Legislative Council

Wednesday, 30 November 2011

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

DISTINGUISHED VISITOR — HON PETER FOSS

THE PRESIDENT (Hon Barry House): Members, at the outset, I acknowledge the presence in the President's gallery of former member Hon Peter Foss. Welcome.

GORGON GAS CONTRACTS

Statement by Minister for Energy

HON PETER COLLIER (North Metropolitan — Minister for Energy) [2.02 pm]: With Western Australia's vast supply of natural gas, our state has prospered with domestic use fuelling our state's growth and development, while exports have contributed to our economic success. Energy security is vital to our state's ongoing growth and development, and the Liberal–National government is ensuring that it is doing everything possible to provide Western Australians with a secure, reliable and sustainable energy future. It therefore gives me great pleasure to announce to the house that state cabinet has approved the signing of two significant new gas supply contracts by two of our utilities. Energy retailer Synergy and generator Verve Energy have signed contracts with the Gorgon joint venture partners for the supply of gas totalling 125 terajoules a day for a period of 20 years commencing in 2015. The contracts are of strategic importance to the state and provide long-term fuel security for both Verve Energy and Synergy at a competitive price. Importantly, these contracts demonstrate that the WA domestic gas market is effective, and it underwrites the Gorgon joint venture partners' investment in domestic gas with high-quality off-takers such as Synergy and Verve Energy. I take the opportunity to commend all parties who have been involved in securing these agreements—namely, the various parties to the Gorgon joint venture, as well as Synergy and Verve Energy.

Although these are significant agreements vital to the reliability and security of domestic energy supply, the government acknowledges that there is still more to be done. The state's domestic gas reservation policy provides flexibility for the government to conduct negotiations with the proponents of gas developments, and we will continue to conduct negotiations on this basis. In addition, the Department of State Development continues to engage with proponents with the purpose of securing sufficient domestic gas supply to meet the energy needs of businesses and households in the south west. The agreements I have announced today are significant for our local industry, and I once again congratulate everyone involved in bringing these to fruition.

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

PARTNERSHIP, ACCEPTANCE, LEARNING AND SHARING PROGRAM

Statement by Minister for Indigenous Affairs

HON PETER COLLIER (North Metropolitan — Minister for Indigenous Affairs) [2.04 pm]: I rise to recognise the success of the 2011 PALS program. PALS, which stands for partnership, acceptance, learning and sharing, is an initiative of the Department of Indigenous Affairs, in partnership with BHP Billiton, and is a school-based program that encourages young people to strengthen the relationships between Indigenous and non-Indigenous people through developing PALS projects that engage their local community. Since the PALS program began in 2004, more than 77 000 students have been involved in innovative PALS projects across Western Australia. Students expand their knowledge of traditional Indigenous culture and lifestyle and explore how it has been impacted over the past 200 years by external factors such as European settlement, government policies, religion, technology and education. PALS works to translate this new level of understanding into a positive change in the wider community.

This morning, I hosted a function for students from three of the recent winners of the PALS reconciliation awards. Students from Newman College, Newton Moore Senior High School and Coodanup Community College received their awards and provided acceptance speeches. Newman College's year 5 classes integrated a learning program through Nadia Wheatley's book *My Place*, in conjunction with Indigenous elders sharing stories of culture and heritage. Students recorded personal journals and reflections by addressing their own family culture and heritage.

Newton Moore Senior High School completed two PALS projects in 2011, and received an award for their Yaakiny program art project. The Yaakiny program was initiated in 2010 as a PALS project and this year's project built on the successful engagement program. Students shared stories through art, creating something that identifies with being an Aboriginal teenager in the community. The artworks were exhibited as part of the Noongar Country exhibition at the Bunbury Regional Art Galleries from May to July.

Coodanup Community College held a community day at the school, organised and facilitated by local Aboriginal community members. The day helped bring together more than 100 Indigenous parents and community members, and Noongar Radio captured the event with a live broadcast.

I invite my fellow parliamentary members to view an exhibition of PALS projects displayed this week in the Aboriginal Peoples' Gallery, and I welcome their support in encouraging schools in their local communities to become involved in the PALS reconciliation program in 2012.

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

"PLANNING FOR CHILDREN IN CARE" — OMBUDSMAN'S REPORT

Statement by Minister for Child Protection

HON ROBYN McSWEENEY (South West — Minister for Child Protection) [2.07 pm]: I welcome yesterday's tabling of the Ombudsman's report into care planning provisions for children in care and its contribution to further improving child protection practices in Western Australia. My Department for Child Protection has been progressively introducing health and education care planning since 2009 and 2010 respectively, with the Departments of Education and Health also heavily committed to comprehensive care plans for children coming into care.

I met with the Ombudsman, Chris Field, earlier this week to discuss the report's findings and the current status of care planning at the time of the investigation, which commenced on 3 November 2010. The period reported on coincided with a number of major care plan initiatives being rolled out across the state, including healthcare planning for children coming into care, which at the time of the review had been implemented in only 11 of the 17 Department for Child Protection districts.

The Ombudsman examined 443 primary school–aged children in total who were taken into care after 1 July 2008, or approximately 13 per cent of the total 3 371 children in the care of the Department for Child Protection. As of 31 October 2011, the department's compliance with care planning showed that 100 per cent of children who started their period of provisional care in October 2011 had completed provisional care plans, compared with 25 per cent completing provisional care plans on time reported by the Ombudsman; 97 per cent of children in care had a completed initial care plan, compared with 79 per cent reported by the Ombudsman; and 88 per cent of children in care for a period longer than 12 months have had a care plan review, compared with 64 per cent reported by the Ombudsman. These figures apply to finalised plans only, and do not include care plans or reviews that are in process awaiting final approval.

The Ombudsman noted that the timeliness and quality of care planning in Western Australia have steadily improved, which is encouraging for everyone involved. The increase in the timeliness of provisional care plans has been the result of policy review and improved practice guidelines within my department. My department has also considered the recommendations of the Ombudsman and accepted that the 20-working day time frame for initial care plans to be completed is unrealistic; and, with that in mind, the time frame is now being extended to 30 working days. This measure acknowledges the time that is necessary to conduct thorough planning with children, their families, carers and other significant people in their lives.

The department has also implemented an 11-month care planning cycle for the review of the operation and effectiveness of every care plan. This planning cycle will assist forward planning and ensure reviews are completed within the required legislative annual time frame. The 11-month care planning cycle includes healthcare planning requirements.

It should be noted that the absence of a health or education plan does not mean that a child's health and educational requirements are not being addressed. It simply means that their ongoing needs have not been formally documented and recorded.

My Department for Child Protection has accepted all recommendations of the Ombudsman for continuing to improve care planning timeliness and quality. I also welcome the recommendation of the Ombudsman's report into care planning provision for children in care as a continual improvement in protecting our children in Western Australia, which is a priority for my government.

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

COUNCIL OF OFFICIAL VISITORS — 2010–11 ANNUAL REPORT

Statement by Minister for Mental Health

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [2.11 pm]: Today I rise to table the 2010–11 annual report of the Council of Official Visitors. The council plays an important role in safeguarding the rights of some of our most vulnerable people—those with mental illness who are subject to involuntary treatment or living in psychiatric hostels.

Consistent with our strategic policy "Mental Health 2020: Making it personal and everybody's business", we are committed to a high quality system. Strong advocacy helps drive the high quality system, and our reform agenda will address many of the issues raised in this report. The new Mental Health Bill will more clearly articulate what people are entitled to expect from services and provide for more timely redress when rights are not upheld. I am pleased to announce that the new bill will be released as an exposure draft and made available for public comment before the end of this year. A consultation period will be held for three months, concluding in March 2012. A major input into the drafting process of the bill has been advice from Scottish expert Gregor Henderson. For those who are interested, Mr Henderson's report will be released shortly.

I am pleased that the Council of Official Visitors report has acknowledged the many improvements in resources and facilities in our institutions. It is good to hear about the improvements in Ellis Ward in Graylands, for instance, and I commend all those staff across the public health system who work tirelessly to improve the lives of patients. Nonetheless, I accept that developing and maintaining a high quality system is always a work in progress and I expect to see more of the long-term outstanding issues identified by the council addressed.

I can assure the house that we will soon see the first of the 100 people with individualised support packages moving out of hospital and into their own homes. The first of those people should be moving in January 2012. I can also assure members that the Disability Services Commission is working closely with the Mental Health Commission and the area health services to make sure that people do not fall between the gaps in the two systems.

Services for children and young people remain a high priority, and I am pleased to say that there is ongoing work between the mental health system and the justice system to improve services for adults and children who come into contact with the criminal justice system.

When members read in this report about some of the unintended consequences arising from the ban on smoking in mental health facilities, they will understand why I have asked that it be reviewed and why I am progressing a partial exemption to the WA smoke-free policy for involuntary patients.

We will continue our reforms of the mental health system. We will continue to try to get people out of hospital and into the community. At the same time, wherever possible, we are providing greater local access to services, including hospital services in the city and regional Western Australia. For the first time, the Kimberley will have its own specialist mental health unit in Broome; more beds will be provided in Albany; and there will be more sub-acute beds for people who do not need to be in hospital.

Mental Health 2020 is a ten-year agenda. We are off to a flying start, and I thank the Council of Official Visitors for its part in making this a high-quality system.

[See paper 4134.]

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

TEMPORARY ORDERS — SUSPENSION

Motion

On motion without notice by **Hon Norman Moore (Leader of the House)**, resolved with an absolute majority —

> That so much of the temporary orders be suspended as would enable orders of the day to be taken at the conclusion of motion on notice 1.

MARINE PARK PLANNING

Motion

Resumed from 23 November on the following motion moved by **Hon Sally Talbot** —

> That this house condemns the government for taking an old-fashioned piecemeal and politically driven approach to marine park planning in Western Australia.

The PRESIDENT: I would remind members that there is 55 minutes remaining for the debate on this motion.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [2.16 pm]: Thank you, Mr President. Given that I understand another member wishes to speak today, I do not anticipate taking all of that time, for a range of reasons.

Last week, when I started to make my comments, I was getting to the point where I was saying that one of the best decisions that former Premier Geoff Gallop made was his decision that Ningaloo be protected as a marine park. Although that was quite a contentious decision at the time, I think that decision is one that is greatly appreciated by the community.

I want to touch on an issue that I do not think has been canvassed in the earlier debate. I fortuitously picked up on an article in *The West Australian* of 21 November headed "Science supports marine parks". I think that article will carry me through in my discussion of this matter today. This article is an opinion piece written by three people: Jessica Meeuwig, Shaun Collin and Malcolm McCulloch. As you would know, Mr President, Shaun Collin and Malcolm McCulloch are both UWA Winthrop professors. In fact, from memory you hosted both those individuals in your chamber earlier this year, and I think we had some photos taken in this place after that event. Their speciality is looking at shark populations around our coast, which is quite a niche area but a very important area of research given the vastness of our coastline, and perhaps a contentious issue at the moment given some tragic recent events.

In this opinion piece, they talk about the importance of the future of marine parks, and about how we need to take into consideration all the vested interests involved with the future development or the sustaining of current marine parks. Given Western Australia's history and our resource sector, there is a fine balance between ensuring that we provide protection to marine parks, and also that we provide protection to the people who draw an income from those areas. The article talks about the fine balance between those who want to fish in those areas, those who want to seek out oil or gas in those areas, and those who want to sustain those areas from an environmental angle. I thought it was quite a useful article. They talk about how scientific research has consistently shown that the number, size and diversity of marine life increases greatly when those marine areas are protected as sanctuaries. They talk about how that is critical for Western Australia, especially when we are experiencing a resources boom—we all know that that is a phrase that the Premier does not like us to use, but it is used in this context because we know it is true—with associated increases in human population and wealth, and access to a changing marine environment. We need to achieve that balance so that all the various parties are appeased. They also talk about how sanctuary and fisheries management is necessary, that improving fisheries management is not the primary role of marine sanctuaries, and that the benefits of marine sanctuaries are very important to Western Australia.

They go on to talk about other aspects of the science, which leads me to where I wanted to go in this speech. When we talk about the piecemeal and ad hoc approach that this government has taken to marine sanctuaries, we are not talking about just the various areas of our state that have or do not have sanctuaries, and the fact that we have a number of ministers and government departments responsible for marine sanctuaries under various pieces of legislation. As I understand it, there has not been a holistic approach taken to date to the Western Australian coastline, and that is what we believe needs to happen. Even though money has been appropriated in the budget for the Kimberley science research project, it is only for one part of the state. Part of that is land-based and a lot of it is focused on research and development and engaging Indigenous communities, but it is in a fairly isolated area. Again, that is not the whole of the state.

When the government changes its approach, it needs to look at the issue of science. I have talked about this a number of times in this chamber. One of the things the government needs to invest in in the future is science and innovation. Mr President, I know that you would be a very keen supporter of that happening in light of your previous occupation. People of the ilk of Malcolm McCulloch, Shaun Collin and Jessica Meeuwig have come out and written with authority about their experiences, and about the real significance and importance of having marine sanctuaries and what can be achieved through them. I sat and thought, "Well, it's great that we have these people now, but what do we do in the future?" This is where the government needs to invest money in the future of our young people, so that more people can develop this skill and knowledge and so that the government will have people on hand who can participate in this area of science.

The University of Western Australia has specialist departments—I am sure Curtin and Murdoch have them as well—looking at the marine environment and doing very particular research, just as Mr McCulloch is doing, and they are receiving some sort of assistance. But part of the problem with this sort of research is that we have to make sure that it is continuous and that more people are coming through. Although this idea is a bit out there, and perhaps not what was intended when this motion was drafted, I want to put it on the table. When we talk about these types of issues, we have to think a bit more broadly. It is important for the government to look at the people involved in the research and innovation aspect of marine sanctuaries. I think there would be real value in this government investing dollars in encouraging young people to go into specialising in this area of scientific research. We have some excellent research capacity here in Western Australia; it is unfortunately not promoted as well as it could be and it is certainly not funded as well as it could be. We know that there have been enormous cutbacks in state government funding for a range of research projects and that is a crying shame, because it again reflects the ad hoc and piecemeal approach of this government. It does not really understand that we need to have other types of industry and work happening to sustain us into the future.

Highly qualified people need to be trained and educated so that they can talk to us, help us plan for the future and give advice to the government on what is needed to be done, so that we can achieve a balance between providing appropriate levels of protection for marine sanctuaries and for those who need to draw income from the same marine areas. I know this idea is on a bit of a tangent, but it is a drum I like to bang on at the end of the year,

because it has been a very frustrating year for people working and studying in this field at the universities as they constantly have to worry about projects being cut off because of a lack of funding.

My real concern about this government is that, although we have a Minister for Science and Innovation, very little happens in that area now. There has been a succession of three ministers over the last three years in that portfolio. Members in this chamber, including Hon Helen Morton, have shown a real interest in this area. Maybe over the next few weeks, when there will be a ministerial reshuffle, Hon Helen Morton or Hon Norman Moore might want to stick their hands up and say, "Yes, we'll take science and innovation; we'll give it a drive. We understand the importance and the relevance of it to our state."

Hon Helen Bullock: Fat chance of that.

Hon KATE DOUST: Yes, but I am just trying to say that this is absolutely imperative. If the state is dinky-di about providing options for our young people into the future, science is the perfect vehicle for doing so. The funds need to be provided and the government needs to provide that base so that we can develop young people's opportunities, and the ideas and guidance needed to be given back to government. It is an ever-continuing cycle. Instead, this government has used the science area as an ATM to extract cash from and siphon it off into other areas. We are really missing out on opportunities as a result.

When I saw this article written by these quite eminent scientists from our state I thought, "This is the perfect example of why we need to continue to appropriately fund this important area of work in our state". They can articulate their concerns in plain English for our community, so that our community can pick up on the fact that this is not just an isolated green or niche issue; it is an issue for everyone in the community to be concerned about. I encourage members to read this article, because it is a very good one.

The article concludes by talking about how Western Australia's marine environment is globally unique, and how our waters are home to more than one-third of the world's cetacean species. The vast majority of our fish species are found only in Australia. Our marine environment remains largely unprotected and at risk from the impacts of overfishing, oil spills and subsea mining. If the science is ignored, the future remains very uncertain for our marine life. The article goes on to talk about how the commercial and recreational fishing lobbies choose sanctuaries in the areas they do not use, well offshore, with little or no protection for those areas that need it most. Governments need to bring some balance to ocean use on behalf of the Western Australia community by protecting examples of all key marine habitats, based on good science.

We can have good science only if we have good scientists, and we can have good scientists only if governments decide to actually tap the till and put money into those areas of research. To date, all we have seen is money being extracted. If this government is going to move forward and address the issues canvassed by Hon Sally Talbot with regard to taking a piecemeal and ad hoc approach, this is one of the areas it needs to canvass, because it is the way of the future. It is not about looking at just an isolated area of marine science or aquaculture; it is all the other relevant sciences that are associated with it. This is a matter that the National Party would be interested in, particularly for young people studying in rural and regional areas. The National Party would be very keen for them to have additional funding to encourage them into the areas of science and research to create great opportunities for those kids in the bush. I am sure that Hon Phil Gardiner will be banging on the Treasurer's door, demanding education funding to encourage people into science as well.

I did not want to go on at length, but I wanted to canvass an extremely relevant issue that relates to this motion. We have talked about the gaps in protection that exist with marine sanctuaries, we have talked about the overlaps of departments and ministers and the problem with state and federal government interaction; we have talked about the various pieces of legislation and regulation that exist and the piecemeal approach; we have talked about the fact that vast tracts of our coastline are not afforded protection; and we have talked about finding that balance. But I think we also have to take into account the very important component of science, because the absence of specific, detailed, well-researched information providing good guidance to government exacerbates the problem of government not having holistic planning in place. It is a bit like the cart and the horse in that it cannot be achieved unless the government is prepared to support funding for study and research, and broadening the options. Our state is surrounded by water, and rather than tightening the capacity of our state to conduct research, we should be encouraging more research in these areas. We should be becoming the beacon, if members like, for other places, and people should be able to specialise in this very highly valuable and very interesting work.

With those few words, I most certainly support Hon Sally Talbot's motion. I think she has given members the opportunity to canvass a range of issues, and I know that Hon Lynn MacLaren wants to add a few words. It is really up to this government to get with the program, if members like, and actually work out a plan in total that will incorporate the various facets to make it work better. The government needs to provide appropriate funding for science and innovation to ensure that these talented and skilled people can do that research and provide good, solid advice to government; I think that is a very important component. I think that although some research is

happening now, it is not enough, and it is up to the government to broaden that. If it does, that might help fill some of the gaps that Hon Sally Talbot has tried to highlight.

HON LYNN MacLAREN (South Metropolitan) [2.32 pm]: I rise to support the motion. As the house had already heard from Hon Giz Watson, the view of the Greens (WA), as it has been of other speakers in this debate, is that the house should condemn the government for taking an old-fashioned, piecemeal and politically driven approach to marine park planning in Western Australia.

I begin my remarks by hooking into what Hon Kate Doust has just focused on, which is science and whether our marine park planning and management is based on science, and to what degree the state government uses that science to adequately conserve and protect the environment and the uses we make of marine parks. In responding to this motion, I want to look at the South Metropolitan Region and the interest my electors might have in marine park planning, and there is no more obvious issue than the proposed inland canals marina at Point Peron. I want to look carefully at whether marine park planning has been adequately prioritised by the government in its decision to construct a marina at Point Peron.

The proposed development at Point Peron abuts the seagrass beds of Shoalwater Islands Marine Park. Members would know that, yesterday, Cockburn Sound Management Council tabled its annual report in this house, and I look forward to seeing whether we have managed to protect and preserve some of the seagrass that has been under threat because of the deteriorating health of Cockburn Sound. But according to the "Shoalwater Islands Marine Park Management Plan 2007–2017", which was approved in 2007, Shoalwater Islands Marine Park is an A-class reserve and so it is covered by some of those marine park protections we have been talking about. It was gazetted on 25 May 1990, and covers 6 658 hectares. That amazing environment has a diverse range of habitats, and I will quote from the management plan —

> … including seagrass meadows, subtidal and intertidal macroalgal limestone reefs and the silty basin of Warnbro Sound … These habitats are home to a diverse range of finfish and invertebrates and a variety of wildlife including little penguins —

Many of us have been there and seen the penguins. The management plan continues —

> other sea and shore birds and marine mammals such as bottlenose dolphins (*Tursiops truncatus*) and Australian sea lions …

Members can see that the values that the marine park has managed to protect include a diverse range of animals. As to the ideas about marine parks and why we use them, they are not only a habitat for animals, but also there is a thriving tourism industry in this marine park that caters for local and regional communities; it is also an area that is popular for commercial and recreational fishing. There are many reasons to preserve marine parks. Shoalwater Islands Marine Park has high scientific research and educational value, and it has been well utilised by many visiting schoolchildren over the years. It is a pleasant place to live and visit, and it is a highly valued coastal resource. It is fair to say that the values that we want to protect and preserve in Shoalwater Islands Marine Park affect a wide number of people. They affect jobs, and they affect not only the ecosystem that we seek to protect, but also our lifestyle and our social enjoyment of the Western Australian environment. I quote again from the management plan —

> Much of the marine biodiversity of the State is poorly described, particularly along the south-west and south coasts where many endemic species are likely to occur.

I digress to note that the Save our Marine Life campaign, which has been running for several years in an attempt to get commonwealth protection of our biodiversity, has pointed out that there is much that we have not yet identified that is valuable in and around our coast. I return to the quote —

> The conservation of Western Australia's marine biodiversity is not only important from an intrinsic point of view but also as the fundamental basis of major recreation, nature-based tourism, fishing and potentially, pharmaceutical industries.

The proper protection and management of marine parks has flow-on effects throughout the economy.

I want to talk about the threatened impacts of the Point Peron—also known as Mangles Bay—tourism marina. In 1983, the Department of Conservation and Environment published "Conservation Reserves for Western Australia: The Darling System – System 6", which identified the waters between Cape Peron and Port Kennedy as being of regional significance for conservation, recreation and education, and it recommended that the area become a marine reserve. If members want to see what can happen after the introduction of a marina to an area already identified as an important regional area, members need look no further than the seagrass beds. The management plan states that —

> The area has a high diversity of seagrass, with 10 species recorded in Perth's southern metropolitan waters … Most of the seagrass meadows in the marine park consist of … (i.e. long-lived) genera …

There are also short-lived species. The seagrass meadows are important habitat and nursery areas. I know from my time in the South Metropolitan Region that quite a big whitebait nursery sits off Port Kennedy. That whitebait is a key food source for the penguins that we visit at Penguin Island, which is not far from the Shoalwater Islands Marine Park. There is a high diversity of marine species, including important commercial and recreational species. Seagrasses are an important food source for some species and might help maintain water clarity and light penetration to the seabed.

The marine management plan identifies the risks to the seabed and to the seagrasses that grow there. There can be physical disturbance from vessel activity, such as anchoring, the installation of moorings and propeller scour, and from coastal developments such as marinas. There can be discharges of toxicants from urban stormwater runoff, treated waste water and sewage, and shipping-related waste and spillages, such as the accidental spillage of fuel and chemicals associated with the boating industry. Therefore, already in 2007, when we established the "Shoalwater Islands Marine Park Management Plan" we identified potential risks to that very important area. However, we failed to adequately take those risks into consideration when this state government thought it would be a great idea to construct the Mangles Bay marina. It is completely incompatible with the objectives of no loss of seagrass and no loss of perennial seagrass biomass as a result of human activities. The "Mangles Bay Marina Based Tourist Precinct Scoping Document" identifies these risks. It states —

> As the proposed marina will have lesser water quality than in Mangles Bay, outflow of marina water has the potential to affect water quality in Mangles Bay and adjacent waters in Cockburn Sound and the Shoalwater Islands Marine Park.

Why would we locate a canal estate, a marina-based boating home, adjacent to, in this case, a marine park of such high values as Shoalwater Islands Marine Park?

Hon Simon O'Brien interjected.

Hon LYNN MacLAREN: Hon Simon O'Brien would never do it. Even Strategen Environmental Consultants, which prepared this environmental scoping report, which we considered way back in February—it has been sitting around since February—identified that —

> The following aspects of the Proposal may affect marine water quality values:
>
> - **dredging of the seabed** to allow for the construction of the access channel …
> - **seepage of return water from bunded areas** …
> - **placement of limestone for the marina breakwaters and leaching of fines from the limestone** …
> - **creation of land-based marina** which may potentially affect the water quality within Mangles Bay … on an ongoing basis, due to outflow of lesser water quality from the marina.
> - **increased boat numbers** increasing the potential for pollution.

Hon Phil Edman interjected.

Hon LYNN MacLAREN: Therefore, I say and I continually ask Hon Phil Edman who seeks to interrupt me —

The PRESIDENT: Order!

Hon LYNN MacLAREN: Hon Phil Edman seeks to interject. I welcome Hon Phil Edman's contribution to this debate.

Hon Phil Edman interjected.

The PRESIDENT: Order!

Hon LYNN MacLAREN: As someone who has an interest in marine industries, the member should make a very good contribution to this debate, rather than interject on mine.

The Point Peron area is of enormous value and has been recognised as such for many decades. It has been used for not only recreational and commercial fishing but also the tourism industry. It even, as we would say, has intrinsic value as a habitat for animals. The proposed development also takes land from Rockingham Lakes Regional Park. We are now talking about terrestrial parks, which is very important to take into account as well.

Hon Phil Edman interjected.

Hon LYNN MacLAREN: That includes a Bush Forever site that is also a class A reserve. The land was handed over for the benefit of all Western Australians, not the select few who can afford to live in a luxury canal estate. It is appalling that the state government has already committed $3.7 million of taxpayers' funds to subsidise what is little more than a land grab for private developers but even more than that is just on the edge of this highly valued marine park. The conservation of our marine habitats, going back to what Hon Kate Doust —

Hon Phil Edman interjected.

The PRESIDENT: Order! Hon Phil Edman, you cannot make a speech from your chair by interjection. Opportunities arise for members to make speeches at various times and that is when you need to take advantage of the call.

Hon LYNN MacLAREN: Thank you, Mr President; it was growing increasingly difficult to hear myself, so I appreciate that.

I just want to conclude and bring it back to the beginning when Hon Kate Doust was talking about the importance of science. The conservation of our marine habitats should be science-based to ensure that these valuable resources are preserved for the enjoyment of future generations. I made the point that our planning systems need to honour the values that we have already identified in these marine parks and not threaten them with developments that may undermine those environmental values. Our resources should not be undermined because of pressure from developers who are out to make a quick buck from our environment. Therefore, we remain entirely opposed to proposals such as the Point Peron or Mangles Bay tourism precinct located right on the edge of the Shoalwater Islands Marine Park and we support the motion. That is why we support this motion that condemns the government for its piecemeal and old-fashioned approach, which seems to place under threat these resources that we would hold dear for all generations to come and which should not be put under threat by this generation and the need for some quick profit.

HON MATT BENSON-LIDHOLM (Agricultural) [2.46 pm]: I will not take up too much time, but I certainly want to put on record just a few observations that I have about this motion on notice for a couple of reasons. One, fairly obviously, is that at the northern and southern end of my electorate, be it in the area around Geraldton and Kalbarri or south in Jurien Bay and all the way through to Bremer Bay, marine parks and reserves are certainly very much a significant issue. I have to say on a personal note so is the fact that my extended family still lives in the Walpole–Nornalup area bordering the Walpole and Nornalup Inlets National Park. That part of the world had an enormous impact on me in my formative years and I want to see some sort of meaningful management continue to be associated with it. I put on record my total agreement with the remarks of the opposition thus far because the need for meaningful planning for marine parks and reserves is beyond question. Yes, I honestly have a concern for—I will mention this in a while—the multiple usage of these areas. Significant numbers of my extended family are commercial fishermen and I genuinely have issues associated with how we utilise our marine parks and our marine environment—full stop. I know from speaking with fishermen in the Geraldton–Mid West area that there are issues about federal legislation that seem to preclude commercial fishers from earning what might be a reasonable living style. Therefore, those issues very much are important to me.

I will make just a few observations in the time remaining. Why the need for these marine parks and reserves? As all the speakers thus far have said, the marine environment is obviously something that is unique. With some 13 500 kilometres of coastline, Western Australia is in a very special situation with the sort of environments that we have—we are talking about some of the world's most pristine and beautiful environments. There is enormous diversity in these areas. If we start in the Kimberley region and head down the west coast all the way through to the capes region and then across to Eucla, the environmental diversity from those warm tropical northern parts to the cool temperate waters of the south west and south coast represent areas of some uniqueness. The various ecosystems in those areas require special management.

Where I am coming from is the need to look at how to manage those types of environments, given the fairly significant degree of functional complexity in terms of the usage that occurs, including people seeking to earn an income from the environment.

I also mention in particular the fact that Western Australia has only one marine nature reserve—I might be wrong—which is Hamelin Pool Marine Nature Reserve. That is one of only two places in the world with living marine stromatolites, which are living fossils. A key goal to managing those and all the areas that successive governments over the years have put aside must surely be the total sustainability of these marine environments. By putting on the public record the number of marine parks and reserves that we have now, Hon Sally Talbot has given us a good overview of what Labor did when it was in government. She also made the point that since 2008 precious little has been done in declaring additional marine parks. That issue is documented very well in *Hansard*.

I go back to the issue of the multiple-use of the marine environment that I have already referred to. This is very much a problem area. It is the state's responsibility to manage up to the three-nautical mile mark. Australia's marine boundary extends to about 200 nautical miles, but I stand to be corrected if I am mistaken. Obviously, we are talking about the state's responsibility. Western Australia and Australia can enjoy an enormous range of benefits by appropriately managing these marine areas. The cultural, commercial, recreational and ecological values afforded by our coastal environments, in as much as they help generate employment, income and recreational pleasure, is something that I would suggest to members defies any real description. But—this is a big "but"—marine recreation, tourism and development along the coastline where man interacts with the

environment needs to remain healthy, otherwise there will be no benefits to fishers, to give just one example, and other economic pursuits will likewise be in jeopardy. The reason for the existence of a marine reserve would disappear and the implications could be quite devastating, in every sense of the word, if that were not to happen. The question then is: what are we going to do? To my way of thinking, it is all to do with our strategic approach to developing, planning and managing our existing and proposed marine parks and reserves. We must understand what makes our marine environments tick. That is an issue that I do not think a lot of people comprehend. I say that of people at even the highest levels. I will give members an example of that. Hon Jon Ford referred to some of those when he talked about Wilson Inlet. He said that he had to deal with the potato growers who were arcing up because their paddocks were being flooded and who believed that the only way to solve that problem was to go to the mouth of Wilson Inlet with a front-end loader or bulldozer and open the inlet. What an ecological disaster that would be. We have local governments that promote that type of thing to appease the landowners. The property should never have been offered for sale on the shore of Wilson Inlet in those localities where the high-water mark may have encroached on someone's backyard.

Hon Giz Watson: They are very old allocations of land.

Hon MATT BENSON-LIDHOLM: Maybe they are. Certainly, that is a significant issue. If members want to see the impact that has had, I suggest they go to the mouth of Nornalup Inlet, where the mouth of the inlet is always open. I have been going there for the past 50 years or so—since I was a kid—and I have never seen the mouth of Nornalup Inlet closed. At the mouth of Wilson Inlet, where there is a managed ecosystem, the people do not know what they are doing and every 12 to 18 months or thereabouts it turns into a disaster zone. These are the sorts of things that Hon Jon Ford mentioned. I wanted to put that into context and to quote Hon Jon Ford, who said —

> The failure in the current regime with regard to marine parks is that the Department of Environment and Conservation ignores those values—the interactions between those species, from benthic to demersal to pelagic—and just concentrates on mammals, because that is what the act limits it to.

There is a legislative imperative to do something about it. He also said —

> In fact, even if a marine park is declared, only the Minister for Fisheries can write the regulations to enforce the restrictions.

The next comment he made brings that all together. He states —

> But on top of that, there is no interlink to inland rivers.

