Legislative Council

Thursday, 8 March 2012

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

FITZROY CROSSING RESERVES — DE-PROCLAMATION

Statement by Minister for Indigenous Affairs

HON PETER COLLIER (North Metropolitan — Minister for Indigenous Affairs) [10.01 am]: I rise today to table a report of the Aboriginal Affairs Planning Authority detailing a proposal for the de-proclamation of two Fitzroy Crossing townsite reserves under part III of the Aboriginal Affairs Planning Authority Act 1972. The report was prepared in accordance with section 25 of that act on the basis of recommendations of the Aboriginal Lands Trust. Along with the report, I table my proposed recommendation to the Governor to de-proclaim the reserves. The report sets out the reasons for the de-proclamation of the reserves. The intent of de-proclamation is to assist in the implementation of the Fitzroy Futures Town Plan. The town plan details a range of tenure changes and strategic planning initiatives aimed at achieving better social, cultural and economic outcomes for local Fitzroy Aboriginal communities. The appendix to the town plan lists a number of tenure actions that need to occur. Also, roads and other portions of land need to be excised and other land added. The town plan was developed in consultation with the Shire of Derby–West Kimberley and local Aboriginal communities and was endorsed by the Western Australian Planning Commission in 2009. A copy of the town plan has been tabled alongside the report.

Until the two reserves are de-proclaimed any change to their land use or boundaries involves the parliamentary process in part III of the Aboriginal Affairs Planning Authority Act 1972. The part III proclamation is a significant impediment to the proposed tenure changes. It also offers little benefit to Aboriginal people in this case and is inconsistent with their aspirations for the land. Accordingly, removal of the proclamation is proposed.

In conclusion, the de-proclamation of these reserves is pivotal to the implementation of planning initiatives for Fitzroy Crossing and for the growth and expansion of housing, infrastructure and appropriate ownership options for Aboriginal people in the town.

[See paper 4299.]

RESOURCE CONTRACTS — LOCAL EMPLOYMENT

Statement by Minister for Commerce

HON SIMON O'BRIEN (South Metropolitan — Minister for Commerce) [10.03 am]: I am pleased to provide the house with an important update on significant new developments that will go a long way in ensuring new resource contracts and jobs for Western Australians. Last July I announced a 10-point plan to maximise the amount of work that local businesses win from major resource projects. Since that time, more than $15.5 billion worth of resource contracts have been won by, amongst others, local fabricators, local software companies, local caterers, local medical providers, local transport companies and local logistic firms. At its core, this means jobs for Western Australians.

A few weeks ago I visited RCR Tomlinson, a company that has just won a $600 million contract from Fortescue Metals Group for fabrication work that will be done in Western Australia. This contract will result in 500-plus jobs. This is why Western Australia has the lowest unemployment rate in Australia. We are already achieving 80 per cent-plus local content on onshore resource projects, but work still needs to be done on offshore projects. To that end, two weeks ago I announced a new initiative that will focus on the potential for the local engineering and design industry to become more involved in the early phases of offshore energy developments. The Liberal–National government believes that the capabilities of WA's engineering and design industries are internationally competitive and have the capacity to work on major energy projects. The advantages of utilising local engineering and design expertise include the increased potential for other areas of the state's economy—for example, manufacturers—to become suppliers.

I will be signalling to oil and gas proponents that use of the local engineering and design industry is a priority. The government will fund industry associations, such as Engineers Australia and the Association of Professional Engineers, Scientists and Managers Australia, to identify future opportunities to supply. In this context, I am very happy to announce that Perth-based WorleyParsons has just confirmed that it has won a multimillion-dollar contract to provide front-end engineering for the giant prospective Hess Equus offshore project. Hess has confirmed that this contract was won because of the demonstrated high-level technical expertise of Western Australian engineers. Again, I emphasise the fact that if we are successful in winning engineering work, the

flow-on will be more wins for our fabricators. This is simply because our engineers are familiar with the expertise of our companies and workers. It is a win–win situation.

I look forward to informing the house on a regular basis of the progress of this initiative and the number of jobs being created through the resource projects that we have attracted to Western Australia.

JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

Eighth Report — "Report on the functions of the Commissioner for Children and Young People: Working with children checks" — Tabling

HON HELEN BULLOCK (Mining and Pastoral) [10.07 am]: I am directed to present the eighth report of the Joint Standing Committee on the Commissioner for Children and Young People entitled "Report on the functions of the Commissioner for Children and Young People: Working with children checks".

[See paper 4300.]

Hon HELEN BULLOCK: Whenever I pick up a committee report, there are three questions to which I seek answers: first, why did the committee produce the report; second, what is the basis for the committee's recommendations; and, third, what are the recommendations? I will provide members with a brief background as to why the committee produced this report. In doing so, I hope to arouse members' curiosity enough that they will want to read the rest of the report.

The report forms part of the committee's examination of the way the Commissioner for Children and Young People exercises her functions. We have had a specific focus on what role, if any, the commissioner should have in working with children checks in Western Australia. The reason for this focus is that the Commissioner for Children and Young People Act 2006 includes a proclaimed function which, if used, will transfer the administration of the Working with Children (Criminal Record Checking) Act 2004 to the commissioner. The committee has been considering the appropriateness of this section for quite some time. Given that a statutory review of the Working with Children (Criminal Record Checking) Act is currently underway, the committee thought it was timely to present its findings so that its recommendations can be taken into account during the review process. To find out the answers to the other two questions I suggested, members should read this report.

POPULATION GROWTH — GOVERNMENT PLANNING

Motion

HON MATT BENSON-LIDHOLM (Agricultural) [10.10 am] — without notice: I move —

> That the Council condemns the government for failing to accurately predict and plan for Western Australia's rapid population growth.

On this very important International Women's Day, from the very outset I would like to give this motion some immediate context and added importance by looking at some information that I noted on the website of the University of Botswana.

Hon Simon O'Brien: Is that your alma mater?

Hon MATT BENSON-LIDHOLM: I am reliably informed that the University of Botswana is a very important university in the context of things. I refer to comments on the website about what demography is and why it is important, because that is what this motion is about. It states under the section "Demography" that, amongst other things —

> Population growth can complicate and magnify, and even create, a wide variety of social, economic and political problems. Among the problems associated with population growth are food security, unemployment, environmental degradation, increasing demand for houses, energy, educational and health facilities and individual freedom. A study of demography provides the necessary tools for planning social, economic, community services at the national and sub-national levels. Population data on the size, structure, composition and growth rate of population are therefore indispensable inputs in planning for the social, economic and political well-being of people in a country.

It goes on to say —

> The planning exercise includes activities such as drawing up voters list for political elections, collection of taxes, planning for commerce and industry, provision and maintenance of social services such as education and health, planning for housing, pensions etc and preservation of law and order.

I now move to the substance of this non-government business motion. I will start with a significant local fact. According to the Minister for Planning's media statement dated Tuesday, 14 February 2011, the Western Australian population is projected to grow to 3.061 million by 2026. The media statement goes on to reveal that the three million-plus figure is 400 000—in excess of 13 per cent—higher statewide than a previous projection made in 2006. It is a difference of nearly half a million people in less than six years! The ministerial statement

then revealed that the new figure is based on a new approach that in turn identifies a new projection, and that this is supported by two alternative scenarios either side of the indicator. If the new projections outlined by the minister produce such a huge increase to 2026, the question to be asked is quite simple: why has it taken so long to develop meaningful and up-to-date figures? That is a significant issue in the overall scheme of things and in the context of this motion. If we add 400 000 to the previous figure, which had already factored in some growth, Western Australia will have a population increase in the order of 750 000 people over the next 14 years. That should sound alarm bells no matter where one is in this state, but particularly if one is a member of Parliament or, dare I say it, a member of the government.

The inability to accurately predict and forecast population growth and to plan for how it can be managed has brought into sharp focus this government's inability in a number of areas to develop the economic, social and environmental potential of both urban metropolitan and regional rural parts of Western Australia. That poses a further question: what meaningful planning has occurred, or better still, what informed predictions have happened since 2008? I suggest, given that figure of 400 000, that the answer to that question is: very few. Also, where in the ministerial statement does it mention the regions and rural parts of this state? I would have thought that that would have been an imperative. Population growth is occurring across the state, and particularly in the area I represent, which is Geraldton and the midwest. I will talk more about Geraldton and the midwest in a while. I also ask: where in the forecasting by the minister and his department are SuperTowns mentioned? Are they part of the minister's planning for faster population growth or maybe decentralisation? They are not mentioned. I would have thought that was necessary. From the briefings and advice I have received, particularly with regard to Katanning, which has been suggested to become a SuperTown, we have been led to believe that growth is not only a City of Perth scenario. I am sure members would agree with that. There is also the Pilbara Cities concept.

As I have indicated, between now and 2026 something like an extra 750 000 people will reside in Western Australia. That is an extra three quarters of a million people in only 14 years. On that score, what are the experts on population growth saying? What do they want us to believe about the implications of this significant increase? On a 720 ABC news report aired on 15 February 2012 just after 7.00 am, a comment was made that there needs to be a major rethink of planning policies to ease pressure on public utilities, transport, housing and other public services. As far as the minister is concerned, that is a staggering admission of planning that, if it has not gone wrong, has perhaps not even occurred. The minister's response to the ABC news report was that the government needed to start planning to accommodate the growth. I reiterate: it needed to start planning to accommodate that growth. That is fine if one is genuine about doing that, but what has happened since 2008? If the government has to start planning for that growth now, what has happened in the years preceding the situation that now prevails? I suggest that at this point in time alarm bells would be well and truly ringing. It should be obvious to all that the government and the minister have no plan or have not had a plan to deal with this significant increase in population over the next 14 years. They only have themselves to blame for having taken so long to update those population figures. To my way of thinking, the minister needs to have his finger on the pulse. Planning is an ongoing issue; it is not something that is done every three or four years or just prior to an election. With just over 12 months to the 2013 election, there is a lot of catching up to do.

As far as I am concerned, there is no better example of poor planning and ineffective action than the situation at Cockburn train station; that is, if the member for Jandakot's grievance on 3 March is to be believed. One of the government's own local members recognises the enormous issues surrounding population growth and the imperative to do something now and not in five or 10 years' time. I will continue with the issue of transport. I remind members of petitions that were presented in this place on Tuesday. I know that Hon Ken Travers will have something to say about poor planning and inadequate predictions in the state government's 20-year public transport plan. He is on the record as saying that there appears to be little evidence of government urgency with transport planning, as well as what I have just said. That particular point is acknowledged by professor of sustainability Peter Newman, who is on record as saying that there is a serious need. I will quote an article in *The West Australian* of 16 February in which Professor Newman says —

> "We need to push ahead with key public transport projects, including the widespread introduction of a light-rail network."

Our public transport strategy is woefully inadequate at this point in time because of inadequate planning and poor predictions of increased population growth, but I will leave it to the Labor shadow Minister for Transport to talk more about that.

It is becoming increasingly difficult to move in and out of Perth, a primate city like no other city in Australia. There is nothing smart or productive about cars, trucks, buses, and, to a lesser extent, taxis sitting on our freeways, highways and major roads waiting for bottlenecks and traffic jams to clear. Members can take this from someone who has spent most of his recent life down on the south coast: just getting to this place on time in the morning can be a huge headache. My Perth base is in Victoria Park, and if The Esplanade is closed down, I and tens of thousands of other Western Australians will be forced to take either Orrong Road and the

Graham Farmer tunnel to get to this side of the river or Mill Point Road and the Kwinana Freeway. The congestion and resulting inefficiencies will, despite what the Minister for Transport says, take years to alleviate. As far as I am concerned, they will simply be the result of poor planning, inappropriate commitments or doing things with significant haste—members can take their pick.

There is a big-picture issue with population growth that not only this government but all state governments need to consider. On paper it is quite simple: it has to do with infrastructure and the government's commitment to it. I want to talk about infrastructure in Geraldton and the midwest in a while. In Western Australia, we can and need to deal with far more people than the 400 000 extra people we are likely to see before 2026 if we are going to deal with the demands of our growing economy. We need to get infrastructure right in our cities, as well as recognising the role that our regions have to play.

I will move on to the regions. The regions in Western Australia certainly offer much. There are enormous opportunities that need to be unlocked. The mining boom, the national broadband network and the movement of retirees and young families to areas like our midwest can have great benefits for our state. But the significant economic opportunities in the state's midwest can only be realised with better strategic planning. I have made mention of this issue before, but I want now to highlight the need to look at better energy supplies in this part of the world. The result of better strategic planning will be that population changes can produce enormous benefits. We need to plan for and promote increases in the size and mobility of our skilled working-age population, thereby enabling us to perhaps take advantage of the great economic opportunities that places like Geraldton and the midwest will offer us. Certainly, at this point in time it is imperative that the government better plan for such an outcome. That is something it has not done, and there are big challenges in front of it to do that. The government's biggest challenge is its continued non-delivery of stage 2 of the Mid West Energy Project. In the six minutes remaining, I will quote some information about the background and the proposal to put this project in place. A government of Western Australia, Department of State Development and Mid West Energy Project document, "Submissions 2009", reads —

- The Mid West of Western Australia, with Geraldton at its heart, is poised for a dramatic economic and social transformation that will see it become one of Australia's major infrastructure hubs and, potentially, a world centre of scientific endeavour.

I think that is alluding to the Square Kilometre Array project. There is not much we can do about that now, but it will hopefully happen in the very near future. The second point reads —

- With major development projects planned, the Mid West's need for a secure, high capacity electricity transmission network is paramount.

On that very point, the proposal from Infrastructure Australia, through the government of Western Australia and the Department of State Development, reads —

- The Mid West Energy Project proposes a new electricity transmission line from Perth (at Pinjar) to Geraldton (at Moonyoonooka). This will deliver reliable supply to Geraldton, numerous new Mid West mines, Geraldton Port and Oakajee industrial developments, allow renewable energy projects to feed into the grid and establish an environment capable of supporting the Square Kilometre Array project.

That is all highly relevant —

- ***Stage 1:*** is to be funded by the State —

This is the guaranteed part of the project at this point in time —

> and involves building the line from Pinjar 201 kilometres north to Eneabba with planned completion by late 2012. It will allow for future electricity network access for a range of prospective mines, the most advanced of which is Karara Mining Ltd's energy intensive, $1.8 billion Karara Iron Ore Project north-east of Eneabba.

- ***Stage 2:*** —

This is the problem —

> The Mid West Energy Project Stage 2 is currently uncommitted and unfunded, and proposes to extend the line a further 159 kilometres north from Eneabba to Moonyoonooka. The scope and timing of Stage 2 is currently being confirmed. It will provide the energy transmission capacity required to supply Geraldton into the future and enhance the reliability and security of supply to 55,000 people in the Geraldton region.

On that point of 55 000 people in the midwest, the projections for population growth in Geraldton over the next 20 or more years could see it head towards 100 000 people. Therefore, the imperative to get to and do something about stage 2 is something I am particularly concerned about, as is the City of Greater Geraldton. Those points

are very relevant at this stage. The immediate go-ahead of that plan eventually would have seen the port city's desired 330-kilowatt line delivered. But, according to many, including the City of Greater Geraldton, if it does not go ahead, which appears to be what is happening at this point in time, economic devastation may well be the reward for this region.

I will move on and quote from WA Regional Cities Alliance media release about this very issue of where Geraldton and the midwest is heading. A document from 16 February reads —

> City of Greater Geraldton Mayor, and Chairman of the WA Regional Cities Alliance, Ian Carpenter expressed concern at statements in Planning Minister John Day's address to the Committee for Economic Development of Australia on Tuesday (Feb 14), on WA's recent population growth projections.

The document continues —

> It is widely acknowledged Perth is fast becoming a vast urban sprawl, with traffic problems and other factors seriously undermining the quality of life for its residents.
>
> Mr Carpenter said what is needed is a new State Plan —

This is my point exactly —

> which identifies clear policies and strategies to facilitate the development of major regional cities to share the burden and benefit of the projected population growth. This includes relocating government departments and agencies across the key regional cities.

I believe the government is on record as saying that will not happen. It might have been a government minister, if not the Premier; I cannot quite vouch for that. Mr Carpenter continues —

> "We need population targets that can be worked towards—it is counterproductive to simply assume the vast majority of all population growth in this State will go to Perth.
>
> "This will see a more sustainable and less sprawled Perth and strong vibrant regional cities—on the whole a stronger, more sustainable and balanced State," said Mr Carpenter.
>
> "The ball sits firmly in the State Government's hands."

I might just stop at that point simply because if I do get any sort of right of reply, I would like to make mention of some of the other issues, notwithstanding the problems in Geraldton. I think that will be more appropriate a little later if I do get that chance.

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [10.30 am]: I am really happy to have the opportunity to respond to this motion and highlight all the excellent work that this government is doing to both predict and plan for Western Australia's population growth. I will make some general statements first, and then focus mostly on the metropolitan area, as I understand my colleague from the Mining and Pastoral Region will speak more fully on the regional areas.

One of the dynamics created by economic growth, of course, is commensurate growth in population. That has been the case in Western Australia more recently. Growth is not something that we in WA need to fear; it is certainly not a new phenomenon for this state. In fact, it could be argued that our first real population boom came with the arrival of nearly 10 000 inmates and 2 500 pensioner guards and their families from 1850 to 1868 when Perth entered an era of increased employment and relative prosperity for that time. In the 1890s, the discovery of what turned out to be vast deposits of gold in the Coolgardie and Kalgoorlie region led to a massive influx of people from the eastern states and overseas. The population of Perth actually quadrupled in just 10 years, between 1891 and 1901. More recently, during the 1960s and the 2000s, we have seen rapid growth, led by the resources sector, which has transformed Perth into a more modern and vibrant city. As we are probably all aware, people from across the globe want to come and live and work in Perth, which is consistently listed as one of the most liveable cities in the world.

The next era in Western Australia's planning history will be shaped yet again by patterns of economic growth, migration and the fertility of Western Australians. It is true to say that Western Australia's population is growing. According to Department of Planning projections, the state's population is projected to grow to three million people by 2026. As a point of comparison, the state's current estimated—2012—population is 2 346 400. By 2026, we will have approximately 700 000 more people than we do currently. I think that concurs with the figure that Hon Matt Benson-Lidholm mentioned. However, probably what is more important is that this is about 400 000 more people than in the previous projections released by the previous government. I would say that this state's growth and population projections are in much better hands under this government.

In light of this, the state government committed to a program of planning reforms and initiatives to maximise the efficiency of the planning system. Since 2008, it is safe to say that the approach to the planning of Western Australia has changed under the Liberal–National government. Although we are all aware that Western Australia

will continue to experience rapid population growth and development, we now have the tools at our disposal to accommodate this. We are no longer operating in the old business-as-usual approach to planning; we are collectively looking to the future in a realistic and sensible way.

Hon Matt Benson-Lidholm: My question is: why has it taken until 2012? Now, you mentioned 2006 when Labor was in government. My question is purely and simply: why has it taken all this time for you to make that statement and for the minister to make the statement that he has? That's what I want to know. It's taken that great length of time.

Hon HELEN MORTON: I will cover one of the most important steps that took place to enable this to happen. I was actually just getting to it, so I am pleased that the member interjected at this time.

The state government has successfully implemented planning reforms and initiatives, over the past two years in particular, all of which are tailored to improve the efficiency of our planning system and cater for population growth. Legislative reform was a crucial tool in our efforts to streamline the planning approvals process to cater for the challenges of growth. A number of major initiatives under this government's reform program are now bearing fruit, including the Approvals and Related Reforms (No. 4) (Planning) Bill 2009, which both houses of Parliament passed last year. These benefits include strengthening state and regional planning by extending the use of existing strategic instruments and introducing improvement schemes; enabling more transparent and efficient decision making in development applications of strategic significance by introducing development assessment panels, thereby allowing the minister to direct a local government to amend its local planning scheme to be consistent with a state planning policy; improving consistency in local planning scheme requirements by enabling the creation of overriding regulations; and, finally, enabling the state to collect data on local development decisions to monitor the effectiveness of the reforms to the approvals process.

This government has further articulated its vision for growth through "directions2031 and beyond: metropolitan planning beyond the horizon", the strategy that will guide Perth's development over the next two decades. This spatial framework sets out a clear narrative and vision for the sort of future city we want in Western Australia. We envisage a world-class liveable city that is vibrant, easy to access, teeming with job opportunities and with a unique sense of place. This vision is supported by themes and objectives that set the strategic directions to guide government policy on the planning, coordination and development of land use, transport and service infrastructure. It now includes housing and employment targets and the new activity centres hierarchy. The Directions 2031 framework also provides for different lifestyle choices and vibrant nodes of economic and social activity in activity centres that are central to successfully accommodating a growing population.

Our priority is to maintain the integrity of the Perth lifestyle while accommodating the population growth that will ensure the state's future success. As a government, we are already in the midst of a number of major infrastructure projects that will further promote Perth on an international scale and cater for a growing population with diverse housing needs. The new population projections further illustrate the need for projects such as the Perth Waterfront, Perth City Link, and Riverside project that will create more places for people to live and work in our city, as well as the importance of further urban consolidation across the metropolitan area.

The Perth Waterfront project features prominently in this overall vision for the city and presents as the future face of Perth. The Perth Waterfront will provide an attractive business environment and will also create significant investment in the tourism, retail and business sectors which will ensure that Perth remains a contemporary, vibrant and globally competitive city well into the future.

Through another fully funded project, Perth City Link, the city centre will be reconnected with Northbridge for the first time in 100 years with the sinking of part of the Fremantle rail line and the Wellington Street bus station. This area will be a vibrant mix of transit, commercial and retail zones, public spaces and living opportunities, all of which will cater for population growth in the city.

These major projects are the new face of the Perth CBD under the Liberal–National government. Ultimately, these projects will be further enhanced by the diverse range of convenient and accessible lifestyle choices in the community, all made possible under the guidance of "directions2031 and beyond". Perth is changing—that is something that everybody can agree on—but with this change comes immense opportunity, and it is visions and plans such as "Directions 2031", as well as the significant investment this government is making in capital works, that will ensure we keep the very best of Perth intact while capitalising on opportunities for the future. As I mentioned earlier, Perth and Western Australia generally are no strangers to growth and change. Through plans such as "Directions 2031" and projects such as the Perth Waterfront, the Liberal–National government is well on its way to providing for the needs of a growing and prosperous state.

HON LYNN MacLAREN (South Metropolitan) [10.41 am]: I welcome the opportunity to speak to this motion. There is no question that this state has been caught on the hop with population growth and it is not the fault of only the current government that we have not planned properly for that growth. I disagree with the mover of the motion and the attempt to point the finger at the current government, which has, after all, been in power only a few years. Over time the government of Western Australia, under both parties that have held the

reins of leadership, has failed to accurately predict and plan for Western Australia's population. As a result, we have an unsustainable sprawling city and a high level of car dependency, leaving much of the population highly vulnerable to rising oil prices. As Hon Matt Benson-Lidholm said, the media today was a good source of information, with the headline, "Petrol price rockets to $1.50 a litre". We know that petrol price increases particularly affect people living in the outer suburbs and those most dependent on using their cars to get to work. I acknowledge the minister's contribution in saying that this state has invested quite a significant amount of our money on infrastructure projects; however, the one outstanding failure is the failure to get us away from our dependency on the car for transport. This week we have debated the Perth Waterfront development, and in my remarks I indicated that I wanted to see some light rail links throughout the city. I think that Western Australians would enjoy and be increasingly grateful for infrastructure that could get them around the city without making them car dependent and fuel dependent.

Hon Helen Morton: Can I just ask if you are happy about not having the tunnel?

Hon LYNN MacLAREN: Am I happy about not having the tunnel? What do you mean? Is that the trade-off?

Hon Helen Morton: What I am saying is that is only increasing the reliance on cars—you see.

