

Legislative Assembly

Wednesday, 23 March 2011

THE SPEAKER (Mr G.A. Woodhams) took the chair at 12.00 noon, and read prayers.

MITCHELL FREEWAY — WIDENING

Petition

MR A.P. JACOB (Ocean Reef) [12.01 pm]: I have a petition from 500 petitioners regarding the widening of the Mitchell Freeway to three lanes from Hepburn Avenue to Hodges Drive. It states —

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, say that the rapid population growth in the northern coastal corridor of the Perth metropolitan area, over the past decade, has resulted in a significant increase in vehicular traffic volumes, placing greater demands on the Mitchell Freeway road infrastructure north of Hepburn Avenue.

In particular, the development of the Wangara Industrial Area, Wanneroo Town Centre, Clarkson District Centre, and Joondalup CBD has generated substantially increased demand for road freight and supply logistics, placing greater pressure on motorists using Wanneroo Road, Marmion Avenue, and the Mitchell Freeway.

Now we ask the Legislative Assembly to make provision for the design and construction of a third lane on the Mitchell Freeway from Hepburn Avenue to Hodges Drive.

[See petition 377.]

ARMADALE–FREMANTLE BUS SERVICE

Petition

DR A.D. BUTI (Armadale) [12.03 pm]: I have a petition certified in accordance with the standing orders and containing 284 signatures, which reads in part —

We the undersigned, believe there is an urgent and growing need for an East–West bus service, which would provide an important link to the Perth to Mandurah Rail, Murdoch University, St John of God’s Murdoch Hospital, (pending) Fiona Stanley Hospital and Fremantle for Armadale residents.

Now we ask the Legislative Assembly to ensure that the Government commits to funding a permanent East–West bus service to Cockburn and Murdoch Train Stations, and Fremantle.

[See petition 378.]

DEPARTMENT OF HOUSING PROPERTY, GIRRAWHEEN — COMMUNAL BARBECUE

Petition

MS M.M. QUIRK (Girrawheen) [12.04 pm]: I have a petition certified as complying with standing orders and signed by 11 petitioners —

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, request that the Legislative Assembly direct the Minister for Housing to ensure the communal barbeque located at the Department of Housing complex at 28 Denston Way, Girrawheen be left in place to enable residents to use this amenity which assists in fostering positive relationships and social cohesion within the building complex.

[See petition 379.]

PAPERS TABLED

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

**ECONOMICS AND INDUSTRY STANDING COMMITTEE —
INQUIRY INTO LOGGING NATIVE FORESTS — SOUTH WEST REGION
PERTH THEATRE TRUST AMENDMENT BILL 2009**

Removal of Order — Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): I advise members that, in accordance with standing order 144A, the orders of the day that appeared on the last notice paper as 1 and 2 under private members' business—the logging of native forests in the south west region and the Perth Theatre Trust Amendment Bill 2009—have not been debated for more than 12 calendar months and have been removed from the notice paper. For the information of members, I advise that a bill removed under this standing order may be restored by motion to the point that it had reached prior to its removal.

MINISTER FOR HERITAGE — CONDEMNATION

Removal of Notice — Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): Further to that, there is an expiration of notice of motion. I advise members that private members' business notice of motion 2, notice of which was given on 15 September 2010, will be removed from the next notice paper unless written notification is provided to the Clerk requiring that the notice be continued.

**GREATER BUNBURY REGION SCHEME AMENDMENTS 0010/41 AND 0011/41 —
MARLSTON NORTH AND KOOMBANA NORTH**

Statement by Minister for Planning

MR J.H.D. DAY (Kalamunda — Minister for Planning) [12.06 pm]: I present today for tabling greater Bunbury region scheme amendments 0010/41 and 0011/41. These amendments transfer portions of land, waterway and railway in the areas known as Marlston North and Koombana North to the regional centre zoning, allowing detailed planning for the area's development to proceed.

The government's commitment to further develop the waterfront areas of Bunbury is well known. In early 2009, I announced the Bunbury Waterfront Taskforce, and in October 2009, the task force released its findings and recommendations in a report. Three sites were identified—namely, Marlston North, Koombana North and Koombana South—for amendments to the region scheme to facilitate the Bunbury Waterfront project.

The proposed amendments for Marlston North and Koombana North will facilitate intensified mixed-use development, providing diversified housing, employment and social opportunities in accordance with the principles of Liveable Neighbourhoods. The amendments have been advertised for three months for public submissions. Marlston North received 191 submissions in total. One hundred and twenty-eight submissions supported the amendment, 38 submissions objected to the amendment, and 25 submissions contained neutral or other comments. A total of eight hearings were attended in relation to the amendment. Koombana North received 211 submissions in total. One hundred and twenty-four submissions supported the amendment, 66 submissions objected to the amendment, and 21 submissions contained neutral or other comments. A total of 11 hearings were attended in relation to that amendment. A modification to the Koombana North amendment, extending the regional centre zoning to accommodate possible future rail infrastructure associated with a fast rail to Bunbury, was recommended. The Environmental Protection Authority agreed with the amendments proceeding.

Proposed amendment 0012/41, Koombana South, subsequently has been withdrawn following the public consultation process. In addition to public objections to the Koombana South proposal, I have also been made aware of the City of Bunbury's planning initiatives that are underway for the land south of Koombana Drive along the lower estuary foreshore. I consider this to be an ideal opportunity to undertake more planning for this area and, as such, I have requested that the task force continue its role and meet with the City of Bunbury with regard to master planning for the Koombana South and lower estuary sites, with the possible outcome being a new amendment for this site.

I am pleased to now table the documentation for greater Bunbury region scheme amendments 0010/41 and 0011/41.

[See papers 3219 to 3226.]

MARLON NOBLE — IMPRISONMENT INVESTIGATION

Statement by Minister for Corrective Services

MR D.T. REDMAN (Blackwood–Stirling — Minister for Corrective Services) [12.09 pm]: I wish to formally make the house aware of investigations into the Department of Corrective Services processes in the Marlon Noble matter. From what I have seen so far, I have significant concerns around the urinalysis test process, around whether all test results were provided to Mr Noble and around the integrity of the prison justice

process in this case. I cannot speculate about what may or may not have happened, as the information I have is yet to be validated; and, in any case, it is not my role to do so. I have ordered an independent investigation to ensure that the matter is given the attention it deserves and that the process is completely transparent. Robert Cock, QC, the previous Director of Public Prosecutions, and one of the sharpest legal minds in Western Australia, has agreed to conduct the independent investigation. This will be in addition to an internal investigation by the Department of Corrective Services professional standards division, which was initiated as soon as Commissioner Ian Johnson became aware of this issue. The commissioner also consulted the head of the Mentally Impaired Accused Review Board to ensure that Mr Noble was not disadvantaged in the board's deliberations. Further details of the independent investigation will be announced in the near future.

HONG KONG, MACAU AND SINGAPORE — VISIT BY MINISTER FOR SPORT AND RECREATION

Statement by Minister for Sport and Recreation

MR T.K. WALDRON (Wagin — Minister for Sport and Recreation) [12.10 pm]: I rise to advise the house that from 25 to 31 October 2010, I undertook a visit to Hong Kong, Macau and Singapore. I was accompanied on the visit by Mr Barry Felstead, chief executive officer of the Burswood Entertainment Complex; Mr Richard Burt, chief executive officer of Racing and Wagering Western Australia; and Mr Jon Nichols, my racing and gaming policy adviser. For the Singapore leg, I was also accompanied by Mr Ron Alexander, the Director General of the Department of Sport and Recreation. Our racing, wagering, casino and sporting facilities provide significant business, social and revenue outcomes for our community, but we no longer operate in a vacuum. It is now more important than ever that we understand and learn from our international competitors. South-East Asia has a history of providing innovation and strong competition and, as minister, I consider it important that we in Western Australia are able to measure ourselves against this competition and learn from their ideas.

With this in mind, I visited facilities and spoke to industry leaders in Hong Kong, Macau and Singapore. Hong Kong and Singapore are leaders in the international racing scene, and our interest was centred on visiting their racing facilities and discussing mutual issues and opportunities relating to racing and race wagering. In terms of casino tourism, Macau and Singapore lead the world in casino resort development and are major competitors to Burswood Casino in the international casino tourism business. In particular, the two new casino resort developments in Singapore are now operating on our doorstep, and each presents significant competition to Burswood and our local tourism industry. Also in Singapore, the opportunity was taken to meet with key Singaporean sports officials and to receive a briefing on the development of sports facilities. I found the visit extremely informative and I thank each of our hosts for the frank and open exchange of views and for the enthusiasm with which they accepted me and my group.

I now table a report of the visit.

[See paper 3227.]

VISITING JAPANESE STUDENTS

Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): Members, before I call for motions for bills, I draw attention to the Speaker's gallery. In the gallery this afternoon is a small group visiting from Japan—students involved with Rotary Youth Exchange. We certainly welcome them to the Legislative Assembly of Western Australia.

[Applause.]

The SPEAKER: Members, I had the opportunity this morning of visiting with these people, and, with the courtesy also of the member for Gosnells, Chris Tallentire, passing on to them on behalf of the Legislative Assembly our expressions of a great deal of sadness at recent events in Japan. These young people who are standing before you left Japan the day after the earthquake and the tsunami. I think they return home this Saturday, and we wish them well. Thank you very much.

CRIMINAL INVESTIGATION (IDENTIFYING PEOPLE) AMENDMENT BILL 2011

Introduction and First Reading

Bill introduced, on motion by **Mr R.F. Johnson (Minister for Police)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR R.F. JOHNSON (Hillarys — Minister for Police) [12.13 pm]: I move —

That the bill be now read a second time.

On 20 April 2009, Hon Robert Anderson, QC, handed down the Criminal Investigation (Identifying People) Act 2002 Statutory Review Reference Group's report titled "Criminal Investigation (Identifying People) Act 2002: Statutory Review". The review made 31 recommendations and 15 other findings on the Criminal Investigation (Identifying People) Act 2002, of which a number require legislative amendment to satisfy. The government is currently working on numerous amendments to address the recommendations of this review; however, it has been decided to introduce this bill urgently to address critical issues with the matching rules of DNA profiles as dealt with in recommendations 9, 25 and 26.

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

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

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

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

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

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

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

I commend the bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman**.

ROAD TRAFFIC LEGISLATION AMENDMENT (INFORMATION) BILL 2010

First Reading

Bill read a first time, on motion by **Mr T.R. Buswell (Minister for Transport)**.

Explanatory memorandum presented by the minister.

Second Reading

MR T.R. BUSWELL (Vasse — Minister for Transport) [12.21 pm]: I move —

That the bill be now read a second time.

This bill will amend the Road Traffic Act 1974. It contains four key objectives. The first objective is to clarify and strengthen the provisions of the Road Traffic Act 1974 relating to the protection and disclosure of “licensing information” held by the Director General of Transport. This term encompasses all information relating to Western Australian drivers’ licences, vehicle licences and demerit point information. Media attention on certain disclosures by the Department of Transport has highlighted the absence of a clear and comprehensive framework relating to the disclosure by the director general of information obtained by the director general in the course of performing his or her functions under the act.

The second key objective of the bill is to enable driver’s licence photographs held by the director general to be accessed by WA Police, the Australian Security Intelligence Organisation and other Australian law enforcement agencies on a prescribed basis with the approval of the Commissioner of Police. This amendment will directly contribute to community safety in WA by assisting those officers in the investigation and prevention of criminal, corrupt and national security threat activities.

The third key objective of the bill is to introduce a requirement for all learners’ permits issued by the director general to incorporate the person’s photograph and signature. This amendment will mirror the requirement for all Western Australian drivers’ licences. The fourth key objective of the bill will empower the director general to disclose a photograph of a deceased person to an executor or an administrator of the deceased person’s estate.

I now speak on the specifics of the proposed legislation. The act ensures the safety of road users by regulating authorisation to drive, road user behaviour and the standards to which vehicles must be constructed, maintained and operated. The director general is responsible for administering and enforcing the act’s provisions regulating the licensing of drivers and vehicles and for administering a demerit points regime. The Commissioner of Police is responsible for enforcing the act’s traffic regulation provisions and breaches detected by members of the police force of the act’s driver and vehicle licensing provisions. In order to be able to perform their respective functions under the act, it is necessary for the director general and the Commissioner of Police to share information with one another. Section 8 of the act sets out the information each party must provide to the other. Section 8 also requires the director general to provide information to the registrar of the Fines Enforcement Registry established under the Fines, Penalties and Infringement Notices Enforcement Act 1994 in order to enable the registrar to perform the registrar’s functions under that act. These functions relate to the imposition of driver and vehicle licence suspension orders arising from the non-payment of fines.

The Commissioner of Main Roads also performs functions under the act; however, the commissioner is not referred to in section 8. In particular, the Commissioner of Main Roads may exempt heavy vehicles from mass and dimension limits prescribed in regulations made under the act via the issue of a permit or a notice published in the *Government Gazette*. In order to carry out these responsibilities, the Commissioner of Main Roads requires access to certain driver and vehicle licence information.

Other entities require access to various kinds of information held by the director general in order to enable them to enforce the provisions of other laws. For example, local government authorities are responsible for the enforcement of breaches of local government by-laws regarding parking. It would not be possible for local government authorities to enforce those by-laws without access to information regarding the name and address of the responsible person for an offending vehicle. These other entities and the acts they administer and enforce are not expressly referred to in the act; however, the director general supplies information to them pursuant to regulation 5A of the Road Traffic (Licensing) Regulations 1975. This provision has been in place since November 1998 subsequent to section 8 of the Road Traffic Act that was inserted in June 1996.

Under regulation 5A, the director general may, at his discretion, disclose vehicle licensing information to entities other than the Commissioner of Police and the registrar under the Fines, Penalties and Infringement Notices Enforcement Act 1994. Clause 6 of this bill will therefore repeal the act’s existing provisions dealing with the disclosure by the director general of information held by the director general and replace them with a far more

explicit framework, via the insertion of proposed new sections 8 to 13 inclusive. Proposed new section 8 will set out requirements for the disclosure of specified information between the director general and the Commissioner of Police.

Proposed new section 9 will empower the director general to disclose specified information to other driver and vehicle licensing authorities and to seek the disclosure of information from those licensing authorities. Proposed new section 10 will require the director general to disclose specified information to the Commissioner of Main Roads. Proposed new section 11 will require the director general to disclose specified information to the registrar appointed under the Fines, Penalties and Infringement Notices Enforcement Act 1994.

Proposed new section 12 will empower the director general to disclose specified information to a person or class of person prescribed in regulation, because it relates to the performance of functions under, or enforcement of, a written law or when that disclosure is in the public interest and for a prescribed purpose. For example, this section would empower regulations to be made permitting the director general to disclose vehicle licence information to a local government authority for the purpose of the local government authority enforcing its parking by-laws or any other written laws. Further, the offence provisions of the Criminal Code that cover everyone's actions in relation to unlawful access to computer systems, and recently introduced provisions creating offences for the copying, use, supply or possession of identification material, will also apply in the case of relevant licensing information that is accessed with the intent of committing or facilitating a crime.

I recognise the concerns expressed by some members in the other place regarding controls on private parties. To provide greater assurance, in addition to the controls the director general may employ when assessing applications by prescribed persons for the disclosure of information for authorised purposes, I will move an amendment to proposed section 12 that creates an offence should a person to whom information is disclosed use that information for a purpose other than that authorised. In recognition of the seriousness of the proposed offence, the penalty is to be a maximum fine of 100 penalty units—\$5 000—or the imposition of a term of imprisonment of up to 12 months' duration.

Under the Interpretation Act 1984 the term "person" includes individuals, companies, associations and other entities. Proposed new section 13 will empower the director general to disclose specified information to a person for the purpose of either conducting road safety research or distributing information relating to road safety. As a consequence of the amendment I foreshadowed that I will move to proposed section 12, in the interests of consistency I will also move a comparable amendment to proposed section 13. It will provide similarly that it is an offence for a person to whom information is disclosed for a road safety purpose under the section to use that information for a purpose other than that for which it was disclosed. Once again, in recognition of the seriousness of the proposed offence, the penalty is to be a maximum fine of up to 100 penalty units—\$5 000—or the imposition of a term of imprisonment of up to 12 months' duration.

Clause 9 of the bill will insert a new section 43A, providing that the director general cannot issue an applicant for a learner's permit with that learner's permit unless the applicant has first provided the director general with a photograph and signature for use on the learner's permit document. Section 43A mirrors the existing section 42E, which makes the same stipulation in relation to the provision of a photograph and signature for use on a driver's licence document. Requiring photographs and signatures on these documents better enables enforcement of the act and reduces the likelihood of a person fraudulently obtaining or using a driver's licence or learner's permit.

Clause 10 of the bill will amend the act to insert a new section 44AB, which requires the director general to disclose photographs obtained by the director general for the production of driver's licence documents and learner's permit documents to the Commissioner of Police, the Director-General of Security under the commonwealth Australian Security Intelligence Organisation Act 1979 and law enforcement officials. This requirement is considered necessary to assist the Commissioner of Police and law enforcement officials to enforce the provisions of this and any other legislation. Similarly, this provision aids ASIO in its endeavours to safeguard national security. New section 44AA provides clear definitions of an authorised police official and authorised ASIO official and requires a law enforcement official to be prescribed.

Clause 10 of the bill will amend the act to insert a new section 44AC that empowers the Director General of Transport to disclose a photograph of a deceased person to an executor or administrator of the person's estate. The director general has been unable to comply with previous requests to do so as the provisions of the act prohibit the director general from doing so and prohibit the possession by any person of such a photograph other than when it appears on a driver's licence document or when it is held for the purposes of producing a driver's licence document.

The bill contains amendments that will provide for the disclosure by the director general of information the director general has gathered in the course of performing his or her functions under the act. The amendments will limit this disclosure so that it occurs when it is in the public interest; that is, in connection with the performance of functions under, or the enforcement of, this act or another written law.

To deter the misuse of information disclosed under the amendments contained in this bill, proposed section 103 will provide that it is an offence for a person who is engaged in the performance of functions under the act to disclose or make use of information under the act except in the course of performing functions under, or enforcing, this act; or because of a requirement under this act or another written law; or with the consent of the person to whom the information relates; or in other circumstances that may be prescribed in regulation. In recognition of the seriousness of the proposed offence, the penalty will be a maximum fine of 100 penalty units—\$5 000—or the imposition of a term of imprisonment of up to 12 months' duration.

The bill also contains corresponding amendments to the Road Traffic (Administration) Act 2008 and the Road Traffic (Authorisation to Drive) Act 2008 that will ensure the continuation of each of the above initiatives if and when those acts commence operation.

I commend the bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman**.

BUILDING SERVICES (COMPLAINT RESOLUTION AND ADMINISTRATION) BILL 2010

Consideration in Detail

Clause 1: Short title —

Ms J.M. FREEMAN: During my speech in the second reading debate, I asked the minister why there were no objects.

The SPEAKER: Member, I have given you the opportunity to speak but your comments need to relate to the title of the bill. It is not a general debate. If you are going to ask a direct question about the name of the bill, the short title, I will accept that; otherwise I will rule the question out of order.

Ms J.M. FREEMAN: It is about the short title. The short title is the Building Services (Complaint Resolution and Administration) Bill 2010. What is the object of the short title as it relates to fair, just, economic, informal and quick, and is that the intention?

Mr T.R. BUSWELL: The reason the objects were not included is that it was felt that they were covered in the long title of the bill.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Terms used —

Ms J.M. FREEMAN: I refer to the definition of “home building work contract” set out in section 3(1) of the Home Building Contracts Act 1991. I do not have a copy of that act. Could the minister read that definition into the record?

Mr T.R. BUSWELL: I do not have that particular definition as it appears in the Home Building Contracts Act 1991 with me. Suffice to say, the definition of “builder” in section 3(1) of the HBC Act states —

a person who carries on, or 2 or more persons who together carry on, a business which consists of or includes the performing of home building work for others;

This includes people who are not registered as builders under the Building Services (Registration) Bill 2010 but who lawfully undertake building contracts in which a registered builder is not required. I move —

Page 3, after line 10 — To insert —

(g) the *Local Government (Miscellaneous Provisions) Act 1960* Parts VIII, IX and XV;

Mr M. McGOWAN: It is entirely appropriate that the minister explain what the amendment means, not that I am trying to delay the house, but, as it was not part of the original consideration, I would not mind knowing what the minister is asking us to amend.

Mr T.R. BUSWELL: I am advised that this amendment enables us to bring the Building Bill into effect after the bill we are currently considering. This is being done at the request of the building industry to provide it with some time to adapt to the new framework.

Ms J.M. FREEMAN: I seek a point of clarification. The amendment is to insert paragraph (g). I do not see a further amendment to rename the existing paragraph (g) to paragraph (h). Is the existing (g) being removed? This does not appear to be the case. I wonder whether a further amendment needs to be made to make the existing paragraph (g) read paragraph (h)?

The SPEAKER: For the information of the member for Nollamara and other members, these sorts of adjustments are made by the Clerks; that is part of the process.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4 put and passed.

Clause 5: Making a complaint about a building service or home building work contract matter —

Mr W.J. JOHNSTON: I would appreciate some guidance on the issue I raised in my contribution to the second reading debate; I raise it now because this appears to be an appropriate time. What is the interaction between this clause and the standard building contracts used broadly in the industry? The minister was in this place when I made my comments; therefore, I would appreciate it if he has an opportunity to respond.

Mr T.R. BUSWELL: I am advised that a standard industry contract cannot contradict the Home Building Contracts Act. I am also advised that, irrespective of the nature of the contract signed—I think the member is referring to the standard Housing Industry Association contract—claims about poor workmanship can still be pursued under this legislation. My recollection of the very concerning issue raised by the member for Cannington about the person in his electorate was that it was more specifically related to potential contractual issues as opposed to workmanship. I am happy to take the member's guidance, but the advice I have is that workmanship-related issues can still be dealt with by way of complaint under this legislation.

Mr M. McGOWAN: My question relates to clause 5(1), which states —

... a person may make a complaint to the Building Commissioner about a regulated building service not being carried out in a proper and proficient manner or being faulty or unsatisfactory.

The first point I make concerns the term “a person”. As I outlined in the second reading debate, I received correspondence from the Housing Industry Association indicating concerns about the broadness of who or what might be able to make complaints to the Building Commissioner. Historically, parties to the contractual arrangement were able to make complaints; that is, a builder or a person acquiring a building service would be able to make complaints. The concern is that if the definition of who may complain is allowed to broaden too far, anyone could make a complaint about a building. Therefore, it is a question of how broad that definition is allowed to go and whether, under this bill, there is an opportunity for people who do not like the shape, size or style of workmanship of the building being constructed next door to make complaints. I think the concerns about the level of the litigiousness being promoted are legitimate. I seek an explanation from the minister about how he is expecting the legislation to work. I also ask what the definition of a “person” is, and whether a corporation, non-profit association, a local authority or any other entity that is not actually a flesh-and-blood human being is also defined as a person. This is a concern of the housing industry and it deserves some clarity about what is intended by this subclause.

Mr T.R. BUSWELL: The member for Rockingham raises an interesting issue. It is a matter of how the balance is set. The member for Scarborough, and other members, outlined instances in which neighbours had difficulty obtaining remedy under the existing legislation. This bill attempts to address that to a degree. The housing industry has expressed concern to the member, and indeed to government, that this subclause may empower too many people to have a bite of the cherry, for want of better term. Subclause (1), as the member has rightly pointed out, is quite broad; it reflects the terminology in the existing legislation. The member is right that this provision in its current form allows not only a consumer of a building service, but also any other person—we would like to think—adversely affected, such as a neighbour, subcontractor or a regulatory agency, to make a complaint. The subclause in question does not define “person” in that way. There has been an agreement made with the HIA, and I am happy to put this on the record, that under clause 5, a regulation will be developed that will bring some clarity to this definition of “person” and effectively provide that a “person” referred to in subclause (1) must have a material interest.

To answer the second part of the member's question, “person” can mean an individual, a body corporate, a not-for-profit organisation or a local government. In other words, the regulation will not prescribe “person” to be one or other of those classes of people, because when thinking about a neighbourly dispute, for example, one or other of those classes could always be a neighbour or the owner of the property next to a property being built. If we think about where the definition could be applied, the subclause is trying to give protection to neighbours, in particular, who may have issue. The ownership of a neighbouring property could rest with any number of different entities, but I am advised that placing in regulation a narrowing of the definition of “person” to a person or entity having a material interest helps address the concerns rightly raised by the HIA.

Mr M. McGOWAN: I appreciate the minister's advice; I have some questions about it. First, where in the legislation is a “person” actually defined to indicate that the definition is broader than a flesh-and-blood human being? Second, I think that the regulation-making power is under subclause (5)(a); could the minister perhaps clarify that? Last, I am still a little unsure about who would have a material interest. Is the minister suggesting that neighbours are able to complain about the workmanship on a property being constructed next door? And, playing devil's advocate, does that mean that people who have lost out in raising their objections to councils over the construction of a two-storey house or a garage next door in a location that they do not agree with then get

another bite of the cherry by objecting to that construction through the process outlined in the bill? Does it create a second appeal process for disgruntled neighbours who are upset and who were unsuccessful with an objection at the local council? In a case that came to my attention a family was putting a roof on an unroofed shed on their property and the neighbour objected about the roof to the council. Naturally, it was a fairly vexatious complaint because the roof was not angled. In any event, that held up the construction of the roof. If a neighbour is unsuccessful at the council level in a case like that, can he then take it to the Building Commissioner and have another opportunity to take forward the complaint? Most complaints are not vexatious, but some are. What could be done to prevent a complaint from being misused in that way?

Mr T.R. BUSWELL: That is a good line of inquiry. The member for Rockingham is right. I have been in local government and know that occasionally neighbours do not get on. When that happens, they occasionally use any mechanism available to create a forum in which to express their affection for each other, for want of a better term. In answer to your question, “person” is defined through and in the Interpretation Act, as I understand it. The member is correct; subclause (5)(a) enables the regulations to define by material interest. The extension of the term “material interest” is that a person must be materially affected. In other words, there is absolutely no intent for this framework to enable vexatious complaints to be lodged. Clause 7(3)(d) on page 8 gives the Building Commissioner the clear option to not accept complaints that he deems to be vexatious, misconceived, frivolous or without substance. The clear intent here is to deal with a genuine case when a person is materially affected by the activities of building being done on a site. Does that mean if the neighbour thinks the workmanship is not up to scratch he can complain? If it does not affect him—no. It means that if in the compaction of a block the neighbour next door to the building loses his retaining wall, or a tractor or a delivery vehicle is backed through his fence, he starts to have some grounds for taking action. Does it mean that if a building overlooks the neighbour’s property and the neighbour is not happy about that, he can complain? No. That is not an issue related to building; it is really related to the approvals process by which that building is built. I hope that gives the member some comfort. I hope clause 7(3)(d), which I just referred to, gives a clear indication of the intent of that clause.

Mr C.J. TALLENTIRE: I thank the minister for the clarification on that part of clause 5. I put it to him that some bodies may not have a material interest but may have a legitimate interest. I am thinking that perhaps the Heritage Council could have a legitimate interest in the actual construction and style of works.

Mr T.R. BUSWELL: The advice I have is that, if the workmanship did not maintain the heritage character or heritage value of the property, there may be grounds to complain. I imagine that most of those issues would be dealt with through the approvals process that led to the building being constructed. We all know the challenges that everyone faces in preserving and maintaining heritage. I would like to think those issues are dealt with prior to a building licence being issued. It is, nonetheless, a good point. The advice I have is that if in the construction process the quality of workmanship has a detrimental impact on heritage or other values, a complaint can be lodged and may be accepted by the commission. There are no guarantees.

Mr M. McGOWAN: The second question the Housing Industry Association raised was in relation to the definition under section 5(1) of “a regulated building service not being carried out in a proper and proficient manner or being faulty or unsatisfactory.” The HIA has indicated that that definition is wider than the current definition in the Builders’ Registration Act, yet the explanatory memorandum indicates that it is supposed to capture the same conduct. I seek some advice about whether it is a wider definition, or how the minister expects it will be interpreted when examined by the Building Commission and whether it broadens the matters that can be examined by the commissioner over what is currently the case.

Mr T.R. BUSWELL: Thank you for raising that. The advice I have is that it is broader because, ultimately, this framework will cover all professions covered under the Builders’ Registration Act, which, hopefully, we will deal with a little later on today. The broader definition gives the commission the power to investigate complaints against some of those other professions, some of which may provide services through a building contract. Some of the others may provide services on a stand-alone basis. That area covers, as I understand it, painters, plumbers and building surveyors and, in due course, other professions may be brought in under that act. The advice I have is that the broadening of the definition is not so much to do with the activities of builders per se but to give the commission the power to properly regulate and control the outputs—the job of work—of some of the other professions that are either coming into this framework now or that may come into it in the future.

Clause put and passed.

Clause 6: Time limit for complaint —

Mr M. McGOWAN: Clause 6(1) reads —

A building service complaint is made out of time if the complaint is made more than 6 years after the completion of the regulated building service to which the complaint relates.

That is obviously a statute of limitations. Naturally, such are the limitations that they offer all sorts of exemptions and exceptions in law ordinarily. I am seeking the minister's advice on the exceptions and how any exemptions will work. What will happen if the issue comes to light or the failed building service comes to light at five minutes to six years? What will happen if the failure in the legislation comes to light immediately after the six-year period? What is the definition of the completion of the work? For instance, someone I know had a new house built and they moved in before the work was completed so, at the time they moved in, a range of issues became apparent that took years to repair. Does the six-year period commence at the conclusion of the initial repair work that became apparent after the party had moved in or does the six-year period commence at the point in time they moved in? A whole range of definitional issues surround this. I think for the purpose of clarity the minister might want to try to answer those questions or is it a matter that he will leave for a court to determine at some point in the future?

Mr T.R. BUSWELL: As the member rightly points out, clause 6(1) places a six-year time limit on making a building service complaint. My advice is this is reflective of common law and existing statutory time lines in the current Builders' Registration Act. Clause 6(1) and (2) in effect define that six-year period, although clause 6(2) provides the process for determining when the six-year limit is reached. My advice is that, notwithstanding that framework, after six years complainants still have access to common law rights in areas such as negligence and access to other contractual rights that may have been afforded to them as a result of the building contract they entered into. However, in my notes—I might get some more advice while the member asks me a follow-up question—it says that under clause 6(2), regulations may prescribe criteria. I might just find out what that means, if the member would like to ask me another question.

Dr A.D. BUTI: I was very interested in the response by the minister, because I think he has just rewritten the law of limitations in Western Australia. As far as I am aware, the law of limitations in Western Australia is quite absolute; the time period runs from the time of the wrong. I think the answer the minister gave is not correct. The time starts to run from the date on which the wrong takes place. What the minister should be looking at is the discoverability rule, which would apply from the time that it was reasonably known that the fault took place. That is from when the time should run. Rather than the time necessarily running from when the wrong took place, the discoverability rule allows for the time to run from when that wrong should have been reasonably discovered. I would be amenable to the minister's interpretation if it was correct; I do not think his interpretation is correct. If the minister's intention is for his advice to be the law, he will need to amend this legislation because it is contrary to the Limitation Act of Western Australia and the normal common law provisions that have survived for a long time in Western Australia.

Mr T.R. BUSWELL: My advice is this legislation does not displace any common-law rights. It simply provides a framework by which complaints can be made on matters dealt with in this legislation.

Dr A.D. BUTI: I understand that, but the common law right is that the time commences from when the wrong takes place. That is backed up by the Limitation Act of Western Australia. Whether we are looking at the six-year time limitation in clause 6 or at the contract provisions under clause 6(3), which is also compatible with contracts provisions of the Limitation Act, the time runs from the time the wrong takes place. It would be better and more just if time ran from the time that the wrong could have been reasonably discovered.

Mr T.R. BUSWELL: The advice I have is that we are not going to entertain the change. This is reflective of the longstanding and current provisions in the existing act that we have worked through with the member for Rockingham's friends in the building industry to attempt to provide a fair and proper framework. My advice is that there are a number of complexities in what the member has put to me. I am not going to discuss those now, but we are not going to alter the point at which or the trigger for which a complaint can be made. The member has raised a couple of fair points, but my advice is that this is the longstanding convention and there are a lot of complications in determining when a fault may have been reasonably discovered. Is that the term used?

Dr A.D. BUTI: The minister is correct. The law is as he basically reflected there. It is just that his previous explanation —

Mr T.R. Buswell: Fair enough.

Ms J.M. FREEMAN: Clause 6(2)(a) states, "if the criteria for determining the date of completion for that building service are prescribed". The minister undertook to explain that particular provision. I need to know whether that is prescribed by regulation or whether it is based on the contract. Where is the head of power to prescribe that by regulation?

Mr T.R. BUSWELL: What we are trying to do here is to acknowledge that a number of standard form contracts exist, and we had a discussion with the member for Cannington about the HIA one. A number of those standard form contracts determine or have definitions for completion date. The regulation's purpose would be to basically collate those for the purpose of the regulation so that they can be applied if required.

On the member for Nollamara's earlier point, we just had another look. It is clause 109. I was not trying to be glib before; I was trying to get some time up my sleeve. Clause 109 is the regulations-determining clause of the bill.

Clause put and passed.

Clause 7: Preliminary decision by Building Commissioner —

Mr C.J. TALLENTIRE: My question relates to a number of clauses and deals with the interplay between the Building Commissioner and the State Administrative Tribunal. I seek the minister's clarification on what processes will be in place to ensure that either one of those bodies deals with a particular complaint when it comes in or there is a coordination between the two bodies. I note in particular at clause 7(4) there is mention of that concurrent situation between SAT and the commissioner.