He goes on to say —

> It seems to me that contemporary marine park planning has to include planning around rivers, the settlements of rivers, and the agricultural land and feeding areas into those rivers. It seems that when we look at projects such as the North West Shelf, we have to cast our minds further and think about the impact on the marine environment. If we start thinking like that, there is a case to say that perhaps we need a pattern of marine parks that have specific values to ensure the survival of a whole range of different species, but that has to start right up in the catchments. We talk about fertilisers and what should and should not be put in the Swan River, and the people of Western Australia live with that all the time.

More importantly, he goes on to say —

> We have to have an integrated approach.

That is my bone of contention. If the Minister for Fisheries has the sole responsibility to enforce the restrictions through the regulations and there cannot be a better integrated approach to the management of our marine parks and reserves, no matter how that might be achieved, as far as I am concerned, the legislation and the marine parks will not be the success that they might otherwise be.

HON DONNA FARAGHER (East Metropolitan — Parliamentary Secretary) [2.57 pm]: I will keep my comments very brief. I rise to speak against this motion. I listened with interest to the various contributions made by members on both sides of the house. I found it interesting that there appeared to be different arguments from members opposite. Hon Jon Ford at times appeared to take a different tack from Hon Sally Talbot. Heaven forbid if ever Hon Sally Talbot becomes the Minister for Environment and Hon Jon Ford becomes the Minister for Fisheries. I am sure that would be an interesting set of circumstances when dealing with these issues because it appears that they took a different view on how these matters should be dealt with.

Having said that, as the former Minister for Environment, I believe this government has a very strong commitment to the establishment of marine parks in Western Australia, which is in stark contrast to the previous Labor government. The opposition talked very much about the importance of the marine environment and what it will do in government, but the fact is that the Walpole and Nornalup Inlets Marine Park was the first marine

park to be created since 2004. I recognise that the previous government and its ministers had been working to establish that park and that it was created under this government. However, the fact remains that that was the first marine park to be created since 2004. The previous government was in power from 2001 to 2008. It had four years, between 2004 and 2008, to establish marine parks, and it did not. I know the former government established a stakeholder working group which included a broad range of people but it did not include the Marine Parks and Reserves Authority, which I found amazing. We also know that the former Labor government talked a lot about marine parks but in fact did very little. This government, under Premier Colin Barnett, is doing something. For example, the Kimberley wilderness parks that we announced last year will almost treble the area of marine parks and reserves in Western Australia from 1.5 million hectares to 4.1 million hectares. I will repeat that because that is very significant. It will increase in size from 1.5 million hectares to 4.1 million hectares. The Kimberley wilderness parks, when completed, will cover an area—I am quoting from a statement that was released last year—of land and sea that is more than half the size of the state of Tasmania. If the opposition suggests that we as a government do not take marine parks and the establishment of them seriously, I ask it to look at those facts because they are the facts. The fact is we will have a marine park at Camden Sound. Added to that will be a further three marine parks. The Minister for Environment is working very closely with the Minister for Fisheries to see that we get a very successful outcome.

In the short time available—because I know Hon Phil Edman would like to say something before the debate comes to an end—I reiterate that this government is prepared to put on the table that it wants these marine parks established. They will be established. Unlike the previous government's four years and no action, this government will have a record of establishing a number of marine parks along the length and breadth of this great state. That is something we should all be very proud of.

HON PHIL EDMAN (South Metropolitan) [3.01 pm]: I apologise for my interjections before but I could not help myself when I heard some of the baloney from the other side.

Opposition members interjected.

Hon PHIL EDMAN: We will get to the ALP in a minute! In relation to the Shoalwater Bay Marine Park —

Several members interjected.

The PRESIDENT: Order! I have to make the point that members should not interject, but it becomes a bit hard when they are invited by a member. I ask the member to concentrate on the motion before the house.

Hon PHIL EDMAN: Thanks, Mr President. Once again, I just cannot help myself sometimes when I prepare for the opposite side!

In relation to what Hon Lynn MacLaren said in this debate about the Shoalwater Bay Marine Park and Point Peron, the proposed marina is actually in Mangles Bay. It is not in Point Peron, it is not in the Shoalwater Bay Marine Park —

Hon Kate Doust: It cuts into Point Peron; be honest about that.

Hon PHIL EDMAN: The other side should be very careful interjecting. I remember when the ALP, through Hon Mark McGowan, came down south with a $250 000 cheque in 2004 to get this project started. We thank the ALP for that. Putting that money into this project was fantastic. Hon Kim Beazley was also very supportive. I am sure the opposition will be thrilled to see the project up and running once it gets environmental approval. That is just it—this project needs environmental approval. That is one thing that members from the other side would agree: any project needs to have environmental approval. Hon Lynn MacLaren made a claim that we have wasted $3.7 million of taxpayers' money. Once again, that is wrong.

Hon Nigel Hallett: Another misinformed comment.

Hon PHIL EDMAN: That is right; it is misinformed.

The $3.7 million actually came from Cedar Woods. This project is basically being run with LandCorp and Cedar Woods, but Cedar Woods has put that money up-front. I will say again: the former Labor state government put $250 000 of taxpayers' money into this project, and so did the Howard federal government back around the same time, in 2004. I think it put $280 000 into this project from regional partnerships. The local council also put in about $150 000. Everybody has been pouring money into it. The $3.7 million that is going through the environmental assessment now is not coming out of the taxpayers' purse; it was provided by Cedar Woods.

Let us talk a bit about Mangles Bay, which is where the project will be. Let us also talk about some of the environmental disasters occurring at the moment. There are moorings that have been there since the good old days. They are not all environmental moorings. As Hon Simon O'Brien, who has been to the site with me, would know—in fact I first met him as a member of the Liberal Party back in 2003—damage from moorings has resulted in the loss of about two hectares of seagrass. By changing those moorings to either an environmentally friendly mooring or putting them into a pen, we will regain the two hectares of seagrass lost.

The other thing that is very damaging to hear is about when boats need to refuel. It is a real problem for the area that there are no refuelling jetties anywhere. Boats either have to be driven all the way to Fremantle or taken to Mandurah. Boat owners do not do that. They put their jerry cans into their dinghies, row it over and attempt to do it in a Neanderthal way to put it in their boat. The result is diesel spillage. That is bad for the environment. Having a refuelling jetty there would stop that. We need to look at the regional benefits of this facility. I do not believe this will be a marina for the rich, as was claimed—a three-storey Tuscan house with a Bertram boat out the front. This is something that has been designed on public land. It will have a marine science centre for excellence. There will be universities down there as well as the local high school. Rockingham Senior High School is one of the leading high schools for maritime studies, as well as industry. CSIRO would also be based there because it has shared some interest. It is not just about a marina and rich guys with boats. They are looking at short-stay accommodation at affordable prices and a place where people can have a few drinks and eat. It will provide around 800 jobs. It will pour more money into the area. It will provide economic sustainability in a region that really needs it. It is obvious that it is now time to have a marina in that area. The area is called an aquatic playground but it does not have a marina. It has guys rocking up with jerry cans to fill up their boats. It is just a joke.

I believe the environmental assessment is just about finished. That will go out for public environmental review. That should not be too much longer. The general public, as well as other political parties, can comment on that. Once that process is done, I guess the Department of Environment and Conservation or the Environmental Protection Authority will make a determination on that, which will be given to the Minister for Environment. There is a process it has to go through. To think we are going to fast track it and bulldoze down an area is just ridiculous. I will leave my remarks there. The Barnett government has a lot of respect for the environment. I thank our former environment minister, Hon Donna Faragher, and our current minister and cabinet for doing a wonderful job in not only helping out in Rockingham but also making sure the state is run properly and is maximising its economic potential to make this state a better place for everybody.

Question put and negatived.

RESIDENTIAL TENANCIES AMENDMENT BILL 2011

Third Reading

Bill read a third time, on motion **by Hon Simon O'Brien (Minister for Commerce)**, and returned to the Assembly with amendments.

BILLS

Report

1. Criminal Appeals Amendment (Double Jeopardy) Bill 2011.

2. Commercial Arbitration Bill 2011.

Reports of committees adopted.

BUSINESS NAMES (COMMONWEALTH POWERS) BILL 2011

Introduction and First Reading

Bill introduced, on motion by **Hon Simon O'Brien (Minister for Commerce)**, and read a first time.

Second Reading

HON SIMON O'BRIEN (South Metropolitan — Minister for Commerce) [3.12 pm]: I move —

That the bill be now read a second time.

The Business Names (Commonwealth Powers) Bill 2011 seeks to adopt the commonwealth Business Names Registration Act 2011 and the commonwealth Business Names Registration (Transitional and Consequential Provisions) Act 2011, and refer to the commonwealth Parliament the power to amend those acts pursuant to section 51(xxxvii) of the commonwealth Constitution. In addition, this bill will deal with transitional and consequential matters to allow for the implementation of the national business names reforms in this state. This bill will give effect to the intergovernmental agreement endorsed by the Council of Australian Governments on 2 July 2009 to refer power to the commonwealth Parliament to legislate in regard to business names registration for the purpose of establishing a national business names register.

The legislative scheme: On 3 July 2008, COAG agreed to the development of a single national system for the registration and regulation of business names. Currently there is a separate business names register operating in each Australian jurisdiction. A business proprietor who trades under a business name in more than one state or territory must register this name and pay the relevant fee in each jurisdiction. The establishment of the national business names register will mean that a business proprietor will be required to register a business name only once to be able to trade under that name in every jurisdiction in Australia. The commonwealth legislation will

effectively replace the Business Names Act 1962, which is the legislation that currently regulates the registration of business names in this state. The national business names register, which is scheduled to commence on 28 May 2012, will be operated by the Australian Securities and Investments Commission.

Commonwealth Constitution: The commonwealth Constitution enables the commonwealth Parliament to exercise a legislative power referred to it by a state Parliament. The Constitution also allows a state Parliament to adopt commonwealth legislation that has been enacted by relying on a power referred by another state Parliament. In both cases, referral and adoption, the law that ultimately applies in the state is commonwealth law. The commonwealth Parliament does not have sufficient legislative authority under the commonwealth Constitution to completely regulate the registration of business names throughout Australia. Tasmania effected a referral of power on 4 October 2011 with the enactment of the Business Names (Commonwealth Powers) Act 2011. This referral enabled the commonwealth Parliament to enact the Business Names Registration Act 2011 and the Business Names Registration (Transitional and Consequential Provisions) Act 2011 on 3 November 2011. The Business Names (Commonwealth Powers) Bill 2011 adopts the commonwealth acts and refers to the commonwealth Parliament the power to amend the adopted legislation.

Clause 4 of the bill reserves certain business names matters to the state Parliament. These matters include the imposition of requirements relating to the display or communication of a business name upon a government body or an entity carrying on business under a name specified in a state law and the imposition or payment of taxes. The bill also provides a mechanism for the Western Australian government to revoke the adoption and referral of power, should that prove warranted.

Transitional and consequential provisions: In addition to adopting the commonwealth business names legislation and referring to the commonwealth Parliament the power to amend the adopted legislation, the bill makes necessary transitional and consequential amendments to the Business Names Act 1962 and other state acts.

For the information of members, I table a copy of the commonwealth business names legislation and I commend the bill to the house.

[See paper 4135.]

Debate adjourned and bill referred to the Standing Committee on Uniform Legislation and Statutes Review, pursuant to standing orders.

GAS SERVICES INFORMATION BILL 2011

Introduction and First Reading

Bill introduced, on motion by **Hon Peter Collier (Minister for Energy)**, and read a first time.

Second Reading

HON PETER COLLIER (North Metropolitan — Minister for Energy) [3.17 pm]: I move —

That the bill be now read a second time.

The purpose of the Gas Services Information Bill 2011 is to provide for the establishment and operation of a Western Australian gas bulletin board and publication of a gas statement of opportunities. Both initiatives are consistent with the government's objectives of secure, reliable, competitive and cleaner energy to meet the needs of the community and support Western Australia's growing economy. The GBB and the GSOO are responses to key recommendations of the Gas Supply and Emergency Management Committee, which were agreed by government in late 2009. Comprising industry and government members, the committee was tasked with reviewing the security of Western Australia's gas supplies and the future management of gas supply following two major disruptions in the north west of the state in 2008. Among other recommendations, the committee proposed the implementation of a GBB and a GSOO to be operated by an independent Western Australian–specific entity to improve the security, reliability and competitiveness of the domestic gas supply market in Western Australia.

Earlier this year a parliamentary inquiry into domestic gas prices recommended that the introduction of a GBB and a GSOO be expedited in Western Australia. The GBB is aimed at improving the transparency and availability of near-term gas system and market information, while the GSOO will provide long-term forecasts to help future investment decisions in the state. The GBB will consist of a website providing near-term information on natural gas production, transmission, storage capacity and demand. To minimise costs, it is expected that it will utilise as much as possible of the bulletin board system administered by the Australian Energy Market Operator. It will provide an emergency information facility to assist government and industry in the management of gas supply disruptions, and may potentially host information on broader specification gas requirements. It may also include a voluntary facility for the introduction of buyers and sellers of gas—commodity and transport—in future. However, this would not be a formal trading platform or provide market settlement services. The GSOO will be a comprehensive document that is published periodically to provide a medium to

long-term outlook of gas supply and demand in Western Australia. It will highlight where potential commodity shortfalls or transportation constraints may occur in future. The GSOO is expected to draw from publicly available resources and from information provided for the GBB to model gas demand and supply forecasts.

The bill itself draws from the National Gas Law in regard to information requirements, the treatment of protected information, and immunity from liability for the operator and gas market participants in honouring their obligations. The bill also draws from the Electricity Industry Act 2004 in regard to the compliance and rule development for the GBB and GSOO, so that it is broadly consistent with the arrangements for the wholesale electricity market. This takes into account that there will be administrative simplicity in having similar frameworks for electricity and these gas information services. In May 2011, I announced that the Independent Market Operator—IMO—was selected as the operator to administer the GBB and GSOO. This bill represents the first step in providing the legal framework for the formal appointment of the lMO as the operator. Consultation with industry and stakeholders has been key in the drafting of this bill and will remain a key feature in the development of regulations and rules over the coming months.

Regulations: The bill provides for regulations to establish and operate the GBB and to prepare and publish the GSOO. It also confers functions on the operator in relation to these activities. The bill further provides for regulations to impose obligations on gas market participants in regard to information requirements that will also be set out in regulations and rules. Regulations may also provide for the enforcement of obligations by the operator, and place controls on the operator in regard to the use and disclosure of protected information it obtains for the GBB and GSOO. Importantly, the bill includes protections for gas market participants and the operator around information requirements. There is general immunity from liability where obligations are carried out in good faith and not through negligence, and immunity for participants disclosing information to the operator that may be otherwise protected under a contractual arrangement. Furthermore, the bill provides that the Governor cannot make regulations controlling the use and disclosure of protected information unless the minister is satisfied that gas market participants have been adequately consulted. In terms of compliance and enforcement, regulations will prescribe a maximum amount for a civil monetary liability incurred for an act or omission made through negligence, and the circumstances that determine the actual amount that is applied.

The bill also provides for "reviewable decisions" made by the operator to be reviewed by an independent board, as defined under the Energy Arbitration and Review Act 1998. This does not prevent or affect a review of all decisions, either reviewable or non-reviewable, by a court or tribunal. Regulations will enable both the operator and its board to recover costs incurred in the performance of their functions via fees and charges. The contravention of the regulations will be an offence. The bill prescribes maximum fine amounts for contraventions. Finally, the bill will enable the drafting of regulations to provide for, or for regulations to authorise rules to provide for, the resolution of disputes that arise under this piece of legislation. It is expected that the bulk of disputes will be managed through an informal dispute resolution process managed by the operator.

Rules: In regard to the gas services information rules, the bill requires that regulations must provide for rules relating to the form and content of the GBB and GSOO, and the operation of the GBB. The regulations may provide for the establishment of initial rules, which are to be tabled in both houses of Parliament. This is consistent with the arrangements for the wholesale electricity market. It is intended that the operator will undertake any required subsequent rules changes, and that any changes will need to be gazetted. Protected rules will set out the process by which rules are to be changed. These will not be able to be changed at the operator's discretion. Although the regime for compliance with rules will be set up via regulations, the bill prescribes maximum civil penalty amounts for contraventions of the rules. Serious rule breaches will be dealt with by the operator's board.

I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

ADOPTION AMENDMENT BILL 2011

Introduction and First Reading

Bill introduced, on motion by **Hon Robyn McSweeney (Minister for Child Protection)**, and read a first time.

Second Reading

HON ROBYN McSWEENEY (South West — Minister for Child Protection) [3.22 pm]: I move —

That the bill be now read a second time.

This bill amends the Adoption Act 1994 to introduce policy reforms to improve the adoption process, including most recommendations of the 2007 Adoption Act legislative review. The legislative review committee examined the operation and effectiveness of the act, paying particular attention to its effect on birth parents, adoptees, prospective adoptive parents and other relatives of parties to an adoption.

Reforms contained in the Adoption Amendment Bill 2011 include increased independence and transparency of decision making in the adoption process, starting with changes to the membership of the adoption applications committee, which is the body responsible for decisions about whether applicants to adopt a child are suitable to do so. The committee's membership will be required to be predominantly independent of the Department for Child Protection, including the chair of the committee. Indeed, these changes have already been implemented by that department. The chief executive officer of the Department for Child Protection will also be able to direct the adoption applications committee on policy and procedural matters in the performance of its functions. However, this power will not apply to decisions of the committee about an applicant's suitability to be an adoptive parent. On application of an aggrieved person, the CEO will be able to review decisions of the AAC on the merits of a case. If unhappy about the CEO's decision on review, a person will then have access to the State Administrative Tribunal. This replaces the limited review provisions that currently exist.

I am very pleased to be reintroducing relative adoptions in Western Australia through the proposals contained in this bill. This represents a significant reform in support of children and relatives seeking the permanency of adoption in circumstances in which other legislative options are inappropriate or unsuitable. Western Australia is one of the few jurisdictions in which adoption by a relative is not permitted. Provisions for relative adoptions were repealed in 2003 by the former Labor government. Although I recognise that, in many cases, alternatives to adoption may be preferable for the child than adoption by a relative, there will be situations in which adoption is the best way of meeting a child's best interests, and the option should be available. Before making an adoption order in such cases, the court will have to be satisfied that there are good reasons to redefine relationships in the way the child's adoption would, and that adoption is preferable to a parenting order under family law legislation. I will return to the amendments dealing with relative adoptions under later clauses in the bill.

The legislative review committee recommended a number of policy adjustments to update and strengthen the eligibility and assessment criteria for prospective adoptive parenthood. The amendments include updating the criminal record checking provisions to reflect contemporary legislation in this area. The bill also contains more equitable application criteria in respect of applications by married and de facto couples. The effect of these amendments under clause 26 will mean people in married or de facto relationships applying to adopt must do so as joint applicants, provided they have been in the relationship for at least three years; and people whose marriage or de facto relationship has broken down will not be eligible to apply to adopt as a single person unless they have been separated for at least 12 months. Other amendments will allow a person who jointly applies to become an adoptive parent to continue the application as a single person if the marriage or de facto relationship breaks down, without returning to the beginning of the assessment process. It is intended the Adoption Regulations 1995 will be amended to require a 12-month suspension of these applications so that applicants can adjust to their new circumstances and consider their plans to adopt in light of these.

The legislative review committee also examined the difficult issue of the age restrictions that apply to prospective adoptive parents at the point at which a child is finally able to be placed for adoption. Age restrictions will always be contentious in adoption law, particularly given the long and intrusive adoptions assessment process, which can then be followed by a long wait before the suitable placement of a child becomes possible. Debate continues in the general public on the trend towards delayed parenthood, as more people are choosing to consolidate relationships and careers before embarking on raising a family. Amendments to the act in 2003 increased from 40 years to 45 years the age differential between the youngest adoptive parent and the child being placed, in recognition of these trends and the increasing waiting times before a child may be placed. An upper age limit for the oldest of a couple wanting to adopt was also introduced at that time. For first adoption placements, the upper limit for the older person is currently 50 years, and for subsequent adoptions it is 55 years. Clause 36 of the bill reflects the legislative review committee's recommendation to remove these upper age limits, while maintaining the current restrictions in respect of the younger of an adoptive couple in the best interests of children. Included in the criteria by which people approved to adopt are assessed is whether they are physically and mentally able to care for and support a child. There are safeguards by which reassessment may occur prior to the placement of a child if there are concerns that the circumstances or age of an approved adoptive parent has impacted on his or her continued suitability to adopt.

I turn now to the important area of adoptions involving children who are known to their prospective adoptive parents—that is, the step-parent, carer and, as earlier referred to, relative adoptions proposed in the bill. There are many circumstances in which such adoptions may come about; in the case of carer adoptions, some of the children and carers may already be known to the Department for Child Protection, having been placed with approved foster carers or relative carers by the department. The amendments seek to clarify and strengthen the adoption process in respect of step-parent and carer adoptions, as recommended by the legislative review committee. The provisions enabling relative adoptions have been drafted to be compatible with those enabling carer adoptions.

Clause 38 of the bill clarifies the process by which the chief executive officer may approve the placement of a child with a carer for the purposes of adoption, and introduces assessment criteria for such approval. Consistent

with the introduction this year of protection orders, special guardianship, under the Children and Community Services Act 2004, carers or relatives will be able to apply for the CEO's approval if the child they wish to adopt has been in their care for the preceding two-year period, rather than the three years that currently applies in carer adoptions. If the CEO has parental responsibility for the child, before approving the placement for adoption, the CEO must be satisfied adoption would be preferable to a protection order, special guardianship. Consistent with the principle under section 3 of the act that adoption should occur only in circumstances in which there is no other appropriate alternative for the child, clause 43 of the bill requires the court to consider certain matters before making an adoption order in respect of relative or carer adoptions: whether the proposed adoption is preferable to certain orders under family law legislation; in the case of relative adoptions, whether there are good reasons for redefining family relationships, as adoption would; and, for children under parental responsibility of the CEO, whether a protection order, special guardianship, is preferable for the child.

Other amendments propose to remove overly restrictive criteria that work against approved prospective adoptive parents being able to foster children while awaiting the placement of a child for adoption. The changes will make it easier for adoption applicants to remain on the register of approved persons awaiting placement of an adoptee, while at the same time being able to foster children in the care of the CEO under the Children and Community Services Act 2004. Fostering opportunities may involve respite, short-term or long-term care, including the opportunity to foster as a Home for Life carer. The Department for Child Protection's Home for Life program enables children who are the subject of a protection order until the age of 18 under the Children and Community Services Act 2004 and for whom reunification with their birth families is not possible to be placed with approved carers who are interested in providing a home for life for a child. In some cases, these placement arrangements may progress to special guardianship orders for the child or even carer adoptions if, under amendments in this bill, adoption is preferable to other orders.

The importance of a permanent, caring home to a child's health, growth and development is undisputed. All children need consistent and emotionally available parenting to give the feeling of safety, belonging and wellbeing. The removal of these restrictions will enable assessment of applicants' suitability for the placement of a particular child for adoption, at the same time as providing opportunities for meeting the permanent care needs of children who are otherwise unable to live with their own families. The placement of children, whether under the Adoption Act 1994 for the purpose of adoption, or the Children and Community Services Act 2004 for the purpose of fostering, will continue at all times to be focused on the best interests of the child.

In considering the issue of the name of a child to be declared in an adoption order, the legislative review committee recommended there be greater flexibility than the act currently allows. Amendments under clause 45 propose that in declaring a child's name, the court is to have regard to the principle that the adoptee's first name should be included in the name by which he or she is to be known, and also to the child's relationships with birth parents or others, and the principle that his or her cultural background should be recognised in the name.

In contrast to the secrecy that has surrounded adoptions in the past, the bill continues reforms towards more open adoptions, in recognition of the need expressed by many adoptees and relinquishing parents, and their relatives, for information about or contact with the other parties to an adoption. The bill gives siblings the right to access identifying information about a biological sibling who was adopted, once each has reached adulthood. Past reforms have included discontinuing the option for parties to an adoption to lodge information or contact vetos against another party. No new information or contact vetos could be placed from 1 June 2003, and any existing information vetos ceased to have effect from 1 June 2005. Currently, there are 840 remaining contact vetos in Western Australia. In support of decriminalising the arena of contact between parties to an adoption, clause 54 of this bill removes the offence for breach of an undertaking not to contact a person who has a current contact veto in place. Persons who are the subject of a contact veto will still be required to give an undertaking not to contact the other party in order for the CEO to grant their access to identifying information. The retention of the general harassment offence under section 126 of the act provides an avenue for responding to those few individuals who may be unable to respect the requirements of a contact veto and their undertaking against contacting the relevant party. In addition, new offences for providing false or misleading information, and for failure to notify information that may be relevant to a proposed adoption, are introduced under clause 63. These provide important added protections to ensure that adoptions are conducted justly for all concerned and in the best interests of children.

The Adoption Act 1994 contains provisions specific to the adoption of Aboriginal or Torres Strait Islander children in acknowledgement that such adoptions should occur only if there is no other suitable alternative for the child. Since 2001, only seven Aboriginal children have been adopted, two of whom were known to the adopting parents. Clause 10 of the bill amends the requirements for consultation under section 16A of the act, in line with recent amendments to the Children and Community Services Act 2004. The amendment regarding the adoption of an Aboriginal or Torres Strait Islander child will ensure that consultation conducted with individuals or agencies is more meaningful and effective, if external to the Department for Child Protection, because it must be carried out with those who hold relevant knowledge of the child or the child's family or community.

The bill also replaces the terminology of "guardianship" to be consistent with use of the more contemporary term "parental responsibility" in other legislation; makes minor drafting updates and corrections to the act; and provides for a further legislative review after five years of these amendments becoming operational. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.

Sitting Suspended from 3.37 to 4.30 pm

QUESTIONS WITHOUT NOTICE

MARGARET RIVER BUSHFIRES — EMERGENCY RELIEF PAYMENTS

1102. Hon SUE ELLERY to the Minister for Child Protection:

(1) Has the minister seen today's media reports suggesting that people have had to make up to four visits to the emergency centre in Margaret River before being granted emergency relief payments and that staff at the centre are operating under extreme stress?

(2) Why has the minister not ensured that the centre is resourced adequately to cope with the demand for emergency relief?

(3) Does the minister understand reports of rorting to be correct?

(4) If no to (3), where have those reports come from?

(5) If yes to (3), what has the minster done to prevent false claims?

Hon ROBYN McSWEENEY replied:

I thank the member for some notice of this question. I thought the question was rather mean-spirited. I have been down to Margaret River —

Hon Sue Ellery: I asked you about a media report today.

Hon ROBYN McSWEENEY: Coming from the Leader of the Opposition, I really thought it was a bit mean-spirited. I went down to Margaret River —

Hon Sue Ellery: Heaven forbid that I should ask a question about a serious issue raised in *The Australian*! It is a serious issue. I hope it is not true.

The PRESIDENT: Order! Let us take a deep breath and start again. A question has been asked; let us hear the answer.

Hon ROBYN McSWEENEY: Thank you, Mr President. I was in Margaret River on Sunday. Our President, who is the member in Margaret River, was also there. At the one-stop shop I saw probably six or seven women I know. The manager of child protection was also there. There was a psychologist amongst the six or seven people I saw. The Red Cross and church groups were there. When people are in trauma, some of that rubs off on the social workers because they are human beings too. When people walk through the door distressed, the worker certainly feels that distress as well. As I have said, they are only human beings.

(1) Yes; I have seen one report in *The Australian*. But I might say that everybody has said that the department and the staff have been absolutely wonderful in this disaster. Most people—that is in radio reports and people on the ground in the South West—have said that they have been extremely helpful, and kind and caring.

(2) The emergency welfare centre has been staffed by emergency response teams from Perth and supported by staff from the local district. Between seven and eight staff were there all day, assisted by two or three Red Cross personnel as well as two staff from the Western Australian natural disaster recovery and relief arrangements program.

(3) The department needs to provide financial assistance to those affected in an expedient manner, without adding to their stress with a lengthy and stringent assessment. Claims for emergency funding are briefly assessed via a face-to-face interview. Additionally, people are likely to be without documentation to prove their entitlement, so they are generally taken at face value when requesting financial assistance. As such, there is some potential for limited abuse of the program, which is consistent with anecdotal experiences in other states.

(4) Media announcements have been made repeatedly advising what emergency relief is available. Up to $350 per person is available during an emergency or disaster. It appears that some members of the community mistakenly believed they were entitled to $350 each per day, which caused a bit of tension at the centre.

(5) As stated previously, claims for emergency funding are briefly assessed via a face-to-face interview. People are likely to be without documentation to prove their entitlement, so they are generally taken at face value when requesting financial assistance—I am being repetitive there. As such, there is some potential for limited abuse of the program, which is consistent with anecdotal experiences in other states. However, the emergency teams and local district staff are aware of these claims and will manage the situation appropriately.

HOMELESS CHILDREN — DEPARTMENT FOR CHILD PROTECTION CONTACT

1103. Hon SUE ELLERY to the Minister for Child Protection:

I refer to the Western Australian Council of Social Service pre-budget submission, which refers to departmental data to show that of the 336 homeless children aged between 12 and 18 who had contact with the Department for Child Protection in 2010–11, only 85 of these children were offered long-term support work.

(1) What happened to the other 251 homeless children who had contact with the department?

(2) In 2009–10, how many homeless children aged 12 to 18 had contact with the department?

(3) How many of those were referred to community service providers?

Hon ROBYN McSWEENEY replied:

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

(1) The 251 cases would have been referred to other community services where required.

(2) In 2009–10, 679 young people aged between 12 and 18 were identified in interactions where homelessness was one of the issues identified.

(3) This data is not collected, but referrals to services would have been made as required.

GORGON GAS CONTRACTS — DOMESTIC GAS PRICES

1104. Hon KATE DOUST to the Minister for Energy:

I refer to Verve Energy and Synergy's contract signed yesterday with the Gorgon joint venturers.

(1) Given reports that Verve will pay up to three times more than current prices, will the minister indicate what this decision will mean for domestic gas prices?

(2) Does the minister agree with the chief executive officer of Verve that if the Gorgon project is late, there is potential for Verve to run out of gas; and, if so, what contingencies are in place should this occur?

(3) What progress, if any, has been made in negotiating a new contract for the North West Shelf venture?

Hon PETER COLLIER replied:

I thank the honourable member for the question.

(1)–(3) Yesterday was a good-news story on the energy front; it really was. Yesterday I witnessed the signing of a contract between Verve and Synergy and the Gorgon joint venturers that will provide 125 terajoules of gas for 20 years from 2015. That is when the current contracts expire. That is at a time, quite frankly, when we will run out of gas, so we needed new contracts. Negotiations took place between a number of parties on making up the shortfall between what will happen on the North West Shelf when that contract expires and what we have gained from the Gorgon contract that was signed yesterday. A number of new projects are coming on stream, including Wheatstone, Macedon and Pluto. Negotiations are taking place right across the board.

The price set for the new contract of course is confidential, as all commercial contracts are. I will say that the fuel source, or the fuel component of the generation, is around two-thirds of generation costs. In terms of an electricity tariff, on top of that we also have network charges, which take up around 40 per cent of the retail charges, and generation charges. Speculation that it will treble electricity prices is completely ill-founded. It will not. I cannot give a guarantee about what the actual price will be; no-one can. The prices established in that contract are confidential, as all contracts are. What I can say is that it needs to be put in perspective. The gas component of the entire tariff is around two-thirds of the generation component. We are looking at minimal impact in terms of tariff increases, but there will always be upward pressure on electricity tariffs whenever there is any increase in fuel costs. In addition, there is upward pressure on electricity prices when there is a carbon tax. There is upward pressure on electricity prices when there is an the network is ageing. All these things will put pressure on electricity prices. We in Western Australia are not lone wolves in this space. It is not just Western Australia. It is right across the nation; it is international. Electricity prices internationally are skyrocketing as a direct result of, particularly, fuel and climate change policies that have come into effect and much more

reliance on renewable energy, which is much more expensive. All these factors add to a growing escalation of electricity prices. It is the order of the day. But what needs to be remembered as a result of yesterday's historic signing of a contract between the Gorgon joint venture partners and Verve and Synergy is that we have made significant inroads to meeting the gas demand for Western Australia for 20 years, post-2015. Once again, the Liberal–National government is looking after energy security in Western Australia.