Hon LYNN MacLAREN: One of the big challenges that the government has faced over time is the siloed approach between land use planning and transport planning. While the government looks at one particular project—for example building a tunnel and sinking a road underneath the surface to create space above, which links cities and creates land space; it really is a form of land-use creation—it avoids the much more comprehensive analysis. If the government only builds roads and tunnels, it does not put in infrastructure for light rail or even more heavy rail. We know we have great needs for heavy rail on the east–west links. That siloed approach has left a position in which we are kind of stuck with sprawl and with a concentration of activity in the commercial centre in the CBD, and the big waterfront project exacerbates that problem. As a member for the South Metropolitan Region, I have, over time, seen the City of Fremantle decline in significance as a regional centre. At the same time that Fremantle has declined in significance, Perth city has become ever more dependent. We are focusing all development activity on the inner city and I do not think that Western Australians are particularly grateful for that planning approach. By investing in places like Fremantle and other places such as Midland, which are outside the city central, we will not only have really beautiful places to live and work, but also not be creating that dependency. I do not know whether anyone was on the road this morning, but I was on the freeway at 9.15 and traffic was crawling all the way from the Canning Bridge into the city. That was at 9.15, when it would be thought that the peak traffic period had passed. We are not doing anything to reduce our dependency on these major arteries into the central city, and I think that is one of the things that population growth will, over time, exacerbate. We know the solution.

Only this morning I was looking on the web to see how the city of Seattle's planning has evolved over time. When I visited Seattle last year, I saw that it was sinking a freeway along the water's edge and creating parkland and commercial space, and really activating the city with the waterfront. It is the same thing that we are trying to do in Perth.

Hon Helen Morton: Is it good?

Hon LYNN MacLAREN: It seems as though it is working really well. Straight off the bat, I noticed that it is a process of increasing liveability and involving communities and their needs, which is what I tried to focus on in my speech on the waterfront development. It is about how people want to use the waterfront, not which buildings we can put there or how we can create an inlet. It is about what people will be doing in the area. I encourage the minister to look at the process in Seattle, which is a huge city with a much bigger population, in creating that waterfront.

I want to point out in talking about our increased vulnerability to transport costs—this science has been mentioned several times—a document called "Unsettling Suburbia: The New Landscape of Oil and Mortgage Vulnerability in Australian Cities". This document has come out several times and has been updated for several years. The version I have was updated in 2006. The study finds that outer metropolitan areas in the growth corridors suffer a high degree of vulnerability both in oil prices and interest rates. The maps in the document are called VAMPIRE—vulnerability assessment for mortgage, petroleum, and inflation risks and expenditure—maps because they show redder areas as we move further away from the centre of the city. Those individuals are extremely vulnerable when interest rates or oil prices increase.

I seek leave to table this document so that members can refer to this Griffith University research.

Leave granted. [See paper 4301.]

Hon LYNN MacLAREN: Thank you very much, members, and Mr President.

The document describes the problem of transport planning being a key factor in reducing the cost of living, which increases our quality of life and which keeps us high on the liveable cities list, and not slipping to twelfth

position, and at times even lower. This is the type of investment that we hope the government will make now, recognising that growth is inevitable in this city; especially now the projection is for a population of three million by 2026. There is simply not enough room on our roads to maintain this current reliance on the car.

I support the motion to the extent that we see that successive governments have failed to invest in infrastructure to future proof the state in times of approaching peak oil and in times when climate change will affect the rising cost of living. I urge the government to pay attention to what members are saying today about appropriate planning and the need to invest in infrastructure that will make it easier for a city with high population growth.

I will finish my remarks by saying that the Greens have long advocated higher density living in areas of high population. It is a matter of investing in not only Fremantle and country centres like Albany—I know Hon Wendy Duncan will probably speak about regional centres—but investing outside the city centre to make us less needful of long-distance transport and more contained within a sustainable footprint. It is also a matter of building our city into a higher density and liveable city where people can enjoy the natural environment of Perth. By creating that high density, we can also make a successful economic investment in public transport in our city.

HON WENDY DUNCAN (Mining and Pastoral — Parliamentary Secretary) [10.50 am]: As a strategic planner in my past life, I welcome the opportunity to speak to the motion and advise the house that the Nationals will not support it. Royalties for regions was probably born from the obvious lack of planning that occurred under previous governments, particularly in regional Western Australia. The dysfunctional state of towns such as Karratha and Port Hedland due to a lack of planning for population growth raised the ire of people in regional Western Australia and gave the Nationals the opportunity not only to develop a policy to ensure that the lack of planning was endeavoured to be redressed—I will come to the Pilbara later on—but also to look more broadly and to decide where else was likely to suffer this sort of rapid population growth and how we could act to prevent the same situation arising that previous governments, particularly the previous Labor government, allowed the Pilbara to get into.

Yes, Western Australia's population is predicted to more than double to more than 4.5 million people in the next 40 years, and one million or more of those people are expected to live in regional Western Australia. As I said, the key aim of the royalties for regions program is to unlock the potential for statewide growth so that we can welcome extra people into Western Australia in a planned and sustainable way. At the moment, royalties for regions is providing much needed funding to build on the unique strengths of each of the state's key regions. The focus has been on assisting communities to plan and cater for increased population growth and future economic development. The Western Australian Planning Commission has taken the lead role and is working alongside the Department of Regional Development and Lands to plan for growth through a series of regional infrastructure planning frameworks in the Pilbara, Gascoyne, Kimberley and midwest, and there are more to come. Hon Matt Benson-Lidholm talked about the need to start planning. The planning has happened and is happening.

Hon Ken Travers: That's what your minister said—we need to start planning.

Hon Matt Benson-Lidholm: Your minister said that; exactly—we need to start.

Hon WENDY DUNCAN: The planning is happening.

Hon Matt Benson-Lidholm: Tell the minister.

Hon WENDY DUNCAN: It is happening in regional Western Australia. If planning is to be done properly, we must consult the community and take the time to make sure that it happens across agencies and communities so that we do not end up with the silo issues that Hon Lynn MacLaren mentioned. Members will see that we are making a very strong effort in the planning that is happening throughout regional Western Australia to ensure that the WA Planning Commission, the regional development commissions, the federal government's Regional Development Australia and the regional organisations of councils are all involved and lined up so that their strategic plans match. In the south of the state, the Department of Planning and the Department of Regional Development and Lands are working through this process with the SuperTowns project. This is a direct response to plan for growth in regional Western Australia and to endeavour to avoid what happened in the Pilbara and the neglect of the previous government that we are still trying to recover from. The SuperTowns project is focused on planning; it is focused on the development in those areas occurring through a strategic, methodical and community-supported approach. On the issue of planning across all levels of government, every year we have allocated royalties for regions funding through the country local government fund to ensure that local governments also are undertaking planning exercises with not only their overall strategic plans, but also their asset management planning and proper financial planning.

I mentioned the Pilbara. The Pilbara is a very challenging place in which to redress the neglect of previous years. There has been an incredible effort to catch up with the need to supply utilities, housing and land to meet the needs of the growing population. We really must acknowledge that people love to live in places such as the Pilbara in this state. The climate of the Pilbara is very similar to other parts of the world that have very large

populations. We have to stop this country cringe. We have to acknowledge that people want to live in the Pilbara and other places to the north of our state, and it is the state government's responsibility to make sure that those places are liveable. Through the Pilbara Cities program, the Nationals are planning to enable —

Hon Kate Doust: Brendon Grylls does not want to live in the Pilbara, so obviously it's not liveable.

Hon WENDY DUNCAN: I do not think Tom Stephens does either.

Hon Ken Travers: He's lived in Port Hedland for a lot more years than the future member wants to.

Hon WENDY DUNCAN: Under the Pilbara Cities program, we are planning for 50 000 people in both Port Hedland and Karratha and 15 000 people in Newman. Hon Lynn MacLaren mentioned that the Greens (WA) support increased population density. One of the problems in Perth is that there seems to be a bit of a pervading nimby attitude whereby nobody wants high-rises in their backyard. Of course, there is also the objection to urban sprawl. That is a great opportunity for regional areas to have some of the population overflow. A high-rise apartment building is under construction in Karratha and it will have all the amenity of any city apartment building. It is something that we are very proud of and very excited to see completed in the near future. As I mentioned, the Pilbara Cities project has very strong linkages with the Pilbara infrastructure planning project. Under the royalties for regions program, we will spend $1 billion over four years to improve the liveability of those towns and to equip them for the future.

In the first year of the Liberal–National government, the northern towns planning fund was established to accelerate the critical planning for the north west and to enable the preparation of plans for Port Hedland and Newman. Of course, there have been plans and development funds in other areas of Western Australia. We are working our way through the state. We have seen the Gascoyne development plan. Of course, Hon Matt Benson-Lidholm is interested in the midwest development plan, under which $220 million of royalties for regions funding has been allocated to meet the needs of the growing midwest region.

The SuperTowns plan is really how it should be done. This plan is an endeavour to ensure that the predicted population growth in Western Australia—the extra one million people who are predicted for Western Australia—will go to towns that are ready and willing to welcome and cater for them. The nine SuperTowns in Western Australia are Boddington, Collie, Esperance, Jurien Bay, Katanning, Manjimup, Margaret River, Morawa and Northam, all of which have been selected for their potential for economic growth, the drivers in those communities that will enable those towns to reach their full potential, and the can-do attitude of the local governments and the local people who want their towns to grow and their economies to flourish. Through royalties for regions, $85.5 million has been allocated to the SuperTowns program, and that will assist them in producing their growth plans and start funding for some of the transformative major projects that have been identified for those towns, to prepare them for the growth we expect. Those projects, as they are funded, will create new jobs, services, infrastructure and accommodation in those towns, transforming them into attractive places where thousands of Western Australians will choose to live and work and enjoy the special things about living in regional Western Australia. These initiatives are without precedent in Western Australia.

The PRESIDENT: Hon Helen Bullock.

Hon Ken Travers interjected.

The PRESIDENT: No, this is non-government business and members have indicated their wish to speak at certain times. I have taken note of that and I am allocating time between members on all sides of the chamber who have indicated their wish to speak. That is as fair as I can be.

HON HELEN BULLOCK (Mining and Pastoral) [11.00 am]: Thank you, Mr President, for your generosity.

Hon Helen Morton said in her speech that this government is focusing on planning and prediction. I do not have a problem with that at all; I think any government should focus on planning and prediction, but I have a few problems with a couple of the words that Hon Helen Morton used in her speech on the Perth Waterfront project disallowance motion on Tuesday. I will refer to her speech a little, to put things in their context.

She actually confirmed unprecedented population growth in Western Australia; she said that Western Australia is experiencing a once-in-a-lifetime period of economic and population growth. Each year, more than 30 000 people move to Western Australia, and by 2020 the state's population is expected to be more than 3 million—that is, 600 000 additional people on today's population. She then went on to say that Perth will face critical shortages in residential, office, retail and hotel accommodation over the next 10 to 15 years, unless the government takes action. I note that she used the word "will", to suggest that shortages will occur 10 to 15 years down the track. However, I am surprised that she has not yet realised that these critical shortages in residential, office, retail and hotel accommodation are actually happening right now. The question we must ask is: what has this government done over the past three and a half years to address these critical issues? It has taken three and a half years for this government to realise that the predictions for population growth in Western Australia are way off the track; 400 000 people have not been accounted for by the Department of Planning over the past three and

a half years in planning for Western Australia's physical infrastructure, such as roads, freeways and transport systems, and social infrastructure.

That explains what we have experienced to date, but before I go through examples of what we have encountered in recent years, I want to mention an article that I came across by Peter Howat and Melissa Stoneham, published in the June 2010 edition of *Issues* magazine. The article pointed out that we must be aware of the long-term economic costs of such rapid population growth. Everything has a downside; we have experienced unprecedented economic growth over the past 10 years, but this unprecedented growth also has a downside—that is, unprecedented population growth. The question is: what is the economic cost of this growth? The article refers to the consequences of this growth, which include the introduction of higher taxes at both state and federal levels to generate enough funding to build infrastructure—both physical and social infrastructure, such as transport systems, health care and education. It is also pointed out in the article that such rapid growth is likely to be associated with declining living standards which include, as Hon Lynn MacLaren mentioned, increased traffic jams; power blackouts; water restrictions; unaffordable housing; environmental destruction; urban crowding; reduced service delivery and falling health status. How true is this prediction? We have experienced all these issues in the past three and a half years under this government.

Due to a lack of infrastructure planning, the people of Western Australia have experienced difficulties in their day-to-day lives. I want to go through a few examples of how things are these days. I might leave the topic of traffic jams to Hon Ken Travers; that is his hot topic and special area, and I am sure he is looking forward to his turn to speak on that issue.

I will move on to talk about hospital waiting lists. Hospital waiting lists are getting longer and longer; what is going on? It is because of a shortage of doctors and nurses across Western Australia.

Several members interjected.

The DEPUTY PRESIDENT (Hon Brian Ellis): Order, members.

Hon HELEN BULLOCK: Thank you, Mr Deputy President; I think I have the call!

There is also a shortage of teachers in schools across Western Australia.

I also want to talk about urban crowding. Over the past five, six, seven or eight years, members have probably noticed that houses with backyards are fast becoming a thing of the past. Blocks in the suburbs are being subdivided and sold for housing developments. People are these days living in very confined spaces. I suppose that explains why one in five people in Western Australia—perhaps in the whole of Australia—has experienced mental health issues, which has contributed to long waiting lists for people seeking treatment from psychologists.

Somebody mentioned that Western Australia has become one of the most expensive places in the world to live. The average price of a normal three-bedroom house in suburbs like Ballajura or Noranda is more than half a million dollars; it is just unbelievable. Four or five years ago, houses like that cost roughly half that price. According to WAtoday, Western Australia is also experiencing a rental property shortage. The median rental in Perth is some $400 per week for a two-bedroom duplex, and rents are expected to increase by 10 per cent each year.

Yesterday I read a media release that referred to the government increasing interest rates for Keystart. A consequence of this is to push first home buyers onto the already tight rental market. What is going on? We have experienced water restrictions in the past couple of years. We can blame global warming for the shortage of water supply. But the bottom line is that it is because of lack of planning. It seems too hard for this government to do anything anymore. I suppose the government has given up already. After all, it has another year to go, so perhaps the government does not need to think about its responsibilities.

The DEPUTY PRESIDENT (Hon Brian Ellis) Members, the question is that the motion be agreed to. Before I give the call to the Minister for Finance, I indicate that the order that has been left to me by the President is that the Minister for Finance will be followed by Hon Ken Travers and Hon Alison Xamon.

HON SIMON O'BRIEN (South Metropolitan — Minister for Finance) [11.10 am]: I thank you for that, Mr Deputy President, and I thank Hon Matt Benson-Lidholm for his motion inviting the Council to condemn the government for failing to accurately predict and plan for Western Australia's rapid population growth. That is the limited nature of the motion before the house. I thank Hon Matt Benson-Lidholm for the motion, because it gives us the opportunity to consider the wider issues that have been raised. Some of the comments that have been made on the motion have been predictable in tone, depending on whether one is a proponent of progress in government or a carping opposition. But what I do not think the mover of the motion did was give us any reason to associate ourselves with a condemnation motion of the government for its alleged failure to accurately predict and plan for Western Australia's rapid population growth.

Western Australia's rapid population growth is simply unprecedented. If we look at every precedent and every prediction that has been made in recent times, or going back over decades, our growth has exceeded all

expectations. That on the one hand is a measure of success. It is also an extraordinary challenge. We have heard from Hon Helen Bullock, for example, about some of the challenges that arise when we are faced with rapid—indeed unprecedented—population expansion. But, Hon Matt Benson-Lidholm, should this government be condemned because of this rapid, unprecedented and impossible-to-predict population growth? I do not think the government should be condemned for that.

But this motion does give us an opportunity to discuss the matter. I would like to refer to the particular area of impacts on transport, because that has been raised by a number of members this morning, in particular Hon Lynn MacLaren, who discussed the question of transport generally and public transport in particular. We heard about how, as she was on Kwinana Freeway, I presume it was, this morning at quarter past nine, increasing her carbon footprint —

Hon Lynn MacLaren: In my hybrid vehicle.

Hon SIMON O'BRIEN: — in her hybrid vehicle—she was noting the congestion that she experienced at that time. It is true that more people equals more traffic and more congestion. When we have a rapid expansion of population, those who are responsible for delivering infrastructure—or in the case of education and health, other resources—have to recalibrate what it is that they are providing. That is a challenging exercise for any government. So what are we doing about it? As Minister for Transport myself a few years ago, one of the things that I identified was the lack of an overall blueprint for public transport. So, the question that I asked was: where are we going in the future? What I had observed was that individual projects were being done, apparently to fulfil some particular need at some time, but without any overarching rhyme or reason to them. I thought that was a serious deficiency that needed to be addressed. That particularly came to my attention early on because I was also contemplating the future of the Department of Planning and Infrastructure. Therefore, in due course, acting in concert with the then, and current, Minister for Planning, Hon John Day, we set about breaking up that department to create the departments that exist today. In releasing the Department of Transport from what had been the Department of Planning and Infrastructure, we also formed a closer and far more cohesive arrangement with the other key government transport agencies in the Public Transport Authority and Main Roads, and that is something that I am very pleased we were able to do. One of the drivers for that was the observation that was made to me from those agencies that over previous years, transport planning had taken a back seat and had been allowed to wither on the vine. That was because the transport planners had gone out of Main Roads and out of transport and had been put into the monolithic DPI, and their influence had been diluted. Examples of the consequences of that can be seen all around us. So we have set about fixing that.

That observation goes a long way towards addressing the sentiment in the motion that we are somehow failing to predict what happens in the future. We are responding to rapid population expansion by redeveloping the planning capacity, which had been lost prior to our coming into government.

In producing a public transport blueprint, I wanted to give a long-term framework to allow our state to provide the necessary public transport infrastructure in a timely and orderly way, and in a way that would be affordable for the state into the future. Everyone wants a light rail. They want one tomorrow. They want one yesterday. But I have to tell members it is hellishly expensive. When we try to work out how we are going to pay for that infrastructure, we then have to deal with all sorts of difficult situations—which some people never have to come to grips with—about what order we are going to provide things in and how we are going to service them and all the rest of it. So at least now we have a public transport blueprint. That also provides some valuable information to help prioritise the things that we require now and the things that we will require in the future. For example, if we are to develop a light rail system, how do we do it; what are the priorities; and what are the criteria for working out those priorities? It is not about building little boutique developments that become stranded assets. It is about taking a coordinated approach. That is planning, and that is what this state government has been doing.

I now want to mention one of the things that seems to have gone past a lot of people. This is something else that I am rather proud of in relation to public transport. If we look at what is already provided for in our budget, there is a massive increase in public transport capacity by way of our bus networks. In particular, I wanted to set about putting in place a plan for government to make sure that we had bus services to service suburbs that currently do not have those services, and that we prioritise over the next few years to make sure that where services are inadequate because of rapid population growth in a locality, or just inadequate because of frequency, we are prepared to deliver those services.

This is already in the budget. Bus service kilometres will increase by 3.3 million kilometres in this financial year and will increase to 15.2 million extra bus kilometres per annum by 2015–16 and thereafter. They are permanent increases. That is about dealing with a rapidly growing population. I say to the mover of this motion that I am quite proud of those things. I do not think that the government deserves to be condemned. We are planning for rapid population growth, but we are doing it in a live sense. It is already happening. We have to do it while we keep our existing services up and running. The planning capacity of this government has been well demonstrated; I have just given a couple of examples of that. I am sure that the Greens in particular would

acknowledge that under this government more is being done for public transport across the board than has ever been seen before.

HON KEN TRAVERS (North Metropolitan) [11.21 am]: I support the motion moved by Hon Matt Benson-Lidholm, because this government is the last group of people in Western Australia to finally acknowledge the rate of population growth that we have been seeing. The document that the government has been using internally for the last three and a half years to project population figures, and on which all the government planning in the key areas of health, education, police, public transport and traffic congestion has been based, is a flawed document. Everybody else in Perth knew it. Even the government's own Treasury department knew that the document was flawed, but the government continued to blindly sail on and use that document to do all its modelling and predictions.

In February this year the government finally acknowledged that the growth projections it had been using were wrong. That was when it released the new *Western Australia Tomorrow* 2012 series.

Hon Simon O'Brien: We acknowledge that we have a dynamic situation.

Hon KEN TRAVERS: But everybody else has known about this. This is not new, minister. The growth and enhancement has been recognised by everybody else. Every local government I have spoken to for the past five years acknowledges that Perth is going through a massive boom and that the population projections in WA Tomorrow need to be adjusted. On 15 February the Minister for Planning was quoted by the ABC as saying —

> ... the Government needs to start planning to accommodate the growth and high density housing is one of the ways to cope with the change.

That highlights the fact that the government needs to be condemned, because it has failed to accurately predict the growth. Let me give the minister some examples of how the government's failure to accurately predict is relevant. At the outset I make the comment that I agree with the comments by Hon Wendy Duncan insofar as one of the solutions for Perth is to put the growth out into the regional centres and grow regional areas across Western Australia. I want to see us all try to move the future growth between now and 2031 from the Perth metropolitan area and into Bunbury, Geraldton, Albany, Karratha, Port Hedland and other towns across Western Australia. I do not disagree with that. I have argued that we should have public transport master plans for not only Perth, but also Geraldton and Bunbury et cetera. When I make those comments, the Minister for Transport ridicules me. In his usual class clown way he tries to belittle the argument that we should be trying to provide for the growth in those centres today to plan for tomorrow. Of the expenditure on the Gold Coast light rail, $200 million is on land resumptions. If we reserve land today in places such as Bunbury, we can save money for the state in the long term from a simple decision to plan today. But we have to get our population growth projections right.

This week in this Parliament we have debated the Perth Waterfront and the foreshore. We asked the government to table the modelling that it used for that. The Minister for Mental Health told us that the information was already on the internet. I appreciate the minister asking the department to send me the link and I have received that. However, I have sent her an email back to say that it does not include the regional document. The very last line of the document, which is only a summary of the modelling, states —

> ... as would be expected within the city centre with a forecast population of some 2.2 million people in 2031.

This modelling was based on a population of 2.2 million by 2031. As we know from the WA Tomorrow document released in February, the government now predicts a population of between 2.3 million and 2.4 million by 2026. That is a classic example of the modelling provided to us by the government being irrelevant, because it is based on flawed data. Every local government in Western Australia has been telling me and anyone else who will listen. When Labor was in government, I did a lot of work on this issue to make sure that departments started to acknowledge and realise the growth that was happening. The new government took over and it ignored that work and blindly believed that we were not growing when we were.

The master plan for health in this state, the "WA Health Clinical Services Framework 2010–2020", is also based on this flawed data. The government needs to go back and recalibrate all that work to recognise the new population predictions, which will mean the government will need to build Joondalup Health Campus into a tertiary hospital. These are all costs that the state will incur. That is why it is very important that we are very careful about where we spend our scarce resources. We cannot afford to build monuments in the city centre, which are nice-to-have projects, while the very basic infrastructure that our suburbs and regional centres —

Hon Max Trenorden: You did not say that when you were in government.

Hon KEN TRAVERS: Yes, I did, Hon Max Trenorden.

Hon Max Trenorden: You said tertiary hospitals should be close to the centre. That was your health program.

Hon KEN TRAVERS: Fiona Stanley Hospital was built and paid for by the last Labor government and it is south of the city.

Hon Simon O'Brien: That is absolute rubbish!

Hon KEN TRAVERS: It was! The minister should go and look at the trust fund. The last Labor government put money in trust to build Fiona Stanley Hospital. The work, the design and the choice of location was all done by the previous Labor government. The Labor government did all the negotiations with Ramsay Health Care to upgrade the Joondalup Health Campus. Mr Trenorden needs to get his facts straight. We upgraded every major health facility in the Kimberley during our time in government. Those are the sorts of things that we did because we recognised the need to put that basic infrastructure in the regional centres and in the suburbs of Perth. We cannot afford to spend all our scarce resources on the city centre. That is why choosing Burswood as an option for a stadium is wrong.