Mr T.R. BUSWELL: I thank the member. The advice I have is that all complaints in the first instance will go to the Building Commissioner, and the subsequent passage of those complaints to SAT will be determined by the processes outlined in the bill but will effectively be coordinated by the Building Commissioner. Although the progress from the Building Commissioner to SAT is controlled by frameworks established in the bill, it is effectively coordinated by the Building Commissioner. The person making a complaint, as they do now with the Building Disputes Tribunal, will still have a single point of contact, as I understand it, in the first instance.

Ms J.M. FREEMAN: I just would like a point of clarification on clause 7(1), which states that after receiving a complaint the commissioner can decide to accept it or to refuse it and the extent to which they accept or refuse. Is that simply appellable or is it appellable only under a process that is outlined in the act?

Mr T.R. BUSWELL: My understanding is that a decision by the Building Commission to refuse to accept a complaint is appealable to SAT. We are just trying to find the relevant clause, although we have probably stumbled across it as we have moved through. That is certainly the advice I have.

Ms J.M. FREEMAN: I have a question about clause 7(1). I would like to know whether the Building Commissioner's acceptance or refusal of a complaint will be published; or if not published, whether the reasons for the decision will be provided so as to assist in an appeal process?

Mr T.R. BUSWELL: The advice I have is that they will not be published, but they will certainly be made available to the parties.

Ms J.M. Freeman: The reasons for the decision?

Mr T.R. BUSWELL: Yes.

Mr M. McGOWAN: Forgive me if I have missed some of this very important debate, but I am interested in how these processes will be handled. Under clause 7, the Building Commissioner receives a complaint; will that process be in writing or will people have to attend a hearing?

Ms J.M. Freeman interjected.

Mr M. McGOWAN: But if a constituent comes to me with a complaint about a builder, will they be required to fill out a form and make a written complaint on which the Building Commissioner will make a decision; or will it be a process whereby the Building Commissioner will call in the parties and hear arguments from both sides before making a decision?

Mr T.R. BUSWELL: Good question. The advice I have is that the expectation is that in the first instance there will be some informal contact—such as, “I have a problem with doors not opening”, or, “The house is falling down”—and there will be a requirement for a formalisation of that complaint. That formalisation, as I have been advised, will be in written form. At that stage the Building Commissioner will make the determination, effectively under clause 7(1). The determination will occur prior to there being any other formal process—that is, calling people in for a hearing. However, I would anticipate that in the process of making those decisions, the commission may have cause to seek further information from the parties.

Ms J.M. FREEMAN: With respect to that notice, I would like some clarification. Will the process of how the information is to be received be outlined in regulations or rules; and, how will the government ensure procedural justice is involved in that? How will the government ensure that the commissioner is not subject to complaints that he is too closely aligned with the building industry and that he takes its position all the time? That is a procedural justice question, and it is important in terms of whether a decision will be appellable. How will ad hoc and informal discussions be recorded? Will there be regulations or rules to that effect?

Mr T.R. BUSWELL: I am just getting some advice. Again, this is an interesting point because it is an issue often raised in relation to the Building Disputes Tribunal. The investigation begins once the complaint has been accepted. I do not think the member's issue is with after a complaint has been accepted; it is at the stage before and as to whether a complaint has been accepted. I just want to get some clarification from the member on that.

Ms J.M. Freeman: That is a very good question, minister. In the first instance, it is before the complaint is accepted. Is the minister saying that acceptance or refusal of a complaint is all based on informal submissions?

Mr T.R. BUSWELL: That is right, yes.

Ms J.M. Freeman: That raises the question of how can informal submissions be appellable. Will there be procedural justice in simply accepting an application?

Mr T.R. BUSWELL: The advice I have had is that the commissioner is compelled to receive the complaint. He then makes inquiries about that complaint and decides whether to accept the complaint. Clause 7(3) outlines a number of matters that the commissioner needs to take into consideration in deciding whether to accept the complaint. My understanding is that the process by which a complaint will be made will be set out in regulation; in other words, it will be made very clear how to go about it. The decision to accept the complaint or not will be appealable to the State Administrative Tribunal. Will there be any other obligation on the commissioner at that point? My advice is that there will not be, but I think it is fair to say that the commissioner is a public officer and I would like to think that his obligation will be to deliver on the legislation. People may make judgements about a decision of the commissioner, but that will always happen—well, not always, but I imagine that in some cases people, including builders, will form a view.

Ms J.M. Freeman: But you don't want SAT to form the view that the commissioner has not followed procedural justice.

Mr T.R. BUSWELL: No. Perhaps a good test will be to look at the judgements that SAT makes after having heard appeals. I would imagine that the minister of the day—whoever that is—will take a very keen interest in the first few appeals against a decision not to accept a complaint if they go to SAT and are overturned. I think the minister of the day will be very interested to hear the commissioner's reasons for that. The reason for the process for the initial acceptance of a complaint, and one of the reasons we tried to go down this path, is that it is meant to be an easy process. This legislation was never designed to obstruct people's right to have a fair hearing; it was designed to improve on the current system.

Clause put and passed.

Clause 8: Further information and verification —

Ms J.M. FREEMAN: I want to clarify and put this on record again. Clause 8(3) states —

The Building Commissioner may refuse to accept a complaint if the person making the complaint does not comply with a requirement under subsection (1) within the time specified in the requirement or, if no time is so specified, within a reasonable time.

Will there be a capacity to appeal this on the basis of not having had time to comply with the requirements? I do not have a problem with there being a time limitation on applications, but most jurisdictions have the capacity to allow appeals on the basis of “my dog ate my homework” type explanations, or something a bit more serious than that. Can the minister provide that clarification?

Mr T.R. BUSWELL: My understanding is that any administrative decision of the commissioner is appellable. If the reason the commissioner refuses to accept a complaint is that the person, in the commissioner's view, has not provided information within certain time frames, and therefore, by extension, they do not accept the complaint, then that person can appeal that decision to SAT.

Ms J.M. FREEMAN: My question was whether it was appellable to the Building Commissioner, because it states “may refuse”.

Mr T.R. Buswell: No.

Ms J.M. FREEMAN: So, basically, although it states “may refuse to accept a complaint”, it is a “must refuse” interpretation.

Mr T.R. Buswell: No, no.

Ms J.M. FREEMAN: So can people not appeal to the commissioner on the basis of the time limitation; they must appeal to SAT?

Mr T.R. BUSWELL: Yes. If the commissioner requests information and it is not supplied, and subsequent to that the commissioner decides not to accept the complaint, they have made the decision. People can then appeal that decision to SAT. The commissioner is not compelled to not accept; that is on a case-by-case basis. There will certainly be no reduction in the capacity to appeal to SAT because of clause 8.

Clause put and passed.

Clauses 9 and 10 put and passed.

Clause 11: Action after report —

Mr C.J. TALLENTIRE: Clause 11(5) states —

The regulations may prescribe circumstances in which the Building Commissioner must deal with the complaint by referring the complaint to the State Administrative Tribunal ...

Can the minister outline what those prescribed circumstances may be? I have looked at the explanatory memorandum and cannot see the details there.

Mr T.R. BUSWELL: The advice I have is that as the new system rolls out and is getting used more and more, there may be certain circumstances in which it is the view of the government—the regulation will be set by the government—that certain decisions are better determined in a court rather than by a building commissioner. They would probably be complex contractual-type matters. They may well be matters involving large sums of money. Clause 11(5) gives the government of the day the capacity to make those judgements as we move forward through the process. I think that would be fair and reasonable. I do not think there is any intent for the Building Commissioner to make determinations around complex contractual issues. I cannot give a definition of large sums of money and/or projects that involve large sums of money. It is really a provision to provide flexibility for the matter to move forward whereby the government of the day, whoever it is, may form a view that some things are better off dealt with in a court than by the commissioner.

Clause put and passed.**Clause 12: Building Commissioner not party to proceeding before State Administrative Tribunal —**

Mr C.J. TALLENTIRE: In light of what the minister just said in relation to clause 11(5), I wonder why, in clause 12, we would look at a situation in which individuals would become complainants to the State Administrative Tribunal and why in fact we would not allow the Building Commissioner to be the person, with the knowledge and resources of the Building Commission, to have the capacity to take a complaint to SAT.

Mr T.R. BUSWELL: Thank you for the question. It is a good question. This clause quite clearly states that the applicant—that is, the person bringing the complaint—is indeed the applicant for the purposes of going to SAT; not the Building Commission. We do not see it as the role of the Building Commission to take matters to SAT, although it is a role of the Building Commissioner, given their expert knowledge et cetera, to have the capacity to appear at proceedings before SAT as an expert witness. We are trying to clearly say to applicants if there is an issue that they feel needs to be dealt with at SAT, or, if under the regulations we talked about previously, the matter should be dealt with at SAT, it is the applicant's responsibility to take the matter before SAT. The Building Commission will be available to provide expert testimony to SAT, but that would be the extent of its involvement. It is trying to establish a clear framework so that people understand the role of the Building Commission, and the role of the Building Commission in relation to matters before SAT.

Mr C.J. TALLENTIRE: I thank the minister for that response. Given we have established that prescribed circumstances are likely to be matters of a fairly complex nature, it could be quite a costly matter, envisaging circumstances such as a contractor using a form of defective concrete. It would be quite a technical matter; probably spread across a number of complaints as well. It could be one building or one dwelling involved, or it could be multiple dwellings. Why would we look to one aggrieved party to go through the effort of bringing this whole thing to SAT? Why would we not enable the Building Commissioner to be the person who coordinates the case at SAT against the body that has failed to undertake appropriate quality works?

Mr T.R. BUSWELL: I am advised it is not envisaged that the role of the Building Commission is to argue a case at the State Administrative Tribunal. In the case of a complicated complaint, the commission will have the capacity to break a complex complaint down into components, if that is possible. It may well be the case that in some matters of that nature, the commissioner forms the view it will have to be dealt with by the tribunal; other matters the commission can deal with. The overriding objective—even though there are no objects—is to make it a simple process. It is not the role of the Building Commissioner to appear at SAT. That has been our intent from day dot. That is what we are trying to clearly set out here. It is not dissimilar to what happens now if a person goes to the Building Disputes Tribunal and ends up taking further action beyond the BDT. It is the role of the complainant, or the applicant in this case, to take that action.

Mr C.J. TALLENTIRE: Will the minister concede that in fact this could create a situation in which an individual has to carry the burden for a number of complainants, and has to marshal a vast amount of information to put their case effectively to SAT? That really puts an unfair burden on individuals who do not have the same level of expertise as the commissioner would have.

Mr T.R. BUSWELL: Again, the advice I have is that the Building Commissioner can take out simple matters; that is, deal with components of the complaint. The other thing is if a person had a significant issue that affected consumers, there is also the capacity for the Commissioner for Consumer Protection to take action on behalf of people collectively. My understanding, under this legislation, is that it deals with individual contracts between

builders and clients. If there was a group of clients who had an issue with the builder, it would have to advance those issues as individual cases. That is as I understand it.

Ms J.M. FREEMAN: In short, can the minister clarify whether that means there is no capacity to take class actions under this clause, and before the commissioner and therefore to SAT? Is the minister saying that sort of class action would have to be taken by way of consumer affairs action on behalf of a group of consumers in the building industry?

Mr T.R. BUSWELL: Yes. This bill is set up to deal with individual complaints between builders and their clients.

Ms J.M. Freeman: And other people who are substantially —

Mr T.R. BUSWELL: Yes, and others, as we discussed earlier. However, the Commissioner for Consumer Protection has some capacity to take action. We will shortly deal with the Building Services (Registration) Bill 2010. That bill does not deal with any form of compensation between a builder and their client or clients, but I would imagine that if the commission was dealing with a number of complaints against a builder, that matter would also appear before the body that has responsibility for registration, and appropriate action would be taken. That will not deal with the financial matters of individual contracts between the builder and the client, which is what this legislation is set up to do.

Ms J.M. FREEMAN: Can the minister clarify or expand on his last comment—that the Commissioner for Consumer Protection will have some capacity to take action? Can the minister give me some sort of understanding?

Mr T.R. Buswell: No.

Ms J.M. FREEMAN: Okay; I will move to the next issue. Can the minister take that on notice and give me some understanding?

Mr T.R. Buswell: I might be able to. The member might bump into a chap later at the back of the chamber who can probably help.

Ms J.M. FREEMAN: Thank you, minister. Given that the minister has put on the record that the Commissioner for Consumer Protection will have the capacity to take action, it would be useful for members in this place to have an understanding of that situation when they represent their constituents. Any number of people could be affected, yet individuals are being asked to take the financial risk of pursuing it. The issue of individuals taking a financial risk in pursuing it arose when responsibility for complaints to the Equal Opportunity Commission was transferred to the State Administrative Tribunal.

Mr T.R. Buswell: Which clause are you referring to?

Ms J.M. FREEMAN: I am still on clause 12. It relates to the State Administrative Tribunal. If an applicant is successful before the Building Commissioner and the defendant takes action at SAT, what protection will there be for the applicant to not have costs awarded against them by SAT given that the Building Commissioner found in their favour?

Mr T.R. BUSWELL: I am trying to track down some information. It was a good question, and I am seeking some advice on it. The member is right: the State Administrative Tribunal may, as it thinks fit, make orders for costs for proceedings arising from a building services complaint. The answer to the member's question is that I think the statement she has made is correct. I have to admit that a scenario could arise that causes me a little angst. I might get some more advice on that before the bill gets to the other place. It may well be that my advice is that we cannot do anything. I want to explain the scenario so I know that we are on the same page. The scenario that the member has outlined is that consumer A makes a complaint against builder B. The complaint is taken to the Building Commission, which works through the process, and the commission finds in favour of consumer A. Builder B then appeals that decision to SAT, as they have a right to do. SAT reviews it and finds in favour of builder B. In other words, the Building Commission's decision was for some reason flawed; I assume that is the only reason it would do that. The costs for that appearance before SAT would then be determined by SAT. It may be—I will have to get more advice on this—that a scenario emerges whereby SAT determines that consumer A is liable for their costs and the costs of builder B, notwithstanding the fact that the only reason they are before SAT is, in essence, that the Building Commission made a decision that SAT later on determined to be wrong. That is a very good point. We do not have an answer for the member—other than to point her to clause 49. I have just explained what I think about perhaps an isolated case. With my knowledge of the Building Commission, the probability of failure is very low! However, it is a scenario that may emerge. I cannot give the member an answer, other than to carefully outline the scenario for the purpose of *Hansard* and to provide an undertaking that we will do more work and provide information.

Ms J.M. Freeman: The issue arose with the Equal Opportunity Commission, and the legislation was amended so that that did not occur.

Mr T.R. BUSWELL: I think that is a valid issue. It may well be that we go for a bit longer than we had anticipated. It is probably better if I get some more advice that we can provide in the other place. The member can ensure that the relevant persons in the other place are aware of that. We will certainly make sure that the minister who will have carriage of the bill in the other place is aware of it. I think it is a fair scenario. I just do not have an answer at this stage.

Clause put and passed.

Clause 13: Withdrawal of complaint —

Dr A.D. BUTI: Subclause (2) provides that the complaint cannot be withdrawn if it has been referred to the State Administrative Tribunal. Why is that the case? I would have thought that the complainant should be able to withdraw at any stage. It may relate to cost. As I understand subclause (3), it refers only to parts of a complaint, not the totality of a complaint. I find that rather strange.

Mr T.R. BUSWELL: I thank the member for Armadale. My recollection is that section 46 of the State Administrative Tribunal Act allows a person to withdraw a complaint before SAT with the leave of SAT. Subclause (2) is simply a reflection of that fact. If a person wants to withdraw a complaint before SAT, they have to seek the leave of SAT. It preserves the current system. Subclause (3) is designed to create a framework whereby a person can withdraw part of a complaint without necessarily having to withdraw the entire complaint. I am sure that the member can think of circumstances in which that may arise.

Clause put and passed.

Clauses 14 and 15 put and passed.

Clause 16: Preliminary decision by Building Commissioner —

Mr C.J. TALLENTIRE: Clause 16(3)(f) provides that the Building Commissioner can refuse a matter that has been the subject of a previous complaint. I would like clarification about the appeal opportunities. I think it is possible that someone may have had grounds for an appeal, and the complaint may have been rejected, but over time they may have been able to put together more of a case to justify their complaint. I want to be assured that a person in that set of circumstances could re-present their case. I would have thought that even though the Building Commissioner initially rejected the complaint, thinking that it had been previously dealt with, the person would have some opportunity to appeal and elaborate on the fact that the evidence associated with the latest complaint had not been considered.

Mr T.R. BUSWELL: The advice I have is that this clause is designed to stop serial complainants, if I can put it that way. I acknowledge that the clause says “may”; it does not say “have to”. As I have just been advised, it may well be that a person makes a complaint that is not resolved in the person’s favour for a whole range of reasons, but then additional information comes to light. I imagine that the Building Commissioner would reconsider either the decision not to proceed with the complaint or the outcome of the process. The point needs to be made that at all times they would have the opportunity to appeal the decision to the State Administrative Tribunal; they could either accept the complaint or appeal against the outcome of the complaint. I cannot imagine there would be a serial objector to SAT. I think SAT might give someone reason to stop doing that; however, that is a matter for those people in SAT.

Clause put and passed.

Clauses 17 to 22 put and passed.

Clause 23: Role of conciliator —

Mr M.P. WHITELY: Subclause (3) states that a conciliation proceeding may be commenced without the consent of both parties. Later the bill states that the only real power of the conciliator is to compel someone’s attendance. What is the time frame for the conciliation process? If the conciliation process has no capacity other than to compel people to attend and parties can filibuster, what is the time line for the process?

Mr T.R. BUSWELL: The advice I have is there is no fixed time line, other than the discipline that would be imposed by the Building Commissioner—basically ruling a line in the sand and taking advice from the conciliator that things are not progressing in a way that will lead to an outcome.

Mr M.P. Whitely: That is if a conciliator is of the opinion that one of the parties is prolonging things so as not to reach resolution?

Mr T.R. BUSWELL: The commissioner can then resolve to deal with the matter, and the matter will be dealt with. This bill is not designed to create an open-ended process that stymies people’s access to a fair outcome; it is designed to give conciliation an opportunity to succeed, which is always the best first step. However, implicit in that is that if it does not work, the commissioner would become active in making a determination.

Mr M.P. Whitely: Effectively, the conciliator would advise the commissioner?

Mr T.R. BUSWELL: Correct.

Ms J.M. FREEMAN: I seek clarification of that. The Building Commissioner appoints a conciliator. What power does the Building Commissioner have over the conciliator to set reasonable times, and if they do not believe they have conciliated in an appropriate time how do they ask for that matter to be moved to the next stage? I am interested in the power that the Building Commissioner has to ensure that the objective of the act to proceed in a timely manner is able to be met.

Mr T.R. BUSWELL: The member for Nollamara makes a good point, and I refer her to clause 29, which deals with the circumstance in which conciliation fails.

Ms J.M. Freeman: That is not a power that the commissioner has though.

Mr T.R. BUSWELL: It basically says that the conciliation process will fail if both parties deem it to have failed; if the Building Commissioner is satisfied that a party is not cooperating in the proceedings; and if the commissioner is not satisfied with the result of the proceeding. If that is the case, the commissioner must take action. It empowers the commissioner somewhat, but it also sends a clear signal that this is not an open-ended process that people can use to prolong a determination; it is an attempt to create a framework for legitimate and appropriate conciliatory activities. But if in the view of the commissioner that is not happening, the commissioner can say that enough is enough.

Mr M.P. Whitely: Is there any capacity for the parties to say that this process is being dragged out and to instigate this process?

Mr T.R. BUSWELL: My understanding is there is no formal process, because conciliation is designed to be a relatively informal process, if I can use that term. It relates to when both parties fail to agree. I can only imagine if a party is feeling aggrieved that the process is not working, I hope that the conciliator will become aware of that. I have been in a few conciliations and I think it would become obvious to the conciliator. I have been involved in some non-facilitated conciliations; that is, when two people have a row with the umpire! I am sure that the conciliator would pick up on the vibe and the matter would hopefully be dealt with by the commissioner, and knowing the soon-to-be commissioner, he is always about the vibe so I am sure it will be fine.

Ms J.M. FREEMAN: On the basis of the “vibe”, as I understand the role of the conciliator, at the end of the process—in which the “vibe” is clear—does the conciliator document not only orders but outcomes of conciliation proceedings that have not been resolved? If one person has not participated in conciliation, is there a capacity for the conciliator to make that known?

Mr T.R. Buswell: No.

Clause put and passed.

Clause 24: Parties to conciliation proceeding —

Ms J.M. FREEMAN: Reference is made to the “complainant” and the “respondent” as parties to a conciliation process. I am seeking clarification of the definition of respondent in clause 3, that is, “a person the subject of a complaint”. From my history of and experience with the conciliation process, if one of the parties is an insurer—sometimes the insurer stands in the place of the builder—will that limit the people who can attend a conciliation proceeding to a complainant and an insurer; and how will the commission ensure that it gets the two parties there? I have had quite considerable experience in conciliations and it has been my experience that being able to put together the two primary people in a dispute often leads to an outcome, whereas if we put together two people who are representing the parties—one being an insurer—often there would be no resolution.

Mr T.R. BUSWELL: The advice I have is that the respondent is the person subject of the complaint, which is referred to in clause 5. The advice I have is that that would not be an insurer. I do not mean this negatively, but it is a little different from workers’ compensation proceedings, thankfully! Under clause 26(1) a party is not to be represented by another person during conciliation proceedings unless the commissioner determines otherwise. The intent clearly is to make this a simple process. I agree with the member 100 per cent that the best outcome is when people are face to face. This process is designed to achieve an outcome and face-to-face contact provides the best opportunity for that.

Clause put and passed.

Clause 25 put and passed.

Clause 26: Representation at conciliation proceeding —

Ms J.M. FREEMAN: I am interested in clause 26, subclauses (1) and (2) and how the commissioner intends to deal with people from non-English speaking backgrounds with a poor understanding of their right to representation.

Mr T.R. Buswell: By way of interjection, I draw the member's attention to subclause (2)(b), which is designed to assist in those circumstances.

Ms J.M. FREEMAN: Thank you.

Clause put and passed.

Clause 27: Building Commissioner may make orders to give effect to agreement —

Ms J.M. FREEMAN: I refer to clause 27(2) and ask the minister to draw to my attention whether that is a financial order. Is there capacity for financial remedy by way of clause 27(2)(d) or by way of an order?

Mr T.R. BUSWELL: Member, I am advised that we will deal with orders soon. Section 36, division 2 goes some way to defining orders, be they for additional building works, financial settlement or otherwise. I think the member will draw some satisfaction from those components of the bill.

Ms J.M. FREEMAN: Thank you for that, minister. I have looked at the bill before. It is a complex bill and the minister does keep going back and forth. I have one question about clause 27(2)(a) because I am not a lawyer and do not know these things as well as I should know them. Does the reference to "final and binding on those parties" extinguish common law capacity or does common law capacity to pursue a matter remain even in the case of a binding order?

Mr T.R. BUSWELL: If it is the same matter, we cannot be sure; if it is a different matter, then, yes, it can.

Ms J.M. Freeman: So it does extinguish common law.

Mr T.R. BUSWELL: Yes.

Clause put and passed.

Clauses 28 to 33 put and passed.

Clause 34: Jurisdiction of State Administrative Tribunal —

Mr C.J. TALLENTIRE: Clause 34 is about the potential for the State Administrative Tribunal to revoke a pending order. Is that an order imposed by the Building Commissioner? Is that correct?

Mr T.R. Buswell: Correct—yes.

Mr C.J. TALLENTIRE: I am therefore concerned about the conflict between the objectives of the Building Commissioner and those of SAT. It may not necessarily be a conflict, but two bodies will be responsible for an order that emanates from the office of the Building Commissioner. I see that as a potentially fraught situation and one that could lead to people using SAT to remove an order that has been legitimately imposed by the Building Commissioner. I think other circumstances of this arrangement could also be problematic, but that is one example that comes to mind.

Mr T.R. BUSWELL: This clause deals with interim orders. I am advised that SAT has the capacity to review interim orders and that under the act it has the capacity to determine whether the interim order remains in force until the complaint is dealt with. This clause is specifically about interim orders; an interim order being one that is issued prior to the complaint being dealt with.

Clause put and passed.

Clauses 35 to 38 put and passed.

Clause 39: Order for payment before building remedy order —

Mr M.P. WHITELEY: I have a very quick question about the moneys collected and applied to the building services account. I want to get my head around the role of the building services account. Clause 39, subclauses (5) and (6) make reference to the building services account. Is part of the function of that account to be a holding account for orders made against particular parties? Can the adjudicator force a party who has an obligation to repair a building to put some moneys in a trust account? Is that or is that not the effect of this clause?

Mr T.R. BUSWELL: In essence, the member is right. The application would be in circumstances in which the commissioner or SAT is of the view that that needs to happen—I am assuming—ultimately to protect —

Mr M.P. Whitely: I am sorry; I missed that.

Mr T.R. BUSWELL: It is up to the commissioner or SAT to determine whether that should happen. I assume that determination would be made if the commissioner or SAT think it will help deliver a just outcome. However, the member is, in essence, right—it acts like a trust fund in practice.

Mr M.P. Whitely: For obligations that they have to meet.

Mr T.R. BUSWELL: Correct—for potential obligations.

Clause put and passed.

Clauses 40 to 45 put and passed.

Clause 46: Procedure of Building Commissioner —

Mr M. McGOWAN: Perhaps it might help to note that the times for both clocks in the chamber are not identical. One says one minute to two o'clock and the other says two minutes to two o'clock. It appears that things are coming apart at the seams in this house.

I have very significant concerns about clause 46 and whether the new arrangements will be speedier and will result in clients of the commission receiving justice more quickly.

Debate interrupted, pursuant to standing orders.

[Continued on page 1950.]

QUESTIONS WITHOUT NOTICE

PREMIER'S OFFICE — RELOCATION COSTS

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

I refer to the Premier's announcement that his new "Palace on the Hill" will cost \$17 million.

- (1) Can the Premier confirm that the real cost to build his palace is in fact \$25.5 million, as advised to the Public Accounts Committee hearing on Monday?
- (2) Why did the Premier announce the lower figure of \$17 million when he knew that he had already put aside \$8.5 million for the fit-out?
- (3) Can the Premier explain to the Western Australian public what kind of fit-out the Premier will be purchasing for this palace at a cost of \$8.5 million?

Mr C.J. BARNETT replied:

Mr Speaker —

Mr P.B. Watson: He's taking over the Oswalds' house.

THE SPEAKER: Take a seat, Premier. The question was asked of the Premier. It is not the member for Albany's entitlement to answer it. I formally call the member to order for the first time.

Mr C.J. BARNETT: I will be interested in hearing the opposition's proposal for the Premier's office, for the cabinet room and for the location of the staff who work in cabinet services. This building will accommodate those three groups. It is a Premier's office, yes; it is a cabinet room, yes; and it is for the staff in cabinet services. Three groups are going into that building. That is the first point. Yes, the cost of refurbishing a heritage-listed property that is falling into disrepair is around \$17 million. The original figures that were provided, which were obviously given to the opposition by someone, included all sorts of proposals for furniture and the like. I can tell members that the furniture from my existing office will be going to the new one. It is being taken out. There are also contingency figures in the original proposals that are not in there now.

Mr E.S. Ripper: Do you know where the figures came from? Tim Marney's evidence to the Public Accounts Committee.

Mr C.J. BARNETT: They were not accepted. We are not going to go to that extent. We are spending the bare minimum.

Mr E.S. Ripper: That is what he testified on Monday was the cost.

Mr C.J. BARNETT: I am telling the Leader of the Opposition what the government is doing. The government is spending the bare minimum to bring that building up to a good standard—it will not be shabby—that properly reflects the standards of —

Mrs M.H. Roberts interjected.

Mr C.J. BARNETT: It is fair enough.

Mrs M.H. Roberts: It will have carpets and curtains.

Mr C.J. BARNETT: It will probably have polished floorboards too and have the holes in the roof repaired so that water does not gush in.

Mr P.B. Watson: Will it have wide enough doors for you to get through?

Mr C.J. BARNETT: I tell you what, member for Albany, at least I will get there; you never will. I doubt that anyone on that side will get there for a long, long time.

Several members interjected.

The SPEAKER: Thank you, members.

Mr C.J. BARNETT: The alternative, which the opposition does not have a view on, apparently, is to maintain accommodation similar to what is in use at present, which by that time would probably cost close to \$2 million a year in rent. Do the sums. If the opposition does not agree with creating a proper Premier's office and cabinet room, would the opposition commit \$2 million a year for rented accommodation, or does the opposition think that it might be wise for the government to own its own property as part of the parliamentary precinct? It may be a good thing that when people come to this state to visit the Premier, whoever that may be in the future, and the cabinet room, they actually come into a proper premises that reflects well on Western Australia. If it is the opposition's policy to downgrade the state and have a second-rate approach, I do not agree with it. I know that I get criticised and that Alston has done a great cartoon about it, but I do not mind all that, and I know that the opposition will try to make this an issue going into the election campaign.

Ms M.M. Quirk: It is your belltower.

Mr C.J. BARNETT: How brilliant is the member for Girrawheen?

Several members interjected.

Mr C.J. BARNETT: No member opposite will listen to this —

The SPEAKER: Take a seat, Premier. I would like to get through a lot more questions today—more than we have been able to achieve over the past few sitting weeks.

Mr C.J. BARNETT: Leader of the Opposition and members opposite, this state is the high-growth dominant trade state of Australia. We have a closer relationship with Japan, China, Korea and India than does any other state. If members opposite do not believe that Western Australia should put on a good front to the rapidly growing economies of Asia, they are misguided. If they believe that we should take a second-rate approach, I do not agree with them. This building will not be lavish or over the top; it will reflect well on Western Australia, the cabinet and the Premier, whoever that may be, and it is about time the state had the guts to make a decision like this.

Several members interjected.

The SPEAKER: I formally call to order the Minister for Regional Development and, for the second time today, the member for Albany. I want to hear the Leader of the Opposition's supplementary question.

PREMIER'S OFFICE — RELOCATION COSTS

142. **Mr E.S. RIPPER to the Premier:**

As a supplementary question, is the Premier denying the accuracy of the \$8.5 million figure that was testified to by the Under Treasurer before the Public Accounts Committee on Monday and is contained in this Department of Treasury and Finance document?

Mr C.J. BARNETT replied:

I will stand by the figures that I quoted on refurbishing the building. I do not know what the Under Treasurer is referring to. There will be a lift in the building.

Mr E.S. Ripper: He is referring to the fit-out.

Mr C.J. BARNETT: Okay. That is his view. The government will make a decision on the fit-out.

Mr E.S. Ripper: These must be the official figures.

Mr C.J. BARNETT: They are not. I am sorry, but they are not. I will give members a good example —

Ms M.M. Quirk: You are in denial.

Mr C.J. BARNETT: I am not in denial. We will have a new cabinet table instead of using kitchen tables. Do members opposite know who has offered to make it? The prisoners in corrective services. They actually contacted the government and said, "Can we make the cabinet table for you?" Members opposite are laughing. I think it is fantastic that the prisoners said that they want to make the cabinet table in their workshop. It is a great credit to them that they want to build it. The opposition laughs at it but I think it is a fantastic thing for those prisoners to do.

HEALTH PROFESSIONALS — INTERNATIONAL AND LOCAL AID PROJECTS

143. **Mrs L.M. HARVEY to the Minister for Health:**

I acknowledge the year 9 and 10 students in the public gallery from Ashdale Secondary College in the member for Wanneroo's electorate.

I was pleased to see that health professionals working in the state's public sector can now receive financial support to work on international and local aid projects. I hope the minister can update the house on how the scheme will work and provide us with some more information about it.

Dr K.D. HAMES replied:

I thank the member for the question. I am very pleased with this project that the Department of Health and I have been working on for a long time. It has the potential to significantly boost morale within the Department of Health, particularly among the doctors, nurses, physiotherapists and occupational therapists who are working for the department. This will give them the opportunity to do international aid work while being supported by the government. It is very similar to what people in the Army Reserves can do. People who are in the Army Reserve can work for up to two weeks and still get their base rate of salary. This will allow doctors, nurses, OTs and physios to do the same. They can work internationally for up to 10 days while still receiving their base salary from the government. To begin with, financial support will be provided for up to 50 people throughout the year while we see how it works. It will cost the government about \$500 000 to support that. We are also working with some of the doctors who, as part of their salary allowance, already have an opportunity to go to conferences or to take study leave, and we will encourage them instead, with some support through funding that is already available in government to help with accommodation and travel, to do aid work.

We are also assisting Dr Bruce Robinson who has a website that is internationally accessible. We will upgrade the quality of that website and it will allow people, both government and non-government, to register that they are going overseas to do aid work with groups such as Rafiki, which does cleft lip and palate surgery in Tanzania, or with Indigenous communities; Dr Ian Constable, for example, goes to the Kimberley and does eye work with Indigenous communities there. The website will allow all those who work within the health system to register, see who is doing what and who is going where, offer their additional services to join with groups that do international aid work or, alternatively, form groups themselves to do that aid work. We particularly encourage people to go to the South-East Asian region. The website will also enable people from other countries, particularly South-East Asian countries, to post a statement outlining where they have a desperate need in a particular area. It might, for example, be children needing ear surgery in, say, Cambodia. Doctors, nurses and specialists in Perth can see that statement on the website and form a team to do that work.

