significant amount of money to get rid of that water, there is no argument; people have to pay. The problem was that in the middle the local council was lurking around, and there did not seem to be any justification for the fees that they included in their rates. We know they were there, because the minister identified them when we had the debate on drainage fees and zones. How many slices are taken off the poor old landowner by government? The landowner paid for the drainage infrastructure when they bought the block. The local council believed it would get in on the act by including in its new rates some more drainage fees. My understanding is that there does not seem to be any justification for that. For example, when that water runs off the side of a hill and into an open area, most MPs in this place would battle their local councils to go down and clean the place up, never mind provide any service. We are actually struggling to get local councils to carry out their duties to the environment, never mind getting rid of the water. In most cases, the council does not own the infrastructure. There may be some examples where councils may own it, but in most cases they do not. They may have inherited the infrastructure off the developer, but they certainly have not paid for the infrastructure.

Mr W.R. Marmion: Once they inherit it, then they are responsible for maintaining it. You may have to give an example. They may not be maintaining it very well, but they do have to maintain that infrastructure. If the water eventually goes into a Water Corporation drain, then Water Corp has to maintain its drainage.

Mr F.M. LOGAN: As the minister knows, we have debated this at length, and there were quite a number of examples in which we identified that the open stormwater drains had never been looked after by either the council or the Water Corporation. In fact, an issue comes to mind that I had just the other day. It is a pity I did not get the newspaper article, because I would have tabled it in the house. This was the exact point. It happened in a park just off Cockburn Road in Coogee, where an underground stormwater drain had come out into a stormwater soak in the park. Every now and again, according to residents, somebody goes down—they do not know who that somebody is—and puts a bobcat through the soak and cleans out all the junk that is in there. But every year after it rains, on significant occasions during the year, the concrete inspection covers are blown off and left lying on either side of this hole, which is about 1.5 metres or two metres deep and right next to a playground. If kids were wandering around, they could drop straight down the hole. That occurred because the water went through into the soak but had to go past the mesh. The mesh was so fine, it blocked up. There was a backwash of the water, and it pushed the inspection pipe covers off.

Does the minister think that I, the residents or the local newspaper could get acknowledgement of whose responsibility it was to fix that? We asked the City of Cockburn, and it said it was the Water Corporation's responsibility. We asked the Water Corporation, and it said it was the City of Cockburn's responsibility. We went back to the City of Cockburn, which said, "No, they're telling lies. It is the Water Corporation." We went to the Water Corporation, which said, "That's rubbish. It's the City of Cockburn."

Mr M.J. Cowper: You're lucky you don't have Harvey Water in there as well.

Ms J.M. Freeman: You should have done something to disrupt it and then they would have both said it was theirs and both tried to fine you for it.

Mr F.M. LOGAN: That is a good point; I should have done that. In the end, after it was published all over the front page of the paper, the local council said, "We're only doing this because of our relationship with the Water Corporation. We'll go down there and put them back on, but only because we've got a good working relationship with the Water Corporation". To this day I do not know whose responsibility it is.

The problem is that the poor old residents of Coogee have paid for that. Not only have they paid for it, they pay more to the City of Cockburn in their rates for the very fact that they deny that it is their responsibility, and then they pay the Water Corporation for that piece of infrastructure. That is the reality of the problem that exists. I do not see anything in this Water Services Bill that is likely to address those issues or maybe even give the minister the power to address those issues, particularly when it comes to the minister's views of the local government's involvement in that infrastructure and local government's ability to charge for that infrastructure when it denies that it has a responsibility for it and pushes that responsibility over to the Water Corporation. That is just one example, but I could go from constituency to constituency, and probably in the minister's own constituency there would be clear examples as well.

How does this bill help resolve those issues, given that it is clearly dealing with significant aspects of drainage and services in Western Australia? That was a big issue earlier this year about the changing of those boundaries. In summary of those issues, I ask the minister to explain in consideration in detail the minister's future powers to amend the boundaries of the zones and how he believes this Water Services Bill will help the minister or future ministers deal with the duckshoving of responsibility and particularly the charging of fees when those fees should not necessarily be charged.

Another issue that arises from this bill relates to the services part of this bill and applicants making proposals for services to the minister. What is the likelihood that the minister or his government would approve applications for services that take advantage of assets normally regarded as owned by and for the people of Western Australia—for example, sewer mining and stormwater mining?

The Peel Development Commission proposal that I referred to earlier has as part of its objectives a proposal to mine stormwater from in and around Mandurah and the Peel region. I have no doubt the Water Services Bill will allow the minister to agree to that, and to a company that came to him with a proposition to mine waste water from sewage. I would like to know exactly what would be the minister's intention should a company come to him with a proposal for either stormwater or sewage mining. How would that application be treated and dealt with under this bill, and would the minister be required to inform the house of an application for sewage mining, for example, and the likely approval or rejection of that proposal? What obligations would be placed on an applicant who came forward with a proposition for sewage mining—for example, health, environment, location and planning requirements—that currently does not exist in Western Australia, but which will be possible after this bill is passed? What would be the process for, and the obligations on, the applicant to comply with all those conditions? Insofar as the Department of Health requirements, which would be significant and onerous, there is no mention of how an application for sewage mining, for example, would be treated by the department or even put to the department. How do we get the Department of Health involved in the approval process given that it is not highlighted in this bill? That is the fifth section of the questions that I would like the minister to address.

Mr W.R. Marmion: I have got that as number six.

Mr F.M. LOGAN: Thanks very much. That is the sixth section of questions.

I will highlight a number of things in this debate, and we will deal with them in consideration in detail. In part 2, under clause 7(1) —

> The Minister may exempt a person or class of person from the application of section 5(1) in respect of the provision of a water service in a specified area or areas of the State …

The bill grants a number of exemptions, with similar wording, from compliance with other aspects of the bill. One relates to the granting of a licence for the provision of a water service. For example, under clause 11, "Grant of licence", the authority has the power to not grant a licence if it would be contrary to the public interest to do so. A number of other exemption provisions are contained in the bill. For example, under clause 15, "Transfer of licence", the authority may transfer a licence, but not if it would be contrary to the public interest to do so. I refer to the wording concerning what is in the public interest. Basically, the obligations in this bill can be overridden if the authority or the minister believes that it is not in the public interest to do so. I ask the minister, and will be asking in consideration in detail, to provide examples in which —

Mr W.R. Marmion: That already exists now, except there is a slight change. Currently, you have to get the government to sign off. This amends it so that I do not have to go to the government.

Mr F.M. LOGAN: For the purposes of a bill of this nature, it would be helpful for examples to be given to show what would be expected of a minister to override the obligations in the bill in the public interest.

The next issue that goes to the detail of the bill concerns clause 24, "Asset management system". This is interesting wording, given what the minister has just signed off on. Clause 24 provides —

> (1) It is a condition of every licence that the licensee must —
>
> (a) provide for an asset management system; and
>
> (b) give details of the system and any changes to it to the Authority; and
>
> (c) at least once in every period of 24 months (or any longer period …), provide the Authority with a report, by an independent expert engaged by the Authority, as to the effectiveness of the system.

It goes on to clause 25, "Operational audit". How will the new manager of the Water Corporation's assets comply with that provision? The minister has just signed off on a $700 million contract with the asset manager of Water Corp's assets, both north and south of the river. This replaces the two existing contractors that were required to carry out maintenance and asset management. Thiess and United Utilities have been replaced by Programmed Maintenance Services in a $700 million contract, which effectively continues the privatisation of the operations and asset management of Water Corp's assets across the metropolitan area. How will Programmed comply with clauses 24 and 25 of the Water Services Bill 2011, given that it is not the licensee? Clause 24(1) states, "It is a condition of every licence that the licensee must" provide those things. Therefore, I would like further explanation on this in consideration in detail. I would like to go to that issue because Water Corp is the licensee and it is allowing Programmed to run its operations and assets and, effectively, to be bound to comply with all the conditions of this bill, yet Water Corp signs off on it. What if the independent audit finds that the company does not comply with the terms of the licence?

Mr W.R. Marmion: Their licence would be in jeopardy, wouldn't it?

Mr F.M. LOGAN: If Programmed did not comply with the terms set out in the bill, as the minister just pointed out, obviously there would be a problem with Water Corp, as the licensee. A private company such as Programmed, which has never before tackled a job this big in Western Australia, could say, "Hang on a minute, this is what we do. You pay for what you get, mate." Presumably, we would then have a legal stoush between the asset maintainer, which is required under this bill to be audited et cetera, and the licensee, Water Corp. I put it to the minister that that is the hazards of privatisation!

Mr W.R. Marmion: There is a difference between privatisation and contracting out.

Mr F.M. LOGAN: Yes, absolutely. Those jobs were previously done by Water Corporation employees. We can call a pig whatever we like; we can dress it up in whatever way we like—it is still a pig.

Mr M.P. Murray: It's like burnt toast.

Mr F.M. LOGAN: As the member for Collie–Preston says, "It's like burnt toast." He is obsessed with burnt toast today. No matter how much butter is put on burnt toast, it is still burnt toast.

Given who the government has contracted out the asset management, I believe that clauses 24 and 25 can and possibly will lead to future problems; and, if so, what will this or future ministers do? The powers the minister will have under the act to address these matters is an issue that I would like to address during consideration in detail.