Again, the minister has based the master plan for public transport on a predicted population of 2.2 million in 2031, which is a figure that we now know we will reach early in the next decade. The government needs to go back and look at that and realise that all the work it thought it could take the next 20 years to do, needs to be done in the next 10 years. Is the government getting on with it? No, it is taking forever and day to do it. At the same time, the Premier tells us that the government will have the contract for the waterfront development signed before the next government to limit any future government from going to the people and asking them where they want this half a billion dollars spent. Should it be spent on better infrastructure in the suburbs and regional Western Australia or in the Perth CBD? He will race through and get those contracts signed come hell or high water to stop us having that option to let the people of Western Australia choose.

As I said earlier, the planning is all based on very flawed modelling. We need to build far more schools in the suburbs of Western Australia. During the last Labor government more than 60 new or replacement schools were built, many in regional Western Australia, Hon Max Trenorden. Those are the sorts of figures. I do not think the member will find that the current government is doing that sort of school building program—nowhere near it.

Several members interjected.

Hon KEN TRAVERS: Government members are simply in denial. That is fine. They can stay in denial, but they should not keep making decisions that prevent future governments from spending scarce resources where they need to be spent. As I said, the clinical services framework, the public transport master plan and the education forward works plan on new schools need to be recalibrated, all because the government has been in denial about population growth for the past three and a half years.

If I took members opposite out to the Cities of Stirling, Swan and Armadale, they could be shown the growth figures they told us would occur three and a half years ago. I am sure when they came in they made the same comments to ministers about what they expected their growth to be. The document *Western Australia Tomorrow* 2012 more accurately reflects those figures. The government deserves to be condemned for its failure to predict and plan for the growth of the Perth population. I should say that Treasury understood it because it kept putting in budget higher growth than the government's own documents predicted.

Motion lapsed, pursuant to standing orders.

SEXUALISATION OF CHILDREN

Motion

HON NICK GOIRAN (South Metropolitan) [11.31 am] — without notice: I move —

That the Legislative Council —

(a) recognises that the sexualisation of children has been an important issue of ongoing concern in the community, which has now become urgent;

(b) would welcome the establishment of an inquiry into the sexualisation of children in Western Australia;

(c) recommends that any inquiry into this issue take note of and consider the findings of the "Letting Children be Children" review into the commercialisation and sexualisation of childhood commissioned by the government of the United Kingdom; and

(d) recognises that it would be within the jurisdiction of the Commissioner for Children and Young People to hold such an inquiry.

It is certainly my privilege—if I can use a cricket analogy—to open the batting for government backbenchers for the use of private members' business under the new standing orders. In reflecting on what I might bring —

Hon Ken Travers interjected.

The DEPUTY PRESIDENT (**Hon Brian Ellis)**: Order! Hon Nick Goiran has the call.

Hon NICK GOIRAN: I know that Hon Ken Travers has a lot of interest in this matter. I look forward to his contribution shortly.

In reflecting on what I might bring to the attention of this chamber, I thought to myself that perhaps some members opposite would be disappointed that I might not be sending a rocket to my own government, or there might be members on my side of the chamber who might be disappointed that I am not sending some kind of intra-chamber ballistic missile at members opposite! But I reflected on the fact that given this is the first opportunity for private members' business, perhaps something that might be more suited to a bipartisan approach would be appropriate. In the spirit of that bipartisan approach, I want to recognise that on 13 February 2012, a similar motion on the commercialisation and sexualisation of children was moved in the House of Representatives by Labor member Amanda Rishworth, the member for Kingston in South Australia. I commend her for that initiative and note that it received significant support from a number of Liberal members in the House of Representatives.

The first part of my motion asks this place to recognise that the sexualisation of children has been an important issue of ongoing concern. In my past life as a lawyer, were I to have provided evidence to support that proposition, I might have been tempted to tender a number of exhibits. On this particular issue, I regret that we are time-bound because the list of exhibits would be endless. I propose to mention three things that might be classified as exhibits to demonstrate that this is a matter of ongoing concern in the community.

Firstly, I want to look at the national community. There is nothing better to demonstrate that than the motion moved in the House of Representatives only last month. Although the contributions made by members in that place were excellent, I particularly want to take note of the comments of Sophie Mirabella, the member for Indi, whose comments probably best summarise and best resonate with my own position. She stated —

> … as a mother of two young preschool girls and a step-mother of two teenage girls, I see that what we have in our society is a very harmful toxin. It is not tangible but it is like a thousand cuts to very small children—that is, the overt sexual advertising out there on the wallpaper of our society.
>
> The debate at times is couched in very superficial terms. It is about the right of advertisers to sell in the easiest way, which is to sell using sex, and the right of one adult not to be offended by it. This is not about that; this is about our responsibility as adults, as legislators and as parents to look at the very real harm—the physical emotional and mental harm that is well documented—that can result from the premature sexualisation of children. That is the toxin. If there were a physical toxin harming our children, there would be people marching in the streets; there would be people knocking down the doors of their local members of parliament. But this toxin of early sexualisation of children is just as harmful. There is an increasing weight of research and evidence that shows that exposure to sexualised imagery can be linked to childhood anxiety, depression, low self-esteem and eating disorders. The threat of premature sexualisation includes exposure to STDs as children become sexually active at an even younger age. We know that young children cannot process these images and this information. They are children, and they are our responsibility.
>
> It is no longer as easy as just switching off the television, because we are surrounded by it. You can take your child down the street on the way to school, driving them or walking them, and you will see these big billboards. You take them to the supermarket and at their eye level they can see highly sexualised images on magazines, or there are the near-pornographic clips playing at the local bowling alley. A child—for example, a six-year-old or a seven-year-old—does not possess the ability to recognise that the sexually explicit pose of the woman wearing next to nothing is not a representation of reality but an unfair female stereotype designed to sell a product. Children are not small adults, and we are sending messages. We are sending out messages—in my view, particularly to those who engage in the heinous crime of paedophilia. The more sexualisation is out there and the more children are sexualised in advertising, which is well documented, the more justification paedophiles seek for their behaviour.

The second such exhibit that I might have been likely to tender would demonstrate that this is not just a matter for this nation but is actually an issue relevant to western civilisation as a whole. Members will have heard in the motion I moved that I have made mention of the report out of the United Kingdom. I particularly want to draw members' attention this morning to the response by British Prime Minister David Cameron, who responded to the "Letting Children be Children" review in a letter dated 6 June 2011. He wrote, in part —

> I particularly welcome those recommendations to:
>
> - make public space more family-friendly by "reducing the amount of on-street advertising containing sexualised imagery in locations where children are likely to see it."
> - ensure children are protected when they watch television, are on the internet or use their mobile phones by "making it easier for parents to block adult and age-restricted material" across all media.

- stop the process where companies pay children to publicise and promote products in schools or on social networking sites by banning "the employment of children as brand ambassadors and in peer-to-peer marketing."

The social response is not something we can leave to chance. We need to make sure we hold businesses and regulators to account in a transparent way.

These issues, as I have outlined this morning, are not just relevant to the nation as a whole and to international western civilisation. I happen to agree with the British Prime Minister's view on making public space more family friendly by reducing outdoor advertising containing sexualised imagery. Members will be pleased to know that in February of last year I was joined by my colleague in the other place Michael Sutherland, the very hardworking member for Mount Lawley, who attracted some comment in this place yesterday.

I was pleased to join him in authoring a joint submission to the inquiry by the House of Representatives Standing Committee on Social Policy and Legal Affairs into the regulation of billboard and outdoor advertising. That submission would have been my third exhibit to demonstrate that there is a local level of concern. A portion of the submission that the hardworking member for Mount Lawley and I put together reads —

> As members of the Parliament of Western Australia we are very concerned about the current inadequate and ineffective restrictions on outdoor advertising. We believe that the protection of children and the civility of our society are adversely affected when sexually explicit and inappropriate material pervades our outdoor advertising.
>
> Sexually explicit material displayed across outdoor advertising, in particular through billboards, raises particular concerns due to the inability of members of the public to avoid such material. Of particular concern is the inherent inability of parents to restrict exposure of children to such inappropriate images and slogans.
>
> The steady increase of complaints about outdoor advertising is a direct indication that the self-regulation scheme currently in place is not sufficiently protecting the wider community, in particular children, from advertisements which are inappropriate.
>
> We are dismayed to find that the degradation of women portrayed by a selection of these billboards, is acceptable in accordance with the Advertising Standards Board's Code of Ethics. In particular, sexually explicit material displayed in public areas continues to impact and contribute to the sexualisation of Australian children.
>
> We strongly recommend that the current self-regulation scheme is reassessed and further restrictions placed on outdoor advertising with the intention of preventing the display of material that is sexually explicit, offensive and/or inappropriate for children.

In relation to this ongoing matter of concern to the community, which has now become urgent, it is appropriate that we recognise some people who, in my view, are modern-day heroes in this debate. As a member of Parliament, I am particularly grateful for their inspired efforts. They have taken on the vested corporate interests of those who profit from the increasing sexualisation of children. I want to particularly make note of three ladies; perhaps that is appropriate given that today is International Women's Day. In particular, I draw attention to Melinda Tankard Reist, the convenor of the grassroots women's protest movement called Collective Shout. She has endured vicious personal attacks for her efforts in exposing the interests of the pornography industry. I also recognise Julie Gale from Kids Free 2B Kids, who almost single-handedly forced the bureaucrats to acknowledge the failure of the magazine classification system that has allowed child pornography to be sold in corner stores and petrol stations. I recognise also Barbara Biggins and her colleagues at the Australian Council on Children and the Media who have campaigned for decades for better television and media standards. These women deserve our respect and support as legislators.

As I conclude my remarks this morning, I want to move to the fourth element of the motion that I have put forward, particularly making reference to the jurisdiction of the Commissioner for Children and Young People. On page 118 of the commissioner's recent "Report of the Inquiry into the mental health and wellbeing of children and young people in Western Australia", Michelle Scott, the Commissioner for Children and Young People, noted —

> Several submissions raised concerns regarding the negative impact of media, including violence and the sexualisation of children, on the mental health and wellbeing of children and young people.

The commissioner further observed —

> This issue illustrates the need for whole-of-community engagement in promoting positive mental health in children and young people. A collaborative approach between parents, legislators, marketers, advertisers, the media, and children and young people is needed that will ensure the healthy and positive development of children in the contemporary media environment.

I note in particular that when one turns one's mind to the relevant section of the Commissioner for Children and Young People Act 2006, one will see that section 19(f) empowers the commissioner —

> to initiate and conduct inquiries into any matter, including any written law or any practice, procedure or service, affecting the wellbeing of children and young people;

This motion recognises that the Commissioner for Children and Young People has the jurisdiction to hold an inquiry into the sexualisation of children in Western Australia, and for my part I would be very pleased if she were to do so. I commend the motion to the house.

HON LINDA SAVAGE (East Metropolitan) [11.45 am]: I congratulate Hon Nick Goiran for using the first session of private members' business to raise this important issue. Although the history of the place of children in society has not necessarily been one that we can be very proud of, certainly in the last century, and more particularly since the 1960s, the protection of children from abuse and neglect and seeing them, in most cases, as merely an economic unit has changed considerably. Of course, today there are still children for whom we cannot provide the safe and caring childhood that they deserve. What we have today, and what we are talking about, is a more insidious type of threat that all children are being exposed to. As Hon Nick Goiran said, children are now subject, I would say, to a virtual onslaught of sexual imagery in the media by advertisers and businesses. This phenomenon has grown particularly in the last decade, a product some would say of celebrity culture, aggressive corporations and also, I think importantly, the pervasive influence of modern technology. As Hon Nick Goiran said, it has been blamed for adversely affecting children's self-image and their mental and physical health, leading to low self-esteem and eating disorders, and it also has been credited for, unfortunately, distorting boys' and young men's attitudes and expectations of young women.

It is not that there have not always been unrealistic and sexualised images of women, children and the human body. I do not mean to be flippant, but by way of example, I have brought in my Barbie dolls that I got when I was a child in the 1960s. It is about 52 years since Barbie dolls were first produced and became a toy that many young children had. They were criticised when they were first put into the marketplace in the 1960s because of their unrealistic body shape and also the ditzy character that went with them. That criticism of the sexualisation of toys and exposure to young children has been around for a very long time, as members will see if they go back and look at the media associated with the Barbie doll. What is different today though is the sheer bombardment that children face. In any week a child can be exposed to perhaps hundreds of images. Young teenagers and children are actively the target of everyone, from the Walt Disney Company and movie makers to clothes manufacturers. As the submissions and the reports that have been referred to point out, this is not something that children can be protected from; it has been described as the wallpaper of a child's life. The drive by advertisers on behalf of their clients to sexualise children in all forms of advertising can be seen on Saturday morning children's television, in fashion magazines and in the children's clothing market. Reference has been made to the report "Corporate Paedophilia: Sexualisation of Children in Australia" and the comments of the author of that paper, Emma Rush, which I will read into the record. She said —

> There is substantial evidence that sexualisation harms children: it promotes body image concerns, eating disorders, and gender stereotyping. Premature sexualisation also erases the line between who is and is not sexually mature, and as such, may increase the risk of child sexual abuse by undermining the important social norm that children are sexually unavailable.

Last year I met with a small group of women who were concerned about the importation into Australia of the children's beauty pageants that many people will have seen on television, as well as references to them. At that time, in an article in *The West Australian*, Caroline Goossens, who was then the chair of the Western Australian branch of the Royal Australian and New Zealand College of Psychiatrists' faculty of psychiatry, said that, in her opinion, these pageants, for which little children are made up to look like highly sexualised adults, were appalling and potentially damaging to children. She is quoted as saying —

> "They send the message to very young children that all their self-worth is related to their being able to perform," … "It also sexualises children in the routines and costumes they wear.

She said that it is not what young children need at that age, which is to have relationships with their peers and solid, reliable and loving connections.

In 2006, the Australia Institute published two reports: "Corporate Paedophilia: Sexualisation of children in Australia" and "Letting Children Be Children: Stopping the sexualisation of children in Australia". The reports led to a Senate inquiry in 2008, which concluded that sexual material in advertising and media content has the potential to contribute to, and perhaps even cause, emotional and physical damage. Disappointingly, however, the recommendations amounted to little more than suggesting that advertisers, publishers and retailers consider the issues. It pointed to self-regulation by the market. I am a believer in regulation of the market. I think that history shows that self-regulation largely does not work. The result has been, unfortunately, that there has not been self-regulation. In fact, the problem has continued to grow.

The reports in Australia, the United Kingdom and the United States to which Hon Nick Goiran referred essentially point to the nexus between sexualisation and commercialisation of childhood. We could raise a whole lot of other complex issues in discussing this matter, such as where the line is drawn between something that is exploitative and something that is perhaps considered to be art; of course, we have seen that debate in this country.

I just want to add, from my point of view, the differences for children today. Some of these images—I have shown my Barbie dolls and, obviously, there has always been some sexualised image in relation to Barbie dolls—were just a part of life. However, as the reports say, these images are so pervasive today that even parents who wish their children to not be exposed to them struggle to do that. Often, what children are exposed to is where it fits into the picture. If it is a constant, it will have a much greater impact, as though it is just a part of life. That is where the role of parents is, of course, essential.

We know from studying this issue for quite some time that modern parents are spending less and less time with their children, and that is because more and more of them are working longer and longer hours. Obviously, steps that have been taken this year to have things such as paid parental leave are incredibly important, as is valuing the unpaid work of caring for children. In my opinion, we continue, as we have in the past, to fail to value and recognise this work. It is a happy coincidence, despite the topic, that we are discussing this on International Women's Day 2012, because there is a failure to value the role of parenting and in particular mothering, which really is work, although, until things such as paid parental leave were introduced, it was not recognised as such. Part of the difficulty that parents face is that they just do not have time to spend with their children. I have previously given some figures in this place about the time children spend in front of screens, which is another element. Of course, amongst the recommendations made have been ones about the way to block computers and advertisers using the internet.

How we can really do something about the important issue that Hon Nick Goiran has raised requires more consideration, because how we would be able to meaningfully respond to this serious issue is a challenge. I thank the member for raising this issue and for giving us the opportunity to consider it.

HON PHIL EDMAN (South Metropolitan) [11.54 am]: As this is my first time to rise to my feet in this house this year, I would like to wish everybody a happy new year, including staff and colleagues.

Like a lot of us in here, I am a parent. We have two boys; one is three years of age, and we were very fortunate to have had another baby in November, so I thank those who gave us some leave.

Hon Ken Travers: Congratulations!

Hon PHIL EDMAN: I thank Hon Ken Travers.

He is now four months old. I guess this issue that we are talking about today is one that touches parents' hearts because we become fully aware of what surrounds us and we become very protective of our children. From what I can see from my experience with the media, the internet, Facebook and so forth, young children are being forced to grow up far too quickly. They are bombarded with sexualised images in the media, not only on the television—some of those music clips with celebrities should be R-rated—but also on mobile phones and, as I said, Facebook. In my opinion, it has gotten right out of control.

I want to quote from a couple of media clippings. One is an article in *The West Australian* of 29 February. I will not read it all, but the title is "Sexualisation of girls blamed on digital age". Cathy O'Leary states —

> A Perth academic says the sexualisation of pre-pubescent girls and "yummy mummies" is worsening because of technology such as mobile phones and Facebook.
>
> University of WA Winthrop Professor Donna Chung said spray tans, make-up and padded bras were being marketed heavily to promote a sexualised appearance in young girls.

I find that disgraceful. I found another article in the *Bunbury Mail* of 25 May last year, headed "Fight to preserve childhood innocence". It states —

> Parents on the show become consumed by a fierce rivalry to make sure their child is the best looking —

These little kids are three and four years of age —

> giving them spray tans and fake eyelashes.

What sort of a world are we living in? I find that sickening.

Hon Ljiljanna Ravlich: Pretty sick, really.

Hon PHIL EDMAN: It is disgraceful. There was another article in *The West Australian* headed "Let children have time to enjoy being just children". Andrea Mayes states —

> How do I explain that the reason they can't watch TV early on weekend mornings is because they might inadvertently come across Rage or Video Hits showing Lady Gaga (or just about any other

> contemporary female singer) writhing around in mock sexual ecstasy, or featuring in rape simulation scenes?
>
> What explanation can I give to my seven-year-old about why bra tops are sold in her size?

The article goes on to state —

> In 2006, the Australia Institute published two reports into the problem: Corporate Paedophilia: Sexualisation of Children in Australia and Letting Children Be Children, which outlined how children were being sexualised by advertising and marketing and why regulation of these industries was failing.
>
> The reports led to a Senate inquiry in 2008 which concluded that "sexual material in advertising and media content has the potential to contribute to, and perhaps even cause, emotional and physical damage to children".

Of course it would. We are asking a seven-year-old or even a 12-year-old young girl to watch these sorts of things. Obviously, I am not a woman, but as a parent I can understand that that would be demoralising and there would be an expectation on young girls to rise above the bar of what an 18-year-old woman would be like. That is wrong. They do not even have a chance to grow up.

I agree with the point that Hon Linda Savage made; that is, if both parents are working full time, it is harder for them to monitor what their children are watching and learning from the media on the internet. It would be very, very difficult. We need to put something in place to stop that happening. This is not a state issue or a national issue; it is a global issue as it is happening all over the world. We need to do our part and speak up and try to stop this sort of behaviour because it is very disheartening.

In relation to porn on the internet, I refer to an article that appeared in *The Weekend West* in October 2011 headed "Jewellery outrage: Girls 'a target of porn'". It states —

> Child sexualisation activists have criticised a decision by accessories retailer Diva to promote Playboy necklaces and rings next to toy jewellery for children.

That is just crazy. It continues —

> "Diva is complicit in grooming girls as consumers of a porn brand —

I remind members that this is a quote, so some of this language is unparliamentary —

> which portrays women as 'bitches' and 'whores' to be used for men's sexual gratification," the petition said.

That is of grave concern. As far as I am concerned, that company can go to hell. It is just ridiculous.

We need to do the right thing not only as members of Parliament in Western Australia but also as parents. I completely support Hon Nick Goiran's motion. It is a global issue and I hope we all do the right thing as this practice needs to be stopped. Profiteering from this sort of activity involving young children is an absolute disgrace.

HON ALISON XAMON (East Metropolitan) [12.03 pm]: I rise on behalf of the Greens (WA) to also indicate my support for this motion. I appreciate the spirit in which this motion has been moved. It is a very important discussion for us to be having in this place. I raised this issue independently with the Commissioner for Children and Young People during my last meeting with her. The timing of this motion is quite useful because I have certainly put this issue on the children's commissioner's agenda as an issue that I felt needed to be addressed.

Hon Donna Faragher: What was her response?

Hon ALISON XAMON: Initially, it was very positive, but it is not up to me to direct the independent commissioner to undertake an investigation. I am explaining to the house that I have raised that issue independently with her.

It is a very complex issue and there is no expectation of easy solutions. The increasing sexualisation of children is of increasing concern to more and more Australians. I think the vast majority of parents would welcome such an inquiry because we all want to raise our children in a healthy, happy and safe environment and we recognise that early sexualisation is simply not compatible with those aims. In fact, I doubt that we would find parents who are not concerned about the increased sexualisation and commercialisation of children. I want to make it clear that when I raise these concerns, I am not talking about young children involved in gender play activities. I do not mind if boys want to play with dolls or girls want to play with trucks because that is just part of normal childhood development. This issue is specifically about the sexualisation of children. We need to recognise that, increasingly, parents are feeling pressured about this issue. They are feeling powerless about what can seem to be the never-ending onslaught of inappropriate images targeted at or exposed to children and inappropriate marketing techniques. We need to talk about the notion of more family-friendly public spaces. I am very specifically talking about television, radio and the internet in this regard. We need to support parents and give them the tools to manage this.

The pressures are being felt not just by parents; they are also increasingly being felt by our teachers and by those who work closely with children and who express their dismay and alarm as to how to manage the behaviours that emerge as a result of increased sexualisation. Childhood is a really special and precious time. In many ways it is fragile. We have a responsibility to be proactive in cherishing and protecting our children. If things go wrong during childhood, the repercussions can be felt for a lifetime. It is really important that we look at an inquiry that is specific to WA and that can make some very clear recommendations. I think that the Commissioner for Children and Young People is an appropriate avenue for this inquiry to be pursued. The commissioner has demonstrated that she is particularly skilled at seeking the views and opinions of children. It is essential that an inquiry is able to do that.

Hon Nick Goiran specifically referred to the United Kingdom review into the commercialisation and sexualisation of children. There could be merit in including the word "commercialisation" in the motion as the two are linked in many ways. The UK review included a range of recommendations, which certainly serve as an important starting point. I want to draw members' attention to research that has been conducted here in Australia. I refer to a report written in 2006, which I am happy to table for members' interests, conducted by the Australia Institute entitled "Letting Children Be Children: Stopping the sexualisation of children in Australia". It is particularly pertinent to the Australian regime. Part of the summary states —

> There is strong feeling around Australia that during childhood, and certainly during the pre-teen years, children should be free to develop at their own pace, in their own ways. Widespread public discussion followed the release of the Australia Institute's discussion paper number 90, *Corporate Paedophilia* … and many Australians voiced their concern that children's freedom to develop at their own pace and in their own ways is under threat from heavily sexualised advertising and marketing. While parents do their best to protect their children, many feel that they are losing the battle.
>
> Children are only likely to be able to develop freely if government assists parents by limiting sexualising pressure at its source—advertisers and marketers. Current regulation mechanisms are failing in this task.

The paper goes on to refer to what it identifies as the sources of premature sexualisation. It particularly focuses on girls' magazines and advertising material, which is targeted at what is termed the tweeny market. It says that these magazines teach young readers to dance in highly provocative ways and also idolise highly sexualised young women such as Paris Hilton. That is not a role model that I particularly want my children to model their lives on. The paper also refers to how children are unavoidably exposed to heavily sexualised outdoor advertising, whether it is targeted at adults or children, and to how we are increasingly seeing advertising that directly sexualises children; that is, it portrays children in a sexual manner.