On the gas front, we can hold our heads up high. We have worked towards the Mondarra gas storage facility. Today I gave the second reading speech for the Gas Services Information Bill 2011, which will establish the gas bulletin board and the gas statement of opportunities. We are working towards that whole notion of dual fuelling. These are all recommendations of the Gas Supply and Emergency Management Committee. The cherry on the cake is yesterday's announcement. It was a great news story. It really will do an enormous amount to enhance energy security in Western Australia.

DEPARTMENT OF ENVIRONMENT AND CONSERVATION — PRESCRIBED BURNS

1105. Hon SALLY TALBOT to the minister representing the Minister for Environment:

I refer to the 50 controlled burns started by the Department of Environment and Conservation since 1 July this year that have not yet been completed.

(1) Which of these areas contain live fires now?

(2) Where are the locations of these live fires?

(3) What is the status of the areas that do not currently contain live fires?

(4) Where are the locations of these areas that do not contain live fires?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

(1)–(4) Given current staff commitments to the management of bushfires in the South West, the Department of Environment and Conservation is not able to provide these details today.

DEPARTMENT OF ENVIRONMENT AND CONSERVATION — PRESCRIBED BURNS

1106. Hon GIZ WATSON to the minister representing the Minister for Environment:

I refer to the prescribed burning of native vegetation.

(1) Was there any directive or instruction issued to the Department of Environment and Conservation regarding prescribed burning and/or air quality during the CHOGM period?

(2) If yes to (1), what was that directive or instruction?

(3) If yes to (1), what was the source of the directive or instruction?

(4) Has DEC been issued any directive or instruction regarding prescribed burning targets in the last six months?

(5) If yes to (4), who issued the directives or instructions and what were the directives or instructions?

(6) Are these directives or instructions being met?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

(1) No. DEC always has regard for smoke management in its prescribed burning program.

(2)–(3) Not applicable.

(4) No. However, in a media statement dated 18 November 2011, the minister said in fulfilment of recommendation 19 of the Keelty report —

> the Liberal-National Government supports DEC's prescribed burning program, and in particular approves DEC exercising greater flexibility in applying smoke management guidelines.

The minister acknowledges that from time to time there are smoke impacts, and he thanks the community for its tolerance of smoke while these strategically important prescribed burns are being undertaken.

(5)–(6) Not applicable.

TAXI PLATES — RELEASE

1107. Hon KEN TRAVERS to the minister representing the Minister for Transport:

I refer to your announcement on 9 April 2011 that you would release 30 additional taxi plates.

(1) On what date were they allocated?

(2) On what date did the first of these taxis commence providing services to the public?

(3) On what date did the last of these taxis commence providing services to the public?

(4) How many peak-period taxi plates have been issued since 27 September 2011?

Hon SIMON O'BRIEN replied:

I thank the honourable member for some notice of this question. If I may, when you say "I refer to your announcement on 9 April", to whom are you referring?

Hon Ken Travers: The Minister for Transport.

Hon SIMON O'BRIEN: The Minister for Transport, who has provided this answer which I am pleased to pass on in a representative capacity.

The action taken by the Liberal–National government in relation to taxis is in stark contrast to the mismanagement and neglect that epitomised the previous Labor government. It is noted that the opposition has sought to stop the Liberal–National government's release of taxi plates, which would allow more taxis on the road to provide a better service to the community. The disallowance action by the opposition shows an out-of-touch and bitter approach to the issue. The government is looking to overturn this disallowance motion in the Legislative Assembly by using government time to defeat the motion. Once overturned, plates can begin to be released in the interests of providing better service to families and businesses. Labor's disruptive action may, however, contribute to a shortage of taxis on the road over the Christmas period.

Hon Ken Travers: Does he feel better having got that off his chest?

Hon SIMON O'BRIEN: I should think he would.

(1) Between 31 March and 9 June 2011.

(2) 31 March 2011.

(3) 9 June 2011.

(4) Nil in the nine-week period referred to by the member, but it should be noted that so far in 2011, 141 taxi plates have been released, the majority of which have been peak-period plates. It should also be noted that there are 2 036 taxi plates on the road, compared with 1 830 under the previous Labor government in 2008. This represents an 11 per cent increase in taxis and signifies the Liberal–National government's commitment to providing better service to the community.

DEPARTMENT OF FISHERIES — STAFFING

1108. Hon JON FORD to the Minister for Fisheries:

I refer to Department of Fisheries staff.

(1) How many full-time equivalent staff are domiciled outside the metropolitan area?

(2) What is the current budget allocated to FTE staff domiciled outside the metropolitan area?

(3) What is the current budget allocated to FTE staff domiciled within the metropolitan area?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

(1) It is 108.

(2) $9.8 million.

(3) $30.3 million.

NINGA MIA COMMUNITY — DIALYSIS PATIENTS

1109. Hon ROBIN CHAPPLE to the minister representing the Minister for Health:

I refer to the four Aboriginal dialysis patients currently sleeping under tarps and tents and in cars on the outskirts of the Ninga Mia community, five kilometres from Kalgoorlie, which was also reported in the *Kalgoorlie Miner* on 25 November 2011.

(1) What assistance will the Department of Health provide to ensure that these patients have been referred to appropriate housing support agencies?

(2) How is the state government utilising commonwealth funding of $45.8 million for "Bringing Renal Dialysis Closer to Home in remote Western Australia" announced in May 2011?

(3) What is being done to progress the specific commitment to provide accommodation for the dialysis patients in Kalgoorlie?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

(1) All patients in the Kalgoorlie dialysis unit have been surveyed in regard to their current accommodation. Patients identified as having accommodation issues have been referred to Kalgoorlie Hospital's social worker and Aboriginal liaison officer for follow-up. Follow-up includes offers of assistance to lodge documentation with the Goldfields Indigenous Housing Organisation and alternative accommodation and referral to culturally secure community services. Further follow-up and social work assistance with patients who do not have suitable accommodation will occur through the dialysis unit.

(2) The $45.8 million commonwealth funding announced in May is capital funding and will be used to expand the current satellite dialysis service in Kalgoorlie; establish a new dialysis service in Fitzroy Crossing, Laverton and Roebourne; accommodate renal support teams in the Kimberley, Pilbara, Mid West and Goldfields regions; and, provide renal hostel accommodation in Derby, Broome, Kununurra, Fitzroy Crossing, Carnarvon and Kalgoorlie.

(3) The WA Country Health Service is identifying suitable land for a renal hostel. A project working group has been established to oversee the project.

CARLY ELLIOTT — DEATH

1110. Hon LJILJANNA RAVLICH to the Minister for Mental Health:

I refer to the death of 20-year-old Carly Elliott on 31 March 2011 at her home from probably suicide. I have been asked by Carly's parents, who I understand have also been in contact with the minister's office, to raise this matter. During the months of Carly's interaction with Fremantle Hospital and the Alma Street Clinic —

(1) How many face-to-face hours did Carly have with professional medical staff?

(2) Who saw her and for what therapeutic purpose?

(3) Can the minister confirm that over the six months that Carly was known to Fremantle Hospital and the Alma Street Centre with regard to her suicidal intentions, she was at no stage given a full mental health assessment or a full suicide risk assessment; and, if so, why not?

Hon HELEN MORTON replied:

I thank the member for some notice of the question. I also thank the member for having got from the parents the appropriate authorisation for me to provide information of the patient's medical record in this manner. I also appreciate that the parents understood that this was going to be used in the Parliament of Western Australia, so I feel quite comforted by that process that the member has now entered into, and I thank her for that. I also want to say that at no time had Carly not being getting appropriate care. Her primary caregiver in respect of the services that she had been receiving, from the briefing notes that I have seen, was her general practitioner, and her general practitioner's involvement was substantial. The mental health service had been involved in supporting the GP in that role. In particular in the five hours after the GP first made contact with the mental health service and Carly was referred to the mental health service, she was contacted by phone by the triage services. So, there have been quite regular phone calls and contact with Carly, with the GP and with the parents in the management of her care. However, the following is the answer to the specific questions —

(1) A one-hour, face-to-face assessment was undertaken.

(2) The community emergency response team—CERT—home visited Carly on 1 March 2011.

(3) No, the member is incorrect in that particular assumption she has made. On 1 March 2011 Carly was given a full mental health assessment and risk assessment when the community emergency response team saw her at home in response to a phone call from her father.

MARGARET RIVER BUSHFIRES — PRESCRIBED BURNS

1111. Hon MATT BENSON-LIDHOLM to the minister representing the Minister for Environment:

I refer to the prescribed burns that escaped and caused the Margaret River fires.

(1) Who manages the land into which the fires initially escaped?

(2) What was the fuel condition, the vegetation condition, the fuel age and the time since last burning on that land?

Hon HELEN MORTON replied:

Mr President, I was busy doing something else. I have two answers with me and I am not sure which one the member asked.

Hon Matt Benson-Lidholm: There are only parts (1) and (2) to the question.

Hon HELEN MORTON: Okay, that is fine. I know the one the member is asking for. I received the following response from the Minister for Environment.

(l)–(2) These matters will be examined in an independent investigation foreshadowed by the Premier.

PERTH WATERFRONT DEVELOPMENT — ABORIGINAL STAKEHOLDER CONSULTATION

1112. Hon LYNN MacLAREN to the minister representing the Minister for Planning:

I refer to the Perth Waterfront development.

(1) Which native title representative bodies, site informants and those with cultural knowledge were consulted about the Aboriginal heritage value of the site as required under the Aboriginal Heritage Act, and when did this consultation take place?

(2) If a report is held by the Department of Planning or by the Department of Indigenous Affairs on the Aboriginal heritage value of the site, what is the file number?

(3) Is the minister aware of the Department of Indigenous Affairs' submission regarding the Perth Waterfront metropolitan region scheme amendment, which states that consulting exclusively with the native title owners and claimants may fail to capture all of the people with cultural knowledge of the area and result in a failure to identify all Aboriginal heritage sites?

(4) Did the Department of Planning consult with the Department of Indigenous Affairs to determine which Aboriginal stakeholders should be consulted regarding the Aboriginal heritage value of the site?

(5) Does the Department of Planning intend to conduct any further consultation with Aboriginal stakeholders regarding the Aboriginal heritage value of the site?

Hon HELEN MORTON replied:

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

(1) To date consultation has taken place in three stages. In 2008 Aboriginal family groups were consulted on the previous master plan design. In 2009 representatives from the South West Aboriginal Land and Sea Council provided initial advice on the updated master plan design and Indigenous cultural centre proposal. As the design development has progressed, a more detailed level of consultation was undertaken in August, September and October 2011 with representatives from the South West Aboriginal Land and Sea Council—the metro working group; combined metropolitan native title holders; the Ballaruks People; the Bibbulmun group; the Independent Aboriginal Environment Group; and the Bona fide Bloodline Traditional Owners of the Swan Valley.

(2) Information on the two Department of Indigenous Affairs registered sites that will be impacted by the project—Swan River site identification 3536 and Esplanade site identification 3702—can be found on the DIA site register.

(3) Yes. In response to advice from DIA, the Department of Planning proceeded with further consultation in 2011, as outlined in response to (1).

(4) Yes.

(5) Yes, the Department of Planning will further engage with Aboriginal stakeholders as the project proceeds.

SOUTH HEDLAND AND PUNDULMURRA TAFE CAMPUSES — BUILDING MOULD

1113. Hon HELEN BULLOCK to the Minister for Training and Workforce Development:

I refer to question without notice 807 asked on Thursday, 22 September 2011.

(1) When did the initial mould remediation work commence at the Pilbara Institute's South Hedland campus?

(2) Who carried out the initial remediation work?

(3) Was further testing carried out after the initial remediation work was completed?

(4) Was further remediation work required as a result of those tests?

(5) If yes to (4), when did the mitigation work commence and who carried out those works?

(6) What work did Mycologia and/or its associated entity Mould Worx Pty Ltd undertake for the Pilbara Institute and when was the work undertaken?

Hon PETER COLLIER replied:

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

In responding to this question it is necessary to clarify a response provided to a previous question on this subject. Advice provided to me regarding question without notice 807 asked on 22 September 2011 led me to suggest that Mycologia Pty Ltd had undertaken mould remediation efforts at the South Hedland campus when in fact its work was limited to testing of the affected area. Mould mitigation was in fact undertaken by PureProtect Pty Ltd in response to the testing carried out by Mycologia Pty Ltd.

(1) The Pilbara Institute considers mould remediation as the processes of initial testing, mitigation and then clearance testing. Initial testing at South Hedland campus was in March 2011, initial mitigation work commenced in June 2011 and initial clearance testing took place in July 2011.

(2) The first lot of initial testing was carried out by Mycologia. The first mitigation work was carried out by PureProtect WA and NT Pty Ltd.

(3) Yes.

(4) Yes.

(5) Mitigation work was carried out by PureProtect WA and NT Pty Ltd in August 2011.

(6) Mycologia undertook air surface analysis testing at South Hedland campus administration block on 6 March and 13 May.

DEPARTMENT OF HEALTH — ENHANCED HOME VISITING SERVICE

1114. Hon LINDA SAVAGE to the minister representing the Minister for Health:

I refer to the enhanced home visiting service provided by the Department of Health.

(1) How many families are currently enrolled in or engaged with the service in the Perth metropolitan area and in WA country areas?

(2) How many full-time equivalent nurses are involved with or provide the service?

(3) How many full-time equivalent other employees are involved with or provide the service?

(4) Does the program involve structured home visiting during a client's pregnancy?

(5) How and by whom is a client referred to the health department's enhanced home visiting service?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

(1)–(5) The North Metropolitan, South Metropolitan, Child and Adolescent and WA Country Health Services and the Department of Health either directly or through contract arrangements with non-government organisations provide an enhanced home visiting service. These services include hospital in the home, rehabilitation in the home and home hospital services, which include hospital substitution, post acute care and community nursing services. As each hospital in each area health service provides a home visiting service, providing the information in the time required is not possible, and I request that the member place the question on notice.

INDONESIAN PRISONERS — UNDERAGE DETAINEES IN ADULT PRISONS

1115. Hon ALISON XAMON to the Minister for Child Protection:

I refer to the 14 Indonesian prisoners currently being detained in Western Australian adult prisons on people-smuggling offences who claim to be under 18 years of age, and whose cases are currently being investigated by the Indonesian consulate.

(1) Does the minister have any jurisdictional responsibility for the welfare of these detainees?

(2) Will the minister take any action to protect the Indonesian prisoners in adult prisons who claim to be under 18 years of age?

Hon ROBYN McSWEENEY replied:

I thank the member for some notice of this question.

(1) No, I do not have any jurisdictional responsibility.

(2) No. If specific cases were referred by the Department of Corrective Services or the commonwealth authorities, consideration would be given as to whether the Department for Child Protection has a role; but, at present, no.

HARDSHIP UTILITY GRANT SCHEME — SYNERGY AND HORIZON POWER

1116. Hon ED DERMER to the Minister for Energy:

(1) For October 2011, for each suburb or town, how many requests for hardship utility grant scheme assistance were referred to financial counsellors for assessment by each of —

(a) Synergy; and

(b) Horizon Power?

(2) For October 2011, for each suburb and town, how many requests for hardship utility grant scheme assistance were not referred to financial counsellors for assessment by each of —

(a) Synergy; and

(b) Horizon Power?

Hon PETER COLLIER replied:

I thank the member for some notice of this question.

(1) (a) Synergy does not refer customers in financial hardship directly to the Department for Child Protection, apart from certain scenarios that are currently being trialled. Rather, they are referred to a financial counsellor to be assessed for eligibility for a HUGS grant. If the financial counsellor determines the customer is in hardship, they would then apply for a HUGS grant with DCP, advising what utility the payment should be sent to. Synergy referred 1 236 customers to financial counsellors to be assessed for eligibility to receive a payment as part of the hardship utility grant scheme in the month of October 2011. Synergy does not maintain statistics on what town or suburb referred customers live in, and it would require undue resources to do so retrospectively.

(b) Horizon Power referred 88 customers to financial counsellors to be assessed for eligibility to receive a payment as part of the hardship utility grant scheme in October 2011. Horizon Power is provided with remittance notice on accounts that are credited with HUGS payments. The timing of referrals and receipt of remittance notices may occur in different months, and as such Horizon Power cannot readily identify which of the October 2011 applications had a HUGS payment credited to their account. The suburbs and towns are: Brockman, one; Broome, 15; Bulgarra, four; Cable Beach, two; Carnarvon, four; Derby, two; Esperance, 14; Exmouth, four; Gibson, one; Karratha, one; Kununurra, four; Laverton, one; Leonora, two; Meekatharra, five; Menzies, one; Morgantown, one; Mt Magnet, one; Nickol, two; Port Hedland, one; Roebourne, two; South Hedland, 14; Wiluna, two; Wyndham, three; and, Yalgoo, one.

(2) (a) Synergy does not maintain records of how many customers were initially assessed as not being eligible for referral to a financial counsellor.

(b) Horizon Power does not maintain records of how many customers were initially assessed as not being eligible for referral to a financial counsellor.

CHILDREN IN CARE — DEATHS

1117. Hon SUE ELLERY to the Minister for Child Protection:

(1) I refer to the deaths of three children in care in 2010–11. At the time of the death of each child —

(a) for how long had they been in care;

(b) how many placements had they had during those periods in care; and

(c) had the care plans for each child been reviewed within the 12 months prior to the death?

(2) Have there been any deaths of children in care in 2011–12 to date?

Hon ROBYN McSWEENEY replied:

I thank the member for some notice of this question.

(1) (a) The children had been in care for six months; two years, five months; and 12 years respectively.

(b) One, one, and two placements respectively.

(c) Yes, care plans had been reviewed for each of the three children.

(2) One child in the chief executive officer's care has died in the period 2011–12.

As far as I am aware, none of these deaths was by neglect or abuse.

OFFICE OF THE INFORMATION COMMISSIONER — APPLICATION PROCEDURES

Question on Notice 4899 — Answer Advice

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [5.04 pm]: Pursuant to standing order 138(d), I wish to inform the house that the answer to question on notice 4899 asked by Hon Giz Watson on 1 November 2011 to the Leader of the House representing the Premier will be with the honourable member tomorrow, Thursday, 1 December 2011.

DEPARTMENT OF EDUCATION — "REGIONAL DEVELOPMENT" ADVERTISING

Question on Notice 4883— Answer Advice

HON PETER COLLIER (North Metropolitan — Minister for Energy) [5.04 pm]: Pursuant to standing order 138(d), I wish to inform the house that the answer to question on notice 4883 asked by Hon Ljiljanna Ravlich on Tuesday, 1 November 2011 to the Minister for Energy representing the Minister for Education will be provided by tomorrow, Thursday, 1 December 2011.

QUESTIONS ON NOTICE 4881, 4885, 4947 AND 4728

Papers Tabled

Papers relating to answers to questions on notice were tabled by **Hon Peter Collier (Minister for Energy)**.

DEPARTMENT FOR CHILD PROTECTION — DOMESTIC VIOLENCE

Question without Notice 1065 — Correction of Answer

HON ROBYN McSWEENEY (South West — Minister for Child Protection) [5.05 pm]: I would like to make a correction to part of an answer that I provided to Hon Sue Ellery's question without notice 1065, asked on Thursday, 24 November. In answer to part (4) of the question, a figure of 2 379 children was provided, when in fact the correct figure is 1 125 children.

COMMUNITY SUPPORTED RESIDENTIAL UNITS — ELIGIBILITY CRITERIA

Question on Notice 4896 — Answer Advice

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [5.05 pm]: Pursuant to standing order 138(d), I wish to inform the house that the answer to question on notice 4896 asked by Hon Alison Xamon on 1 November 2011 to me as Minister for Mental Health will be provided tomorrow.

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Twenty-second Report — "Review of the Standing Orders of the Legislative Council"— Motion

Resumed from 20 October on the following motion moved by Hon Norman Moore (Leader of the House) —

> That the twenty-second report of the Standing Committee on Procedure and Privileges in relation to the review of the standing orders of the Legislative Council do lie upon the table and be printed and adopted and agreed to.

As to Committee

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [5.06 pm] — without notice: I move —

> That the house adopts the time limits relating to Committee of the Whole for the consideration of this order of the day.

The reason for that motion is so that members can have the normal 10-minute speaking time under the Committee of the Whole arrangement. Of course, with the Committee of the Whole being chaired by you, Mr President, it will enable us to have a debate about the standing orders that does not constrain members to a 40-minute speech and to being able to speak only once. I move that motion so that the time limits will be as would apply in the Committee of the Whole.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [5.07 pm]: We will agree with this motion. This will provide the most flexible way for all members to be able to contribute to the debate. I just want to raise one point, and I will use this opportunity, because it is the only way I am able to get to my feet to raise it.

There is a series of motions that may well be put before the house. The document that I now have in front of me is probably the same document that you have in front of you, Mr President. I wonder whether that document might be circulated, because that would help members understand how we might proceed, bearing in mind that these motions might change at some point.

The PRESIDENT: Yes, the document will be circulated very shortly. The question is that the motion be agreed to. If I could just say, implied in the motion moved by the Leader of the House is that I as President will take the Chair in the Committee of the Whole.

Question put and passed.

Committee

The President (Hon Barry House) in the chair.

Amendment to Motion

Hon NORMAN MOORE: Mr President, maybe we could hang on a tick until everybody gets a copy of this motion, because I would like to read the whole motion out; it is actually an amendment to the motion that was moved when the report was tabled. I think it would be helpful to all members if they had a copy of this before I move it.

The PRESIDENT: Members, if everybody is ready, we will begin the committee stage. I indicate that we will be working principally off the proposed standing orders of the Legislative Council, which was a tabled paper when the report was tabled. Supplementary to that, of course, there were two other documents: the report entitled, "Review of the Standing orders", which is a descriptive of how the Standing Committee on Procedure and Privileges went about its business; and a comparative table—a large, A3-sized document—which details a comparison between the current standing orders and the proposed new standing orders, with some brief analysis in parts. In addition to that, we have the paper that has just been distributed, which we can consider as a supplementary notice paper. At other stages there may be other pieces of paper floating around as well.

We have got to this stage after two and a half years of consideration by the Standing Committee on Procedure and Privileges, firstly in an enlarged form, and then in subcommittee form; the subcommittee prepared the report that was tabled in the house just recently. There has been extensive discussion on many aspects of the standing orders and we have now got to the stage where the final discussion will take place about what the house elects to adopt, and how it will do so.

Hon NORMAN MOORE: The motion we have before the house is that the report do lie upon the table and be printed and adopted and agreed to; I would like to move an amendment to that. I will read it out, because it is important that I then explain what it all means. I move —

To delete all words after "That" and substitute —

(1) the report do lie upon the table and be printed;

(2) in relation to the proposed standing orders tabled in the house by the Standing Committee on Procedure and Privileges, the house adopts proposed standing orders 1 to 4, 6, 8 to 14, 16, 18 to 20, 22, 24 to 36, 38 to 50, 52, 54 to 76, 78 to 91, 94 to 99, 101 to 106, 108, 109, 111 to 124, 126, 128 to 173, 175 to 178, 181 to 186, 188 to 239, schedule 1 parts 1 to 4 and 7 and 8, and schedules 2 to 4;

(3) in relation to the proposed standing orders tabled in the house by the Standing Committee on Procedure and Privileges, the house adopts —

(a) proposed standing order 5;

(b) proposed standing order 7;

(c) proposed standing order 15;

(d) proposed standing order 17;

(e) proposed standing order 21;

(f) proposed standing order 23;

(g) proposed standing order 37;

(h) proposed standing order 51;

(i) proposed standing order 53;

(j) proposed standing order 77;

(k) proposed standing order 92;

(I) proposed standing order 93;

(m) proposed standing order 100;

(n) proposed standing order 107;

(o) proposed standing order 110;

(p) proposed standing order 125;

(q) proposed standing order 127;

(r) proposed standing order 174;

(s) proposed standing order 179;

(t) proposed standing order 180;

(u) proposed standing order 187;

(v) proposed schedule 1 part 5 — Standing Committee on Uniform Legislation and Statutes Review; and

(w) proposed schedule 1 part 6 — Joint Standing Committee on Delegated Legislation;

(4) the current standing orders be repealed and replaced by the proposed standing orders adopted by the house, effective from the first sitting day in 2012;

(5) the Clerk be authorised to make clerical amendments to the proposed standing orders adopted by the house;

and

(6) the Standing Committee on Procedure and Privileges conducts an inquiry into the operation of the new standing orders and reports to the house during the spring sittings in 2012.

Mr President, if I can just explain to the house how I think this should be managed; I think it will be the most effective way to proceed with this. Rather than starting off at clause 1 and working our way through the standing orders, which would take us a very long time, we propose under part (2) of the amendment to the motion that we agree to all those standing orders for which the leadership team has not encountered any issues of concern to any of the parties, so they can be fundamentally agreed to in bloc form. Under part (3), from (a) through to (w), are standing orders, identified by the leadership team, on which members wish to raise issues. It is our intention to deal with each of those standing orders separately, and if amendments are necessary, for them to be dealt with in the committee stage.

Once we have dealt with all that, and in the event that we come to the conclusion that we have a new set of standing orders that meets the wishes of the house, we then go to part (4), which will repeal the existing standing orders and replace them with the proposed new standing orders. It will require an absolute majority firstly to get rid of the old standing orders and then to put the new standing orders in their place. Part (5) is a procedural matter that will allow the Clerk to make any Clerk's amendments, as is necessary. Part (6) is a requirement for the Procedure and Privileges Committee to sit down during the spring session of 2012 and look at any obvious errors or mistakes that have become apparent during the first half of 2012, once the new standing orders have been put in place and trialled for a period of time.

That is the procedure I hope we might be able to adopt; I hope, Mr President, that we can make progress on this and that we can between now and the end of tomorrow have a set of standing orders that are agreeable to the house, and that we can go forward in the next session of Parliament based on these new standing orders. It may be necessary from time to time, Mr President, for you to leave the chair until the ringing of the bells so that there can be some conversations held in respect of any matters that might be raised that can best be resolved behind the Chair in conversation; I think that might help. I guess we will just start off with parts (1) and (2), and then work our way through.

The PRESIDENT: The question before the house is that the report do lie upon the table and be printed and adopted and agreed to, to which the Leader of the House has moved the amendment that he read out and is documented on the supplementary notice paper. Do members want me to go through that again, or is it sufficiently clear? It is my intention, then, to take the amendments in order. The first question before the house is —

the report do lie upon the table and be printed;

Hon SUE ELLERY: I take the opportunity to indicate that the opposition will support that amendment, but also to put on the record at the beginning of the debate a few comments about the process that has got us to this point. I want to start by thanking the staff for their forbearance during the past two years because it has been a difficult process; it has been stop–start a little from time to time. It has also been the case that members of Parliament are

not always good at doing their homework, and we have had to revisit some of the conversations we have had a couple of times because members have forgotten what we agreed the last time we met or have not read the material they were supposed to read as homework between meetings. I want to thank the staff—the Clerk, Deputy Clerk and Clerk Assistant in particular—for their forbearance during that process. I also flag that I have no intention of being part of the review in about 12 months' time!

Hon Norman Moore: Join the crowd!

Hon SUE ELLERY: When it started, I think we genuinely thought it would not take anywhere near as long as it has. I think the report states that it is the first time a review of this magnitude, if members like, of standing orders has been conducted for about 60 years, so there was considerable work to be done. We started from the premise that we wanted to modernise the language to make it, as much as possible, language that if not the ordinary person in the street, then perhaps the ordinary member of Parliament might be able to get their head around. We wanted to get rid of anything that had become redundant or fallen away by nature of changes in technology or all sorts of things, and, where possible, we wanted to reach agreement on a better way of doing the business of the house to ensure that members had the opportunities they needed to participate in the goings-on of the business of the house. Those were the guiding principles we adopted. I do not think there is any question—we will not have got it all right. Sometimes when people are immersed in the minutiae, it becomes difficult to see the broader context. No doubt, there will be things that we did not get right.

There are also things we were not able to agree to, and for that reason the debate has been structured in the way it has today. Again, I want to thank the Clerk, Deputy Clerk and Clerk Assistant. I particularly thank Nigel Lake for the work he has done in preparing the amendments before the chamber that members might be relying on during the course of the debate to address whatever issue they have with the particular matter that has not been agreed. It, potentially, could be a difficult debate, but I am sure under your guidance, Mr President, there will be as little difficulty as possible, and at each point, depending on the progress of matters, we will be able to make a decision about how far we will actually be able to progress in the next two days. I trust and hope that we are able to progress to an outcome satisfactory to the house in the next two days; there have been some conversations behind the Chair today already, and I suspect there will need to be a few more. It is important note too that the Leader of the House put on the record fairly early on in the process that he hoped we would be able to achieve a consensus on the changes that we made, and that is the kind of approach we tried to adopt during the course of the review.

I also think it is worth putting on the record that the bulk of the changes in how we do our everyday business actually occurred when we agreed to the temporary sessional order. The bulk of changes in how we do our ordinary everyday business are enshrined in the new standing orders by virtue of us incorporating into the standing orders the provisions in the temporary sessional order. The major changes relate to the bulk of how we do our business, and have done our business over the past two and a half years, although it is certainly the case that there are some other changes before the house today. With those few words, for the first proposition put before the house we have agreement.

The PRESIDENT: Just to make one other thing clear, if I could, it is that the major motion requires an absolute majority, but the amendments, which I will put one by one, require only a simple majority because they are really just adopting the words or amending the words of a committee report. The question is that the report do lie upon the table and be printed.

Hon WENDY DUNCAN: I, too, rise to say that the National Party will support this first part of the business of the day. I would also like to take the opportunity to reflect on the process we have been through.

We started in September 2009, with the aim of completing our task by March 2010. As Hon Sue Ellery commented, I think it was probably a much larger task than was originally envisaged, but considering that the standing orders have not been reviewed in a major way since 1952, it is probably not surprising that it was a large task. In 2011, the Standing Committee on Procedure and Privileges appointed a subcommittee of the leaders of each party in this place so that we could concentrate on finishing the job. From my point of view, it was certainly a very valuable experience. As a newer member of this chamber, it certainly was a great education on the standing orders and a lot of the principles and the philosophy that underlies them, and I really appreciated the indulgence of the other members of the committee when I needed to ask fairly simple questions. I must also say that I have a great deal of respect for their experience, wisdom and knowledge of the standing orders, and, in particular, their commitment to endeavouring to arrive at standing orders that provide a fair working of the rules of this place. I guess when working on something like this, there is the understanding that, although one person putting their point of view may be in government at that point in time, there will inevitably be a time when they are on the other side of the house. I think everyone who took part in this exercise endeavoured to view the standing orders from all sides so as to result in the best outcome.

The principles of the process are worth reflecting on. They are to streamline and simplify the procedures of the house and its committees; to rationalise the priority of business considered by the house; to adopt successful

practices from the recent temporary and sessional orders trialled by the house; to incorporate current practices of the house into the standing orders; to eliminate obsolete and unnecessary standing orders; to ensure that the rights of all members to contribute to proceedings in the house and its committees are retained or strengthened; to use plain English; and to use gender-neutral language. On that particular point I think that, with three female party leaders on the subcommittee, Hon Norman Moore was always going to find that if consensus was to be reached, we needed gender-neutral language! The final principle was, of course, to reorder the standing orders in a more user-friendly sequence. I will, in addressing some of the matters later today, refer to some of those principles.

I would like to complete my remarks by, along with Hon Sue Ellery, thanking the staff, particularly Nigel Lake, Paul Grant and the Clerk, for their work in this exercise. At times it was quite a complex challenge, having the chart up on the whiteboard and endeavouring to incorporate our amendments as we worked along. I think that was done very efficiently, and the support we had as members of the committee was excellent. We have arrived where we have today, and I sincerely hope that we complete this exercise. I commend the Leader of the House for his courage in deciding to undertake this exercise —

Hon Norman Moore: It was a courageous decision, parliamentary secretary!

Hon WENDY DUNCAN: — and I look forward to the conclusion of our deliberations.