I will not continue for much longer because other members would like to speak to the bills tonight, and I will have further opportunities to discuss them during consideration in detail. However, clause 96, "Disconnection or reduction in rate of flow etc.", of the Water Services Bill is a very topical issue, as the minister well knows. Both he and his predecessor are guilty of conspiring with the Treasurer and the Premier to whack up water prices and water rates to the point at which most households across Australia are bleeding from every orifice as a result of the prices that they have to pay for electricity, water and gas.

Mr W.R. Marmion: Our water prices are a lot cheaper than the Australian average.

Mr F.M. LOGAN: We do not live in New South Wales. There are plenty of other charges in Western Australia that do not exist in New South Wales and are certainly not as high in other jurisdictions as they are in Western Australia. I will give the minister the example of gas. They pay less for gas over there in the east. We have a million times more gas than they will ever have, and we are paying a lot more than they pay—try to work that one out. That is an example. We have to deal with what we have in Western Australia and the reality of price increases for Western Australia. I raise clause 96 because it goes to the issue of what happens when a person cannot pay a water bill. It states that a "licensee may cut off, reduce the rate of flow of or refuse to connect a supply of water" if one of the five options listed is met.

The issue for Labor is that this government has been presented with a significant number of proposals, many from the Western Australian Council of Social Service, about how to deal with people who cannot pay their bills. Despite that, the existing practice of reducing water to a trickle for those people who cannot pay their bills still applies in Western Australia. It does not apply in, for example, Victoria. If the minister wants to use examples from other jurisdictions, as he did earlier, I will use one because this Water Corporation practice does not occur in Victoria.

Madam Acting Speaker, may I ask for an extension?

The ACTING SPEAKER (Ms L.L. Baker): I am sorry, member for Cockburn; your time has run out. The bell has rung.

Mr F.M. LOGAN: Nevertheless, I will raise this during consideration in detail.

MR C.J. TALLENTIRE (Gosnells) [7.53 pm]: I rise to speak to the Water Services Bill 2011 and the Water Services Legislation Amendment and Repeal Bill 2011. As the shadow Minister for Water has stated, we on this side of the house are very pleased to support the legislation and note that much of its preparation was done in the time of the previous Carpenter government and, I imagine, the Gallop government. When discussing water in Western Australia, it is important to note that it is really the Labor side of politics that has given the issue the primacy it deserves. When Geoff Gallop was Premier, he realised that Western Australia had to consider, as an utmost priority, the issue of how to supply its citizens with water. Geoff Gallop was absolutely right. Had we not had that vision from Premier Gallop and then Premier Carpenter I think we would be in a very sorry state today. We are, I think, the driest state in the driest inhabited continent, making water supply an issue that has to be treated with the utmost care.

The way we go about supplying water has for a long time been viewed through the prism of engineering initiatives being the solution to water supply. Although this legislation is primarily about the licensing arrangements that empower bodies to supply water, I think we need to highlight the importance of water

efficiency—which we could perhaps term "water conservation"—and the need to make sure that this scarce resource is used as efficiently as possible. I look forward to hearing from the Minister for Water that there are provisions in this legislation that will enable the licence conditions imposed on a water supplier to require that water-efficiency technology is used to deliver the best outcomes for Western Australians. I understand that is not the present situation with the Water Corporation. It operates with a licence that does not insist that it strive for water efficiency. That is a terrible shame. The Water Corporation is a very well run organisation, with many excellent people. Primarily, the Water Corp has an engineering culture and background, with many of the senior people, including, I understand, the CEO, having engineering qualifications. That is laudable; that is fine. But we need to make sure that an organisation that has the financial capacities of the Water Corporation and the social responsibility to deliver such a volume of water to the population is guided by things other than a desire or a wish to develop new engineering projects to meet our water needs.

Water efficiency is the real issue that has to be looked at and I am looking forward to hearing from the minister that there are provisions in this legislation that will ensure that those who are issued with licences to supply water are compelled to deliver water in the most efficient manner. We would not want to see a situation in which an organisation makes money out of selling water and therefore wants to sell more and more water. That is not in the best interests of the state of Western Australia. We must make sure that the conditions put on licence holders ensure they deliver water efficiently.

During estimates, we call in the Water Corporation and look at the budget papers and the corporation's expenditure. We have a list of the engineering initiatives that the corporation is looking at. Many millions of dollars are spent on all kinds of engineering initiatives. Obviously, the latest desalination plant is the Binningup plant, on which some $900 million will be spent to deliver I think 45 or 50 gigalitres of water, with the potential for extra capacity and —

Mr W.R. Marmion: Another 50 gigalitres.

Mr C.J. TALLENTIRE: There is potential for another 50 gigalitres on top of that, which will take the plant output to around —

Mr W.R. Marmion: One hundred.

Mr C.J. TALLENTIRE: — 100 gigalitres a year.

Mr W.R. Marmion: Plus Kwinana, which is another 50; making it 150 in total.

Mr C.J. TALLENTIRE: That is 150 gigalitres in total from desalination plants. That is vital to Perth's water supply needs.

Mr W.R. Marmion: And Geoff Gallop was a big supporter of that.

Mr C.J. TALLENTIRE: Indeed.

Mr W.R. Marmion: But Kim Hames claims that he was the initiator.

Mr C.J. TALLENTIRE: I am not sure whether Kim Hames was the initiator of desalination plant 1.

Mr W.R. Marmion: I just thought I'd get that into *Hansard* and we can have the debate.

Mr W.J. Johnston: That is just not true.

Mr C.J. TALLENTIRE: It is not my recollection at all.

Mr W.R. Marmion: Were you around then?

Mr C.J. TALLENTIRE: I certainly was. Indeed, I was actively involved in the assessment of the Kwinana desalination plant 1. At the time the initial proposal was being presented for public consultation, there was a suggestion —

Mr W.R. Marmion: What year was that?

Mr C.J. TALLENTIRE: That would have been in, I think, 2004 or perhaps 2003.

Mr W.R. Marmion: Minister Hames claims he was pushing it in the late 1990s.

Mr C.J. TALLENTIRE: Right. If a proposal was around in the 1990s, it was not very detailed. A proposal was not presented to the public. When a detailed proposal was presented, the issue of the day was: how will this plant be powered? There was a realisation that it would be very energy intensive. The fact is that desalination plants are very energy intensive. The Labor government of the day heard the community's concerns and determined that the plant would be powered by renewable energy. Initially, there was a suggestion that it would be powered by normal electricity from the grid and that there would be some offsetting of the greenhouse gas emissions associated with the production of the 45 gigalitres of desalinated water. I recall seeing a very elaborate biosequestration plan drawn up—a very detailed plan. The consultants who were employed to do that

biosequestration plan went into enormous detail to see how much land in the Wheatbelt would be required to sequester the emissions associated with producing 45 gigalitres of desalinated water a year. However, the Water Corporation and the government of the day then saw that there was a far better means of proceeding, and they determined that the project must be powered by renewable energy. Some contracts were then entered into. Wind farms were coming on stream at that time. Of the total amount of energy that they produced, the portion required for the production of 45 gigalitres of desalinated water was to be pumped into the grid at different stages.

There was then a huge conversation, which was a very educative one for the general community, because the community realised that we did not need to have a desalination plant right next door to the renewable energy generation—so long as we were using our wonderful grid that extends from Kalbarri out to Kalgoorlie and down to Albany, we could pump in renewable energy at different times and, through an accounting process, determine that the desalination plant was fully powered by renewable energy. That is a good thing.

It is very timely that we are touching on this matter today, because the Water Corporation would be realising that although that decision is costing it a certain amount more per unit of energy required today, come 1 July 2012, relative to the cost of black power that it might have been purchasing, it will be slightly better off thanks to the Gillard government's decision to impose carbon pricing. That improvement and that difference in the situation will only increase. If members do not understand why that is the case, I think they need to look closely at the intent of carbon pricing. It is about determining how we generate energy in the future. If we are investing in a big coal-powered fire station or if we want to be in the business of producing electricity, we will have to decide whether we want to put, let us say, $500 million into black power generation and incur the costs associated with the greenhouse gas emissions, or whether we want to go for electricity generation through a cleaner system and incur fewer, or perhaps no, greenhouse gas emission charges. We will not be required to have permits corresponding to the amount of emissions we are putting out. So here we have an example of the Water Corporation having made a smart and wise decision back in 2004 or 2005—we are struggling to pinpoint exactly when—that means that the water produced through the desalination plants comes to us through renewable energy, and that is a positive thing.

However, other benefits come through a strict set of licensing conditions imposed on an entity such as the Water Corporation or any other body that might be able to come forward as a water supplier into the future. I realise that the intent of this legislation is to enable others to come forward as water suppliers. That is when we must put good conditions on them. The primary condition is that they are efficient suppliers of water and that they work with the people who are their very consumers to help them reduce the amount of water they need. It must not be the other way around and that they end up wanting to push their buyers—consumers—to want more water, because if things are not done properly, it might mean that these businesses are more profitable, but it would also mean that we become less water efficient as a state on a per capita basis.

I will touch on some of the areas that I know the Water Corporation is working on—the sorts of things that can help us become far more water efficient. One issue that is receiving a sensible amount of attention and around which there is public education is groundwater replenishment. We take waste water, treat it and purify it, and then allow it to percolate back down into the aquifers to recharge the aquifers. That is an excellent initiative, and I think that the estimates are that it will give us between 90 and 100 gigalitres extra a year once that system is fully operational.

Mr W.R. Marmion: Yes, at least.