I think this is a fantastic opportunity for our health system staff. I am really excited that it is finally underway. It has taken me a while to work through some of the difficulties in getting it all planned. This will link in and add to the international aid work that we already do in Tanzania, with our chief nurse forming teams of people who aid Tanzania—at the request, I might add, of the federal Labor Minister for Defence, Stephen Smith.

PREMIER'S OFFICE — RELOCATION COSTS

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

I refer to the Premier's denial earlier in this question time that he has misled the public on the cost of his "Palace on the Hill".

- (1) Does the Premier guarantee that the \$17 million cost, which he stands by, will cover all fit-out fees and furniture?
- (2) Does the Premier guarantee that \$17 million will provide for all window treatments, floor covering and air conditioning, or will there be additional costs beyond the \$17 million?

Mr C.J. BARNETT replied:

- (1)–(2) This is a big thinking opposition, is it not? Members opposite are right across the big issues! Yes, opposition leader, there will be air conditioning in the building.

Several members interjected.

Mr C.J. BARNETT: Gee, I am sorry about that! I do not know whether there will be blinds or louvres. I do not know whether there will be carpet or polished floorboards. Will there be art acquisitions? I do not think so; I think the gallery will provide the art.

Several members interjected.

The SPEAKER: Thank you, members!

Mr J.N. Hyde: Gaddafi made do with a tent!

Mr C.J. BARNETT: Members opposite could have a tent if they ever get back into government! We will build a little tent out the back for the miserable Labor Party.

The information I put out when we made that announcement, which was only a matter of about a month or so ago, is accurate. The final tenders, the final process and the final details, as far as I am concerned, are not yet

determined. What is happening is the basic refurbishment of the building and surrounding area, including some security measures, and those are the contracts going out. There are all sorts of contingencies and the like. I have not even seen the document that the Leader of the Opposition has in front of him. As far as I am aware, it is not a document that I made any decisions on. We made a decision to commit \$17 million to restore that building to heritage standards. It is a heritage-listed building. What would members opposite do—just leave it? The cost of simply maintaining that building so that it did not deteriorate further was around \$2 million to \$3 million. Therefore, the government was going to be up for \$2 million to \$3 million to do nothing.

Several members interjected.

Mr C.J. BARNETT: Yes, the \$600 000—I had nearly forgotten! Did members opposite not refurbish two offices for themselves during their time?

Ms R. Saffioti interjected.

Mr C.J. BARNETT: Hang on, there is the \$175 000 kid over the road.

I do not apologise for this state having a proper Premier's office, a proper cabinet room and proper accommodation for the staff who work in cabinet services. I do not apologise to this state for restoring, refurbishing and putting into active use a heritage-listed building that is 100 years old. I do not apologise to this house for progressively relocating central government agencies into Dumas House along with ministers, and then ultimately building perhaps one or two new buildings in that area, landscaping it, opening it up to the public and connecting West Perth and the parliamentary precinct with the city. I do not apologise for that at all. If members opposite want to argue about the colour of the curtains, do so; meanwhile, Western Australia will go forward.

PREMIER'S OFFICE — RELOCATION COSTS

145. **Mr E.S. RIPPER to the Premier:**

I have a supplementary question. Why should we believe the Premier that the total cost of this palace will be \$17 million when this Department of Treasury and Finance document states —

- Hale House construction & site works — \$17M
- Hale House fees, fitout & contingencies — \$8.5M

Why would we not believe this official Treasury and Finance document and believe the Premier?

Mr C.J. BARNETT replied:

The \$17 million figure that I released is the cost of refurbishing the building. I honestly do not know what site works will take place. I do not know what security might go into that. I do not know what will happen to the driveway up to it. I do not know what will be done about parking spaces. I do not know the answer to that; what I can tell —

Mr E.S. Ripper: You're trailing red herrings across the debate!

Mr C.J. BARNETT: I am not, and we will not be spending large amounts of money on the internal fit-out, other than that it will be required to have a lift and disability access. All those requirements will be met, and they will be overseen by the Heritage Council to ensure that it is all done according to heritage law.

Mr E.S. Ripper: Why don't you just admit it: \$25.5 million is the cost!

Mr C.J. BARNETT: I do not know that. The figure I have given is the estimate of refurbishing the building.

Several members interjected.

The SPEAKER: Members!

Mr R.H. Cook: You don't know!

Mr E.S. Ripper: A while ago you were saying \$17 million was it.

Mr C.J. BARNETT: If members read the statement, \$17 million is the cost of refurbishing the building. I do not know what will be done in terms of security access around the building or other services. That is the answer. I know members opposite do not like it and think that they will campaign on this for two years. Members opposite are disrespectful to this state.

Several members interjected.

Mr C.J. BARNETT: They are disrespectful to this state and its heritage! I simply say to the Leader of the Opposition —

Several members interjected.

The SPEAKER: Members!

Mr C.J. BARNETT: If the Leader of the Opposition wants to pursue this issue, fair enough; it is a public issue, pursue it. I was very conscious that the Leader of the Opposition would do this, but he should tell the people of Western Australia what he would do for a Premier's office and a cabinet room. Again, I remind the house that this was not a decision that started with the government wanting to build a new office; it was brought upon us by the decision of the owners of Governor Stirling Tower to conclude the lease and to refurbish the building. Therefore, the Premier's office and the cabinet room had nowhere to go. We had a choice of renting similar and expensive accommodation in the city and refurbishing it, or restoring a government-owned heritage building and making that the permanently owned office for the Premier and the cabinet of the state.

NATURE PLAY WA — CHILDREN AND NATURE NETWORK

146. Mr A.J. SIMPSON to the Minister for Sport and Recreation:

Last year the minister informed the house of a new initiative that he launched through the Department of Sport and Recreation called Nature Play WA. Can the minister please advise what progress has been made on this program and how it is benefiting local communities throughout my electorate and the state of Western Australia as a whole?

Mr T.K. WALDRON replied:

I thank the member very much for the question. I am delighted to answer this question because it is an initiative that I, the state government and the Department of Sport and Recreation are very, very proud of. It is something that we are proud to support because it actually delivers real benefit to our kids and to our communities.

I think most members probably know about Nature Play. It is an initiative that was developed by the Department of Sport and Recreation and one that I personally strongly support and have tried to drive because of the benefits from it that I and others in the areas of health and law et cetera can see. Since this initiative started, Nature Play WA has become an incorporated not-for-profit organisation. Its mission is to raise the awareness of youngsters of the importance of unstructured play outdoors, reconnecting with nature and getting more involved with their natural environment. I am probably a bit older than other members, but that is something that baby boomers such as I did naturally. When I gave a talk on this initiative in the Perth Concert Hall, Richard Louv was over here with us and the concert hall was full. As I was speaking, I started to think about the things that I used to be able to do and that my kids cannot do. This initiative is about reconnecting those kids. It is about getting kids outdoors, having unstructured play and developing their physical, social, mental and cognitive skills. We have also found that when kids are outside and physically active, they enjoy it, they love it, and this leads to them joining sporting clubs and recreation groups et cetera. So that is a real positive.

For the information of members, there are now 17 organisational members, and they include, obviously, the Department of Sport and Recreation, as well as representatives of the Australian Medical Association, the Royal Australasian College of Physicians, the Department of Environment and Conservation, the Heart Foundation and the Western Australian Primary Principals' Association. So this initiative has strong support.

At the last sports ministers' conference, I had the opportunity to speak about Nature Play. There was a lot of interest in it, which I followed up. People asked for information about it, so I am hopeful that this initiative will be taken up over east, in New Zealand, and in Papua New Guinea also. It is something that people are recognising.

I want to quickly mention an upcoming initiative of Nature Play WA, which members may have read about. There have been little articles in *The West Australian* about this. This Anzac Day, 800 primary school children and parents will descend on Rottnest Island for a day of nature play and unstructured play outdoors. This event will raise awareness of the role that nature plays in children's healthy development, physical activity, building resilience, mateship and all those types of things. This will happen on Anzac Day, and I think this is something that goes to the heart of the Anzac spirit. The event will start with the families leaving very early in the morning—my family is going also. They will attend a dawn service at Rottnest, and then they will go on their nature play, which will include such things as snorkelling and riding on bike trails. As part of the Anzac Day commemorations, they will go to the gun emplacement et cetera, and they will reconnect with nature. There will be time for the kids to play in the bush, in an environmentally sound way, of course.

I wanted to underline the interest in this initiative. One hundred and twenty seats have been allocated to those members of the general public who signed up to Nature Play on Facebook or via the e-newsletter. Those 120 seats sold out in nine minutes, so there is a real community push for this initiative. We have kept some tickets aside to allocate to special groups, such as the families of the FESA volunteers who fought the Roleystone fires. We are taking some of those people over to Rottnest with us, as well as Department for Child Protection foster care families and families with disabled children. We are trying to make it quite a day.

If members want to know more about Nature Play, will they please have a chat with me or talk to the people from the Department of Sport and Recreation. It is an initiative that is growing, and I believe it is a very good

thing. I want to acknowledge the work behind the scenes, particularly of the chairman, David Roberts, and all the volunteers, who are really driving this hard and doing a great job to help our children become healthy and active and to have a better social and mental outlook on their lives.

COCKBURN CEMENT WORKS — DUST POLLUTION

147. Mr F.M. LOGAN to the Minister for Environment:

I draw to the minister's attention the recently released Department of Health analysis of dust from Cockburn Cement Ltd.

- (1) Will the minister now include in the company's new environmental licence a requirement to put a baghouse filter on kiln 5, as recommended by the Department of Health?
- (2) Given that the Department of Health states that the modelling data for the proposed new Cockburn Cement licence is deficient, will the minister now halt the appeals process and direct the Department of Environment and Conservation to correct the figures that set the dust emission levels?
- (3) The report states that if dust emissions continue unabated, there is a clear risk of adverse health outcomes for infants, children and older residents. Until Cockburn Cement Ltd installs baghouse filters on both lime kilns, will the minister now direct the company to desist from this level of pollution?

I can assure the minister that, as of 10 o'clock this morning, people could virtually not see around the Cockburn Cement facility because of the level of dust and pollution coming from that plant.

Mr W.R. MARMION replied:

I thank the member for Cockburn for giving me a copy of the health department's report last night, which I managed to read from cover to cover.

- (1)–(3) I will commence by saying that I am aware of the community concerns. I know that the member has been pushing their concerns for many years. I have seen photos of the dust from the kiln—I have not seen the one that the member has—on cars and on houses. I know that DEC has put stronger conditions on the new licence that was issued on 20 December. That has been appealed, as the member knows, and the Appeals Convenor is considering the concerns that have been raised. The health department report has gone to the Appeals Convenor, so the Appeals Convenor will consider the content of that report.

I will provide some background for the benefit of members. The new licence requires that a baghouse filter be put on kiln 6, and Cockburn Cement has undertaken to put a baghouse filter on kiln 6, at a cost of \$23 million. That has to be in place by February 2012, as the member already knows. There are also new dust targets for total suspended particles. In addition, Cockburn Cement is required to shut down if the dust limits are exceeded.

Mr F.M. Logan: They certainly haven't done that. That was at 10 o'clock this morning.

Mr W.R. MARMION: I expect to get the Appeals Convenor's report within the next month. He will take into account this health department report. When I receive the Appeal Convenor's report, I have undertaken to visit some of the residents, and also visit the Cockburn Cement facility.

I must say that I was concerned when I read the report. I will not hesitate to require tougher licensing conditions, including the possibility of a baghouse filter on kiln 5, if I determine that the new conditions do not protect the community. I am quite happy to say that. As the member knows, I have asked DEC to keep Cockburn Cement under constant review.

Turning to the report, I noted when I read the report that it contains an interesting table showing the measuring of dust. Also, interestingly enough, as the member pointed out to me last night, kiln 6 was shut down when the dust was being measured. Reading the figures, it is interesting to note that the dust levels recorded were not much different from what they were when kiln 6 was operating. That is an interesting statistic, which, of course, I expect the Appeals Convenor to take into account when he is looking at the current licence.

The report does not actually say that kiln 5 should have a baghouse filter on it, but I acknowledge that the report suggests that effective controls that prevent dust fallout events originating from kiln 6 should also be implemented for kiln 5 to ameliorate the impacts to amenity and wellbeing of residents living close to the CCL facility. So the report suggests that certainly kiln 5 probably should be looked at, and I undertake to ensure that I will do that.

COCKBURN CEMENT WORKS — DUST POLLUTION

148. Mr F.M. LOGAN to the Minister for Environment:

I have a supplementary question. As requested, will the minister now agree to meet with a representative group of residents to hear of their plight and to see what they are faced with every day?

Mr W.R. MARMION replied:

As I mentioned, I do not want to interfere with the Appeals Convenor's process, but once the appeal reaches my desk for my consideration, I will meet with residents of the member's choice and I will also go on site to Cockburn Cement.

WATER CHARGES

149. Mr J.J.M. BOWLER to the Minister for Water:

My question deals with the ever-increasing water prices in my electorate. I recall it was the now Leader of the Opposition, then Treasurer, who blindly accepted the recommendations of the Economic Regulation Authority to increase water charges, especially for commercial users, not by the 30 per cent we are talking about for power charges, but by the disproportional amount of 300 per cent over time. The Liberal-National Government is in office now and I recall the Minister for Water's side bleating and screaming about the water charges increase three years ago. Now that the Minister for Water is in office, what will he do about the ever-increasing water prices and will he change what was started by the decision of the former government?

Mr W.R. MARMION replied:

I thank the member for Kalgoorlie for the question. I know, as everyone knows, that the member for Kalgoorlie is a strong advocate for people in Kalgoorlie. As someone born in Kalgoorlie, I have some sympathy for the points made by the member for Kalgoorlie.

This year a subsidy is being paid by the government for country water sewerage and drainage operations in the order of \$340 million. A subsidy is already being paid to country water users. Indeed, the Economic Regulation Authority has a role in recommending water tariffs to the government. The government supports—I think members on the other side do also—the role of the ERA in recommending water tariffs. The ERA is an independent body that has the ability to undertake analysis and promote regulatory outcomes that are fair to all Western Australians. The ERA also has a strong role in being an independent regulator for monopolies such as the Water Corporation; that is another good reason the ERA is in existence. However, as the Minister for Water I have the statutory authority to set the charges. Although the ERA can make the recommendations, as the member pointed out, at the end of the day the government, or I as minister, can set the level. No level has been set, but that will be part of the budgetary process this year and is obviously under review.

I refer to water tariffs that have come into play. The ERA recommended, and the government agreed, that the supply charge for water and waste services be the same for all businesses right across Western Australia that use less than 49 kilolitres a day. However, it is true that consumption charges vary based on the actual cost of providing water. The ERA has a role in determining that cost. A good reason to have cost-reflective pricing on water is that it provides an incentive for businesses to adopt water-efficient practices and perhaps find alternative water sources, use water of a lower grade or reuse water. To minimise the impact on businesses, a gradual phase-in of the cost-reflective tariffs has been adopted. As the member probably knows, there is a cap of \$5.948 a kilolitre. I have been advised that approximately 30 per cent of businesses will benefit from that cap.

I acknowledge that the residents and businesses in Kalgoorlie pay a higher rate for water than people in Perth pay. However, at the end of the day water pricing is not the ERA's decision, but a decision that the government will make. We will consider water pricing in the coming budget.

WATER CHARGES

150. Mr J.J.M. BOWLER to the Minister for Water:

I have a supplementary question. Is it right that the philosophy of the water charges is that rainfall is cheapest, bore water is the next most expensive and desalination is the most expensive? It appears that only desalinated water is going to Kalgoorlie-Boulder—no other sort of water. If it rains in Perth, can we get some of our share of that?

Mr W.R. MARMION replied:

The water is a mixture; it is not specifically going from one source to another. The ERA works out the cost of supplying the water. Not all the desalinated water goes to one place. I take the member's point.

ELECTRICITY TARIFF INCREASES

151. Mrs M.H. ROBERTS to the Treasurer:

The Treasurer has said that to freeze electricity prices over four years would cost \$3.25 billion.

- (1) Does that cost equate to about \$3 000 per family; and, is that how much extra families will have to pay in power costs?
- (2) What protection can the Treasurer offer families and pensioners from massively increased power bills?

Mr C.C. PORTER replied:

(1)–(2) That is a very fair question. What sits behind the \$3.52 billion is that the budget papers show a 22 per cent forecast increase in electricity prices next year. That forecast increase will not occur. That forecast increase would have taken us to cost-reflectivity, in addition to the difficult decisions that we have had to make over the previous 18 months that have resulted in a 46 per cent increase in electricity costs. However, new information has come through to us from the utilities during the course of putting this budget together that suggests that the costs of generating, transmitting and producing electricity and delivering it to a household are increasing very rapidly. The increase in costs has been going on since the former government commissioned the review of the Office of Energy. In 2011 we find ourselves in a period when electricity is rapidly becoming increasingly costly to produce for a variety of reasons that relate to environmental policies and the costs of generation, fuel, labour and construction. The government has said that there will not be an increase of anything like the magnitude of 22 per cent next year. However, let me note that in the context of those increasing costs, the estimated figure of 22 per cent to bring us to cost-reflectivity in one year—that is, next year—is now wrong. The price increase required to bring us to cost-reflectivity is now higher than that.

Mr E.S. Ripper: What is that figure?

Mr C.C. PORTER: The Leader of the Opposition will see that figure as part of the budget. However, our price increases will be nowhere near 22 per cent or a larger figure than that.

Mrs M.H. Roberts: You gave us the \$3.25 billion figure last week. That is not a figure from last year; that was you last week. You said \$3.25 billion. Are you saying the figure that you gave us last week is not correct?

Mr C.C. PORTER: I am getting to that point of the member for Midland's question. The cost of electricity is the cost of electricity. There are two ways in which utilities can recover that cost; one is through prices and the other is through the direct subsidies that the government pays to the electricity utilities. I say to the member that the former Labor government's policy of freezing the price of electricity so that over the next four out years there was a zero per cent increase, zero per cent increase, zero per cent increase and zero per cent increase would, based on the cost structures that we have been informed now exist, require a direct operating subsidy to the electricity utilities of \$3.25 billion.

Mr E.S. Ripper: Why can you release that figure but not the percentage figure?

Mr C.C. PORTER: Because that is part of the budget process. We are now scrutinising that claim about those costs. We are scrutinising that analysis of \$3.25 billion. To put that figure in perspective, Labor's entire capital spend budget in 2007–08 was \$2.79 billion. If we were to freeze electricity prices, a figure in excess of the entire capital spend of the former government's yearly spend would be directly pumped in electricity utilities. Surely that cannot be a great idea; it is a bad idea. We have to look at the appropriate mix of the rapidly increasing costs being borne through the consumers' end price and by all Western Australians through the taxpayer system, which results in subsidies. The opposition's solution is zero per cent increases in price and \$3.25 billion coming from the taxpayer. Our solution is a modest increase in price. There will be a heavy subsidy to the electricity utilities over the next four years, but we think it is taking a wrecking ball through the Western Australian economy to make that subsidy \$3.25 billion over four years. It is just silliness. It might be electorally attractive for six months —

Mrs M.H. Roberts: That's not our policy.

Mr C.C. PORTER: It is the Labor Party's policy; the opposition said its policy was to freeze electricity prices. The Labor Party has said in this place a number of times that its policy is to freeze electricity prices.

Mrs M.H. Roberts: We said a one-year freeze; you know that. You are deliberately misleading.

Mr C.C. PORTER: It is the opposition's policy; it has said this four or five times!

Mrs M.H. Roberts: We said a one-year freeze—that is all we have said.

Mr C.C. PORTER: The Labor policy is that if it makes it into government next year, it will freeze electricity prices. I have news for the Labor Party: it will not make it into government next year.

Several members interjected.

Mr C.C. PORTER: I am very confident about that point.

The opposition knows that that is a ridiculous promise, and only one that can be made under the expectation of never having to deliver on it. The Labor Party's policy of freezing electricity prices is one of the worst possible examples of rampant stupidity that could be driven into an economy. It is Labor's policy—and it is dumb.

ELECTRICITY TARIFF INCREASES

152. Mrs M.H. ROBERTS to the Treasurer:

I have a supplementary question. Is it the government's expenses growth of \$4.5 billion—that is over 25 per cent in just two years—that has prevented it from keeping electricity costs down or does the government simply not care about families and pensioners?

Mr C.C. PORTER replied:

Rising electricity costs have nothing to do with the level of recurrent expenditure growth; they are totally unrelated.

Mr E.S. Ripper interjected.

The SPEAKER: Order, Leader of the Opposition!

Mr C.C. PORTER: I put the question of why electricity costs were increasing to all the utilities when I assembled them for a briefing. They asked me whether I wanted an answer to that in a nutshell, and I said I did. They said that the reason the cost of electricity production, generation and delivery is increasing, in a nutshell, is everything: it is the cost of fuel, the cost of construction and particularly the cost of purchasing renewable energy certificates, which the commonwealth government requires us as a state and our state utilities to do. These things all feed into the cost of generating power, which is rapidly escalating. This government has reduced recurrent expenditure growth compared to the levels it inherited—not as much as I would like, but it is still a considerable and decent effort. This government has also stabilised recurrent expenditure growth for public sector wages at a level far improved upon the situation under the former Labor government. That gives the government the flexibility to ensure that next year's budget will not have to do what was anticipated, because we have shown some discipline in recurrent expenditure growth. Had we inherited, as we did, \$4.7 billion and kept it going, our ability to manoeuvre and give the Western Australian public some respite from electricity cost increases would be minimal. If the Labor Party were in government, it would have had no choice whatsoever.

ENVIRONMENTAL APPROVALS — STREAMLINING

153. Dr M.D. NAHAN to the Minister for Environment:

I refer to the Liberal Party's commitment to streamline environmental approvals and to ensure that applications are processed in a timely manner. Can the minister outline to the house the actions taken and results achieved by the government in respect of this commitment?

Mr W.R. MARMION replied:

I thank the member for Riverton for the question. I know that he is a person who over at least the last 15 years has always had an interest in the timely approvals process of Western Australian government—and indeed of all governments.

It is interesting that the Department of Environment and Conservation released in January this year its quarterly performance report on industry regulation and its quarterly performance report on its native vegetation conservation program. The tables in these reports show that the reform processes —

Mr C.J. Tallentire interjected.

The SPEAKER: Member for Gosnells, it might be more appropriate if you asked a question in this area. I formally call you to order for the first time.

Mr W.R. MARMION: These reports show that the Liberal–National government's reforms to streamline the approvals process have been working. Despite the fact that the number of applications has gone up, we have managed to bring the time line down. I give the example of major resource project approvals. In the second quarter of 2008–09, the average time taken to issue application approvals was 60 working days, and, as of the end of last year, that figure had gone down to 45 working days.

Mr C.J. Tallentire: You are just allowing environmental destruction, minister!

The SPEAKER: Again, I suggest, member for Gosnells, that you frame a question around this matter. It might be an appropriate way for you to get the information you seek. Interjecting will not help.

Mr W.R. MARMION: Member for Gosnells, watch this space. This government will go down in history for some of our conservation policy, particularly in marine parks.

In the last quarter of 2010, 36 applications were processed and 145 applications were processed in the last two years. That is a huge increase in the number of applications. In that time, we have brought the average time of processing down from 60 to 45 working days. Similarly, we have had a large increase in the number of major resource project licences approved. We have managed to maintain the average time of approval at 34 days.

However, other project approvals show perhaps the most impressive statistics. I happen to have a chart. The chart demonstrates that at the beginning of 2009, the average approval time for a project was 131 days. As of the end of last year, it was 40 days. What has happened to the workload? Six projects were approved at the beginning of the period, and 26 were approved at the end. Therefore, not only has the workload increased, but as it has increased, the time line has decreased. That is a great achievement.

Just to round off, under the native vegetation conservation plan, it was not unusual for some clearing plans to be outstanding for over 200 days; I have heard of even longer periods. This report, which I am happy to table—I am also happy to table the other report—states that the average time for issuing clearing permits is down to 45 days. This demonstrates that the government's reforms—the independence of the Office of the Environmental Protection Authority, the amendments to environmental protection legislation, and indeed, this government's diligence in making decisions and determining appeals—are working.

The SPEAKER: The reports are tabled.

[See papers 3228 and 3229.]

ABORIGINAL EDUCATION STRATEGY 2010–2014

154. Mr B.S. WYATT to the Minister for Education:

Before I ask this question, on behalf the member for Perth, I acknowledge the students from our sister state of Surabaya, Indonesia, and from Trinity College here today in the public gallery.

I refer to the fact that the previous Aboriginal education strategy expired in 2008 and that the proposed Aboriginal education strategy 2010–2014 is yet to be signed off and released by the Minister for Education.

- (1) When did the Department of Education forward the plan to the minister's office?
- (2) Why is it that the proposed Aboriginal education strategy due to commence in 2010 has still not commenced in 2011?
- (3) Will the minister finalise the strategy before it is due to expire in 2014?

Dr E. CONSTABLE replied:

I thank the member for Victoria Park for the question.

- (1)–(3) I am sure he would agree that the most challenging issue we have to deal with in education is Aboriginal education.

Mr B.S. Wyatt: That is why I am very keen for the strategy to be released, minister.

Dr E. CONSTABLE: As am I. If the member gives me a moment to explain, he will see where we are at with this strategy. There is a national Aboriginal and Torres Strait Islander plan, which is being developed through the ministerial council, and this state has taken the lead on that plan.

Mr B.S. Wyatt: So it hasn't been rolled out in Australia. The whole country is waiting!

Dr E. CONSTABLE: Let me finish; just listen for a moment. We initially took the lead on this plan. We have been very involved in it, and all states have also clearly been involved in it. It has been signed off now by the ministerial council. It is a Council of Australian Governments document and will be signed off by COAG, I understand, out of session. Until that plan was completed, which was very recently, we were not able to complete our own plan, so there have been some delays in the completion of the Western Australian Aboriginal and Torres Strait Islander plan.

Mr B.S. Wyatt: In light of the fact that WA is leading it, when can we expect to see it?

Dr E. CONSTABLE: I hope very soon, but we will not finalise our plan until the national plan is signed off, because we see the two being hand-in-hand. It is no use us having a plan that is out of step with the national plan. Until that is signed off, we will not complete our own plan.

Mr E.S. Ripper: So we've got no plan.

Dr E. CONSTABLE: We do have our own plan. We have been leading that and have been finalising it. I expect that once the national plan is signed off, ours will be signed off.

Several members interjected.

The SPEAKER: It is nice to know that everybody is very enthusiastic, and some people are more enthusiastic than others. The minister has the call. I am sure the member for Victoria Park will ask a supplementary question, and that will be the process.

Dr E. CONSTABLE: I understand the national plan is due to be signed off by heads of government out of session fairly soon, but I do not know the exact date.

ABORIGINAL EDUCATION STRATEGY 2010–2014

155. Mr B.S. WYATT to the Minister for Education:

I have a supplementary question. Has the minister seen a copy of the draft of the government's plan, and when was that plan forwarded to her office?

Dr E. CONSTABLE replied:

I do not have any recollection of seeing that plan.

Mr F.A. Alban: Mr Speaker —

The SPEAKER: I am sorry to tell members that question time has expired. Tomorrow is Thursday. I am looking forward to seeing the member for Swan Hills on his feet in question time tomorrow. However, at this stage, I have given the call to the member for Rockingham.

PREMIER'S OFFICE — RELOCATION COST*Standing Orders Suspension — Motion*

MR M. McGOWAN (Rockingham) [2.52 pm] — without notice: I move —

That so much of the standing orders be suspended as is necessary to enable the following motion to be moved forthwith —

That the Premier be condemned for misleading the people and Parliament of Western Australia in relation to the full cost of his new office at Hale House.

I am going to explain to the house why this matter is urgent, and I am going to explain to the house what evidence the opposition has that the Premier has misled this house and has misled the people of Western Australia on this issue. After I do so, I will seek an indication from the Leader of the House whether the government is agreeable to a suspension of standing orders along matter of public interest rules. Perhaps he could give me that indication or let me know whether he wants me to expand the arguments.

Mr R.F. Johnson: I will be responding to your motion.

Mr M. McGOWAN: So that is a no. The reason this is urgent is that the Premier has on a number of occasions advised the people of Western Australia that the total cost of his new palatial office over the road from this building would be \$17 million. He has done that on a number of occasions, including via a press release dated 24 February 2011, a few weeks ago, and via a short ministerial statement of the same day. He indicated that the total cost would be \$17 million. I will quote from his short ministerial statement in this Parliament —

The construction, site costs and most of the fit-out for the redevelopment of Hale House are estimated at \$17 million plus planning, design, and other fees.

That is what he told us on 24 February 2011. Naturally he advised the house of this information and he would have been keen to ensure that the costs advised to the public were kept as low as possible, because a palatial new office complex over the road from this building is a sensitive issue. He went out there and said, "That is going to be the cost for the taxpayer of Western Australia to fork out in relation to this matter."

What have we found in the meantime? We found out a range of things. First of all we found out from none other than the Under Treasurer of Western Australia—one of the most senior and best public servants in the state—when giving evidence on oath before a parliamentary committee on Monday that the total cost was actually \$25.5 million. That is an \$8.5 million difference in cost—\$8.5 million additional. We found out not only via evidence before a public hearing of the Public Accounts Committee on Monday; we also found out via documents that were delivered to us by the Premier's office. The Premier's office provided us with this information! We got the information via both the Premier's office and the Under Treasurer that there is an \$8.5 million additional fee to establish the new Premier's palace over the road from this building.

In question time today the Premier indicated to the house it was \$17 million. There might be a couple of bits at the edges. He said that is all it was. He was not aware of any of the finer details—maybe there will be some blinds and maybe some window coverings and so forth. That is all there would be: \$17 million. We know from the evidence of the Under Treasurer and from the documentary evidence given to us that that is not the case.

The Premier then indicated to the house—get this, members—that he was going to have all the old furniture from the building that he is currently in. All the old furniture from his current building would be delivered to the new offices. I have a copy here of the tender documents for his new offices. The Leader of the House will like this. The tender documents put out to public tenderers in Western Australia show that the cost set aside in addition to the \$17 million just for furniture for the Premier's new office is \$1 million. The Premier told us earlier that he was just going to retain furniture from his existing office. Here are the tender documents that the government of Western Australia, through Building Management and Works, has put out to all the tenderers —

A separate furniture, fittings and equipment ... budget is still being defined but ... the amount of \$1 000 000 should be allowed for manufacture/fabrication and/or procurement ...

That is, manufacture and fabrication and procurement of furniture. That is the Premier's document. The Premier told us not more than an hour ago that he was just getting the furniture up from the existing buildings and the prisoners were going to make a table, yet his own tender documents indicate his furniture will cost \$1 million. He makes it up as he goes along. He then indicates he will get value for money and be very careful in how it is provided. The tender documents also say —

... areas accessed/used by guests, visitors and ministers should be finished to a very high standard of interior design and treatments, befitting the stature of premises for the head of government of Western Australia. Other back-of-house areas for administration and support staff and that are not readily accessed by visitors and the general public may be finished to a more modest standard.

But the pièce de résistance —

Point of Order

Mr R.F. JOHNSON: The member has now had five minutes to speak to the motion, which is to suspend standing orders. He said that is what he was going to do. He has moved on to the substantive motion. I suggest he either comes back to the motion or sit and let somebody else have a word.

Debate Resumed

Mr M. McGOWAN: I will wind up very shortly and I will explain to the house why it is urgent this matter be debated. The Premier needs to explain things like this: his tender documents indicate he is going to have a safe room; it will be \$30 000. I looked up “safe room”. A safe room is defined as a panic room. He is going to have a panic room in his new office. Mr Speaker, I will tell you who should be panicking: it is the taxpayers of Western Australia who should be panicking. It is not the Premier who should be panicking; it is all the rest of us who have to pay for it who should be panicking about his folly.

Mr R.F. Johnson: What I think is a good suggestion is that we would be very happy to accept a late notice of motion for this to be debated at four o'clock under private members' business. The member for Rockingham could then talk as long as he liked, and as many members opposite who want to talk could do likewise.

Mr M. McGOWAN: The Premier has misled this house —

Mr C.J. Barnett: If it is important, bring it on in private members' time.

Mr M. McGOWAN: The motion is to debate whether the Premier has misled this house and the people of Western Australia. That is the most serious allegation that can be made in this house. It is a matter that needs to be debated as soon as possible. When we catch the Premier giving untrue information to this Parliament and to the public about the cost of offices, which is a very sensitive issue to the public of Western Australia, it deserves to be debated straightaway by this house. The public would be very interested to know that the Premier has gone out and told the public one figure for his new palatial office when the truth of the matter is that it is a much higher figure. The Premier even invited us twice, in question time, to bring this matter on for debate so we could discuss all these issues and what alternatives there might be. I have a few ideas on what alternatives might be out there. I would like to take the Premier up on his invitation as to what alternatives there might be to that grand palatial plan of his for his own grandiosity and pomposity that he is setting up over the road. That castle over the road is unnecessary and the Premier needs to —

Mr C.J. Barnett: What is the alternative?

Mr M. McGOWAN: Excellent—I will explain the alternative to the Premier.

Mr C.J. Barnett: A tent!

Mr M. McGOWAN: The Premier has just moved the Department of Training and Workforce Development out of the Department of Education; that is, out of a government-owned building into a leased building in the Optima Centre in Osborne Park. A range of government offices currently occupy floors of Dumas House. The top couple of floors of Dumas House are certainly more than good enough for the Premier of Western Australia and a cabinet room. And, he could get a new table! The Premier could quite easily have put his office in with all the other ministers, perhaps where it should be. Public servants could have moved out of Dumas House into the Optima Centre and left the Department of Training and Workforce Development where it was, and problem solved—easy to fix. Dumas House has 14 floors. This government has 17 ministers; they only take up half a floor each. Do the maths—there are a whole heap of floors left in that building; a whole heap of floors that the Premier's office could have gone into and had a great view over the river and Kings Park. That is entirely appropriate for the Premier of Western Australia. The Premier is no better than his ministers. That would have worked a treat.