Hon LYNN MacLAREN: The Greens support amendment (1) that the report do lie upon the table and be printed. Whilst I was not participating in this crack team of specialists with knowledge of standing orders, I can impart on behalf of Hon Giz Watson, who is out of the chamber on urgent parliamentary business, that we participated fully with the skills and wisdom that Hon Giz Watson has gained over her 15 years in this place and worked diligently to achieve that consensus over time. We know how long it takes to achieve consensus, so it is not a surprise to us that this report came much later than originally expected. I know that we also appreciate the diligence and wisdom that the staff showed in their advice to this specialist team. I also express my personal appreciation to the members who worked long and hard over such detail. Although Hon Giz Watson kept us abreast of what was going on, I can tell members that she did not go over the very careful and important detail that I am sure she went over in the meetings together with the other leaders. We support the amendment that the report do lie upon the table and be printed.

Hon LIZ BEHJAT: I am just not sure, but I know there will be some leniency with things. I know that this is dealt with in amendment (4), but before I make my decision to vote on anything with regard to the standing orders, I seek some clarification on the timing of the standing orders. I seek clarification, first, on which standing orders will prevail during this forthcoming recess for the committees that have inquiries underway and will meet during the recess. Second, if the new standing orders are adopted today and they substantially change the way in which a particular committee operates, which standing orders will prevail at the start of the new session with regard to the work that those committees currently have underway and will continue to do into next year?

The PRESIDENT: Perhaps I may be able to clarify that. You have alluded to amendment (4), which we will come to. You will notice in that amendment that the proposed words to be substituted state —

> the current standing orders be repealed and replaced by the proposed standing orders adopted by the house, effective from the first sitting day in 2012;

That is the critical phrase. In the meantime, any committees operating operate under the existing standing orders.

Hon Liz Behjat: Standing or sessional orders?

The PRESIDENT: Standing orders; the sessional orders expire at the end of this calendar year. The sessional orders do not impact on any committee inquiry and the committees will continue as normal.

Therefore, I put the question that the report do lie upon the table and be printed, so the question is that that amendment be agreed to.

Amendment (1) put and passed.

The PRESIDENT: Now I will put amendment (2), which states —

> in relation to the proposed standing orders tabled in the house by the Standing Committee on Procedure and Privileges, the house adopts proposed standing orders 1 to 4, 6, 8 to 14, 16, 18 to 20, 22, 24 to 36, 38 to 50, 52, 54 to 76, 78 to 91, 94 to 99, 101 to 106, 108, 109, 111 to 124, 126, 128 to 173, 175 to 178, 181 to 186, 188 to 239, schedule 1 parts 1 to 4 and 7 and 8, and schedules 2 to 4;

I will not repeat that again, but I will say that the question is that the amendment be agreed to.

Amendment (2) put and passed.

Amendment (3)(a) —

The PRESIDENT: We now move to amendment (3), and I propose to take these as amendment (3)(a), (3)(b), (3)(c) and so on. The amendment states, in part —

in relation to the proposed standing orders tabled in the house by the Standing Committee on Procedure and Privileges, the house adopts —

(a) proposed standing order 5;

The question is that proposed standing order 5 be adopted.

Hon NORMAN MOORE: Standing order 5 was raised by another party and I cannot recall exactly what the issue was that they wished to discuss. However, subsequent to some conversations that have been held today, I want to move an amendment to standing order 5. Just as a bit of quick background, there is concern, in the mind of the government at least, that with members' statements being limited to 40 minutes, during which time members are constrained to 10 minutes each, there are occasions when a member can make a speech—perhaps they are the fourth person speaking—in which they make allegations or assertions about another member and that other member then is unable to respond because the time for members' statements has expired. That particularly concerns the government, obviously, if the opposition wants to attack a minister and the minister does not have a chance to respond to that attack. Mr President has at his discretion in the past sought to deal with that. The process has worked quite well until now if the person making the speech is the first, second or even the third to do so, but if they are the fourth speaker, there is no right of reply for a member to respond.

I put that matter to our party room and it agreed that we should perhaps have, at the discretion of the President, another 10 minutes for any member who feels that they have not had a chance to be heard during the 40 minutes and who needs to respond to matters raised by another member. I think, however, we might need to ensure that there is only one of these opportunities. This particular amendment would allow a number of those, but perhaps that is fair. The concern I have is that members who are in some way or another maligned by another member are unable to respond, bearing in mind that there could be members' statements on Thursday and the house adjourns for a week and therefore the smell hangs around for a whole week before anybody can do anything about it; it is reported in the media and there is no capacity for a member to respond. I do not imagine this will happen very often because Mr President has used his discretion in the past, but I think a provision of this nature is better than an alternative that I suggested at one time, which was that we go back to having an adjournment debate with an unlimited number of speakers. That was not well regarded or received by a number of members on the basis that we have tried in the past to have some certainty about when the house rises at the end of the day, unlike the old days when we sat until the government decided to stop sitting.

Hon Ken Travers: They're going soft, aren't they, Mr Moore?

Hon NORMAN MOORE: That is what I said. I said, "If you just want to go into your warm bed, that's fine."

Hon Kate Doust interjected.

Hon NORMAN MOORE: I do not know—it was not actually, but I had no enthusiasm either to go through another period in which we sit all night. Therefore, this is a compromise that will allow, in certain circumstances, the President the discretion to decide whether somebody has been maligned in such a way that they should be given the right of reply, and make available another 10 minutes to any member who is in that category. I move —

In section (5) — To insert —

(a) at the discretion of the President, a further ten minutes of Members' Statements, during which a Member who has not made a Members' Statement may respond to a matter raised by another Member during Members' Statements;

It will go under proposed standing order 5(5) and become a new paragraph (a), which means that it will read —

(5) At the conclusion of Members' Statements, no further business shall be transacted by the Council, except —

(a) at the discretion of the President, a further ten minutes of Members' Statements, during which a Member who has not made a Members' Statement may respond to a matter raised by another Member during Members' Statements;

There are a dreadful number of "members" in that; however, that is the only way to put it. The existing standing order 5(5)(a) will become 5(5)(b) and the existing 5(5)(b) will become 5(5)(c), which just means that there are three items that can be dealt with at the conclusion of members' statements.

The PRESIDENT: I put the question that the words to be inserted be inserted, with the understanding from everybody that we are referring to the words that have been circulated

Hon ED DERMER: I listened carefully to the Leader of the House's explanation for his proposal. I seek clarification. Prior to the current practice of members' statements, I witnessed an event in this place—in fact, I was involved in the debate that followed—during an adjournment debate in which a member of this place

savaged a member of the Legislative Assembly. I took the opportunity, in an adjournment speech, to speak in defence of the member of the Assembly who was savaged by a member of this place. When I look at the wording of the proposal moved by the Leader of the House, it is not clear to me whether the reference would refer to a member of either house being subject to an attack in the way that the Leader of the House described or whether it would apply only if a member of the Legislative Council was the subject of an attack.

Hon NORMAN MOORE: I think there is another standing order that says we are not allowed to attack members of the other house. It is already not an acceptable practice. That should have been ruled out of order, but I do not recall the occasion.

Hon Ken Travers: Or members of this house, for that matter. Except by way of motion, a member is not allowed to directly attack another member. We can have a policy debate.

Hon NORMAN MOORE: I hope Mr Travers might take that on board!

Hon Ken Travers: I only ever go after the policy, never the individual!

Hon NORMAN MOORE: I think that is a wonderful admission from the member that this will not happen in the future. We can all sit back, relax and enjoy the flight from now on!

We of course know what has to be done. This means that if a matter is raised by any member about any issue that is within the standing orders, and another member asks Mr President, at the conclusion of the 40 minutes, if he or she can respond to that matter raised by that member, the President, at his discretion, would allow that member 10 minutes to respond. That is what it is basically about.

Hon SUE ELLERY: I rise to indicate that the Labor Party supports this. This has been the subject of some conversations behind the Chair. It represents a compromise. It is an effort to address a situation that does not happen very often, which sometimes will not be necessary because a person standing to make a 10-minute speech might use only five minutes, so the house can fit more than four members' speeches in that period. It is proposed as a compromise. Hopefully it is not the kind of thing we will need to rely on very often. It gives discretion to the President. It will be a bit of "suck it and see", if I can be so crude. The President no doubt will set precedents as we travel along after the implementation of a new standing order such as this one.

Hon GIZ WATSON: The Greens (WA) are happy to support this amendment. Again, I appreciate that there has been some conversation prior to this. This seems to be a reasonable compromise. I want to confirm where that would sit in proposed standing order 5. I assume we are looking at page 10 of the standing orders. It is a bit confusing because, in this process, we have not got "at line blah, blah, blah."

The PRESIDENT: It is on page 2.

Hon GIZ WATSON: I am still lost; sorry. Okay, that is in effect the same. It just has a different page number. Under standing order 5, "Days and Times of Meeting", subsection (5), this would be a new paragraph (a), and (a) would subsequently be reordered.

The PRESIDENT: That is correct. The Clerks make those adjustments automatically, if the chamber adopts that point.

Hon WENDY DUNCAN: The National Party has also been involved in the negotiations behind the Chair on this matter. We support this as a reasonable compromise to meet the needs of those who raised it. The Nationals support this amendment.

Amendment on the amendment put and passed.

Amendment (3)(a), as amended, put and passed.

The PRESIDENT: We now move to proposed standing order 7, which is amendment (3)(b).

Amendment (3)(b) —

Hon NICK GOIRAN: This is one of two sections that I would like to make a contribution to. I understand from my colleagues it might be considered to be rather pedantic, but I have had several conversations with my good friend the Leader of the House. As I indicated, I noted with interest that the report of the Standing Committee on Procedure and Privileges Subcommittee states —

> 1.3 This review of the Standing Orders is the first comprehensive review of all the Standing Orders undertaken by the Legislative Council, with the last major review being conducted in 1952.

Given the lapse of time and the fact that I am the youngest member of the Liberal team in this place, with hopefully an intention to hang around for a little while, I thought it appropriate to mention a couple of things. As I say, they might be regarded as pedantic but I hold the view if we are going to do this only every 60 years, we may as well do it correctly. I will move an amendment to standing order 7 in a moment to insert two words—that

is, after the word "meeting" to insert the words "or resumption". The purpose of that is simply to indicate that, obviously, the bells ought to be rung for five minutes prior to the meeting of the Legislative Council and its resumption. A good example of that will be in the not-too-distant future when we adjourn for the dinner recess and the bells will ring at 7.25 pm. I was just going to insert a couple of words, but perhaps I will do something slightly different. I move —

To delete "time appointed on each day for the meeting of the Council." and substitute —

(a) time appointed on each day for the meeting of the Council; and

(b) resumption of the proceedings following a suspension of the Council.

I am obliged to the Deputy Clerk for his most excellent words.

The PRESIDENT: The question is that the words proposed to be deleted be deleted.

Amendment on the amendment (deletion of words) put and passed.

The PRESIDENT: The question is that the words proposed to be substituted be substituted.

Hon ADELE FARINA: Having overheard Hon Giz Watson, I suggest that we move an amendment to this amendment because we do not suspend the Council; we suspend the proceedings of the Council. If we are being pedantic, we may as well get it absolutely right. I move —

To insert after "suspension of" —

the proceedings of

The PRESIDENT: Before we proceed, in proposed schedule 3, "Definitions", of the standing orders —

"**Council**" means the Legislative Council of Western Australia or the Council sitting as a House in contradistinction to sitting as a Committee of the Whole House.

Basically, it includes all committee proceedings of the house. It is really splitting hairs one way or the other way; it is whichever the chamber agrees is the most appropriate wording. I will put the amendment to the amendment.

Further amendment on the amendment put and passed.

Amendment on the amendment (insertion of words) put and passed.

Amendment (3)(b), as amended, put and passed.

The PRESIDENT: Now we move to proposed standing order 15, or amendment (3)(c).

Amendment (3)(c) —

Hon NORMAN MOORE: I put standing order 15 on the agenda in respect of a proposal that we delete non-government business and replace it with private members' business. There has been some conversation about that, and it is not intended to proceed to change that. Non-government business will remain as it is currently included in the new standing orders. However, there has been conversation about a new part of weekly business that would relate to government backbench members being given an opportunity to raise issues in a one-hour slot, which is proposed to be every second Wednesday instead of consideration of committee reports. It is intended that the one hour every fortnight for government backbench members to raise issues would follow a similar process as that which applies to non-government business. Members have to give notice of it in advance and speaking times would be the same and so on. As I have not been able to get any wording to cover that just yet, I seek the approval of the chamber to defer consideration of standing order 15 until such time as we can draft some words that would cover that proposition.

The PRESIDENT: Effectively, the Leader of the House is seeking the approval of the chamber to postpone consideration of proposed standing order 15 until after amendment (3)(w), which is at the end of that long list.

Further consideration of amendment (3)(c) postponed until after consideration of amendment (3)(w), on motion by Hon Norman Moore (Leader of the House).

The PRESIDENT: Now we move to proposed standing order 17, or amendment (3)(d).

Amendment (3)(d) —

Hon NICK GOIRAN: This is the second matter to which I referred earlier. I have been asked to keep this brief, so I will. I draw members' attention to sections (3), (4) and (5) of proposed standing order 17, in which the word "resolved" is used. In my view, the correct word to use is "put". I refer members to proposed standing order 53, which deals specifically with a closure motion, and the terminology there is "put". Therefore, rather than use the word "resolved", which in my view is not the correct word to use, we should use the word "put". I seek some guidance from you, Mr President, on whether it would be appropriate to move in sections (3), (4) and (5) to delete the word "resolved" and insert the word "put", or whether you would prefer that be done individually.

The PRESIDENT: I will take that as an amendment moved by Hon Nick Goiran. It has been pointed out to me that there is at least one other incidence and perhaps others in the proposed standing orders that the word "resolved" is also used, so if the chamber agrees to substitute the word "resolved" with the word "put", we can make that a Clerk's amendment throughout the bulk of the proposed standing orders.

Hon SUE ELLERY: We would have to be sure it is in the right context.

The PRESIDENT: Yes, where it is absolutely in the same context. I am in the chamber's hands. I will take Hon Nick Goiran's suggestion that the word "resolved" be substituted with the word "put".

Hon NICK GOIRAN: I move —

In section (3) — To delete "resolved" and substitute —

put

In section (4) — To delete "resolved" and substitute —

put

In section (5) — To delete "resolved" and substitute —

put

Sitting suspended from 6.00 to 7.30 pm

The PRESIDENT: Members, we are considering the amendment on the amendment moved by Hon Nick Goiran—that in proposed standing order 17(3), (4) and (5), "resolved" is replaced by "put" on three occasions. I will put that question if everybody understands that the words proposed to be substituted, be substituted.

Amendment on the amendment put and passed.

The PRESIDENT: Just for members' information, the only other point in the proposed standing orders where that situation occurs is in proposed standing order 31(3), so members might like to consider that when we come to it.

Amendment (3)(d), as amended, put and passed.

The PRESIDENT: It has just been pointed out to me that it is not proposed at this stage to deal with proposed standing order 31, so with the chamber's concurrence, we can do that clerically with the Clerk substituting "resolved" with "put" in standing order 31(3). I will put that as a motion so that people have a chance to say anything if they want to. The question is that that be agreed to.

Hon GIZ WATSON: I am looking at standing order 31(3); could you just tell us how that would read with that change? "A question moved under (2) shall be put without amendment"; is that how that will be there, rather than "resolved"?

The PRESIDENT: Yes.

Hon GIZ WATSON: That is fine.

The PRESIDENT: So standing order 31(3) on page 12 of the proposed standing orders would read —

A question moved under (2) shall be put without amendment, debate or adjournment.

I will get the chamber's concurrence that that change be made.

Question put and passed; clerical amendment agreed to.

The PRESIDENT: Now we will go to amendment (3)(e) relating to proposed standing order 21. The question is that proposed standing order 21 stand as printed.

Amendment (3)(e) —

Hon NORMAN MOORE: This relates to page 10 under the heading "Matter of Privilege (SO 92)". That particular standing order provides that a member raising the matter gets 45 minutes to speak, and other members get 20 minutes. It is our view that members moving a matter of privilege should be given a right of reply. I move —

Under the heading "Matter of Privilege (SO 92)" — To insert —

Mover in reply 10 minutes

There is a consequential amendment required further down in standing order 39, which we may treat in the same way as we treated the previous consequential amendments because we have in fact dealt with standing order 39 already.

The PRESIDENT: Has that been circulated to members?

Hon Kate Doust: It is now.

The PRESIDENT: It is just coming now.

With that circulated, the question is that proposed standing order 21 stand as printed, to which the Leader of the House has moved the amendment —

Under the heading "Matter of Privilege (SO 92)" —

To insert —

Mover in reply 10 minutes

The question I will put is that the words proposed be inserted.

Amendment on the amendment put and passed.

Amendment (3)(e), as amended, put and passed.

Hon NORMAN MOORE: Mr President, just a matter of procedure: proposed standing order 39 will need to have added to it "a matter of privilege is one of those motions where a right of reply is provided for". It is not included in standing order 39 now. I am comfortable if the President wants to do with this particular proposition what he did for the last one—that is, to consider this to be a consequential amendment and allow the Clerk to make the necessary amendment.

The PRESIDENT: Okay, I am in the house's hands. That proposition has been explained by the Leader of the House and I will put it as a question to the house for that matter to be agreed to.

Hon NICK GOIRAN: Just so I understand that, it perhaps should read "or a matter of privilege", so if I were to read standing order 39(1) it would then say, "a member who has moved a substantive motion or a matter of privilege or the second or third reading of a bill may reply to that motion". Or a comma?

The PRESIDENT: Or a comma, yes. But that can be a Clerk's amendment. The question is that the matter be agreed to.

Question put and passed; clerical amendment agreed to.

The PRESIDENT: We now move to standing order 23 on page 10 of the report. The question is that proposed standing order 23 stand as printed.

Amendment (3)(f) —

Hon GIZ WATSON: Thank you, Mr President. I indicated that the Greens (WA) wanted to seek an amendment to proposed standing order 23, but having had some other conversations, we are now clear that this is covered elsewhere, therefore there is no need to seek to amend proposed standing order 23 and I withdraw any comments that we did have.

Hon DONNA FARAGHER: I do not normally get involved in these things, but I just question whether that will need to be amended in light of the amendment that we will be dealing with that was held over at standing order 15, because it only refers to consideration of committee reports, but given that we will require it every second Wednesday , and it will enable government backbenchers to have that hour, I am not sure whether that will need to be incorporated.

The PRESIDENT: I will get the house's approval that when we deal with that matter, if the house decides on a certain course of action and there is a need for the insertion of a couple of extra words that that can be done by clerical adjustment. Does the house agree?

Question put and passed; clerical amendment agreed to.

The PRESIDENT: Now the question is that proposed standing order 23 stand as printed.

Amendment (3)(f) put and passed.

The PRESIDENT: We are dealing with proposed standing order 37, "Member's Right of Speech", which is on page 14 of the draft standing orders. The question is that proposed standing order 37 stand as printed.

Amendment (3)(g) —

Hon MATT BENSON-LIDHOLM: The issue here is in respect of amendments to motions on notice. My principal concern is I think quite simple: members need to be able to speak to the substantive motion, particularly—this is my issue—when an amendment is moved. I suggest that given the move to this standing order—as opposed to what might have happened years ago when a motion on notice was talked out over a number of days—it provides for only four hours of debate, comprising two days with two hours each. Therefore, technically a substantive motion can be put by the person who gets to their feet first, and if a government member were to stand and propose an amendment to that motion, there is no way sometimes that the substantive

motion under these standing orders would even be debated if it was to go through the entire four hours. I think that that is almost counterproductive to, or defeats the purpose of, having a motion on notice. On a few occasions this year, an opposition member has stood to seek the call, put the motion and made their 20-minute presentation only to have a minister or parliamentary secretary stand and move an amendment to that motion. Under these standing orders, that amendment is the only thing that can be debated by the house. Technically, what I am saying is that that can then go for four hours and the substantive motion—which may have been 12 months or whatever in the making as a member got their thoughts together to make that presentation—is not debated and, therefore, that preparation time is then completely wasted simply because of what might amount to obfuscation or pure politics by the government of the day. Far be it from me, minister, to suggest that that might happen, but it does happen and we have seen that happen —

Hon Norman Moore interjected.

Hon MATT BENSON-LIDHOLM: Rest assured that it has happened. I am not looking at the minister in particular —

Hon Helen Morton: You look like you are!

Hon MATT BENSON-LIDHOLM: The minister may well be right, but that is the issue as I see it. I think that in the spirit of motions on notice, it becomes somewhat counterproductive that a motion on notice that has been on the notice paper for 12 months or thereabouts can, subsequently, by the movement of an amendment—I understand that another amendment can be moved after that—not be debated. My suggestion is that members at least need to be able to debate the substantive motion as well as the amendment. I move —

In section (1) — To insert before "A Member" —

Except as provided under (2)

After section (1) — To insert —

(2) When debating a motion on notice under Standing Order 15(2), a Member may speak once -

(a) on the motion and any amendment thereon; or

(b) in reply.

I think that would be a much fairer way to address this issue, given that if the substantive motion was not debated in some instances, why on earth would a member put a contentious motion on notice in the first place? To my way of thinking, that is counterproductive to the spirit of this house. They are the two amendments that I intend to move.

Hon NORMAN MOORE: Just so I get this right, presumably (2) becomes (3)?

The PRESIDENT: Yes, that will be a clerical adjustment.

Hon NORMAN MOORE: That being the case, I am happy to support it.

Amendments on the amendment put and passed.

Amendment (3)(g), as amended, put and passed.

The PRESIDENT: Now we move over the page to proposed standing order 51 on page 17 of the report, "*Sub judice* Matters".

Hon SUE ELLERY: If I could just indicate that there was an issue, but we sought advice from the Clerk and that advice has been satisfactory, so we do not need to pursue proposed standing order 51.

Amendment (3)(h) put and passed.

The PRESIDENT: We move to (3)(i), proposed standing order 53, which is on page 18 of the report, "Closure Motion".

Amendment (3)(i) —

Hon NICK GOIRAN: In respect of proposed standing order 53, the issue I had was with what would occur in the event a motion is resolved in the negative. Would the mover of that motion still have a right to speak in the debate? The reason it is necessary, in my view, to prescribe that that can occur is that if members refer to standing order 55(2), they will see that it specifically mentions —

> If a motion for the adjournment of the debate is resolved in the negative, the mover does not lose the right to speak in the debate.

I am merely ensuring that the same right to speak is maintained in proposed standing order 53. So, with that, I propose to amend proposed standing order 53(4) —

To delete — "debate is resumed" and substitute —

(a) debate is resumed; and

(b) the mover does not lose the right to speak in the debate.

The PRESIDENT: If I may from the chair, I think you have answered your own question in a sense. It is covered in standing order 55(2), but a closure motion is a procedural motion and, therefore, it is not part of the substantive debate. It supersedes the other question. So, your rights are preserved for the main question. Having heard the explanation, I believe you have an amendment drawn up. Do you wish to proceed?

Hon NICK GOIRAN: I will just seek clarification. If I have understood the President correctly, it is not necessary to move the amendment because the President has indicated that the mover of a closure motion, in the event that it was resolved in the negative, would still have a right to speak in the debate because of proposed standing order 55(2)?

The PRESIDENT: That is correct.

Hon NICK GOIRAN: In which case, I seek leave to withdraw that amendment if it is necessary.

The PRESIDENT: You did not move it in the first place. You were just seeking clarification.

Amendment (3)(i) put and passed.

The PRESIDENT: Amendment (3)(j) relates to proposed standing order 77 on page 26.

Amendment (3)(j) —

Hon KATE DOUST: I query this. I would appreciate an explanation as to why this change is sought. I have always thought it operated fairly well in our chamber, where two voices are required to call a division; I note that it is different in the other place. Call me a traditionalist on this one, but I do not quite understand the need for the change on this occasion. I would be receptive to hearing the argument as to why it should be amended.

The PRESIDENT: I will give the call to Hon Giz Watson, who may be able to provide the answer.

Hon GIZ WATSON: Being a member of a party that has only a few members in this place, it seems to me that among other things it provides us with an opportunity to call a division without the complication of ensuring there is a second voice. For parties that have quite a few members and always have a second member in the chamber, it is not an issue; therefore we supported this amendment. It is pretty clear, when debating something, if it is an issue a member wants to divide on, and it seems an unnecessary restriction to say that two voices are required. Often, in our case, one of our members will be debating a piece of legislation and clearly wants to call a division, but we have to make sure a second voice is here. For practical purposes it seems reasonable to simply have one voice. That is why we support the proposed amendment to the standing order. We would prefer it stated "a single voice".

The PRESIDENT: That is what the discussion in our committee revolved around.

Hon WENDY DUNCAN: The National Party has discussed this as well. We agree with the sentiments put by Hon Giz Watson. Of course there are also times when there may be an Independent member in the house, a single person, who may want to call a division and have their vote recorded. We believe that one voice is all that should be required.

Hon NORMAN MOORE: I have been overwhelmed by the arguments put forward by the Greens (WA) and the National Party. I think it is fair to say we may well have a situation here where there is one member representing one party, or an Independent. Regarding the capacity for that person to call a division, it does not make any difference whether it is one or two voices, fundamentally. We will go along with this proposition.

Amendment (3)(j) put and passed.

Amendment (3)(k) —

The PRESIDENT: We go to proposed standing order 92, "Matter of Privilege", which is on page 30 of the draft standing orders. The question is that proposed standing order 92 stand as printed.

Hon NORMAN MOORE: This amendment relates to standing order 92, "Matter of Privilege", which lists in sequence the events that take place when a matter of privilege is raised. I do not have an issue with the words contained in the proposed standing order. The only issue I have is in respect of proposed standing order 92(3) and its location in the sequence of events. I draw members' attention to proposed standing order 92(1), (2), (4) and (5). Proposed standing order 92 states, in part —

(1) A Member may at any time raise a matter of privilege …

(2) A Member raising a matter of privilege under (1) may table any relevant documents.

Standing order 92(4) determines what the President does when that happens and he makes a judgement. Under proposed standing order 92(5), if the President rules that there is some substance to the matter, it goes to the Standing Committee on Procedure and Privileges. Proposed standing order 92(3), which relates to the President doing something different from this sequence of events, states —

> If the President otherwise becomes aware of a matter of privilege that the President determines is of sufficient substance to warrant consideration by the Council, the President shall advise the Council.

I wonder whether proposed standing order 92(3) can be located in a different sequence so that members reading this will understand the sequence of events a member must go through to raise a matter of privilege. The issue of the President raising a matter of privilege is different. I believe that proposed standing order 92(3) should be either proposed standing order 92(1) or 92(5), whichever one the Clerks deem to be the most appropriate place to locate that particular standing order. Alternatively, it could be made proposed standing order 92(2), which says that if either a member or the President does something, this would be the sequence of events. Perhaps we can do it that way so that proposed standing order 92(2) would be renumbered standing order 92(3) and standing order 92(3) would be renumbered as proposed standing order 92(2). Proposed standing order 92(2) and (3) would just change places.

The PRESIDENT: Does everyone understand that proposal? Basically, proposed standing order 92(2) and (3) would be swapped over.

Hon WENDY DUNCAN: I am not convinced that that actually assists the house because we are talking about a member raising a matter of privilege—proposed standing order 92(1) and (2). Proposed standing order 92(3) is about when the President becomes aware of a matter of privilege and proposed standing order 92(4) and (5) are about what happens when a matter of privilege has been identified. To me, that order looks somewhere near right, but I may be reading it differently from other members.

The PRESIDENT: I think proposed standing order 92(1), (2) and (3) refers to raising whether an issue is a matter of privilege and proposed standing order 92(4) and (5) is the actions that take place as a result. I think 92(3) certainly must come before (4) and (5). It is just a matter of what the house determines the best order is for proposed standing order 92(2) and (3).

Hon MAX TRENORDEN: The chamber will be delighted to hear that I disagree with the Leader of the National Party.

Hon Wendy Duncan: That's unusual!

Hon MAX TRENORDEN: I think it is a matter of principle. If the standing orders are referring to the President in a natural progression, it is fair that the President should be number one. The President of the day is the person who controls the proceedings of the house. There may be occasions—frankly, there will be occasions—when the President becomes aware of something that is clearly a matter of privilege and that will be announced from the Chair. In most cases, a matter of privilege will be raised by a member. I believe that we should give precedence to the Chair. That is what the standing orders are about; we all defer to the Chair. Proposed standing order 92(3) should be proposed standing order 92(1), but that is just my opinion.

The PRESIDENT: I think the reasoning following the discussion in our committee was that, as Hon Max Trenorden said, most matters of privilege are raised by a member, but the provision is there for the President to raise a matter of privilege independently. It is because most matters are raised by members that that was put first in the order. I am in the hands of the house. Has the Leader of the House moved the amendment?

Hon NORMAN MOORE: I have been persuaded by Hon Max Trenorden. I think you could put the President's position first. All I am trying to achieve is to ensure that when a member raises a matter of privilege, they know what the order of events is. The President raising a matter is a slightly different issue, so it needs to be separated from the others in the proposition as put forward by Hon Max Trenorden to make section (3) the first one and to number the others accordingly. In fact, I will withdraw the amendment I moved and proceed down that path.

The PRESIDENT: Would you be prepared to remove "otherwise" from (3) in your motion, because it would not then apply?

Hon NORMAN MOORE: Yes. I move —

> To delete the amendment and insert — In section (3) — To delete "otherwise" and that section (3) be re-numbered as (1)

The PRESIDENT: The Leader of the House has moved to put section (3) at the top of that list of points, so it becomes section (1), and to remove the word "otherwise" in section (3).

Amendment on the amendment put and passed.

Amendment (3)(k), as amended, put and passed.

Amendment (3)(l) —

The PRESIDENT: Proposed standing order 93 is "Contempts of the Council". The question is that amendment (3)(l) stand as printed.

Hon NORMAN MOORE: Standing order 93 relates to contempts of the Council, and members will be aware that it provides the fundamental basis for dealing with contempts, and that schedule 4 contains a list of potential contempts. It is an attempt to quantify what a contempt is, but it is not an exhaustive list. Quite by coincidence, this afternoon a former member of this house, who happens to also be a Queen's Counsel, looked at this and suggested we might rewrite this particular clause in a way which I think the Clerk has found agreeable and which makes it clear that the chamber continues to maintain the capacity to decide what it considers to be a contempt, even if it is not covered by the schedule. I have just distributed the motion. I move —

To delete sections (1) and (2) and substitute —

(1) The Council has power to determine that any particular act constitutes a contempt.

(2) Criteria for the Council to take into account when determining whether a contempt has been committed and examples of conduct which may be treated as a contempt of the Council are provided in Schedule 4.

(3) The list of examples in Schedule 4 is not exhaustive nor do they or the criteria derogate from the power of the Council to determine that any particular act constitutes a contempt.

It is an attempt to rewrite this to make it very clear that the house decides what is a contempt. Schedule 4 gives examples of the sorts of things that constitute a contempt but in no way can be considered to be the only issues that can be taken into account. It does not limit the Council in its capacity to decide what is a contempt.

The PRESIDENT: Even though section (2) in the proposed amendment is the same as section (1) in the proposed standing order, it will be neater if we agree to delete the whole proposed standing order and replace it with the proposal.

Hon SUE ELLERY: Bearing in mind that we have only just seen this, I wonder if I might just ask about an example. The second part of proposed standing order 93(2) states that those examples at schedule 2 "do not derogate from the Council's power to determine that any particular act constitutes a contempt." That is where the power is referred to in the standing order before us.

I am wondering why it was considered that we needed to express it in a new section. I would not mind a bit more of an explanation behind that. It seems to me that that power is already referred to in standing order 93(2). That is my first question. Is there some example where that power has been questioned, because it seems to me that it is expressed in standing order 93(2)?

The PRESIDENT: On page 92, in schedule 4, you will see a section headed "Matters constituting Contempts". That principle is included in that section.

Hon NORMAN MOORE: If I may, the amendment seeks to make it very clear right up-front that —

(1) The Council has power to determine that any particular act constitutes a contempt.