Mr C.J. TALLENTIRE: So that is an exciting development. Associated with that are some other things such as making sure that water is fit for purpose. At the moment, water that is drinking water standard is used for all sorts of purposes. It is a wasteful use of the energy, the effort and the technology that is used to purify water when that water is used for only, say, watering gardens. That water does not have to be of absolute drinking water standard. However, I believe that we can do a lot at the household level. I realise that the minister has implemented initiatives such as the shower swap program. I gather that the results of that are perhaps more positive than I had anticipated when the minister made the initial announcement, so that is a good thing. There is still an appetite for people to switch over their shower heads and become more water efficient and also use less energy. That is a positive thing, and the Water Corporation is driving that.

I have a question on notice to the minister to find out how much of that program is being driven by, or funded by, the federal government. I would really like to know from the minister just how much of the water efficiency work that is going on in Western Australia at the moment comes from the state government. My impression is that there is very little. Back in the days of the previous government, substantial funding came from the state government, as well as from the federal government, to help with a whole range of Waterwise activities. There is one in which I am particularly interested. In the Water Corporation document titled "Perth Residential Water User Study 2008/2009", which I think is the last available document in that series, it is quite clear that the amount of scheme water—pure drinking water—that is put onto people's gardens is still very significant. The document states that —

> "Irrigation is the highest component of scheme water use in the average Perth household, accounting for 39%."

That figure has come down, because previously I think it was more like 50 per cent of the average household's water —

Mr W.R. Marmion: I thought it was 46 per cent, so I suppose it depends on —

Mr C.J. TALLENTIRE: It seems as though it is coming down, and that is a good sign, but we can do a lot more in this area. If it was possible to give people assistance through some sort of future Waterwise program to enable them to, say, halve the area of their garden that takes the watering required by exotic species, we could really make some substantial savings, and that would be very beneficial. This sort of program needs to be properly costed, because the benefits can be enormous. Just imagine if we were talking about investing in the creation of Waterwise gardens in the same way, with the same amounts of money, that we talk about developing capital-intensive engineering projects. Let us say we were to invest $200 million in the Waterwise program to enable people to convert a portion of their garden to Waterwise plants. The result would be a very attractive garden. People can still maintain some lawn area if there is a desire for an area for children to play and things—that is all totally possible—but to have a reduction, say, by 50 per cent in water-intensive exotics would result in significant savings. The typical Perth household uses around 350 kilolitres of water a year. Let us say 39 per cent of that goes on the garden, we are down to 136.50 kilolitres of water a year going onto the garden. If we could halve that amount across the Perth metropolitan area, by my calculations we could save something like 15 to 16 gigalitres of water a year. This might be a little ambitious, but that is assuming we could run a program over 200 000 residences across the Perth metropolitan area. It would be quite a substantial program, I agree, but then we would be using $200 million. That is really substantial. That is the sort of water saving that can only be delivered by —

Mr W.R. Marmion: The "Save 60" program saved 15 gigalitres and that was a $1 million program. That was a community awareness program. That was probably a very good value-for-money program.

Mr C.J. TALLENTIRE: Indeed.

[Member's time extended.]

Mr C.J. TALLENTIRE: To move on slightly from this idea of water efficiency in gardens, the other program is the winter watering ban. I think we really need to look at staggering that or extending it, especially with this trend of our winters being dryer on the whole. We have had an okay winter this year but what is notable is that the rainfall patterns seem to be changing, such that we are getting rainfall later in the year. September could be regarded as a month that has reasonable rainfalls. Extending the winter sprinkler ban could make substantial savings as well. That is certainly an option that I would be considering. The minister knows exactly how much of a water saving that winter sprinkler ban delivered. I have not got the figures with me, but I realise the Water Corporation has all that quantified extremely well.

I will turn now more to the specifics of the legislation. I am interested in the clauses relating to disconnection or reduction in rate of flow. This is in the Water Services Bill.

Mr W.R. Marmion: That is clause 96.

Mr C.J. TALLENTIRE: Clause 96, that is right. I have a concern with clause 96(1)(b), which refers to cutting people off, basically, if they have not been able to pay water charges within 30 days. The actual wording is —

> (b) water service charges … due to the licensee for a water service provided in respect of the land remain unpaid for 30 days after they become due; or

That poses a problem for people who may be travelling for more than 30 days, who may have missed a billing cycle, who may not have signed up for automatic payment of their bills, or may not be in a position to pay. Obviously there is always the option for them to contact the water service provider to ask for special terms to be arranged. That needs to be detailed a bit more. Clause 96(2) states —

> A licensee may reduce the rate of flow of a supply of water to land if satisfied that it is necessary to do so to prevent the waste of water on or associated with the land.

A "waste of water" suggests that perhaps there is no occupied dwelling on the property, but if the minister is saying there is a waste of water, perhaps the water should be cut off anyway. That is something that I would like to hear the minister say a little more about. I think that clause 96(3) is good. It reads —

> Despite any other provision of this Act, a licensee cannot cut off the supply of water to an occupied dwelling unless the occupier agrees to that.

That seems like a reasonable safety check in the system.

I am also interested in part 7 of the bill, "Powers in relation to interests in land". I have some concerns with this section because it seems to me that through the vesting powers —

Mr W.R. Marmion: What clause?

Mr C.J. TALLENTIRE: Clauses 165 to 171. I am primarily concerned about clause 168, "Vesting of interest". It seems to me that under this section there is the possibility to vest in an entity. It could be the Water Corporation but it could be any other company that comes in and says it wants to be in the business of supplying water to Western Australians. There is a power to vest land in that entity so that it can fulfil the requirements of its water licence. I am not sure that is a reasonable thing. We could be talking about handing over some very valuable pieces of land to a company just because it says it will supply water. I would like to know what limits there are on those provisions. They could well leave the state of Western Australia exposed to people perhaps even using the business of water supply as a front for the acquisition of land.

Mr W.R. Marmion: The member will find most of these provisions are already in existence and they are just being amalgamated.

Mr C.J. TALLENTIRE: If that is the case, I suppose I should be reassured that they have not been abused. The minister has outlined to us that the intent of this legislation is to enable other entities to come into this business of supplying water. To date we have really only had the Water Corporation and the other small boards in the business of supplying water. The Water Corporation is obviously an entity that is exposed to the very highest level of public accountability. It is possible that in the future we may find that other businesses, owned by people who are not as concerned about public scrutiny as the Water Corporation is, are simply in business for the sake of business and not in the business of supplying water because they want to do that for any societal community benefit. There is the potential that these things could be abused in the future. The fact that the minister says these clauses have come from existing legislation and have just simply arrived before us today because of an amalgamation of bills is of no reassurance to me, because the minister is changing things quite dramatically. He is opening up the whole sector to other entities and we do not know what their motivations might be. We need legislation to guard against any potential abuse.

I conclude my remarks by observing that the situation we presently have, with the Economic Regulation Authority being the sole body that can set conditions on a water licence, is obviously not a good arrangement. I understand the bill's intent is that in the future the Minister for Water will have the capacity to place those conditions on water licences. That brings me back to my opening remarks about how important it is that we make sure that in the future those businesses involved in supplying water are driven by an obligation to provide water efficiently and are not driven by the desire to sell more and more water because that is how they optimise profitability. It is absolutely critical to the success of this legislation. If that is not the case —

Mr W.R. Marmion: It is the case. Clause 12(1)(q) specifically sets out the need for efficiency measures. Look at that. The member will be pleased with that.

Mr C.J. TALLENTIRE: Clause 12(1)(q) states —

> the licensee developing and implementing programmes for the conservation and efficient use of water, including in relation to the use of water by customers of the licensee;

That is reassuring, minister. I think that is a positive step forward. As we go forward with this legislation, we will look to test that that will hold solid and that there is no scope for any organisation to avoid that in the future. I would be keen to hear whether that could be retrospectively applied to the Water Corporation, or perhaps it could be applied to the Water Corporation when its licence comes up for renewal. As I said before, at the moment the Water Corporation, unfortunately, is not obliged to achieve water efficiency. I will conclude my remarks at this point. I am happy to support this legislation.

MR J.C. KOBELKE (Balcatta) [8.20 pm]: I appreciate the opportunity to speak to the Water Services Bill 2011 and the Water Services Legislation Amendment and Repeal Bill 2011, and to say a bit about the approach that this government has taken to water and to dealing with the emergencies we have and also about the need to reform our legislation, of which this bill is part. Clearly, I, the scientists and all the water authorities accept that we have a major issue with climate change. The south west of Western Australia is a global hot spot for climate change. Climate change is affecting our rainfall, with all the consequent implications that that has. The reduction in rainfall—given a certain percentage depending on what figures are taken—has amplified the fact that the amount of water running into our dams and the amount of water available in our groundwater resources have been affected even more adversely. There are complex relationships between rainfall and what goes into our dams and the replenishment of our marvellous groundwater reserves. That is a huge problem for Western Australia with our drying climate.