MR E.S. RIPPER (Belmont — Leader of the Opposition) [3.02 pm]: I support the motion to suspend standing orders. This is not a complicated matter but it is a very important matter. It is about the credibility and honesty of the Premier of this state. It is about taxpayers' dollars. It is not about where the office of the Premier should be. It is not about accommodation options. It is not the sort of debate that the Premier would divert us towards. I warn members of this house that that is what the Premier will try to do. He will try to lay false trails. He will try to divert us. He will try to distract us by asking us to debate issues of accommodation rather than the issue of credit and honesty about the use of taxpayers' dollars, which is at the heart of this. This does not need to be a long debate but it is an urgent debate. There is a pretty clear issue here: the Premier went out and said, "I'm having a new office and it is costing \$17 million." We now find it will cost 50 per cent more than that; it will cost \$25.5 million! Why do we know that? That is what the Premier has to answer. That is why we need a debate.

We have this document called "Government Office Accommodation Reforms" presented by Timothy Marney, Under Treasurer, dated 21 March 2011. This was the basis of the Under Treasurer's presentation to the Public Accounts Committee on Monday. I have to tell the house that, remarkably, the document was delivered to my office by a staff member of the Premier's office! A staff member of the Premier's office delivered this document as the backup for what we already knew from a public hearing before the Public Accounts Committee. It is an official presentation by Timothy Marney, the Under Treasurer. It is very interesting; I think that is why we need a debate. Page 28 of the document bears the heading "Benefits of the Hale House site". The first benefit listed is "Refurbishment of this heritage building to a 'stately' condition allows for long-term use".

Mr C.J. Barnett: Words I have never, and would never, use.

Mr E.S. RIPPER: It is used in the presentation of the Under Treasurer: "Refurbishment of this heritage building to a 'stately' condition allows for long-term use".

Mr C.J. Barnett: Not my words, ever. Leader of the Opposition, if you took the time to read my press release when we announced Hale House, and took the time to read my brief ministerial statement, I think you would sit down.

Mr E.S. RIPPER: I will read the Premier's press release —

"It's estimated the construction and site costs for this project will cost \$17million and bring the building up to the same standard of the adjacent Constitutional Centre and the Old Observatory.

The Premier said in his ministerial statement —

The construction, site costs and most of the fit-out for the redevelopment of Hale House are estimated at \$17 million plus planning, design, and other fees.

Clearly the Premier did not want us to understand that the cost was going to be 50 per cent more, at \$25.5 million. This is a motion as to why we need this debate. This is an issue about spin versus reality. The Premier is increasingly engaging in spin. He says black is white. He expects that people will respect his authority and walk away and not question his comments because he is the Premier and he has the air of authority; that is, "He said this is the case; therefore it must be the case." He is increasingly misusing the prestige and power of his position to hide the real truth about what he is doing. This house needs to have a debate on this issue because this is a basic matter of accountability. We are the principal accountability agency for the Premier and his ministerial colleagues in this house. That is why we need to have the debate. What could be more important and more requiring of an urgent debate than something that goes to the basic credit and honesty of the government when it communicates to this house and to the public of Western Australia how it will use taxpayers' money? The whole basis of executive accountability to this house is the question of this house giving approval to and scrutinising the use of public finances. That is the basis. If we are talking about credit and honesty and public finances, we are talking about the central relationship between the executive and this house of Parliament. That is why we need an urgent debate. We do not need to debate what will be in the office or what the opposition's alternative is, or anything like that; that is a debate for another time. The debate we need today is the basic debate about whether the Premier tells the truth when talking to the people of Western Australia and whether the Premier tells the truth when talking to members of this house about a topic that he would be sensitive about—the exact total amount of taxpayers' dollars to be spent on his new office. Clearly, he knew that the cost would be \$25.5 million. He sits on the budget committee of cabinet. I am sure the budget committee of cabinet would have considered the whole works program. I am sure that the documents would have come past the Premier in his capacity as a member of that committee and in his capacity as a member of cabinet. I know the Department of Treasury and Finance—it is not going to make up on an ad hoc basis an \$8.5 million figure for fit-out. That will be the figure. The Under Treasurer does not appear before a parliamentary committee, controlled by the opposition, and make up a figure! The Premier is having us on if he denies the truth of what is in this document and what the Under Treasurer presented to the Public Accounts Committee.

We could talk at length on another occasion about office accommodation and alternatives and so on. If we are to talk about that, I would say to the government: give us all the information. Give us the options and give us the

financial analysis so we can look at what choices the government actually had before it. We might be able to say what option we would have chosen had we had that information before us. The government has refused on many occasions to give us that sort of financial analysis and financial information. The Premier expects the opposition, with a staff of 14, to develop the same level of plan as the government produces on the basis of the information that comes from the Department of Treasury and Finance. I repeat: we will have that debate at a later stage; I am very happy to have that debate, particularly if we are given the basic information. If we are to properly hold the executive to account in this place on financial matters, the issue of credit, credibility and honesty in the provision of information to this place is absolutely essential. That is why we need to have the debate. It does not need to be a long debate, but we need to have the debate because this place cannot do its job of holding the executive accountable if we cannot trust the information that the executive gives to us. We cannot do our job as members of Parliament if we cannot trust that information.

I would have thought at question time when the Premier was confronted with this information that he might have got up and coughed up that he did not mention the extra \$8.5 million of fit-out; instead, the Premier tried to pretend to this house that it will all be done for \$17 million. Then a little bit later on, when pressed, he seemed to say that it might cost a little bit more. We ought to have this debate, and the Premier ought to come clean and say exactly what it will cost. If the government's own Department of Treasury and Finance is putting aside \$25.5 million, surely that is the cost? In fact, the worry that the taxpayers would have is that when the bills come in it will be \$30 million or \$35 million! It has not exactly been the case in the entire history of the government of Western Australia since responsible government that many projects have come in under the budget specified by the Department of Treasury and Finance. The Premier is promising something that is right out of character with the entire history of the state! The Premier is going to bring in the project for two-thirds of the amount allocated by the Department of Treasury and Finance. That is not credible. He has not told the truth! This house has to have a debate on this motion so that we can hold the Premier to account for a basic requirement of his job—to tell the truth about public finances to this house and to tell the truth about public finances to the people of Western Australia.

MR C.J. BARNETT (Cottesloe — Premier) [3.15 pm]: The Leader of the House advised the opposition that we were prepared to allow it to give a late notice of motion and to debate this at four o'clock in private members' time, if that was its most important issue. That offer was made, and it has been declined by the opposition. The opposition is not genuine. It can debate this matter for as long as it wants, and that offer stands. If the opposition really wants to debate this issue, as the Leader of the House said, we are willing to allow it to bring it on as its business at four o'clock—45 minutes away—if that is what the opposition wants to do. Do members opposite want to do that?

Mr M. McGowan: Bring it on now!

Mr C.J. BARNETT: We know members opposite are not serious.

Mr M. McGowan: You used to bring on suspensions all the time and we accepted them.

Mr C.J. BARNETT: The member for Rockingham has had his say; we have listened to him!

Several members interjected.

The SPEAKER: I would like to hear what the Premier is saying, and I am sure that other members in this place would as well.

Mr C.J. BARNETT: The opposition thinks this is the most important issue.

Mr E.S. Ripper: You don't defer a debate on the Premier's honesty. You do not do that! The Premier's honesty, you have to debate straightaway.

Mr C.J. BARNETT: If this was the most important issue for the opposition, it could bring it on at four o'clock. The government has agreed to do that, and the opposition can debate it for as long as it wants then. That is its choice. I assume members opposite are now saying that they do not want to do that. Therefore, we do not agree to suspend standing orders. If the opposition does not want to use the three-quarters of an hour in private members' time for this matter, we will resume government business.

I will take this opportunity to comment on a few of the things raised. I remind members opposite of the media statement put out in my name on 24 February 2011. The fourth-last paragraph reads —

“It's estimated the construction and site costs for this project will cost \$17million and bring the building up to the same standard of the adjacent Constitutional Centre and the Old Observatory.

Mr E.S. Ripper: What you say to every journalist is always ask what the Premier has left out!

Mr C.J. BARNETT: No, listen to me! I am not interested in you, my friend. I am not interested in you at all. Again, if I need to, for anyone who —

Mr E.S. Ripper: Journalists beware!

Mr C.J. BARNETT: The Leader of the Opposition says “Journalists beware!” If anyone cares to listen—I think that journalists might—it says very clearly that it is the estimated construction and site costs. That is what I said. In the brief ministerial statement made in Parliament on the same day, 24 February, the relevant paragraph reads —

The construction, site costs and most of the fit-out for the redevelopment of Hale House are estimated at \$17 million plus planning, design, and other fees.

I could not be clearer. Subsequent to that statement I was approached by one of my staff members asking my view about the existing furnishings in our office. I said that as far as I could see most of them would go over and become part of the Premier’s office. Members should bear in mind that Hale House is a two-storey building; the Premier’s office will be the top storey only. If you like, it is half the building—the bottom storey will be the cabinet room and will include staff and cabinet services.

Several members interjected.

Mr C.J. BARNETT: Mr Speaker, what is the point?

Mr P.C. Tinley: Accountability! What is the point, eh?

Mr C.J. BARNETT: The member for Willagee talks about accountability!

The SPEAKER: Member for Willagee, I formally call you to order for the first time.

The member for Rockingham has a motion in front of this house and he has had the opportunity to speak to it. The Leader of the Opposition had a chance to speak. I think the same opportunity should be given to the Premier to speak to this motion. That is what he is endeavouring to do. I want to hear the Premier speaking to it. I do not want to hear other people shouting.

Mr C.J. BARNETT: Both my press release and the statement I made to Parliament are absolutely valid, and the figure is still \$17 million. It is a heritage building. People are unsure what condition they will find parts of the building to be in when they start to refurbish it. No-one knows, but the best estimate at the time was \$17 million; that is still the estimate. I have just read the Under Treasurer’s statement. I have to say, I had not seen that document until now. I had no input into it and neither did my staff. Until the building is restored, the condition is unknown and so-called contingencies and fees are probably, in the main, notional payments to other government departments. I do not know the final result of that. We do not know the final earthworks, the final design, the final internal layout or the final furnishings. All we know is that the cost of refurbishing this building is estimated at \$17 million and that that will include most of the fit-out for it. It will be done, not to a stately standard, but, as I have said quite clearly in my statement, it will be done to the standard of the Constitutional Centre; that is, it will be restored to a proper heritage standard. That is it.

Members opposite have not made a case for suspending standing orders. They have not even taken the time to read my press release and the ministerial statement. Members opposite have come in and tried to suggest that I lied about the cost of refurbishment. No; it is \$17 million, and even the documents presented by the Under Treasurer show construction and refurbishment to be \$17 million. What is the opposition’s point? As to the final cost of the whole project and what is costed to other departments because there is heritage work and planning work to be and whatever access works that need to be done—who knows?—but, as I said at the time, the cost of refurbishing Hale House is estimated at \$17 million. That is it! The alternative, as I said in question time, would be to lease two floors of accommodation comparable with the current Premier’s office, which would probably have a value of around \$2 million a year. It is better that the state actually owns buildings in which it is accommodated, and it seems pretty sensible to me that we should have a decent Premier’s office and a decent cabinet room.

Can I just say, because the opposition have called it the “palace thing” and all of that dramatic —

Point of Order

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

Mr C.J. Barnett: The member has lost enthusiasm for the debate!

Mr M. McGOWAN: The Leader of the House took a point of order on me that we should be debating whether the suspension is urgent. The Premier is debating whether we should suspend the standing orders. He is breaking the rule that he attempted to enforce upon members of this side of the house. I would love to debate the issue. I have so much more material to talk about that members opposite should be worried. The Premier should adhere to the standing orders in relation to that matter.

Debate Resumed

Mr C.J. BARNETT: I wish the leader of opposition business had a similar view. The statements that I made are accurate and I stand by them, both the media release and the statement that I made in this house.

Mr E.S. Ripper: You are just repeating your error.

Mr C.J. BARNETT: They are accurate and even this Treasury document proves them to be accurate. The opposition carries on about the palace and everything else but the economics of doing of this are very strongly in favour of it being in the state's financial interest to build a permanent office on government-owned land. The case is overwhelming. Another point is that the government of the day had no choice. The lease was being concluded.

Mr M. McGowan: No, it wasn't.

Mr C.J. BARNETT: The building is to be refurbished. We do not have the current office beyond July 2012.

Several members interjected.

The SPEAKER: Order! I do not know whether the Premier has any further comments to make, but interjections from members on both sides of the house are not helping the process. I understand that some members want to engage in the debate. Has the Premier concluded his remarks?

Mr C.J. BARNETT: Not yet. The lease on Governor Stirling Tower expires in July 2012. There was some discussion about whether the lease could have been extended. I suppose that it could have been, but only at a very high price. That was not in the state's interest. That option was carefully looked at and I took the advice of Treasury on that. The final comment I will make is a personal one. When I walked into my office this morning, it was a misty morning and I had a beautiful panoramic view of the Swan River. Members opposite would have seen it. It is probably one of the best views in Perth. Does the opposition think that I want to give that up? No. I would much rather stay where I am and keep that magnificent view of the Swan River than move into Hale House, but the move to Hale House is the best decision for the state, and is that why we are doing it.

Question to be Put

MR R.F. JOHNSON (Hillarys — Leader of the House) [3.21 pm]: I move —

That the question be now put.

Mr D.A. Templeman: That is appalling! I had the call.

Mr R.F. Johnson: No you didn't.

Mr D.A. Templeman: They are closing down the debate. The government has no right to do this. You are a fraud! You are a fraud! What are you going to do, Minister for Education? Are you going to close us down and gag this debate and then support the gag, which you always used to rally against? What are you going to do? It's outrageous!

The SPEAKER: Member for Mandurah! I formally call you to order for the first time. I am going to put the question to the house.

Mr D.A. Templeman: Why don't you have the guts to let us have the debate, Premier? Why don't you have the guts to have a debate? It's pathetic. You are a fraud, Premier! You are a fraud!

Mr C.J. Barnett: That is an interesting comment.

Mr D.A. Templeman: You are. You're gutless. You won't even debate the matter.

Withdrawal of Remark

The SPEAKER: I ask the member for Mandurah to withdraw those remarks.

Mr D.A. TEMPLEMAN: I withdraw.

The SPEAKER: I formally call the member to order for the second time.

Debate Resumed

Mr J.N. Hyde: The Auditor General took you to task for not releasing information and you are now closing the debate. There is a pattern.

The SPEAKER: I formally call the member for Perth to order for the first time today. I will put the question to the house. As this is a motion without notice to suspend standing orders it will need an absolute majority to succeed. The question is that the motion be put.

Point of Order

Mr M. McGOWAN: I think we are deciding on the gag motion moved by the Leader of the House.

Debate Resumed

The SPEAKER: Sorry, members. The question is that the motion be now put.

Question put and a division taken with the following result —

Ayes (30)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr T.R. Buswell
Ms A.S. Carles
Mr G.M. Castrilli

Mr V.A. Catania
Dr E. Constable
Mr M.J. Cowper
Mr J.H.D. Day
Mr J.M. Francis
Mr B.J. Grylls
Mrs L.M. Harvey
Mr A.P. Jacob

Dr G.G. Jacobs
Mr R.F. Johnson
Mr A. Krsticevic
Mr W.R. Marmion
Mr P.T. Miles
Ms A.R. Mitchell
Dr M.D. Nahan
Mr C.C. Porter

Mr D.T. Redman
Mr A.J. Simpson
Mr M.W. Sutherland
Mr T.K. Waldron
Dr J.M. Woollard
Mr J.E. McGrath (*Teller*)

Noes (26)

Ms L.L. Baker
Mr J.J.M. Bowler
Dr A.D. Buti
Mr R.H. Cook
Ms J.M. Freeman
Mr J.N. Hyde
Mr W.J. Johnston

Mr J.C. Kobelke
Mr F.M. Logan
Mr M. McGowan
Mrs C.A. Martin
Mr M.P. Murray
Mr A.P. O’Gorman
Mr P. Papalia

Ms M.M. Quirk
Mr E.S. Ripper
Mrs M.H. Roberts
Ms R. Saffioti
Mr T.G. Stephens
Mr C.J. Tallentire
Mr P.C. Tinley

Mr A.J. Waddell
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Pair

Dr K.D. Hames

Mr J.R. Quigley

Question thus passed.

Standing Orders Suspension — Motion

Question put and a division taken with the following result —

Ayes (25)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Ms J.M. Freeman
Mr J.N. Hyde
Mr W.J. Johnston
Mr J.C. Kobelke

Mr F.M. Logan
Mr M. McGowan
Mrs C.A. Martin
Mr M.P. Murray
Mr A.P. O’Gorman
Mr P. Papalia
Ms M.M. Quirk

Mr E.S. Ripper
Mrs M.H. Roberts
Ms R. Saffioti
Mr T.G. Stephens
Mr C.J. Tallentire
Mr P.C. Tinley
Mr A.J. Waddell

Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (31)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr J.J.M. Bowler
Mr I.M. Britza
Mr T.R. Buswell
Ms A.S. Carles

Mr G.M. Castrilli
Mr V.A. Catania
Dr E. Constable
Mr M.J. Cowper
Mr J.H.D. Day
Mr J.M. Francis
Mr B.J. Grylls
Mrs L.M. Harvey

Mr A.P. Jacob
Dr G.G. Jacobs
Mr R.F. Johnson
Mr A. Krsticevic
Mr W.R. Marmion
Mr P.T. Miles
Ms A.R. Mitchell
Dr M.D. Nahan

Mr C.C. Porter
Mr D.T. Redman
Mr A.J. Simpson
Mr M.W. Sutherland
Mr T.K. Waldron
Dr J.M. Woollard
Mr J.E. McGrath (*Teller*)

Pair

Mr J.R. Quigley

Dr K.D. Hames

Question thus negatived.

BUILDING SERVICES (COMPLAINT RESOLUTION AND ADMINISTRATION) BILL 2010

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 46: Procedure of Building Commissioner —

Debate was interrupted after the clause had been partly considered.

Ms J.M. FREEMAN: I am interested in the interplay between clause 46(1)(b) and clause 47(1)(b). I will talk about these two clauses together because the minister can probably answer my question all at once. Clause 46(1)(b) specifies that the Building Commissioner is not bound by the rules of evidence, and subsequently clause 47(1)(b) states that the Building Commissioner can direct a person to produce, within a time specified, any records in the custody or under the control of that person. I am interested to know whether that will include not being hamstrung by legal professional privilege or whether clause 47(1)(b) will extinguish legal

professional privilege. I asked about those clauses together because I think there is interplay between them and I do not want to waste the minister's time by talking to both clauses individually.

Mr T.R. BUSWELL: My understanding is that it does not extinguish legal professional privilege. I make the point in relation to clause 46 and 47 that it is important to note—we would be aware of it, but for the public record—that the Building Commission is not a court. The whole arrangement of the Building Commission is really based on an expectation that it will act quickly and expertly to determine the matters that are brought before it. I think that is an important aspect of its operation and I think that one of the reasons that people generally support change is this timeliness issue. From my recollections of complaints I heard about the Building Disputes Tribunal, the timeliness issue is a significant matter, and my personal view is that the new process is a good outcome.

Ms J.M. FREEMAN: I do not disagree about the timeliness of these things and that the Building Commission is not a court. Given that it is not a court and the minister wants timeliness, why was consideration not given to not being hamstrung by legal professional privilege, because that is one of the things that tends to slow processes? Given that whatever is done in this jurisdiction, as I read somewhere else, may not be used in another court necessarily, I would have thought that would give some capacity for legal professional privilege not to be relied upon by parties to try to obstruct and prevent the process from moving onwards. Therefore, given this and that the Building Commissioner is not bound by the rules of evidence—I think that is a very good thing and I am very pleased to see that—I think the problem we face is that people will try to find other defences and other ways to obstruct the process. The commission should be given the capacity to have all the papers and issues on the table so that parties can be brought to a resolution through conciliation. Hopefully it will be as it is in most jurisdictions, whereby many cases are determined by conciliation, and they are often determined by conciliation because all the information is on the table to the review.

Mr T.R. BUSWELL: Our intent was, as I explained, to create the Building Commission such that it is not seen to be a court. I think that if the member accepts that as the premise, it would be unwise to give the commission powers, for example, to extinguish or override, or whichever term the member likes to use, legal professional privilege. As I understand, that is a power that a court does not have.

Ms J.M. Freeman: It does have; you can argue.

Mr T.R. BUSWELL: Suffice to say it is not our view that it is an acceptable set of powers for the Building Commission to have.

Ms J.M. FREEMAN: In fact, the minister is probably right in that it can be argued that legal professional privilege does not attach to a document. However, the workers' compensation jurisdiction put in a provision that legal professional privilege could not apply to documents that were being relied upon for determination. Therefore, it is possible to do that. I think that if the government's objective is to have an informal and quick process, when and if the legislation is reviewed, the minister should consider whether legal professional privilege is one of the things that are a real obstruction.

That aside, clause 46(2) states —

Subject to this Act, the Building Commissioner may determine his or her own procedure.

Will that be by way of rules and regulations? How will that be documented?

[Quorum formed.]

Ms J.M. FREEMAN: Prior to the quorum being called, I was asking a question about clause 46(2) and whether there will be rules and regulations or how the procedure will be documented.

Mr T.R. BUSWELL: My understanding is that the procedures that the commissioner determines will be published as a document of the commission. That is the advice I have.

Ms J.M. FREEMAN: If it is a document of the commission, how does that have standing if a person wants to appeal to the State Administrative Tribunal regarding process and procedural justice and those sorts of things? I suppose that is my concern. I would have thought that rules and regulations would be made, and in that way people have to be bound by them. If it is just a document of the commission, how does that interplay in ensuring that we do not have a situation in which people can adopt procedures, following which there is an appeal to SAT, and the process is hamstrung so that there are delays? From my experience, if people want to delay processes, they have all sorts of ways of doing that, including questioning, on a constant basis, the procedural justice that is involved in the jurisdiction.

Mr T.R. BUSWELL: The advice I have is that it would be difficult to understand how a person could challenge the Building Commissioner on a procedure when this legislation gives him or her the power to determine that procedure.

Clause put and passed.

Clause 47 put and passed.**Clause 48: Joining of parties in HBWC complaint about unconscionable, harsh or oppressive conduct or contract —**

Ms J.M. FREEMAN: Clause 48(3) refers to a breach of section 15 of the Home Building Contracts Act 1991. Could the minister read that section into *Hansard* for me?

Mr T.R. BUSWELL: Section 15 of the Home Building Contracts Act is made up of a number of provisions and runs across two pages, so I am not going to read that into *Hansard*. I can perhaps provide a description of what the section does. It refers to conduct or terms of contract that are unconscionable et cetera. Basically, subsection (1) outlines things that a builder must not do. Subsection (2) states —

Without limiting the generality of subsection (1) —

They are the things that builders cannot do —

regard may be had to the following for the purposes of that subsection —

So it expands on the aspects that can be given consideration in determining unconscionable action, I suppose. Subsection (3) then goes on to state —

A provision of a contract must not be called in question under subsection (1)(b) by reason only that it entitles the builder —

And it gives a number of other explanations. The section is just too long to read into the record. I am sorry about that.

Ms J.M. Freeman: No, that is all right. I probably should have looked it up, but I —

Mr T.R. BUSWELL: I have it here with me. The member can look at it afterwards at her leisure.

Clause put and passed.**Clause 49: Costs and expenses —**

Ms J.M. FREEMAN: I want to ask some questions about costs and expenses under clause 49(1) and (2), which goes to the circumstances in which costs will not be awarded. I suppose I am just seeking some clarification. Firstly, will there be an application cost? If so, I gather that must be in a fees and charges schedule somewhere. What is the basis for costs and how will this be structured? Will it be structured like the Magistrates Court and the Small Claims Tribunal-type costs? Will it be gazetted? Who will set the costs? Will the commissioner set costs, or will the commissioner establish a costs committee to set costs? I assume that subclause (2) is saying that costs will pretty much not be awarded for legal representation. I want clarification of that. I also have a question about subclause (3), but I will stand again and ask it.

Mr T.R. BUSWELL: For a complaint, there is an application fee—that schedule is yet to be determined, as I understand it—but there will not be a fee to apply for costs. There will not be a costs committee. The member is right about clause 49(2). I might just advise that clause 49(2) restricts the power of the Building Commissioner to award costs for representation—that is, lawyers' fees—in circumstances in which the party has been forced to incur the costs because of the inappropriate actions of the other party or as a result of a weak claim. I am pretty sure that that deals with the issue that the member raised. In general, it is expected that parties dealing with the Building Commissioner will not require representation and that the costs incurred in responding to a complaint and providing information will be minor. That is the expectation.

Ms J.M. FREEMAN: Can the minister tell me whether the expectation is that costs will be something that is normal or something that is the exception to the rule and that it would be mostly a non-costs jurisdiction?

Mr T.R. Buswell: While you are on your feet, the advice I have is that it will be the exception rather than the rule. That is because of the levy.

Ms J.M. FREEMAN: Yes. The minister knows that I had a preference for the non-costs jurisdiction of the previous workers' compensation system and that I believe that part of the problem is that it has now become a costs jurisdiction. But, that aside, clause 49(3) states —

If the Building Commissioner or the State Administrative Tribunal is of the opinion that the costs and expenses were unnecessarily incurred due to the conduct of a party, ...

And it goes on. I am wondering how this will be determined and whether it is the commissioner's view that there will be some warning of this, so that the party will be warned that costs may be ordered if they do not comply with time lines or if they are doing something that hinders the process. I say that because I believe that an applicant is put in a really difficult position if, at the end of the day, they are threatened with costs being awarded when they should not be, to try to stop them proceeding; or, if they are doing something that will lead to costs

being awarded, they are not made aware of that. I wonder how the commission intends to deal with that aspect of the bill.

Mr T.R. BUSWELL: I think subclause (3) is an exceptional circumstance-type clause, but it clearly says that if, in the opinion of the commissioner, or SAT, a person is not behaving appropriately, that person may well be —

Ms J.M. Freeman: If it is the opinion of the commissioner that a person is delaying, will the commissioner make his or her opinion known to the applicant so that they won't be —

Mr T.R. BUSWELL: My advice is that generally the answer would be yes. And I do not think it is just the applicant; it may also be the respondent.

Ms J.M. Freeman: Either side.

Mr T.R. BUSWELL: Yes. The advice I have is that generally the answer would be yes, because in the first instance a change in behaviour would be wanted, so it would be the disincentive of the commissioner —

Ms J.M. Freeman: Will that be outlined in the processes established in clause 46(1), so that it will be outlined in that document that comes out?

Mr T.R. BUSWELL: Yes.

Mr M. McGOWAN: I want to raise an issue relating to cost. I do not want to labour the point. The consumers association, or whatever it was called, indicated that —

Mr T.R. Buswell: The united people's front for the protection of the Building Disputes Tribunal.

Mr M. McGOWAN: That is the one. They are the minister's words, not mine. That group wrote to me about the costs issue. As I recall, it indicated that the cost structure would be greater for some people than it currently is. As we indicated in the second reading debate, we were interested in whether it would be more expensive for an applicant before the new body than for an applicant before the old body. I am basically seeking the minister's advice or assurance on what the cost structure will be comparing both bodies. If I was applying under the old body today, would it more expensive for me to bring a complaint than it would next year or next month or whenever under the new body?

Mr T.R. BUSWELL: I am advised that, by and large, the costs of delivering the process will be covered by the levy. At the moment the Building Disputes Tribunal charges a threshold fee of \$32, I think. The advice is that although that fee has yet to be struck for the new body, it is more likely to be in the vicinity of \$100. Will there be other potential cost savings through the process? If it is quicker, the answer would be yes. If it delivered some outcomes, the answer would be yes. It is our view that, considering cost versus benefits, people who use this complaints handling system will be advantaged. The whole point of this was to provide a better system. One of the reasons the building bills that provide this reform took so long to come to Parliament was my insistence in a previous life that the failings of the Building Disputes Tribunal be dealt with and a better system put in place. The short answer is the advice I have is that the up-front threshold fee will go up from \$32 to \$100. That might sound like a significant percentage increase. It is a threshold fee designed to at least ensure that people have thoroughly considered the application they will lodge.

Mr M. McGOWAN: For an applicant, it will be \$68 more under the new arrangement than under the old arrangement.

Mr T.R. Buswell: Give or take. That \$100 is yet to be struck. That is an estimation.

Mr M. McGOWAN: The advice given to me by the consumers association was that if there was some sort of levy arrangement, people with properties of a certain value would pay more than those with properties of a lesser value or something of that nature, which in principle I do not disagree with. Is it something different from this, or what are they referring to in that matter?

Mr T.R. BUSWELL: Only to the extent that the overall levy, part of which will fund this, as it does at the moment, is based on the value of the property. It is a percentage times the value of the property. We will talk about the overall levy when we get on to the levy bill. The overall levy that will be charged will be collected by local governments. A levy is already collected by local governments. There is a disparity between the new levy that will be charged by local governments and the existing local government levy. We will work through that when the levy bill comes in. A component of this funding is generated by that levy. That is currently the case. Aside from that, I cannot comment any further on any link between the value of the property and the fee. There will be a threshold fee.

Mr M. McGowan: Where is the levy contained?

Mr T.R. BUSWELL: In the levy bill. In his speech on the second reading debate, the member raised the issue, and rightly so, of the impact on cost. I understand that was mainly in relation to the levy bill. He will want to explore the expected rate of the levy and the expected rate that local government can levy. My suggestion is that

we would have that discussion at that time as it specifically relates to the complaint resolution process. The advice I have is that there is an up-front fee and there is no charge that specifically relates to the value of the property.

Ms J.M. FREEMAN: I have two things to raise out of that discussion. I do not think the minister answered my question about whether the costs would be gazetted. How would we know what the costs were under clause 49?

Mr T.R. Buswell: The fees —

Ms J.M. FREEMAN: No. When costs are awarded against a person, will they be gazetted? I am talking about a cost schedule for things such as photocopying, lodgement, legal fees and hours. That is what this is about; it is about a cost schedule.

Dr A.D. Buti: Is there a taxation on costs?

Ms J.M. FREEMAN: No, taxation on costs is not in here. We cannot tax the costs.

Mr T.R. Buswell: What was your question?

Ms J.M. FREEMAN: Will it be gazetted?

Mr T.R. Buswell: No.

Ms J.M. FREEMAN: How will people know —

Mr T.R. Buswell: There will be an adoption of similar schedules of costs that exist appropriate to SAT or to the Magistrates Court. I do not think that has been worked through.

Ms J.M. FREEMAN: How will they be scrutinised? All costs in other jurisdictions are gazetted. Even the workers' compensation cost schedules are gazetted. I do not see how they can be scrutinised. Is the commission giving itself unfettered powers?

Mr T.R. Buswell: Give me a break!

Ms J.M. FREEMAN: Okay. I understand it will not have unfettered powers, but we need to have some sort of procedure for how costs are established if the commission gives itself the power to award costs.

Mr T.R. BUSWELL: The advice I have is that the intention of the commission is to adopt the cost schedules that are applied by SAT.

Dr A.D. BUTI: Is that legislated for?

Mr T.R. Buswell: No.

Dr A.D. BUTI: Are we just going on the minister's good intentions?

Mr T.R. Buswell: Yes.

Dr A.D. BUTI: Is that what we really want to do? It is not that I dispute the minister's intention, but he will not always be the minister.

Mr T.R. BUSWELL: It is not necessarily my intention. That is the intent of the commissioner. I imagine that if that becomes an issue, it would be subject to appropriate scrutiny. I accept that it will emerge from time to time.

Ms J.M. Freeman: Appropriate scrutiny is usually by way of it being gazetted so that parties can see it.

Mr T.R. BUSWELL: I am happy to look at what happens in other jurisdictions. It is not an issue for us. I am happy to get some more advice on that as we move through this process. That will be the second thing over and above the other issues that have been raised. There is no intent to use this process to gouge anybody. I have stated that the intent is that the schedules will be the schedules adopted by SAT. If we have to look at doing that by gazettal, I am happy to look at that.

Dr A.D. BUTI: I know an order for costs is appealable to SAT; so that is one way of trying to ensure there is some reasonable cost order. However, what guideline will SAT utilise to ensure that the cost order is appropriate? I presume the minister is saying that it will be looking at other jurisdictions.

Mr T.R. Buswell: Which component of the cost?

Dr A.D. BUTI: An order for costs that is made by the Building Commissioner is appealable under clause 57.

Mr T.R. Buswell: Yes.

Dr A.D. BUTI: An order for costs is appealable under clause 57, so that is some guarantee. However, SAT of course has to have some criteria to determine whether those costs are appropriate.

Debate adjourned, pursuant to standing orders.

BACK ON TRACK — WA STATE TRAIL BIKE STRATEGY*Motion*

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [4.01 pm]: I move —

That the government immediately commits to implementing the Back on Track strategy and commits to funding this strategy in the 2011–12 budget.

Seldom does a policy issue come along about which we can legitimately say that there are winners all around. Seldom do we have a minister who is lucky enough to come to office to find a policy setting in place that is so complete and delivers these wins all around.