It makes it quite clear that the house has complete control over its own affairs, and it makes the decision about what is a contempt. It also then makes clear at schedule 4 a range of examples of the sort of conduct that could be considered a contempt, but in no way is that list exhaustive. I think it is just a neater way of putting it. The amendment makes it very clear right up-front in section (1) that the Council can decide what a contempt is without having to even refer to schedule 4 if it does not wish to.

Hon Sue Ellery: I understand what the Leader of the House is saying, that it makes it neater. Have some questions been raised about the house's power to do that?

Hon NORMAN MOORE: No, other than Peter Foss, who I had a quick chat to this afternoon. He looked at this. He was a little concerned that we did not make it quite clear that the Council has the power to determine any particular act constituting a contempt. It does not make it quite as clear-cut as that. He had the view that, for example, Mr Easton, who was convicted of a contempt of this house, would not have qualified under proposed schedule 4, because it is not written within that that what he did was a contempt. The amendment is just an attempt to make sure that this is very clear; there is no dispute about the house's ability to determine that a particular act constitutes a contempt.

Hon MAX TRENORDEN: I particularly like the amendment by the Leader of the House. I am not concerned about sections (2) and (3). I see the wording has changed, and I do not really wish to get into debate about it. The simplicity of the amendment at section (1) is that it states —

(1) The Council has power to determine that any particular act constitutes a contempt.

That is an absolutely crystal-clear position of this Council. If a matter of contempt is put before us, we vote on it. That is the way it is. I believe the amendment at section (1) clarifies this standing order and makes it clear that we have a right to vote on a matter. If the vote is carried, it is a contempt.

Hon ADELE FARINA: The Parliamentary Privileges Act 1891 states —

> … the privileges, immunities and powers by custom, statute or otherwise of the Commons House of Parliament of the United Kingdom and its members and committees as at 1 January 1989.

If members look at section 1 of the Parliamentary Privileges Act, they will see that it actually states what our immunities, privileges and powers are. Therefore, whatever was determined by the United Kingdom House of Commons at 1 January 1989 to be contempt of privilege, or whatever, has been adopted by this Parliament through this act. My concern is that the words in section 1 of the act are actually much broader than the words in the legislation and may therefore be inconsistent with the legislation. The legislation actually confines to a point in time—1 January 1989—those privileges, immunities and powers that the House of Commons of the United Kingdom and its members held to be privileges, immunities and powers. There is no qualification in section 1 of the Parliamentary Privileges Act 1891 or in that reference that we all know as the twenty-first edition of Erskine May's *Parliamentary Practice*. I am just worried that these words are actually broader than the words in the Parliamentary Privileges Act, and I would like clarification of whether that is the intention; and, if so, do we also require an amendment to the act?

The PRESIDENT: The standing orders cannot be above the Parliamentary Privileges Act, as the member outlined. It is therefore a matter of how we express it in our standing orders. There is no argument, without derogating from our power as the Legislative Council; it is just a matter of do we have to find it on page 92 under a schedule, rather than having it spelt out very clearly in standing order 93, where I think most people would go in the first instance to look for it. I believe that is the real argument we are having at the moment.

Hon MAX TRENORDEN: We need to keep in mind what happens when a motion on privilege occurs. The process, as I understand it—I have seen it over many years but not all the years of this place—is that when a motion relating to privileges is proposed, it goes off to the Standing Committee on Procedure and Privileges. The procedure and privileges committee does its work and then comes back with a motion to put before the house. I understand the concerns of the honourable member, but her concerns would be dealt with in the deliberations of the procedure and privileges committee. Then a motion expressed by the privileges committee comes back to the house for us to act on. That motion can be amended and all those sorts of issues, but there is a process that occurs. It is not as though a motion is raised one moment and then voted on. That is not the process in our standing orders.

Hon GIZ WATSON: I have been following the discussion on this particular standing order with interest. I am fundamentally attracted to the new words; I think they are quite clear. But it is fairly late in this process and there are potential considerations that Hon Adele Farina has raised. I just wondered whether process-wise—I am not quite sure how far we are going to get tonight—we have the capacity to defer consideration of this amendment because I would like to get some further advice on it. That is not because I do not think it is a good idea but just that, given we have been discussing the form of words for two years, it might be worth pausing and deferring it to the end to see whether there are other matters that should be considered. Having heard what members have said about it—these words as opposed to those words—I think fundamentally it is saying the same thing but there might be something that we have missed and I would rather have the opportunity to take some further advice.

Hon NORMAN MOORE: I am not unhappy to defer this amendment for some further consideration, but I have to say that we do not have unlimited time to resolve these matters. I do apologise that this came up very late, but I think that it makes it far clearer by stating up-front the principle that the house has the power to determine what is a contempt. But, in the context of the comments made by Hon Adele Farina, it is understood that it is subject to any act of Parliament in place at the time. That applies to all our standing orders; they are subject to the law. This does not in any way suggest that we can ignore the Parliamentary Privileges Act. We are required to do that, but this is a statement of principle. We could put in "subject to the Parliamentary Privileges Act", but I am told that we do not generally refer to acts in the standing orders. Perhaps we could defer this amendment until the end and ask members to have a quick look at it. The advice I have received from the table is that it is not necessary to have "subject to the Parliamentary Privileges Act" and that whatever we put in the standing orders is subject to that act anyway.

Hon LIZ BEHJAT: I want to seek a point of clarification from the Leader of the House. The Leader of the House just said that we generally do not refer to acts in the standing orders, yet proposed standing order 94(1), which we have already agreed to, states —

> Any person declared guilty of contempt by the Council for an offence defined by section 8 of the *Parliamentary Privileges Act 1891* …

I am confused about why the Leader of the House has made that comment.

Hon NORMAN MOORE: I hope to overcome the member's confusion. The Parliamentary Privileges Act is mentioned in proposed standing order 94 because it specifically relates to section 8, whereas proposed standing order 93 relates to a general fundamental principle; that is, the house has the power to determine what constitutes a contempt and that, like every other standing order, is subject to the laws of the land.

Further consideration of amendment (3)(l) postponed until after consideration of amendment (3)(w), on motion by Hon Norman Moore (Leader of the House).

Amendment (3)(m) —

The PRESIDENT: We now move to proposed standing order 100, "Form and Contents of Petitions", which is on page 33. The question is that amendment (3)(m) stand as printed.

Hon SUE ELLERY: We do not have an alternative set of words but we did want to raise the issue because a number of members felt that it was important that the Parliament keep abreast of technology. The Parliaments of Queensland and Tasmania, as I understand it, accept electronic petitions. We had the example last year, I think, or earlier this year—Hon Adele Farina might give us the details of that instance—in which a number of women were seeking policy changes about breastfeeding in public.

Hon Adele Farina: And some men as well.

Hon SUE ELLERY: Of course; well pointed out. Five thousand people signed an electronic petition. That is a huge number of people who wanted the Parliament to take certain action and, at the very least, to take note of their points of view. The Western Australian Parliament was not then in a position to accept electronic petitions, and we are not now. We do not have a form of words to put before the chamber now because it is not the kind of matter we should do on the run. But I think it needs to be put on the record that this is something that we ought look at in the future. There are clearly ways of dealing with this issue that have been dealt with by other Parliaments—Queensland and Tasmania—and elsewhere in the world. It is not impossible. I think one of my colleagues made the point that the only way that Western Australian citizens under the age of 30 do business is electronically. The notion of signing a piece of paper, taking that piece of paper into the local member of Parliament's office and asking them to physically take that piece of paper to Parliament and then physically standing in Parliament to hand over that piece of paper is not the way that the generation of people under the age of 30 conduct themselves.

Although we do not have a proposal to put before the chamber tonight, we think it needs to be on the record that this is something that this Parliament ought to look at in the future, and we would certainly encourage the Parliament to do that.

The PRESIDENT: Just by way of information before we proceed, I point out that the concept of e-petitions is currently being considered by the Standing Committee on Environment and Public Affairs. That is the advice I have. Associated with e-petitions is a list of technology issues and resourcing issues. I will open it up for further discussion, while we are on the question that proposed standing order 100 stand as printed.

Hon LYNN MacLAREN: Thank you, Mr President. I am a member of the Standing Committee on Environment and Public Affairs. I can say that petitions are our business, and e-petitions are something that we have looked at. It is important that we have an accurate definition of e-petitions, and how they meet the important standards of a petition in order to be considered carefully with the seriousness of our committee. So, it is a direction that this Parliament has been working toward for many years. Hon Louise Pratt, when she was a member of this committee, did some research into it. I would love to see this incorporated into the standing orders. The Scottish Parliament had a delegation here recently, as members may recall, and in that Parliament they successfully accept e-petitions. It is really important that we enable younger Western Australians to access the Parliament and petition us for their interests, and e-petitions are an important part of that, so we would support that in future. It is regretful that we do not have it at this point to be able to add it to the standing orders, but I would hope that in the very short term we are able to include that in the standing orders. We support proposed standing order 100 as it stands.

The PRESIDENT: I indicate that the fact that it is being considered by the Standing Committee on Environment and Public Affairs is not a secret; it is not breaching any content of the deliberations of that committee, because it is on the committee's website.

Hon NORMAN MOORE: Mr President, this issue was not discussed at any length in the procedure and privileges committee hearings. I do not even remember it being discussed; I am told it was, so maybe I missed that meeting or something. I would like to know a whole lot more about this before I will put up my hand for it to go into the standing orders tonight. It may be a very good idea to have this, but I suggest that if that standing committee is already looking at it, we wait for the committee to report. If the committee is not already looking at it, it should look at it, because that is what we have been advised is the case, and let us have a submission next

year. If there is a view that we should have e-petitions, give us a chance to understand what they mean, bearing in mind that we are fairly fastidious in this place about what a petition can and cannot do, and there are fairly substantial rules surrounding petitions, and that is appropriate. So I suggest that we delay any consideration of e-petitions until such time as we have a report from that committee.

The PRESIDENT: No amendment has been moved. It has been open for discussion. A couple of members have indicated that they want to say something. I will let those members who have indicated that intention have a say, and we will then bring the vote to a conclusion.

Hon KATE DOUST: Thank you, Mr President. I have been a member of the Standing Committee on Environment and Public Affairs for more than 10 years now. This committee predominantly looks at petitions. Although the issue of e-petitions was canvassed during the last Parliament, and some work was commenced formally to look at this matter. Hon Louise Pratt did provide, as part of imprest travel, a brief report on her visit to Scotland and the work that had been done there. Some preliminary work has been done by the committee, but, unfortunately, for the duration of this period of the term, the committee has not been able to appropriately address this matter. From time to time, it may be canvassed as something to be looked at in the future. But I am sure other committee members would agree that we certainly have not given this matter the appropriate time that it could be given. It is a very useful thing to look at, and I think the comments by Hon Sue Ellery that, in fact, there is a whole generation of people who use technology in different ways need to be taken into account. Those of us who were in this place during the daylight saving debate certainly received evidence of how people used e-petitions. When these matters are canvassed, people need to be very clear in their own minds what e-petitions are for the purpose of the Parliament because of the types of petitions utilised during that period. Even the model Hon Adele Farina referred to on breastfeeding may not necessarily have been in the appropriate format for presentation to Parliament in a conforming sense, if you like, so all those types of matters need to be considered. Tasmania and Queensland have been utilising this method of petitioning for a number of years and I think the federal Parliament may also have been considering it. I think it is part of the Parliament getting with the program and enabling a much broader group of people to put their views or their concerns to the Parliament. It may enable that particular committee to modify its processes in the way it deals with petitions.

I agree with the Leader of the House that this is a matter that should be looked at. I hope that in due course the committee can go back and find the time and the opportunity to review those matters and put forward an appropriate report to this chamber on how e-petitions could be utilised, what is actually appropriate, what is involved and how we deal with some of the concerns around, as I understand it, matters of privilege that have to be dealt with in electronic petitions. I think it is something that needs to be canvassed and, in due course, amendments to the standing orders raised to effect their introduction.

Hon MAX TRENORDEN: Mr President, we are breaking our agreement so I will not speak for very long. When I was in the other place I was on a committee that toured and looked into electronic petitions, and a report was tabled in the other place. I can tell members that the committee tried to work out how electronic petitions should come into the house, but came back and wrote a report against using them. I do not think anyone will argue in principle that it is not a fair way to communicate. What we have to work out is how it is done in practice. Someone could come to Hon Max Trenorden's Northam office and complain about a council fence and Hon Max Trenorden will say, "Don't worry I'll put a petition in." Ping, ping, ping; in goes the petition. The committee could then have 10 000 petitions a year to deal with, all containing a single petitioner. The Queensland system was an appalling mess. I must admit that is going back a number of years, but the one thing we can hold our heads up about in this chamber is that something is done about petitions. Just because we believe in principle that something is a good idea, we do not want a situation to arise in which all of a sudden the good work of that committee gets clogged up and just does not happen. I agree with e-petitions in principle but someone has to convince me, a person who has spent some time looking at this issue, that there is a mechanism for e-petitions that will work. Right now we do not have one, unless we move to a system such as the one in the Assembly where petitions are submitted and they go into a big, black hole.

Hon ADELE FARINA: I want to remind members that when I sought to table the breastfeeding petition, which was an e-petition, the promoter of the petition set it up on a website and people put their names on it. It had about 5 000 entries—I cannot remember the exact number. I was prevented from tabling that petition, at least initially, because there were no signatures on it. I actually had a hard copy of that report; I went to the website, printed it and brought it in. It did not require any additional resources of this Parliament, because it is quite easy to print something off a website and present a hard copy. We seem to be the only Parliament that struggles with these sorts of new technologies, but if that is the case, it can be done that way. Because the petition did not have the signatures, it was considered nonconforming, and therefore, on the voice of one person—namely, Hon Norman Moore—it was refused for tabling as a nonconforming petition. It was only after I indicated that I would stand and read every one of the 5 000 names and addresses on the petition that he relented and the petition was accepted. But the reaction in the community to this house not being willing to accept an e-petition was ferocious. A huge amount of effort had gone into collecting the signatories to that petition, and yet we were prepared to

say, "We're not going to accept those." I think it is a real problem. At that time I raised my concern about it, and I called on the house to deal with it as a matter of urgency. It was suggested to me that the Standing Committee on Procedure and Privileges, which was undertaking a review of the standing orders, could consider that as part of the review, and I got an assurance that it would do that. I find it very disappointing, now that we have the report from that committee, that the matter has not transpired in the standing orders at all. I would hate for us to have to wait another 60 years before we do another review of the standing orders for us to be able to consider e-petitions. We have to keep up with the times; it is a big issue out there and we cannot keep sticking our heads in the sand and saying it is too hard or that we do not want to commit the time and resources to actually sort the problem out when other Parliaments in other jurisdictions have done so. I just find this extraordinary and very disappointing. If we want to be relevant, we have to be current.

The PRESIDENT: The issue of e-petitions was discussed in our committee discussions, but not perhaps canvassed in the way and in the depth that some members would have liked it to be. But that is really a pretty clear message to the Standing Committee on Environment and Public Affairs, which has indicated its interest in this issue, to canvass that issue at length and report back to this house, so that this house can get some guidance on where we go on e-petitions. That is the way I read it. If we can get back to the question, which is that proposed standing order 100 stand as printed.

Amendment (3)(m) put and passed.

Amendment (3)(n) —

The PRESIDENT: Proposed standing order 107, "Answers to Questions on Notice", is on page 36. The question is that proposed standing order 107 stand as printed.

Hon SUE ELLERY: This was a matter that the Labor Party raised as one of the matters it wanted canvassed in the review of standing orders. We were not able to reach agreement in the course of the conversations we had about it during the review, but I just wanted to put the issues on the record for the house—I do not come before the house with a proposal to change it. The nine-sitting-day rule generally works reasonably well, except, of course, when there is a substantive non-sitting period; this year, I think there was a four-week period when we were not sitting that was different from the winter break and different from the summer break. What that means is that the actual period of time before we get an answer to the question on notice is of course significantly extended. This went into the too-hard basket; we really did not even try to find a way around that because it was apparent that we were not going to reach agreement. I want to put on the record that it is something we would like to consider in the future. When we break, for example, assuming we break tomorrow and assuming we do not come back the following week, we will not sit again until, I think, 9 March.

Hon Max Trenorden: The sixth.

Hon SUE ELLERY: It is 6 March next year. That is quite a long time. It means that we try to organise ourselves well, so we put in any questions on notice that we have at the beginning of a three-week sitting period, which is what we did. But it means that if matters arise or even—gosh—a minister gives an answer that says, "Please put that question on notice" —

Hon Kate Doust: Or, "Go and check the website."

Hon SUE ELLERY: No; I am advised there will not be any more "Go and check the website" answers.

When we get that answer, when we are beyond the nine sitting days before we resume, we will not get an answer to that question, and it might be a really pressing point.

Hon Helen Morton: We have delivered that.

Hon Peter Collier: Go and check with Mark McGowan.

Several members interjected.

Hon SUE ELLERY: That is why we raised it. I am just putting this on the record. It is not a matter that will be agreed; it was not agreed at the committee level, but we want to flag it as an issue that we will continue to raise.

Hon GIZ WATSON: On behalf of the Greens (WA), this is an issue that we discussed also. I guess we are in a similar situation, whoever is in government, in being at the mercy of the rules about when we get answers to questions. Again, I say this for the record, not because I will formally move an amendment, because I think it is probably a little late in the whole process to do so. We would suggest that, rather than a nine-sitting-day turnaround, a seven-sitting-day turnaround would be more reasonable. We note that on the day that we ask a question, nine sitting days become 11 sitting days, in effect, because of the way it works out. We just suggest that seven sitting days is a more reasonable turnaround period.

I notice that one of the ministers in the house is shaking her head.

Hon Helen Morton: I'll get up and explain why!

Hon GIZ WATSON: Obviously, we will have different views depending on whether we are seeking answers from ministers or whether we are the minister in question, I am sure. As I say, we are not seeking to move an amendment, but we think a shorter period is not unreasonable.

Hon NORMAN MOORE: Just very quickly, I suggest that members need to start giving a bit of thought to how questions are answered in Parliament when Parliament is not sitting, because that is what they are; they are parliamentary questions asked in Parliament and the answers are provided in Parliament, and they are covered by parliamentary privilege. I do not know how a minister can give someone an answer to a question when the house is not sitting, so members might like to contemplate that if they want to get answers when the house is not sitting. This provision of nine sitting days was brought in by the Labor Party. Hon John Cowdell was the Chairman of Committees, I think, who moved that provision, and I think it has worked very well. All it says is that members will be told when an answer is coming—it might be that it will come in 10 years. It does not necessarily get members an answer; it just means that after nine days the government of the day has to give some response to what is happening. But work out how questions are answered without the Parliament sitting.

Amendment (3)(n) put and passed.

Amendment (3)(o) —

The PRESIDENT: Proposed standing order 110, "Non-government business", is on page 37 of the report. The question is that proposed standing order 110 stand as printed.

Hon SUE ELLERY: The matter that has been brought to my attention here is that since we developed the temporary order that is in place now, the practice has been to include in non-government business the introduction and then the debate around private members' bills. However, the proposed standing order does not reflect that explicitly. Therefore, I would like to move an amendment to proposed standing order 110(1). I move —

> In section (1) — To insert after "notice" —
>
> , Bills for Introduction

The standing order would then read —

> Motions with notice, Bills for Introduction and orders of the day that are in the name of non-Government Members may be listed for consideration by the Council during the period prescribed under Standing Order 15(4).

Amendment on the amendment put and passed.

The PRESIDENT: Now the question is that amendment (3)(o), proposed standing order 110, as amended, be agreed to.

Hon WENDY DUNCAN: I am not quite sure how we will deal this, but I know that there has been some talk behind the Chair regarding the issue of non-government business and private members' business and that is why we deferred debate on proposed standing order 15. I am not quite sure whether this is the appropriate time to put our point of view or whether there is another time.

Hon NORMAN MOORE: I suggest to the member that we leave proposed standing order 110 as it is because that deals with non-government business. The issue of providing time for government backbench members is a separate issue that will be dealt with as a separate proposal.

Hon WENDY DUNCAN: That is good as long as that happens, but I would like an opportunity to speak to it at some stage.

Hon Norman Moore: I gather there's agreement across the chamber on that.

Hon WENDY DUNCAN: Thank you.

Amendment (3)(o), as amended, put and passed.

Amendment (3)(p) —

The PRESIDENT: Proposed standing order 125, "Uniform Legislation", is on page 44 of the draft standing orders. The question is that amendment (3)(p), proposed standing order 125, stand as printed.

Hon SUE ELLERY: There may well be other members who will rise to speak to this proposed standing order, but I want to give notice of an amendment that I have just scribbled. Proposed standing order 125(1) states —

> During the second reading speech of a Member in charge of a Bill, the Member shall advise the Council whether or not the Bill is a Uniform Legislation Bill.

I seek to amend that to add after "Uniform Legislation Bill" the words "and shall give reasons as to why", so that the member who advises the house whether the bill is uniform legislation will give the house a reason why they formed that view.

Proposed standing order 125(3) further provides that, irrespective of the advice that the member in charge of the bill has given the house —

> The Council may order that a Bill is a Uniform Legislation Bill notwithstanding contrary advice from the Member in charge of the Bill.

If it is a Council bill, that bill will have been before the house for two weeks; if it is an Assembly bill, it will have been before the house for only one week. Therefore, if a member is to put to the house that it should consider ordering a contrary position, it would facilitate the debate a lot better if the starting point is that we already know the reasons why the member in charge of the bill has advised the house that it is or is not a uniform legislation bill. So, rather than having to start the debate before asking the house to consider taking a contrary view, let us start that debate knowing why the member in charge of the bill determined that it was or was not a uniform legislation bill.

I will move my amendment if it is appropriate, although I am not sure whether other members want to speak more broadly about this proposed standing order, but I am relaxed about that. I move —

> In section (1) — To insert after "Uniform Legislation Bill" —
>
> and shall give reasons as to why

The PRESIDENT: I put the amendment that the words proposed to be added be added.

Hon LIZ BEHJAT: My reading of the amendment moved by the Leader of the Opposition for standing order 125(1) to include "and shall give reasons as to why" is that for every bill that then comes before this place, we will have to say whether it is a uniform legislation bill. The reasons why a bill is or is not a uniform legislation bill are clearly stated in proposed standing order 125(2). The person introducing the bill would say that it was uniform legislation because it —

(a) ratifies or gives effect to a bilateral or multilateral intergovernmental agreement to which the Government of the State is a party; or

(b) by reason of its subject matter, introduces a uniform scheme or uniform laws throughout the Commonwealth.

Or, it does not do either (a) or (b). I cannot see how "and shall give reasons as to why" is necessary in proposed standing order 125(1), but I may be wrong; I do not know.

Hon NORMAN MOORE: I am not averse to the proposition put by the Leader of the Opposition. This is here, fundamentally, because of the problem that we have from time to time when a bill comes to the house and the government is of the view that a bill is not uniform legislation because only a very small part of it is uniform legislation. There are times when the house via the President decides that it is uniform legislation. This provides an opportunity for the house to know up-front what the government thinks. Then the house can decide what it might want to do with that bill once it is made aware of the consequences of that legislation and whether the bill has a bit or a lot of uniformity in it. I do not have a problem with this. It is a matter of the house knowing what the government or the person introducing the bill thinks it is in the context of a uniform legislation bill. Once it is a uniform legislation bill, it automatically goes to the Standing Committee on Uniform Legislation and Statutes Review. Therefore, this provides an opportunity for the house to say whether it should go there, as opposed to the current system whereby a bill automatically goes to the committee if the Clerk decides that it is a uniform legislation bill.

Hon ADELE FARINA: I did not propose to speak to this, but the comments of the Leader of the House have caused me to get up to speak. As I understand what he said—I am happy to be corrected if I am wrong—if only part of a bill is the result of a uniform scheme or agreement, the government can choose to not refer it to the Standing Committee on Uniform Legislation and Statutes Review. That is not how I read the provisions in proposed standing order 125.

Hon NORMAN MOORE: I did not say that. Those would be the reasons that would come under the amendment proposed by the Leader of the Opposition; that is, the government might say that only one clause has anything to do with uniformity, but the other 400 clauses are about something else. The government might not see it as a bill that is necessarily appropriate to go to the uniform legislation committee, but the house might decide quite differently that that is the case.

Hon ADELE FARINA: I think we have a problem here, because, as I read proposed standing order 125, it clearly states what is needed to be satisfied to identify whether a bill is a standing order 125 bill, and, once it is identified as such, the whole bill is automatically referred to the committee. If I understand him correctly, the Leader of the House suggests that if only one small part of the bill is uniform legislation, the government or the

minister might decide that it will not go to the uniform legislation committee, which is contrary to proposed standing order 125. If the Leader of the House is suggesting something different, perhaps he could clarify it. I am somewhat confused now about the intent of proposed standing order 125.

Amendment on the amendment put and passed.

Amendment (3)(p), as amended, put and passed.

Amendment (3)(q) —

The PRESIDENT: Proposed standing order 127 is headed "Referral to Committee". The substance matter of this is issues associated with committees inquiring into the policy of the bill.

Hon SUE ELLERY: There was a question raised about whether proposed standing order 127 is substantially different from what is currently in the standing orders, and whether it restricts the circumstance in which a committee may inquire into the policy of the bill. I wonder if we could seek advice from the Clerk, through the President, on the circumstances in which a committee can inquire into the policy of the bill.

The PRESIDENT: Existing standing order 230B states —

> Unless otherwise ordered, a standing committee is not to inquire into the policy of a Bill.

That is quite definite. This proposal is to have the possibility of a graded reference from the house. If we read the referrals very carefully, proposed section (1) states —

> At any time after the second reading has been moved and before the third reading has been moved, a motion without notice may be moved to refer the Bill to a Standing or Select Committee.

If it is moved after the second reading, we revert to the current standing orders, understanding that there is no inquiry into the policy of the bill. Proposed section (2) states —

> Unless otherwise ordered, if a Bill is referred under (1) after the second reading of the Bill has been agreed, the Committee shall not inquire into the policy of the Bill.

That reasserts the current position. Proposed section (3) states —

> A motion to refer a Bill to a Committee may include an instruction to the Committee, including an instruction to divide the Bill into two or more Bills, or to consolidate several Bills into one Bill.

It provides the house with a slightly broader option than it currently has.

In summary, if the house agrees to refer the bill to committee before the second reading vote is taken in the house, the policy of the bill can be considered by the committee. Once the second reading vote is taken in the house, the policy cannot be considered unless otherwise ordered by the house.

Hon NORMAN MOORE: I think the President is perfectly right. Proposed section (1) says that, after the second reading motion has been moved basically through until the third reading is moved, a bill can be sent to a committee at any time. Proposed section (2) says that if it is sent after the second reading vote has been taken, we are not to look at the policy of the bill because, fundamentally, by agreeing to the second reading the house agrees to the policy. The house could make a decision to do otherwise if it wanted to because it says "unless otherwise ordered". I think it is a perfectly sensible proposition.

Amendment (3)(q) put and passed.

Amendment (3)(r) —

The PRESIDENT: Proposed standing order 174, "Status of Evidence", is on page 60 of the draft standing orders. The question is that proposed standing order 174 stand as printed.

Hon SUE ELLERY: The opposition put this matter on the list of amendments. The queries we had about the current practice have been satisfied and we do not have any issues that we need to raise about this amendment.

Amendment (3)(r) put and passed.

Amendment (3)(s) —

The PRESIDENT: Proposed standing order 179, "Requests and Orders for Evidence", is on page 62 of the draft standing orders. The question is that proposed standing order 179 stand as printed.

Hon NORMAN MOORE: Proposed standing order 179 is "Requests and Orders for Evidence". Proposed standing order 179(4) states —

> A Committee shall not seek evidence directly from a Member of the Assembly.

As I understand it, that provision was included to avoid Council members seeking to have Assembly members give evidence before an upper house committee. However, it was raised with the leadership group last night that

the Joint Standing Committee on Delegated Legislation, which is a joint house committee, may wish to seek evidence from a minister. I am not quite sure how we will deal with this because I have not had time to think about it, but I recognise the need for a committee to write to a minister seeking information, whereas proposed standing order 179(4) may take away that capacity.

Hon Sue Ellery: Subsequent to last night, I understand that it is not just the delegated legislation committee that writes to ministers in the other place. Deleting it entirely might be the best solution.

Hon NORMAN MOORE: It may be. Off the top of my head, I do not have a problem with deleting it. However, I want to avoid the situation we have had in the past when Legislative Council committees have sought to drag ministers from the other house before it to answer questions when in fact those ministers do not have to, and that becomes a political issue. We should accept the fact that members in the other house are responsible for their chamber and members of this house are responsible for this chamber, and never the twain shall meet. I do not know how that is covered. If it is covered by another standing order, that might satisfy the problem. If the Leader of the Opposition wants to delete proposed standing order 179(4) because of the reasons raised, I do not have a problem with that.

Hon GIZ WATSON: My colleagues and I had a conversation about this. The Standing Committee on Estimates and Financial Operations regularly writes to ministers, whether they are in either this place or the other place, seeking information. The way the proposed standing order reads at the moment, it would inhibit that practice. Members may be aware that the work of the Standing Committee on Estimates and Financial Operations deals with a bulk of correspondence. As the Leader of the House said, this proposed standing order seeks to deal with Assembly members potentially being called to give evidence before a Council committee. However, seeking evidence is a different thing. The Standing Committee on Estimates and Financial Operations writes to the Minister for Education or the Minister for Agriculture seeking information regarding our inquiries. It would be cumbersome to have to do that via a representative parliamentary secretary or minister in this place in terms of the timing of the committee's work. I do not think that is the intention of the proposed standing order. Similarly, I understand that the Standing Committee on Environment and Public Affairs might well have its work constrained by not being able to write directly to ministers in the other place.

Hon Norman Moore: While you're standing up, why don't you move an amendment to delete (4)?

Hon GIZ WATSON: I am more than happy. On page 62, standing order 179, "Requests and Orders for Evidence", I move —

To delete — Proposed Standing Order 179(4)

The PRESIDENT: From my recollection that would solve the issue because the concern was about a minister from the Assembly appearing before a Council committee, but somehow or other the wording got lost in translation to encompass a broader principle.

Hon NORMAN MOORE: The Assembly's standing orders deal with their members and what they can and cannot do in respect of our committees.

Hon MAX TRENORDEN: This has been a problem for as long as Parliament has been around. I want to be clear what we are doing here. I am sure that Hon Giz Watson is not saying that her committee cannot seek information from a lower house member. The issue here is that we cannot compel them to appear. They are elected to their place and we are elected to ours. There is no question in law, let alone in our own practices, that this is our place and the other place is their place. I am trying to agree with members opposite, but I want to be sure that this does not mean that a committee cannot seek evidence because, as we all know, if that request is agreed to, there is not a problem.

Part of reason why we have the Leader of the House and three other ministers in this place is as a conduit to the other house through cabinet. Even though I have only been a member here for several years, I know that conduit has been used in this chamber on numerous occasions in the past, and when there has been difficulty the representative of government in this chamber has been directed by this chamber to get information. I want to be sure that that is what we are talking about.

Hon GIZ WATSON: It is fairly straightforward. Deleting section (4), by which committees shall not seek evidence directly from a member of the Assembly, will mean that a committee can seek evidence directly from a member of the Assembly.

Hon Max Trenorden: If that is the case, I am happy.

Amendment on the amendment put and passed.

Amendment (3)(s), as amended, put and passed.

Amendment (3)(t) —

The PRESIDENT: We move to standing order 180, also on page 62, "Witnesses Entitlements". This is amendment (3)(t).

Hon SUE ELLERY: Our query arises in relation to 180(h). As a whole, standing order 179 talks about what people who appear before a committee are entitled to, and lists those things from (a) to (g). Then (h) reads "any additional entitlements as determined by the Council". The question that arose for some of our members was about additional entitlements being determined by the Council. Is that distinguishing between the Council and committees, as in how those additional entitlements may be determined, and does that require that a committee has to come back to the house and ask if it can do certain things in respect of additional entitlements? I would appreciate, Mr President, if we could receive some advice from the Clerk through you, so that goes on the record as an explanation of how that will work.