The Labor government, under Premier Gallop and then Premier Carpenter, took this matter seriously. It gave top priority to securing our water supplies for the future. There was no magic bullet; it was not something that could be fixed overnight. The Labor government took a multifaceted approach with a whole range of things to try to ensure that we have the best possible security for our water supply, which is absolutely essential to industry, agriculture and our urban environment. The government was recognised internationally as a world leader in

trying to tackle that problem. But, of course, the Liberal Party in opposition did not believe it. Hon Norman Moore was critical of the government. He said, "You're overstating the case. It's not as bad as you say. You're just hyping it." They were the accusations that the Liberal Party made against the then Labor government. The Liberal Party did not think it needed to be given such a high priority. The problem is that, with the election of the Barnett government, the thinking has gone back to: "It's not really a big problem. We'll muddle along and we'll get through." The Barnett government has shown no real commitment to ensuring the security of water supply, particularly in the south west of Western Australia. That might be because a lot of government members are climate change deniers and do not want to get offside with Tony Abbott and his ridiculous position on this issue, or it might be because the Barnett government is just weak and incompetent and cannot see the need to give priority to water, and, if it does, it is just too incompetent to do anything about it. It just takes a muddle-along approach. I hope to lay out the facts of this legislation and also a whole lot of other little things which have not been done and which show that this government has been hopelessly incompetent on the issue of water and, I suspect, in a lot of other areas. Regrettably, that puts this state in a position of some jeopardy, because the problem is not going away. Climate change is real. The climate in the south west of Western Australia is drying. It is different in other parts of the state, particularly in the north. But the issue is that most of the population lives in the south west of Western Australia and the drying climate is having quite drastic implications here.

Under the previous Labor government, a lot of planning was done to deal with this change and to recognise that the water sources were changing. Of course, we were the first state to move in a major way to seawater desalination. That, along with a range of other things, meant that we had to shift our budget priorities to provide money for the new infrastructure. We copped a bit of stick because we slowed down the infill sewerage program, which was a very good program started by the Court government. But the resources had to be found to secure the urgently needed water resources, and so there was a shifting of priorities. A lot of extra money went towards making sure that we could build desalination plants and a range of other things that needed to be done to give us greater security of water supply. When this government came to power in September 2008, it simply put it on the backburner; it was not a priority. In fact, earlier this year at the end of summer, our dams were close to empty. If we take account of the fact that the last 100 or 110 gigalitres cannot be taken because of the turbidity and the problems that go with that, our dams were getting close to empty. This placed greater reliance on our very good and quite plentiful groundwater, which was a resource that we had been overdrawing for some time, and later I will talk about those problems. If we had not had a reasonable winter, as we have had, we would have had no real useable water in our dams, putting even greater reliance on our groundwater and our desalination plants. Labor committed to the first plant at Kwinana. It had it all set up and ready to go, as it did with the second plant. This government has now moved to double the capacity of the southern desalination plant at Binningup. Again, that was a last-minute catch-up decision by the government. It was obviously convinced by the Water Corporation and other advisers that we were in a dire situation. So what did the government do? It just said that, as Labor had done all the planning and had doubled the size of the inlet, the easy solution was to just double the capacity of the southern desalination plant. It was a good move, but the point I am making is that it was a last-minute catch-up decision, because this government is way behind in dealing with the major problems we have with the water supply in the south west of Western Australia. The Barnett government has always given water a very low priority. It is not worried about water security until it becomes an emergency, and then there is a last-minute catch-up decision to try to deal with it.

I will give some examples, including the legislation now before the house. The legislation we are dealing with at the end of 2011 had been drafted and was almost ready to come into the Parliament in 2008. We are three years behind with this legislation. I do not know why. Perhaps the minister will respond by way of interjection. Why has it taken so long to bring this legislation to the Parliament, when it was 95 per cent drafted by September 2008?

Mr W.R. Marmion: I wasn't there, but I've got advice from my advisers that it was not 95 per cent drafted, and I'll be telling you about it when I give my second reading response.

Mr J.C. KOBELKE: I thank the minister for the interjection. Clearly, when the new government came to power in September 2008, it had every right to change direction. It could decide that its particular policy decisions needed to be different, and I would expect that it would review the drafting done by Labor. But the fact is that all the key stakeholders were involved in consultation on the bill that was drafted almost to completion by September 2008. The advice I have on the bill as I see it here is that it is basically that legislation. There may have been a few minor changes, but this is the same legislation that was drafted under me when I was Minister for Water Resources in 2008. But, again, because it has been a low priority for this government, it has let it just lapse and drag along, and it has taken three years to get it into this place. Let me go to few more practical examples that will clearly show how this government has taken its eye off the ball and has not made water security a priority.

The Waterwise rebate scheme was seen as a great way of involving the community and getting it to recognise that water is a scarce resource that needs to be used carefully. What was one of the first moves of the Barnett

government? It scrapped it. It did away with it to save something like $4 million a year. When we were in government, we reviewed it every year; the Barnett government could have cut back on some aspects of the rebate or enhanced others—it was up to it to play with—but, no, it just cut it out. That sent a very clear message to the public that the Barnett government does not give water security and using water wisely a high priority. So, of course, a couple of years later it had to bring in winter water restrictions because it needed to catch up the water it could have saved through other means. It simply took its eye off the ball.

Another example is Logue Brook Dam. The deal was for that to provide an additional five gigalitres a year of drinking water. It was a very difficult decision when as Minister for Water I got cabinet to approve bringing that online for drinking water, because I was also Minister for Sport and Recreation and I was very much aware of how important that dam was to a range of water sports. It was a difficult decision, but the Labor government made the difficult decisions to protect the interests of the public. What did the Barnett government do? It said, "No, we can throw away five gigalitres a year. Let people enjoy their canoeing, skiing and fishing—don't worry about it." That was, again, a decision that the government was entitled to make. But if we look at what it means, it is saying that no priority is given to protecting and providing water.

Another classic example is the Karratha water supply. The government dropped the ball on planning for water for the Pilbara. It was a critical issue. Week after week ministers in this place—particularly the Leader of the National Party—talked about all the great things they are doing in the north. Great things are happening; resources are going in to make a real difference there, and I congratulate and support the government. But when it comes to basic planning—good government providing water—the government is missing in action. It has suddenly found that there is not enough water for all the big development that will take place in Karratha. This will stop expansion. More houses cannot be built and iron ore production across the wharves cannot be increased, because there is not enough water because the government had not done any planning for two years. The government then signed up for the Karratha seawater desalination plant at a cost of some $370 million—incredibly expensive. To my figuring, that is about $7 to $8 a kilolitre; in Perth we pay about $1 a kilolitre—$2 a kilolitre, in round figures—for desalinated water. The government was going to pay $7 to $8 a kilolitre for desalinated water in Karratha, because it had not done the planning. It was lucky—the people of Western Australia were lucky—that it rained, so the government could scrap the desalination plant. Water went into the Harding River Dam and the Millstream aquifer was recharged, and so the government did not have to build the plant. It had the time to actually sit down and do some proper planning with companies. Because of legal issues, it could not go ahead with some of the other solutions, and I understand it has now found a resolution. I do not know how good that resolution is; if it is anything like its other muddling through, there might be problems in that. But at least it got out of this last-minute, knee-jerk reaction, which was to put a desalination plant in at huge cost.

The government cannot even get a small town such as Onslow right. Onslow has huge rents, and that causes big problems for the small population. Only a very small number of new houses can be built because there is not enough water. The government could put more bores into the water reserve at Cane River. That will not solve the problems of future development, but it will allow the town to progress. Has the government committed the money? No; it is a promise. In the next few years it will do something about it. This government is behind the game all the time—incompetent. I could go on.

The government announced the Port Hedland infill sewerage program a couple of weeks ago. It was supposed to happen in 2008; it was funded by the Labor government. It was not an infill sewerage program such as that brought in by the Court government—it did not meet the criteria; it was special funding provided by the Carpenter government to allow urban redevelopment in Port Hedland. There has been huge growth in Port Hedland and there is a need for land, and redevelopment of the city centre near the wharf was an ideal opportunity for the redevelopment of Port Hedland. But it could happen only with sewerage. What did the Barnett government do? It scrapped the sewerage. Now it is going out, beating its chest and saying, "We're doing it now"—years later. All that pressure for development in Port Hedland and all the good work currently being done by this government in putting in money is undermined by the government's incompetence with water. It pulled money out of the infill sewerage program that would have taken place in Port Hedland.

What about the poor people of Carnarvon? Under the former Labor government, the first stage of the levee banks—the flood mitigation—was put in. Labor did a lot to prevent floods through flood mitigation in the south west and Carnarvon. The second stage in Carnarvon was delayed because it relied on re-routing the highway. The 2008–09 budget—the last Labor budget—had money for the second stage to protect Carnarvon. What did this government do? It took the money out and shelved it, and Carnarvon was flooded. This government's failure to act and this government's incompetence caused that flooding in Carnarvon. It was all planned; a $1.25 million study had been done.

Mr C.J. Barnett: You have to be joking! That flood would have gone over any mitigation project, and every local knew that. It was such a great flood that it would have gone across anything that was built.

Mr J.C. KOBELKE: Here we have Kenrick Monk, making it up as he goes along and saying things that are not true!

Mr C.J. Barnett: Well, you know, that's the reality.

Mr J.C. KOBELKE: The money was in the 2008–09 budget. Here are the budget papers, Premier.

Mr C.J. Barnett: Yes, but you didn't do it—you didn't do it! Like so many things, you didn't do it!

Mr J.C. KOBELKE: Here are the budget papers! The government delayed it by taking the money out.

Mr C.J. Barnett: The truth is that you were here for eight years and you did not do it.

Mr J.C. KOBELKE: The Premier took the money out of Carnarvon, and the flooding was the result of the Premier's inaction. That is what caused the flooding in Carnarvon.

Mr C.J. Barnett: You need to recognise that you were a failed government. You were a dodgy government, you had five ministers sacked, and you need to acknowledge it.