The sorts of risks that premature sexualisation bring about are identified as being problems with healthy body image and compromised self-esteem. This paper refers to the concerns of parents about how to teach their boys about healthy images of sex, issues of rape and consent and appropriate ways to behave and what that actually means. I think that is quite an interesting matter to be looking at, particularly on International Women's Day. The paper refers to children being hospitalised for severe eating disorders and that general sexual and emotional development is affected. It states also that the sexualisation of children risks normalising and possibly encouraging paedophilic sexual desire for children, which I am sure would be of major concern to all of us. They have identified that, certainly within Australia, better regulation is needed. We need to urgently review the existing codes of practice for advertising and television programming and to recognise specifically the risks of sexualising children. They talk about establishing a special children's division within an office of media regulation. They also talk about restrictions on the heavy targeting of children by advertisers and marketers and the need to clamp down on those regimes.

I think the research is making it quite clear that this issue is not unique to Australia or to the United Kingdom. I agree with Hon Nick Goiran's comments that it is very much a western phenomenon and something we have seen increase dramatically, certainly in my lifetime, and I am really unhappy with where things are going. I watch, for example, when *Video Hits* accidentally comes on my TV in the morning. It is a G-rated program, but the sorts of images that program portrays and targets at children are extremely concerning. When they come on in our house, we immediately turn off the TV but we cannot always catch them in time. We need to make sure that public television in particular can be much more stringently regulated, particularly when it is targeting children during children's hours. Part of our role here is to take the sometimes bewilderingly swift changes that are occurring within our society and look at the impact they are having. We need to question whether our policy and legislation is keeping up. The research on this indicates that it is not. The question then is: whose responsibility is it? As I said, the UK and Australian research has found that the responsibility is one that all of us as a community share, whether as individual parents, government, the media or educators.

I thank Hon Nick Goiran for bringing this very important issue to this place. As I said, it is something I have already raised directly with the Commissioner for Children and Young People and it would be really good if we

could undertake some WA-specific research from which we can, hopefully, devise some recommendations that we can act on.

HON ALYSSA HAYDEN (East Metropolitan) [12.12 pm]: I rise today to put my support behind Hon Nick Goiran's motion and condemn him-commend him I should say; not condemn!-on raising this serious issue that has slowly crept into our society. I say "slowly" because I believe it is the small changes to advertising, clothing and parenting that are contributing to the sexualisation of our children.

Hon Linda Savage spoke about Barbie dolls. They are somewhat tame compared with what is now available. I do not know whether many members have seen the Bratz doll that is now available. They make the Barbie doll look very contemporary and tame. I remember that when I was a child my mother chose my clothes; she bought them and dressed me. My mother decided what I wore and educated me about what was appropriate and inappropriate. As I grew older, both my parents supervised what I wore when I left the house. They would look to see what I was wearing under the layers of disguise that I intended to wear once I had left the home and was out of my parents' vision, as so many teenagers do and will continue to do because it is part of life and part of growing up. However, as part of life and growing up it is the parents' responsibility to protect their children and their children's innocence. I had to use this approach with my stepdaughter from when she turned 12 and check what she was wearing and constantly had to send her back to her room to make sure that when she took her jacket off, her exposed skin would be covered. It is our role as established parents and as new parents to protect our children from sexualisation and to keep their innocence alive.

A few years ago I was in a large retail store purchasing a gift for my girlfriend's seven-year-old daughter's upcoming birthday party. As I was walking around the girls' clothing section, I was somewhat shocked when I discovered a lingerie twinset in the children's department which, to me, belonged in the ladies' wear section, and should have stayed there. It was available for children from the age of five upwards. When I mentioned this to the mothers at the party I attended to celebrate the girl's birthday, their response was, "How cute, why didn't you buy one?" Obviously, I defended my decision not to buy one. Then the conversation turned around and focused on me, suggesting that I was perhaps being a bit of a prude and was making too big a deal of it and that it was harmless for children to wear this stuff. Please do not get me wrong; these women are not bad parents. Rather, they are parents who are under the influence of media and fashion statements promoted by our retailers and our media. More and more we are seeing adult-style clothing being made for children and being marketed with adult slogans and tones.

In preparing for today I googled "girls underwear" only to find that the underwear I would see nearly 10 years ago had somewhat advanced. On a popular website a cute girl's two-pack bra and panty set was displayed with the word "love" printed across the left cup, with little keys hanging from the letters. On the matching, stretchy boxer-short type pants there was a printed chain around the waist with a heart padlock across the zip. To me the outfit was suggesting a chastity belt with the keys available on the cup—for a seven-year-old. Further in on the website it had a girl's demi-convertible bra. Why a seven-year-old needs a convertible bra I do not understand. Both items were available for children from the age of seven and upwards. These items are a far cry from the Winnie the Pooh and Tinker Bell singlets I was wearing at the same age. I also noticed on a website a question from a young mother asking whether she should allow her eight-year-old daughter to wear a padded bra. The comment in response was, "It's common in this day and age; you should just let her wear one." Although allowing children to wear this type of clothing may seem harmless to many, it is, unfortunately, the start of sexual awareness for those children and the start of their innocence being lost. These children are being encouraged or dragged into adulthood whether they like it or are ready for it. Unfortunately, it appears to me that the duty of a parent to protect the innocence of their child is no longer held in the same regard as it was in the past. The parenting my parents exercised with me was more relaxed than that of their parents, and parents today are even more relaxed than my parents were.

Hon Donna Faragher interjected.

Hon ALYSSA HAYDEN: Not all of us, Hon Donna Faragher, but some. Slowly but surely our children's innocence will continue to be eroded. As time goes on, this will only get worse until an example is made, people are educated and the government and society says enough is enough. We need only turn on the TV or open a teenage magazine to see that our children are being subjected to sexual images on a regular basis. Yesterday I went to a store to purchase a magazine. I asked the retailer what is the most popular magazine our young children are buying—I was asking about girls the ages of nine upwards—and was told it was *Dolly* magazine, so I purchased one. I opened the magazine, and although some articles are quite informative and helpful to our young people, there are a couple that I am actually a bit embarrassed and—looking up into the gallery, where there are some children—a bit reluctant to talk about. The fact that I am actually apologising about it in a room full of adults demonstrates even more why I need to say it, because this is in a magazine for children. If the children upstairs could block their ears, the title is, "The 4-letter Word That's Ruining Your Life: Slut", and the girls who are reading and commenting on this article are 13 years old. Further on in the magazine there is a sealed section. There is a perforation that has to be ripped to open it, and if anything is locked away from

children, of course, they will open it—that is temptation. The sealed section is entitled "The Virgin Diaries". I will not read the dot points because I would be even more embarrassed to do that in this place, but members are welcome to look at it. The fact that this is available for purchase to children of any age, and the fact that the retailer I bought it from said that the general age of the children who buy it is from nine years old upwards—their parents help them to buy it as well—just shows that we have become too relaxed and it has become so common that we do not think it is an issue in society, when, in actual fact, it is a huge issue.

If an inquiry can assist with identifying ways we can protect our children and help new parents learn skills to make the right choices to protect their children and allow children to enjoy their childhood and their innocence for a lot longer, I fully support Hon Nick Goiran's motion.

HON LIZ BEHJAT (North Metropolitan) [12.22 pm]: I rise to commend, along with the rest of the house, Hon Nick Goiran for bringing this matter to the house's attention. I also commend all members who have unanimously supported this motion. It is a shame that we do not vote on a motion of this nature so that the result could be recorded in *Hansard*; I am sure I speak for every member of this house in saying that there would be a unanimous "aye" to this motion. I commend Hon Nick Goiran.

It is a shame the schoolchildren who were in the gallery earlier had to leave. Hon Linda Savage showed us Barbie dolls during her contribution; I would have liked to have said that we brought in the schoolchildren to participate in the debate. This debate would show children that this house of fuddy-duddies and old men in suits and ageing women and younger women —

Several members interjected.

Hon LIZ BEHJAT: Let us face it; that is how we are viewed. Members can ask anybody out there if they know who sits in this place; they do not know that we are really trendy, hip young things!

Several members interjected.

Hon LIZ BEHJAT: Let me get to my point, which is that we are the trendy, hip young things who actually legislate for this state, and this is a great example of what we do.

Hon Nick Goiran's motion refers to taking note of "Letting the Children be Children", a report commissioned by the United Kingdom government. But, as Hon Alison Xamon said, this is not something peculiar to the UK or Western Australia; it is happening throughout the world. All members have been looking on websites and trawling through various media to see what they can bring to this debate. One of things I saw was a Canadian documentary called *Sexy Inc. Our Children Under Influence*, which was produced by Sophie Bissonnette; it is a really great 35-minute documentary that can be found on the Kids Free 2 B Kids website. The documentary shows Canadians girls being interviewed about how they view these things.

Today we have talked about the wallpaper of children's lives. What do we actually mean by that? Members will have heard the Oscar Wilde quote that he purportedly said while on his deathbed, "Either that wallpaper goes, or I do". That is what we are talking about—the wallpaper of our lives. If we walk into a room that has some disgusting wallpaper, we cannot do anything about changing that wallpaper, so gradually we become used to that wallpaper and we live with it; we do not get rid of it. That is what we are talking about with this sexualisation and commercialisation of children. This is what children are seeing every day; it is the wallpaper of their lives. We cannot walk down the street without seeing things at child eye level, or billboards showing inappropriate things. But what can we do? If *Video Hits*, which is shown in the morning, is not appropriate, we can turn the television off—is that what we have to do? We need to look at the action we can take together as parents. A lot of these things are motivated through digital media and social networking. It is not up to legislators alone to fix this, and it is not up to the advertisers alone to fix it—we know that self-regulation does not work. In Australia, there have to be complaints about an advert for it to be removed; there is no regulation that questions whether it is appropriate. Advertisements are put out there, and then parents have to say, "This isn't appropriate", before it is taken down. We need to look at that issue.

Returning to social networking and media, a massive number of organisations are now using social media to rally people and get them to believe in causes. We should be turning that around and using that media to take back control of some of these things. It is not enough to just turn off the TV when something inappropriate comes on—a Lady Gaga clip or whatever. As Hon Linda Savage said, these days, unfortunately, parents are sometimes time-poor, but we have to sit down and talk to our kids about why things are inappropriate, what the image is portraying, and why it is not all right to see women portrayed in a sexual way such as in simulated rape scenes and things such as that. In *Sexy Inc. Our Children Under Influence* an advertisement from a newspaper was shown to young children. The advert showed a scantily dressed woman—she was wearing a pair of leggings—with her hands covering her bare breasts. The interviewer was asking the young children, who were probably about seven or eight years old, what was wrong with the advert. The kids were all saying, "She shouldn't be showing her private parts; that is not appropriate for children to see; she should be more modest about that." The children obviously had the right idea, but how do we get that message back to the advertisers?

The interviewer said to the children, "Okay; let's dress the model", and she gave them all a copy of the advert. The children coloured in the woman's breasts, they coloured in the leggings, and they drew little hearts and flowers and wonderful puppy dogs and things like that that children should be drawing. The drawings were then sent to the advertiser to let the advertiser know what the children thought of the advert; the advert was withdrawn. That was a success. We should be looking at those sorts of things—active things we can do to stop this gross sexualisation and commercialisation of our children. It breaks our hearts, and it is the wallpaper to which we have all become inured; we should not allow that to happen. We have to take action, but we have to do it together. We have to do it as legislators, as advertisers, as parents and as children. Let children have a say. Those children who drew on the advert did it themselves—it was their decision. The interviewer did not tell them what to draw; she said, "Let's dress the model; what is appropriate?" The children decided what to draw because their parents had obviously talked about it.

Reg Bailey's report documented that one of the kids involved had said, "But it's really easy to stop these things happening on television. There should be a button on the remote control and if something comes on television that is not appropriate, mum or dad could press the button. Once the button has been pressed 1 000 times, that program should not be broadcast." Ideas like that come from children. That idea, of course, probably would not work in a real setting, because people would probably be sitting there pressing the button all day and there would be nothing on television. But that is the sort of thing that children come up with. Let us talk to the children; let us not exclude the children from the conversation. Let us not say, "You can't see that", end of story; we should be saying, "You can't see that because it's not right, it is not a proper way to portray women, it is not a proper way to portray boys; it is not right."

As Hon Alyssa Hayden said, some of the clothing that is available is not right. Whoever said that a pair of knickers for a six-year-old girl showing an ice-cream cone and the words "lick me" is appropriate? It is not; it is disgusting! That is what we have to tell people out there. The reports are all available. If it was the 1960s, we would be starting to say, "We think that maybe smoking might be bad for us. We're not quite sure, but there is some evidence. Evidence is being gathered". Or we would be saying, "Evidence is being gathered that alcohol causes problems." There are masses of evidence out there now that the commercialisation and sexualisation of children causes problems, and we need to do something. My good friend Sophie Mirabella, the member for Indi, has talked about the toxic nature of these things. It is a toxin, it is a poison, and we all—whether we are legislators, parents, children, adults or advertisers—have to work together to stop it. We have done this now in a bipartisan manner today in this chamber, and I thank Hon Nick Goiran for doing that, but we cannot stop here. Let us find out which school the children that were in the chamber today were from. Let us send them our debate and let them know what we think. Members who use Facebook can put it on their Facebook sites now. All members who use Twitter can get on there, as I did on the Legislative Council site today, and say, "Tune in in an hour and a half's time. We are talking about the sexualisation and commercialisation of children." Let us turn that media to our benefit and use it. Hon Nick Goiran is to be commended for bringing this to the chamber as the first private members' business motion. I hope that this is the future of what we see in the chamber. I commend it to everybody in this house.

Motion lapsed, pursuant to standing orders.

LOCAL GOVERNMENT AMENDMENT BILL 2011

Report

Report of committee adopted.

JOINT STANDING COMMITTEE ON AUDIT

Council's Resolution — Assembly's Amendments

Message from the Assembly now considered —

> The Legislative Assembly acquaints the Legislative Council that it has agreed to the resolution set out in Legislative Council Message No. 179, regarding the Joint Standing Committee on Audit, subject to the amendments contained in the Schedule annexed, in which amendments the Legislative Assembly desires the concurrence of the Legislative Council.
>
> Subject to the Legislative Council agreeing to the amendments contained in the Schedule annexed, the Legislative Assembly acquaints the Legislative Council that it has agreed that the Legislative Assembly members of the Joint Standing Committee on Audit shall be the Chairman of the Public Accounts Committee, the Member for Jandakot, the Member for Carine and the Member for Gosnells.

The amendments from the Assembly were as follows —

No 1

> In paragraph (a) of the resolution: To insert after the words "Public Accounts Committee" —
>
> (including the Chairman)

No 2

Delete paragraph (b) of the resolution.

No 3

In paragraph (c) of the resolution: To delete the words "Standing Committee on Estimates and Financial Operations" and insert —

Legislative Assembly Public Accounts Committee

No 4

In paragraph (d) of the resolution: To delete the word "Council" and insert —

Assembly

Motion

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [12.34 pm]: — without notice: I move —

That in response to Legislative Assembly message 235, the Legislative Council disagrees to the amendments made to Legislative Council message 179 regarding the Joint Standing Committee on Audit.

The motion is that we disagree with the amendments that the Legislative Assembly made to our message. A little background might be helpful, because this issue has been around for a very long time. An amendment was made to the Auditor General Act 2006 that requires the houses of Parliament to form an audit committee. As I recall, the original proposal during the last government was that the Legislative Assembly would be in control of this particular committee. A message was forwarded to the Legislative Council. The message sat here doing nothing, and then I think it disappeared at prorogation. When this side of the house came to government, a motion was proposed to this house that a committee of audit be formed, that it be a Legislative Council committee and that it consist of members of the Estimates and Financial Operations Committee of this house and the Legislative Assembly Public Accounts Committee. That motion sat on the notice paper for some time because there was some disagreement about who should be on the committee of audit. I eventually was able to reach agreement with the opposition about how this committee might be structured to provide for the Legislative Council committee, the Estimates and Financial Operations Committee, and the Legislative Assembly Public Accounts Committee to come together. It also provided for those members who did not make up the numbers, if you like, to be able to be participating members on the audit committee. The audit committee has only a couple of very simple functions to carry out. It only probably needs to meet once or twice a year. This house agreed to message 179, which we then forwarded to the Legislative Assembly seeking its concurrence. I have to say that I was slightly miffed when the Assembly sent back a proposal to amend our proposal. The amendment basically has the effect of requiring this committee to be a committee of the Legislative Assembly, and paragraph (b) of our proposal was to be deleted. So the Assembly sent a message back to us, and that is the one we are dealing with today.

If members are particularly interested, the schedule to the Assembly's message is contained in the notice paper. In simple words it basically ensures that the Chairman of the Public Accounts Committee is a member of the committee—I would not have a problem with that, if that is what members choose to do. It is to delete paragraph (b), which I mentioned earlier, which is the paragraph that had been agreed to by the opposition and me, which dealt with the participation of members of both those committees who did not make up the numbers for the original committee of audit. So that paragraph is to be deleted, according to the Assembly. Basically, the Assembly has requested that we agree that the Legislative Assembly be responsible for this particular committee.

I have a very strong view that committees of this nature ought to be in the upper house; they should not be joint committees. However, I think the legislation actually provides that it be a joint committee of both houses, so that is the legislation under which we operate. As a general rule, I would prefer to see these sorts of committees being located in the house of review. I will not get into an argument today about the committee system in the Assembly other than to say that I did not think it was a good idea when it was first brought in and I do not think it is a good idea now, but that is an argument for another day and for people well beyond the time that I am here to sort out. It seems to me that this committee, which has a very simple role, ought to be a joint committee of both houses, administered by the Legislative Council, and that our standing orders should be used in the administration of that committee and that we should agree with the compromise reached between the government and the opposition about who could participate on this committee, bearing in mind that it has a reasonably limited role to play.

I will not use the sort of language that I would like to use when I am thinking about the Assembly, but this proposal I am moving today really just tells the Assembly that we do not agree with its amendments. What it decides to do with this message is entirely up to the Assembly, but in the meantime I shall do my best to make

sure Assembly members accept the proposition put forward by this house. I have therefore moved that in response to Legislative Assembly message 235, the Legislative Council disagrees to the amendments made to Legislative Council message 179 regarding the Joint Standing Committee on Audit.

HON MAX TRENORDEN (Agricultural) [12.41 pm]: As members are aware, I served in the other house for a lot of years and for many years I was Chairman of the Public Accounts Committee. I think I served on that committee for greater than 12 years. I just make that point to agree with the Leader of the House that the main task of the audit committee is actually dealing with the Auditor General, appointments of Auditors General and the annual budget of the Auditor General. The Auditor General is an officer of both houses of Parliament. It is therefore unreasonable to have any other position; although in slight deference to the Leader of the House,

I would agree that the Public Accounts Committee does have an interest in the Auditor General, but no greater or lesser interest than we in this house have. I just put the point and say that I support the motion put forward by the Leader of the House, and I am sure that the National Party does.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [12.42 pm]: The opposition will also be agreeing to the motion moved by the Leader of the House. I recall when this motion first came to this chamber that I was in fact the parliamentary secretary to the Treasurer at the time and was put under a fair bit of pressure from one of my own colleagues to try to set up this committee in this chamber and not in the other. I note the Leader of the House's concerns about the structure of the committee. It will be interesting to see how the Assembly deals with this referral back to it, to rethink how it could perhaps be done better. I know that there is some concern about how committees seem to be growing like Topsy in the other place and that perhaps the other place needs to rethink its purpose and acknowledge that we are in fact the house of review. We hope that this message will not be delayed in the other place and that it will perhaps reconsider and come back with a message of agreement with the Council on how this committee should be established. We note that this is indeed an important committee to set up, although it will meet only on a couple of occasions.

I believe the expertise is certainly present in this chamber and that we have had excellent value out of our own Standing Committee on Estimates and Financial Operations over the past few years in the nature of inquiries it has conducted. I will not be saying much more on that, except that we agree with the motion moved by the Leader of the House and we wait with interest to see what sort of response we get from the Assembly.

HON GIZ WATSON (North Metropolitan) [12.43 pm]: Some things take a lot of time around here, don't they? This is a longstanding matter. I also indicate that the Greens (WA) will also support the motion as moved by the Leader of the House. As Chair of the Standing Committee on Estimates and Financial Operations, I am mindful, as are other committee members in this place, that this matter has a time urgency related to it as well because the second function of the Joint Standing Committee on Audit is to review the operation of the Auditor General Act, and that is pressing. Therefore, a resolution to this matter of how the committee is to be formed is getting even more important. We have kind of muddled through to date, in dealing with the question of the Auditor General's budget, by both committees having hearings with the Auditor General and then making a report to the houses individually. That was not how it was intended to be. When the act went through Parliament, it was intended that that joint committee from both houses would make a comment on the Auditor General's budget. That would be a much more satisfactory way of doing it and would provide consistent advice to the Parliament.

I simply want to say that I will be doing all I can to try to get a resolution to this matter by way of other conversations outside of the chamber as well, because it has got somewhat blocked; people have been a bit at loggerheads on this particular issue. I think, really, we should be able to come to some agreement whereby we can get on with the work that that joint audit committee is meant to do. We need to resolve this matter very shortly to meet the time frames of the act. If we do not have agreement on the make-up of the Joint Standing Committee on Audit, it will make it much harder for us to do that job. So, I support the Leader of the House's motion.

The PRESIDENT: The Leader of the House has moved that in response to Legislative Assembly message 235, the Legislative Council disagrees to the amendments made to Legislative Council message 179 regarding the Joint Standing Committee on Audit. The form of that message would read —

> Mr Speaker
>
> The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 235 that it has disagreed to the amendments made by the Legislative Assembly to Legislative Council Message No. 179.

The question is that that motion be agreed to.

Question put and passed.

COMMUNITY PROTECTION (OFFENDER REPORTING) AMENDMENT BILL (NO. 2) 2011

Second Reading

Resumed from 1 December 2011.

HON GIZ WATSON (North Metropolitan) [12.47 pm]: This bill amends the Community Protection (Offender Reporting) Act 2004 to enable WA Police to make public information about people who meet the legislative definition of "reportable offender" under the act, people who are the subject of a supervision order made under the Dangerous Sexual Offenders Act 2006, and people who have been found guilty of an offence punishable by imprisonment for five years or more, and the Minister for Police has authorised publication on the basis that he or she is satisfied that the offender poses a risk to lives or the sexual safety of one or more persons or people generally. It is worth noting that the risk does not have to be related to a particular person or a particular class of person.

"Reportable offender" refers to an offender who has committed one of the offences listed in the Community Protection (Offender Reporting) Act—a range of sexual offences related to children or incapable persons, and also murder; and an offender who has committed a different offence but the court has ordered him or her to comply with the act's reporting requirement because he or she is considered to be a risk to the lives or the sexual safety of one or more persons or people generally. The act requires reportable offenders to provide and regularly update certain information about themselves to the police, including whether there are any children living or having unsupervised contact with the reportable offender, whether he or she is involved in any club or organisation that has child members or participants, and details of any travel plans. Currently that information is not publicly accessible.

A person who is the subject of a supervision order under the Dangerous Sexual Offenders Act is an offender who has committed or attempted to commit a serious sexual offence—which is set out in another list of offences—and who a court has ordered to comply with certain conditions while out of custody because the court considers that without such an order there is an unacceptable risk that the person would commit a serious sexual offence. The conditions involve regular visits with and provision of contact details to a community corrections officer. Again, that information is not currently publicly accessible.