The “Back on Track: WA State Trail Bike Strategy” process began under the previous Labor government and much work was done under that government. I particularly recognise the efforts of the member for Joondalup and the former member for Peel, now member for Warnbro. The strategy was delivered in December 2007 and, as I said, it delivered a comprehensive policy response to the issue of trail bikes in Western Australia and provided a clear outline of the way to proceed. This government, on coming to power, undertook to review the strategy, as is its right, to make sure that this was what it wanted to implement. I acknowledge the work that the member for Darling Range has done to further refine the policy to make sure that it is how the government wishes to proceed.

The jury is in, the evidence is before us and the case has been made. It is time to implement this strategy. It is time that we provided a way forward for trail bike users in this state and some certainty for people who wish to undertake this legitimate pastime. I acknowledge the presence in the public gallery today of members of the Recreational Trailbike Riders Association of WA fraternity.

Trail bike riding is an issue that raises a lot of debate and interest in our community. The Back on Track strategy appropriately identified a range of stakeholders impacted on through the use of trail bikes in Western Australia. When the strategy was prepared, it was estimated that there were 50 000 off-road motorbikes—I assume that includes quad bikes—in Western Australia and that number is increasing. The Back on Track strategy executive summary states —

In 1978 there were eight designated Off Road Vehicle areas in the Perth metropolitan region. In 2008, despite the very significant growth in trail bike numbers, only three areas remain and the two largest of those have been reduced in size over the years.

The state trail bike strategy sought to provide a way through these issues of competing land use and recreational space, and how trail bike use and recreation could move forward in a sustainable manner. The strategy looked at the introduction of a registration fee on all trail bikes, increased fines and penalties for illegal riding, and an enforcement emphasis on those actions that cause actual damage to the environment, or excessive noise. More importantly, the moneys that were to be collected from the registration fee were to go into an off-road vehicle trust fund —

... to collect licence fees, revenue from fines and infringements and State and Federal grants.

An important aspect of the trust fund was that it was to provide a sustainable future for the sport so that trail bike clubs could operate and manage areas, change and regulate behaviour among the fraternity, and mentor and train young trail bike users as they come through the ranks. The strategy provided a way for trail bike riders to train and to coexist and undertake their recreation in a sustainable and responsible way.

There is a range of stakeholders in this debate. The number of people who have expressed an interest in speaking to this motion today is testament to the fact that this is a very sensitive issue in our electorates. Trail bike riders themselves are stakeholders; there is a wide-ranging demographic of very young riders through to mature riders and occasional “recreators” through to those who undertake trail bike riding as an extensive pastime. Environment groups have legitimate concerns about the impact of trail bikes on the environment. Residents have legitimate concerns about the impact of trail bikes on their communities through not only the physical presence of trail bikes, but also the excessive noise that might come from trail bikes. Land managers have the responsibility to manage the land holdings under their control and authority in a sustainable manner, but their responsibilities are challenged by the physical impact of off-road vehicles such as trail bikes. Other trail users are also stakeholders; hikers, cyclists and other environmental users of these facilities compete with trail bike riders for space and physical amenities. Regulators are also stakeholders because they ultimately have to oversee the use of trail bikes.

Obviously, the magic and the real success of the Back on Track trail bike strategy was that each of these stakeholders could be catered for in this very simple but effective strategy. Trail bike riders obviously need somewhere to use their trail bikes. I believe that trail bike riders have a right to the enjoyment of their pastime. It is appropriate for governments at both state and local levels to facilitate this pastime. It is appropriate for

governments to provide facilities so that people can undertake this particular form of sport and recreation in a safe and regulated manner to maximise people's enjoyment and the sustainability of this particular sector of this community. It is important, in making this available, that we provide facilities at which both young, inexperienced riders and older, more experienced, skilled riders can come together and enjoy trail bike riding.

Trail bikes, as we know, have a significant impact on the environment. As I commuted this morning on the train from my electorate in Wellard, I glanced out the window on a number of occasions at Public Transport Authority land or open bushland, and I could see the impact of unauthorised use of these off-road vehicles in areas which are pretty fragile, given the ecology of the country in my electorate. Unfettered and unregulated trail bike use in these areas ultimately has a detrimental impact on the environment. That would be counterproductive to community support for trail bike users. If community members continually witness the impact of what might be described as "nuisance riders"—an unusual term, but one I see popping up in the literature time and again—there will be community pressure against creating legitimate opportunities for people to enjoy this pastime.

Time and again I am confronted by residents who are sick and tired of trail bike riders using their trail bikes in built-up residential areas. I live in a part of Kwinana near the Leda Nature Reserve. On weekends trail bikes use our streets both for access to the Leda Nature Reserve and for, essentially, chucking laps. Trail bikes can be particularly loud, and both the physical and audible aspects of trail bike riding detract from the quality of the experience of other users of places like the Leda Nature Reserve. I am constantly confronted by residents who feel that trail bike riding is a breach of their right to enjoy a quiet community. They feel that it is an affront to their sense of safety in their community. They believe that it is a law and order issue, because they see unregistered trail bikes being used on footpaths, parks or streets. Again, an essentially legitimate activity is constantly undermined by the views of people who see it as a law and order issue. People feel powerless to respond to this problem. They know that the moment they pick up the phone and try to speak to the police, the police ask where that trail bike is now. Of course, it is already a good kilometre and a half down the road. There are extreme limitations on the police's capacity to regulate trail bike users. I must say that the Town of Kwinana rangers do a really good job tracking some of those people down—they must be pretty practised nowadays—and sometimes they are successful in gaining prosecutions. There remains a very high level of concern in our community about trail bike users. It is important for residents to have the capacity to report trail bike riders and that police have a way of tracking riders down.

We need to provide areas in which trail bike users can access good facilities that trail bike associations can operate in a sustainable manner. Once again, the Back on Track strategy provides a very good way of going about this. Through the use of the registration system, we can provide a pool of funds that can be used, in the first instance, to access appropriate pieces of land to develop appropriate facilities, and we can provide an income stream to create public facilities at these parks, to provide schools teaching trail bike riding, and state government websites to educate young riders. We can create facilities in which parents of very young trail bike riders, who might not be members of the trail bike riding fraternity, can feel assured that when their young kids start to explore the world of trail bike riding, they can do so in a facility that suits the level of difficulty appropriate to their skill. There needs to be parks for these kids. This income stream should be managed by the government, in conjunction with the Department of Sport and Recreation, to create a trust fund from which trail bike clubs can access money to build facilities that trail bike riders can use, and to create a culture in which young trail bike riders understand the protocols and regulations, and what should be undertaken as a responsible trail bike rider.

The environment will benefit from these strategies because trail bikes will be removed from parklands, reserves and bushland. This will create a way to respond to the very strong demand for trail bike use. In my electorate of Kwinana, a significant number of people like to use trail bikes. There is a small area of bushland on the corner of Thomas and Rockingham Roads that is used by off-road vehicles on the weekend.

Mr T.K. Waldron: It is very popular these days.

Mr R.H. COOK: That area is extremely popular. There is a small patch of cleared sand that is chock-a-block full of small trailers and off-road vehicles.

Mr T.K. Waldron: Where is that?

Mr R.H. COOK: It is on the corner of Thomas and Rockingham Roads.

Mr M.J. Cowper: Near the railway crossing.

Mr R.H. COOK: Yes. This small car park—that is probably the best description that could be given to this clearing—is chock-a-block full of cars, and families with people with trail bikes and families with young kids, particularly on small quad bikes. Obviously, there is significant wear and tear on this facility. There are no rubbish collection facilities, no public toilets and, to the best of my knowledge, no income stream available to a group of motorcyclists or trail bike riders who may want to operate and manage this site appropriately. There is no significant pool of funds that they can draw upon in order to manage this area. It is plainly evident that the

state trail bike strategy is a very good way to facilitate the ambitions of environmental groups, land managers, residents in quiet communities, and of trail bike riders. It can ensure everyone's aspirations and right to the quiet enjoyment of their communities can be accommodated. "Quiet" is obviously a relative concept in the context of trail bikes.

Earlier this month, at a very vocal and acutely interested meeting of Mundaring residents, the member for Darling Range responded to the concerns of the community about these areas. The member for Darling Range pointed out that some very good proposals were before the government about how we might move forward. We believe, as members of Parliament assembled, that it is important the government responds not only to the good work of the member for Darling Range but also to previous members of Parliament who had some carriage of this policy area, to make sure the government acts on this very useful report and this very useful policy response.

I am growing a little tired of residents in Kwinana coming to me saying they are jacked off with the number of trail bikes on our streets. I am growing a little tired of them saying police have said there is nothing they can do. There is something we can do; that is, create a registration system so that residents can hopefully in some way identify trail bike users and police will know where those trail bike users are registered. That strikes me as being the single most important thing we can do to accommodate the aspirations of residents who, in many cases, recognise and respect the rights of trail bike riders to enjoy their pastime, but who are also, quite frankly, concerned about the impact on the community. In some respects they have legitimate concerns about the capacity for accidents to occur, particularly in quiet streets where their kids play.

It is important that the government not only acts on this report but acts on it quickly. I understand that the government's funding commitment to implement this report is somewhat modest. I am surprised, given the strength of this policy response, that the government did not allocate funding to implement the strategy straightaway. It might be that the government wants to make an appropriate appropriation to implement this policy response. We call on the government to provide for that in the 2011–12 budget because it is important that the community gains some confidence. We have now had two governments look at this. We have had two policy responses which are self-evident and clear-cut, and unanimously supported by all stakeholders. We cannot see any reason why the government would not implement this straightaway. We call upon the government to do so.

There are a range of stakeholders in this debate. All stakeholders have a legitimate right to have their views heard in terms of how we accommodate and regulate trail bike users and other off-road vehicles in this state. The solutions are there for the minister to implement. There is no reason he should not get on and do so now.

MS L.L. BAKER (Maylands) [4.22 pm]: This matter is very near and dear to my heart and to members of my electorate. I am very glad to see the chamber has a good representation from both sides of politics this afternoon. I know that all members share my passion to see this strategy funded and on the road, so to speak. It has been too long and, quite frankly, Minister Waldron is shuffling his feet on something which is absolutely imperative. It is costing lives, really. This completely unjustified delay is not only costing injuries, it is also costing the community, householders, neighbours and members of my electorate. I will go into why I think it is unjustified in a minute. As the minister heard from my colleague the member for Kwinana, Maylands is an inner city electorate, so why would I have any concern about this? I have a great deal of concern about this. I will start by reading an email sent to me by one of my constituents, Jason Garbin. The email was sent to me on 26 October last year. It reads —

Re: State Trail Bike Strategy

...

I am a father of 3 children and live in your electorate. My wife ... and children (Jesse ... Amelia ... and Jim ...) all ride trail bikes and garner a great deal of benefits from riding—socially, mentally and physically.

Trail bike riding needs to be better recognised as a recreation enjoyed by thousands of people in WA. But there are many issues that are not being managed.

- constantly decreasing places and trails to ride,
- nowhere to ride with your kids except the run down and dangerous off-road vehicle areas, that are littered with rubbish from illegal dumping.
- the idiot few spoiling it for many,
- confusion over where you can and cannot ride,
- being treated like a criminal by rangers,
- paying for registration but having nowhere to ride,
- rider safety and injuries,
- conflict with other trail users

- riders being told they can't ride in an area because it is 'environmentally sensitive'—right up to the time that the bulldozers flatten it for housing or logging!]

He finishes by saying —

The State Trail Bike Strategy can't begin to address the issues until the government formally endorses it and allocates the necessary funds.

There are many responsible people like us that ride, but a few out there that ruin it for the many. I know there are no riding areas in your electorate but would like you to support funding the WA State Trail Bike Strategy.

That is just one example. I have also been contacted by bushwalkers and mountain bike riders in my electorate who tell harrowing stories of confrontations on the trails when they have gone to pursue what they consider to be their right to conduct their recreation or their sport. This is simply not sustainable by anyone's imagination. I am not accusing the Minister for Sport and Recreation of having a great deal of imagination!—he clearly has none if he lets this continue. It is about time the minister stopped and took stock of what this costs the community. It costs millions of dollars in hospitalisation, treatment and, in some cases, long-term rehabilitation of people who have fallen foul to some of the things I read from my constituent's dot points, such as illegal rubbish dumped on tracks and the bad conditions of tracks.

On 1 March I received an invitation from the President of the Shire of Mundaring to attend the shire's community forum on trail bike riding. I welcome to the public gallery today Steve and Val Pretzel and their daughter Alison, all of whom are recreational trail bike riders. In fact Steve and Val have been major drivers all the way through this seemingly never-ending journey. I am talking about a marathon journey! Trail bike riding is also their daughter Alison's recreation. She is very passionate about it, but she is at risk because the minister has failed to deliver. That is not good enough. I also welcome Rick Gill from Motorcycling Western Australia. Another reason I am interested in this issue is that Motorcycling Western Australia is in my electorate; its head office is in Maylands. I have had many conversations with Rick about the government's inadequacies and failures to fund this strategy.

On 1 March I visited the Shire of Mundaring along with my colleague the member for Gosnells. I am not very good with numbers, but I guess about 60 people attended to hear an update on where the state trail bike strategy was up to. The member for Darling Range came along to give an update. It did not take very long because it is nowhere. It stopped; it is parked!

Mr D.A. Templeman: Where is he?

Ms L.L. BAKER: He has probably gone to hide somewhere!

Mr D.A. Templeman: He is embarrassed.

Ms L.L. BAKER: I would be embarrassed too. There he is—down the back!

Mr D.A. Templeman: He is a very good man.

Ms L.L. BAKER: He is a very good man.

We recognise in this house that the member for Darling Range has attempted to push this seemingly large rock up a very large hill for three years, ever since this government was elected and made a commitment to implement this strategy. The briefing did not take long because, as I said, it is nowhere; it is parked. The sum of \$20 000 was spent costing the business case for this strategy. All members on the other side of the house who profess to be strong economic rationalists should be quite pleased to hear that there is a business case. It is not just a convincing business case, it is bloody unequivocal, if I am allowed to say that. Is that parliamentary language? It is absolutely as plain as the noses on all the faces of members opposite that a strategy costed at \$20 million over 10 years, of which \$17 million is coming straight back to the government, leaves \$3 million over 10 years. If the government cannot scrape together \$300 000 a year over 10 years to get this strategy up and running, and if members opposite favour air conditioning the Premier's palace, and a whole range of other strategies, over preserving the safety of and managing the risk for more than 50 000 Western Australians, then I am ashamed to be sitting in this house with them. They really have to start to look at this with some seriousness.

I want to go through a bit of what this report says. Before I do, I should say that I have been doing policy work for many years in many different countries around the world. I have read many reports and many discussion papers. I must say that this is probably one of the most concise, coherent and well-constructed reports that I have read; it presents very plainly a set of arguments that are indisputable. I congratulate the stakeholders involved in putting together this report. It is excellent, so why is the government not listening and why is it not being funded?

There are five well-differentiated results areas in the report, and I want to run through some of the recommendations in the key results areas. I will start by talking about the key focus area of insurance liability

and risk management. This report acknowledges that trail bike riding has, like many sports and activities, inherent and obvious risks. We talked about that. Some of the recommendations under that key focus area are to develop a master risk management planning kit that can be applied and tailored to individual off-road vehicle areas and designated trail areas. I know the minister is aware of these results. I am hoping he has been over them very comprehensively and knows what he is turning his back on and what he is deliberately not funding. I am going to read the results because I want them in *Hansard*. I want the minister to hear what he has not been able to find any passion to fund. The key recommendations are —

Develop a Risk and Liability information kit for riders including advice about personal accident insurance, income insurance, ambulance cover etc

Develop a Trails Planning /Design / Signage Kit to maximise user satisfaction, reduce risk.

Develop Management Plans for existing ORV areas to reduce risk of injury and litigation.

Encourage adoption of Adventure Activity Standards principles by riding groups

Commission ICWA or other insurance provider to develop a Third Party Personal package for off-road and private property cover.

Explore State underwriting of liability to provide protection to local Shires and Councils

The final recommendation in key results area number one is—

Develop and run a Risk Management, Liability and Insurance Seminar for all land managers, local councils and potential providers and managers of trail riding facilities.

They are a very sensible set of recommendations in this key focus area.

The second key focus area concerns trail planning. On the question of where unlicensed bikes and quad bikes, which are not registered, are allowed to ride or where riders who do not have licences are allowed to ride. I have taken some information from the Recreational Trailbike Riders' Association. It says —

This category is much more straightforward ...

There are only two categories of places where unregistered bikes/ unlicensed riders can legally go:

- a) Private property with the consent of the landowner
- b) Designated Off Road Vehicle Areas

Riding an unregistered bike anywhere other than the above puts you at risk of a fine —

Not to mention injury; that is my addition, not the Recreational Trailbike Riders' Association —

You should also carry with you proof of ownership at all times ...

That is the problem. There is nowhere to go.

The recommendations in the focus area of trails planning include developing a “trails inventory” as a basis to transition to designated trails and prevent a proliferation of trails that users create of their own volition because there is nowhere to ride legally; providing more opportunities for legal recreational riding, focusing on a whole range of different issues that include looking at the stock of trail bike facilities that we have at the moment and finding ways of increasing or improving them so they are more attractive to ride in; looking at a few designated public trails in Western Australia; and perhaps developing a permit system. There are a whole range of other recommendations that I will not list, but they are equally sensible and equally cost-effective for the government.

On the focus area of managing sustainability, the strategy talks about governance and land and trail management as well as noise regulations and evaluation. It says that some of the objectives for managing sustainability are to come up with a governance model that ensures a whole-of-government framework. I can see the minister is sneaking out to the back of the chamber, looking furtively over his shoulder to make sure he is not missing anything I am saying.

The departments involved need to step up to the plate and take responsibility for administering this. The Department of Environment and Conservation, the Water Corporation, Transport and all the agencies involved need to come together, and someone needs to be allocated leadership of this strategy. In case they had not noticed, members opposite are in government. It is up to them to stand up and tell one department to take responsibility for rolling out this strategy and managing its delivery effectively. The constant shoving between departments cannot continue. The government needs to allocate leadership and move forward with the strategy.

I will move on to the next results area, which covers things like registration and licensing. It is important to go through the recommendations in the strategy, because they are very sensible. I hear there is some concern about the opportunity to charge a small registration or licensing fee at the point of sale for these bikes. The concern from the more conservative or nervous government members in the house is that this could be interpreted as an a

tax on bike riding. That is an absolute nonsense. If members look at the research that these very austere groups have done into Western Australian recreational trail bike riders, they will find that trail bike riders acknowledge that they need to come forward and put some funding into their own sport to develop it on a more sustainable basis. They see this as their own personal investment in moving forward their recreational sport and an investment in their safety and enjoyment and that of their children.

Anyone who thinks this is a tax is completely wrong. This is similar to the kind of fee that is paid for boat registration. In my own sport, I spent some time as state chairperson of dressage. In that role I introduced a start fee, acknowledging that we have an expensive sport with an expensive requirement for ground conditions that can be ridden on without injury to horses. I was not very popular, as members can well imagine, and every time a competitor rides in a dressage competition they pay a \$10 start fee. That goes directly into a fund, and that can be put directly back into the clubs so that they can upgrade their infrastructure to allow the sport to grow. It has been an enormous bonus to the horse riders involved, because now they know when they take their horses out—we are talking about some very valuable horses here; some of them worth \$500 000—they will be riding on a piece of ground that will not injure their horse.

The riders are very happy to have the levy in place because it is a very fair and equitable levy that is spread among everyone. It is not a tax; it is an investment in their future. That is the way people should think of it.

[Member's time extended.]

Ms L.L. BAKER: The licensing option is a good option. It gives people an immediate tool to self-fund their sport over the long term. We must look at how to set up the trust and move forward. There are not enough areas for trail bike riders. It is a very high-risk sport that needs our support to get it back on track.

Before I finish my presentation on the state trail bike strategy, I will raise some other issues that I think are worth mentioning. The strategy has identified what is being put at risk through not doing anything. That is often the default position when deciding whether to go forward with or to reject a proposal. We all know that the do-nothing option is always costed and assessed. The risks of inaction have been identified in the strategy itself. There is no shirking this, and the strategy is up-front about it. The environmental consequences are the starting point. With a growing number of riders placing increasing pressure on a dwindling number of places to ride, it can be expected that trail bike riders will continue to disperse into local bushland areas. The consequences of this are significant and include long-term damage to the environment through the accelerated degradation of the ecosystem, the diversion of conservation resources into rehabilitation work, the frustration of conservation efforts and the potential disillusionment and loss of volunteers.

I refer now to the social consequences. While there is nothing to attract riders away from using inappropriate areas, there is little likelihood that they will simply decide not to ride, and an escalation of inappropriate or incompatible use can be expected, along with increased conflict between trail users, an increase in the number of complaints by neighbours, the displacement of conforming land users and increased frustration and stress among land managers. The economic consequences are that the cost of enforcement will go up and there will be a greater burden on the land managers. Members need only talk to the Shire of Mundaring councillors to understand what that cost might be. Our local government colleagues are pulling their hair out trying to come up with a solution. Members must get behind them and support them. Trail conflict has a negative impact on tourism business, including on tourism sites such as the Bibbulmun Track, and on insurance claims, increasing litigation and rehabilitation costs. All these things will go up. The longer the government delays, the greater will be the cost of solving this problem. If the government intends waiting until it loses office, the Labor Party must pay for the increased cost when it gets back in. I can understand why the government is shuffling its feet, but the Minister for Sport and Recreation must step forward, fund the strategy and not wait for either the costs or the risks to go up. We are more than aware of the political consequences, and I have just mentioned some of them. The community expects all levels of government to come up with a solution. If the government does not come up with a solution, the reputation that the minister may have had, the good work that the member for Darling Range has done and the good but unpublicised work that many members from both sides of the chamber do will all be wasted if the minister is not pushed into doing something about this. An incomplete solution is no solution at all.

I will talk on a personal note in concluding my remarks about the state trail bike strategy. I have stood many times in this house and raised this matter. It is no surprise to members to again hear some of my personal insights about what happens when there is conflict on the trails. I have a 20-year history with this issue and therefore understand it.

Mr T.K. Waldron: And you have spoken personally to me about it.

Ms L.L. BAKER: I have, and I thank the minister. I want to put my personal insight on the record again for the sake of the people in the public gallery who are here in support of those members who support the motion and for the sake of the strategy itself. One of my dear friends lives very close to me. Both she and her husband grew

up in the neighbourhood. Her husband had been riding trail bikes for almost his entire life. He and his brother were riding on the trails when he fell off his bike, snapped his neck and died in the middle of the bush. He was just 27 and his wife was six months' pregnant. He never saw his new baby. As members can imagine, the impact of that is horrific. This goes to the heart of the issue. There is no escaping the fact that this is an emotional issue. It is particularly emotional when living in an environment in which one must deal with friends and close relatives who have suffered dreadful tragedies because of the neglect of the sport and the lack of facilities.

Members have heard me talk about issues that are nowhere near as serious as that. The conflict I came into is well documented. Several members have mentioned that a few unscrupulous people cause problems for the rest. That is underlined by my experience. It is not constructive when horses come head to head with trail bikes. They do not mix very well at all, and one or the other is likely, very quickly, to go in the other direction, and quite often the horse and rider do not leave together. There have been a series of accidents, some of which have had grave consequences. The Mundaring police told me that at the top of the Boya quarry a trail bike rider came head to head with a lone horse rider. The horse lost its footing and fell over the cliff with the rider. The horse died and the woman was seriously injured. I do not have to go on about these horrible stories; they apply to the trail bike riders as well as the horse riders. I carry my mobile phone when I walk through the bush. A week after the state election in 2008 —

Mr C.J. Barnett: Happy days.

Ms L.L. BAKER: Yes, I was quite happy at the time, having just won my seat. I was very happy. I thank the Premier for mentioning that. I hope the Premier was happy for me too.

Mr C.J. Barnett: Very happy.

Ms L.L. BAKER: I thank the Premier. I was walking through the bush when I came across a trail bike rider in the national park who had bogged his bike in a gully. When I first moved to that part of the world, the gullies in the track that he was bogged in were about a foot deep and I could ride my horse up and down the trails. Today the gullies are about 25-feet deep and it is impossible to ride up and down them. Trail bike riders call that place "Suicide Hill", and with good reason. The rider was bogged in the gully. The area is clearly marked and signposted. Signs on enormous metal gates warn people that it is illegal for four-wheel drives and other motorised vehicles to go there. However, the rider was there. He had to have ridden past those signs, I am sure, because I had to walk past them. I took a photograph of him, whereupon he dropped his bike on the ground—I understand why he did it; I do not have a problem with why he did it—ran over to me and shoved me hard, pushing me flat on my back. I rang the police because I was very frightened. I think that was an assault. He backed off when I took another photograph of him and let him know that my brother was a police sergeant. He got back on his bike and bugged off.

The DEPUTY SPEAKER: Member for Maylands!

Ms L.L. BAKER: Was that unparliamentary language?

Mr C.J. Barnett: Colourful language is allowed here.

Ms L.L. BAKER: I do not think I need to withdraw that. The rider turned around and hightailed it. Is the Premier happy with that?

Mr C.J. Barnett: I am not prudish about language in this place.

Ms L.L. BAKER: The Premier will be very pleased that I did not use the language I used to the motorcycle rider when he did that to me, because that definitely would have been unparliamentary!

I have told a few personal stories to underline that I do not come to this issue without personal knowledge and a great deal of passion to find a solution. It is absolutely imperative that the minister gets off whatever it is that he is sitting on and that he does something to get this strategy funded and that he does it as a matter of urgency. Too many people have already suffered, have been injured or have died on this government's watch, and it will continue to happen. The community, local government, the riders, the industry and members on this side of the house who, as the former government, started this work and produced that incredibly comprehensive and well-researched set of recommendations all expect the government to be able to balance the competing interests to move forward with the strategy and to act upon it now.

The DEPUTY SPEAKER: Member for Kwinana.

MR P. PAPALIA (Warnbro) [4.50 pm]: I beg the Deputy Speaker's pardon; it is Warnbro!

The DEPUTY SPEAKER: I am sorry, member for Warnbro.

Several members interjected.

Mr P. PAPALIA: The Premier is correct and it is true that that is as close as I have come to that sort of reception.

I am happy to call on the government to immediately commit to implementing the Back on Track strategy and to funding this strategy in the 2011–12 budget. I had an early, albeit fleeting, association with this strategy. Shortly after having been elected in the February 2007 by-election, one of the very first meetings I attended as an elected member of Parliament was with an impressive group of people from the recently incorporated Recreational Trailbike Riders' Association of WA, including Steve Pretzel, Trevor Hedge and Rick Gill. They very clearly and fairly articulated the reasoning behind a need for a strategy. We heard from the member for Kwinana and the member for Maylands who provided this house with much of the detail of that strategy. At the time, I had responsibility for part of Kwinana where there was space for trail bike riders to ride and I currently represent outer metropolitan suburbs, including Port Kennedy, Secret Harbour, Golden Bay and Singleton, and to the east, Baldivis and Karnup, all of which are the focus for a fair amount of not organised but unorganised and often very irritating trail bike activity by kids and adults who need a facility or an opportunity to do this sport in a much better structured and supported fashion. I am still interested in the issue. That was my first contact with the concept of this strategy.

I was subsequently, ironically enough on 6 August 2008, given the task by the then Minister for Sport and Recreation, Hon John Kobelke, of chairing an implementation committee. I never sat on or chaired that committee, because as the Premier so happily reminded us only moments ago, it was one month later that the Labor government lost office and the current Minister for Sport and Recreation took responsibility for this strategy and for dealing with this very important issue.

I have no doubt that had the Labor Party won office and taken this long to implement the already-developed strategy that members on the other side of the chamber would have been jumping up and down and doing what the member for Murray–Wellington often did in the 18 months that I served as a backbencher; that is, berate the minister for not implementing this strategy and for not going to the assistance of this very well organised and highly motivated group of people who had got off their backsides and approached the government—of both persuasions now—with a solution to the problem. That is unusual. All members in this place know that we frequently get people coming to our offices with problems; we do not often get them coming to our offices with solutions.

We need to respond quickly. I have great respect for the current Minister for Sport and Recreation and I have no doubt that he has probably already won funding for this strategy in the forthcoming budgetary process, and that we will find out during estimates exactly how successful he has been. I hope he has been successful, because as I say I have a great deal of respect for him. I know that the Minister for Sport and Recreation will recognise the value of trail bike riding as an organised sport to the state and that he recognises the value of avoiding injury and avoiding unnecessary conflict in the outer suburbs and in the regions if he does not fully fund an appropriate strategy—as I am sure the member for Darling Range recognises and has been very forceful on this issue in the party room. I am happy to stand today in full expectation that this motion we are debating will be fully supported by members opposite and that the government will come in here during the budget process and tell us all that it has absolutely funded the strategy, by comparison to the creation of the emperor's palace across the road at a cost of \$17 million with, I might add, an \$8 million fit-out. That is \$17 million for the Premier's office and an additional \$8 million just to ensure that the carpet is the right colour so that the emperor has an appropriately "stately" residence. I am sure that the government will in no way overlook what is by comparison a relatively small amount of money for a very important and, I would say, much more significant project in the funding of the state trail bike strategy.

[Interruption from the gallery.]

The DEPUTY SPEAKER: Members of the gallery are welcome to attend, but please do not clap or make any sound from the gallery.

MR C.J. TALLENTIRE (Gosnells) [4.56 pm]: I am pleased to rise to support the motion before the house. Trail bike riding is an activity that has failed to self-regulate, which has led to a number of problems. Members on this side have already touched on the problems with illegal use. Indeed, my electorate has significant problems with the illegal use of trail bikes. There are the tragic consequences that go with that illegal use, including higher accident and hospitalisation rates. I have previously received answers to questions that were asked in this place indicating the growth in accidents involving trail bikes. In 2004, there were 320 hospital admissions, and in 2008–09 there were 532 admissions, which is a dramatic rate of increase. This illegal use of trail bikes causes significant nuisance to people. People have to endure the noise pollution that comes from the trail bikes and areas of natural significance are damaged. There is the problem of the spread of dieback and other diseases; and it is the cause of erosion. There is any number of problems with other users.

The failure of the trail biking community to successfully self-regulate has by its own admission led to the deterioration of places like the Gnaragara trail biking area, where we have seen degradation. Now trail bike riders complain about that area as being an unsatisfactory venue for their activity. This strategy will provide the opportunity for regulatory mechanisms that are needed for this activity, including a licensing and registration

regime, which is essential. I believe that should be a user-pays licensing regime. It will need initial funding to get it going, but it needs to be a licensing regime that is funded by the participants in this activity. As well, we need to create places that are suitable for trail bike riding. That is a very contentious issue. Potentially, we could be talking about allowing trail bike riders to go into places where they will cause nuisance to other people and where they will upset the right of others to peace and quiet. I support the idea of providing areas for trail bike riding, but we must have the very best of selection criteria for those places.

Mr M.J. Cowper: Where?

Mr C.J. TALLENTIRE: I have not got into that, but we need the most rigorous selection criteria for trail bike riding locations. Trail bike riders must be allowed to go only in areas where they do not damage the peace and quiet of existing residents. That goes without saying. They must be allowed to go only in places where they will not further damage the natural environment, cause erosion and spread dieback. We must ensure that any sites purchased for trail bike riding meet these rigorous selection criteria. I believe that through —

Mr T.K. Waldron: That's a really good point you make, and I will remind myself to comment on that because I think that is a fair call you're making.

Mr C.J. TALLENTIRE: I thank the minister. I am about to conclude my remarks, so I am happy to wait for the minister's comments.

I support this state trail bike strategy in that it can bring about a user-pays approach to licensing and land provision. However, that land must be suitable; it must not be land that abuts neighbouring properties whose residents will be upset by the activities of trail biker riders.

MR M.J. COWPER (Murray–Wellington — Parliamentary Secretary) [5.00 pm]: There are 50 000 people in Western Australia who are motorcycle enthusiasts. Basically, motorcycling brings to this state in the vicinity of \$150 million per annum. Therefore, it is a significant component of our society and an important component of our business in this state. Motorcycling is growing at a rate that is mentioned in the trail bike strategy and, although I do not recall the actual figure, it is significant.

In the Peel region, about 15 per cent of riders are licensed by Motorcycling Western Australia. I think about 1 600 licensed riders come under the umbrella of Motorcycling Western Australia, which covers a number of different categories in the sport, including recreational riders, motocross riders, freestyle riders, trail riders, and enduro riders, which is cross-country—all different disciplines, if we like. Outside that umbrella sits a great mass of people who are motorcycle enthusiasts but who do not come under the structure of any club such as Motorcycling Western Australia. I am the current president of the Murray Motorcycle Club, a former secretary of the Broome Motocross Club and also a member of the Bunbury and Collie Motorcycle Clubs.

Several members interjected.

The ACTING SPEAKER (Mr P.B. Watson): Members!

Mr M.J. COWPER: Therefore, I know a bit about motorcycling. I am also an official; I hold an official licence from a course run by the chief executive officer of MWA and his crew at Maylands, whom the member for that area mentioned before. I sat my official licence; I am an official encompassed in that club. Within the organisation —

Mr R.H. Cook: So you'll be supporting the motion?

Mr M.J. COWPER: Members, I have only another 18 minutes to go and there are a lot of things that I want to cover. I point out that there are a lot of structures within MWA and the detail and discipline that is required in each particular activity of motorcycling that riders must attain.