Mr J.C. KOBELKE: The Premier cannot get away from it. The Premier can say it was a hit-and-run when he fell off his skateboard, but he is the one who failed to do the flood mitigation, and Carnarvon suffered. The Premier wears that, and it will hang around his neck. It does not matter what else he says that is false.

What has this government done on the Gnangara sustainability strategy? All the research has been done to guarantee that groundwater, which is essential. Something like 70 per cent of the water we use in Perth comes out of the Gnangara mound. We are overdrawing it; we have known that for years. We put $6 million into a study to set new benchmarks, and this government is sitting on it. There has been no real action to guarantee that water.

[Member's time extended.]

Mr J.C. KOBELKE: I come now to the actual legislation. The legislation being prepared under Labor had two main thrusts. One was water services, which we have before the house now, and the other was water resource management. But, again, I have another clear example of this government simply not being able to make decisions on water. I have a quote from the Department of Water's website dated 19 May 2010. The website possibly had not been amended much since the time of the Labor government, because it states —

> Its program follows two broad themes—with the first theme focusing on better water resources management, and the second focusing on water services.

In May 2010, the Department of Water still had water resources as a higher priority than water services, which is the bill now before the house. That did not have to be the government's priority. But the government had not even taken enough interest to get the Department of Water to say that, no, there were different priorities, because the government could not make a decision. It made a decision to finalise drafting on the Water Services Bill—the bill now before the house—a couple of years after it came to government, but what about a decision on water resources? It has not made a decision. It has been more than three years, and it has a discussion paper. The legislation was being drafted; in early 2008, the Gallop government finalised its drafting instructions and started drafting the legislation. It was very complex, difficult legislation, and it was not as well advanced as I would have liked; it was not nearly finished. This government could have gone a different way—fair enough. Three years later, and it cannot even work out which way to go, so it has put out a discussion paper. The reason for the discussion paper is to give the government cover for doing nothing. By the time it gets answers back on the discussion paper and potentially makes a decision on what it will do, we run up to the next election and nothing happens. Therefore, all the government is doing is putting out a discussion paper. That legislation is critical to dealing with a range of problems that I will come back to in a moment.

I make a few brief comments specific to the Water Services Bill and the Water Services Legislation Amendment and Repeal Bill. We currently have about 10 statutes rolled into these two bills, and they are a timely update of what is very complex and old legislation, which is very inefficient. Under the Court government we went to a corporatisation model, and therefore amending bills amended a lot of other statutes. The Labor government came in, and we got rid of the Water and Rivers Commission and a lot of changes were made there. Therefore, umpteen changes have been made to basically about 10 bits of legislation that are very complex and difficult to understand. These two bills tidy up the legislation, modernise it and give a better basis for our water services. As I said, this legislation was drafted when Labor was in government, and it is largely what we brought forward.

There are a couple of concerns. Clearly, we recognise that competition has a role to play in providing efficient water services, but water infrastructure, by its nature, is monopolistic; we cannot have two pipes running down every street. We need to protect the public interest. There are concerns on this side of the house that there might be a move to greater privatisation, for which the government has an appetite, but by which the public will be sold short and end up paying much more for water. There are concerns about that.

There is also the fact that Bunbury and Busselton Water Boards, which I believe have performed admirably in recent years—it was not so some years back, but they have worked well more recently—have been brought under the same legislation as the Water Corporation. That means that they will pay a dividend to government. I faced that issue as water minister and I gave a commitment that we would not in any net terms require a dividend to government. It was only a policy decision; it was not in legislation. But this government has used its utilities as an arm of taxation. It has been taxing people through higher charges for water, electricity and other services. Now the real concern for Bunbury and Busselton is that those locally based water authorities will become a taxing arm of the Barnett government. I would be very concerned if what the government has done to the Water Corporation is what it will now do to the Bunbury and Busselton Water Boards, and use them as a tax agency because this government has not been able to able to control its expenditure.

In the little time I have available I now turn to the water resources legislation that this government simply cannot deal with because it is complex and requires hard decisions; therefore, this government will simply put it off. That has real costs. This government wants to avoid the political costs; therefore, it is using the Kenrick Monk responses of the Premier to say things that are simply not true. I give an example. The Karara mine needed a lot of water for a new mine. We want to encourage mining, and we need to have the water. However, that water is taken on a first come, first served basis, because the legislation is inadequate. The water resources bill was to provide a more adequate basis for equitable distribution of those water resources. I refer to farmers in the area. I am not sure whether it is Moora only. The member for Collie–Preston might help me. Is it Mingenew as well or just the Moora area where that water is taken?

Mr C.J. Barnett: Mingenew, not Moora.

Mr J.C. KOBELKE: I am not sure whether it goes as far north as Mingenew, but is certainly around that Moora and Mingenew area. There are farmers there —

Mr C.J. Barnett: It is a long way from Moora!

Mr W.R. Marmion: It's Morawa.

Mr J.C. KOBELKE: It is around Morawa; sorry. Thank you, minister. Farmers there will miss out because the mines got in first. The point is that it is a difficult management issue for any government because we have a scarce resource and growing demand. This is the situation all over Western Australia. Even in the Ord River region, with its huge amount of water, there are issues with demand potentially going beyond the resource. Therefore, we need modern legislation to fairly manage that water resource. That legislation was supposed to be the water resources bill, which this government has shelved. That issue with the mining around Morawa and Karara is a simple example in which this government wants to blame the previous Labor government because that situation was, and has been, in place for decades. The previous government was bringing in new legislation that was similar to what we have nationally—not identical, but similar—to give a better platform for equitable distribution of that important water. The things that were to be covered by that legislation, again I just quote briefly from the Department of Water website from that date I have already given —

> Some key aspects of proposed management reform in regard to modernising the allocation system and improving economic certainty in water scarce scenarios include:
>
> > entitlements based on good science and transparent management
> >
> > licensed volumes matched to the available supply
> >
> > ongoing or perpetual entitlements
> >
> > ensuring community needs are central to allocation planning including protection of drinking water quality, the environment, quality of life, recreation and the sustainability of the natural and built environments.
> >
> > security of total water resources by law.

They were the matters that we were seeking to put into legislation back in 2008. This government could do nothing but put out a discussion paper. We need a whole new, modern legislative framework to deal with the legal problems and the allocation problems that go with water being a scarce resource with growing demand. This government is not up to it. It is too hard for it to deal with. With such issues, there are potential winners and losers. This government does not want to make a decision; it does not want to get off-side with anyone. Therefore, in the end everyone will suffer. I remember having a debate in this place with Paul Omodei when he was here. His electorate around Manjimup had very good rainfall. When I talked about these ideas back in about 2007, Paul Omodei thought it was nonsense. He said that his stream always ran and that his dam was always full. I spoke to Paul earlier this year when he visited the chamber. He said his creek had stopped running. Perhaps the penny has dropped: climate change is impacting. We need a modern legislative base for handling the allocation and equitable distribution of that water resource. This government is not up to it as it simply cannot come to grips with the problems we face. There is further evidence of that from a response of 14 June to a question on

notice I asked. We found that the commonwealth government took back $2.7 million in grants to the state of Western Australia; I quote from the answer —

> Penalties invoked by Cwlth for milestones not met …

Those milestones were —

> Integrated Water Resource Management for the Collie Catchment

The commonwealth pulled the money out because this government was so slow and was not doing anything. Secondly —

> Support for a Statutory Management Plan for the Gnangara Mound

As I have already said, there was too little progress—it was a small amount—on the Gnangara sustainability strategy, and the commonwealth took the money away. Thirdly —

> Statutory Water Planning in the Pilbara

I have already alluded to the huge amount of money that the government was to commit to a desalination plant. The commonwealth took money back from the state because it failed to do the statutory water planning in the Pilbara. That is from the minister's own answer to my question on notice. This government has failed to do the basic planning to try to ensure that we can secure the water resources we need.

I now take a couple of examples from the various applicable pages of the "National Water Initiative—securing Australia's water future: 2011 assessment". Under "Ground and surface water resources covered by water plans, 2004–05 and 2011", we find that the total number of plans completed in Western Australia is 14 out of 31. The strike rate is that 45 per cent of the plans are done. New South Wales has done 74 per cent of its plan; Victoria has done only 50 per cent; and Queensland has done 96 per cent. We have done 45 per cent. The government cannot even do the water planning that is required for it to know where to invest and what decisions to make to give greater security.

I will give one more example. On resource conditions relating to our waters and rivers, for Western Australia the report says —

> There is no up-to-date broad-scale river health data available in Western Australia.

No other state got as damning a sentence as that. Other states are all doing things or have done them. Western Australia has not done them because this government in three years has not given priority to water.

Mr C.J. Barnett: All I can say is that you must have been an outstanding minister. You must have been wonderful—walked on water. I have never heard a former minister gloat and boast like you have today. Good luck to you! I have never heard anything like it. You must have been wonderful. You must have been perfect. Congratulations. I think you are a good guy, but this is not your best speech.

Mr J.C. KOBELKE: We were not perfect but we were recognised internationally and nationally for dealing with the issues. What we do know is that under this Premier it is too hard to deal with the issues. This Premier and his incompetent government are setting Western Australia up for major water issues, because they simply cannot deal with it. They can talk the talk, but they cannot walk the walk; they cannot deliver. We have seen it time after time. This Premier is going to scuttle the Oakajee project. He has stuffed it up properly with his interfering. It is a great project that should go ahead, and this Premier is stuffing around. The chances of it getting up are diminishing because this Premier simply cannot do it. He and his government have been caught out on water, time after time. They shirk any hard decisions; they cannot make the hard decisions. We can see the consequence from the examples I have given.