This bill permits the Commissioner of Police, or deputy commissioner or assistant commissioner to whom the power has been delegated by the commissioner, to provide information to the public about the offender in three situations or tiers, unless the offender is under a witness protection program proposed under new section 85D. The first tier is if an adult reportable offender has failed to report or has provided a false or misleading report and his or her whereabouts are not known to the commissioner, then the commissioner can publish on a website maintained by the commissioner any or all of the person's personal details including a photograph but excluding any information that would identify a child. If the commissioner does publish the information, he or she can remove some or all of it afterwards. If that happens, the commissioner can also choose to republish it. Once the person reports his or her whereabouts to the commissioner, the commissioner must remove the published information from the website as soon as is practicable. The justification for this tier, as given in the second reading speech, is to enhance public vigilance and increase the prospect of the offender being arrested.

New section 85G relates to the second tier. The commissioner can publish a photograph and the general locality of an adult offender who is the subject of a supervision order under the Dangerous Sexual Offenders Act, unless the order prohibits publication of that information; who is a reportable offender who has subsequently been convicted of a particular kind of crime—this is defined and is essentially sex crimes involving children or incapable persons—and one of his or her crimes is of a particular sort, which is also defined in a different list of offences but, again, relates to sex-related crimes involving children; or, who has been found guilty of an offence punishable by imprisonment for five years or more and the Minister for Police has authorised publication on the basis that he or she is satisfied that the offender imposes a risk to the lives or sexual safety of one or more people or people generally. The justification given in the second reading speech for the second tier is to enhance public awareness and safety. Under this tier, if the commissioner proposes to publish the person's photo and locality, the person must be given written notice and at least 21 days in which to make submissions or be heard in response. If the person is the subject of a supervision order under the Dangerous Sexual Offenders Act, written notice must be given to the chief executive officer of the Department of Corrective Services. The commissioner must have regard for any submission, information or document provided by the person and any submission made by the CEO of the Department of Corrective Services within that 21-day period.

In cases in which the minister's authorisation is required, proposed section 85G(6) sets out a list of matters the minister must consider. The commissioner must provide any relevant information that is available. Matters to be considered include a person's total criminal record, including any spent convictions. Following any publication, the commissioner has the discretion to remove the information from the website, but can also republish it later. If publication is on the basis that the person is the subject of a supervision order under the Dangerous Sexual Offenders Act, once the supervision order ceases to apply, the commissioner must remove the published

information from the website as soon as is practicable, unless the person fits one of the other categories within this tier that permits the information to be published. Similarly, if publication is on the basis that the person is a reportable offender, once that reporting obligation expires the commissioner must remove the published information from the website as soon as is practicable, unless the person fits one of the other categories within this tier that permits the information to be published.

The third tier is proposed new section 85J. Upon application by a parent or guardian of a child regarding an adult third party who has unsupervised contact with the child for at least three days in any 12-month period, the commissioner can disclose whether the person is a reportable offender. This is a separate process from any working with children checks that may also apply. In all the tiers the decisions made in good faith by the commissioner to publish or not publish information do not attract any civil or criminal liability to the commissioner or the state and are not a breach of any duty of confidentiality, secrecy law or professional ethic or standard. That is contained in proposed new section 85K. Proposed new section 85L makes it an offence to engage in conduct, except in private, with the intent of or the likely effect of creating, promoting or increasing animosity towards, or harassment of, a person identified as an offender under the bill's provisions—whether or not the person is, in fact, the offender, or just someone who happens to look like or have the same name as the offender.

Proposed new section 85M makes it an offence to publish, distribute or display the information to the public without the written approval of the minister. The bill does not specify what matters the minister may or may not take into account in giving or refusing approval.

The bill contains a review provision, with the review to occur after three years. The minister must prepare a report based on the review and, as soon as practicable, lay it before both houses of Parliament. The bill amends section 73(1) of the Criminal Investigation (Identifying People) Act to make sure that the act's list of circumstances in which identifying information can be disclosed includes the circumstances provided for in this bill. An amendment is also made to section 18 of the Dangerous Sexual Offenders Act to provide that a court making a supervision order can provide that a person's photo and locality are not to be published.

By way of background, we understand that this bill fulfils an election commitment made by the current government. I note that the opposition supported the bill in the other place. I understand that such laws do not exist anywhere else in Australia, so this is a new area of legislation. They do exist in the United States, where all states have some form of community notification laws about sex offenders, although how much information is made publicly available differs between the states. The United Kingdom has the equivalent of what is proposed here in the third tier. It is worth noting that few offenders are actually sex offenders. In the great majority of those cases, the offender is also known to the victim. Most offending occurs within a certain radius of the offender's home and the offender knows the location well and had visualised how the crime would be carried out.

The website on which offender information will be provided will be a state government website that includes information about protective behaviours. To access information on the website, applicants will need to identify themselves—as I understand it, this will perhaps be by entering their driver's licence number—and only information about offenders who live near the applicant's home address will be provided. The people making these inquiries will be monitored. I ask the minister: How is it anticipated that information about these applicants will be used? What is the purpose of gathering that information? What is the anticipated end point of monitoring and gathering that information? If information is disclosed under tier 3, the offender will be notified of the disclosure by police as part of managing the situation. Who the applicant was will not be disclosed, although the offender may well guess who was seeking that information.

The information provided at the time of the briefing, which was not that long ago, was that there are around 2 557 reportable offenders in Western Australia, of whom 644 are in regional Western Australia and 1 913 are in the metropolitan area. Around October 2011, six offenders would have fitted the tier 1 category. This is the highest number of people who have ever met the criteria for tier 1. By December 2011 all six had been located. At the time of the briefing, no-one fitted that tier 1 requirement, which is when the location of a particular offender is not known. There is, in general, a very high rate of compliance by offenders with reporting requirements. This is attributed to close case management, which is unlike what happens in some other jurisdictions in which reportable offenders are only checked up on annually. It is a credit to the system that there would be no offenders in this state who would meet that tier 1 requirement because the reporting requirements are functioning well, although I do not know whether things have changed since December last year. One concern I will be expressing on behalf of the Greens (WA) about changing the system is that we might well destabilise a system that is clearly working well in this state. During debate in the other place on 1 December 2011, the Minister for Police said that roughly 40 people fit into tier 2.

I want to comment on the public response to this proposed legislation. It has been reported in the media that the Law Society of WA strongly opposes the legislation. Also, in a speech in the other place the member for Armadale said that Associate Professor Guy Hall of Murdoch University has criticised the legislation as possibly

adding to the pressure on a child victim of sex abuse by a family member to not report the offence because it would result in the family name being made public. Media reports have also stated that the Western Australian Police Union is concerned that the bill would promote vigilantism and add to pressure on front-line police.

Sitting suspended from 1.00 to 2.00 pm

Hon GIZ WATSON: Just before the break for lunch, I was discussing the public debate about this particular bill and I was pointing out that the WA Police Union had concerns that the bill might promote vigilantism and potentially add pressure to front-line policing. That was reported in *The West Australian* on 28 November last year. In her speech in the other place the shadow Minister for Police referred to a media report that police considered that the current monitoring systems were working well, and that ties in with what I said earlier about the monitoring of what are proposed to become tier 1 offenders. The police are concerned that the new bill will cause offenders to go underground, making it harder for police to monitor them. The shadow police minister also said that she had been told by senior police that other states that do not have this legislation may be unwilling to share information with WA authorities if offenders move interstate, which is an interesting point. I might ask the minister whether WA authorities will receive any less information or cooperation from interstate authorities if this bill is passed, whether he has had that kind conversation, or whether he can respond to that concern.

The first point I make is that I do not think that the case has been made that there is any need for a bill of this sort, and it is not clear that the bill will reduce sex offending or improve public safety. The bill will operate in addition to offender reporting requirements; working with children checks; mandatory reporting of child sex abuse by doctors, nurses, midwives, police officers and teachers; the work of child protection workers in relation to children considered to be at risk of sexual abuse; and the Family Court process. I have already cited figures that the government has provided: there are between zero and six offenders in the tier 1 category, and around 40 offenders who fit into tier 2.

The Parliamentary Library's "In the Spotlight" series on POWAnet draws together the information on community notification. I thank library staff for doing that for me. One of the articles provided is an Australian study from 2011 by staff at Deakin University, published in the *Australian & New Zealand Journal of Criminology* and entitled "A comparative analysis of Australian sex offender legislation for sex offender registries". That article states at pages 421 and 422 that limited empirical evidence from the US indicates that community notification is not particularly effective in reducing sex offending, and it is not clear whether limited access to information—as this bill proposes—will avoid the negative consequences of public access experienced in the US or be less effective in achieving the intended public safety outcomes.

Another publication provided by the library is the UK Home Office's 2010 publication "Child Sex Offender Review (CSOR) Public Disclosure Pilots: a process evaluation", which the Attorney General referred to in the other place on 9 November 2011. That report is based on a one-year pilot involving 61 offenders, none of whom had information disclosed about them, and 43 people who applied for access to the information. Relevant to recidivism, it states at page v that most of the offenders interviewed did not report any changes in their behaviour. This is discussed in more detail on pages 17 and 18. Reasons for the lack of change in behaviour appear to be that the offenders were already complying with a reporting regime, were already experiencing other situations that potentially required disclosure—for example, when looking for work—and were already routinely avoiding risky situations. A minority of offenders, the report states, became more aware of which behaviours and activities could trigger a disclosure application and therefore more anxious about certain activities, such as starting a new relationship.

I suggest that the effect of this is not clear. Are offenders who may be disclosed against more inclined to avoid children? Are they being given an opportunity to learn how to operate in a way least likely to be detected? Are they becoming more socially isolated, which is recognised as not being conducive to rehabilitation? For example, members can refer to the 2005 report of the Vermont Legislative Council's Sex Offender Supervision and Community Notification Study Committee, which the library has also kindly provided on POWAnet. A 2007 US report—again, this is amongst the material on the In the Spotlight webpage—by J. Levenson and others called "Megan's Law and its Impact on Community Re-Entry for Sex Offenders" suggested that community notification had not significantly decreased recidivism or increased child protection. With regard to the impact on compliance with reporting requirements, fears have been expressed that the bill will drive offenders underground and that they will cease to comply with reporting requirements, which will in fact make children less safe than they currently are.

The 2010 UK report that I just referred to notes at page 17 a 2006 US study indicating that offenders went underground in response to a community notification scheme and a 2007 UK study indicating that offenders threatened to do the same and to disengage from criminal justice supervision and management if community notification was introduced. The report states that during the one-year pilot most of the 61 offenders interviewed continued to comply with reporting requirements, but it recommended longer term monitoring. It is also important to note that none of the offenders interviewed actually had a disclosure made against them, nor suffered any adverse impacts such as on their accommodation or employment arrangements. Had this happened,

the outcome might have been different. Certainly, the report makes clear that the offenders' initial reaction to the pilot was strong anxiety about vigilantism. Those strong fears appeared to be linked to information obtained from the media and they decreased somewhat after the offenders had the pilot explained to them by police and as they experienced the pilot without suffering adverse consequences. Pilot staff and police offender managers felt that initial visits by police to offenders to explain the pilot and address misconceptions and anxiety were very important. Therefore, my question to the minister is: what steps will be taken for police to meet offenders and explain the scheme and address any misconceptions and anxieties that they might have, to reduce the risk of them going underground and not complying with the system? That is ultimately my concern; it is not necessarily for the offenders themselves but whether they will be provided with that detail of information to minimise the risk of them not complying and basically going underground.

The next issue I will address is vigilantism or, simply, social isolation. The bill and other legislation makes unlawful certain behaviours towards a person identified as the offender, whether that person is in fact the offender, merely looks like the offender or perhaps has the same name as the offender. However, that is not to say those behaviours will not happen. Many people will do things that are not lawful. Given the nature of the offences to which the bill applies, vigilantism by angry or frightened people who are willing to pay the price for taking the law into their hands in order to try to get an offender away from their children is entirely within the realms of possibility and is not a desirable outcome. Aside from vigilantism, social isolation may be imposed by the community once an offender's offence is discovered, or it may be self-imposed by an offender who expects that outcome. Social isolation is not conducive to rehabilitation and is therefore not a desired outcome. Both vigilantism and social isolation may be perpetrated against not only the offender but also the offender's family. There are already in existence some privately created, publicly accessible websites that put together and publish information on sex offenders; however, that does not mean that the government should be doing it too. The J. Levenson article from the US, to which I referred earlier, describes the most frequent negative consequences of community notification laws as job loss, threats, harassment, property damage and the suffering of other household members. Some offenders had fared worse than others and most had experienced negative psychological consequences; and such things can undermine stability, which is relevant in terms of rehabilitation.

In the UK 2010 report that I referred to earlier, none of the offenders was the subject of a disclosure and no vigilantism was reported, but vigilantism has certainly occurred in the UK and two examples were given during debate in the other place. One was of a 100-strong crowd surrounding the home of a man named in a newspaper as a child sex offender, making threats on his life and overturning and torching a car. The other example was of a hospital paediatrician being forced to flee from her home after it was attacked by vigilantes who did not know the difference between the words "paediatrician" and "paedophile". The bill contains confidentiality provisions, but it is questionable whether people, and the media for that matter, will obey them if they believe disobedience will help protect a child in the community. The 2010 UK report involved interviews with 43 applicants who generally understood that they must not tell each other about what they had learned. Although the report concluded that no serious or damaging breaches of confidentiality had occurred over the year of the pilot, the report stated that the applicants struggled with this and that one applicant who was part of a small community may have breached confidentiality. Some police who were interviewed recommended careful guidance to applicants about confidentiality and were concerned about how the police could deal with such breaches. The report states that guidance and help to applicants on the reasons for confidentiality and the assurance that outstanding risks would be dealt with even if there was no disclosure also need to be carefully addressed. It is also important to note that the application process for the pilot involved face-to-face contact between the applicant and the police and home visits to discuss an application and provide disclosure. Key aspects of making the process a positive one for the applicants included the clarity of staff explanations, the personal qualities of the staff and their responsiveness to the applicants' concerns.

I understand that the Western Australian government envisages using a website process instead. This raises questions about the likelihood of the applicants maintaining confidentiality and the likelihood of them experiencing the process as a positive one—especially those who receive a disclosure and have to deal with their anxiety about the offender and the difficult feelings that they may have put their child at risk, as well as those who do not receive a disclosure but continue to feel anxious about the person.

The point I make is that the process we envisage is different from that of the UK, in that it is purely a web-based electronic process. My question minister is: how will the disclosure process deal with these sorts of issues in ensuring that the applicants are dealt with in a way that maximises the likelihood of them complying with confidentiality requirements, that they experience the process as a positive one, and that their questions and anxieties around this very sensitive area are dealt with? Will there be a point of contact? Will there be active engagement with the applicants in a face-to-face way, or will there even be the capacity to do that?

My next issue is false reassurance. Disclosures can be made only about offenders who are convicted. Given the nature of sex crimes against children and the difficulties of prosecution, not all offenders are convicted; in fact,

the vast majority are not. I am not quite sure of the statistics these days, but a very small percentage of these offences continue to a point at which a successful prosecution is achieved; it is below 10 per cent, I think. Concerns have been expressed that applicants who receive a nondisclosure result may feel falsely reassured rather than trusting their instincts. The United Kingdom study indicated that most of the 35 applicants who had received a nondisclosure result felt reassured, but one family who had inquired about a neighbour continued to feel uneasy and planned to move house anyway. Several applicants said that they felt the process had made them more alert to child protection issues.

Another issue is the impact on child victims who are considering making a report. Concerns have been expressed that a child victim of incest, for example, may be less likely to report if they fear that their family name will be published. The bill provides that amongst the matters the commissioner may take into account in deciding whether to publish is the effect of publication on a victim of an offence by the person. This appears to include consideration of whether there are likely to be other as yet unknown victims and the likely effect on them. But whether the first child victim who makes or contemplates making a report against a particular offender would be aware of this is, of course, another matter. I just raise that issue; I do not have a particular question about it but it raises an interesting point.

Another issue is the application of the bill to offenders who are under the age of 18 years. The bill does not apply to under-18s, but my understanding is that when offenders who committed their offences as a child turn 18 years of age, the legislation will apply to them as it does to offenders who committed the offences as an adult. That is an interesting aspect. The minister can correct me if I am wrong when he has the opportunity, but I would have thought that this is a novel area in that normally an offence that was committed by a child stays there.

Hon Kate Doust: Are you talking about some of the young people who get caught up in sexting and then go on the list?

Hon GIZ WATSON: It would have to be a more serious offence than that.

Hon Peter Collier: No; it's an offence you're talking about.

Hon GIZ WATSON: Yes; it is a more serious offence than that and they would have to be prosecuted. It would be a criminal offence. Perhaps we can get a response from the minister on that issue. Nevertheless, it is a transition that we have not really seen before in Western Australian law, unless the minister can indicate a similar example.

With regard to the likely silence of existing supervision orders regarding publication, as I read the bill, the first category of tier 2 will apply to not only people who are put on supervision orders under the Dangerous Sexual Offenders Act after it commences, but also those who are currently on supervision orders. The supervision orders of these people will of course not contain a provision specifying that the person's photograph and locality are not to be published. The Dangerous Sexual Offenders Act contains a mechanism for the person to apply to the Supreme Court for the terms of his or her supervision order to be amended, so an application can be made for an order prohibiting publication. However, it will almost certainly take longer for the court case to be finalised than the 21 days the person gets to make submissions to the commissioner urging against publication. The offender will need to either convince the commissioner via his or her submission not to publish pending the court's decision or seek an interim court order restraining the commissioner from publishing. My question is: what additional resources are going to the Supreme Court, the Director of Public Prosecutions and legal aid bodies to address that potential?

In terms of gaps in the process, the Community Protection (Offender Reporting) Amendment Bill (No. 2) 2011 does not provide a process for a person to apply for a review of the commissioner's decision to publish, remove from the website, or re-publish. The commissioner's decision is final. No process is set out for the person to apply to have their information removed from the website. Should the commissioner consider re-publication on the website, there does not appear to be any process for the offender to be given notice, to make submissions or to be heard.

In tier 2, category 3 cases, when publication is based on the minister's authorisation, the bill does not provide a process for that authorisation to be rescinded anytime afterwards. Instead, the best a rehabilitated offender can hope for is that the commissioner will exercise his or her discretion to remove the offender's photo and locality from the website, and will not choose to republish it at a later date.

In tier 3 cases, when a parent or guardian applies to be informed as to whether a person having unsupervised contact with their child is a reportable offender, the reportable offender is not given an opportunity to be heard on the matter and the commissioner is not given any guidance in the bill on how to exercise his or her discretion. The only matters the bill requires the commissioner to consider are whether the application is in the approved form and whether the person has unsupervised contact with the child for three or more days in any 12-month period. I understand from the briefing, however, that there will be guidelines on how the commissioner should exercise his or her discretion. Members of Parliament, of course, have no say about the contents of guidelines, which in my view is unsatisfactory; that is why it would be preferable for these matters to be included in the bill.

My final questions are: will the minister please table all guidelines relating to this bill, including the factors the commissioner is required to consider under tier 3? If no such guidelines currently exist, will they be produced; and, if so, what is the intended content?

With those comments, I indicate that the Greens have sufficient concerns about this bill that we will not support it. We are yet to be convinced that there is a need for this bill; we think that there are significant areas of risk in the novel approach that is being taken by the Liberal–National government to fulfil an election commitment. I have made the comment previously in respect of a number of bills that we have dealt with that a lot of hastily prepared election commitments are made during an early and rapid election campaign; in some cases, with a bit of reflection, they might have been better left on the drawing board. This is one such example. I want to make it clear that the Greens are very concerned about protecting vulnerable members of the community; we are particularly concerned about reducing the rate of sexual offending, but there are other areas that need significantly more attention than this particular, very emotive, area.

I will just comment on the fact that it is International Women's Day, and we are reminded of the rate of domestic violence offences, which continue unabated. At the presentation I attended this morning, we heard that one in three women will experience some sort of sexual assault in their lifetime; if members want to look at the biggest area of human rights transgressions in Australia, that is what we need to be looking at, and we need to redouble our efforts to reduce all the social precursors that result in women and children being subjected to violence in the place where they should most expect to be safe, which is the home.

This bill is very much about public fears of the unknown offender and people lurking in dark alleys. I am not saying that there are not people lurking in dark alleys, and we do need measures to deal with that. But I will argue that the current measures in this state are working perfectly well—that is the indication that I had when I investigated this bill late last year—and that this bill is more than likely just going to provide a headline for the Liberal–National government to say that it is doing more to protect children. I suggest that the bill might achieve that, but it might well not achieve that, and it potentially could have adverse effects by upsetting a system that is actually working well in terms of offenders complying with the current requirements to report—or certainly that was the case, as I said, a couple of months ago when I was briefed on this bill. With those comments, the Greens (WA) do not support the bill.

HON PHILIP GARDINER (Agricultural) [2.25 pm]: The Nationals will support the Community Protection (Offender Reporting) Amendment Bill (No. 2) 2011, but with some reservation. As all people in society understand, apart from those who have a problem with offences of this kind, the committing of sexual offences is one of the most insidious transgressions that we have in human behaviour—probably not far behind the offence of committing assault with the intention of permanently maiming or killing someone—because there are lasting consequences, as we all know, for those who have experienced this dreadful occurrence. The consequences of sexual offences reach far beyond the time when the act took place and leave people with indelible memories, and that affects both their interaction with other people and the way in which they view themselves.

The people who perpetrate these offences seem to have no understanding of their impacts. It is almost like a compulsive disease, where people cannot control some sensation and therefore proceed to take these actions. It is totally self-oriented behaviour by those people who offend. Perhaps this uncontrollable behaviour is almost like a chemical reaction, for which we hope there might be some psychiatric solution that we could find somewhere down the track. I know that during the course of the Second World War, drugs were administered to soldiers for this kind of thing, to prevent behaviour that might have occurred during those very tempestuous times.

We also know how hard it is to get a breakdown of the facts about this insidious behaviour. That is for all the obvious reasons, because we know that those who have been offended against are very reluctant to disclose the experience, not only from their perspective, but also on occasion from the perspective of those who have offended against them, because what data we have strongly suggests that about 80 per cent of these offences are committed by people who are known to the victim. I understand also that 80 per cent of those—this number may be more rubbery—are committed by members of either the extended or immediate family. From reading about this I know that a lot of people in their late teens—aged 15 years and up—are also highly involved in offending of this nature. This danger is endemic in our society. In the briefing that I heard, one in eight of us has had this terrible experience. I am fortunate to be in that other seven, but one in eight is a very, very high proportion. It is a very serious concern to all; everyone is aware of the dangers in this area.

When considering legislation of the kind that we are considering today on this issue, we have to ask: what emphasis and focus do we wish to have? The focus surely has to be on the protection of our children. Nothing more and nothing less should govern what we do with any legislation that is brought before us to consider. Since the majority of adults have children—some of whom are the victims of their parents—it really is an area for populist measures, no matter whether the measures help what we all aim to do, which is to protect our children, or are driven by some other form of politic, revenge or frustration about what we do to solve the problem.

I have asked myself whether this bill contributes to the protection of the child. The National Society for the Prevention of Cruelty to Children was established in the United Kingdom in the late 1800s with Lord Shaftesbury as its president. I have read a bit about this organisation and, like a lot of passionate organisations—whether they are to do with the environment or child protection, both of which can draw equally passionate responses in people—at times it goes too far, which irritates legislators on both sides of politics, especially in this case in the UK. The society has a very, very strong contingent of people, including policy and research officers, who provide services to their communities. I read that the society has great reservations about what it calls "community notifications", which we are considering as part of the bill before us today. The society believes that previous research suggests that when offenders have stability in their lives and are well integrated into a community, they are less likely to re-offend. That is interesting because this bill casts different offenders and situations into three tiers. The tier that concerns me in particular is tier 1. When tier 1 convicted offenders who are required to report to the authorities do not report, the consequence is that a community notification will be issued. I am advised that right now, as Hon Giz Watson said, this category does not apply to anyone at present. When a clause in a bill does not apply to anyone, one has to ask: how is it that this category does not apply to anyone? My conclusion—I hope I am right in my assumption—is that the case management program of these offenders is proving successful. My understanding is that tier 1 offenders are reported only once a year. For the other 364 days—normally—of the year, they could be anywhere doing whatever, in an underground fashion perhaps, and cause some of our children to be at risk. Nonetheless, from the information available to us, the case support they receive seems to be a success story. I would like to know from the minister whether he has the information, what human resources are allocated, and what financial resources we provide for that case treatment to get the result we appear to be getting. I would be really frustrated if there was a compromise in the resources being given to that area given its apparent success—which I am reading into it—and, if this bill is passed and comes into effect, it is considered that we need less case support for offenders. I would be interested in the answer to that question.