The PRESIDENT: My understanding is that it is intentionally meant to be Council, not the committee. If there are any additional entitlements provided to a witness, they have to be brought to the house, and the house will make that decision. A motion from the committee might be brought to the house for the house to agree or disagree or qualify. It is a Council decision, not a committee decision. A committee is there to make a recommendation perhaps.

Hon SUE ELLERY: Thank you. I wonder if we could perhaps get on record, as it has been explained to me, that despite existing standing order 330 not explicitly saying the word "Council", it was never an order issued by a committee; it was always an order issued by the Council. That is the advice I was given informally, and I wonder if we can get that on the record.

The PRESIDENT: In terms of an explanation, the wording, as it is proposed, does not fundamentally change the current situation. The current situation has never really been tested, to the Clerk's knowledge. It is basically unstated in terms of a committee's current authority to do something like this. If there was a test case, it probably would have to be brought back to the house. In the proposed new standing orders, the house may wish to make it clearer so that it is beyond interpretation. The member might like to consider that sometimes committees are doing things that require them to get information from a witness under pretty urgent situations or perhaps in unusual circumstances such as in the case of the Corruption and Crime Commission committee. It may be for the house to consider to extend that authority to give additional entitlements to a witness to a committee, but that is up to the house.

Hon NORMAN MOORE: There is no suggestion in the existing standing order that anybody can give additional entitlements to anybody other than what is listed in the standing orders. This is a catch-all at the end, which I think ought to be a decision made by the Council as a whole. Who knows what additional entitlements might be asked for? Because it is such a broad proposition, it really is something that the house, not a committee, should decide.

Hon SUE ELLERY: I guess I would take a contrary view to that put by the Leader of the House. The advice that you have given us, Mr President, perhaps provides an example of a particularly contentious matter, and not even contentious by subject. I am talking about the confidentiality provisions, or whatever, that might apply to some matters that go before the Joint Standing Committee on the Corruption and Crime Commission. I have to say that the fact that this circumstance has not been tested suggests that it will not happen very often. However, from time to time it might, and a way around that would be to amend paragraph (h) to insert after "the" the words "Committee or the". I move —

In section (h) — To insert after "the" —

Committee or the

Then after paragraphs (a) to (g), paragraph (h) would read —

any additional entitlements as determined by the Committee or the Council.

I appreciate the point the Leader of the House just made, and the house might hold the view that it does not want to go down that path. However, given that a couple of select committees of this place have from time to time taken evidence in quite heated and unusual circumstances, the committee might decide that, to protect itself or to protect the witness, it might need to offer some additional entitlements. I have therefore moved that amendment.

Hon Norman Moore: Can you give an example?

Hon SUE ELLERY: For example, witnesses who go before the joint standing committee on the CCC might be of such a nature that they need extra protection. I am not going to die in a ditch for the amendment, but I think the question has been raised, so let us give the committee some flexibility.

The PRESIDENT: I make the point that the Joint Standing Committee on the Corruption and Crime Commission is perhaps not a good example, as it operates under the Legislative Assembly standing orders.

Hon SUE ELLERY: A select committee maybe then.

The PRESIDENT: There are other joint committees, such as the Joint Standing Committee on Delegated Legislation, that operate under Council standing orders.

Hon GIZ WATSON: I also am trying to envisage the additional entitlements that might be afforded to a witness. I understand that the right already exists for witnesses to have counsel. I have heard what has been said and that this circumstance has not actually been tested. If it is something over and above the right to have counsel, I do not see why it should not come back to the house. I cannot really envisage what else we would offer to a witness.

Hon Liz Behjat: Maybe an interpreter.

Hon GIZ WATSON: But it would be within the committee's capacity to provide an interpreter anyway.

Hon Liz Behjat: No, it's actually not.

Hon Adele Farina: No.

Hon GIZ WATSON: Perhaps we could have some response to that. Would an interpreter be included as one of the provisions?

Would an interpreter be excluded as a witness's entitlement under the provisions as they exist, in which case I would support the amendment as moved by the Leader of the Opposition? It would be better to have the capacity at the point at which the committee is dealing with it to make that additional entitlement.

Hon Nick Goiran: We've always got the capacity; the issue here is whether the witness is entitled to it.

Hon GIZ WATSON: Sure.

The PRESIDENT: I just make the point that the example that has been used is an interpreter or a translator. We have had the instance in the full Council estimates committee of a member of a government department who had speech and hearing difficulties. It is normal administrative practice, not an additional entitlement, to provide that support or entitlement to a witness to be heard properly. That provision already exists. The question is that the words proposed to be added be added.

Hon NORMAN MOORE: Now that the honourable Leader of the Opposition has moved the amendment, I indicate that I do not support the addition of those words. I think if the Leader of the Opposition wants to identify the entitlements that people are entitled to have, they should be listed as specific entitlements that are agreed to by this chamber, as we have sought to do in paragraphs (a) to (g). But to simply give a committee the capacity to provide additional entitlements as it deems fit without the house ever knowing about them potentially creates some problems that may come back to bite us. So I would prefer to leave it as it is, and if some time down the track there are some entitlements that the committees think people should have, let us identify them and add them to paragraphs (a) to (g) in the standing order.

Hon MAX TRENORDEN: Committees say to witnesses who come before them words that basically say that they are in fact appearing in front of the Council. The committees are representatives of the Council. All of this has operated up to this date without difficulty. Why would we change that? The suggested amendment, moved with good intent, will actually mean that it will be a decision of the five people sitting in the room whether something occurs, which may be outside the bounds. As it stands, committees are representatives of the Council. For all intents and purposes, committees are the Council to the person sitting in front of them. I suggest that it would be wise to leave the proposed standing order as it stands.

Hon ADELE FARINA: From what has been said, I have a concern that an interpreter would be able to be provided to a person. The whole point of reviewing the standing orders was to make them clear and to expressly state what we intend. We have a list of paragraphs (a) to (g) that specify the sorts of things that are rights of witnesses. If it is the right of a witness to have an interpreter, a guide dog, a hearing aid or whatever, it should be specified in this standing order. I think expecting a committee to interpret from this standing order what the Council might or might not be lenient about is too big an ask. The committee may then find itself in contempt of the Council because it has not sought the Council's approval. The issue of an interpreter is one very good example in which we should put what we intend in the standing order. We are saying that the committee has to come back to the Council, which might say that it is all right for an interpreter and it may be fine for something else, but how is a committee supposed to make that judgement call?

Hon Nick Goiran: Are they entitled to a glass of water?

Hon ADELE FARINA: That is a good question. I do not know; it is not on the list.

Hon Nick Goiran: But you have the capacity to give it to them. You don't need to list it.

The PRESIDENT: If I can help the debate—I am not sure that I can—a committee has to be able to communicate with a witness. If a witness has a disability or whatever, it is an administrative practice that the committee adopt the practices for communicating, and it has the resources to do that. I do not think there would be any argument administratively or policy-wise on that matter. But I still have the motion before the house that the words proposed to be added be added.

Amendment on the amendment put and negatived.

The PRESIDENT: The question now is that proposed standing order 180 stand as printed.

Hon PHILIP GARDINER: I just refer to paragraph (c), which states that the entitlement to witnesses is that they can request that the evidence be deemed private or in camera. My only concern is whether implicit in that is the suggestion that that should automatically be adopted by the committee, and whether there should be words after that to say, "subject to determination by the committee". It says "request", which allows the option for the committee to say yes or no to some extent. But I just wonder whether it needs any clarification.

The PRESIDENT: I believe it is implicit in the word "request" that the decision is then the province of the committee.

Amendment (3)(t) put and passed.

Amendment (3)(u) —

The PRESIDENT: The question now is that proposed standing order 187, "Tabling of Report", stand as printed.

Hon SUE ELLERY: My notes are telling me that this needs to be amended to be consistent with standing order 109 by inserting the words "except reports pertaining to Bills". I think an amendment may have been drawn up to that effect. Perhaps an amendment is being drawn up.

The PRESIDENT: I think it is happening as we speak.

Hon Norman Moore: Where would you put that?

Hon SUE ELLERY: I do not know; perhaps the Clerk is going to tell me where I put it, in very polite terms!

The PRESIDENT: I think what the Leader of the Opposition is proposing is no change in context—it is already there—but it is to make it much clearer in standing order 187. Am I correct?

Hon SUE ELLERY: I think you are, Mr President.

I move —

> In section (2)(b) — To insert below the word "listed" —
>
> except for reports pertaining to Bills,

Section (2) will then read —

> Upon tabling in the Council, a Committee report shall be —
>
> (a) … ; and
>
> (b) except for reports pertaining to Bills, listed for consideration by the Council in accordance with Standing Order 109.

Amendment on the amendment put and passed.

Amendment (3)(u), as amended, put and passed.

Amendment (3)(v) —

The PRESIDENT: The question is that proposed schedule 1, part 5 stand as printed.

Hon SUE ELLERY: I propose to delete 5.4. I am not sure whether any member wants to raise anything in clauses 5.1 to 5.3.

Hon LIZ BEHJAT: I am probably on a hiding to nothing, but I am going to have a go anyway. I propose that we delete 5.3(c) from schedule 1 clause 5, which reads —

> to examine the provisions of any treaty that the Commonwealth has entered into or presented to the commonwealth Parliament, and determine whether the treaty may impact upon the sovereignty and law-making powers of the Parliament of Western Australia;

We have been talking all night about putting in order our standing orders, getting them right and making sure these things work properly. Since becoming a member of the Standing Committee on Uniform Legislation and Statutes Review, it has been put to me in the house and outside the house on more than one occasion that perhaps our committee should look at its provision to examine treaties. Given that has been said to us on a few occasions, we decided to do just that. The sixty-eighth report of the Standing Committee on Uniform Legislation and Statutes Review is the information report in relation to the scrutiny of treaties. I do not know how many members in the house have taken the time to read that committee report. Outlined in that report is what the committee determined on 31 August; namely, that —

> pursuant to its Treaty Review term of reference, to inquire into the *Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization* (**Treaty**).

And it set forth to do just that. Outlined in that report members will see what we did in relation to that, such as writing to the Department of State Development and the Department of the Premier and Cabinet asking them to give evidence to the committee.

Members will also note earlier that, in its twenty-third report of a previous iteration of that committee, the Standing Committee on Uniform Legislation and General Purposes also looked at the scrutiny of treaties function. Members can read there the findings of that committee, which said that that function should be removed from the committee. During our investigation in August, DPC and DSD informed the committee that they were unable to answer the committee's questions because the advice provided by the state to the commonwealth and the negotiations between the state and the commonwealth on treaties is confidential.

The report continues —

> DPC further advised as follows.
>
> - The DPC does not undertake its own independent analysis and research on treaties, it merely refers the treaties to the relevant government agencies for comment and collates their replies and provides them to the Standing Committee on Treaties (**SCOT**).

The Department of the Premier and Cabinet then suggested that —

> - The Committee seek legal advice on treaties from the Attorney-General as well as the Commonwealth's Office of International Law.

So the committee did as it was told. It wrote to the Attorney General, requesting that a representative from the department attend a hearing to provide the answers to the questions on treaties, and as the report states —

> The Attorney-General responded by stating:
>
> > *It should be noted that the Solicitor General and solicitors engaged in the State Solicitor's Office are tasked with providing legal advice to the State Government, not Parliament or its committees. And further, such advice, should it be received by the Executive Government, is covered by legal professional privilege.*

The report states a number of reasons why it would be impossible for the committee to carry out the treaties function that it has before it. I would like to point out that the most relevant part of the report is the conclusion. These are not my words; another honourable member's words were used in that conclusion. The conclusion reads —

> During the consideration by the House of the Committee's Report 63 —

That is the Standing Committee on Uniform Legislation and Statutes Review's information report —

> Hon Simon O'Brien MLC, a former Chairman of the Committee, in referring to the redrafting of the Committee's terms of reference as part of the review of the Standing Orders of the Legislative Council, stated:
>
> > *There have been references for some years, and I believe there is proposed to be reference in the terms of reference under the new standing orders, to this committee having some overview of treaties. I remember that in a previous Parliament this committee actually did look at how it could deliver on this particular term of reference. It conducted some inquiries, communicated with other jurisdictions and so on, and came to certain conclusions. It could maybe review them after the fact, but that would be a forlorn and pointless exercise. I would rather that the house perhaps noted the committee's previous work on treaty scrutiny and the conclusions it formed after having spoken to a whole lot of sources, and perhaps come to the view that this committee's most valuable contribution is actually to be made in the scrutinising of intergovernmental agreements from the context of how much of Western Australia's future prerogatives are proposed to be done away with.*

I could not have put it better myself. With those words, I move —

> To delete section 5.3(c).

Hon NORMAN MOORE: I personally have a view that this particular committee should look at treaties because treaties are a vehicle through which the commonwealth can, by entering into agreements, have a consequential effect on the sovereignty of the state of Western Australia and the capacity of Parliament to make laws for Western Australia. The classic case was probably the Tasmanian dams case, when an international treaty was used to stop the state government building a dam. That was made obvious to everybody because it was a public issue, but who knows what other treaties the commonwealth is entering into that may in fact have some consequence for our sovereignty? I recognise that neither the committee nor the Parliament has power to stop that happening, but it would be nice to know. The "nice to know" means that if a political issue is attached

to it, it can be dealt with politically and a solution may then be acquired. I have listened to the honourable member, I have taken note of the report that the committee produced—I have not read it in any detail, other than the conclusions—so if the chamber wants to take this out and the standing committee does not want to do this job, I could not care less.

Hon ADELE FARINA: It is not a case of the committee not wanting to do the work; the committee is more than happy to do the work. The situation is that on two occasions the committee has tried to undertake this work. The former committee, under the chairmanship of Hon Simon O'Brien, looked at how it would perform this function and provided a report to Parliament that stated that it could not see how it could perform this function, and recommended that the treaty term of reference be deleted.

Our committee also decided to take an independent look at whether we could implement this term of reference and this report details the extent to which we went to try to implement this term of reference. The bottom line is that there is an agreement between the state and the commonwealth that makes all negotiations between the state and the commonwealth confidential. Therefore, we cannot get information from the state, we cannot get any information from the commonwealth and even though the Attorney General provides legal advice to the committee when it suits him, he told us that he cannot provide legal advice to the committee in relation to treaties. It puts the committee in a situation in which we do not have anywhere to go to get an explanation of the intention of the treaty. Also, we asked the Department of the Premier and Cabinet how frequently a treaty that was entered into by the commonwealth required legislative response from Western Australia, and I quote the response from the representative of the DPC who said —

> *I did check with the Attorney General's Office to see whether, over a 15-year period, they had examples of cooperative legislative schemes that they could directly ascribe to treaties, and they could come up with only three over that 15-year period. Two of them are currently before the Western Australian Parliament—one is the Electronic Transactions Bill 2011, and one is the Commercial Arbitration Bill 2011—and one is some international wills uniform … work, which is in the pipeline; it has not come through as legislation yet. So it is quite rare.*

Therefore, the circumstances in which the committee would be able to examine the provisions of the treaty that the commonwealth had entered into or presented to the commonwealth Parliament and determine whether the treaty may impact on the sovereignty and the lawmaking powers for the Parliament of Western Australia are actually going to be pretty rare, because in 15 years there have been only three occasions, and we would have to search through every treaty only to find that in most cases they would not impact on the lawmaking powers of the state of Western Australia; therefore, all of that effort and work would result in nought. It just seems to me that when two committees under two separate chairmanships have provided two separate reports to the Parliament saying, "Look, despite our best endeavours we cannot see how we could possibly implement this term of reference", it is clearly a commonwealth jurisdictional issue and we have got no ability to influence the commonwealth going into signing a treaty or not, and it seems really odd to me that the house would continue to insist that this is a term of reference for the committee. The house wants to present a face to the community that it listens and responds appropriately. We have had two committees under two separate chairmanships that have come back to this house and said that they have put their best endeavours into the implementation of this term of reference and it cannot be done. Under those circumstances I do not see why we would persist in keeping it as a term of reference. If it is there just for decorative purposes, fine, because we certainly cannot implement it. My advice to the Council would be: if it cannot be done, remove it from the standing orders. The whole point of this review of the standing orders was to make them current and to reflect what really happens. For the whole time that the committee has had this term of reference, it has not been able to implement it.

Hon GIZ WATSON: On behalf of the Greens (WA), having listened to the previous three speakers, we certainly support the deletion of this part of the standing orders. It is not that I am unsympathetic with the comments made by the Leader of the House that this is something that could be usefully done and could provide useful information, but if it is not technically possible to do it for various reasons, I think it is more appropriate that the committee does not continue to have to basically say that it cannot fulfil that part of its terms of reference. It is better that it goes.

Hon WENDY DUNCAN: The Nationals have considered this as well and listened to the argument on the floor of the chamber. Although the arguments may be compelling—Hon Adele Farina has indicated that there are three examples of consequential bills for which the Standing Committee on Uniform Legislation and Statutes Review could look into the implications of a treaty—the Nationals are inclined to not support Hon Liz Behjat's amendment.

Hon ADELE FARINA: In relation to those three occasions, the Standing Committee on Uniform Legislation and Statutes Review ended up inquiring into those bills anyway because they were uniform bills by the very nature that they resulted from a treaty and needed to be implemented right across the nation.

Hon Nick Goiran: It's only two; one's not here yet!

Hon ADELE FARINA: Sorry, the member is right—correction, it is two times and one is yet to come. The reality is that the committee got to examine and inquire into the bills anyway. What the proposed standing order requires the committee to do is to also inquire into the treaty, but we have just explained—as the former incarnation of the committee explained—that we cannot get information on a treaty to provide to the house because it is confidential. Although I accept that there were two occasions with a third to come, we will get to inquire into the bill anyway. Some weeks 10 or 20 treaties are tabled. The question is: what additional benefit is brought to the house by inquiring into all those treaties in the likelihood that over the course of a year, we might get three or two or one bills resulting from them, and then we actually inquire into that bill anyway? It just makes no sense at all and certainly it is not an efficient use of resources.

Amendment on the amendment put and a division taken with the following result —

Ayes (14)

Hon Liz Behjat	Hon Sue Ellery	Hon Ljiljanna Ravlich	Hon Alison Xamon
Hon Helen Bullock	Hon Adele Farina	Hon Linda Savage	Hon Ed Dermer *(Teller)*
Hon Robin Chapple	Hon Jon Ford	Hon Ken Travers	
Hon Kate Doust	Hon Lynn MacLaren	Hon Giz Watson	

Noes (17)

Hon Jim Chown	Hon Donna Faragher	Hon Col Holt	Hon Max Trenorden
Hon Peter Collier	Hon Philip Gardiner	Hon Robyn McSweeney	Hon Ken Baston *(Teller)*
Hon Mia Davies	Hon Nick Goiran	Hon Norman Moore	
Hon Wendy Duncan	Hon Nigel Hallett	Hon Helen Morton	
Hon Brian Ellis	Hon Alyssa Hayden	Hon Simon O'Brien	

Pairs

Hon Sally Talbot	Hon Phil Edman
Hon Matt Benson-Lidholm	Hon Michael Mischin

Amendment on the amendment thus negatived.

Committee interrupted, pursuant to temporary orders.

GENETICALLY MODIFIED CANOLA — CONTAMINATION — CUNDERDIN

Statement

HON LYNN MacLAREN (South Metropolitan) [9.46 pm]: I appreciate the opportunity to make a member's statement tonight because I want to respond to some comments made last week following a question asked by Hon Brian Ellis and some statements that he made to the media following the answer given in the Legislative Council. Members will recall that earlier this month I drew attention to the genetically modified canola contamination incident near Cunderdin. A hailstorm resulted in 100 tonnes of GM canola being knocked to the ground and contaminating the roadside verge and a neighbouring non-GM property. That was the latest in a string of incidents of contamination that I have brought to the attention of this house. In the two years since GM canola has been permitted to be grown in WA, we have seen the contamination of an organic farm, the 15-tonne truck spill near Williams, only 500 metres near a non-GM canola farm, and the Conservation Council of Western Australia citizens science survey found canola growing along the roadside throughout Esperance.

These incidents are likely to be just the tip of the iceberg when it comes to contamination. The chances are that rogue GM canola is already growing along roadsides all over the Wheatbelt and posing a very real contamination threat for non-GM farmers. According to the government's ministerial industry reference group paper, the potential levels of GM contamination in one year alone is estimated to be from 0.83 per cent to 0.93 per cent. That is important because it is predicted to increase exponentially each year that canola is grown and that the GM volunteers are not controlled. Certainly, the farmers to whom I have spoken believe that the level of GM contamination out there is far greater than what has been already documented. They are, quite frankly, scared to raise these concerns because they do not want to damage their relationships with their neighbours. They are also worried that they could lose their markets if they draw attention to the fact that their crops are potentially contaminated. These farmers are right to be concerned because the CBH Group currently requires growers to sign declarations to say that none of their grain in a delivery has genetically modified organisms. Every single farmer has to sign that and any level of contamination is a serious concern for growers. If farmers sign this declaration and GM contamination is found in their grain, they wear the liability. As we have heard time and again, the only potential way in which they can recoup any losses is to sue their neighbour, with no great chance of success. According to the federal government's Department of Agriculture, Fisheries and Forestry, non-GM farmers have little or no legal recourse against the GM industry for any economic losses caused. Legal advice gives a very slim chance of recourse against the GM company or the GM grower. We know that preparation has been undertaken to ensure the company and/or the farmer concerned is aware that contamination is not accepted.

In question time last Thursday, Hon Brian Ellis and the Minister for Agriculture and Food chose to echo the disinformation of the GM crop industry by attempting to discredit my statement regarding a GM canola spill near Cunderdin. I want to address that disinformation. Fifty hectares of GM canola were sown. Agronomists have estimated that the yield was to be around two tonnes per hectare. It does not take a great mathematician to figure out that would equate to 100 tonnes of canola. That is a reasonable estimate of how much was spilt in the hailstorm. According to the minister's response to Hon Brian Ellis's question —

> None of the samples taken from the non-GM grower's property tested positive.

The farmers in question were not happy with the cursory testing undertaken by officers from the Department of Agriculture and Food, who, by the way, stayed on the property for less than one hour. The farmers did their own testing last Sunday. I can report to the house that, using test strips provided by Greenpeace, Mr and Mrs James found 10 positive results for GM canola on the roadside next to their property, and three on their land, only 20 metres into the paddock. Clearly the department's officers did not look hard enough. It is quite disturbing that the government's response to this contamination is to attempt to downplay the level of contamination and to undermine the credibility of my factually correct account of the incident. By attempting to shoot the messenger in this way, the government is merely trying to deflect attention from the very important issue of who is liable for this GM contamination. The fact is that the Barnett–Grylls government allowed the release of GM canola into the state with absolutely no protections in place for the vast majority of growers, who, by the way, remain non-GM growers. GM free is still the choice of the majority of growers in Western Australia. Ninety-five per cent of WA's canola went to Europe last year—a market that has absolutely no tolerance for GM canola. WA's non-GM canola growers currently enjoy premiums of $40 to $60 a tonne because of their GM-free status. Minister Redman is risking our markets and our farmers' livelihoods by introducing GM canola with absolutely no safeguards in place. Under the current legislation, the only way a farmer can recoup losses due to GM contamination is by suing his neighbour. This pits farmer against farmer and will destroy the rural communities that we represent. Farmer protection legislation is urgently required to protect non-GM farmers from economic losses if GM contamination occurs. It is unacceptable to shoot the messenger. I chose this opportunity to set the record straight.

NATIONAL DISABILITY INSURANCE SCHEME

Statement

HON WENDY DUNCAN (Mining and Pastoral — Parliamentary Secretary) [9.53 pm]: I want to draw the house's attention to the fact that this is Disability Awareness Week. In fact, this week has also been designated "Spread the Word Week" by the Every Australian Counts campaign, which is the campaign supporting the case for a national disability insurance scheme. The issue of support for people with disabilities was originally raised in the Australia 2020 summit. There was subsequently an inquiry by the Australian Productivity Commission, which recommended that a national disability insurance scheme be established. The reason such a scheme is recommended, contrary to popular belief, is that individuals and families who find that disability comes into their lives are actually not automatically entitled to support and services. In fact, the support for disability services in Australia is chronically underfunded. Should someone manage to get to the top of the list and receive support for a disability, that support is not portable from state to state, which causes a great deal of distress and inequity in this area. If someone happens to be injured in the workplace, the support that person receives is quite different from the support that person would receive if the person slipped in the shower, for example. This disproportionate service for people with a disability needs to be dealt with. The number of people with a disability is increasing while the number of people available as carers is decreasing. A crisis is looming in this area. There are 410 000 Australians with a disability and approximately 700 000 primary carers of those people.

It is interesting that the progress towards the national disability insurance scheme is continuing, but the critical matter, of course, is the funding. Presently, the projected cost of the scheme is in the vicinity of $6.5 billion, which is double the amount of funds currently being injected into caring for people with a disability. It is always very difficult to demonstrate to the community the social cost-benefit analysis of such schemes, but a study was done by a former Treasury economist that indicates that there would probably be about a $9.6 billion return on that additional $6.5 billion, should it be invested. In addition, an article in *The Australian Financial Review* of Thursday, 24 November, stated that the national disability insurance scheme will create more than 35 000 full-time jobs and have a positive economic impact, despite its price tag. It also reported that direct economic benefits would come from reducing the cost of income support; a greater tax base from increased employment; higher incomes; and the multiplier effect that would flow through the economy. On Monday I held a DisabiliTea event in Esperance, which was attended by 30 people. It was attended by not only those who have a disability and their carers and those who work in the sector, but also representatives of the business community, including the Chamber of Commerce and Industry of Western Australia and the shire president. Those present signed a petition declaring their support for the national disability insurance scheme. The aim of the campaign is to get 100 000 signatures by the end of the year. I believe that 90 000 signatures have been obtained to date, so that is quite good progress. If any member wishes to find out more about it, the best thing to do would be to go to the

website, which is www.everyaustraliancounts.com.au. Tomorrow I will bring in some cards for members to sign, should they feel so inclined.

On a broader matter, the International Day of People with Disability is held on 3 December. That is a time when we need to remember that the people in our community who are affected with a disability are still very active and productive members of our community. I was reading in the paper today how Australia has a pretty low rate in comparison with other Organisation for Economic Co-operation and Development countries regarding its recognition of people with a disability and its inclusion of them in the economy and the community. I ask all members to keep that in mind and to ensure that people with a disability are recognised as productive and important members of our community. We must all work towards making sure that support and services are available to them on an equitable basis.

CARLY ELLIOTT — DEATH — MENTAL HEALTH SERVICES

Statement

HON LJILJANNA RAVLICH (East Metropolitan) [10.00 pm]: Tonight I want to raise the matter of the Carly Elliott who died on 31 March 2011. Carly Elliott was a beautiful, clever, popular and much-loved young lady who is no longer with us. She is very much missed by her family and friends alike, and had Carly Elliott received the much needed medical treatment for her mental ill-health she may still be with us today; at the very least, she may have had a chance.

Symptoms of Carly's illness meant that when she was unwell she could be uncooperative, she would take risks, and she would not engage, and often this meant not turning up for medical appointments. Her family do not deny that Carly missed medical appointments, but they believe that given she was known to the medical health system that she should have been followed up as part of her treatment. Further, had she been given a full mental health assessment and a full suicide risk assessment, these behaviours may have been identified as symptoms of a medical condition and dealt with accordingly. However, that was not the case.

Today I asked a three-part question of the minister on the death of 20-year-old Carly Elliott in March this year. Specifically I asked —

> During the months of Carly's interaction with Fremantle Hospital and the Alma Street Clinic —
>
> (1) How many face-to-face hours did Carly have with professional medical staff?

The minister responded, "A one-hour, face-to-face assessment was undertaken."

I put on the record that that was not the question I asked.

I asked about face-to-face hours with professional medical staff. The second question I asked was, "Who saw her and for what therapeutic purpose?" The minister's reply was, "The community emergency response team—CERT—home visited on 1 March 2011."

The minister failed to advise that Carly had her first contact with the Fremantle Hospital on 20 September 2010 when she was taken to the emergency department by St John of God ambulance after threatening to commit suicide. The minister certainly did not provide any information on who she saw at that time and why there is not a record of that. The question that comes to my mind is why there is no record of that and why this was not provided in the minister's answer. Thirdly, I asked —

> Can the minister confirm that over the six months that Carly was known to Fremantle Hospital and the Alma Street Centre with regard to her suicidal intentions, she was at no stage given a full mental health assessment or a full suicide risk assessment; and, if not, why not?

The minister's response was —

> On 1 March 2011 Carly was given a full mental health assessment and risk assessment when the community emergency response team saw her at home in response to a phone call from her father.

Minister, Carly was never given these assessments by the CERT team. The CERT team arrived at her home. The CERT team was there for 15 minutes. There were two of them and they were there for between 10 to 15 minutes. It begs the question of how these CERT officers could undertake a full mental health assessment and full risk assessment of a very, very ill patient in the time frame of 10 to 15 minutes. It is breathtaking that in six months a young woman so seriously ill and known to the mental health service, including Fremantle's Alma Street Centre, is only given a total of one hour of face-to-face professional medical care. That is an absolute disgrace.

I also have to say that the minister's answers are simply not good enough. In her response today the minister said that Carly was given a full mental health assessment and risk assessment when the CERT team saw her at her home in response to the phone call from her father. Contrary to this, Carly's parents claim that on 1 March 2011 they did phone the emergency response team at Alma Street saying that Carly had practised suicide, taken pills, tried to jump out of a moving car and been hostile and was acting recklessly, erratically and hysterically and that

these behaviours had escalated recently. Two CERT members visited Carly's home and were with Carly for that period of 10 to 15 minutes. Even though Carly was hostile and refused to engage with them, the opinion of the CERT members was that the risk factors appear to be limited and that Carly was escalating her behaviour to continue to manipulate her parents. Carly's overall risk assessment was given as a "1", indicating a low risk.

A number of questions arise in my mind and need some explanation in relation to the treatment of Carly Elliott. Firstly, what were the medical qualifications of the two CERT members who visited Carly Elliott at her home on that day? Secondly, how could they have completed a full mental health assessment and a full risk assessment when they were with Carly for a total of only 10 to 15 minutes? This makes an absolute joke of the minister's claim that Carly got a full assessment. Thirdly, on what basis did CERT form the view that the risk factors appeared to be limited and Carly was only escalating her behaviours to continue to manipulate her parents? On what medical evidence did they come to that position? Fourthly, how could Carly's overall risk assessment by CERT be given as "1 Low", given that Carly's parents phoned CERT at the Alma Street Centre to advise that Carly had practised suicide, taken pills, tried to jump out of a moving car, been hostile and acted recklessly, erratically and hysterically and that these behaviours had been escalating recently? Fifthly, if these are not dangerous, high-risk behaviours, what is a dangerous, high-risk behaviour according to the CERT criteria? Sixthly, why was Carly not immediately admitted to the Alma Street Centre for observation and treatment by CERT members? Seventhly, given that on 20 September, the first time that Carly had contact with Fremantle Hospital, she had been taken to the emergency department by St John of God ambulance after threatening suicide, and given the triage records show she was suicidal, irrational and refusing to answer questions, why was her condition not taken seriously by CERT members, and why did they not have this information at hand? Finally, the question that needs to be answered is: did CERT check her hospital records before they attended to her on 1 March 2011?

Although this is a very sad case, the parents of Carly Elliott have said to me that this is not about blame; it is about the realisation that what has been going on at Fremantle's Alma Street Centre cannot and must not be allowed to continue. Like 18-year-old Ruby Nicholls-Diver who died on 2 March 2011, 56-year-old Michael Thomas who died in early June 2011 and a 27-year-old male who died on 30 April 2011, Carly Elliott was too young to die. Carly Elliott was a patient at Fremantle Hospital's Alma Street Centre. Each of these people went to that hospital seeking medical help. Each of them is no longer with us today. We must ask: what has gone so horribly wrong? After all, are hospitals not supposed to be there to keep people alive? Finally, what we desperately need is a full coronial investigation into the activities at Fremantle Hospital's Alma Street Centre.