MR M.P. MURRAY (Collie–Preston) [8.51 pm]: I, too, stand to raise some concerns about the Water Services Bill 2011 and Water Services Legislation Amendment and Repeal Bill 2011. It reminds me of when Main Roads had crews that did all the work in many of the country areas. That capacity was gradually diminished until Main Roads operated only in some major towns, and in some cases there was only one person in an office in the country areas. Of course what happens is that service declines, because locals cannot go down and talk to someone and say, "Look, there's a problem down there. We've had cars rolling over on rough roads". Those sorts of things can happen when there is local knowledge and people can have some input.

Main Roads has been analysed over time, and many of the consultancy reports have proven that it would have been cheaper to keep Main Roads as it was, rather than privatise it or contract out services, as happens now. It will happen again under the Water Services Bill. Contractors will be called out. They will have no responsibility. If there is a major stuff-up in a contract, contractors will fold and start another company the next day. They do not have the responsibility that runs down the line. That happened many a time after the services of Main Roads were contracted out. One of the problems I foresee with the legislation is that the responsibility for and quality of

service will be gone, because it will be done by contractors and there will be only a management crew over the top. It will be underfunded and certainly undermanned, as we now see with Main Roads. I see a very real comparison. It concerns me that those will be some of the problems into the future.

Over the period of this government services have already been cut in the area of deep sewerage. One of the things that happened when this government came to power was that it cut the deep sewerage program, which stifled country towns. It did not hurt the major towns as much as it hurt the country towns. The extension to Australind and the extensions in Capel were cut. Those areas, which should have been the growth areas, have missed out. They could have been areas where people wanting three-bedroom, one-bathroom houses could have built at a cheaper rate, rather than try to match it on the coast, which has caused the problems we are seeing now with mortgage defaults. That deep sewerage should have been done so that areas that were not as popular were able to expand, and now we do not have that ability.

Donnybrook is another example of that. It is a great town that is being stifled because of the lack of services and a lack of drainage and water provision. That is the direction in which we will increasingly be headed now, because it will be an exercise in dollar counting and not in providing services. A lot of governments, including some I have not been associated with, have forgotten that they should be providing a service and not trying to get a dividend to put into government coffers. Instead they say, "That's how I measure my success—by the dividend." That is not right. We should be measuring success by the services that are provided. I can tell members that services provided in recent times have been pretty poor.

The water pressure has been pretty poor in areas such as Balingup and down towards Boyanup. Certainly people have complained that they cannot get water pressure. In fact, in Collie they tried to wind the pressure back so that they could provide the service that was not being provided because the pipes were blowing out. In the end they had to replace the pipes. The problem arose because they were fixed on the cheap; some of these problems occur when the services are contracted out. The cheap fix will continue to be the problem.

Along with that, there is a lack of an overall management plan in the south west. Although there are different agencies in the south west, the agencies do not hook up. We have talked about Busselton and Bunbury and the Water Corporation, and the private group, Harvey Water, provides irrigation water but not necessarily drinking water. Those groups all have their own agendas, but the big plan is not there. That will get worse under this legislation, because it will again be about giving them a chance to make money on the way through, but service will be secondary. Private groups have shareholders, and they will be beholden to those shareholders. An overall management plan is an absolute must in the south west. The previous contributor to the debate also spoke about the lack of an overall plan for the future.

He also spoke about something that is quite dear to my heart. This government absolutely gutted an election promise of $30-odd million to put a desalination plant on the east branch of Collie River. That river has now become a drain. Its survival this year has been dependent on good water being pumped into it out of the mining voids. It is water that in my view should have been pumped—because it is very good quality water, probably better than the water at Gnangara mound—and stored in the Harris River Dam. It should not have just been pumped into the river and out to sea. That is the only thing that saved the river, but it is a waste. It is a wasteful situation. That water that has not been trapped could have been pushed inland and could have fixed some of the problems. I do not think the Harris River Dam has overflowed for eight or nine years now, yet many billions of litres of water are going down the river out to sea; it is not being harnessed. It is a problem that I believe will get worse because cheap options will be taken. Yet, at the same time, we did not put a desalination plant on the east branch of the Collie River. Money was allocated; there was $15 million from the federal government, and I believe $15 million from the state government. It was also an election promise. It is another blow to the Collie town, as it could have created jobs. The water could have been freshened, and Wellington Dam could have been used for different purposes.

That brings me to Wellington Dam. Where does it fit in this overall plan? I do not see any future plan for this dam. It is the largest dam in the south west. It is certainly a very large body of water. Most of it gets run out to sea because of its salt content. We talk about water shortages, but the desalination plant was not put in on the east branch of the Collie River. They had a trial period when they ran water into mine voids, and in one year 20 000 to 30 000 tonnes of salt was put into salty water in that mine void. It was measurable at the Wellington Dam wall, where the amount of salt in the water bodies was reduced by over 200 parts per million.

It is an absolute tragedy that it was not followed through. Now we have a problem with the water that has been poured into the mine void; what do we do with it? The mining company now wants to mine that area. About six billion litres of salty water is in the mine void. My understanding is that some of that water is also leaking into the groundwater. A company wants to mine that water, but we do not have a desalination plant. I know where that water will go. I can just about guarantee members that it will be poured back into the river at a reduced rate, but the impact will not be reduced. That is a major problem with the Collie River. The Collie people have a really solid connection with that river and have been trying to work on the problems. This

government has not helped. When we take away a $30 million project, there will certainly be an impact somewhere. That impact is on the Collie River. The dam has more than 120-odd —

Mr W.R. Marmion: Wellington Dam? The capacity is 180.

Mr M.P. MURRAY: Plus scouring goes on. There is a lot of water in the dam, but there is still no real big plan. We talk about taking out for industry water that can be pumped back when some of the projects come to fruition. The Worsley Alumina Refinery was short of water this year. Where did it get water from? It did not get it from Wellington Dam. Worsley got it from our drinking water source, the Harris River Dam. It is an absolute blight on this government that it allowed that water to be used as industry water instead of ensuring water was taken from the Wellington Dam. The pipes that run very close to the Worsley refinery site could have been picked up. With a bit of foresight, that could have been a saviour in many ways. The fresh water from the mine could have been put into the Harris River Dam. The Harris River Dam could have been used only for drinking water. It was put there for that purpose because of the salty Wellington Dam. The salty Wellington Dam could have been used for the Worsley site. No; in the government's wisdom, because it got a higher price for it, Worsley used the fresh water, which did not have to be treated along the way. That is a local issue.

The overall picture is that money from the $30-odd million has been taken away from the Collie community and used in other communities. I heard my colleague the member for Cockburn talk about the Alcoa plan, which will cost $21 million. I suggest that some of the money that has been taken from Collie has been probably utilised down in that area instead of being kept up at the top where we could have had a far, far bigger plan and a wider range of uses for that water.

As I have said, the community is really, really angry. On a weekly basis I get representations from many people. One particular person, Mr Ed Riley, who I take my hat off to, has a passionate view about the Collie River. National Party members will come down into my territory in the next week or so. They will hear from Mr Riley because he has written to the ministers, including the Minister for Regional Development, who took three months to respond to him. It is all about the future of the waters around the Collie region.

We look across to the Donnybrook area. This year the floods through the Preston River really let the minister off the hook because the Glen Mervyn Dam was nearly empty; that was the whole supply of the irrigation water for the fruit and grape produce that comes out of that area. If we had to go through another dry year, that area would have been in big trouble. Thank goodness that did not happen. I am trying to point out the lack of planning all through that area and the lack of interconnections. It should be like an electricity grid. We should have those connections so that we can pump, reverse pump, move the water around and store it when it is wet in one area and put it in another. At the moment, once Wellington Dam is full, the excess water goes out to sea.

I hope that the minister takes some consideration of how that overall plan has been implemented. I know that studies have been done. One was a delaying study implemented by the minister's predecessor; he spent $250 000 on a study on the Collie River. That study has not surfaced; we have not seen that study and we certainly do not know what it was about. To me, the government spent $250 000 on a study to try to extend the time factor so that it did not have to build a desalination plant.

Another area that I think is very important in country areas concerns subdivisions of a reasonable size—three or five acres—on the outskirts of towns where services are not provided. The subdivider of that land has to provide the water. That is fine; I do not have a problem with that. I have a problem concerning water being provided one kilometre down a road to four five-acre blocks that have been split from a 20-acre block. As the pipe is extended, there is no compulsion for the people who will hook in later to pay a fee. The person down the end of the line has to pay the full amount of the burying and the extension of the pipe—the whole lot. Not only do they get that rub, but if the Water Corporation thinks that there will be another subdivision at the far end of that person's block—not at the front end—it asks for the extension of the pipe to go right down to the end of the road so that it does not have to pay for the little gap in the middle. Again, that makes blocks on the outskirts of country towns very, very expensive. It certainly is an imposition on people who are trying to sell subdivisions and raise money and do the right thing on those extremities of town by dividing their 20-acre blocks into three-acre or five-acre blocks, which increases density. It is a fair sort of impost on someone to have to pay for water to be put in—power also has to be brought in—while they know that their neighbour is sitting there very quietly saying nothing. Then as the pipe goes past, the neighbour says, "Now it is here, I will hook in" and they get scheme water for a very cheap rate because someone else has had the pipe extended. How do I know about that? I did it to my brother-in-law. I have experienced that. That issue should be addressed. In some of the old systems of electricity supply, the person would put on the power right down to the end of the line. As other people hook in, they would pay a fee. That system has been lost along the way. I think that it is only fair for that to be the case for water; as soon as someone hooks in, they should pay. Most people will hook in because of the service being available. I hope that issue will be addressed under this bill.