For instance, the biggest injury caused to motorcycle enthusiasts in Western Australia is undisciplined people who buy cheap motorcycles that are either second-hand out of the *Quokka* or cheap Chinese imports, give them to their kids for Christmas and send them off to cause all manner of problems, particularly in an urban environment. The front page of the "Back on Track: WA State Trail Bike Strategy" has a picture of a sign for quad bikes for sale, and they are cheap. They come from China and the problem is that they do not last very long, although they last long enough to cause significant problems for people who happen to live within earshot of those areas they are used. There is no question about the great need for areas to be designated for motorcycling in Western Australia. The problem we face is a decrease, not an increase, in the number of areas that are acceptable for off-road motorcycling, yet the number of people who are enthused to ride has increased exponentially. Therefore, this conflict occurs.

Members on the other side have made the point that, yes, trail bikes have to be used in an area that will not conflict with the amenity of people who live nearby, but there, in essence, is the problem. The question I posed to the member before was: you propose to fund all this money, to implement the strategy and to set up these ride parks, but where will you put them? I want to explain to the house the difficulty that that presents. Currently a

number of off-road areas are used, primarily illegally, right throughout Western Australia. In my electorate these are areas such as Lake Clifton in the pines; Bancell Road in Waroona shire, which is very popular; and Treasure Road near Australind has some bush that people use all the time. The areas used for trail bike riding sweep right through the metropolitan area to the north including Lancelin, Wedge Island and a few other places where I have seen numerous cars parked, as members have previously described. The problem is that they are illegal, other than the places that have been designated for off-road biking, which is not very many of them, or private land. People cannot even operate a motorcycle on private land unless they have a significant portion of land. On another occasion I will give members an example of how that can occur!

Mr D.A. Templeman interjected.

Mr M.J. COWPER: Indeed, member, but we will discuss that at another time.

The problem we have is something called nimby—not in my backyard. In my backyard there is a lot of land that would be suitable for off-road motorcycling; in fact, I have spent countless hours with members of my community driving around looking for suitable places for it to occur.

Mr C.J. Tallentire: But what would your neighbours say?

Mr M.J. COWPER: The situation is that we have a rather big company in my electorate that has a significant amount of land. It has issues in relation to dust and noise—the very same issues that present with off-road motorcycling. We said, “Listen, we have a proposal to put to you regarding some synergies of use of land that would be of benefit to the community.” We put forward presentations on a number of occasions. They were very well planned and well thought out, structured and funded plans, yet the company declined. It is not only large companies that do this; it is also the state. I have identified land owned by the state that has not otherwise been used in the past, raised funds through running gymkhanas and other events in the community—clubs do not have a lot of access to funding—and made a submission to the state through the Department of Planning, only for it to be rejected. Therefore, it is also a problem within the state government, minister. I have even examined areas that Alcoa has used in the hills of my electorate where it has finished mining and is doing some rehabilitation, yet we still cannot use that land because there is no inclination or will by certain government departments for it.

Members, I want to recognise a few people in the gallery. Mr Pretzel, who I have known for some time, has done significant work on this trail bike strategy. The strategy is very accurate and paints a very good picture of where we are at on this very problem. I hear members on the other side say that they want to fund this. Yes, I want to see it funded too, minister. But the problem is: Where will we buy land? Where will we find it? That in essence is the problem.

Mr C.J. Tallentire: Who should fund the site selection process?

Mr M.J. COWPER: I am glad that the member has so much confidence because I have been doing this for a number of years. I have been ahead of the trail bike strategy in trying to identify land in my electorate so that we can accommodate it.

Several members interjected.

Mr M.J. COWPER: It is not a case of “too hard”; we just have to keep going.

Mr D.A. Templeman: You’re telling us that you’ve basically given up!

Mr M.J. COWPER: No, member, I have not given up. The essence of the problem, as I am sure people in the gallery have experienced, is that people put forward a number of submissions but they hit a roadblock. Okay, so what do they do? They regroup, look at other options and go again. That is exactly what we are doing.

Mr J.J.M. Bowler: What about the thousands of hectares tied up in Bush Forever around Perth?

Mr C.J. Tallentire: You’d be close to people’s homes, member.

Mr M.J. COWPER: I encourage all members to engage on this very issue because there, in essence, is the problem. I came across a parcel of land that I thought was ideal, because we cannot use just any old bit of land. First of all, as members can appreciate, the Swan coastal plain has a dirty great big strip down the middle of it that is Bassendean sand. Unless it is in the middle of winter, when it is waterlogged, Bassendean sand is not very good for motorbike riding. Basically, if we look at where they operate at the moment, it is on the coast, on the foothills or in the hills, because that black sand is no good for riding, unless someone is prepared to bring in, at great expense, materials that will make a suitable track or a riding challenge.

Mr P. Papalia: It sounds like you’ve given up.

Mr M.J. COWPER: On the coast, we have private land that has been operated on. I am very fortunate; my son competes in this very field. And I have not given up, members. That is a very simplistic statement. I have a son who is a very good rider. He competes at a high level. He is a very disciplined person. He exercises regularly just

so that he can compete. He is going into the state championships and, with a bit of luck and a bit of success, he will represent his state in the Australian titles later this year.

Ms L.L. Baker: They need to support him.

Mr M.J. COWPER: Absolutely. I will summarise again. A lot of riders out there are dedicated to their sport. However, a lot of people out there cause harm to our sport because of the way in which they operate. There would not be an electorate in Western Australia that is not perplexed by this problem. In a previous life when I was a police officer, I spent an inordinate amount of my time chasing up complaints —

Mr D.A. Templeman: We don't want a life history; we want to know what you're going to do about it. Are you going to vote for the motion or not? That's the question.

Mr M.J. COWPER: The question is, member —

Mr D.A. Templeman: Are you going to vote for the motion?

Mr M.J. COWPER: Does the member have any land in his electorate that would be suitable?

Mr D.A. Templeman: The City of Mandurah is all built out. The land is not suitable and you know that very well.

Mr M.J. COWPER: Exactly. There, in essence, is the problem.

Mr D.A. Templeman: Yes, but we know what the problem is. Are you going to support the motion that we have moved today, which calls upon you to take some action—not you personally, but the minister? That's all we're asking for. Don't go over all of what you did 10 years ago, five years ago, two years ago or four years ago. Tell us if you're going to support the motion.

The ACTING SPEAKER (Mr P.B. Watson): Have you finished, member for Mandurah?

Mr D.A. Templeman: I want an early leave pass, Mr Acting Speaker.

The ACTING SPEAKER: The member is well on his way!

Mr M.J. COWPER: Perhaps the member should get on his bike!

The minister knows that I have been to see him on a number of occasions, and I have spoken to the member for Darling Range about this strategy.

Mr D.A. Templeman: So vote with us. Cross the floor. I challenge you to cross the floor and vote with us.

Mr M.J. COWPER: I strongly recommend that the member give the coffee a bit of a miss because the caffeine seems to be kicking in.

Mr D.A. Templeman: You keep saying that you go to the minister and that you'll make sure that the minister knows about this, but it has no effect.

The ACTING SPEAKER: There will be an effect on the member for Mandurah in a minute. He will be on the way down the highway.

Mr M.J. COWPER: Thank you for your protection, Mr Acting Speaker.

The fact remains that there is a significant problem out there. We want to see funding for this sport. I believe there is funding out there, but the problem is where to spend it; that is, how are we going to spend it, and where are we going to identify the land?

Mr P. Papalia: Don't jump ahead. Get the funding first.

Mr M.J. COWPER: I am jumping ahead because that, in essence, is the real problem. There, in essence, is the real problem, members. We have to identify the land. We must find some land from which we can operate, and we will go from there. There, in essence, is the problem in a nutshell.

Mr P. Papalia: You're just trying to block it. You're the problem.

Mr M.J. COWPER: I am the problem? How am I the problem, member?

Mr P. Papalia: Because you won't support this motion.

Mr M.J. COWPER: I am not committed? What would the member know about the sport?

Several members interjected.

The ACTING SPEAKER: Members! Member for Murray–Wellington, unless you want interjections all the time, stop engaging with the other side and put your case for this very important —

Mr P. Papalia: Every cell of your being wants to support this motion, doesn't it—even your brain cell?

The ACTING SPEAKER: I will call to order the next person who interjects.

Mr M.J. COWPER: Thank you, Mr Speaker.

The state trail bike strategy is a good strategy. It came out in April 2008, at a time when this problem was probably at its peak. Given the way the economy is at the moment, the sport is in a bit of a downturn, as members can appreciate.

Mr P. Papalia: The way the economy is at the moment?

Mr M.J. COWPER: The situation is —

Mr P. Papalia interjected.

The ACTING SPEAKER: Members!

Mr M.J. COWPER: It is almost pointless, Mr Acting Speaker, trying to get my point across when I get interjections from rabbits on the other side.

Mrs C.A. Martin: Come on! Don't get personal, mate. I don't look like a rabbit. I don't care what he says.

The ACTING SPEAKER: The member might not look like a rabbit, but she is called to order for the first time.

Mr M.J. COWPER: The fact remains that there was an opportunity for this matter to be addressed under a previous government, but it was not. This report has been sitting on the shelf for two years. The problem is that —

Several members interjected.

Mr M.J. COWPER: If anyone is really interested in this subject, I am more than happy to take them down to my area and show them what the issues are. The various points that are raised in the strategy are very good points. I agree with most of those points—not all of them. A number of serious issues need to be addressed. A part of this issue also dealt with trying to control off-road motorcycles, but it caused some problems inadvertently. There was a situation, and the Shire of Harvey has banned all quad bikes accessing beach areas. The reason for that is that high-powered quad bikes were going down to the beach and causing discomfort for, and affecting the amenity of, a number of people. However, as an offset to that, a number of senior people—retired farmers—who want to go to the beach and do a bit of fishing do not cause any problems or damage, but, as a consequence of the actions of some people, their amenity has been destroyed.

Mr M.P. Whitely interjected.

Mr M.J. COWPER: Between Binningup and Myalup and the area in that vicinity.

Several members interjected.

The ACTING SPEAKER: If members want to have a meeting or a little chat, there is coffee outside and they can do it there. But what we want to do now is listen to what the member is saying.

Mr M.J. COWPER: Thank you, Mr Speaker.

That ban was, in essence, a consequence that, unfortunately, was brought about as a result of an injury caused by people who do not take the sport seriously. We have a situation that needs to be addressed; otherwise it will become an even bigger issue. Hopefully, when the economy improves, we will see reinvestment into motorcycles by the recreational users and, hopefully, a lot more people will come back into the controlled sports that come under the umbrella of Motorcycling Western Australia, which has a strict regime of use. When we visit places such as the pine forests that are scattered in the urban areas outside the metropolitan area, we see motorcycles travelling at 100 miles an hour down some of the tracks. If a motorcycle is coming the other way, it concerns me that no real structure is in place that gives some sort of order to the way in which they should be travelling. Obviously, when bikes or off-road vehicles are travelling in the wrong direction, things can come unstuck. In the past that happened to me in Dwellingup when I, unfortunately, confronted a ute coming the wrong way, and I woke up in the Murray Hospital.

This strategy is a good strategy. It should be supported with funding. However, the issue that I raise is that I am not sure that we have progressed very far in recent years in identifying areas that may be suitable for this sort of activity. There, in essence, is the problem.

MS R. SAFFIOTI (West Swan) [5.18 pm]: I support the motion, and I thank the member for Kwinana and the member for Maylands for the comments they made today, as well as, of course, all my other colleagues who will make very important contributions to the debate. This is a serious issue because it is about the safety of the public and the safety of the riders. This strategy tries to create an environment in which there are places for riders to go and do what they want to do in a safe way. I support the trail bike industry, because I believe it is a good thing. Trail bike riding is a fun thing and young people like doing it. The fact that they like doing it means that

they will do it. I believe that government has a role to support them in ensuring that young people, and the rest of the population, have something to do that is a bit different from just sitting in front of the television at home. So I think that this is a very important issue. As I said, it is about the safety of the riders and the safety of the public. I grew up in Karragullen, on the orchard. I used to have a four-wheeler, and that was a bit of fun. However, there have been instances in which people have lost their lives on these off-road vehicles, so it is a serious issue. As the member for Maylands has outlined, this issue also affects the general public.

The member for Murray–Wellington talked about the lack of trail bike riding sites, but the Back on Track strategy needs funding and a process by which sites can be properly identified. Frankly, member, I do not think one member of Parliament walking around saying, “This could be a good site”, is how these new sites will be developed. Proper processes need to be implemented by the agencies involved, and the government must make a commitment, because once that happens, the agencies will follow. If the government made a commitment to endorse this strategy, the Department of Environment and Conservation and local government—all the relevant agencies—would work together. This motion relates to the adoption of the strategy and the provision of funding, and, having done that, everything will fall into place. Frankly, as I said, a member of Parliament walking around saying, “This might be an appropriate site”, will not solve this; this is about getting government endorsement and getting processes in place, via cabinet, so that appropriate new trail bike tracks can be found.

The member for Gosnells raised the Gnangara issue; that issue has been raised, also, with me. A local rider raised the condition of the Gnangara trail, and that has been picked up in this strategy. Today we have heard what some of the consequences of not adopting this strategy and providing funding may be; consequences such as people riding in areas they are not meant to. Soon after I was elected in September 2008, one of the first issues I was confronted with was a trail bike being ridden on a footpath past some housing units in Ballajura. More broadly, of course, my electorate contains the area of Henley Brook, where there are a lot of horse riders, and the mix of trail bikes and horses just does not work.

I think this is an industry that should be encouraged. Young kids like doing it because it is a fun thing, and if it is fun kids will do it whether there are legal places to go or not. This government has been in power for a number of years, and I do not believe that it does not have enough funding available to adopt this strategy. Minister, a lot of funding has been provided by the Department of Sport and Recreation, and there has been a lot of spending on other things around the state. This issue affects, primarily, the outer urban areas, and I think it needs to be addressed. Due to the continued urbanisation of the outer fringe in particular, as is happening in my area in the north east corridor with 33 000 homes being built through the Lord Street corridor, this issue will become harder and harder to handle. The East Lansdale development is happening, and, more broadly, Ellenbrook will continue to grow; there is also a proposal for a new suburb of Gnangara north of Gnangara Road in east Wanneroo. Because of that growth in urbanisation this issue will get harder and harder unless it is confronted now. The mix between the urban fringe and the new residential areas needs to be addressed now, or the problems identified by members on this and the other side will only worsen. I know the member for Darling Range has the issue of continued urbanisation in areas such as Byford. Minister, I hope that the adoption of this strategy has been considered as part of the budget process, given some of the spending that this government has done in recent months—today we heard about the Hale House extravagance.

Several members interjected.

Ms R. SAFFIOTI: This is about priorities being set by this government.

Mr T.K. Waldron: It’s not just priorities. It is priorities, but there are other things that come into it as well.

Ms R. SAFFIOTI: Sure, but the government has this on the table, and it is about priorities. It is about the government saying, “We’re going to do this for the suburbs of Perth and we’re going to do it for the young people of the metropolitan areas of Western Australia.” One of the key recommendations is that local areas be found that are suitable for young riders, which I think is a fantastic idea.

Mr T.K. Waldron: I agree. There is just one point: you keep talking about urban fringe, which is right—there is no argument there—but there are also lots of areas in country Western Australia that have similar issues, not only with the urban side, but also with the environmental side, which I will mention. It is very popular out there as well.

Ms R. SAFFIOTI: Sure, and the \$2.8 billion in royalties for regions can fund that. I am saying that the outer suburbs of Perth continue to be neglected by this government, and the minister needs to make it a priority. Seriously, when we go through the royalties for regions books and see the things that are being funded across Western Australia while the outer suburbs of Perth cannot get basic infrastructure or these serious issues addressed, it is a real problem. I think the minister needs to sit at the cabinet table and say that this is a priority.

Member for Murray–Wellington, seriously? He might have the best of intentions in walking around and trying to find a place to put a trail bike track, but, seriously, it is about supporting this motion and raising the priority for the government so that it will endorse it.

Mr M.J. Cowper: Claptrap! Are there any areas in your area that you could volunteer?

Mr P. Papalia: The claptrap is coming from you! Give it some funding! If you care about it, give it some funding! You're in government now; you used to attack us.

The ACTING SPEAKER (Mr P.B. Watson): Members!

Mr M.J. Cowper: You go and find somewhere yourself, you mug!

Mr P. Papalia: You're not taking action!

The ACTING SPEAKER: I will call you both to order, seeing as you feel very happy about talking to each other, especially when I am on my feet. I call you both to order.

Ms R. SAFFIOTI: I give the member for Murray–Wellington the guarantee that if the government funds this strategy he can come out to my electorate and we will walk around and find somewhere. But we need the government departments to be committed to it, because the process does not include me walking around saying, “This is a good bit of land”; there are regulations and laws of this land that need to be complied with. Walking around and saying, “This is a good bit of land”, is not going to sort it. Proper processes need to be in place and the departments must be willing to carry them out because of the government's commitment. That is all we are calling for. If the member for Murray–Wellington is serious about this issue, he will support the motion.

Several members interjected.

Ms R. SAFFIOTI: What has the member for Murray–Wellington been doing? What has he been doing for two and a half years?

Mr M.J. Cowper: More than you!

Ms R. SAFFIOTI: More than me? What has the member done? Look, I do not want to engage in the member for Murray–Wellington's car park bullying type of approach in this Parliament.

Several members interjected.

Ms R. SAFFIOTI: As I said, if the member for Murray–Wellington was serious about this, he would endorse this motion. This is serious; this is about the safety of riders and the public. It is much broader than trying to score some cheap political points in this chamber, member; this is a serious issue.

Mr M.J. Cowper: Who's raising issues about the “Palace on the Hill”? That's points scoring.

Ms R. SAFFIOTI: It is about the safety of riders and the public, and about supporting a good industry that provides a good pastime that we should be encouraging.

Mr M.J. Cowper: What have you done to support the industry?

MR D.A. TEMPLEMAN (Mandurah) [5.27 pm]: We have heard some very important speeches in the last hour or so that have highlighted a whole range of issues and concerns, but at the end of the day we all know what the problem is. We do not need to be reminded by the member for Murray–Wellington, who, with all due respect, told us about all the things he has been doing, but when the big crunch comes and we ask him to come and support a motion that simply asks the minister of the day to get on with the job of funding and implementing this strategy, he will be found wanting. We do not need to hear about the history of how many life memberships he has or what motorcycle group he is a member of; that is great, but it is not the point of this motion tonight. We are simply asking that he and other members of his side recognise that two years is too long for this strategy to have been sitting there, waiting to be implemented. Let us get it implemented! We all know what the problems are. We all know that there are issues about land, about environmental protection and about the safety of riders, and that there are issues about ensuring that, by having some form of regulation, we enhance the protection of particularly young people who are involved in this pastime.

The other thing we have to respect is that this is a growing pastime and interest of many, many young and not-so-young Western Australians. I have never had an interest in motorcycle riding, but I recognise that for a significant number of people in my electorate and the Peel region it is a very, very important weekend pastime. It is a major issue for those people who live in Lakelands and Parklands in the northern part of my electorate, because although significant areas of land are zoned urban or semi-rural, there is a demonstrative clash between residents and off-road motorcycle riders who want to have space to do their thing. I receive calls from very distressed residents of Lakelands and Parklands who are concerned about the dust and the noise and the effects on fauna. I witnessed riders in the Lakelands area herding kangaroos—I do not think intentionally, but possible some of them in the past did it intentionally—but the kangaroos have nowhere to go because a railway line fence prevents them from going anywhere. We know the problems.

As many members know, I was a teacher at North Mandurah Primary School. I taught a young fellow called Michael—I will not mention his last name—in year 6. He was a lovely fellow from a lovely family. Some years

ago, Michael was riding his motorcycle in an area around Gordon Road. Those members who know the area of Gordon Road in Mandurah would know it has developed rapidly in the last 10 to 15 years. It was a waste transfer station 15 years ago, and Meadow Springs was beginning to be developed, but most of it was bush. The greyhound track existed, but that is about all there was in that area of Gordon Road. Young Michael was riding his bike one afternoon after school. He came around a corner and hit a parked bulldozer and lost his life. Going to a young person's funeral at Lakes Memorial Cemetery was the worst experience that I can remember as a teacher. It was absolutely tragic to see so many young people, along with Michael's family, mourning the loss of that young life. We have had similar experiences not only in Mandurah but throughout Western Australia. I do not blame anyone for that; it was a simple tragedy. However, the impetus for this strategy is to ensure that we provide the best possible protection for people in our state who decide that they wish to partake in off-road motorcycle activity. We need to provide safe opportunities for that activity to occur. The way forward is in this strategy that is being debated tonight.

I do not know what the minister has done. I am sure he will tell us what he has done, but I do not know why the blockage is there. Our understanding is that the strategy is sitting in the cabinet process. I want to commend the work of the member for Darling Range. I have a lot of time for him; I always have. He is a very nice person; he is a straight-talker and he means very, very well. However, the member has been embarrassed throughout this process. He took on the role of chairing a task force and working with the key stakeholders to take input. The member went to various parts of the state, particularly around the Peel region and parts of the metropolitan area, to talk to stakeholders, the motorcycle representatives, motorcycle riders, local government and a range of people. The member did a great job, but he is now embarrassed. I feel for the member, because I can understand why he is embarrassed. He has done the work to come up with the opportunity, the strategy, but now we have this blockage. We are waiting to see whether the government is really intent on seeing this through and implementing this strategy.

As has already been highlighted, members on this side of the house have indicated strong support for the strategy and the recommendations included in the strategy. There has even been support for how the funding of the strategy might occur. The member for West Swan's point is absolutely spot on: we already have a funding pool available to address this; it is called the royalties for regions scheme. We already have the money. Not only that, the Minister for Sport and Recreation, who has the potential to access those funds, is part of the National Party caucus that holds the purse strings. He is part of the National Party caucus that has the Premier by the short and curlies in terms of the funding. The minister has the capacity to bring this strategy in at next Monday's cabinet meeting up there on St Georges Terrace. The minister could say that the money is there. The minister knows that the money is there and he knows that he has Premier over the barrel—he has him over the motorcycle already! The minister has the Premier hanging on! It is not the Premier who is driving this state; it is the Leader of the National Party. The Leader of the National Party is up the front and the Premier is on the back getting a dinky. The money is already there. The government does not even need to introduce a registration scheme or a user-pays scheme, because the money is already there; namely, the \$2.8 billion that we are reminded of every single day.

I have done a few figures. I am not great at maths. I was runner-up dux in maths 4. There were only four people in the course, but I was still runner-up dux in 1982 at Northam Senior High School. I have done the maths. I could be wrong, but the fact is that the people of Mandurah, a regional city, receive only \$20 a head from royalties for regions, according to figures I have seen. The Minister for Sport and Recreation has the power now. The fellow who sits next door to the minister, the Leader of the National Party and the guy who masquerades as the Minister for Agriculture and Food have the power. The gentleman who almost kicked me out this afternoon who sits in the chair up there has the power. The National Party has the power. The National Party does not need the member for Murray–Wellington coming in here to tell us about all the life memberships he has, all the vehicles he has driven in the last 50 years of his life and all his wonderful presents and trophies. That is irrelevant. The fact of the matter is, and will always be, that the National Party has the power. The Minister for Sport and Recreation can go in on Monday and tell cabinet, "I've got here in my hot little hand, Premier, an urgent cabinet document. It's been sitting around for two years collecting a bit of dust, but I tell you what—it's here, and I know how to fund it. I know how to make sure that we can protect young riders and other people who are taking up this pastime so that we can make it a safe and pleasurable recreational experience."

I ask those newer members on the other side to support this strategy. The member for Wagin is a seasoned member; he has been here for a while. The newer members sitting behind the minister include my very good friend the member for Swan Hills—Duffy, over there. Duffy, of course, knows all about this issue. He might ride his motorcycle side-saddle; I do not know! I can see the member for Swan Hills in one of those sidecars. I reckon I would be the driver and Duffy would be down there next to me. We would be roaring along with a little sidecar—zooming around. We would probably be passed by every young rider. Some would jump over the top of us, but we would be there. We would be like the people on that wonderful cooking program *Two Fat Ladies!* That would be us!

Mr F.A. Alban: I think you're a frustrated National. You'd better join up!

Mr D.A. TEMPLEMAN: No. The member for Swan Hills would love me to join up! But I could not do that.

I am glad the Premier has bowled in here. He has obviously been watching on his telly. I hope that it is implemented on Monday, when cabinet gathers on the Terrace on the twenty-ninth floor, or the twenty-fifth floor. I must have been going to the wrong floor when I was minister! I was wondering why it was so lonely! I used to turn up but no-one was there!

Ms R. Saffioti: There is no twenty-ninth floor!

Mr D.A. TEMPLEMAN: There is no twenty-ninth floor! That makes it even worse. I was minister for nearly two years and obviously never went to a cabinet meeting! I thought it was a bit lonely. A lady used to bring me tea, though. I did not know her name; I wish I had known her name.

Look at those members sitting behind the Minister for Sport and Recreation—what a fine bunch we have over there in Dad's Army! Captain Mainwaring is in the front. His panic room is up at Hale House! "Don't panic, Mr Mainwaring, don't panic! We'll go to the panic room!" Members sitting behind the Minister for Sport and Recreation have the chance to put some real oomph behind the minister. What is wrong, Duffy?

Mr F.A. Alban interjected.

Mr D.A. TEMPLEMAN: I did not quite catch that, but I am sure it had no relevance!

Members sitting behind the Minister for Sport and Recreation now have every opportunity to send the message to Captain Mainwaring and his Dad's Army, to Pikey, who sits next to the minister, the young fella —

Mr T.K. Waldron: Sorry, I lost you there for a while.

Mr D.A. TEMPLEMAN: I know. The minister was listening to every word I said!

Mr T.K. Waldron: It is funny, but I lost you there for a while.

Mr D.A. TEMPLEMAN: I tend to do that myself!

The members for Carine, Geraldton, Southern River, Wanneroo, Morley and Ocean Reef —

Mr F.A. Alban: He might be the new Moses; the new leader!

Mr D.A. TEMPLEMAN: I tell members what: I would lead us all to the Promised Land, I can assure members of that!

Mrs C.A. Martin interjected.

Mr D.A. TEMPLEMAN: Is the member going to finish interrupting?

Members now have the opportunity to support the opposition's motion, which is very simple: Any person would know that this motion is very simple. It simply calls on the government to take action with regard to a very important strategy and make sure it is implemented as soon as possible. It actually could be implemented as soon as Monday's cabinet meeting.

Mr M.J. Cowper: When did you read it?

Mr D.A. TEMPLEMAN: What?

Mr M.J. Cowper: The strategy—when did you first read it?

Mr D.A. TEMPLEMAN: It would have been a few months back.

Mr M.J. Cowper: Weren't you the minister who helped fund this strategy?

Mr D.A. TEMPLEMAN: I do not think so. If I did, I probably did not know about it because I was probably on the wrong floor! The problem is that the member for Murray–Wellington keeps diverting to the past. He keeps going back. I like the member for Murray–Wellington; he has done some fantastic things, but the problem is that he keeps going back! He does not look forward; he looks back all the time. The member looks in the rear-vision mirror all the time. It is always about what happened in the Kimberley when the member was up there, or what happened in Australind when he was down there, or what happened when he was talking to the fellow in Coolup when he was over there! The member for Murray–Wellington never tells us what he will do. He just tells us what he has done. This is about what he will do—that is what we ask him today. It is very simple: when the motion is put and the bells ring for a division, if it is needed—it should not be needed as it should be unanimously supported —

Mr M.J. Cowper: I could do with your help.

Mr D.A. TEMPLEMAN: Whose help?

Mr M.J. Cowper: I could do with your help.

Mr D.A. TEMPLEMAN: The member would not want my help—I have a history!

Cabinet can implement the strategy on Monday. New members behind the minister can show their support for this motion by simply voting for it. I will not need an extension. I would love to have one, but I will not!

It is a very simplistic motion; it simply asks for action. Action can take place as soon as next Monday. The Minister for Sport and Recreation knows his alliance party has the power. It already has the funding. It has a big, huge bag of money called the royalties for regions money. He goes to Beacon and hands out the dosh on the side of the road! The government has the money. All the minister needs to do is make sure it gets up in cabinet as a priority. We can then, firstly, see that the people involved in this recreational pursuit are protected; secondly, implement it in a way that protects the environment so that we do not impinge upon important areas set up to protect some of our native flora and fauna and our landscapes; and, thirdly, implement it in a way that does not impinge on people who live in urban areas. It is very simple. I will be interested to see what the members for Swan Hills, Carine and Geraldton do if we divide tonight. The member for Carine is quite often a very verbose man in this house; I want to see what he does on this one! I am sure there are a few bike riders in places such as Greenough; in fact, I can see the member for Geraldton as a bike rider. He can sit with Duffy in the little sidecar! This is right up the member for Southern River's alley!

I might need a slight extension; just a very small one.

[Member's time extended.]

Mr D.A. TEMPLEMAN: Let me just talk about the member for Southern River for one moment. He is a man who, if anyone, should be a bike rider. He has legs as long as a pole vaulter's pole! I am sure there are areas in Southern River where this is a problem. I will be interested to see which way the member for Southern River votes on this one. There will be bike riders who want to get out and about. I am sure the member has some problems with activities taking place that impinge on neighbouring areas. This is right up the alley of the member for Wanneroo, because he has vast amounts of vacant land in his electorate, but I am sure it is being utilised. Is the Gngangara mound in the member's area?

A government member interjected.

Mr D.A. TEMPLEMAN: Of course. I was not sure whether it was exactly in the member's electorate.

The member for Wanneroo should be looking at this very closely and demanding that the minister do something about this on Monday. The member for Morley would be a biker from way back. Not a bikie; a biker.

Mr I.M. Britza: A cruiser.

Mr D.A. TEMPLEMAN: A cruiser! I could see him on a cruiser. It is a big issue for people in his electorate. I am sure this is also an issue in the member for Ocean Reef's electorate, with all those young people with lots of money to spend on motorbikes. I would like to mention the member for South Perth, but I can see him more on a moped! A moped would be more his style, as he scoots around Coode Street in South Perth.

I conclude by simply saying the funding is there, the strategy is there, the recommendations are there, and the willingness by the people in the gallery and others who have strong support for this is there. Just do it.

MR P.T. MILES (Wanneroo) [5.48 pm]: I want to spend a small amount of time to properly put a bit more context on the serious and dangerous sides of allowing trail bike riders to go anywhere and everywhere they wish to go, especially in the new developments in the northern part of my electorate. The minister has been working on the Back on Track strategy for the past 18 months to two years. There has been a good deal of effort on his part to get it up. The only problem is that it goes across about six ministries. He has had to work a lot across all those departments. The minister needs to take the lead to get this strategy through. I believe responsibility for it belongs with the Department of Environment and Conservation because the riding tracks need to be on its land. That is my preferred option.

In January or February 2010 a 22-year-old man was killed while riding his quad bike in parkland in Neerabup just past Wanneroo. He had been riding his bike at about eight o'clock at night after he had had a few drinks. The young man's father admits that his son did all the wrong things at the time. He rode down the fire trails along the national park, although he did not go into the park. He returned using a track that he had always used. However, during the afternoon on that day a developer had blocked off the trail. The developer had not just put a pile on sand on it, which is usually the done thing in these cases, but had dug a trench about 600 millimetres, or 18 inches, deep, and had piled the sand up to 1.2 metres in height. To cap it off, for good measure a fairly large tree was put on top of it. I will not mention anyone's name because the matter is still going through the Coroner's Court. When the son raced back home, the quad bike wheels went down the ditch first and catapulted him over the bike. Everyone on the site said—even the people who live at the back of the dirt track—that if the tree had not been on top of the pile, the son probably would not have snapped his neck. He was killed straightaway. Quite a few people are involved in this matter, including the developer, the people who did the ground works, the local council and DEC, because the illegal structure was created on DEC's property for the

purpose of stopping riders from using the firebreak. In time, the coroner will investigate that death. The father made it quite clear to me that he wants to know who was ultimately responsible for digging the trench, building the sand and putting the tree on top of it. He has also made it quite clear that his son was dumb and should not have driven his quad bike after he had had a few beers after work that night. A number of incidents led to the young man's death. It is a very sad case. A track has been established near Barbagallo Raceway off Wattle Avenue for quad bike riders and trail bike riders to use. I have been there several times and my brother frequently uses the area. There is not enough space for trail bikes to be ridden. More hectares of land are required and some rules must be put in place to protect the people on the tracks. The state trail bike strategy has been done and shows that some money needs to be provided. The Minister for Sport and Recreation is dealing with the matter and I will be happy to hear what he has to say this evening. Although I was jovial with the previous speaker, we must remember that early last year someone died because he could not go to a safe place to ride and so he ended up riding where he should not have been riding.

There is a lot of development between where I live in Yanchep and my electorate. There are developments in the northern part of my electorate right up to Yanchep. Once the developers get their proposals up, they clear the land and build limestone walls on the urban fringe. I do not have a problem with that. The issue I have is that they do not protect the holes, trenches and piles of sand that they dig and build. Therefore, young people believe that the land is inert and can be used to tear up and down on without harming anyone. Unfortunately, some of the trenches and holes are three or four metres deep. Every weekend, whether it is at Yanchep or Butler, someone needs to be airlifted to Royal Perth Hospital or the rehabilitation hospital at Shenton Park with a broken back or leg. I support what the opposition has said. We need to get this strategy up and running as fast as we can. The state trail bike strategy has been two years in the making and we know what is needed. We have the capacity to do it because 18 000 hectares of state forest in the northern suburbs is being deforested because of the European house borer, which bores into pine trees. More of that land needs to be used for recreational motorbike riding. Not everyone necessarily wants to join a motorbike club or something of a similarly formal nature; they want to casually race around trails. I am very supportive of the Back on Track strategy, or whatever it is named, because of the situation in Wanneroo. Rangers will not and should not chase bike riders. When I was a councillor, a ranger who worked for the City of Wanneroo chased a motorcyclist, who fell off his bike and broke his leg. Ultimately, the case was settled in court. Whether the ranger should or should not have done that is for others to decide. We need to set up casual spots for trail bike riders. There are plenty of casual places for walkers, and I believe trail bike riders need their own place where they can go. I am very keen to hear what the minister has to say.