Community notifications were first introduced in the United States of America as a result of at least one dreadful case of a young child of five, six or seven years of age. Legislation was introduced—the first state may have been Vermont but I may be wrong on that—and then went through a number of states. It is referred to as Megan's law. It is a term used to describe the use in the United States of compulsory community notification of the kind being considered in this bill—that is, for convicted sex offenders. Megan's law, at the time it was introduced, was not evidence based—it was populist based. It was having a go to see whether it could do anything constructive to stop insidious and, in some cases, brutal behaviour. It coincided with not just one case involving a five, six or seven-year-old child, but also a number of similar cases. Members can imagine the populist concern that something has to be done, so the US law introduced this community notification.

In the United States, there are a lot of offenders under 16 years of age. That is also a particular concern. I do not know whether an underground group of teenagers commit these offences in Australia, particularly in Western Australia. I would be interested to know whether we have any information about that, but, more importantly, whether the community notification we are considering in this bill has age-limit protection to it—whether it is the conventional age of 16 or 17 for normal criminal activity or whether we are ignoring it. I did not see any mention of age in the bill. The National Society for the Prevention of Cruelty to Children made these observations in 2007. However, since then, in the United Kingdom, despite the concerns about community notification, legislation has been passed, and it is largely on that legislation that this bill has been based.

In Vermont in the United States, following the introduction of Megan's law, there was some interesting evidence, and it is always useful to have evidence in these matters. An organisation called Stop It Now! was established in 1996. That organisation had the same aim of protecting children, not just from sexual abuse, but also from other abuse that can occur in the family. At its start-up, about 60 per cent of the calls that were received related to the sexual abuse of children or children at the risk of abuse—60 per cent of them. When news of Megan's law appeared in the Vermont press, phone calls from these groups about children who were at risk of sexual abuse stopped completely. The question is: why would they stop completely? It is most likely because if 80 per cent of offenders are within the family or known to the family, children will be concerned that if they tell someone—the police, the authorities or someone who can do something about it—they will put at risk that familial person who has offended. After that time when the figure fell to zero, it increased again to about 12 to 16 per cent. But that is some fairly interesting data about the impact of a community notification practice which has taken place albeit in another part of the world—but mostly we have similar emotions and similar fears—and which could occur here as well.

The question we have to ask is: if we are to have community notification, are we considering the protection of children, which is the whole object of this bill? My suspicion is that we do not have that as the main focus of this bill; it is something else to which we are responding. Also, in our community, at least two eminent academics who have serious expertise in this area are similarly concerned about some of the things which may occur as a result of this bill and which are against the propagation of measures for the protection of our children. But the one thing we have in this bill, which is consistent with the view that the Nationals had when we were very

concerned about mandatory sentencing for assaults on police and public officers in this state, is a three-year review. The three-year review has to be taken fairly carefully, because we need to have sound information, rigorous information and detailed information to really see what the effect is on that area about which we are concerned—that is, the protection of children. I suspect that it will be a hard answer for the minister to give, because at this stage I doubt that anyone has detailed what is required to go into that review. But that is one thing that I am also deeply concerned about.

Highly dangerous sex offenders are in the tier 2 category. I forget how "highly dangerous" is defined but it is almost to the point that those people have to stay in jail. They probably should not be out of jail if they are highly dangerous sex offenders, given the insidious nature of this whole thing. If they come out of jail and their names are listed on a community notification website, which we have access to, where will they live and what does their future hold? How can we rehabilitate these people or have them in our community so that we can feel safe and they can feel supported? There is no place for them. They will not be able to rent anything. They will probably end up homeless. If they are homeless, it is probably better that they are in jail. If they are homeless, they can still report but they can still offend very easily. We will all know about these people through the notification. I know how we all behave. None of us is prepared to take the risk to assist anyone like that unless they are in a back part of the state in which there are very few people and they have limited access to temptation that somehow they cannot control.

My remarks mostly refer to the tier 1 area. I have outlined some of the concerns that we have but given the three-year review, we will be supporting the bill.

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [2.47 pm]: The opposition will be supporting the Community Protection (Offender Reporting) Amendment Bill (No. 2) 2011. I thank my colleagues, particularly Hon Giz Watson, for giving us a very extensive and detailed overview of this bill. I will not go into all of that detail again. This bill amends the Community Protection (Offender Reporting) Act 2004, which I understand was uniform legislation. As we have already heard, this bill came about as a result of an election commitment by the Liberal Party prior to the last state election. That election commitment was probably a bit opaque about what the Liberal Party intended to do. There has been quite an interesting reaction to this legislation from various sectors of the community, particularly from the Western Australian Police Union of Workers, surprisingly, which was quite voracious in its opposition to this bill, seeing it as a piece of legislation that would be ineffective in achieving the outcomes that it purported to achieve.

We have heard from a number of quite senior lawyers expressing their concerns about this bill, particularly from Mr Tom Percy, who was quoted in *The Sunday Times* in November last year referring to the risk of vigilante reprisals. I think Hon Giz Watson might have touched on this, and I know that Hon Phil Gardiner has certainly touched on this. We have canvassed this issue on a number of occasions in this place with a range of bills that this Liberal–National Party government has presented to us. These bills have been introduced to try to appease community concern. We are dealing with a very serious issue. We have to come up with ways of trying to manage this issue and do everything we possibly can to prevent it from happening again. Sometimes legislation may not always be the best possible vehicle. Mr Percy is quoted in the media on this occasion as saying —

> "The media-driven hysteria about these offenders would make vigilante reactions a reality and, in the circumstances, an unacceptable risk for no tangible benefit in return," …

Mr Percy then goes on to talk about government expenditure of $2.9 million to set up the public register and the government committing another $1.4 million for its administration and operating costs. The minister might clarify that they are the costs that will be incurred as a result of the additional work on the register. We already have in this state a sex offender register. We need only go back to the period of the Labor government when a raft of legislation was passed to deal with these very serious issues. I think it even included dangerous sexual offender legislation. This bill contains provisions over and above those which already exist in the act. I note some of the concerns that have been expressed already about the potential for some people to perhaps slip through the net, if we like, because they may be on a national register and there may be communication issues between the police in various states. I hope the minister can provide advice about whether that issue has been addressed or will be addressed. I note there is another bill in a similar vein to this in the other place and I dare say we will deal with that in the future. The other issue was people falling by the wayside.

I pick up on the points Hon Philip Gardiner made about the various categories. He questioned the use of tier 1 public disclosures because, currently, no people fit into that category. I was advised during the briefing that zero number of people come under tier 1 at this moment. It is interesting to note the types of identifying material that could be provided if the commissioner so chose, not just of names and photographs, but also of other identifying material such as addresses, even to the extent of whether offenders have tattoos. If in the future someone fits the criteria of tier 1 and they are missing or have not complied with whatever orders or reporting obligations they have to comply with, I think most people in the community would be very concerned. If the police think this type of information is appropriate in identifying those individuals to re-engage and make contact, it will be very

useful. Whilst tier 1 may not be applicable at this point, it is looking to the future, sadly. Of course, in a perfect world, we should not have to apply these types of provisions, but, sadly, we do not live in a perfect world and on a day-to-day basis we hear more and more horrific stories of child sex abuse, not just in other countries—we heard from Hon Philip Gardiner stories of incidents in the UK and the US—but also in our own state in which, tragically, significant examples have happened. It is difficult to comprehend why anyone would engage in that type of activity. As a parent, as I have said before, it is a constant fear that our children may come into contact with someone who may seek to cause them harm through abuse. Let us face it, when a child is abused, it is not something the child can sweep under the carpet, grow a thicker skin and get on with it. It is something that, more often than not, they carry with them for the rest of their lives. As parents and as a community, we need to do everything we possibly can to ensure our children are protected from that sort of exposure. It is difficult, but we want to make sure we do everything we possibly can to prevent these types of incidents from happening. This legislation introduced by the government will deal with people who have already offended. In maintaining the register and monitoring their behaviour into the future, the legislation will probably be reasonably effective in making sure the police know where offenders are and, if they cannot find them, making the information available.

I do not know whether the Community Protection (Offender Reporting) Amendment Bill (No. 2) 2011 will prevent new and unknown situations from occurring, because unless somebody has been caught by this process, charged and put through the system, we will not know they are out there and inclined to commit abuse. We do not know who they are. This legislation will not apply until an incident happens and someone is charged and goes through the system. This legislation may be useful for monitoring people who are in the system now or who will go into the system as a result of that type of activity, but I do not think it will stop that type of behaviour generally in the community. This government has brought on a raft of legislation that imposes penalties for a range of different activities. I know there must be punishment for people who do not do the right thing in terms of community expectations and the law, but I come back to thinking that perhaps there needs to be another focus as well—how do we try to prevent this type of behaviour from occurring in the first place? Although we hear about penalties and registers and those types of mechanisms, we do not hear about how this behaviour can be broken or prevented. What is the government doing to ensure that people's behaviour is modified or changed, or that the behaviour does not happen? Those are the things I am interested in hearing about; as a parent I am certainly interested in hearing about them.

Sadly, we do not always hear about these things until after the event. My son is at a city-based school, and it was not until after one of the teachers, who had been found out to be taking photographs of these young boys in the school changing rooms, had been charged—it was not until after that event—that parents were actually told it had occurred. How these things are dealt with is sometimes out of the control of parents. We have systems in place around working with children checks, but that incident happened after that system had been put in place, so sometimes people will slip through the net. They will still slip through the net despite the register, unfortunately, although I know the police intend to be quite vigilant about this.

One thing I was quite impressed with during the briefing was the explanation of each of the tiers and who would be able to access which type of information. I was very interested in knowing how easily people would be able to go on their computer, iPad or iPhone and access this information. I knew that they would have to provide identifying details, but one of my concerns was whether they would be able to download the image and distribute it wherever they wanted, because that would agitate people in the community. I know people can do that now if they obtain an image of an individual they believe may be a perpetrator, and quite often we will see images or placards posted in communities where people think a paedophile or child abuser is living; we have seen that on TV. But I was very pleased to hear that as well as the applicant having to provide identifying details, these images will be watermarked and numbered, making them very difficult to download, print and distribute. Returning to yesterday's debate on regulation for electricians, I was thinking that if we can have a number and a watermark on these images, perhaps it would be just as easy to apply that to yesterday's discussion.

I was glad to hear that those types of restrictions on access for distribution have been put in place, because I know that when we had a debate in this place on prohibited behaviour orders and we talked about people's capacity to download images of individuals who had a PBO issued against them, there was capacity under that legislation for people to access that person's image and download, print and distribute it wherever they wanted to without any degree of penalty. We know that that has occurred in the UK and other places. Therefore I think it is interesting that on this occasion this action by the government—I would hope taking into account the sensitivities of what could happen if people have access to these images and want to cause harm to the person who has been the child abuser—hopefully will place a fairly significant restriction on the capacity of people to either harass or cause any difficulty for those individuals.

I pick up on the comments of Hon Philip Gardiner about what happens to these individuals when they either come out of prison or come back into community—where do they go? In another place and another time, I might tell members my private view on what should happen to these individuals.

Hon Peter Collier: We might agree on that one.

Hon KATE DOUST: As a parent, my view might be a little more colourful than the minister's. I do understand that these people need to try to get on with their lives; they need to get back into the workforce. If they have been receiving treatment or counselling, they need to be able to rejoin communities—if they possibly can; not everyone can, unfortunately. There are some significant issues around how we manage these types of offenders in terms of how they get back into the community. Again, I do not know whether we address those issues well enough, and it is not aided by the perfectly understandable high degree of anger that is aimed at these people once they are back in the community.

It is really a difficult issue. Unfortunately, it is a type of issue over which anger is easily whipped up in the community. I think governments need to be very careful about how they manage that anger. If they are going to use it just to score political points, I do not think it is going to achieve the outcome that is intended. I am not necessarily saying that that is what it is. I think that most people would want to know if they had a child abuser living next door to them. I would certainly want to know; I am sure most people would. I would feel very uncomfortable knowing that somebody in that situation was living close to my children. I imagine that that is how most people would deal with it. But I do not know whether I would actually want to sit down at a computer and access their image. I would expect that the police or the appropriate people would manage where these individuals were placed and would monitor them.

Although we are agreeing with this bill, the query is: given that we already have a sex offender register and we have other legislation in place, is it really necessary to go down the path of creating this additional legislation? I know this is not an onerous piece of legislation. Really all it is doing is adding an additional part to the act. It provides for three tiers of public disclosure to be put into the legislation. It provides for penalties. I think it is sensible to have penalties in legislation to deter people from taking extreme or harsh action or the vigilante approach against these types of offenders. I think those changes are quite reasonable. Again, I compare it with the legislation that we dealt with covering prohibited behaviour orders, which does not have those types of penalties in place. Maybe when we go back and review that bill, that might be something that we want to countenance to make sure that those types of issues do not come up with that legislation either.

I probably do not have a lot more to say on this bill. I think there have been significant contributions from other members today on this legislation. I would be interested to hear from the minister—this issue was canvassed earlier by Hon Philip Gardiner—about resourcing. I do not know how many people work in this area of offender reporting now, but I would be interested to know: will there be additional staff, what sorts of qualifications will they have and where will they be located? Staff employed on these types of issues are usually CBD-based, and I imagine that there may be some need to provide this type of service or facility to rural and regional communities.

I could probably say a lot more about a particular issue, but I do not think it would add much more to the debate. I will say that the opposition agrees with this bill. It was one of the government's election commitments. It will certainly enable the police to monitor those people already in the system. I would be interested to know how the government thinks it will deter other types of situations from happening. I know, from the briefing I had yesterday, that the degree of decision making is at a fairly high level—by the commissioner or his deputies—for deciding whether an image or other identifying material should be released. That gave me a fair degree of confidence that this would not be information to which a fairly junior constable or others, who may not have the same understanding or maturity about how to handle this type of detail, would have access. Labor will be agreeing to this legislation.

HON PETER COLLIER (North Metropolitan — Minister for Energy) [3.07 pm] — in reply: I thank members for their contribution and I thank the Labor Party and the National Party for their indications of support for this legislation. I appreciate the concerns of the Greens (WA) and I would like to think that I will be able to respond to all the issues that have been raised by Hon Giz Watson. If I cannot, we may need to go into committee. I have tried to get as comprehensive a response as I possibly can. We can either go into committee or I can provide that information; she can let me know how we go.

Everyone probably understands the general merit behind what we are doing here with this legislation. It is, of course, to provide every opportunity that we possibly can to ensure we reduce any form of child sex abuse. I do not think anyone would disagree with that. This government feels that the legislation provides the right balance between the need for parents to access information to protect their children and the need for ensuring good management of sex offenders by police across the board. The state government has a responsibility to enhance the protection of children in our society, and in this case their safety has been the focus of this legislation.

The legislation produces a measured approach to an issue of considerable concern to the community, and ultimately the government trusts the WA public to behave responsibly when given access to the information that will help keep children safe. That was one of the issues raised by Hon Giz Watson, which I will comment on in a moment. As I said, if this register leads to one fewer child being sexually abused, it really would have served its

purpose. This legislation was a commitment of the Liberal Party at the last election, and so the passage of this legislation with the consent of the house will fulfil that election commitment.

Hon Giz Watson raised a number of issues, first of all about the number of tier 1 offenders. As of today there are potentially five reportable offenders whose whereabouts are unknown; that is a quite minimal number but there are five.

Hon Giz Watson said that people have to log their details in order to access information et cetera. That applies only to the second and third tiers. All information under the first tier will be available to anyone who wants to access the website.

Hon Giz Watson asked whether interstate authorities had raised issues about the sharing of information. There have been discussions with our eastern states counterparts. At this stage no issues have been raised by the other jurisdictions that they will not be able to continue to share information with Western Australia. In reality, most of the information proposed to be published will be sourced from WA Police records and from that provided by the offender to the police, not from other jurisdictions.

Hon Giz Watson sought information about whether there is evidence to suggest that community notification increases child protection. The information I have is that Beck's 2004 research has shown that community notification enhances protective behaviours, and parents in areas in which public notification occurs are more likely to talk to their children about stranger danger and what to do if someone does something that they are uncomfortable with.

Hon Giz Watson referred to vigilantism, an issue that has been raised a number of times. We must be careful not to raise the prospect that vigilantism would naturally be assumed as logical in one way or another. We have seen evidence of that in recent years for one reason or another. There is always the risk of vigilante action. I refer to the recent murder of a young woman in the United States. On television today, I saw the victim's father and brother attack the offender as he was attending court. I am not sure whether Hon Giz Watson saw that. That is not an act of vigilantism, but it is on the way and could lead to similar acts.

As I said, there is always the risk of vigilante action. Attacks on offenders in all jurisdictions occur regardless of publication. The incident in the United Kingdom to which Hon Giz Watson referred occurred outside the community notification scheme. There have been attacks on offenders in Western Australia. The government's position is that the level of disclosure that will occur under this scheme will not greatly alter the risk of vigilantism. Proposed section 85L, on pages 13 and 14 of the bill, outlaws vigilantism.

Hon Kate Doust: It might outlaw it, but it doesn't necessarily stop it, unfortunately.

Hon PETER COLLIER: No, it does not. I do not think we can stop vigilantism no matter what. I have personal evidence of that—not against me, but against someone I know.

Hon Giz Watson asked what information will be provided to offenders generally about the scheme. Information brochures and a communication plan are being drawn up. Western Australia Police are reviewing the scheme in the United Kingdom as the basis for our communication plan. Hon Giz Watson asked about the interaction with applicants under the third tier. WA Police will use similar processes to those used in the United Kingdom to deal with applicants. The member also asked whether additional resources will be supplied to the Supreme Court, Legal Aid WA et cetera. No, they will not. Hon Giz Watson also asked whether the commission has guidelines under the third tier and, if so, the nature of their content. The guidelines will set out a series of considerations the commissioner can take into account when deciding whether or not to disclose. They have yet to be finalised, but will likely include how long ago the offences were committed and, in relation to juvenile offences, the nature of those offences. With the third tier and dangerous sexual offenders, Hon Giz Watson referred to additional resources for the courts and the Director of Public Prosecutions to deal with suppression orders. That is unnecessary. There are only 12 dangerous sexual offenders in Western Australia at present, nine of whom are in the community and could thus be subject to third tier disclosure.

With regard to a couple of questions asked by Hon Philip Gardiner, it is correct that tier 1 presently applies to no-one. Tier 1 applies only to people whose whereabouts are unknown. That is always a temporary situation, because they will eventually be arrested or reported to police. Tier 1 is intended to speed up that process; that is the whole point of the exercise. On the question asked by Hon Kate Doust about resources, there are 52 staff dedicated to the case management of sex offenders across Western Australia and 200 officers authorised to case manage offenders in regional Western Australia. An amount of $2 million has been budgeted to WAPOL to set up the information technology process for this bill. Hon Philip Gardiner asked about the age limit. This does not apply to offenders whilst they are under 18. That can be found under proposed sections 85F(2) and 85I(1). A question was also asked about the nature of the review. The minister will be required to conduct a standard statutory review into the operation and effectiveness of the act and to table it in Parliament. Hon Philip Gardiner also asked about the frequency of reporting. All offenders are required to report at least once a year. All offenders are risk-assessed and those in the higher risk category can be subject to monthly or even fortnightly reporting to police.

I have answered one question asked by Hon Kate Doust. I agree that we have to do more for ex-offenders. I agree; I think we all have an abhorrence for sex offenders and particularly child sex offenders. As a side issue, we now have an ex-offenders workforce development centre. I have been to it. Some really good things are being done there. From a training perspective, we are now including a lot more training opportunities for offenders. I go to Acacia Prison each year now. They are doing a certificate III course in business management and a whole raft of other things to try to provide a seamless transition back into the workplace. In terms of why we need it, it is another means of getting information into the public arena and the public domain.

Hon Kate Doust: I have two other questions that I forgot to ask. Once this bill is passed, will there be some sort of public education about it?

Hon PETER COLLIER: Yes, there will be.

Hon Kate Doust: My second question is: given you are going to have this additional data, what will be the connection to the national register? What will be the relationship or communication between the other states so that they are sharing that information?

Hon PETER COLLIER: I cannot answer that one off the cuff.

Hon Kate Doust: I am happy to seek that afterwards.

Hon PETER COLLIER: I can relay that information afterwards. I will give an undertaking to give that information afterwards to the honourable member.

I have two amendments on the supplementary notice paper that I will not be proceeding with. It is a clerical issue and I do not need to move those amendments. Having said that, I am not sure whether Hon Giz Watson needs any further information. Does Hon Giz Watson need us to go into committee?

Hon Giz Watson: No, but perhaps by way of interjection you could explain the guidelines in terms of decision making.

Hon PETER COLLIER: The guidelines?

Hon Giz Watson: When the commissioner makes a decision.

Hon PETER COLLIER: Yes. I thought I had that.

Hon Giz Watson: Will they be publicly available once they have been determined?

Hon PETER COLLIER: Yes, I have got this. Will they be publicly available?

Hon Giz Watson: Yes.

Hon PETER COLLIER: We may need to go into committee; I cannot answer that, sorry. Wait, I am thinking about it; if the member could just hold on for one second. It is a very good question. It is this sort of intricate detail that we need. The answer is that it will be up to the commissioner himself to determine that. Hon Giz Watson may not like that response.

Hon Giz Watson: I only suggest that it probably would be useful for that to be available.

Hon PETER COLLIER: I understand that. Is Hon Giz Watson happy with that? I know she is not happy with it, but I think that is the only response I can provide!

Hon Giz Watson: I have got the answer; that is fine. Thank you.

Hon PETER COLLIER: I thank all members for their contributions to the debate. I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

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

ST ANDREW'S HOSTEL SPECIAL INQUIRY

Letter of Request from Hon Peter Blaxell — Motion

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [3.22 pm]: Order of the day 17 relates to the request by the St Andrew's Hostel special inquiry to Mr President about a report by the then Standing Committee on Government Agencies, I think, in about 1987 into the Country High School Hostels Authority. I would like to move a motion in respect to the letter that Hon Peter Blaxell has sent to the house and for the house to resolve the direction that it is to take.

I move without notice —

(1) That the house authorises the special inquirer appointed to undertake the St Andrew's Hostel special inquiry, or a person or persons nominated by the special inquirer, to —

(a) view a copy of the submissions and transcripts, requested by the special inquirer in attachment 2 of his correspondence to the President dated 7 February 2012, in the office of the Clerk of the Legislative Council at a mutually convenient time to be arranged by the Clerk; and

(b) take notes regarding the contents of the submissions and transcripts under (a), but not remove these documents from the office of the Clerk or take copies thereof.

(2) That the special inquirer shall deal with the submissions and transcripts provided under paragraph (1)(a) in the following manner —

(a) he shall not act in breach of the Parliamentary Privileges Act 1891; and

(b) any question arising under this paragraph in the course of the special inquirer's inquiry shall be submitted to, and determined by, the President.

As members would be aware, a special inquiry is being undertaken into circumstances surrounding the Katanning high school hostel. The government initiated the inquiry being chaired by Hon Peter Blaxell. Hon Peter Blaxell wrote to the President informing him that he is aware that the Standing Committee on Government Agencies did an inquiry into the Country High School Hostels Authority in the 1980s, and he sought access to the transcripts and submissions made to that inquiry. Mr President quite rightly informed him that he would raise the matter in the house and have the house determine what it could or could not do with those documents. My understanding is that when the then Standing Committee on Government Agencies took its evidence, it operated under a system in which all evidence was taken in camera or was private evidence. That was the first committee of this house, I might add, and I was indeed a member of the committee at the time that inquiry was undertaken. We did not have such a thing as public evidence, private evidence, in camera evidence and so on; it was not quite as sophisticated then as it is now. Therefore, the evidence given to that inquiry was given on the basis that that evidence belonged to the committee and was not to be made public unless the house determined otherwise. That evidence, those submissions and those transcripts are held by the Clerk on behalf of the Legislative Council and no decision has been taken to make them public. That committee no longer exists; therefore, I cannot access that material, even though I was a member of the committee at the time.