I also refer to the issue of preferred providers. I am not sure about city areas, but in country towns we have preferred providers of services. I see that there is some recognition of that in the bill. That could be a person who

is rung in the middle of the night to fix a burst water main or to dig a trench because the Water Corp crew is not available. I will not say that there is corruption, but sometimes it is too easy to ring the preferred provider instead of putting some of those jobs out for tender. That can make the cost higher than it would have been if some of those jobs were put out to tender. I am talking about reasonable size jobs, not only a weekender or something like that. I do not think the process is always followed correctly or strongly enough to make sure that everyone gets a crack at the job. The government says that if a company can provide the service at the cheapest price, that is who should be chosen. I have concerns that that has not always been the case.

To finish, I find the bill is a bit lacking on environmental issues for the Water Corporation and others and their responsibilities under the Environmental Protection Act and the Water Corporation Act. This is a double-up for the minister because it concerns both the water and environment portfolios. I find the bill is a little light; we should have a bit more in the bill about how we manage the environmental impacts. Environmental issues can be far ranging; I am not asking the minister to go into the EP act side of things, but into the way environmental issues are addressed under the Water Services Bill. I think that is just a little bit short.

In finishing, I would like to think, given the services provided, that if there is surplus funding, this government will reduce the dividend it takes, because it is overstepping the mark. Certainly, I hear from many people who come to my office complaining about their water bills and the services delivered. When a person wants to hook up a block to the water line that is less than one kilometre down the road, the cost is more than $70 000. That is something city people would never dream of paying. Country people pay $70 000 to get a guaranteed water supply, only to find there is no water pressure! Some blocks are sold with the caveat that there will be no water pressure. I want to thank the minister for helping me out recently when four blocks were sold without water pressure. The new owners were told they would be given water tanks and a pump to pump the water up to the tanks, but from then on if the service broke down, they would have to pay to fix that. Thank goodness commonsense prevailed. Once again, I thank the minister for dealing with that situation.

Country people should not have to put up with that sort of service; that should not be the case. If this legislation does its job, it will provide better services for less cost. But I do not see that happening. I see this as privatisation by stealth, in which there will be a shell at the top and everything else will be contracted out at a cost to our communities, especially in country areas. In the bigger cities, in the main, water is supplied to people's front gates; whereas putting water three, four or five kilometres out of a country town is a huge cost. In some farming areas, people say it is not worth it and they make do with dams—that is, until recently. However, that attitude is changing given the past five years of drought.

I just hope that during the consideration in detail stage we will have small amendments to address any problems.

MS L.L. BAKER (Maylands) [9.11 pm]: I have a few specific points to raise on the Water Services Bill 2011 and the Water Services Legislation Amendment and Repeal Bill 2011.

The ACTING SPEAKER: Order, members! Order, member for Kalgoorlie!

Ms L.L. BAKER: I want to comment on the customer code and the impact of the Water Services Bill on customers. I will draw on comments from submissions made to the Water Corporation, the Economic Regulation Authority and others as background to the drafting of this bill. I start by way of reference to the ombudsman position that will be established, which is a fantastic idea. The minister will be aware of the opposition's support for this bill. The water services ombudsman is a role that has been contemplated for many years in this state, and when I was working in the Western Australian Council of Social Service it was discussed very frequently in relation to essential services. I note that part 4 of the bill is about the approval of the water services ombudsman scheme and therefore provides for the approval of that role. I express my very strong support for the scheme, in particular, the distinctions between customer and complainant in that part of the bill. I draw the attention of the house to that distinction, which allows tenants who are not customers of water service providers to lodge complaints that they may have with a water services provider to the ombudsman scheme. According to my notes, a submission made to the Economic Regulation Authority stated —

> According to the 2003–04 ABS stats 24.62 per cent of people reside in residential tenancies in Western Australia, making up a significant proportion of water consumers. It is therefore necessary for those consumers to have access to the same customer protection measures as other consumers.

I note that it seems that that is going to happen, and that is fantastic.

Part 4, Division 4, "Membership of approved scheme", specifies that licence approvals, transfers or renewals cannot be granted to a licensee unless the authority is satisfied that the person or the licensee is a member of an approved scheme—in this case the water services ombudsman scheme. This clause also places the condition that licensees are only allowed to provide water services to customers if they are members of an approved scheme, are bound by it and will comply with any decision or direction of the ombudsman. That is fantastic because all potential water service providers will be captured under the purview of the water services ombudsman scheme, and that will empower customers and ensure that they have better access to a good grievance procedure.

In relation to putting together a water services ombudsman scheme, I note on page 21 of the explanatory memorandum, the minister states —

> There is currently an energy ombudsman operating in Western Australia, created under the Energy Coordination Act 1994 and the Electricity Industry Act 2004. It is planned that the Water Ombudsman will be co-located with the Energy Ombudsman and the bodies will share staff and resources with the existing Energy Ombudsman.

I would like some clarification on that. Although a water ombudsman is a wonderful initiative, I am very aware that the energy ombudsman is currently inundated with work and is failing to meet the turnaround times it wanted to achieve because of the sheer volume of people coming to the energy ombudsman with problems around the supply or billing of electricity. Members would be very aware of the increase in problems with that system.

My concern is that the implication in saying "with the existing ombudsman" is that there will not be resources to accompany the development of a water ombudsman.

Mr W.R. Marmion: There will be resources. It will be funded.

Ms L.L. BAKER: That will be good, because I am not sure, and indeed it is very unclear in the explanatory memorandum. The minister is either being really, really clever or shifty—I doubt the minister would be shifty; I am sure that he would be clever—because the level of resourcing for the water services ombudsman, over and above the already overused resources provided to the energy ombudsman, is not clear to me. I have a great concern about the capacity of the ombudsman's office and how it will manage.

The ACTING SPEAKER: Members, if you want to have a little chat you can go outside. I am sure that when you stand you like to be heard, and I am sure the member for Maylands does too.

Ms L.L. BAKER: Thank you, Mr Acting Speaker.

I will finish my comments about the ombudsman scheme. When that position is filled and the scheme is being set up, I encourage the minister to ensure a fair balance of industry reps and parties responsible for representing the interests of consumers and at-risk members of our community during the stakeholder consultation process. The point that I make is that I have sat on the ERA's consumer consultative committee as the WACOSS representative. I know from my work in consumer representation in essential services that electricity or other utility companies will quite proudly speak about their very strong consumer representation; however, that role is filled by their manager of customer services. Whilst I understand why these companies think that is a consumer representative position, it is not. It is really important to underline the need to go outside the companies to find good, strong consumer representation, particularly in the important role of ombudsman.

Moving on from the water services ombudsman, I will deal with the last-resort supply arrangements that follow in the bill. My view is, and I am sure that most people in this house would understand, that access to water is an essential human right. Therefore, its continued and uninterrupted supply, without detriment to consumers, should be the major focus for regulations. We are a very, very wealthy country. Fortunately, we do not have to go to the well with a bucket and carry it back on our heads or force our children to spend most of their day walking to the well and coming back with water. I firmly believe that consumers should not be disadvantaged by supply-of-last-resort events that are beyond their control. As such, the protection provided in this bill is very good, and I applaud the minister on that.

I will talk for a while now about restricting supply. Again, I take my comments back to my personal experience with the Western Australian Council of Social Service. We had instances of people being put on the low rate of supply, or the slow supply of water. The rate of water supply is turned down, but I cannot remember what the amount is per hour. Is it a litre?

Mr W.R. Marmion: It's enough to drink.

Ms L.L. BAKER: It is about a litre. It is a ridiculously small amount. It seems to me to be completely counter-intuitive. I will qualify my remarks by saying that certainly my experience when I was doing that job at WACOSS was that the customers who were having difficulty paying for water were not ones who consciously decided to flit it all away by leaving all the taps and the sprinklers on, filling their pool and washing everything in the house, including the car and the dog, 23 times a day. They genuinely seemed to be people who did not understand that if there was a leak somewhere in the pipes underground between the connection and their home, they were responsible for it. They were people who were genuinely very concerned on finding a huge bill delivered to their door, and they genuinely needed help, which does not mean that they needed their supply of water cut to a drip.

The minister would be aware that many health issues are associated with this situation. Restricting water to manage debt has way more negatives than it will ever have positives, and not just of a social nature. Restricting people's access to water has health and hygiene issues associated with it. For instance, insufficient water flow for

family members to have a bath has direct ramifications for children, because when they go to school, they will not have had a bath or their clothes will not have been washed. They are then ostracised, which leads to social exclusion. This heightens their sense of anxiety, and that leads to them not being able to fit in and not being accepted at school, and adds to social dislocation. That is not a good thing. It disrupts the school and it disrupts the participation of those children and isolates them. Therefore, minister, it is my position that restricting water flow equates to a regressive approach to the provision of any sort of equality in this very wealthy country in which we live. I would argue against giving any company the right to do that. There are better ways of managing loss of payment. I think most of the research that I knew about when I was previously in that role pointed to the fact that overseas experience showed that there are much better ways of managing debt than reducing or restricting the supply of water.