MS J.M. FREEMAN (Nollamara) [5.57 pm]: I also support the motion before the house that the government immediately commit to implementing the Back on Track strategy and to funding the strategy in the 2011–12 budget. A constituent in Koondoola, which I represent, raised the matter of trail bike riding in Koondoola. Trail bike riding occurs in residential areas. Nuisance riders are the cause of aggravation in Koondoola, particularly when they ride on verges, roads and pathways to get to the Koondoola bushland, which is a Bush Forever site. The member for Kalgoorlie argued that some Bush Forever sites are suitable for trail bike riding. I am open to a debate about that. However, the Friends of Koondoola Regional Bushland, which has worked very hard to maintain the diversity of flora and fauna in that area, may dispute that. The lack of designated areas for trail bike riding has resulted in areas such as the Koondoola bushland being used for that purpose. A Bush Forever site in Mirrabooka, which has quite a few animals in it, is used for trail bike riding and the site has been degraded as a result. The state trail bike strategy recommends using that land for trail bike riding. The Friends of Mirrabooka Bushland group may have good and very cogent arguments against using those areas for that purpose. We need to implement the state trail bike strategy if Bush Forever land or forest is to be used for that purpose. We need to begin on those areas. The member for West Swan made a very good point when she said that that was the reason; we cannot have just one or two people going out and saying it might be a good area. We need to implement a strategy that is cogent and makes good sense in its application so that the residents of Koondoola have the capacity to say to residents from surrounding suburbs who are trying to enjoy their recreational pursuits that they should not be coming through the area to get to the Koondoola bushlands, and they need to have the capacity to police that. As the member for Wanneroo said, it is very difficult; Koondoola is part of the City of Wanneroo, and ringing the rangers tends not to result in action. This is someone who lives in the neighbourhood; the Koondoola resident was very reluctant to ring the police. He had some sympathy for this young man, but he also had some concerns about the nature of the riding.

Licensing and registration are very important aspects in addressing these issues and will assist in getting some vital statistics on how many riders there are and an understanding of the people involved in the sport to enable appropriate education on the safety aspects et cetera..

It is funny that when we deal with issues like this, we suddenly realise that we are a bit more familiar with them than we thought. When I was growing up, my father and my brother were both trail bike riders in Esperance. My father takes safety very seriously, and perhaps I have inherited that because it is obviously a passion of mine.

The trail bike strategy goes to safety issues. It particularly goes to the issue of mentoring young riders and ensuring that they have an understanding of how to negotiate terrain and that safety is observed in those areas. The member for Wanneroo related a poignant story that happened in his electorate in that regard.

In my own experience, my father helped my brother become very skilful at being able to almost case the areas. The member for Murray–Wellington probably has done the same for his son—given him very good and sage safety advice. However, that does not always happen, and young riders sometimes need the care and consistency of clubs and other people to have that influence on them. Again, in my own personal experience, my cousin was once riding a quad bike—perhaps illegally—over sand hills, and climbed one sand hill only to find that there was nothing on the other side of it. He subsequently sustained a permanent impairment; he was a young man at the time, entering the beginning of his working life. As legislators we need to recognise that these things have to be addressed to ensure people's safety, and the best way to do so is through licensing and registration.

I take the point made by the member for Murray–Wellington that it is very difficult to use private land for this sort of recreational activity. A very important aspect of this strategy is for the Insurance Commission of Western Australia or other insurance providers to develop a third-party personal package for off-road and private property cover. I did some research to see what happens in other jurisdictions, and it seems that New South Wales and Victoria may have some sort of policy coverage for that area. We can certainly do something as a Parliament, and we have done things in the past, to lessen personal liability issues on sporting clubs and councils. Although we cannot allocate crown land, and although there may be competing demands between conservation and usage, it is important to provide the other opportunity for people to use good private land. We need to ensure that those people are not left open to liability or placed at great risk for, frankly, providing a service to a sport that is not high on the list of high-paying sports. I am sure that trail bike riders in other countries make great amounts of money, but in Australia they are probably more like netballers—not as well regarded or respected in their own country.

Mr W.J. Johnston: The world champion's an Australian.

Ms J.M. FREEMAN: I probably should know that! My parents will probably tell me that I know him!

Mr W.J. Johnston: Australians are very prominent in motocross.

Ms J.M. FREEMAN: I was not even asked what football team I supported by the *Sunday Times*! The member for Darling Range was not asked either! I would have said Subiaco, by the way, if anyone had asked. I am a vice-patron of Subiaco, but I digress.

Mr M.J. Cowper: But you make a good point. In the eastern states, that's exactly what they do. Over there they have commercial enterprises that have come out; farmers have realised that they cannot make a commercial venture out of their farming properties and, given their proximity, they actually offer up ride parks, and they have done it on a commercial basis. They have had limited success, but what I meant to mention and what the member touched upon is that if you have a club base for which there might be some land attached, not only can it provide for various disciplines, but they have synergies in that respect.

Ms J.M. FREEMAN: As I understand it, in Victoria there is the Australian Motorcycle Trail Riders Association, which owns a property in northern Victoria. That is a club, and we may not get to the point of allowing insurance liability to be less than for a private enterprise, because there are many complex issues involved relating to professional behaviour. However, in respect of not-for-profit clubs accessing and using land, it would be a good idea to look at how the cost of liability can be lessened. Obviously, where there is clear evidence of negligence or behaviours that lead to injuries, the common law should always apply, but people should be able to get insurance to enable them to operate these sorts of ventures, and that is what this strategy goes to.

Mr M.J. Cowper: You're quite right. Under club auspices, if they are affiliated with Motorcycling Australia, they are actually covered by \$50 million indemnity insurance, as long as they fulfil certain requirements—training, wearing the right equipment and everything else—which is where we want them to head in the first place.

Ms J.M. FREEMAN: Is that in Western Australia?

Mr M.J. Cowper: That currently operates under the club systems in Western Australia.

Ms J.M. FREEMAN: But that does not allow them to get land, does it?

Mr M.J. Cowper: That is something that we have actually been discussing with Motorcycling Western Australia, but it comes down to funding.

Ms J.M. FREEMAN: That is all part of the strategy, is it not? It is all part of implementing the strategy that we are calling on the government to bring about.

This is not without precedent. In 2009, the Victorian government confirmed \$5 million over four years to its trail bike initiative. It is not as though that sort of funding is without precedent.

Today during question time, the Minister for Sport and Recreation talked about funding, and that immediately posed a question in my mind. I would like to know that people from Nollamara, Mirrabooka, Koondoola and Alexander Heights will participate in a day of nature play on Rottnest Island. I know who goes to Rottnest Island, because I am one of those people—a western suburbs girl who goes to Rottnest Island, and I do not see a lot of the Mirrabooka or Koondoola people there, but I will ask that question separately. That day is about nature, and these people have been out in nature, doing their nature stuff for a long time; we have to have money for this, it has been around for two years and the government needs to act now.

MR A.J. SIMPSON (Darling Range — Parliamentary Secretary) [6.10 pm]: I thank members for their contribution to this debate today. It has been fantastic to hear the debate across the chamber. As the member for Warnbro rightly pointed out, the Minister for Sport and Recreation gave me the task of costing the “Back on Track: State Trail Bike Strategy” report. The original “Back on Track” report made 98 recommendations, and it was my job to cost those 98 recommendations.

I want to touch on a couple of issues that have been raised by members. I brought together a joint agency implementation committee, or JAIC. That committee comprised people from the Department of Transport, the Department of Local Government, WA Police, the Department of Environment and Conservation, the Water Corporation and Motorcycling WA. There were also some people on the committee from the Department of Sport and Recreation to help us with the secretarial work. A number of the people on the committee moved and were not there from the start to the finish of the process, but many of them were. We gave a contract to Trail Bike Management Australia to do the costing work for us, because it had prepared the original report, and it did a fantastic job in putting that costing report together.

The goal for trail bike riders is that they be placed on a sustainable footing. The “Back on Track” report strategy overview, dated June 2008, states at page 5, under the heading “Outcome” —

The pressures—requirements and concerns of the community, land managers, environment groups, regulators, other trail users and trail bike riders—all need to be in balance. If any of these pressures outweighs the others, the system will not be sustainable.

The recreation of trail bike riding must have suitable governance, resourcing and funding to ensure the solutions are sustainable.

To provide improved trail and venue facilities, trail bike riding must be better managed which requires increased regulation with registration, licensing and enforcement.

For land managers to provide facilities, the issues of insurance, liability and risk management must be addressed.

Designated trails and venues must be planned, developed and maintained to attract trail bike riders and to ensure the minimal environment and community impact.

Education and improved information is needed to foster socially and environmentally acceptable riding behaviours.

These are the issues that we need to deal with. Another member touched on the process that we had to go through. I guess that is one of the reasons that we are having this discussion tonight, because we have taken a long time to get to this point. I want to highlight a couple of the points that have been a bit frustrating for me as chairman of this committee. We asked the Department of Transport how much it would cost to license every off-road motorbike in Western Australia. The idea is that the licensing fees will be put into a trust account. I ask members to imagine that, in the future, every motorbike that is sold in Western Australia is licensed by the Department of Transport, in a similar way to a car, a boat or a trailer, and is given a vehicle identification number. That will make it easier to track a bike if it is stolen. The bike may be an orange KTM—there are plenty of them out there—but no-one will know who it belongs to unless they have the make and model number. Now they will also have the VIN. That will make it easier to ensure that the bike is returned to the owner.

Another issue is the land that is available for trail bike riding. The Department of Water will not allow people to go into a catchment area; people cannot even walk their dogs in a catchment area. That rules out a large part of the hills area. We have done some investigation and have looked at areas further out that may be suitable for trail bike riding. The member for Murray–Wellington spoke about the problem of the sandy soils that are found in many parts of the metropolitan area. That issue came up regularly in our report. Junior riders cannot ride on sandy soils. Three areas in Perth that people use for trail bike riding—Medina, Gnangara and Pinjar—are sandy and not good for junior riders. DEC and the off-road community have done a bit of work at Pinjar to put down some hard base for junior riders. A number of members have spoken about how the situation at Gnangara is out of control. We have identified in our report that we need a number of different tracks—a junior track, an

intermediate track and a senior track—that all go in the same direction around a trail and come back to a central point. That will fix the problem of people riding everything from four-wheel-drive vehicles to motorbikes, and not being separated in any way.

Education is also very important. In our report we have identified the need for money to be allocated in the first round to educate the community about the process. Other issues are the design of the trail system, and also risk management, which the member for Nollamara spoke about.

“Back on Track” is a fantastic report, and I am very happy that we are at the stage that we are at today. The process has been a bit frustrating, as the minister would know, because I have been talking to him about it.

Amendment to Motion

Mr A.J. SIMPSON: I move —

That the motion be amended as follows —

To delete all words after “government” with a view to inserting the following words —
confirm its support for the Back on Track state trail bike strategy.

The government is very supportive of this strategy. This debate today has raised the awareness of members of this house. Members have talked about their individual concerns about off-road trail bikes —

Mr R.H. Cook: So you are not seeking to implement it?

Mr A.J. SIMPSON: Yes, I am.

Mr R.H. Cook: You just want to keep talking about it.

Mr A.J. SIMPSON: No, I am not. I am at that stage, member. I am very, very close.

Mr R.H. Cook: Well, member, don’t put your amendment up. Support the motion in its current form. Stand up for the stakeholders.

Mr A.J. SIMPSON: I have. The member for Kwinana has raised a good point. I give the member my word that I will stand up. I am on the cusp of doing that at the moment.

Mr R.H. Cook: You’ve squibbed, haven’t you, member for Darling Range?

Mr A.J. SIMPSON: No, I have not, member for Kwinana.

This report is now at the stage at which it is getting close to the pointy end.

Mr P. Papalia: Just in time for the budget; so support the motion!

Mr A.J. SIMPSON: The budget is coming out, and there might be a nice surprise in the budget process, member for Warnbro.

I want to acknowledge a number of people who have put a lot of time and effort into this process and the committee. The Minister for Sport and Recreation and his staff have done a lot of work to get this up. This matter has gone on for a long time, and they have had to do a lot of work. I also acknowledge those agencies that have put a lot of work into doing the costings. I acknowledge also Trail Bike Management Australia, in particular Steve and Valerie Pretzel, and Rick Gill. Rick was on the committee with me. They did all the costings and they have been a great support in selling this to the wider community. I look forward to the minister’s report.

MR P. ABETZ (Southern River) [6.17 pm]: I would like to add a few words to this debate. I lived on the suburban fringe—in Willetton—from 1991 to about 2004. My home adjoined a large site that used to be a sand pit. The site had actually been bought by the Department of Education, possibly for a future school, and it bordered the Roe Highway reserve before Roe Highway was built. We certainly had our share of trail bikes and four-wheel drives making a lot of noise and causing a lot of dust just over our back fence, and that created some issues for us. Trail bike riding does cause a lot of noise, and many people have problems with it. Nonetheless, my wife and I and our children never took exception to it unless it happened at night. We need to recognise that trail bike riding is a positive form of recreation, because it gets kids away from their keyboards and into the fresh air. It also teaches them some mechanical skills in maintaining their bikes. I have never ridden a trail bike; I am more into mountain bikes. But it certainly is a positive pastime. The problem is that we need to create areas in which these vehicles and this recreational activity can be engaged in legally, so that riders are not pulled over by rangers or the police, or even have people throw stones at them because they are too close to their homes. The question is: where can we find land for trail bike riding? That is a fair question. I am now living in Southern River, again very much on the suburban fringe. There is a lot of undeveloped land close by. Some of that land has been allocated for Bush Forever. Actually there is a lot of Bush Forever land in my area. I really do wonder why some of that land should be classified as Bush Forever.

Mr F.M. Logan: Because they want it to stay bush forever!

Mr P. ABETZ: It has been zoned Bush Forever, but there is no bush on it! Some of the land was used as an old market garden and sand has been dug out of some of it. The young kids love going down there with their trail bikes and riding around. At that particular location, just off Ranford Road, the trail bike riders do not cause anybody any problem, but the Department of Environment and Conservation does not approve that type of use for Bush Forever land. A number of people in my electorate have come to me expressing their frustration at the lack of suitable sites where they can ride their trail bikes. They have gone up into the hills and been pinged by police or rangers, and have come to my office very angry and wanting to know where they can go. I hope this Back on Track strategy will be implemented fairly soon and we can begin to move forward with it.

Although it is great to have self-funding if possible, let us remember that our footy fields are not self-funding. Local government invests a lot of money in those facilities, particularly as suburbia spreads out. In the Southern River—precinct 3D, I think—the government is negotiating to purchase 13 hectares of land for football ovals and sportsgrounds. That is not self-funding and requires government funding. We think that is money well spent and it is a great opportunity for kids to get exercise. I have no problem at all if this Back on Track strategy requires some taxpayers' money, because it is positive and constructive and a good thing for kids to be involved in. Trail bike riding is a very positive thing.

Mr M.J. Cowper: The member makes a good point. The Pinjarra Football Club pays their local government \$500 a year as its rent contribution. By comparison, the Bunbury motocross club is charged \$8 000 a year for the use of the track in Bunbury. There is a disparity between the sports. If it is a favoured sport, it gets the sunshine. The problem is that people have injured the image of our sport along the way, which I suppose is a marketing issue.

Mr P. ABETZ: Sure, and safety is an important issue with trail bikes and quad bikes and so on. However, if these sports are carried out in the right place with the right kind of topography and tracks and appropriate supervision et cetera, there is no reason it cannot be a reasonably safe activity for young people. I would like to see this Back on Track strategy implemented, and I would be very happy to see some government funding allocated to it in the forthcoming budget.

MR F.M. LOGAN (Cockburn) [6.23 pm]: I rise to speak to the amendment that has been moved, which basically deletes all the words from the original motion after the word “government” and instead inserts the words “confirm its support for the Back on Track state trail bike strategy”. I will oppose that amendment, because it undermines the intent of the original motion. The original motion would bind the government to put money into this strategy and put a time frame on it so that the money is applied in the 2011–12 budget. This amendment will take all of that out and replace it with, “We confirm our commitment to the strategy.”

Mr T.K. Waldron interjected.

Mr F.M. LOGAN: I am glad that the minister will support the strategy. The amendment undermines the intent of the original motion. We know the strategy is good. There is no argument from either side of the house about the strategy. The question is: when will the government implement the strategy, put money into it and make the thing real? It has been sitting around for a long time. As the member for Cockburn, I can say to the Minister for Sport and Recreation that I am more than happy for the strategy to be introduced. I hope that the minister funds it in the forthcoming financial year and that he gets on and introduces it because Cockburn is plagued by illegal trail bike riding. Some of the things that are occurring are insane. Only this morning, after coming from a photo shoot for my local paper—yes, another one; the Minister for Education will find out about that on Friday when she reads her paper—I was going to have a coffee in a local cafe in Cockburn. As I walked into the cafe, a nine-year-old came roaring through the car park, driving around and around the car park on an unlicensed trail bike. At least he had a helmet on, but it was an illegal trail bike, that is, a mini trail bike that should not have been on the road in the first place but he had already ridden down the footpath and down the road to get to this car park. On Friday, outside my electorate office, I said to my electorate officer, “You didn't see that, did you?” There were four kids on one bike; not one of them was over the age of 10 and none wore a helmet.

Several members interjected.

Mr F.M. LOGAN: It was not a quad bike. It was a two-wheel bike and one of the kids was virtually sitting on the fuel tank! This bike came straight past the window of my electorate office, on the pavement in the shopping centre. They then cruised up and down looking to see which car they would break into. They are just two examples that occurred in Cockburn today and on Friday!

The worst examples are the people who roar up and down the railway lines, some of whom use this land as an access way to break into people's houses by jumping from the bike over the fence and into the house. They use the land up and down the railway lines as a racetrack, and there is a fair bit of that land in Cockburn. They are driving people absolutely insane with the noise. I have convened meetings that brought together in one room the local council; WestNet Rail, which was operating the train service; youth groups; and anybody members could imagine to discuss the issue. WestNet simply said that it will not close the area off: “So what! We're not going to

do anything.” Even the police will not act. There has been no assistance given whatsoever to stop illegal trail bike riding.

Members can consider what happened in Hope Valley, which is just over the border in the member for Kwinana’s electorate, where two incidents occurred—one in which a wire was put up between two trees and pulled a rider off; and the other was where two riders came flying around a corner and hit each other head on, killing one of the riders. Those incidents occurred in Hope Valley over the last couple of years. Many houses have been knocked over as part of the Hope Valley redevelopment and people are using this area as an illegal trail bike riding area. Even though at Medina, just down the road, there is a legal trail bike riding area, and we have a great motocross track a kilometre or so away in Henderson, they still will not go there; they want to ride illegally. It is absolutely critical to introduce the Back on Track strategy. The opposition fully supports this strategy, but it has got to be funded out of this year’s forthcoming budget and implemented immediately after this year’s budget. That is the why members on this side oppose the amendment.

MR T.K. WALDRON (Wagin — Minister for Sport and Recreation) [6.28 pm]: The government supports the Back on Track strategy. I want to say right from the start that the motion put forward tonight by the opposition is about the state government’s perceived inaction in implementing the WA trail bike strategy. We have had this strategy for a fair time, but there are reasons for that. It is not the case that the government has been sitting on this. We have actually been doing lots and lots of work. It is a very complex issue, as has been mentioned by all speakers tonight. There have been some great speeches tonight, and I will talk about those in my contribution to this debate. I sat in this place and did not interrupt members’ contributions, apart from a couple of times when I asked a quick question, because I wanted to hear it all. I hope that members will give me the chance now to go through some of the issues that have been raised and some of the reasons for the time taken.

This is an extremely important issue and members on both sides of the house have made that clear tonight. This is an issue that I have really taken on. I always thought that this issue was very important. Before we were in government, I was very aware of this issue and had some involvement, which is why I have been prepared through the sport and recreation portfolio to carry this and probably lead it within our government. However, we need to remember, as was put by many speakers, that this issue involves many different agencies right across the board, such as the Departments of Environment and Conservation, Transport, Local Government, Regional Development and Lands, Planning, Agriculture and Food, and the police. Many ministers are involved. It is complex to try to knit all this together. Like everyone in the chamber, I want the strategy implemented as soon as possible, but it is across government and involves a range of ministers and agencies. I understand the frustration, particularly of those people who are involved in the trail bike sport and the trail bike industry et cetera. They have been very proactive in driving something to happen, and I really congratulate them on what they have done. I understand their frustrations.

Members tonight have highlighted all the different areas and all the little complex things that add up when we go to implement and fund the strategy, and we have to ensure that we do this right. My staff and people at the Department of Sport and Recreation will tell members that I have always been wary of rushing into this job. I will talk more about the member for Darling Range’s efforts later, but it has been very complex going right through this issue. In the early stages as minister, I had to get my head around exactly what it all meant as I took up driving this issue, and I decided that we must ensure that when we commit to this, that we do it right. Members talked about licences, land, the environment and the police—a whole heap of factors come into play. If we rush it and get it wrong and it is a shemozzle, we will put it back 20 years and we will be in a worse position and will have wasted money. That is my honest and strong belief. Maybe I am a part of the reason for some of the delay, but it is for a very good reason.

Most of the points put forward tonight are very, very valid, and I will go through some of them. There is a real will from the government to do something about this issue, but we want to do it properly. I have seen other things in my—the member for Mandurah said I am seasoned—11 years in this place when, because there was an issue in the community, changes were rushed; we were then back in this place three years later with an absolute shemozzle. Therefore, this is about getting it right. I am not arguing with most things that members have said in this debate; I agree with most of what everyone said.

Mr M.P. Whitely: Do something!

Mr T.K. WALDRON: I am just saying, and the comments made about the amendment —

Mr M.P. Whitely: You can’t just be a nice guy, Tuck; you actually have to act.

Mr T.K. WALDRON: Yes, I understand that, and I think in my two and a half years as Minister for Sport and Recreation I have acted on lots of things. It is not a matter of not wanting to act. I want to act on this matter as soon as it is right, but I also want to ensure that it is right. The member and I have been on committees together, and he knows that we have to ensure that we get it right.

I will comment briefly on the amendment. It was moved because we are undertaking the budget process at the moment, and I am not at liberty to stand in this place tonight and say what is going on in that budget. Therefore, I cannot support that part of the motion. However, I support what members have said, and I and the government support the Back on Track strategy. We are getting to the pointy end, which I will talk more about later.

I am very genuine and I understand people's frustrations. I thank not only the members who have spoken tonight, but also those who have come to me and with whom I have had very good discussions over the past 18 months. The members for Nollamara, West Swan, Collie–Preston, Maylands, Pilbara, Southern River, Swan Hills, Murray–Wellington and, of course, very much the member for Darling Range have been involved. Other members of this house and upper house members have also spoken to me about this issue. I think that I have been pretty open about this matter. The member for Maylands has had many chats with me. I understand her frustrations and I really admire her passion about this issue, and it has helped me do what I have been trying to do.

Before I go on to a bit of history, I also acknowledge the groups in the trail bike industry and the trail bike riders. One thing I learnt a great deal about even before I was the minister is the popularity of this sport, this recreation, this pastime, this hobby—it is huge, and I acknowledge that. A lot of good things go with that. When I talk to some people about trail bikes and the industry, there is this thought from a lot of people that it is just young people tearing around. It is not—it is families; it is everyone. It is quite a family sport. My electorate takes in the Wandering shire, and I see trail bike riding in the forest there. We have had issues with farmland, the environment, the dangers et cetera. Those issues are very real and I appreciate them.

By way of background, there has been an estimated 66 per cent increase in sales of trail and quad bikes in recent years, with an estimated 50 000 being ridden around Western Australia. That was highlighted by the member for Kwinana. It shows the popularity of the sport and demonstrates that more and more families are getting into it. I went to the annual wind-up for motocross riders this year. I think Rick Gill from Motorcycling Western Australia is in the gallery tonight. I went to that wind-up dinner and one thing that struck me, which I said on the night, was the number of families in the motorcycle fraternity, how that sport runs through families, and how the safety issues and all the things that go with it—all the things I can talk about in sport—are there. That is another reason we need to do something in this area.

A lot of talk is heard about regulated places to ride trail bikes, and it is true that there are problems finding places for riders. This has created a number of issues for the community, and, obviously, the main issue is the lack of legal places to ride trail bikes. We certainly need somewhere to go for riders and those families I was talking about. The member for Darling Range, who headed the joint agency implementation committee, talked a lot about education, which was not mentioned by many other speakers tonight. Certainly, as we try to finalise the strategy, we will take education into account. Antisocial behaviour was mentioned a lot, as was conflict with other trail users and residents. They are all valid points that have been made very strongly to me.

I will touch on the issue of the risk of injury to participants and the public, because that is another concern that drives me. Members tonight have told some stories about tragedies and near misses. I am very, very aware of that, and I want to progress this strategy as soon as we possibly can because although this implementation will not stop all those aspects—there will still be some accidents and injuries—I am very hopeful it will go a long way towards saving lives and saving people from injury. I am very conscious of that. I recognise that that issue has been raised tonight. I want to acknowledge that. People ask, “Why don't you just do it now?” We are getting towards the pointy end, but I will not rush it —

Ms L.L. Baker: It's been three years!

Mr T.K. WALDRON: Just let me finish —

Several members interjected.

Mr T.K. WALDRON: Do members really mean that?

Ms L.L. Baker: I mean what I am saying.

Mr T.K. WALDRON: I know the member does and I acknowledge that; I have similar feelings on the matter. However, we must ensure that we do it right; it is easy to sit in this place and say, “Just do it.”

Ms L.L. Baker: You know what you have to do!

Mr P. Papalia: If you don't put money in this year's budget, you've delayed it another year.

Ms L.L. Baker: These people have been waiting for years!

Mr T.K. WALDRON: I sat in the chamber for two and a half hours and listened, so just let me finish what I have to say, and then members can yell out.

I want to talk about the environmental impact, because that is a big part of this issue and it was highlighted by most speakers. There is no doubt that there is a very important environmental impact. The point was made by the member for Gosnells that we need to get the bikes into other areas because bikes going through the bush cause environmental problems. I agree with that 100 per cent. I liked the comments from the member for Gosnells, and I will have a chat to him about them later. At the moment we propose to put a track from Point Ann at Bremer Bay through to Hopetoun. I read in the newspaper this morning about bad dieback et cetera. We have the same situation at Bremer Bay, not just with bikes, but also with four-wheel-drive vehicles and with people walking uncontrolled through Fitzgerald National Park. I believe designated areas are better for the environment because we can manage a designated area and can take steps to control it. At the moment people are going everywhere and I also acknowledge those environmental points.

General noise and other issues were raised. There has been over many years the lack of a coordinated approach to these issues between state government agencies, local governments and the community. The report on the state trail bike strategy has asked us to bring them together. The work that the member for Darling Range has carried out has gone a long way to doing that. Hopefully we are now getting to that stage. We have had the agencies and the relevant ministers together. The member for Darling Range has recently written back to the ministers, before I speak to the ministers and the Premier again on the pointy end we are at, to reinforce some of the stuff we have looked at.

I will not go through the whole process we have undertaken but I will go through the implementation of the recommendations in the report. I have been to government regarding the report. The government thinks it is an excellent report, as it has a lot of good suggestions, but we need to sort out a few issues before we leap in blindly.

Mr P.B. Watson: How long will it take?

Mr T.K. WALDRON: I am not going to give the member that answer tonight, because the opposition's motion refers to the budget. The budget process is going on, so I cannot answer the member's question tonight.

As I said before, I have taken on this matter, which is being dealt with across agencies, because I believe in it. The Department of Sport and Recreation is very proactive in it and I have taken it on to progress it. I understand the criticism that it has taken too long to implement; it is fair criticism. But, as I said, I do not want to be back in this place in three years because there were huge problems and the implementation had been rushed; there are some areas of concern that we do have to look at.

I will not go through the whole process, but there was widespread community consultation in developing the strategy. More than 1 400 people from both the general community and trail bike riding groups responded to the initial survey that informed the strategy. There has also been a lot of consultation with the member for Darling Range. The report on the state trail bike strategy in the end outlines six key result areas covered by the 30 recommendations. A lot of these have been covered tonight, but I will highlight them. They are insurance liability and risk management, trails planning, managing for sustainability, changing behaviours, registration and licensing—which I will talk more about in a moment—and funding models.

As members can see, even looking across those recommendations, many of those issues are quite complex. That is why when I went back to government we looked at this and thought that we needed some more information. We went back to the member for Darling Range who went out and undertook extra consultation and work to make sure we got it right. We also got the department to come back and confirm that some of the stuff that was done earlier still stood so that we could make sure we were in a position —

Mr M.P. Whitely: This is just drivel.

Mr T.K. WALDRON: Okay.

Mr M.P. Whitely: You've gone on for 40 minutes of drivel and not said what you are going to do and when you are going to do it.

Mr T.K. WALDRON: Okay. I sat here for two and a half hours listening to the member for Mandurah's speech, which was complete —

Several members interjected.

The ACTING SPEAKER (Ms A.R. Mitchell): Members!

Mr M.P. Whitely: You're the minister!

Mr T.K. WALDRON: That is right; very good.

The ACTING SPEAKER: Member for Bassendean!

Mr T.K. WALDRON: I just want to pay tribute to the member for Warnbro who was originally going to head up this strategy and then the government changed. Then the member for Darling Range came in to head up the

strategy. However, I want to acknowledge the member for Warnbro's input. Obviously he had a real key interest in this matter.

I want to talk about the member for Darling Range and the work he has done with the joint agency implementation committee and the agencies that comprise that committee that I talked about: the Department of Sport and Recreation, the Department of Environment and Conservation, the Department of Planning, the Department of Local Government and the Department of Regional Development and Lands.

Mr M.P. Whitely: This is the Academy Awards.

Mr T.K. WALDRON: I want to get through this and get to the end of it.

I personally congratulate the member for Darling Range for the work he has done. He has been fantastic working with the Department of Sport and Recreation, other departments, other ministers and me. I know the frustrations that he feels, too, as he wants to progress this strategy as well.

Mr R.H. Cook: That's why he amended it into the never-never.

Mr T.K. WALDRON: No. There is a budget process taking place. The member would understand that, although he has never been through one. I am not going to come in here tonight and commit on the budget process that is taking place. The JAIC determined 11 core foundations that were fundamental to the success of implementing the strategy. These are pretty important when we talk about some of the reasons that have resulted in the strategy taking a fair amount of time. They were a suitable governance structure; compulsory off-road vehicle registration; redevelopment of existing off-road vehicle areas; rider education and information materials; a standard matrix to evaluate areas and trails; an off-road vehicle trust; the endorsement of designated trail systems; master risk management planning; and a trails plan and design signage. No-one mentioned signage.

Could I please have an extension?

The ACTING SPEAKER: Extension granted.

I am sorry. Excuse me, Minister for Sport and Recreation, you cannot have an extension on the amendment.

Mr T.K. WALDRON: I am sorry?

Mr R.F. Johnson: You can't get an extension on an amendment.

The ACTING SPEAKER: The minister cannot have an extension on the amendment.

Mr T.K. WALDRON: Okay. I had better be quick then. I did not realise that; I was not thinking.

I want to comment on some of the speeches made, as most of the speeches were excellent. Most of the speakers made some very good points. I want to comment on the member for Mandurah. He is a great bloke and I get on well with him. He is very humorous and I enjoyed his speech. But, as for all other members, this is a serious issue, and for one minute of the 20-odd minutes he took up, he made three really good points. The member for Bassendean can talk about me drivelling, but give me a fair suck of the sauce bottle!

Mr M.P. Whitely: You're the minister!

Mr T.K. WALDRON: I know I am the minister. The member for Bassendean does not have to tell me that.

Several members interjected.

Mr P.B. Watson: You can't be a nice guy forever.

Mr T.K. WALDRON: The member for Albany always says this!

Mr P.B. Watson: That's what they say at the election: the nice guy gets nothing done!

The ACTING SPEAKER: Members, quiet please.

Mr T.K. WALDRON: I will come to the end. I want to talk more because I want to praise the members for Nollamara, Kwinana and Warnbro who made some really good comments, as did members on this side. I would like to refer to all the comments but I do not have time. The member for Kwinana was correct when he said this is an important issue that government has responsibility to deal with. We accept that responsibility. There is no doubt about that. I want to point out that it is a responsibility for government collectively—not just for one or two agencies or just for me as the Minister for Sport and Recreation. It has not yet been decided who will ultimately take carriage of this matter. However, I have taken carriage of it to the stage we are at now. If the government commits to this stage, that decision will be made and away we will go.

I want to emphasise my concern that accidents and injuries continue to be associated with off-road activities, but as I have said, and I stress it again, we really do need to get this right. I obviously support the amendment to the motion that was moved. As I said, the motion that was moved seeking the government to commit to funding this strategy in the 2011–12 budget is not real. The government will not support that motion in this place when that

process is still taking place. However, we confirm that we support the Back on Track state trail bike strategy and that we have a will to address these problems.

Amendment put and passed.

Motion, as Amended

Question put and passed.