As members would be aware, the Parliamentary Privileges Act and article 9 of the Bill of Rights have a fair bit to say about what we can and cannot do with evidence provided to parliamentary committees. Indeed, we need to be very careful in the way we manage those issues. There have been a number of occasions in reasonably recent times on which what we can and cannot do, what the courts can and cannot do and what inquiries can and cannot do in respect of evidence given to parliamentary committees have been the subject of a significant amount of debate. If we look into the history of a number of requests of this house for transcripts of evidence to parliamentary committees requested by, for example, royal commissions, we will see that this house has taken a very strong line that that information is not to be made available unless there is a compelling reason to do so.

Hon Peter Blaxell has requested of us access to these documents and I have had conversations with the Clerk, the President and other members about this matter and how we should proceed, bearing in mind that we are very keen, like everybody else in the community, to know what happened at Katanning and to be as helpful as possible in the resolution of those matters that occurred at that institution. On the other hand, it is important that we pay due respect to the requirements of the Parliamentary Privileges Act and the Bill of Rights in how we handle, manage and provide publicly any evidence given to our committees.

Therefore, I believe this motion provides the best way forward in making this information available to Mr Blaxell. It provides that he, or a person or persons he nominates, can have access to those documents in the Clerk's office in the presence of the Clerk and that he may make notes in respect of what he has read but he cannot copy or take away any of the documents. That means that the inquirer can read the information and apprise himself of the evidence given and to the extent he is able, subject to the Parliamentary Privileges Act, use that information to assist in his inquiry.

I understand that the opposition may wish to have a different point of view on this; that is, that the inquirer should be provided with all the documentation to use as he requires, to be returned when the inquiry is finished. Superficially, that may seem to be what the public wants us to do; however, once the documents are out of the hands of the Clerk and in the hands of other people—there is no understanding as to who they may be—the house will have no knowledge about the purpose to which those documents will be put or to whom access will be given. As I said a minute ago, even I cannot access those documents. If we were to give those documents to Mr Blaxell and his staff decided to pore over them, who knows what they may do with that information. Requiring the inquirer to come to the house to access the documents, and, if necessary, to have conversations

with the Clerk about what can and cannot be done with a particular piece of evidence, would seem to me to be a very prudent way of ensuring we protect parliamentary privilege and protect those people who gave evidence to the committee on the understanding that it would be kept to the committee. We need to respect that evidence and the submissions made to that standing committee.

The motion also requires that the inquirer shall not act in breach of the Parliamentary Privileges Act. I have to say that not many people understand parliamentary privilege; it is a very difficult concept to understand. A concern that I have in respect of this documentation being given to the inquirer to use as he deems fit is that a potential breach of parliamentary privilege could occur simply because people do not understand what it is that parliamentary privilege requires of them.

The next part of the motion basically states that if there are any questions about what can and cannot be done with the information, Mr President will be the adjudicator.

We are seeking to be as cooperative as possible with the request of the inquirer and at the same time protect documents that belong to this house, while doing our best to ensure that the Parliamentary Privileges Act is not breached. It will be necessary for the inquirer to understand that evidence given to that committee cannot be used directly in his inquiry, because that would be in contravention of article 9 of the Bill of Rights, which we all know means that some other court or inquiry cannot use information that is provided to Parliament or to a parliamentary committee. Whether people in the general community understand that matter is another thing; perhaps they do not, but it is a very significant piece of law that we need to protect.

What we are seeking to do by way of this motion is probably the best way forward, bearing in mind that we all want to see a proper outcome in respect of the inquiry being held by Hon Peter Blaxell. I should also make the point that none of us in this place, with the exception of me and my vague recollection of what happened in 1987, which is very blurred indeed, knows what is contained in the requested documents. I remember the inquiry, but I do not remember much about what we did. I do not even recall whether I went to Katanning. I know that the committee went to Katanning and heard evidence from persons involved at the Katanning hostel. However, I do not recall whether I was even there. The thing is that nobody in this chamber, with the exception of, perhaps, the Clerk, has any idea of what will be given to Mr Blaxell. That is a concern because to give him that material to use as he deems fit may seriously transgress a person's rights in respect of the evidence given to the standing committee. Members must always remember that what happens in a committee is a proceeding of Parliament and is covered by privilege. We must be very careful that we do not allow that in any way to be breached.

I say to members of the opposition, to whom I have sent a draft amendment to the motion, that the government will not support Mr Blaxell being able to take the material away, but it does provide for him to come here and, under the supervision of the chamber through the Clerk, have access to the information and apprise himself of the sort of evidence given to the inquiry. Recognising that he cannot use it directly in his inquiry, it may in fact give him a lead, if I can put it that way, to assist him in further inquiries that he may wish to undertake. It may give him some contemporary understanding of what happened in the 1980s when this hostel was being run by Mr McKenna. The report of the standing committee was quite complimentary of some of the things Mr McKenna was doing, but, in retrospect, it has caused me some serious concern because some of the activities that the committee thought at the time were laudable may in fact have been part of the behaviour that he was undertaking at the time. My recollection, of course, is that no evidence was ever given to that committee about the sort of behaviour which Mr McKenna has been found guilty of and which is now being investigated further. Had that been raised by anybody at the time, I am sure that the committee would have taken serious notice of that particular evidence, but my recollection is that it was not. As I have said, I cannot remember it all and I cannot go back and read it now to refresh my memory. Because we do not know what is in the information and we need to protect those people who gave evidence, it is important that we provide this information in a controlled way through the Clerk, who understands parliamentary privilege and can make sure that Mr Blaxell or his agents are very well aware of what they can and cannot do with the material that we will make available to them.

I will conclude. There have been occasions in the past when this house has refused to provide information. My vague recollection—I may well be wrong—is that when the royal commission into WA Inc was being held, there was a request for a select committee's evidence and transcripts, and the house resolved not to provide them. There was a public backlash about that, but the preservation of parliamentary privilege is vital if we want to maintain the proper division of powers within society. I have moved this motion on the basis that it will be an attempt by the chamber to provide assistance to Mr Blaxell in his inquiries, while at the same time doing our best to make sure that we as a house do not breach parliamentary privilege.

HON KEN TRAVERS (North Metropolitan) [3.37 pm]: To assist the debate, I might move my amendment at the beginning of my remarks so that it can be distributed to members, and then I will speak to the amendment. The Leader of the Opposition is away on urgent parliamentary business and has asked me to handle this matter on behalf of the Labor Party.

Amendment to Motion

Hon KEN TRAVERS: I move —

To delete all words after "That" and substitute —

(a) the house authorises the Clerk to transmit to the special inquirer appointed to undertake the St Andrew's Hostel special inquiry a copy of the submissions and transcripts requested by the special inquirer in attachment 2 of his correspondence to the President dated 7 February 2012;

(b) the special inquirer shall receive and deal with the submissions and transcripts provided under paragraph (a) in the following manner —

(i) he shall not act in breach of the Parliamentary Privileges Act 1891; and

(ii) any question arising under this paragraph in the course of the special inquirer's inquiry shall be submitted to, and determined by, the President;

and

(c) the submissions and transcripts provided to the special inquirer under paragraph (a), and any copies made thereof by the special inquirer, shall be returned to the Clerk of the Legislative Council at the conclusion of the special inquiry.

As the Leader of the House has pointed out, a special inquiry has been set up by the government to inquire into the response by government agencies and officials to allegations of sexual abuse at St Andrew's Hostel, Katanning, some considerable time ago. I think all members of this chamber recognise the importance of this inquiry, given what happened and particularly given that silence may have assisted the continued perpetration of those alleged abuses all those years ago, so we can find a way of avoiding such events in future.

The Labor Party understands the seriousness of the issues that we are dealing with in respect of parliamentary privilege and the rights and obligations of this house. It is a unique situation, I suspect, for many of us; I have been here for some time now and I cannot recall a similar situation arising during that time. It may be something that many of us never see occur again during our parliamentary career, and the Parliament has an important role to play in this matter, both now and in the future.

It is also the view of the Labor Party that we need to do what we can to assist this inquiry to fully examine these matters. I note that the rights, obligations and protections contained in the Parliamentary Privileges Act 1891 are not things that this house can waive on its own. It would require an act of Parliament and the concurrence of both houses and the Governor before that could occur, so whatever we do this afternoon will still be limited by that act, which enshrines rights—as mentioned by the Leader of the House—that go back to the Bill of Rights in respect of the way in which Parliaments operate. It is not within our purview this afternoon to remove those waivers, even if we thought it was necessary to do so; we simply cannot do it, and we need to be very clear about that.

The Labor Party seeks, to the best of its ability and within the allowable limits of the Parliamentary Privileges Act and everything that arises from it, to assist and facilitate the inquiry in its work. We accept the need for caution with this material, but we also acknowledge that these are unique and exceptional circumstances. The documents held could provide a window into the events of 30 years ago, and the ways in which people perceived and considered issues in respect of the hostel, that is not available from any other source.

In my view, that is what makes this different from previous requests that have been made of his house. The Leader of the House made reference to matters relating to WA Inc; at the time of that inquiry, the matters were still relatively fresh. In this situation the events took place a significant time ago, so these documents may not provide any insight; but equally, they may assist the inquiry to understand some of the things that were going on in that hostel 30 years ago. If they can help the inquiry in that way, I think it is a process that we as a house should seek, as best we can, to assist.

In saying that, I note that cabinet minutes, for instance, are automatically made available after 30 years; I guess it is a debate for another day as to whether we as a Parliament should think about that in respect of some of our materials.

Hon Norman Moore: It's quite irrelevant. It's a different thing. This is a proceeding in Parliament; cabinet's got nothing to do with it.

Hon KEN TRAVERS: I think it is about the seriousness, and the way in which things are treated as confidential. I recognise that they are different on one level, but on another level the need to keep material private diminishes over time. There is an accepted view that cabinet documents need to be kept confidential; there is also a view that, after a period of time, they become publicly available. That is a question we may resolve, but it is not a debate for this afternoon.

It is the view of the Labor Party that the best way to assist this inquiry is to allow the inquirer to have access to those documents and to be able to refer to them for the duration of the inquiry, as matters arise. If the inquirer is able to look at those documents now, it may assist him. But it also may cause frustration to the inquirer down the track, because if further evidence is presented to the inquiry, and the inquirer and his staff then wish to refer to that material, what they would need to do—as I read the motion moved by the Leader of the House—is return to the house and again seek permission of the house to access that material.

Hon Norman Moore: Sorry. It is not just a once-off access. It is access for the duration of the inquiry. It is just that they access it at Parliament House instead of in their office.

Hon KEN TRAVERS: That may be the case, but if that is the intent —

Hon Norman Moore: It is certainly the intent.

Hon KEN TRAVERS: I am not denying that. But that is not how I read it. Therefore, that may be something the Leader of the House may want to clarify. However, it is still my view that the easiest way for the inquiry to proceed is that they have the material there, and at the end of the inquiry they return that material to the house. That is what I think the amendment that I have moved this afternoon would achieve. It will allow the inquirer and his staff to constantly refer to that material as they go through the inquiry in order to assist them in trying to understand what went on. They can use this material, as I say, in accordance with the Parliamentary Privileges Act.

Both the Leader of the House and I have included a similar paragraph in the motion that we are dealing with this afternoon—that is, with respect to stating that the special inquirer should not breach the Parliamentary Privileges Act in the way in which he uses this material. In one sense, that is stating the obvious. I am sure that the special inquirer would not seek to do that, and nor would the staff. I think we can reasonably assume that the inquirer and his staff are responsible people who will seek to conform with the Parliamentary Privileges Act in the way in which they deal with this material. We also seek—I think in the same vein—to offer effectively you, Mr President, as someone who can assist them if they need advice and interpretation of exactly what the Parliament's view of the Parliamentary Privileges Act is, to ensure that they do not misuse that information, even accidentally, and thereby breach that act. Hence, for us, the real motivation for including that paragraph is so that we can say to the special inquirer, "Obviously you would realise that you cannot breach the Parliamentary Privileges Act and you need to conform with it, but if you need advice as you proceed with this material, the Parliament is making available the services of our President, and, through the President, the services of the Clerk, to assist you in determining how you can use this material." I am confident that the special inquirer and the people to whom this material will be provided will understand and respect that, and we will be assisting them by providing that material to them.

Obviously, when they receive that material, it may be the case that they identify that they wish to use that material beyond what the Parliamentary Privileges Act allows them to do. If that is the case, they will need to go to, I would assume in the first instance, the government, and seek to have an act of Parliament to remove or alter the privileges. The only way in which that could occur would be for the special inquirer to take up that matter with the government and seek to have an act of Parliament to make that change. As I said at the outset, we acknowledge and understand that, even if all of us in this room wanted to do that today, that is not in our power alone; it requires an act of Parliament to change it. It may be that once the inquirer has this material, he will be of the view that there is no need to pursue that. However, if the inquirer believes that there is a need to pursue it and wants to use that material in some other way that would allow that, then, having viewed that material, that would be the course of action available to the inquirer. I am sure that he would take that up and we could address that issue at the appropriate time.

It is fair to say that the significant difference between the position adopted by the government and the position adopted by the opposition concerns whether the inquirer should have that material. I think we are agreed on all the matters, such as parliamentary privileges and the like. It simply comes down to whether the inquirer should be able to access the material by coming to Parliament House; the inquirer would have to come up here every time the material was required. I accept the comments by the Leader of the House that his motion is intended to allow the inquirer to return to view the material. It simply becomes a question of whether that should be the way in which this matter is conducted or whether we should accept that the inquirer will act responsibly and provide the inquirer with the material and allow it to be taken to the inquirer's office with all the other material. The inquirer would then be able to refer to it as and when required to do the work that he has been asked to do, which all of us in this place support. That is the significant difference.

It is our view that the way in which we as a house can assist and facilitate the inquiry to the best of our abilities is to allow the inquirer to have that material readily available to constantly refer to during the course of the inquiry. As I said, we do not know whether anything in this material will ultimately assist the inquiry. Ultimately, that is a debate for another day. I think this is the way in which we can progress this matter and move forward. Therefore, I urge members to support the amendment I have moved.

HON WENDY DUNCAN (Mining and Pastoral — Parliamentary Secretary) [3.52 pm]: The Nationals will not support the amendment. We acknowledge that this is a very difficult situation. We are all very keen to see this inquiry into the St Andrew's Hostel and the activities that have occurred there come to a conclusion so that we can find out what happened and how it was perpetrated for so long.

The issue of parliamentary privilege is one that the house needs to guard very strongly and is absolutely essential to the authority of this house. A couple of issues concern us and one is that when the evidence was given to that inquiry back in 1988, those who provided the evidence did so in the knowledge that their evidence was being provided in camera and in private and that it would not be distributed. That colours the evidence that people give in those sorts of situations. I imagine that many of the people who gave evidence at that time are still with us.

The assurance given to us by the Leader of the House in his original motion that the inquirer would have access to the material for the duration of the inquiry is the way to go. I know that there may be some inconvenience in coming to the house and perusing the documents and making notes about relevant matters that may assist the inquiry. I believe—I have discussed this with my colleagues—that in the modern era of electronic communications and the easy transmission of documents, there is a risk that even if, as the amendment requires, the documents and any copies thereof are returned to the house, there is no guarantee that no copies will remain with the general public. That is why we will not support the amendment. We certainly want to see the inquiry into St Andrew's Hostel assisted in every way. We believe if the inquirer and all his staff have the ability to come to the house, under the watchful eye of our Clerk, to look at the documents and find any information that may assist them to follow further leads, it is very important that any information they may see or use is not quoted or used in evidence to assist the inquiry, but, rather, is used just as information that may provide background, or, as the Leader of the House said, a lead to further pursue the inquiry.

HON GIZ WATSON (North Metropolitan) [3.56 pm]: In considering both the motion from the Leader of the House and the amendment moved by Hon Ken Travers, the key thing here is we are all in agreement that the documents should be made available and that that should happen as soon as possible. We all want to see the inquiry progress with as much information as it can have. So, that is all agreed—the Greens (WA) certainly agree with that, too. The question really then is: in what circumstances will those documents be provided? Given the way that Hon Peter Blaxell could actually use these documents is very limited, having access to them here to consider them would be sufficient for that purpose. I also understand that if, having looked at the documents, there was a further request to access a specific document, the house could again consider that request. It is not the end of the matter in that regard.

The other thing that is also really crucial—Hon Wendy Duncan raised it just a minute ago—is that, as a member who has been involved in committee inquiries, as many members have over many years, I know that when witnesses provide information to an inquiry that is held in camera and the committee makes a decision not to make the transcripts public and not to provide documents and then the committee reports, that is a deliberation of that committee at that point. It is a commitment that has been given to those witnesses. It sets a very questionable precedent that the house, without having sighted the documents, could say that they can be provided to another person, even though I have no question about Hon Peter Blaxell dealing with them appropriately. That relationship involving witnesses giving evidence to Parliament is critical to ensure that there is absolute security around information not being released outside of Parliament. I could envisage a circumstance in which a committee looked at the documents and said, "Here is some information that certain witnesses have given; we should at least ask those witnesses whether they are happy for that information to be passed on to the inquiry." I am comfortable with the motion as moved by the Leader of the House. It provides access to documents. No matter what we decide here, any use of those documents—if it is to be, arguably, in breach of the Parliamentary Privileges Act—cannot proceed without a special bill. We are talking about limited use of those documents anyway.

I support the government's position to provide access in the house. I think that honours the commitment that was given to those witnesses, whatever it was. None of us, I think, was involved in that. Maybe the Leader of the Government was part of that. I am comfortable that we are providing the information that will assist this inquiry in a way that is compliant with our obligations.

Hon Ken Travers: On the issue of the right to make it public, even when committees hold hearings in camera today, witnesses are always advised that the house reserves the right to make that information public.

Hon GIZ WATSON: Absolutely. One of the things that I considered in this discussion is whether the house, for example, should refer this matter to the Standing Committee on Procedure and Privileges to look at the information and then make a decision as to whether it should be provided for copying and taken away by Hon Peter Blaxell, but the most expedient way is to provide the opportunity for it to be viewed. If there is a further request, we can consider that. With those thoughts, we do not support the amendment but we support the original motion.

Amendment put and a division taken with the following result —

Ayes (7)

Hon Helen Bullock	Hon Jon Ford	Hon Sally Talbot	Hon Ed Dermer *(Teller)*
Hon Kate Doust	Hon Ljiljanna Ravlich	Hon Ken Travers	

Noes (20)

Hon Liz Behjat	Hon Phil Edman	Hon Nigel Hallett	Hon Helen Morton
Hon Robin Chapple	Hon Brian Ellis	Hon Alyssa Hayden	Hon Simon O'Brien
Hon Peter Collier	Hon Donna Faragher	Hon Lynn MacLaren	Hon Max Trenorden
Hon Mia Davies	Hon Philip Gardiner	Hon Michael Mischin	Hon Giz Watson
Hon Wendy Duncan	Hon Nick Goiran	Hon Norman Moore	Hon Ken Baston *(Teller)*

Pairs

Hon Linda Savage	Hon Robyn McSweeney
Hon Sue Ellery	Hon Jim Chown
Hon Adele Farina	Hon Col Holt

Amendment thus negatived.

Amendment to Motion

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [4.05 pm]: I would like to move a slight amendment to my original motion to make it absolutely clear that the special inquirer can come to this place on more than one occasion. I move —

Paragraph (1)(a) — to delete "a mutually convenient time" and substitute —

mutually convenient times

Amendment put and passed.

Motion, as Amended

Question put and passed.

LEGAL DEPOSIT BILL 2011

Second Reading

Resumed from 29 November 2011.

HON LINDA SAVAGE (East Metropolitan) [4.07 pm]: I am very glad to be able to speak about the Legal Deposit Bill 2011, which the opposition is very pleased to support. I would like to begin by thanking those people who provided me with a very comprehensive briefing and a very interesting conversation generally about books and publications, including: Margaret Allen, the chief executive officer and State Librarian; Julie Ham, manager, policy and research, at the State Library of Western Australia; Margaret Butcher from the Department of Culture and the Arts; and Stephen Barton from Minister Day's office. One of the unexpected pleasures of being a member of Parliament is that when a bill such as this is introduced, not only do we find ourselves in a position to speak about something that is very important but we also have the opportunity to hear from the most qualified people in the state about the importance of a bill such as this.

The purpose of this legislation, as members will know, is to facilitate the preservation of the state's published documentary heritage for current and future generations. That purpose will be achieved by requiring that copies of certain documents published in the state are deposited with the State Librarian and authorising the State Librarian to require that certain documents published on the internet are deposited with the State Librarian.

According to the explanatory memorandum, the legal deposit of published material dates back to 1537 in France and the seventeenth century in England. I understood from the briefing that I had that this bill had its genesis in a discussion paper on this topic released in 2007. The bill before us now is timely and very welcome legislation that will ensure that WA has its own legal deposit legislation, which it found itself being without, although fortunately publishers and the State Library continued to collect and ensure that we had that historical record. We found ourselves in that situation because of the repeal of two different pieces of legislation, one in 1994 and one in 2005, with the view taken shortly after to consider introducing another bill. We will join other states and territories with these formal legal requirements for the deposit of documents in this state. The benefit of waiting a little while for this bill is that this bill will, I understand, go further than most other legislation to include digital publications. That is where much of publishing is moving to, including on things such as YouTube, blogs and Facebook. The bill has been worded to capture, hopefully, all future forms of publishing, whatever they may be.

I found it very interesting when I asked the people at the briefing what they decided was to be collected. Obviously, I assumed it would be significant documents and books, oral histories and all those sorts of things. I think the second reading speech referred to "significant" in terms of what would be considered for collection. I

was very interested to hear how wide the bill will go and that it will cover junk mail. In the last couple of days I took out two items I had, although I could have gathered much more. One item was some junk mail and the other was a pamphlet on the Sculpture by the Sea, and I also had some theatre tickets. It is amazing that the scope can cover restaurant menus. I suppose they are documents that enable a historian to record who we are by providing a fuller picture of what makes up our social and political history, rather than relying on someone who wrote at that time, in perhaps their selective way, and painted a picture of the times.

In the briefing, I asked about issues such as storage. I had a bit of insight into that when I was a member of the board of the Art Gallery of Western Australia. One of the responsibilities under the act was the preservation of the art collection. Storage of the collection was a major issue, as were the funds to ensure that what was stored actually remained in a good state. That involved not only good storage but also air conditioning. As I was told, that is always an issue, although perhaps the move to a lot more digital publishing and the capacity to scan and save documents means that will change. I have noticed that change in my own home because my children's books are no longer everywhere; the children have moved to reading from Kindles. I do not know about other people, but in our household we could never seem to find the right CD case and if we could find the case, we could not find the CD. Now we have moved on from that era and that is one less issue to deal with.

Hon Kate Doust: Only because the kids have moved out!

Hon LINDA SAVAGE: Now that they have gone! They now use iTunes to store their music. It is amazing how quickly that change has occurred.

I will not dissect the bill because I think it is fairly self-explanatory. I notice, though, that compliance will be encouraged more with the carrot than the stick. The State Library has an active approach to the collection of publications and keeps in touch with the wider community by word of mouth and promotes an understanding of what is valued. As I said, that has a far wider coverage than what might occur to us when we first thought about it. In keeping with that, perhaps some of the more longstanding members of this chamber may be considering secretly, quietly writing their memoirs or their diaries about the times we have experienced. I believe that they would be most welcome, although I understand we do not have to hand them over unless the State Library gets word of them.