Provisions relating to disconnecting or reducing water flow would be better placed within relevant code regulations as opposed to the bill itself. That would ensure that provisions for reducing a customer's water flow are delivered only with appropriate consumer protections and with greater detail of the means by which a licensee may or may not be permitted to reduce water flow to a household. I think it is really important to talk and think about that. I am not sure what the debates about the inclusion of that provision in this bill were, but I for one would not be supportive of its continuation.

As we have heard from my colleagues and from the minister in his second reading speech, this bill is about water services, or the provision of, or the licensing of people to provide, water and all the things that wrap around that. I will talk a little about water quality and how it relates to this bill. Water quality is something that I am told the Water Corporation does not get involved in very much. Part of the problems that we have had with the management, supply and quality of water in this state is that the Water Corporation has jurisdiction for the drains that flow into, for instance, the Swan River, but the corporation looks at its role only in terms of managing floods through those drains. The quality of water in the drains is not really the issue. The drains were put in place to take the overflow from stormwater and the like. By their very nature, they are about crisis management, so the Water Corporation really does not care about the quality of the water, as long as it is all flowing. That argument is a complete nonsense when it comes to what goes down the drains or what comes out of our driveways, what comes out of our gardens, what comes out of the catchment area, what comes out of the light industrial areas along the riverbanks in my electorate and what flows directly into the river. As a starting point, it is really important for this government to try to sort out the issue of water quality and who is responsible for maintaining water quality, because it is certainly not clear; it is very ambiguous at the moment and has been that way for some time. The minister is in a position to try to fix that or to bring some clarity to the situation.

We know from a plethora of reports that have been prepared by not only the Swan River Trust, but also by the Department of Water and by doctors and professors in this area, that the Swan River is, at the very least, besieged by pollution, and some of that is from the worst sort of pollutants. I will read out some of the chemicals. They range from persistent organic pollutants such as dieldrin, heptachlor epoxide and DDE to potent endocrine-disrupting herbicides such as terbuthylazine, atrazine and simazine. The Swan and Canning river system is horribly polluted. In 2009, studies conducted of the levels of chemicals in the river sediment in the feeder drains and in the leaking riverside landfills confirmed that there was a constant flow of banned and restricted chemicals straight into the river system, and possibly into the food chain.

In my electorate in particular, I am extremely aware of the issues around the phosphorus and non-nutrient loads that go into the river through the main drains in Bayswater. The Bayswater main drain is one of the worst, and the minister would know about that. If we are going to provide a good water service under this bill, we also need to make sure that we have a quality of water. I know that we are not drinking very much from the Swan River, but it is a major part of our state, so it is extremely important to me that we have a healthy river system and a healthy catchment system feeding into all our dams and the like.

[Member's time extended.]

Ms L.L. BAKER: Finally, I want to talk about the riverbank grants scheme. The Swan River Trust missed out on funding in the state budget. There was no additional funding to rebuild eroded foreshores. I will go back to 2004. One of my colleagues mentioned earlier tonight that former Premier Gallop made a major investment to significantly improve the state's investment in the health of our river system. I certainly found evidence of that. In 2004 we spent $125 000 on riverbank funding. In that year the Labor government, under Dr Gallop, increased funding to $1 million a year. The unfortunate thing is that that was in 2004. Now we are significantly down the line from that, but we are still putting, as far as I can see, $1 million a year into the councils for riverbank and foreshore restoration. I looked at the riverbank grants scheme figures in the Swan River Trust. It allocated a total of $912 761 for 12 foreshore protection and rehabilitation projects for 2011–12. Remember, the total figure was just over $900 000, and $229 000 of that went to the City of Melville, which is, coincidentally, mainly Alfred Cove and Riverton. The sum of $250 000 went to Nedlands, for a very important project I am sure. That is nearly $500 000 of a total expenditure of $900 000. I also point out to the minister that the City of Bayswater in my electorate did not get any money in the riverbank grants scheme. That is probably completely coincidental,

but I am a bit puzzled as to why my electorate, with nine kilometres of riverbank in a very sensitive part of the river and which has a real need regarding river quality, got no funding.

Mr W.R. Marmion: You got funding for the drain.

Ms L.L. BAKER: We did get some funding for the drain specifically, and I thank the minister for that. We have a massive resource in the River Guardians and all the work they do. We are not capitalising on that if we are not funding smaller projects and helping that along at the same time.

I also mention the really successful auditing program for small businesses that happens all along that light industrial area. There was a high impact on reducing the runoff into the river of the really bad contaminants as a result of that. Small businesses just needed to know what to do and how to do that work better. A small investment in that auditing program—I am getting my two bob's worth in for next year's budget!—is a really good investment. The Swan River Trust says it has a high outcome for the investment that is made.

That summarises what I want to say about this bill. To complete my comments, the water services ombudsman and the position's funding is absolutely vital to make this bill work. There is a real question mark over the capacity to restrict services, particularly as it impacts on vulnerable and low-income consumers. Good, strong customer codes are absolutely essential. I recommend that we look at the electricity codes for consumers that are in place at the moment. There would be some good pointers around that. Finally, we need to continue to invest, firstly, to sort out who is responsible for the quality of water in our state, to make that clear, and to give that responsibility to some agency; and, secondly, to make sure the water quality investment continues in this state.

Debate adjourned, on motion by **Mr R.F. Johnson (Leader of the House)**.

PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 2011

Receipt

Bill received from the Council.

House adjourned at 9.34 pm

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QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

COMMUNITY DISABILITY HOUSING PROGRAM

6205. Mr M. McGowan to the Minister representing the Minister for Disability Services

I refer to the Community Disability Housing Programme, and ask:

(a) what are the conditions or criteria under which the Disability Services Commission receives funds from the State for the Community Disability Housing Programme;

(b) which organisations are the main participants in the programme and what role do they play in the funding, administration and provision of housing under the programme; and

(c) what are the normal procedures for clients applying for housing under the programme?

Dr K.D. HAMES replied:

(a) The Disability Services Commission does not receive funding from the State Government for the Community Disability Housing Program. As announced in the 2011–12 State Budget, over the next three years $95.7m will be provided to build or buy 169 homes for people with disability. However, this funding is provided directly to the Department of Housing. This initiative is aimed at people with severe and profound disabilities who receive accommodation support or community living packages funded by the Disability Services Commission.

(b) The Department of Housing — Responsible for administering the program including the acquisition or construction of housing for people with disability.

Disability sector organisations — Responsible for providing support to people with disability residing in housing acquired or constructed by the Department of Housing.

Registered Community Housing Organisations — Responsible for the tenancy management of housing for people with disability acquired or constructed by the Department of Housing.

(c) People with severe and profound disabilities who receive support packages funded by the Disability Services Commission can request housing assistance by completing a Department of Housing application for the program. The application is first sent to the Disability Services Commission who then forwards it to the Department of Housing with confirmation that the individual receives ongoing support.

MINISTERIAL OFFICES — CAR BAY ALLOCATION

6235. Mr M. McGowan to the Minister representing the Minister for Mental Health; Disability Services

In relation to the allocation of car bays to staff in the Minister's Ministerial Office, I ask:

(a) what was the cost of providing car bays to staff working within the Ministerial Office for the financial year 2010–11;

(b) what has been the cost of providing car bays to staff working within the Ministerial Office for the period 1 July 2011 to 1 September 2011;

(c) as at 1 September 2011, how many car bays are provided to staff working within the Ministerial Office;

(d) as at 1 September 2011, how many car bays at the Perth Concert Hall are provided to any of the Ministerial staff;

(e) what was the cost of providing parking at the Perth Concert Hall for Ministerial staff for the 2010–11 financial year;

(f) what has been the cost of providing parking at the Perth Concert Hall for Ministerial staff for the period 1 July 2011 to 1 September 2011;

(g) as at 1 September 2011, how many car bays at the Perth Convention Centre are provided to any of the Ministerial staff;

(h) what was the cost of providing parking at the Perth Convention Centre for Ministerial staff for the 2010–11 financial year;

(i) what has been the cost of providing parking at the Perth Convention Centre for Ministerial staff for the period 1 July 2011 to 1 September 2011;

(j) since 1 January 2011, has a car bay allocated to the Ministerial Office been used for any period of time by a family member of the Minister; and

(k) if yes to (j) for what period of time was the car bay used by a family member?

Dr K.D. HAMES replied:

(a) 10,820

(b) 5,000

(c) 9

(d) Nil

(e)–(f) Not applicable.

(g) Nil

(h)–(i) Not applicable.

(j) No

(k) Not applicable.

MIRRABOOKA POLICE STATION — FULL-TIME EQUIVALENT POSITIONS

6450. Ms J.M. Freeman to the Minister for Police

For the Mirrabooka Police Station, can the Minister please advise;

(a) how many FTE positions were allocated as of 1 July 2011; and

(b) how many FTE positions were filled as of 1 July 2011?

Mr R.F. JOHNSON replied:

Western Australia Police advises that due to operational sensitivities, specific information relating to staffing levels of individual police stations is not released. Resources are allocated at a District level and District Superintendents deploy those resources within their District to deliver the best possible policing service to the community.

In the West Metropolitan Police District as at 30 June 2011 there were:

(a) 289 Approved Police FTE

(b) 280 Actual Police FTE

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