**ECONOMICS AND INDUSTRY STANDING COMMITTEE
EDUCATION AND HEALTH STANDING COMMITTEE**

Membership Change — Notice of Motion

Mr R.F. Johnson (Leader of the House) gave notice that at the next sitting of the house he would move —

- (1) That the member for Scarborough and the member for South Perth be discharged from the Economics and Industry Standing Committee and the member for Kingsley and the member for Geraldton be appointed in their places; and
- (2) That the member for Geraldton be discharged from the Education and Health Standing Committee and the member for Eyre be appointed in his place.

House adjourned at 6.50 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

ELECTIVE SURGERY WAIT LIST ADVOCATE COMMITTEE

4727. Mr R.H. Cook to the Minister for Health

I refer to the Liberal Party commitment to establish the Office of Waiting List Advocate, and I ask:

- (a) how many complaints has the Office of Waiting List Advocate received; and
- (b) what were the outcomes of those complaints?

Dr K.D. HAMES replied:

- (a) The Committee received formal complaints from three patients in 2009 and one in 2010.
- (b) Of the formal complaints, one was withdrawn, and the remainder were followed through with the respective hospitals to successful resolution. Two further informal complaints were resolved by the Committee's Executive Officer directly with the respective hospitals in 2010.

It should be noted that the Committee was initiated by the Minister for Health in January 2009 for a two year period, and was disbanded in line with this as at 31 December 2010.

ELECTIVE SURGERY WAIT LIST ADVOCATE COMMITTEE

4728. Mr R.H. Cook to the Minister for Health

I refer to the Liberal Party commitment to establish the Office of Waiting List Advocate and the defined role of the Office of Waiting List Advocate being to publish transparent waiting list data, identify waiting list hot spots and work with hospital and department managements to fix them, and I ask:

- (a) how many reports has the Office of Waiting List Advocate undertaken;
- (b) when were they published;
- (c) what are their titles;
- (d) how many meetings have been held with hospitals and department managements; and
- (e) what recommendations did the Office of Waiting List Advocate make as outcomes of those meetings?

Dr K.D. HAMES replied:

- (a) No reports were produced by the Elective Surgery Wait List Advocate Committee. The Committee reviewed and endorsed the Elective Surgery Access Policy. This policy was implemented by the Department of Health in June 2009. A monthly and a quarterly report on public elective surgery waitlist figures have been streamlined and continue to be published by the Department of Health. These reports contain information about the total number of cases, number of patients admitted, the number of Ambulatory Surgery Initiative cases performed and duration of time on elective surgery waiting lists.

(b)-(c) Not applicable.

- (d) The Committee met once with a senior executive from each Area Health Service. The Committee also sought written advice from the Area Health Services on a number of issues. In addition, a group of senior representatives from the Area Health Services met on a monthly basis with the Department of Health to identify key issues and progress system-wide strategies to address the number of over boundary cases on waitlists.

- (e) As a result of meetings with the Area Health Services executives and the Department of Health meetings, the Committee made recommendations in line with the Elective Surgery Access Policy. These include:

- Ensuring that patients are ready for care before being waitlisted.
- Complying with guidelines to ensure patients are appropriately categorised.
- Adherence to guidelines regarding administrative processes.
- Ensuring patients are provided with clear and accurate information about the waitlists and outpatients processes.

It should be noted that the Committee was initiated by the Minister for Health in January 2009 for a two year period, and was disbanded in line with this as at 31 December 2010.

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4729. Ms J.M. Freeman to the Premier; Minister for State Development

For each department and agency under the portfolio of the Premier:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not;
- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and
- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not?

Mr C.J. BARNETT replied:

Government agencies in the Premier's portfolio advise:

Department of the Premier and Cabinet:

- (a) None as at Thursday 24 February 2011.
- (b) 9.36 days.
- (c) Yes.
 - (i) RiskCover.
 - (ii) Not applicable.
- (d)-(f) Not applicable.

Public Sector Commissioner; Salaries and Allowances Tribunal:

- (a) None as at Thursday 24 February 2011.
- (b)-(f) Not applicable

Department of State Development:

- (a) One as at Thursday 24 February 2011.
- (b) No lost time.
- (c) Not applicable.
- (d) Nil
- (e)-(f) Not applicable.

Gold Corporation:

- (a) One.
- (b) Gold Corporation current estimates based on August 2009 to August 2010 data is 90 days. This includes not only staff off work but staff on alternative duties and staff that just received medical attention which resulted in a workers' compensation claim.
- (c) Yes
 - (i) Supervisors, Managers, OSH Representatives, Insurers, etc depending on the severity of the injury.
 - (ii) Not applicable
- (d)-(e) Nil

(f) Not applicable

Lotterywest:

(a) None as at Thursday 24 February 2011.

(b) 15.3 days (based on the period 25 February 2010 – 24 February 2011).

(c) Yes

(i) OSH Committee representatives in conjunction with management representatives

(ii) Not applicable.

(d)-(f) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4730. Ms J.M. Freeman to the Deputy Premier; Minister for Health; Tourism

For each department and agency under the portfolio of the Deputy Premier:

(a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;

(b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;

(c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and

(i) if yes, who conducts the investigation; and

(ii) if not, why not;

(d) of the employees absent on workers' compensation, how many are as a result of workplace stress;

(e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and

(f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and

(i) if yes, who conducts the investigation; and

(ii) if not, why not?

Dr K.D. HAMES replied:

As at 24 February 2011:

Department of Health

(a) Two.

(b) 33.5 days.

(c) Yes.

(i) Investigations are undertaken by the line manager, the safety representative, the director and the occupational health and safety consultant.

(ii) Not applicable.

(d) Nil.

(e)-(f) Not applicable.

Healthway

(a) Nil

(b) Not applicable. Healthway has not had a workers' compensation claim for over 10 years.

(c) Yes.

(i) Healthway and/or the Office of Shared Services.

(ii) Not applicable.

(d) Nil.

(e)-(f) Not applicable.

Health and Disability Services Complaints Office

- (a) Nil.
- (b) Not applicable.
- (c) Nil.
 - (i)-(ii) Not applicable.
- (d) Nil.
- (e)-(f) Not applicable.

Tourism WA

- (a) Nil.
- (b) Not applicable.
- (c) Yes.
 - (i) Manager Human Resources.
 - (ii) Not applicable.
- (d) Nil.
- (e)-(f) Not applicable.

Rottneet Island Authority

- (a) 5
- (b) 6 months
- (c) Yes
 - (i) OSH Coordinator
 - (ii) Not applicable.
- (d) Nil.
- (e)-(f) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4731. Ms J.M. Freeman to the Minister representing the Minister for Mines and Petroleum; Fisheries; Electoral Affairs

For each department and agency under the portfolio of the Minister:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not;
- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and
- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not?

Mr W.R. MARMION replied:

DEPARTMENT OF MINES AND PETROLEUM

- (a) Nil

- (b) 20.2 days
- (c) Yes

- (i) All workers' compensation claims are required to be submitted with a Department of Mines and Petroleum (DMP) Accident/Incident Report Form.

This form states that an investigation must be undertaken. Depending on the claim, this could include the injured worker's manager, the local Safety and Health Representative and/or the staff within the Corporate Occupational Safety and Health (COSH) Branch. If the claim is serious and/or complex in nature and requires expertise outside of DMP, an external investigator would be engaged.

- (ii) Not applicable
- (d) Nil
- (e)-(f) Not applicable

MINERALS AND ENERGY RESEARCH INSTITUTE OF WESTERN AUSTRALIA

- (a) Nil
- (b) There has never been any employees of MERIWA that have been on workers' compensation to date.
- (c)-(f) Not applicable

DEPARTMENT OF FISHERIES

- (a) Two
- (b) 24 days (during current term of Government)
- (c) Yes
 - (i) Agency Occupational Safety & Health representatives with support from Human Resource personnel.
 - (ii) Not applicable.
- (d) One
- (e) None
- (f) Yes
 - (i) Agency Occupational Safety & Health representatives, senior Human Resource personnel and the Insurance Commission of WA (RiskCover).
 - (ii) Not applicable.

WESTERN AUSTRALIAN ELECTORAL COMMISSION

- (a) One
- (b) 0 days — RiskCover data showing an average of less than one day
- (c) Yes
 - (i) Manager Business Services and RiskCover
 - (ii) Not applicable
- (d) Nil
- (e)-(f) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4732. Ms J.M. Freeman to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

For each department and agency under the portfolio of the Minister:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and

- (ii) if not, why not;
- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and
- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not?

Mr B.J. GRYLLES replied:

The Department of Regional Development and Lands, LandCorp, Goldfields Esperance, Great Southern, Gascoyne, Kimberley, Mid West, Peel, Pilbara and South West Development Commissions:

- (a) Nil.
- (b)-(f) Not applicable.

Landgate:

- (a) Five.
- (b) 2.5 Days.
- (c) Yes.
 - (i) Employee's direct supervisor, Human Resource Specialist of Occupational Health and Safety and RiskCover if required.
 - (ii) Not applicable.
- (d) Nil.
- (e)-(f) Not applicable.

Wheatbelt Development Commission:

- (a) One.
- (b) Current — only one and has been outstanding for three and a half years.
- (c) No time has been lost to investigate as the employee has still been able to work. The employee sustained a neck and shoulder injury from a car crash whilst driving a company car during work hours. The employee has had to attend physio appointments now and then but this has not resulted in the loss of substantial work time.
 - (i)-(ii) Not Applicable.
- (d) Nil.
- (e)-(f) Not Applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4733. Ms J.M. Freeman to the Treasurer; Attorney General

For each department and agency under the portfolio of the Treasurer:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not;
- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and
- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and

- (i) if yes, who conducts the investigation; and
- (ii) if not, why not?

Mr C.C. PORTER replied:

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

- (a) None
- (b) CCYP has never had a staff member suffer a lost time injury or make a workers' compensation claim for workplace stress.
- (c)-(f) Not applicable

CORRUPTION AND CRIME COMMISSION OF WESTERN AUSTRALIA

- (a) The CCC does not currently have any employees on workers' compensation as a result of workplace injury.
- (b) Not applicable
- (c) Yes.
 - (i) Occupational Safety and Health Coordinator.
 - (ii) Not applicable.
- (d) The CCC does not currently have any employees on workers' compensation as a result of workplace stress
- (e) Not applicable (refer (d) above).
- (f) Yes.
 - (i) Occupational Safety and Health Coordinator.
 - (ii) Not applicable.

DEPARTMENT OF THE ATTORNEY GENERAL

- (a) 8
- (b) The 8 cases average 131.1 days
- (c) Yes, and workplace practices are reviewed if required
 - (i) RiskCover
 - (ii) Not applicable
- (d) 2
- (e) Nil
- (f) Yes
 - (i) RiskCover
 - (ii) Not applicable

DEPARTMENT OF TREASURY AND FINANCE

- (a) Eleven
- (b) Average time is 134 days
- (c) Yes
 - (i) For Workers' Compensation (WC) claims RiskCover would appoint an external investigator. For non-WC injuries the OSH representative would conduct an assessment
 - (ii) Not applicable
- (d) Two
- (e) Nil
- (f) Yes
 - (i) An external investigator appointed by RiskCover
 - (ii) Not applicable

EQUAL OPPORTUNITY COMMISSION OF WESTERN AUSTRALIA

- (a) Nil.
- (b)-(f) Not applicable

GOVERNMENT EMPLOYEES SUPERANNUATION BOARD

- (a) 1
- (b) 2 days
- (c) Yes
 - (i) Human Resources
 - (ii) Not applicable
- (d) None
- (e)-(f) Not applicable

INSURANCE COMMISSION OF WESTERN AUSTRALIA

- (a) 1
- (b) 157 Days
- (c) Yes
 - (i) the immediate manager or supervisor conducts the investigation.
 - (ii) Not applicable
- (d) None
- (e)-(f) Not applicable

LAW REFORM COMMISSION OF WESTERN AUSTRALIA

- (a) Nil
- (b)-(f) Not applicable

LEGAL AID COMMISSION OF WESTERN AUSTRALIA

- (a) None
- (b) Not applicable
- (c) Yes
 - (i) Human Resources representative in conjunction with manager, OSH Representative or external investigator as required.
 - (ii) Not applicable
- (d)-(e) none
- (f) Not applicable

LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

- (a) None
- (b) Not applicable
- (c) This would take place when and where appropriate
 - (i) it would be conducted by the Executive Director
 - (ii) Not applicable
- (d)-(f) Not applicable

LEGAL PROFESSION COMPLAINTS COMMITTEE

- (a) None
- (b) Not applicable
- (c) This would take place when and where appropriate.
 - (i) it would be conducted by the Law Complaints Officer and /or Executive Director of the Legal Practice Board
 - (ii) Not applicable
- (d)-(f) Not applicable

OFFICE OF THE AUDITOR GENERAL

- (a) None
- (b) Not applicable
- (c) Yes

- (i) a member of the internal Risk Management Committee
- (ii) Not applicable
- (d) None
- (e)-(f) Not applicable

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

- (a) 3
- (b) 406 days
- (c) Yes
 - (i) ODPP Facilities Officer
 - (ii) Nil response
- (d)-(e) None
- (f) Yes
 - (i) Relevant manager
 - (ii) Nil response

OFFICE OF THE INFORMATION COMMISSIONER

- (a) Nil.
- (b)-(f) Not applicable.

WESTERN AUSTRALIAN TREASURY CORPORATION

- (a) Nil
- (b) Not applicable
- (c) Yes
 - (i) Human Resource Manager
 - (ii) Not applicable
- (d)-(f) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4734. Ms J.M. Freeman to the Minister for Education

For each department and agency under the portfolio of the Minister:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not;
- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and
- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not?

Dr E. CONSTABLE replied:

For the Curriculum Council

- (a) Nil.
- (b) 10 days, based on recorded cases from 25 February 2010 to 24 February 2011.
- (c) Yes.
 - (i) The Occupational Health and Safety Officer.

- (d) Nil
- (e)-(f) Not applicable.

For Department of Education Services

- (a) None.
- (b) Five days, based on recorded cases from 2003-2010.
- (c) Yes.
 - (i) Occupational Safety and Health Officer and Manager Administrative Services.
 - (ii) Not applicable.
- (d) None.
- (e)-(f) Not applicable.

For the Department of Education

- (a) 213, out of 49 287 employees (as at December 2010).
- (b) 84 days per employee for claims that were finalised during the 12 month period from 25 February 2010 to 24 February 2011.
- (c) Yes.
 - (i) Line Manager/Principal and Assessors appointed by RiskCover.
 - (ii) Not applicable.
- (d) 30.
- (e) 1.
- (f) Yes.
 - (i) Insurer/Principal/Line Manager.
 - (ii) Not applicable.

For the Country High School Hostels Authority

- (a) 5.
- (b) Only one claim has been finalised for the period 25 February 2010 to 24 February 2011. Number of days lost was 170.4.
- (c) Yes.
 - (i) Agency.
 - (ii) Not applicable.
- (d) Nil.
- (e)-(f) Not applicable.

For the Public Education Endowment Trust

- (a) Nil.
- (b)-(f) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4735. Ms J.M. Freeman to the Minister representing the Minister for Finance; Commerce; Small Business

For each department and agency under the portfolio of the Minister:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not;
- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and

- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not?

Mr C.C. PORTER replied:

The Department of Treasury and Finance

- (a) 11
- (b) 134 days
- (c) Yes
 - (i) RiskCover
 - (ii) Not applicable
- (d) Two
- (e) Nil
- (f) Yes
 - (i) RiskCover
 - (ii) Not applicable

Department of the Registrar, WA Industrial Relations Commission

- (a) None
- (b) Only one employee has been on workers compensation in the last 5 years. That employee was on workers compensation for a period of 31 months.
- (c) No
 - (i) Not applicable
 - (ii) Not part of Occupational Safety and Health practice at the time
- (d) None
- (e)-(f) Not applicable

Small Business Development Corporation

- (a) None
- (b) None
- (c) Yes
 - (i) Director Corporate Resources
 - (ii) Not applicable
- (d)-(f) Not applicable

WorkCover WA

- (a) None
- (b) Not applicable
- (c) Yes
 - (i) WorkCover WA and/or RiskCover WA
 - (ii) Not applicable
- (d)-(f) Not applicable

The Department of Commerce

- (a) 15
- (b) Timeframes based on current open cases are:
 - Under 1 year = 8 claims.
 - 1 to 4 years = 5 claims.
 - Over 4 years = 2 claims.
 - The average time is 2.2 years per claim.
- (c) Yes.

- (i) All workplace incidents are initially investigated by a Department Safety and Health Representative and the Occupational Safety, Health and Welfare Manager. RiskCover overseas the investigation of workers compensation claims.
- (ii) Not applicable.
- (d) Three
- (e) Nil
- (f) Yes.
 - (i) All workplace incidents are investigated by the Department's Occupational Safety, Health and Welfare Manager in collaboration with the Department of Treasury and Finance Shared Services. RiskCover oversees the investigation of workers compensation claims.
 - (ii) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4736. Ms J.M. Freeman to the Minister for Police; Emergency Services; Road Safety

For each department and agency under the portfolio of the Minister:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not;
- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and
- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not?

Mr R.F. JOHNSON replied:

Office of Road Safety

- (a)-(f) The Office of Road Safety is administratively supported as part of Main Roads WA and as such the response will be included in the MRWA response under the Minister for Transport.

WA Police

- (a) There are 12 officers currently receiving workers compensation payments.
- (b) 74.2 days.
- (c) Yes.
 - (i) The Occupational Safety & Health Branch with assistance from the local Safety and Health Representative.
 - (ii) N/A
- (d) One.
- (e) None.
- (f) Yes.
 - (i) The Occupational Safety & Health Branch.
 - (ii) N/A

FESA

- (a) There are 25 employees currently absent from work on workers compensation.
- (b) The average time a person has been on workers compensation based on finalised claims for the current financial year is 3.6 months.

- (c) Yes.
 - (i) All workplace injuries are investigated by the relevant Supervisor or District Manager in conjunction with the Safety and Health Representative, except in cases where they form part of the claim. In such cases an alternative officer will be assigned to the investigation.
 - (ii) Not applicable.
- (d) 5.
- (e) 0.
- (f) Yes
 - (i) Refer (c)(i) above. RiskCover also undertake an investigation of all stress claims.
 - (ii) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4737. Ms J.M. Freeman to the Minister for Sport and Recreation; Racing and Gaming

For each department and agency under the portfolio of the Minister:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not;
- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and
- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not?

Mr T.K. WALDRON replied:

- (a) Four
- (b) 167.4 days
- (c) Yes
 - (i) Manager of work area coordinates with Human Resources (employees are obliged to cooperate with investigations). Where a serious work accident is involved, WorkSafe may initiate an independent investigation.
 - (ii) Not Applicable
- (d) Nil
- (e)-(f) Not Applicable

VENUESWEST

- (a) 2
- (b) 63 days
- (c) Yes
 - (i) OSH Representative or HR Manager
 - (ii) Not applicable
- (d) Nil
- (e)-(f) Not applicable

DEPARTMENT OF RACING, GAMING AND LIQUOR

- (a) 3

- (b) 62 hours
- (c) Yes
 - (i) Member of Department's Occupational, Safety and Health Committee, in consultation with management, then discussed at Occupational, Safety and Health Committee meeting.
- (d) Nil
- (e)-(f) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4738. Ms J.M. Freeman to the Minister for Planning; Culture and the Arts; Science and Innovation

For each department and agency under the portfolio of the Minister:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not;
- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and
- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not?

Mr J.H.D. DAY replied:

Department of Planning

- (a) Six.
- (b) For the period 1 July 2009 (the commencement of the Department of Planning) to 28 February 2011, the average time for which employees were on workers' compensation was 38.33 days.
- (c) Not all workplace injuries are subject to investigation, but all mental disorder claims are factually investigated.
 - (i)-(ii) Physical claims investigations are conducted where necessary. Investigations are normally conducted by externally contracted health and safety experts. Mental disorder claims are factually investigated by RiskCover.
- (d) Four.
- (e) None.
- (f) Yes.
 - (i) RiskCover
 - (ii) Not applicable

Armadale Redevelopment Authority

- (a) Nil
- (b)-(f) Not applicable

East Perth Redevelopment Authority/Subiaco Redevelopment Authority

- (a) There are no employees (permanent or non-permanent) who are currently on works' compensation as a result of a workplace injury at EPRA or SRA.
- (b) The average time for employees to be on workers' compensation as a result of a workplace injury is approximately one week.
- (c) All workplace injuries resulting in lost time are investigated to find the cause of the injury and to review workplace practices.

- (i) The HR Manager conducts the investigation.
- (d)-(e) Not applicable. There are no employees currently on workers compensation.
- (f) Any cases of stress resulting in lost time are investigated to find the cause of the stress and to review workplace practices.
 - (i) The HR Manager conducts the investigation.

Midland Redevelopment Authority

- (a) Nil
- (b)-(f) Not applicable

Department of Culture & Arts

- (a) Four
- (b) 28.3 days
- (c) Yes,
 - (i) the injured employee's line manager and Safety and Health Representative.
 - (ii) Not applicable
- (d) One
- (e) Nil
- (f) Yes
 - (i) Risk Cover providers
 - (ii) Not applicable

Department of Commerce — Industry, Science and Innovation Division

- (a) There are no employees currently on workers compensation.
- (b) Nil
- (c) Yes. All workplace injuries are fully investigated with a review of workplace practices where necessary with communication to employees.
 - (i) All workplace incidents are initially investigated by a Department Safety and Health Representative and the Occupational Safety, Health and Welfare Manager. RiskCover overseas the investigation of workers compensation claims.
 - (ii) Not applicable
- (d)-(e) Nil
- (f) Not applicable

ChemCentre

- (a) None
- (b) Zero in 2010/11
- (c) Yes
 - (i) Trained workplace safety representative reporting to OSH Committee and CEO
 - (ii) Not applicable
- (d) None
- (e)-(f) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4739. Ms J.M. Freeman to the Minister representing the Minister for Energy; Training and Workforce Development; Indigenous Affairs

For each department and agency under the portfolio of the Minister:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and

- (ii) if not, why not;
- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and
- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not?

Mr J.H.D. DAY replied:

Department of Indigenous Affairs

- (a) One
- (b) Approximately 3 weeks.
- (c) Yes
 - (i) Safety and Health Representatives are trained to assess workplace incidents and workplace practices. Their role is also to make recommendations to management for improvements.
 - (ii) Not applicable.
- (d) One
- (e) Nil
- (f) Yes
 - (i) An independent investigator is appointed by RiskCover to assess each stress claim. Workplace practices are continually reviewed as a continuous improvement strategy.
 - (ii) Not applicable.

Central Institute of Technology

- (a) 11.
- (b) 25.2 days.
- (c) Yes
 - (i) Area Manager, OSH consultant, external investigators.
 - (ii) Not applicable.
- (d) 2.
- (e) Nil.
- (f) Yes.
 - (i) Manager, OSH consultant, external investigator.
 - (ii) Not applicable.

Challenger Institute of Technology

- (a) 10.
- (b) 72 days.
- (c) Yes
 - (i) OSH Advisor in consultation with Area Manager.
- (d)-(f) Not applicable.

Durack Institute of Technology

- (a)-(b) Nil
- (c) Yes
 - (i) Manager or Director.
- (d)-(f) Not applicable.

Great Southern Institute of Technology

- (a) One
- (b) 1 day.

(c) Yes

(i) Safety representative and OSH Coordinator.

(d)-(f) Not applicable.

Kimberley TAFE

(a)-(b) Nil

(c) Yes

(i) Manager, OSH Representative, OSH Coordinator and Facilities Manager if appropriate.

(d)-(f) Not applicable.

CY O'Connor Institute

(a) Nil.

(b) 19 days.

(c) Yes

(i) Approved RiskCover investigator.

(d)-(f) Not applicable.

Pilbara TAFE

(a) Three

(b) 147.5 days.

(c) Yes

(i) Approved RiskCover investigator.

(d)-(f) Not applicable.

Polytechnic West

(a) Three

(b) 30.4 days.

(c) Yes

(i) Managers, OSH representatives, Campus Manager or OSH Coordinator.

(d)-(f) Not applicable.

South West Institute of Technology

(a) Three

(b) Less than 10 working days.

(c) Yes.

(i) Line Manager and OSH Representative.

(d) Two

(e) Nil.

(f) Yes.

(i) Line Manager or Director and OSH Representative.

(ii) Not applicable.

West Coast Institute of Training

(a) Four

(b) 100 days (average of lost time on all claims finalised in the period 25 February 2010 to 24 February 2011).

(c) Yes

(i) Line Manager and/or SOSH representatives and Institute OSH Coordinator.

(ii) Not applicable.

(d)-(f) Not applicable.

Department of Training and Workforce Development

(a) Two

- (b) The Department does not have any finalised claims on which an average time could be calculated.
- (c) Yes
 - (i) Approved RiskCover investigator.
- (d) One
- (e) None.
- (f) The claimant has not attended the workplace since the submission of the workers' compensation claim. This absence, together with the employee's current medical condition has precluded further investigation of the circumstances of the claim.

Department of Education Services

- (a) None
- (b) Five days, based on recorded cases from 2003-2010
- (c) Yes
 - (i) Occupational Safety and Health Officer and Manager Administrative Services
 - (ii) Not applicable
- (d) None
- (e)-(f) Not applicable

Office of Energy

- (a) One
- (b) Having only one workers' compensation claim in the past 8 years and that claim having been ongoing since the employees commencement with the agency, the average time is not applicable
- (c) Yes
 - (i) Occupational Safety and Health Committee
 - (ii) Not applicable
- (d)-(f) Not applicable

Independent Market Operator

- (a) Nil
- (b)-(f) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4741. Ms J.M. Freeman to the Minister representing the Minister for Child Protection; Community Services; Seniors and Volunteering; Women's Interests; Youth

For each department and agency under the portfolio of the Minister:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not;
- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and
- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not?

Mr J.H.D. DAY replied:

Department for Communities

- (a) 3

- (b) 7 days
- (c) Yes
 - (i) Senior Manager
- (d) None
- (e)-(f) Not applicable

Department for Child Protection

- (a) 27.
- (b) 79 days.
- (c) Yes.
 - (i) The workplace OSH Representative and the Manager of the person who suffered the injury.
 - (ii) Not applicable.
- (d) 5.
- (e) 0.
- (f) Yes.
 - (i) The workplace OSH Representative and the Manager of the person who suffered the injury.
 - (ii) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4742. Ms J.M. Freeman to the Minister for Local Government; Heritage; Citizenship and Multicultural Interests

For each department and agency under the portfolio of the Minister:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not;
- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and
- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not?

Mr G.M. CASTRILLI replied:

Department of Local Government including the Office of Multicultural Interests

- (a) Nil
- (b) Not applicable.
- (c) Yes
 - i. The Human Resources Manager in conjunction with the Office of Shared Services (OSS) and Riskcover.
 - ii. Not applicable.
- (d)-(f) Not applicable.

Heritage Council of Western Australia

- (a) Nil.
- (b) Not applicable.

- (c) Yes
 - i. The Manager of Business Services conducts or manages the investigation.
 - ii. Not applicable.

(d)-(f) Not applicable.

National Trust of Australia (Western Australia)

- (a) Nil.
- (b) Not applicable.
- (c) Yes
 - i. HR Assessment Team;
 - ii. Not applicable.

(d)-(f) Not applicable.

Metropolitan Cemeteries Board

- (a) 6
- (b) Over the last 12 months, 9 workers compensation claims were received. The average time for those employees submitting a claim to be on workers compensation is 33.5 working days.
- (c) Yes. Control measures were identified and are implemented to eliminate/minimise further risks.
 - i. The Manager and OSH Representatives in the first instance, with possible assistance from HR officers.
 - ii. Not applicable.
- (d) 1. The employee concerned is no longer employed; however the claim remains open.
- (e) Nil.
- (f) Yes.
 - i. The Human Resources Manager
 - ii. Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4743. Ms J.M. Freeman to the Minister for Agriculture and Food; Forestry; Corrective Services

For each department and agency under the portfolio of the Minister:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not;
- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and
- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not?

Mr D.T. REDMAN replied:

Agriculture and Food:

- (a) As at 24 February 2011 there are currently two employees receiving workers compensation for time lost from a work place injury.
- (b) Average time lost for 2009-10 was 12 days per lost time incident.

- (c) Yes
 - (i) All departmental incidents are investigated by line managers/safety representatives. Some incidents are investigated by the Departmental Occupational Safety and Health Advisor and on some occasions, an investigation may be performed by an external investigator.
 - (ii) Not applicable
- (d) Nil
- (e) Not applicable
- (f) Yes, when there is workers compensation involving workplace stress.
 - (i) Please refer to (c)(i).
 - (ii) Not applicable

Forestry:

- (a) As at 24 February 2011 there are no employees receiving workers compensation for time lost from a work place injury.
- (b) 29 days
- (c) Yes
 - (i) Local management in conjunction with Occupational Health and Safety Coordinator
 - (ii) Not applicable
- (d) Nil
- (e)-(f) Not applicable

Corrective Services:

- (a) As at 24 February 2011 there are 92 employees receiving workers compensation for time lost from a work place injury.
- (b) 54 days.
- (c) Yes.
 - (i) Workplace Managers and/or Safety and Health Representatives conduct an investigation on all incidents causing injury and report it through the procedures of OHS Incident reporting form, C561 system.
 - (ii) Not applicable.
- (d) 19.
- (e) 1.
- (f) Yes.
 - (i) Workplace Managers and or Safety and Health Representatives, conduct an investigation into incidents causing stress through the OHS procedures and completing the OHS Incident Report Form C561. Whereby the employee lodges a claim through the grievance process, the Grievance Officers will conduct an investigation. The Department has a specialist employee welfare team that assists in such cases and proactively manages non compensable and compensable cases.
 - (ii) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4744. Ms J.M. Freeman to the Minister for Environment; Water

For each department and agency under the portfolio of the Minister:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not;

- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and
- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not?

Mr W.R. MARMION replied:

Department of Environment and Conservation (including Office of Appeals Convenor)

- (a) 5
- (b) 15 days
- (c) Yes
 - (i) Management or an externally appointed assessor where appropriate.
 - (ii) Not applicable
- (d) Nil
- (e)-(f) Not applicable

Office of the Environmental Protection Agency

- (a)-(b) Nil
- (c) Yes
 - (i) The line manager or an externally appointed assessor in the case of stress claims.
 - (ii) Not applicable
- (d)-(f) Not applicable

Botanic Gardens and Parks Authority

- (a) Two
- (b) Nil
- (c) Yes
 - (i) The direct line supervisor and the worksite safety representative.
 - (ii) Not applicable
- (d) Nil
- (e)-(f) Not applicable

Swan River Trust

- (a)-(b) Nil
- (c) Yes
 - (i) The manager in consultation with a Department of Environment and Conservation occupational health and safety instructor or an externally appointed assessor in the case of any stress claim.
 - (ii) Not applicable
- (d)-(f) Not applicable

Zoological Parks Authority

- (a) One
- (b) 7.3 days
- (c) Yes
 - (i) The responsible supervisor and may involve an occupational health and safety representative or external rehabilitation service provider.
 - (ii) Not applicable
- (d) Nil
- (e)-(f) Not applicable

Department of Water

- (a) Four
- (b) 11 days
- (c) Yes
 - (i) The line manager, the Safety & Health representative and the Occupational Safety & Health coordinator.
 - (ii) Not applicable
- (d) One
- (e) Nil
- (f) Yes
 - (i) The line manager, Human Resources manager and director of the division.
 - (ii) Not applicable.

Water Corporation

- (a) 56
- (b) 13.24 days
- (c) Yes
 - (i) The injured worker's supervisor leads the investigation with involvement from more senior management, corporate safety experts, and specialists where deemed necessary.
 - (ii) Not applicable
- (d) Nil
- (e)-(f) Not applicable

Busselton Water

- (a)-(b) Nil
- (c) Yes
 - (i) An Employee Safety representative, the internal occupational health and safety committee and, in some cases, management.
 - (ii) Not applicable
- (d)-(f) Not applicable

Aqwest

- (a)-(b) Nil
- (c) Yes
 - (i) A committee of relevant staff.
 - (ii) Not applicable
- (d)-(f) Not applicable

FISHING LICENCES — SELF-FUNDED RETIREES — FULL-FEE PAYMENT

4797. Mr P.B. Watson to the Minister representing the Minister for Fisheries

- (1) Could the Minister advise why self-funded retirees at 70 years of age have to pay the full fee for a fishing license?
- (2) Could the Minister please advise, with the ceasing of the publication of Western Fisheries, how will people who do not have internet facilities and are unable to contact the Minister's website be able to still get the information provided by the magazine?
- (3) Could the Minister advise why the south coast estuarine fee has so dramatically increased in the last 12 months?

Mr W.R. MARMION replied:

- (1) Anyone with a senior's card is eligible for a 50% discount on all recreational fishing licences.
- (2) Printed information will continue to be produced by the Department for a range of needs and either posted to recipients (eg, fishing licence holders) and/or made available at our offices and distribution outlets including a network of tackle stores.

Industry meetings and other forums will also continue to be an important mechanism for providing information on research findings and management arrangements for both recreational and commercial fishers.

- (3) A review of fee setting arrangements for all commercial fisheries was undertaken to ensure the community was receiving an appropriate return for allowing commercial access to its fish resources; and to address limitations of the previous fee setting arrangement, including considerable inequity with some fishers paying less than 1% of gross value of production (GVP) for access and others more than 10%.

As a result of the review, each managed commercial fishery now pays an access fee based on 5.75% of GVP.

The South Coast Estuarine Managed Fishery was one of the fisheries that was paying significantly lower fees under the previous funding model.