MENTAL HEALTH ROUND TABLE

Statement

HON ALISON XAMON (East Metropolitan) [10.09 pm]: I rise tonight because I wish to report back on a round table that my office held on Friday, 18 November. I held my third annual mental health round table, which is an important opportunity for me to be able to consult with key stakeholders within the mental health sector; that is, consumers, carers, advocates, mental health professionals and service providers. This year we discussed a range of issues pertaining to housing and accommodation for people living with mental illness. Housing for people with mental illness has been recognised as an area of particular need for a very long time; however, a number of things have resulted in increased pressure and focus on the issue more recently. These include the growing public housing crisis, the Department of Housing's disruptive behaviour policy, uncertainty about the future of Graylands Hospital, the new direction that the government is pursuing for the increased delivery of services by the not-for-profit community sector, and decreasing funding for private psychiatric hostels.

First, I would like to express my sincere thanks to those people who attended and contributed to the round table. I really value the input I received and the generosity of participants in sharing their time and their passion. I was also very pleased this year to have the Mental Health Commissioner, Mr Eddie Bartnik, provide the opening address at the round table. The commissioner discussed the Mental Health Commission's policies and plans regarding future accommodation and housing options. As I already expressed to him, I believe the information he provided served as a good starting point for what proved to be a very useful discussion across the afternoon. I am not sure the degree to which members are aware of the crisis in accommodation for people suffering from mental illness; the front-line staff in their electorate offices are probably pretty aware. However, I have been contacted personally by a concerning number of people in quite desperate circumstances who are facing eviction from public housing under the disruptive behaviour policy and families that are frantic to find suitable accommodation for their loved ones for whom it has become impossible to continue to live in the family home. Of course, I recognise that I am likely to be receiving a higher proportion of these matters due to my holding the shadow mental health portfolio. In any event, accommodation for people suffering from mental illness is a broad and complex topic. Stable supported accommodation has a particular importance for people living with mental illness, yet this group often faces particular difficulty finding and maintaining a home. We know that people cannot get well without safe, stable accommodation, yet the tragedy is that often the acute stage when people are hospitalised is the time they are finding that they are losing their housing. Furthermore, their discharge from

hospital can be hampered if they do not have accommodation to go to upon release. It is therefore turning into a vicious cycle. One of the most significant points highlighted during the round table was that there are gaps in housing options for people across the whole spectrum of need—from people who are capable of staying in the private rental market or perhaps have their own home but are missing out on short-term, flexible financial support to enable them to stay there; to those who have been in the substandard accommodation at Graylands Hospital for years and years; and of course to all levels of need that exist in between. I note that the urgent need for improved services is also not confined to any one geographic area but exists across the state and, of course, includes very particular needs in rural and remote areas.

Tonight I cannot do justice to the breadth of issues canvassed at the round table, but I do want to highlight a few specific concerns. Firstly, dual diagnosis—that is, people who have a mental illness co-occurring, in particular, with a substance abuse problem—was raised, as it is time and time again, as an area of particular need. There continues to be a lack of integrated services for this group, and the complexity of these cases leads to people continuing to be passed between agencies. I understand that the Mental Health Commission is aware of this issue, but it is abundantly clear that more needs to be done.

Other groups identified as being in need of special support or falling through gaping cracks in the system include mothers with mental illness, and particularly those whose children have a disability; ageing parent carers of adult children who have a mental illness; grandparent carers who have care of their grandchildren because their own children are too unwell to care for them; people in need of accommodation but whose mental illness may lead them to engage in behaviours that may be considered antisocial; and people needing appropriate housing who are coming out of the forensic mental health system. The round table attendees articulated that it should not be expected that families will be able to take on a significant caring role for people with serious mental illness. Unfortunately, it is felt that this expectation seems to underpin some of the Mental Health Commission's policies around the provision of support to people. The reality is that, although many families provide significant support, many people with mental illness do not have any family or other social networks on which they can rely. So our system and the provision of accommodation must reflect this reality.

I was also horrified to hear a number of stories from a number of participants about the vulnerability of people in public housing and how exploitation and abuse by unscrupulous individuals are not uncommon. It was made abundantly clear to me yet again that people with mental illness who live in public housing in particular are just not getting enough support and too many of them are simply not safe. People also have significant concerns about the referral process, which is seen by many stakeholders as inappropriate and inflexible. As a result of the process, people are granted access to accommodation for only defined periods, and many categories of clients are restricted access entirely. I heard stories of people who were being kicked out of supported accommodation because of these time frames just when they managed to start getting well, only to find themselves spiralling down again. It is unrealistic to think that people, and in particular people suffering from mental illness, will fit into some neat, tick-the-box process.

Building design and structure was also raised as having an important bearing on the appropriateness and success of housing provision. Importantly, a lot of people talked about stand-alone units not being appropriate for some people because of the risks of loneliness and social dislocation. Although the Mental Health Commission's initiative to provide accommodation for 100 people was cautiously welcomed by round table participants, many questions and concerns were raised about how these 100 people are being chosen, whether enough support will be provided for the project to be successful, how the transition process will work and whether it is an appropriate model for the intended target group. People also noted that the need is, of course, much greater than 100 people and that many people living in the community would desperately love to get access to such services. Some stakeholders also expressed the opinion that it may not be appropriate for all people to live independently, no matter how strong a desire we might hold for this to be the case, and they certainly wanted to make sure that that was something that I pushed and made very clear.

Finally, the challenges faced by many non-government organisations, including an increasingly competitive environment, overly prescriptive contracts and ongoing workforce constraints due to underfunding, was, unsurprisingly, a subject of substantial discussion during the afternoon. Access to safe and stable housing is a basic human right. Stable housing with appropriate support allows people to get well, seek and hold jobs, establish social networks and make friends, yet this basic human right is too often denied to the most needy and vulnerable in our community. It is a crucial area and one we need to address as an absolute priority.

I could go on in detail about the various issues raised, but no doubt this will be the subject of further debate in the future. I wanted to give members at least a snapshot of the sorts of issues that were raised by people who really are the best placed to inform us about what is happening within the mental health sector.

House adjourned at 10.18 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

EDUCATION PORTFOLIO — AGENCY FEES AND CHARGES

4728. Hon Ken Travers to the Minister for Energy representing the Minister for Education

For each agency in the Education portfolio since 23 September 2008 —

(1) Has any tariff, fee or charge increased by an amount greater than the consumer price index for that year?

(2) If yes to (1) —

(a) what was the name and purpose of the tariff, fee or charge;

(b) on what date did the increase come into effect;

(c) what was the amount of the tariff, fee or charge prior to the increase;

(d) what was the amount of the tariff, fee or charge following the increase;

(e) what was the amount the tariff, fee or charge was above the consumer price index for that year;

(f) why was the increase above the consumer price index; and

(g) what is the current amount of the tariff, fee or charge?

Hon PETER COLLIER replied:

I am advised by the agencies listed below as follows:

Department of Education

(1) Yes.

(2) Refer to Attachment 1 [See paper 4139.]

In relation to Note 1 of Attachment 1, the fees charged, between 2008 and 2010, were subsequently found to be in excess of the regulated fee limit of $7 500. Refunds were provided to affected students. The final fees, net of refunds, were $7 500 per student in accordance with the regulated fee limit.

In relation to Note 2 of Attachment 1, the fees charged, between 2008 and 2010 were subsequently found to be in excess of the regulated fee limit of $12 000. Refunds were provided to affected students. The final fees, net of refunds, were $12 000 per student in accordance with the regulated fee limit.

Country High School Hostels Authority

(1) Yes.

(2) (a) CHSHA Residential College Boarding Fee.

(b) February 2010.

(c) $9 430 per annum.

(d) $10 370 per annum.

(e) $808 per annum.

(f) Increase was necessary due to a significant increase in residential college domestic and food costs.

(g) $10 680 per annum.

Public Education Endowment Trust

(1) The Public Education Endowment Trust does not set any tariffs, fees or charges. Consequently the question is not applicable.

(2) Not applicable.

Department of Education Services

(1) Yes.

(2) Refer to Attachment 2 [See paper 4139.]

Curriculum Council

(1) Yes

(2) Refer to Attachment 3 [See paper 4139.]

PADBURY SENIOR HIGH SCHOOL — SITE USE

4862. Hon Ken Travers to the Minister for Energy representing the Minister for Education

(1) What will Padbury Senior High School be used for once it closes at the end of this year?

(2) What work has or will be undertaken to enable the new use for this site?

(3) What is the cost of this work?

(4) When will the work —

(a) commence; and

(b) be completed?

Hon PETER COLLIER replied:

(1) The Padbury Senior High School site will provide for the co-location of services, providing specialist support for students and schools including literacy and numeracy, English as a second language and dialect, behaviour management, student disability including deaf and hard of hearing and an early intervention centre, speech and language development, curriculum and vocational educational. These services will be progressively located at Padbury through 2012.

(2) Planning is currently being made for some refurbishment to be undertaken including modifications to meet the requirements of the new Building Act.

(3) It is expected that the relocation will be undertaken in stages. The Department of Education is working with Building Management and Works to finalise scope and final costs.

(4) (a) At this stage it is anticipated that the work will commence in February 2012.

(b) As the scoping and costings are still being finalised, it is premature to nominate a completion date.

PADBURY SENIOR HIGH SCHOOL — SITE USE

4863. Hon Ken Travers to the Minister for Energy representing the Minister for Education

(1) What is the total cost of work being undertaken to convert Padbury Senior High School into the home of Statewide Education Services?

(2) Will the former Padbury Senior High School be used for any other purposes once Padbury Senior High School closes?

(3) Is any work necessary to allow this to occur?

(4) If yes to (3), what will be the cost of this additional work?

Hon PETER COLLIER replied:

(1) The Department of Education is working with Building Management and Works to finalise scope and costs for this relocation.

(2) Yes.

(3) No.

(4) Not applicable.

PUBLIC TRANSPORT AUTHORITY — VALUATION METHODOLOGY

4876. Hon Ken Travers to the Minister for Finance representing the Treasurer

What would have been the impact on the Real Net Worth of the Total Public Sector in the 2009–10 and 2010–11 financial years if the Public Transport Authority had not changed its valuation methodology for the freight network infrastructure from market value to depreciated replacement cost?

Hon SIMON O'BRIEN replied:

The Public Transport Authority last valued freight network infrastructure in 2003 using a market-based valuation methodology. The market-based approach assumed that market evidence is readily available to determine the fair value of the asset. However, due to the specialised nature of the items involved, on recent external audit review, it was determined that a reliable market value does not exist for the freight assets. This was confirmed by independent professional accounting advice which indicated that depreciated replacement cost valuation methodology instead be used for leased freight assets.

The Authority's 2009–10 annual report shows that the 30 June 2010 valuation policy change increased the rail freight network valuation by $1.1b on the $266m disclosed at 30 June 2009. No further revaluation effect was made to the rail freight assets in the Authority's 2010–11 accounts.

The following table shows the published State whole-of-government net worth at 30 June aggregates for 2009–10 and 2010–11, together with adjustment for the $1.1b revaluation and resulting real net worth outcomes underlying the Government's net worth financial target. The 2009–10 Annual Report on State Finances (ARSF) disclosed a decline in real net worth at 30 June 2010 relative to 30 June 2009 while an increase in net worth was reported in the 2010–11 ARSF. These financial target outcomes would have been unchanged had the Public Transport Authority's rail freight accounting policy remained unchanged.

TOTAL PUBLIC SECTOR NET WORTH AT 30 JUNE

	2009	2010	2011
State Final Demand deflator (2010–11 = 100)	97.6	98.8	100.0
Published total public sector net worth at 30 June(a) ($m)	107,162	107,844	112,203
Published real net worth at 30 June (2010–11 $m)	109,751	109,192	112,203
Change in real net worth (2010–11 $m) (b)	12,278	-559	3,011
PTA rail freight valuation impact ($m)	-	1,097	1,097
Adjusted total public sector net worth at 30 June ($m)	107,162	106,748	111,107
Adjusted net worth in real terms (2010–11 $m)	109,751	108,082	111,107
Change in adjusted real net worth (2010–11 $m)	12,278	-1,670	3,025
(a) As published in the Annual Report on State Finances.			
(b) Basis for reporting whole-of-government financial target.			

EARLY CHILDHOOD EDUCATION — BUILDING CONSTRUCTION

4879. Hon Linda Savage to the Minister for Energy representing the Minister for Education

I refer to the 'Bilateral Agreement on Achieving Universal Access To Early Childhood Education' between the Commonwealth of Australia and the State of Western Australia, in particular the buildings required to guarantee universal free access to a 15 hour kindergarten at a child's local school, and ask —

(1) Of the 2010 tranche of 47 buildings —

(a) how many have been built;

(b) where are these buildings located; and

(c) which of these buildings are providing free access to a 15 hour kindergarten at present?

(2) Of the 2011 tranche of 39 buildings —

(a) how many have been built;

(b) where are these buildings located; and

(c) which of these buildings are providing free access to a 15 hour kindergarten at present?

Hon PETER COLLIER replied:

(1) (a) Early childhood buildings have been built at 56 schools as part of the universal access 2010 tranche. This is in excess of the 47 buildings originally planned.

(b) The 56 schools are located in the following (former) districts: Swan — now part of North Metropolitan Region (41 schools); Goldfields — now Goldfields Region (1 school); Mid West — now Midwest Region (6 schools); Pilbara — now Pilbara Region (5 schools); and Kimberley — now Kimberley Region (3 schools).

(c) All of the newly constructed buildings are being used to provide 15 hours of kindergarten instruction. As in all public schools, this tuition is free of compulsory charges.

(2) (a) Early childhood buildings have been built at 59 schools as part of the universal access 2011 tranche.

(b) The 59 schools are located in the following (former) districts: Fremantle–Peel — now part of South Metropolitan Region (45 schools); and Bunbury — now part of Southwest Region (14 schools).

(c) All of the newly constructed buildings are being used to provide 15 hours of kindergarten instruction. As in all public schools, this tuition is free of compulsory charges.

INDEPENDENT PUBLIC SCHOOLS — ADVERTISING

4881. Hon Ljiljanna Ravlich to the Minister for Energy representing the Minister for Education

For each Independent Public School and for each of 2010 and 2011, I ask —

(1) How much did the school spend on advertising?

(2) What forms of advertising were used and how much was spent on each form?

(3) How many advertisements were to fill job vacancies and of these —

(a) how many were for teaching staff; and

(b) how many were for non-teaching staff?

(4) How many advertisements were to promote an event?

(5) How many advertisements were for purposes other than event promotion or to fill job vacancies?

Hon PETER COLLIER replied:

(1)–(5) [See paper 4136.]

SCHOOLS — EMPLOYMENT ADVERTISING

4882. Hon Ljiljanna Ravlich to the Minister for Energy representing the Minister for Education

I refer to the advertisements in the *West Australian Newspaper* of 29 and 30 October 2011 for a Principal at each of Tom Price Senior High School and Carnamah District High School and an Associate Principal at Comet Bay College, and I ask, for each advertised position —

(1) Who paid for the advertisement on page 82?

(2) If the cost for the advertisement on page 82 was shared between the Department of Education, or any other Government agency, and the school, how much was paid by each body?

(3) Who paid for the advertisement on page 92?

(4) If the cost for the advertisement on page 92 was shared between the Department of Education, or any other Government agency, and the school, how much was paid by each body?

Hon PETER COLLIER replied:

(1) The advertisement on page 82 in The West Australian Newspaper on the 29 and 30 October 2011 for a Principal at each of Tom Price Senior High School and Carnamah District High School was paid for by the Department of Education.

The advertisement on page 82 in The West Australian Newspaper on the 29 and 30 October 2011 for an Associate Principal at Comet Bay College was paid for by Comet Bay College.

(2) Costs were not shared in either case.

(3) See response to (1).

(4) Costs were not shared.

INDEPENDENT PUBLIC SCHOOLS — ADVERTISING

4884. Hon Ljiljanna Ravlich to the Minister for Energy representing the Minister for Education

For each non-Independent Public School and for each of 2010 and 2011 —

(1) How much did the school spend on advertising?

(2) What forms of advertising were used and how much was spent on each form?

(3) How many advertisements were to fill job vacancies and of these —

(a) how many were for teaching staff; and

(b) how many were for non-teaching staff?

(4) How many advertisements were to promote an event?

(5) How many advertisements were for purposes other than event promotion or to fill job vacancies?

Hon PETER COLLIER replied:

(1)–(5) Data is provided for advertising related to staff recruitment. However, to source and provide the level of other advertising data requested for each Independent Public School for all other advertisements run in 2010 and 2011 including the forms of advertising and the content of each advertisement would be a major task, and require a significant diversion of resources.

Specific information regarding costs associated with a particular school's advertising can be provided on request.

(1) For 2010:

SCHOOL	RECRUITMENT ADVERTISING SPEND
Carnarvon Public Schools Cluster	$2 498.25
Seaforth Primary School	$1 403.67

For 2011:

SCHOOL	RECRUITMENT ADVERTISING SPEND
Kent Street Senior High School	$1 571.95

(2) In every case listed in (1), the entire spend was on press advertising.

(3) For 2010:

SCHOOL	(3)	(3)(a)	(3)(b)
Carnarvon Public Schools Cluster	2	1	1
Seaforth Primary School	1	0	1

For 2011:

SCHOOL	(3)	(3)(a)	(3)(b)
Kent Street Senior High School	1	1	0

SCHOOLS — YEAR 12 ENROLMENTS

4885. Hon Ljiljanna Ravlich to the Minister for Energy representing the Minister for Education

(1) For each of the schools listed in (2) —

(a) how many new Year 12 students were enrolled in Semester 1, 2011;

(b) of these, how many were previously enrolled at —

(i) a non-government school;

(ii) a government school;

(iii) a school in another state or country;

(c) how many new Year 12 students were enrolled in Semester 2, 2011;

(d) of these, how many were enrolled at —

(i) a non-government school;

(ii) a government school; and

(iii) a school in another state or country?

(2) Schools for which this information is sought are —

(a) Albany SHS;

(b) Applecross SHS;

(c) Armadale SHS;

(d) Belmont City College;

(e) Cape Naturaliste College;

(f) Comet Bay College;

(g) Eastern Hills SHS;

(h) Geraldton SHS;

(i) Lesmurdie SHS;

(j) Morley Senior High School;

(k) Thornlie SHS;

(l) South Fremantle SHS;

(m) Canning College;

(n) Cyril Jackson Senior Campus;

(o) Eastern Goldfields College;

(p) Mandurah Senior College;

(q) Manea Senior College;

(r) Mindarie Senior College;

(s) Sevenoaks Senior College; and

(t) Tuart College.

Hon PETER COLLIER replied:

[See paper 4137.]

CHILDREN IN CARE — STATISTICS

4925. Hon Sue Ellery to the Minister for Child Protection

(1) How many children were under the care of the Department of Child Protection (DCP) during the month of September 2011, by district?

(2) How many of these were placed in non-government group facilities, by district?

(3) How many of these were in placements with DCP foster carers by category of relative and non-relative carer, by district?

(4) How many of these were in placements with non-government organisation foster carers by district?

Hon ROBYN McSWEENEY replied:

(1) As at 30 September 2011, there were 3,601 children in care, in the following districts:

Armadale — 378
Cannington — 303
Fremantle — 279
Joondalup — 268
Midland — 240
Mirrabooka — 301
Perth — 229
Rockingham — 186
East Kimberley — 104
Goldfields — 180
Great Southern — 159
Murchison — 155
Peel — 184
Pilbara — 108
South West — 177
West Kimberley — 151
Wheatbelt — 185
Accommodation and Care Services — 14.

(2) As at 30 September 2011, there were 185 children placed in non-government group facilities in the following districts:

Armadale — 23
Cannington — 13
Fremantle — 9
Joondalup — 20
Midland — 13
Mirrabooka — 17
Perth — 25
Rockingham — 7
East Kimberley — 2
Goldfields — 6
Great Southern — 5
Murchison — 7
Peel — 9
Pilbara — 1
South West — 11
West Kimberley — 12
Wheatbelt — 5.

(3) As at 30 September 2011, there were 1,346 children placed with relative foster carers and 1,089 children placed with departmental foster carers. The 1,089 children placed with foster carers were in the following districts:

Armadale — 133
Cannington — 80
Fremantle — 70
Joondalup — 101

Midland — 63
Mirrabooka — 98
Perth — 76
Rockingham — 71
East Kimberley — 11
Goldfields — 34
Great Southern — 49
Murchison — 48
Peel — 73
Pilbara — 9
South West — 89
West Kimberley — 25
Wheatbelt — 58
Accommodation and Care Services — 1

(4) As at 30 September 2011, there were 289 children placed with non-government organisation foster carers, in the following districts:

Armadale — 46
Cannington — 34
Fremantle — 33
Goldfields — 1
Joondalup — 23
Midland — 37
Mirrabooka — 38
Perth — 35
Rockingham — 20
Great Southern — 2
Peel — 2
South West — 3
West Kimberley — 8
Wheatbelt — 7.

CHILDREN IN CARE — STATISTICS

4926. Hon Sue Ellery to the Minister for Child Protection

(1) How many children were under the care of the Department of Child Protection (DCP) during the month of October 2011, by district?

(2) How many of these were placed in non-government group facilities, by district?

(3) How many of these were in placements with DCP foster carers by category of relative and non-relative carer, by district?

(4) How many of these were in placements with non-government organisation foster carers by district?

Hon ROBYN McSWEENEY replied:

Department Child Protection

(1) As at 31 October 2011, there were 3,601 children in care, in the following districts:

Armadale — 378
Cannington — 298
Fremantle — 280
Joondalup — 267
Midland — 239
Mirrabooka — 302
Perth — 228
Rockingham — 187
East Kimberley — 100
Goldfields — 180
Great Southern — 163
Murchison — 153
Peel — 185
Pilbara — 112

South West — 173
West Kimberley — 151
Wheatbelt — 192
Accommodation and Care Services — 13.

(2) As at 31 October 2011, there were 183 children placed in non-government group facilities in the following districts:

Armadale — 23
Cannington — 12
Fremantle — 9
Joondalup — 20
Midland — 14
Mirrabooka — 20
Perth — 22
Rockingham — 8
East Kimberley — 2
Goldfields — 5
Great Southern — 5
Murchison — 8
Peel — 7
Pilbara — 4
South West — 9
West Kimberley — 12
Wheatbelt — 3.

(3) As at 31 October 2011, there were 1,352 children placed with departmental relative foster carers and 1,086 children placed with departmental non-relative foster carers, in the following districts:

Armadale — 117 relative, 134 non-relative
Cannington — 129 relative, 81 non-relative
Fremantle — 127 relative, 64 non-relative
Joondalup — 85 relative, 103 non-relative
Midland — 89 relative, 64 non-relative
Mirrabooka — 102 relative, 98 non-relative
Perth — 69 relative, 80 non-relative
Rockingham — 61 relative, 69 non-relative
East Kimberley — 47 relative, 9 non-relative
Goldfields — 83 relative, 33 non-relative
Great Southern — 61 relative, 50 non-relative
Murchison — 65 relative, 52 non-relative
Peel — 68 relative, 70 non-relative
Pilbara — 63 relative, 9 non-relative
South West — 44 relative, 86 non-relative
West Kimberley — 78 relative, 25 non-relative
Wheatbelt — 64 relative, 59 non-relative.

(4) As at 31 October 2011, there were 283 children placed with non-government organisation foster carers, in the following districts:

Armadale — 46
Cannington — 32
Fremantle — 34
Goldfields — 2
Joondalup — 20
Midland — 37
Mirrabooka — 37
Perth — 33
Rockingham — 19
Great Southern — 4
Peel — 2
South West — 3
West Kimberley — 7
Wheatbelt — 7.

CHILDREN IN CARE — STATISTICS

4927. Hon Sue Ellery to the Minister for Child Protection

(1) How many children were under the care of the Department of Child Protection (DCP) during the month of August 2011, by district?

(2) How many of these were placed in non-government group facilities, by district?

(3) How many of these were in placements with DCP foster carers by category of relative and non-relative carer, by district?

(4) How many of these were in placements with non-government organisation foster carers by district?

Hon ROBYN McSWEENEY replied:

(1) As at 31 August 2011, there were 3,561 children in care, in the following districts:

Armadale — 380
Cannington — 287
Fremantle — 267
Joondalup — 260
Midland — 242
Mirrabooka — 301
Perth — 233
Rockingham — 179
East Kimberley — 108
Goldfields — 172
Great Southern — 153
Murchison — 148
Peel — 195
Pilbara — 106
South West — 182
West Kimberley — 150
Wheatbelt — 186
Accommodation and Care Services — 12.

(2) As at 31 August 2011, there were 189 children placed in non-government group facilities in the following districts:

Armadale — 23
Cannington — 15
Fremantle — 9
Joondalup — 19
Midland — 10
Mirrabooka — 20
Perth — 27
Rockingham — 8
East Kimberley — 2
Goldfields — 5
Great Southern — 5
Murchison — 8
Peel — 8
Pilbara — 1
South West — 11
West Kimberley — 12
Wheatbelt — 6.

(3) As at 31 August 2011, there were 1,342 children placed with relative foster carers and 1,082 children placed with departmental foster carers. The 1,082 children placed with foster carers were in the following districts:

Armadale — 140
Cannington — 81
Fremantle — 60
Joondalup — 98
Midland — 60
Mirrabooka — 98

Perth — 77
Rockingham — 68
East Kimberley — 12
Goldfields — 32
Great Southern — 41
Murchison — 49
Peel — 72
Pilbara — 9
South West — 93
West Kimberley — 28
Wheatbelt — 62
Accommodation and Care Services — 2

(4) As at 31 August 2011, there were 281 children placed with non-government organisation foster carers, in the following districts:

Armadale — 47
Cannington — 33
Fremantle — 28
Goldfields — 1
Joondalup — 22
Midland — 40
Mirrabooka — 37
Perth — 35
Rockingham — 17
Great Southern — 2
Peel — 3
South West — 3
West Kimberley — 6
Wheatbelt — 7.

CHILDREN IN CARE — SAFETY AND WELLBEING ASSESSMENTS

4929. Hon Sue Ellery to the Minister for Child Protection

(1) As at 31 August 2011, what was the number of new Safety and Wellbeing Assessments for a Child recorded during that month by district?

(2) As at 31 August 2011, what was the number of new Safety and Wellbeing Assessments with a harm assessment recorded during the month by district?

(3) As at, 31 August 2011 what was the number of children in care for more than 20 days with no planning recorded by district?

(4) As at 31 August 2011, what was the number of Safety and Wellbeing Assessments open for more than 30 days but less than 90 days by district?

(5) As at 31 August 2011, what was the number of Safety and Wellbeing Assessment with a harm assessment open for more than 90 days by district?

(6) As at 31 August 2011, what were the number of open Safety and Wellbeing Assessments with a harm assessment by district?

(7) As at 31 August 2011, what was the number of 'monitored' or 'active holding' cases not allocated to workers caseload, by district?

Hon ROBYN McSWEENEY replied:

(1) The number of new safety and wellbeing assessments for a child recorded during the month of August 2011 by district was:

Armadale — 81
Cannington — 82
Fremantle — 44
Joondalup — 72
Midland — 56
Mirrabooka — 97
Perth — 20
Rockingham — 50
East Kimberley — 26

Goldfields — 38
Great Southern — 10
Murchison — 107
Peel — 60
Pilbara — 34
South West — 47
West Kimberley — 16
Wheatbelt — 22
Crisis Care — 86.

(2) The number of new safety and wellbeing assessments with harm concerns recorded during the month of August 2011 by district was:

Armadale — 48
Cannington — 46
Fremantle — 36
Joondalup — 60
Midland — 53
Mirrabooka —93
Perth — 18
Rockingham — 39
East Kimberley — 18
Goldfields — 27
Great Southern — 9
Murchison — 81
Peel — 57
Pilbara — 23
South West — 42
West Kimberley — 12
Wheatbelt — 12
Crisis Care — 83.

(3) The number of children in care for more than 30 days with no planning recorded as at 31 August 2011 by district was:

Armadale — 3
Cannington — 0
Fremantle — 0
Joondalup — 3
Midland — 0
Mirrabooka — 1
Perth — 0
Rockingham — 0
East Kimberley — 0
Goldfields — 0
Great Southern — 0
Murchison — 1
Peel — 3
Pilbara — 0
South West — 1
West Kimberley — 0
Wheatbelt — 0

Other — 8 (includes non-district work units such as Fostering and Adoption Services).

(4) As at 31 August 2011, the number of safety and wellbeing assessments with harm concerns for more than 30 days but less than 90 days by district was:

Armadale — 62
Cannington — 72
Fremantle — 68
Joondalup — 28
Midland — 62
Mirrabooka — 61
Perth — 31
Rockingham — 38

East Kimberley — 14
Goldfields — 58
Great Southern — 10
Murchison — 47
Peel — 54
Pilbara — 17
South West — 5
West Kimberley — 17
Wheatbelt — 12
Crisis Care — 6.

(5) As at 31 August 2011, the number of safety and wellbeing assessments with harm concerns open for more than 90 days by district was:

Armadale — 40
Cannington — 32
Fremantle — 39
Joondalup — 8
Midland — 45
Mirrabooka — 20
Perth — 7
Rockingham — 20
East Kimberley — 12
Goldfields — 30
Great Southern — 7
Murchison — 24
Peel — 84
Pilbara — 13
South West — 7
West Kimberley — 9
Wheatbelt — 9
Crisis Care — 3
Other — 10.

(6) As at 31 August 2011, the number of open safety and wellbeing assessments with harm concerns by district was:

Armadale — 160
Cannington — 154
Fremantle — 141
Joondalup — 86
Midland — 144
Mirrabooka — 178
Perth — 48
Rockingham — 97
East Kimberley — 45
Goldfields — 113
Great Southern — 25
Murchison — 146
Peel — 188
Pilbara — 46
South West — 43
West Kimberley — 36
Wheatbelt — 33
Crisis Care — 33
Other — 10.

(7) As at 31 August 2011, what was the number of ‘monitored’ or ‘active holding’ cases not allocated to workers caseload, by district?

Armadale — 79
Cannington — 64
Fremantle — 28
Joondalup — 22
Midland — 66

Mirrabooka — 29
Perth — 15
Rockingham — 31
East Kimberley — 42
Goldfields — 129
Great Southern — 20
Murchison — 77
Peel — 67
Pilbara — 38
South West — 5
West Kimberley — 35
Wheatbelt — 44.

CARERS — STATISTICS

4931. Hon Sue Ellery to the Minister for Child Protection

(1) During the month of August 2011, what was the total number of registered carers with four or more children placed with them by category of relative and non-relative carer, by district?

(2) During the month of August 2011, what was the total number of interim carers with four or more children placed with them by category of relative and non-relative carer, by district?

(3) During the month of August 2011, how many carers had an interim registration for more than 90 days by category of relative and non-relative carer, by district?

(4) During the month of August 2011, how many carers had a 'carer record screening' overdue or not recorded by category of relative and non-relative carer, by district?

(5) During the month of August 2011, how many carers had overdue 'carer reviews' by category of relative and non-relative carer, by district?

Hon ROBYN McSWEENEY replied:

(1) These data are not retrospectively available.

(2) These data are not retrospectively available.

(3) As at 31 August 2011, there were 210 relative and 12 non-relative carer households who were approved on the basis of an interim assessment, with assessments not completed in 90 days who had children placed in the following districts:

Armadale — 27 relative, 4 non-relative
Cannington — 18 relative, 2 non-relative
Fremantle — 18 relative, 0 non-relative
Joondalup — 6 relative, 0 non-relative
Midland — 11 relative, 0 non-relative
Mirrabooka — 7 relative, 0 non-relative
Perth — 8 relative, 1 non-relative
Rockingham — 13 relative, 0 non-relative
East Kimberley — 6 relative, 0 non-relative
Goldfields — 32 relative, 4 non-relative
Great Southern — 3 relative, 0 non-relative
Murchison — 9 relative, 0 non-relative
Peel — 17 relative, 1 non-relative
Pilbara — 12 relative, 0 non-relative
South West — 5 relative, 0 non-relative
West Kimberley — 12 relative, 0 non-relative
Wheatbelt — 6 relative, 0 non-relative
Fostering and Adoption Services — 0 relative and 0 non-relative.

(4) These data are not currently available in a reportable format.

(5) As at 31 August 2011, 334 relative and 169 non-relative carer households with children placed had overdue 'carer reviews' in the following districts:

Armadale — 37 relative, 11 non-relative
Cannington — 46 relative, 13 non-relative
Fremantle — 27 relative, 8 non-relative
Joondalup — 5 relative, 5 non-relative

Midland — 24 relative, 10 non-relative
Mirrabooka — 6 relative, 3 non-relative
Perth — 14 relative, 14 non-relative
Rockingham — 9 relative, 19 non-relative
East Kimberley — 14 relative, 0 non-relative
Goldfields — 29 relative, 9 non-relative
Great Southern — 8 relative, 3 non-relative
Murchison — 16 relative, 15 non-relative
Peel — 24 relative, 21 non-relative
Pilbara — 14 relative, 1 non-relative
South West — 9 relative, 7 non-relative
West Kimberley — 35 relative, 9 non-relative
Wheatbelt — 17 relative, 12 non-relative
Fostering and Adoption Services — 0 relative, 2 non-relative
Accommodation and Care Services — 0 relative and 7 non-relative.

SUSPECTED CHILD SEXUAL ABUSE — STATISTICS

4932. Hon Sue Ellery to the Minister for Child Protection

(1) For the period 1 June 2011 to 31 August 2011, what was the number of initial inquiries in relation to suspected child sexual abuse received by district and by category of mandated referrer?

(2) For the period 1 June 2011 to 31 August 2011, what was the number of Safety and Wellbeing Assessment with harm assessment, by district and by category of harm —

(a) neglect;

(b) sexual;

(c) physical abuse; and

(d) emotional abuse?

(3) Has Western Australia Police notified the Department of Child Protection that charges had been laid in respect of any of the Safety and Wellbeing Assessments recorded in the period 1 June 2011 to 31 August 2011?

(4) If yes to (3), how many individuals were charged and what was the nature of these charges?

Hon ROBYN McSWEENEY replied:

(1) There were 876 initial inquiries between 1 June and 31 August 2011 where the primary concern was sexual abuse, in the following districts:

Armadale — 29
Cannington — 45
Crisis Care — 346
East Kimberley — 15
Fremantle — 19
Goldfields — 37
Great Southern — 11
Joondalup — 65
Midland — 40
Mirrabooka —43
Murchison — 39
Peel — 26
Perth — 24
Pilbara — 27
Rockingham — 50
South West — 28
West Kimberley — 20
Wheatbelt — 12.
By category of mandated reporter:
Doctor — 97
Midwife — 2
Nurse — 50
Police officer — 283
Teacher or principal — 170
Non-mandated referrers — 274.

(2) There was a significant increase in safety and wellbeing assessments in the period of June to August 2011, compared to the period of March to May 2011, primarily due to a policy review in relation to assessment and investigation processes, supported by district-based training. In addition, system enhancements in the reporting system occurred in August 2011, resulting in more comprehensive recording and reporting of safety and wellbeing assessments in this period.

Armadale — 173
Cannington — 262
Crisis Care — 121
East Kimberley — 76
Fremantle — 174
Goldfields — 199
Great Southern — 35
Joondalup — 163
Midland — 204
Mirrabooka — 214
Murchison — 212
Peel — 139
Perth — 128
Pilbara — 108
Rockingham — 124
South West — 128
West Kimberley — 56
Wheatbelt — 56.

By category of harm:

(a) Neglect — 962
(b) Sexual — 775
(c) Physical — 704
(d) Emotional/psychological — 888.

When disaggregated by harm type, the number of safety and wellbeing assessments exceeds the total as an assessment may include more than one harm type.

(3) These data are not routinely collected in the Department for Child Protection's client information system. Questions regarding charges should be referred to the Minister for Police.

(4) Not applicable.

RESPONSIBLE PARENTING AGREEMENTS — STATISTICS

4933. Hon Sue Ellery to the Minister for Child Protection

(1) For the period 1 June 2011 to 31 August 2011, how many Responsible Parenting Agreements have the Department for Child Protection implemented?

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

(3) How many parents approached to enter into a Responsible Parenting Agreement during this period refused the agreement?

(4) How many Responsible Parenting Agreements included an agreement for the parents to —

(a) take part in counselling or parenting skills training;

(b) take reasonable steps to ensure their child attends school;

(c) take reasonable steps to ensure their child avoids contact with particular people or places; or

(d) undertake other measures?

(5) How many juveniles, whose parents agreed to a Responsible Parenting Agreement have —

(a) improved their attendance at school; and

(b) re-offended since the Agreement was made?

Hon ROBYN McSWEENEY replied:

(1) 26

(2) Two

(3) Two

(4) (a) Seven

(b) Seven

(c) Two

(d) Nineteen

(5) (a) Eight

(b) Two.

COMPULSORY INCOME MANAGEMENT — CENTRELINK REFERRALS

4934. Hon Sue Ellery to the Minister for Child Protection

(1) During the months of June, July and August 2011 how many individuals did the Department of Child Protection (DCP) refer to Centrelink for compulsory income management by district?

(2) How many individuals with children have presented seeking financial assistance on two or more occasions to the department for the period 1 June 2011 to 31 August 2011 by district?

(3) How many of these individuals have been assessed for the purpose of referral to the income management program by district?

Hon ROBYN McSWEENEY replied:

(1) Centrelink data indicates that the Department referred the following number of clients to Centrelink, by month:

June 2011

Armadale — 3
Cannington — 1
Fremantle — 4
Joondalup — 2
Midland — 11
Mirrabooka — 4
Perth — 3
Rockingham — 2
Kimberley (East) — 1
Kimberley (West) — 2
July 2011
Armadale — 3
Cannington — 1
Fremantle — 1
Joondalup — 5
Midland — 8
Mirrabooka — 0
Perth — 2
Rockingham — 3
Kimberley (East) — 0
Kimberley (West) — 1

August 2011

Armadale — 0
Cannington — 1
Fremantle — 4
Joondalup — 6
Midland — 4
Mirrabooka — 0
Perth — 1
Rockingham — 2
Kimberley (East) — 3
Kimberley (West) — 6

(2) Between 1 June 2011 to 31 August, 91 distinct individuals with children have presented, seeking financial assistance on two or more occasions, to the same district of the Department for Child Protection. The breakdown by district is as follows:

Armadale — 2

Cannington — 0
Crisis Care — 6
East Kimberley — 6
Fremantle — 17
Goldfields — 3
Great Southern — 7
Joondalup — 0
Midland — 2
Mirrabooka — 7
Murchison — 4
Peel — 6
Perth — 8
Pilbara — 0
Rockingham — 2
South West — 13
West Kimberley — 4
Wheatbelt — 4

(3) The Department does not statistically link these clients with assessment for referral to income management, as this assessment process is not able to be captured electronically. Referral statistics to income management are recorded via Centrelink's Unified Government Gateway, which is not a departmental system.

UTILITY BILLS — FINANCIAL ASSISTANCE

4935. Hon Sue Ellery to the Minister for Child Protection

For the months of August 2011 and August 2010, how many applicants were provided with financial assistance to pay utility bills for the following suburbs —

(a) Leeming;
(b) Canning Vale;
(c) Morley;
(d) Wanneroo;
(e) Willagee;
(f) Samson;
(g) Spencer Park;
(h) Balcatta;
(i) Dalyellup;
(j) High Wycombe;
(k) Kingsley;
(l) Clarkson;
(m) Noranda;
(n) Yokine;
(o) Currambine;
(p) Parkwood;
(q) Innaloo;
(r) Huntingdale;
(s) Ellenbrook;
(t) Darch; and
(u) Peppermint Grove?

Hon ROBYN McSWEENEY replied:

For the months of August 2011 and August 2010 the table below reflects the number of Hardship Utility Grants provided by suburb:

	Suburb	August 2010	August 2011
(a)	Leeming	0	1
(b)	Canning Vale	3	2
(c)	Morley	10	11
(d)	Wanneroo	6	10
(e)	Willagee	7	3
(f)	Samson	0	0
(g)	Spencer Park	0	0

(h)	Balcatta	1	0
(i)	Dalyellup	1	4
(j)	High Wycombe	6	12
(k)	Kingsley	2	1
(l)	Clarkson	12	24
(m)	Noranda	2	0
(n)	Yokine	4	6
(o)	Currambine	1	2
(p)	Parkwood	0	2
(q)	Innaloo	1	1
(r)	Huntingdale	0	6
(s)	Ellenbrook	9	14
(t)	Darch	0	3
(u)	Peppermint Grove	0	0

CHILDREN IN CARE — SAFETY AND WELLBEING ASSESSMENTS

4937. Hon Sue Ellery to the Minister for Child Protection

(1) As at 31 October 2011, what was the number of new Safety and Wellbeing Assessments for a child recorded during that month by district?

(2) As at 31 October 2011, what was the number of new Safety and Wellbeing Assessments with a harm assessment recorded during the month by district?

(3) As at, 31 October 2011 what was the number of children in care for more than 20 days with no planning recorded by district?

(4) As at 31 October 2011, what was the number of Safety and Wellbeing Assessments open for more than 30 days but less than 90 days by district?

(5) As at 31 October 2011, what was the number of Safety and Wellbeing Assessment with a harm assessment open for more than 90 days by district?

(6) As at 31 October 2011, what were the number of open Safety and Wellbeing Assessments with a harm assessment by district?

(7) As at 31 October 2011, what was the number of 'monitored' or 'active holding' cases not allocated to workers caseload, by district?

Hon ROBYN McSWEENEY replied:

(1) The number of new safety and wellbeing assessments for a child recorded during the month of October 2011 by district was:

Armadale — 59
Cannington — 72
Fremantle — 15
Joondalup — 67
Midland — 68
Mirrabooka — 84
Perth — 30
Rockingham — 26
East Kimberley — 16
Goldfields — 21
Great Southern — 5
Murchison — 52
Peel — 38
Pilbara — 25
South West — 42
West Kimberley — 14
Wheatbelt — 16
Crisis Care — 74.

(2) The number of new safety and wellbeing assessments with harm concerns recorded during the month of October 2011 by district was:

Armadale — 36
Cannington — 31
Fremantle — 8
Joondalup — 56
Midland — 60
Mirrabooka — 83
Perth — 22
Rockingham — 23
East Kimberley — 16
Goldfields — 16
Great Southern — 4
Murchison — 39
Peel — 33
Pilbara — 12
South West — 28
West Kimberley — 8
Wheatbelt — 16
Crisis Care — 68.

(3) The number of children in care for more than 30 days with no planning recorded as at 31 October 2011 by district was:

Armadale — 1
Cannington — 1
Fremantle — 0
Joondalup — 0
Midland — 0
Mirrabooka — 5
Perth — 0
Rockingham — 0
East Kimberley — 0
Goldfields — 0
Great Southern — 0
Murchison — 0
Peel — 0
Pilbara — 0
South West — 0
West Kimberley — 0
Wheatbelt — 0
Crisis Care — 0
Other — 12 (includes non-district work units such as Fostering and Adoption Services).

(4) As at 31 October 2011, the number of safety and wellbeing assessments with harm concerns for more than 30 days but less than 90 days by district was:

Armadale — 92
Cannington — 58
Fremantle — 33
Joondalup — 56
Midland — 50
Mirrabooka — 96
Perth — 14
Rockingham — 26
East Kimberley — 11
Goldfields — 40
Great Southern — 17
Murchison — 48
Peel — 73
Pilbara — 28
South West — 11
West Kimberley — 22
Wheatbelt — 9
Crisis Care — 47.

(5) As at 31 October 2011, the number of safety and wellbeing assessments with harm concerns open for more than 90 days by district was:

Armadale — 37
Cannington — 49
Fremantle — 68
Joondalup — 12
Midland — 51
Mirrabooka — 16
Perth — 24
Rockingham — 23
East Kimberley — 4
Goldfields — 61
Great Southern — 5
Murchison — 20
Peel — 48
Pilbara — 18
South West — 12
West Kimberley — 31
Wheatbelt — 15
Crisis Care — 3
Other — 6.

(6) As at 31 October 2011, the number of open safety and wellbeing assessments with harm concerns by district was:

Armadale — 170
Cannington — 137
Fremantle — 118
Joondalup — 130
Midland — 162
Mirrabooka — 196
Perth — 59
Rockingham — 75
East Kimberley — 22
Goldfields — 118
Great Southern — 26
Murchison — 103
Peel — 158
Pilbara — 60
South West — 36
West Kimberley — 65
Wheatbelt — 39
Crisis Care — 70
Other — 8.

(7) Not available.

CARERS — STATISTICS

4939. Hon Sue Ellery to the Minister for Child Protection

(1) During the month of September 2011, what was the total number of registered carers with four or more children placed with them by category of relative and non-relative carer, by district?

(2) During the month of September 2011, what was the total number of interim carers with four or more children placed with them by category of relative and non-relative carer, by district?

(3) During the month of September 2011, how many carers had an interim registration for more than 90 days by category of relative and non-relative carer, by district?

(4) During the month of September 2011, how many carers had a ‘carer record screening’ overdue or not recorded by category of relative and non-relative carer, by district?

(5) During the month of September 2011, how many carers had overdue ‘carer reviews’ by category of relative and non-relative carer, by district?

Hon ROBYN McSWEENEY replied:

(1) These data are not retrospectively available.

(2) These data are not retrospectively available.

(3) As at 30 September 2011, there were 223 relative and 13 non-relative carer households who were approved on the basis of an interim assessment, with assessments not completed in 90 days and who had children placed in the following districts:

Armadale — 30 relative, 4 non-relative
Cannington — 20 relative, 2 non-relative
Fremantle — 19 relative, 0 non-relative
Joondalup — 5 relative, 0 non-relative
Midland — 14 relative, 0 non-relative
Mirrabooka — 8 relative, 0 non-relative
Perth — 9 relative, 1 non-relative
Rockingham — 13 relative, 0 non-relative
East Kimberley — 9 relative, 0 non-relative
Goldfields — 30 relative, 4 non-relative
Great Southern — 2 relative, 1 non-relative
Murchison — 8 relative, 0 non-relative
Peel — 20 relative, 1 non-relative
Pilbara — 12 relative, 0 non-relative
South West — 5 relative, 0 non-relative
West Kimberley — 11 relative, 0 non-relative
Wheatbelt — 7 relative, 0 non-relative
Fostering and Adoption Services — 1 relative and 0 non-relative.

(4) These data are not currently available in a reportable format.

(5) As at 30 September 2011, 396 relative and 193 non-relative carer households with children placed had overdue 'carer reviews' in the following districts:

Armadale — 40 relative, 7 non-relative
Cannington — 55 relative, 15 non-relative
Fremantle — 38 relative, 14 non-relative
Joondalup — 8 relative, 8 non-relative
Midland — 33 relative, 13 non-relative
Mirrabooka — 18 relative, 9 non-relative
Perth — 12 relative, 11 non-relative
Rockingham — 9 relative, 12 non-relative
East Kimberley — 16 relative, 1 non-relative
Goldfields — 26 relative, 11 non-relative
Great Southern — 12 relative, 3 non-relative
Murchison — 19 relative, 15 non-relative
Peel — 22 relative, 22 non-relative
Pilbara — 18 relative, 2 non-relative
South West — 10 relative, 8 non-relative
West Kimberley — 38 relative, 12 non-relative
Wheatbelt — 20 relative, 14 non-relative
Fostering and Adoption Services — 1 relative and 6 non-relative
Accommodation and Care Services — 1 relative, 10 non-relative.

CARERS — STATISTICS

4940. Hon Sue Ellery to the Minister for Child Protection

(1) During the month of October 2011, what was the total number of registered carers with four or more children placed with them by category of relative and non-relative carer, by district?

(2) During the month of October 2011, what was the total number of interim carers with four or more children placed with them by category of relative and non-relative carer, by district?

(3) During the month of October 2011, how many carers had an interim registration for more than 90 days by category of relative and non-relative carer, by district?

(4) During the month of October 2011, how many carers had a 'carer record screening' overdue or not recorded by category of relative and non-relative carer, by district?

(5) During the month of October 2011, how many carers had overdue 'carer reviews' by category of relative and non-relative carer, by district?

Hon ROBYN McSWEENEY replied:

(1) These data are not retrospectively available. As at 3 November 2011, 53 relative and 63 non relative approved carers had four or more children placed in the following districts:

Armadale — 4 relative, 8 non relative
Cannington — 4 relative, 1 non relative
Fremantle — 5 relative, 3 non relative
Joondalup — 2 relative, 9 non relative
Midland — 4 relative, 2 non relative
Mirrabooka — 7 relative, 5 non relative
Perth — 0 relative, 7 non relative
Rockingham — 3 relative, 2 non relative
Goldfields — 4 relative, 3 non relative
Great Southern — 3 relative, 2 non relative
Kimberley (East) — 0 relative, 0 non relative
Kimberley (West) — 1 relative, 1 non relative
Murchison — 4 relative, 3 non relative
Peel — 3 relative, 6 non relative
Pilbara — 2 relative, 1 non relative
South West — 2 relative, 1 non relative
Wheatbelt — 5 relative, 7 non relative
Fostering and Adoption Services — 0 relative, 2 non relative.

(2) These data are not retrospectively available. As at 3 November 2011, 17 relative carer households who are approved on the basis of an interim assessment, had four or more children placed in the following districts:

Armadale — 2 relative
Fremantle — 3 relative
Midland — 1 relative
Mirrabooka — 1 relative
Murchison — 1 relative
Goldfields — 4 relative
Peel — 1 relative
South West — 2 relative
Wheatbelt — 2 relative.

(3) These data are not retrospectively available. As at 3 November 2011, there were 227 relative and 10 non relative carer households who are approved on the basis of an interim assessment, with assessments not completed in 90 days and had children placed in the following districts:

Armadale — 29 relative, 4 non relative
Cannington — 20 relative, 2 non relative
Fremantle — 20 relative, 0 non relative
Joondalup — 5 relative, 0 non relative
Midland — 18 relative, 0 non relative
Mirrabooka — 7 relative, 0 non relative
Perth — 8 relative, 1 non relative
Rockingham — 13 relative, 0 non relative
Goldfields — 28 relative, 1 non relative
Great Southern — 2 relative, 1 non relative
Kimberley (East) — 10 relative, 0 non relative
Kimberley (West) — 11 relative, 0 non relative
Murchison — 8 relative, 0 non relative
Peel — 21 relative, 1 non relative
Pilbara — 12 relative, 0 non relative
South West — 6 relative, 0 non relative
Wheatbelt — 8 relative, 0 non relative
Fostering and Adoption Services — 1 relative and 0 non relative.

(4) These data are not currently available in a reportable format.

(5) These data are not retrospectively available. As at 3 November 2011, 390 relative and 197 non relative carer households with children placed had overdue 'carer reviews' in the following districts:

Armadale — 40 relative, 10 non relative
Cannington — 57 relative, 16 non relative
Fremantle — 38 relative, 14 non relative
Joondalup — 7 relative, 9 non relative
Midland — 33 relative, 13 non relative
Mirrabooka — 16 relative, 10 non relative
Perth — 12 relative, 12 non relative
Rockingham — 7 relative, 11 non relative
Goldfields — 28 relative, 12 non relative
Great Southern — 14 relative, 6 non relative
Kimberley (East) — 15 relative, 1 non relative
Kimberley (West) — 39 relative, 11 non relative
Murchison — 20 relative, 16 non relative
Peel — 24 relative, 21 non relative
Pilbara — 18 relative, 2 non relative
South West — 6 relative, 8 non relative
Wheatbelt — 15 relative, 11 non relative
Fostering and Adoption Services — 1 relative and 4 non relative
Accommodation and Care Services — 0 relative, 10 non relative.

SUSPECTED CHILD SEXUAL ABUSE — STATISTICS

4941. Hon Sue Ellery to the Minister for Child Protection

(1) For the period 1 September 2011 to 31 October 2011, what was the number of initial inquiries in relation to suspected child sexual abuse received by district and by category of mandated referrer?

(2) For the period 1 September 2011 to 31 October 2011, what was the number of Safety and Wellbeing Assessment with harm assessment, by district and by category of harm —

(a) neglect;

(b) sexual;

(c) physical abuse; and

(d) emotional abuse?

(3) Has Western Australia Police notified the Department of Child Protection that charges had been in respect of any of the Safety and Wellbeing Assessments recorded in the period 1 September 2011 to 31 October 2011?

(4) If yes to question (3), how many individuals were charged and what was the nature of these charges?

Hon ROBYN McSWEENEY replied:

(1) There were 520 initial inquiries between 1 September and 31 October 2011 where the primary concern was sexual abuse, in the following districts:

Armadale — 29
Cannington — 15
Crisis Care — 222
East Kimberley — 4
Fremantle — 7
Goldfields — 17
Great Southern — 11
Joondalup — 42
Midland — 18
Mirrabooka — 31
Murchison — 18
Peel — 19
Perth — 21
Pilbara — 10
Rockingham — 20
South West — 19
West Kimberley — 3
Wheatbelt — 14

By category of mandated reporter:

Doctor — 41
Midwife — 2
Nurse — 26
Police officer — 197
Teacher or principal — 69
Non-mandated referrers — 185.

(2) There were 1,448 safety and wellbeing assessments with harm concerns recorded between 1 September and 31 October 2011, in the following districts:

Armadale — 112
Cannington — 118
Crisis Care — 154
East Kimberley — 33
Fremantle — 30
Goldfields — 67
Great Southern — 29
Joondalup — 136
Midland — 104
Mirrabooka — 169
Murchison — 74
Peel — 83
Perth — 76
Pilbara — 54
Rockingham — 60
South West — 83
West Kimberley — 26
Wheatbelt — 38
Other — 2.

By category of harm:

(a) Neglect — 491
(b) Sexual — 505
(c) Physical — 427
(d) Emotional/psychological — 467.

When disaggregated by harm type, the number of safety and wellbeing assessments exceeds the total as an assessment may include more than one harm type.

(3) These data are not routinely collected in the Department for Child Protection's client information system. Questions regarding charges should be referred to the Minister for Police.

(4) Not applicable.

RESPONSIBLE PARENTING AGREEMENTS — STATISTICS

4942. Hon Sue Ellery to the Minister for Child Protection

(1) For the period 1 September 2011 to 31 October 2011, how many Responsible Parenting Agreements have the Department for Child Protection implemented?

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

(3) How many parents approached to enter into a Responsible Parenting Agreement during this period, refused the agreement?

(4) How many Responsible Parenting Agreements included an agreement for the parents to —

(a) take part in counselling or parenting skills training;

(b) take reasonable steps to ensure their child attends school;

(c) take reasonable steps to ensure their child avoids contact with particular people or places; or

(d) undertake other measures?

(5) How many juveniles, whose parents agreed to a Responsible Parenting Agreement have —

(a) improved their attendance at school; and

(b) re-offended since the Agreement was made?

Hon ROBYN McSWEENEY replied:

(1) 16

(2) Two

(3) None

(4) (a) Eight

(b) Seven

(c) Three

(d) Eleven

(5) (a) Nine

(b) None.

COMPULSORY INCOME MANAGEMENT — CENTRELINK REFERRALS

4943. Hon Sue Ellery to the Minister for Child Protection

(1) During the months of September and October of 2011, how many individuals did the Department of Child Protection refer to Centrelink for compulsory income management by district?

(2) How many individuals with children have presented seeking financial assistance on two or more occasions to the department for the period 1 September 2011 to 31 October 2011 by district?

(3) How many of these individuals have been assessed for the purpose of referral to the income management program by district?

Hon ROBYN McSWEENEY replied:

(1) Centrelink data indicates that the Department referred the following number of clients to Centrelink, by month:

September 2011

Armadale — 1
Cannington — 4
East Kimberley — 3
Fremantle — 2
Joondalup — 6
Midland — 3
Mirrabooka — 3
Perth — 4
Rockingham — 2
West Kimberley — 3

October 2011

Armadale — 3
Cannington — 0
East Kimberley — 3
Fremantle — 3
Joondalup — 2
Midland — 3
Mirrabooka — 1
Perth — 1
Rockingham — 2
West Kimberley — 8

(2) Between 1 September 2011 to 31 October, 46 distinct individuals with children have presented, seeking financial assistance on two or more occasions, to the same district of the Department for Child Protection. The breakdown by district is as follows:

Armadale — 0
Cannington — 0
Crisis Care — 3
East Kimberley — 6
Fremantle — 6
Goldfields — 0
Great Southern — 0

Joondalup — 1
Midland — 3
Mirrabooka — 8
Murchison — 3
Peel — 4
Perth — 2
Pilbara — 1
Rockingham — 2
South West — 6
West Kimberley — 0
Wheatbelt — 1

(3) The Department does not statistically link these clients with assessment for referral to income management, as this assessment process is not able to be captured electronically. Referral statistics to income management are recorded via Centrelink's Unified Government Gateway, which is not a departmental system.

UTILITY BILLS — FINANCIAL ASSISTANCE

4944. Hon Sue Ellery to the Minister for Child Protection

For the months of September 2011 and September 2010, how many applicants were provided with financial assistance to pay utility bills for the following suburbs —

(a) Leeming;
(b) Canning Vale;
(c) Morley;
(d) Wanneroo;
(e) Willagee;
(f) Samson;
(g) Spencer Park;
(h) Balcatta;
(i) Dalyellup;
(j) High Wycombe;
(k) Kingsley;
(l) Clarkson;
(m) Noranda;
(n) Yokine;
(o) Currambine;
(p) Parkwood;
(q) Innaloo;
(r) Huntingdale;
(s) Ellenbrook;
(t) Darch; and
(u) Peppermint Grove?

Hon ROBYN McSWEENEY replied:

For the months of September 2011 and September 2010 the table below reflects the number of Hardship Utility Grants provided by suburb:

	Suburb	September 2010	September 2011
(a)	Leeming	0	2
(b)	Canning Vale	0	3
(c)	Morley	10	12
(d)	Wanneroo	5	13
(e)	Willagee	9	8
(f)	Samson	0	1
(g)	Spencer Park	1	3
(h)	Balcatta	4	8
(i)	Dalyellup	5	18
(j)	High Wycombe	8	10
(k)	Kingsley	2	10
(l)	Clarkson	5	23
(m)	Noranda	1	3

(n)	Yokine	2	8
(o)	Currambine	1	7
(p)	Parkwood	0	1
(q)	Innaloo	3	1
(r)	Huntingdale	2	7
(s)	Ellenbrook	6	7
(t)	Darch	0	1
(u)	Peppermint Grove	0	0

UTILITY BILLS — FINANCIAL ASSISTANCE

4945. Hon Sue Ellery to the Minister for Child Protection

For the months of October 2011 and October 2010, how many applicants were provided with financial assistance to pay utility bills for the following suburbs —

(a) Leeming;
(b) Canning Vale;
(c) Morley;
(d) Wanneroo;
(e) Willagee;
(f) Samson;
(g) Spencer Park;
(h) Balcatta;
(i) Dalyellup;
(j) High Wycombe;
(k) Kingsley;
(l) Clarkson;
(m) Noranda;
(n) Yokine;
(o) Currambine;
(p) Parkwood;
(q) Innaloo;
(r) Huntingdale;
(s) Ellenbrook;
(t) Darch; and
(u) Peppermint Grove?

Hon ROBYN McSWEENEY replied:

For the month of October 2010 the table below reflects the number of Hardship Utility Grants provided for each of the requested suburbs. Due to the Department for Child Protection's quality assurance processes for HUGS, data can only be provided one month after the last day of the previous month and therefore the requested information for October 2011 cannot be provided at this time.

	Suburb	October 2010
(a)	Leeming	0
(b)	Canning Vale	1
(c)	Morley	4
(d)	Wanneroo	7
(e)	Willagee	5
(f)	Samson	0
(g)	Spencer Park	1
(h)	Balcatta	3
(i)	Dalyellup	10
(j)	High Wycombe	2
(k)	Kingsley	5
(l)	Clarkson	7
(m)	Noranda	2
(n)	Yokine	3
(o)	Currambine	1
(p)	Parkwood	0
(q)	Innaloo	3
(r)	Huntingdale	5

(s)	Ellenbrook	7
(t)	Darch	0
(u)	Peppermint Grove	0

SENIORS — SAFETY AND SECURITY REBATE

4946. Hon Sue Ellery to the Minister for Seniors and Volunteering

I refer to the Safety and Security Rebate for seniors card holders, and I ask —

(1) As at the 31 October 2011, how many applications have been received for —

(a) security devices; and

(b) fire safety devices?

(2) Of those applications received in (1)(a) and (1)(b), how many were successful as at 31 October 2011?

Hon ROBYN McSWEENEY replied:

(1) As at 31 October 2011, the following applications have been received for:

(a) security devices — 11 363

(b) fire safety devices — 7 313

(2) As at 31 October 2011, the following applications received in (1)(a) and (1) (b) were successful:

(a) security devices — 11 158

(b) fire safety devices — 7 226

STUDENTS WITH DISABILITIES — NON-GOVERNMENT SCHOOLS

4947. Hon Ljiljanna Ravlich to the Minister for Energy representing the Minister for Education

(1) Is the Minister able to provide statistics for the number of children with identified disabilities enrolled in non-government schools?

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

(3) If yes to (1) —

(a) how many non-government schools have children with identified disabilities enrolled;

(b) what are the names of the schools and how many children with identified disabilities are enrolled in each;

(c) if names of schools are unable to be provided, how many of children with identified disabilities are enrolled in —

(d) Catholic schools; and

(e) Independent schools?

(4) If no to (1), will the Minister commit to seeking this information from non-government schools?

(5) If no to (4), why not?

Hon PETER COLLIER replied:

(1) Yes. Note that the statistics supplied relate only to those non-government students with disabilities who qualified for disability funding from the State Government [See paper 4138.]

(2) Not Applicable.

(3) (a) As at 1 August 2011, 264 schools — 111 Independent and 153 Catholic.

(b) Refer to tabled paper.

(c) Not applicable.

(4)–(5) Not applicable.

INDONESIAN PRISONERS — AGE DETERMINATION

5037. Hon Alison Xamon to the Minister for Finance representing the Minister for Corrective Services

I refer to my questions on 24 March, 17 May and 28 June 2011 raising concerns about underage detainees being kept in adult prisons, and I ask —

(1) Since 2006, how many Indonesian prisoners detained in Western Australian adult prisons for so called ‘people smuggling’ offences have later been determined to be children?

(2) Of the Indonesian prisoners currently detained in Western Australian adult prisons for so-called 'people smuggling' offences, how many have made a claim to be underage (either themselves or through their representative)?

(3) Where the Department of Corrective Services has taken steps to confirm the ages of the prisoners referred to in (2) —

(a) in how many instances has the department relied solely on the information provided by the Australian Federal Police; and

(b) in how many instances has an age-determination been made before a court of law?

(4) Has the department looked at different methods for determining the age of detainees?

(5) If yes to (4) —

(a) what methods were considered; and

(b) what were the department's findings?

Hon SIMON O'BRIEN replied:

(1) The Commonwealth Director of Public Prosecutions (DPP) has advised the Department of Corrective Services (the Department) that since 2006, there have been four Indonesian nationals detained in Western Australian adult prisons for people smuggling offences, for whom the courts have later determined that, on the balance of probabilities, they were a juvenile at the time of their alleged offence.

(2) The Commonwealth DPP has advised the Department that since 2006, there have been eight Indonesian nationals who have had an age determination hearing. Of these eight prisoners, four have since been released from custody following age determination decisions by courts which determined that, on the balance of probabilities, the defendant was a juvenile at the time of their alleged offence. The other four Indonesian nationals remain in the Department's custody.

(3) (a)–(b) The Department receives prisoners on the authority of a court warrant and places them accordingly, based on the date of birth provided by the court on the warrant. The Department is not involved in age determination proceedings.

(4) No. The court is the legal authority for hearing evidence and making an age determination.

(5) (a)–(b) Not applicable.

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