Debate interrupted, pursuant to standing orders.

[Continued on page 775.]

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

GOVERNMENT SECRETARIAT

39. Hon SUE ELLERY to the Leader of the House representing the Premier:

I refer to the unit within government named by the Premier as the government secretariat.

(1) When was the secretariat created, who approved its creation and where is it physically based?

(2) What is the total operating cost of the secretariat since its creation, including, but not limited to, salaries, superannuation, the provision of motor vehicles, and resources such as information technology and mobile phones?

(3) For each officer employed in, or seconded to, the government secretariat —

- (a) what is their name;
- (b) at what level are they employed and what is their salary;
- (c) what position do they hold;
- (d) under what contract are they employed;
- (e) have they been provided with a motor vehicle; and
- (f) do they hold a government-issued credit card?

The PRESIDENT: Was that a question without notice?

Hon Sue Ellery: No, no—some notice was given.

Hon NORMAN MOORE: It was a question to me, representing the Premier.

Hon Sue Ellery: Sorry; did I not say that?

The PRESIDENT: You probably said it; I was not concentrating properly.

Hon NORMAN MOORE replied:

(1)–(3) The majority of the information requested by the honourable member can be found on the state government's ministerial resourcing report. For further information, the honourable member is requested to put the question on notice to the Premier.

PERTH 2011 ISAF SAILING WORLD CHAMPIONSHIPS

40. Hon SUE ELLERY to the minister representing the Minister for Tourism:

I refer to the Perth 2011 ISAF World Championships held in Fremantle in December last year.

(1) What is the breakdown of the $17 million of taxpayers' money spent by the company Western Australia 2011 Pty Ltd, chosen by Tourism Western Australia—Eventscorp—to run the event, and on what date was each part payment paid to Western Australia 2011 Pty Ltd?

(2) Did the company achieve the benchmarks set out in the implementation plan for the $17 million rollout?

(3) Did the minister's agency have any concerns about financial capacity or debt with respect to Western Australia 2011 Pty Ltd at any time before, during or after the ISAF event?

Hon PETER COLLIER replied:

I thank the honourable member for some notice of this question that I answer on behalf of the Minister for Child Protection representing the Minister for Tourism.

(1) To provide an accurate and useful answer in the short amount of time available is not possible, so I ask the honourable member to place (1) on notice.

(2) Of the 12 benchmarks contained in the implementation plan, 11 were met or exceeded by Western Australia 2011 Pty Ltd.

(3) No.

DEPARTMENT OF TRAINING AND WORKFORCE DEVELOPMENT BUSINESS GROWTH CENTRES

41. Hon KATE DOUST to the Minister for Training and Workforce Development:

I refer to the closure of the Department of Training and Workforce Development's business growth centres.

(1) Given, as the minister stated on Tuesday —

> … the business growth centres are closing due to the expiration of the economic stimulus package funding on 31 December 2011.

Did the minister know this funding was expiring when he opened the Kalgoorlie centre in September 2011; and, if not, when was he informed?

(2) What amount of economic stimulus funding was allocated to the business growth centres, and when was it received from the commonwealth?

(3) What was the cost, including travel by the minister and his office, of the official opening of the Kalgoorlie centre in September 2011?

(4) Can the minister outline what programs and services the Kalgoorlie centre has been providing, and at what level they have been used by the local community?

Hon PETER COLLIER replied:

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

(1) It was known that the specific funding for the business growth centre was only allocated until the end of December 2011; however, as the evaluation report had not been completed in September 2011, no decision had been made on the future of the service.

(2) As part of the economic stimulus package in the 2009–10 state budget, the government allocated $2.056 million for two years for the operations of the business growth centre.

(3) Departmental costs associated with the Kalgoorlie office opening were as follows: flights, $3 522; accommodation, $498; car hire, $346; catering, $1 323; and photos, $198. The Department of the Premier and Cabinet advises the actual cost of my travel to Kalgoorlie for the official opening in September 2011, not including aircraft operating expenses, was $325. However, it should be noted that the original intention of my travel to Kalgoorlie was to attend an Aboriginal training forum hosted by the Subiaco Football Club. The opening of the business growth centre was arranged around these pre-existing travel arrangements.

(4) The services that the Kalgoorlie office provides are small business solutions, Aboriginal mentoring and tourism training programs. In addition, the centre also offered a Diploma of Marketing and a Diploma of Management. The Kalgoorlie office has enabled 20 small businesses in the Kalgoorlie–Boulder area to address their workforce development needs by utilising the services on offer since its opening.

ROYALTIES FOR REGIONS — PEEL REGION FUNDING

42. Hon SALLY TALBOT to the minister representing the Minister for Health:

I refer to the announcement by Treasurer Christian Porter and Minister for Regional Development Brendon Grylls on Thursday, 19 May 2011 that —

> By 2015 Royalties for Regions will have allocated more than $1 billion towards health services and infrastructure in regional areas including an investment of $538 million to strengthen medical care and services in rural communities in the southern part of WA.

(1) How much of the $538 million has been allocated to the Peel region?

(2) What services in the Peel region are receiving, or are scheduled to receive, part of that funding?

(3) How much of the $538 million has actually been spent in Peel in this financial year to date?

Hon HELEN MORTON replied:

I thank the member for some notice of this question.

(1) Nil.

(2)–(3) Not applicable.

The reference to the $538 million investment in the media statement referred to in the question is to funding allocated between 2011–12 and 2014–15 in the 2011–12 budget for the southern inland health initiative. The Peel region is not within the scope of this initiative. Total funding allocated to the southern inland health initiative in the 2011–12 budget was $565 million. This figure includes capital funding of $26.7 million, which is scheduled to occur in 2015–16 after the forward estimates period for the 2011–12 budget.

MULTIPLE CHEMICAL SENSITIVITY

43. Hon GIZ WATSON to the minister representing the Minister for Health:

I refer to the answer given to question without notice 906 I asked in Parliament on 20 October 2011.

(1) Has the minister written to the federal Minister for Health and Ageing; and, if so, when?

(2) Has the minister received a reply to the substance of his request?

(3) If yes to (2), what is the minister's understanding of the progress that has been made to date on research into the priority areas identified in the 2010 report "Multiple Chemical Sensitivity: identifying key research needs"?

(4) Will the minister or his department continue to monitor and encourage action on research regarding multiple chemical sensitivity—for example, through the Standing Council on Health?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

(1) Yes, Hon Dr Kim Hames MLA, Minister for Health, wrote to the then Minister for Health and Ageing, Hon Nicola Roxon MP, on 7 November 2011 requesting advice on the Australian government's activities in relation to research and action in the area of multiple chemical sensitivities.

(2) Yes, Minister Hames received a response dated 20 January 2012 from Hon Tanya Plibersek MP, Minister for Health.

(3) Hon Tanya Plibersek MP, Minister for Health, has advised that the report was referred to the National Health and Medical Research Council, which is an important provider of research funding in health related areas.

(4) The Department of Health will continue to monitor research and other developments relating to multiple chemical sensitivity and, where appropriate, support action on such research.

BURSWOOD — PUBLIC TRANSPORT AUTHORITY'S ADVICE

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

(1) Did the Public Transport Authority provide the Minister for Transport with any advice on the number of trains or railcar sets that would be required to move 35 500 people in an hour from the proposed Burswood station before the minister made the recent claim that this would occur?

(2) If yes, how many trains or railcar sets did the department advise would be necessary for this task?

(3) If no, on what basis did the minister make the recent claim?

(4) Can the minister confirm that the signalling systems on the Perth urban rail network are currently designed to allow a minimum three-minute headway between trains?

Hon SIMON O'BRIEN replied:

I thank the honourable member for notice of the question. The Minister for Transport, whom I know the honourable member feels very close to, advises —

Hon Ken Travers: I used to be in the same Labor Party branch as him!

Hon SIMON O'BRIEN: There you go! You go back a long way! The Minister for Transport advises, and I am pleased to relay the following advice —

(1) No; only planned passenger numbers were advised.

(2) Not applicable.

(3) The claim was made as per advice received from the Public Transport Authority.

(4) Yes, although there is potential to reduce the minimum headway.

Hon Ken Travers: At a cost!

Hon SIMON O'BRIEN: Whenever I can be of assistance, Hon Ken Travers should just sing out and I will deal with it.

FITZROY VALLEY — FOETAL ALCOHOL SPECTRUM DISORDER

45. Hon JON FORD to the minister representing the Minister for Health:

I refer to the work of the foetal alcohol spectrum disorder assessment team working in Fitzroy Valley in the Kimberley.

(1) What is the state government's contribution to the work of the foetal alcohol spectrum disorder assessment team?

(2) What additional health, medical and paramedical resources for these communities across Fitzroy Valley are anticipated as being needed and budgeted for as a consequence of the program for assessment of young children in Fitzroy Valley?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

(1) The foetal alcohol spectrum disorder assessment team is funded by the George Institute for Global Health, which receives funds from both the commonwealth government and the private sector. The state government, through the WA Country Health Service–Kimberley, provides ongoing care for health issues identified during FASD assessment; for example, child and adolescent mental health and/or development services.

(2) This information will not be known until the program is complete and the final report presented. No firm publication date has been given, although it is expected in August 2012

BICYCLE NETWORK PLAN

46. Hon LYNN MacLAREN to the minister representing the Minister for Transport:

(1) What percentage of trips in Perth are currently taken by —

(a) bicycle; and

(b) car?

(2) What is the estimated cost to complete the Perth bicycle network?

(3) How much did the recent upgrade of bike parking facilities across the public transport network cost?

(4) How many additional bike parking spaces were created?

Hon SIMON O'BRIEN replied:

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

(1) According to the Perth and regions travel survey of December 2006, which includes the Perth metropolitan area and the local government areas of Mandurah and Murray, the percentages are —

(a) 1.6 per cent; and

(b) 82 per cent.

(2) The Perth bicycle network routes are currently under review as part of the draft WA bicycle network plan 2012–21.

(3) $633 000.

(4) 364 spaces.

MENTAL HEALTH UNITS — SMOKING POLICY

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

I refer to the minister's meeting in December 2011 with mental health nurses who are United Voice members, at which the minister discussed the current ban on smoking in secure mental health units. I am advised that the minister made two commitments at that meeting. The first commitment was that she would take a proposal to cabinet in February to allow involuntary patients to smoke outdoors in designated smoking areas; and, secondly, that the mental health nurses who attended that meeting would have input into the policy group making the recommendations on the new smoking policy. Given these undertakings, I ask —

(1) Why has no arrangement been made for the nurses to have input into that policy group?

(2) Why has there been no information on the progress of the minister's cabinet submission?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

(1)–(2) I had a very productive meeting with the United Voice members; I think most of them were nurses. Some members of the policy group were present at that meeting and they assisted in broadening awareness about the complexity of what we are attempting to do in changing the regulations around smoking. In particular, they brought to our attention issues concerning involuntary patients who agree to stay in hospital in the least restrictive environment; that is, not in a secure unit but on an open ward. It is fair to say that I mentioned to the nurses that I had hoped to take the new regulations to cabinet in February, but that has not yet happened. As recently as last week a further opinion and options were presented to me to consider. Nevertheless, whichever way we move we will still require advice from the State Solicitor—that is another step that has to be taken—around potential government liability arising from the sorts of changes we are looking to make. In the meantime I have also met with clinicians from across the metropolitan area. I can assure the member that at the moment there are very flexible arrangements in place. However, I do not believe that is good enough for either the workers or the patients. This is still moving forward. Today, the Minister for Health, Dr Kim Hames, and I attended a breakfast with senior executives of the Department of Health. We were asked questions by members of staff who were present. Both Dr Hames and I were very clear that this is a change that needs to take place. Whilst it has not come to fruition at this stage, please be assured that it is progressing. It is taking a little longer than we expected.

KALBARRI DISTRICT HIGH SCHOOL — EXPERT REVIEW GROUP INQUIRY

48. Hon MATT BENSON-LIDHOLM to the minister representing the Minister for Education:

I refer to the recently released performance inquiry report of Kalbarri District High School.

(1) For each of the years 2008, 2009, 2010, 2011 and to date in 2012, what is the total number of formal complaints regarding administration and performance issues at Kalbarri District High School that have been received by —

(a) the Midwest Education Regional Office;

(b) the head office of the Department of Education; and

(c) the Minister for Education?

(2) When did the expert review group formally commence its 2011 inquiry of Kalbarri District High School?

(3) Given that the expert review group provides authoritative interpretations of an aspect of a school's performance, will the minister specifically explain why the expert review group inquired into Kalbarri District High School?

Hon PETER COLLIER replied:

I thank the member for some notice of this question.

(1) The Minister for Education has been advised by the Department of Education that it is not possible to provide this information in the allotted time. Consequently, it is suggested that the member put this question on notice. The member will also need to clarify what he means by administration and performance issues.

(2) The expert review group performance inquiry formally commenced on 1 November 2011.

(3) Reviews of school performance by the expert review group are instigated by the director general and not the minister. The Minister for Education was advised by the Department of Education that there were ongoing issues between a number of Kalbarri District High School staff and community members. As a result, the director general requested a performance review of one aspect of the school's operations—namely, relations between the school and the community—with the aim of helping the school develop strategies for improvement in this area.

DEPARTMENT OF MINES AND PETROLEUM— MATERIAL DATA SAFETY SHEETS

49. Hon ALISON XAMON to the Minister for Mines and Petroleum:

I refer to the material data safety sheets that should be on-site at all drilling and hydraulic fracturing operations.

(1) Are those material data safety sheets made available to the landowner, especially in those locations where drills are on farming land?

(2) If not, why not?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

(1) No.

(2) Material safety data sheets are required under the safety management plan and the environmental management plan, which currently are not public documents. However, the Department of Mines and Petroleum, in consultation with relevant parties including the Australian Petroleum Production and Exploration Association Ltd, is working towards making this information publicly available.

SOUTH HEDLAND AND PUNDULMURRA TAFE CAMPUSES — BUILDING MOULD

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

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

(1) Has WorkSafe completed its report on the mould outbreak at the South Hedland and Pundulmurra Pilbara Institute campuses?

(2) If no to (1), when is the investigation expected to be completed?

(3) If yes to (1), what are the main findings and recommendations from the investigation?

(4) What steps has the Pilbara Institute taken to address the findings/recommendations of the investigation?

(5) Will the minister table a copy of the report; and, if not, why not?

Hon PETER COLLIER replied:

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

(1) WorkSafe has completed its investigation. A formal report was not provided; however, an email was sent to the managing director of the Pilbara Institute, outlining the outcome of the investigation.

(2) Not applicable.

(3) Two areas were identified for improvement for the Pilbara Institute. The first area is the timeliness of remediation work, and it is recommended that the institute streamline these practices as far as practical with the agencies involved. The second relates to earlier communication with staff, including staff access to mould experts.

(4) Pilbara Institute has implemented a mould management plan that addresses the identification and response to mould situations and water ingress within the institute. Adherence to this plan will meet the recommendations from WorkSafe.

(5) Not applicable.

CHILD HEALTH NURSES

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

I refer to the Premier's Statement of 21 February 2012 and his plans to co-locate services, including child health nurses on school and other community sites.

(1) Will any child health nurses be moved from their existing locations to provide services at these yet-to-be-announced school or community sites?

(2) Will additional child health nurses be employed for these new centres?

(3) Will the minister commit to providing additional funding in the 2012–13 state budget to address the current shortage of over 150 child health nurses in Western Australia?

(4) As of 1 January 2012, how many child health nurses does the Department of Health say it needs to meet current demand?

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

(1) Yes.

(2) These matters are subject to budget deliberations for 2012–13.

(3) As above.

(4) The Department of Health has advised in responses to previous parliamentary questions in 2011 that there was a need for an additional 106.4 full-time equivalent child health staff statewide. The Department of Health currently employs 197.9 FTE. There is no new information as of 1 January 2012.

BURU ENERGY LTD — ABORIGINAL HERITAGE SITES

52. Hon ROBIN CHAPPLE to the Minister for Indigenous Affairs:

I refer to the Buru Energy Ltd Canning Superbasin exploration program and its operations at Ungani, Valhalla and Yulleroo.

(1) Has Buru reported the existence of Aboriginal heritage sites in these areas to the Department of Indigenous Affairs?

(2) Is DIA aware of Aboriginal heritage sites in these areas?

(3) Did DIA advise Buru of the need for Indigenous site clearances at the locations of Ungani, Valhalla and Yulleroo?

(4) If yes to (3), when were these site clearances carried out and were section 18 applications to disturb sites required under the Aboriginal Heritage Act?

(5) Will the minister ensure that this matter is now considered by the DIA heritage compliance team?

Hon PETER COLLIER replied:

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

(1) Buru has not reported any site information to the Department of Indigenous Affairs.

(2) DIA has no record of any sites in the area. The Kimberley Land Council indicated to the DIA and to Buru that sites exist in this area.

(3) DIA has advised Buru that the DIA holds no records of sites in the area and that the KLC has indicated Aboriginal sites exist in the area. The DIA has encouraged both Buru and KLC to meet to resolve this matter.

(4) DIA has not been provided with copies of any surveys or received a section 18 notice.

(5) DIA has not received reports of damage to any sites within this area. If damage to sites has occurred, the matter will be investigated by DIA.

MARGARET RIVER BUSHFIRES — INTERNAL REVIEW

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

I refer to the Keelty report into the Margaret River fires in November 2011 and the recommendation that an independent person review the internal review of the Fire and Emergency Services Authority and the Department of Environment and Conservation.

(1) Has a person been appointed to do that review as yet?

(2) If yes to (1), who has been appointed and when will this review be completed?

(3) If no to (1), why not and when does the Premier anticipate making the appointment?

Hon NORMAN MOORE replied:

I thank the member for some notice of this question.

(1)–(3) The request-for-quote process for an independent person or organisation to facilitate and report on the post-incident analysis for the Margaret River bushfire of November 2011 is still taking place, but an appointment is expected before 12 March 2012. The successful tenderer will be expected to complete the review and provide a report by 30 April 2012.

PERTH 2011 ISAF SAILING WORLD CHAMPIONSHIPS

54. Hon SUE ELLERY to the minister representing the Minister for Tourism:

I refer to the Perth 2011 ISAF Sailing World Championships held in Fremantle in December last year.

(1) Why was the implementation plan to roll out the payments to Western Australia 2011 Pty Ltd altered to allow the release of federal money even if the benchmarks were not met, in particular that 175 000 people visited the world village at Esplanade Park?

(2) Was there any evidence that visitor numbers would not be met before the criteria was changed?

(3) Will the government hold a public inquiry into why businesses, including the International Sailing Federation's corporate caterer and managers of the Esplanade village, lost hundreds of thousands of dollars in an event funded largely by taxpayers?

Hon PETER COLLIER replied:

I thank the honourable member for some notice of the question. I answer on behalf of the minister representing the Minister for Tourism.

(1) In two clauses in November 2011, Tourism WA and the Office for Sport—major events—Department of the Prime Minister and Cabinet agreed to amend the implementation plan to allow for the Australian government to make payment in full or in part if a performance benchmark was not met by Western Australia 2011 Pty Ltd on the basis that there were circumstances beyond its control not anticipated at the time of signing the implementation plan. This amendment has allowed the Australian government to assess each benchmark considering all circumstances surrounding the event.

(2) No.

(3) No. However, Tourism WA has commissioned independent economic impact analysis on the 2011 ISAF Sailing World Championships that will incorporate feedback from Fremantle businesses involved in the event. This research is underway.

MANGLES BAY MARINA-BASED TOURIST PRECINCT

55. Hon LYNN MacLAREN to the parliamentary secretary representing the Minister for Lands:

I refer to question without notice 1072, which I asked on 24 November 2011.

(1) Will the minister now provide a detailed response to each element of the question I asked on 24 November 2011; and, if not, will the minister explain why he remains unwilling to answer such questions, given that they simply involve the provision of factual information and are not dependent on any resolution being reached between agencies, and provide a firm date by which such answers will be provided?

(2) What is the total amount of money the state government, including its departments and agencies, has expended on the Mangles Bay marina project to date?

(3) When was such money expended, to whom was it paid and for what purpose?

(4) What precisely is the involvement of LandCorp in the project?

HON WENDY DUNCAN replied:

I thank the honourable member for some notice of the question. The minister has provided the following response —

(1) The state, through the Department of Regional Development and Lands, has put its position to the commonwealth; that is, the commonwealth has no legal interest in the site of the proposed development. The commonwealth is yet to respond.

(2)–(3) Given the time required to produce the information in the form requested, I will provide this to the member in writing as soon as possible.

(4) LandCorp facilitated the selection of the private sector partner, Cedar Woods Properties. LandCorp will continue to have an ongoing partnering role in the project.

TOBACCO PRODUCTS CONTROL ACT — PROSECUTIONS

56. Hon KATE DOUST to the minister representing the Minister for Health:

I refer to recent media reports of the high 39 per cent of retailers audited under the Tobacco Products Control Act who were caught selling tobacco to minors.

(1) How many prosecutions have there been since July 2011?

(2) How many prosecutions were there in 2010–11?

(3) Why have so few prosecutions taken place, given there has been such a prevalence of breaches of the Tobacco Products Control Act by retailers?

(4) What action will the minister now take to ensure that there is proper compliance with this important legislation?

Hon HELEN MORTON replied:

I thank the member for some notice of this question.

(1)–(2) Nil.

(3) The purpose of the survey was to gather data about the likelihood of a "sale to a minor" offence being committed if the opportunity to commit the offence is given. It is not intended that businesses be prosecuted as part of the survey. The Department of Health investigates complaints lodged by members of the public about such breaches, but none in the last six years has had enough evidence to prosecute a business.

(4) The Department of Health is conducting an extensive training campaign of all retail outlets to inform them about the requirement not to sell tobacco to minors. This includes training staff in asking for photo ID to determine whether a customer is over 18 years of age. Ongoing audits and inspections of stores also take place to determine compliance with the legislation. The Department of Health will consider also undertaking controlled purchase operations when a targeted business is to be more thoroughly investigated.

WASTE STRATEGY — COMPACT FLUORESCENT LAMPS

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

I note that the waste strategy makes reference to "the collection of problematic wastes".

(1) What measures are currently in place to keep compact fluorescent lamps—CFLs—out of landfill in WA?

(2) What proportion of discarded CFLs is currently kept out of landfill?

(3) Does the minister think that these measures are adequate; and, if not, what additional measures are planned?

Hon HELEN MORTON replied:

Thank you, Mr President; I think that I have the right paper!

I thank the minister for some notice of this question.

Hon Donna Faragher: Minister?

Hon HELEN MORTON: The member—right! Obviously, I have —

Several members interjected.

Hon HELEN MORTON: The answer is as follows —

(1) The government has provided $10 million over four years through the household hazardous waste program to assist in keeping domestic hazardous waste including compact fluorescent lamps from landfills.

(2)–(3) FluoroCycle is an Australian government product stewardship initiative that targets businesses and organisations responsible for managing mercury-containing lamps in public lighting and commercial and government buildings. It is estimated that these sources account for approximately 90 per cent of all lighting waste. Lighting Council Australia administers this scheme on behalf of the Australian government and its advice is that since December 2010 the number of individual signatories to FluoroCycle has risen from 29 to over 85. Two state governments, South Australia and Victoria, are signatories and Queensland and New South Wales have indicated their intention to become signatories. The Minister for Environment has held initial meetings with Lighting Council Australia to discuss Western Australia becoming a signatory to FluoroCycle.

DEPARTMENT OF WATER — LICENCE CHECKS

58. Hon ALISON XAMON to the minister representing the Minister for Water:

I refer to the draft compliance and enforcement policy referred to in the answer to my question 4377.

(1) Will this policy be released for public consultation?

(2) If yes to (1), when is this likely to occur, and how long will the public have to comment?

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

Hon HELEN MORTON replied:

I thank the member for some notice of the question.

(1) No.

(2) Not applicable.

(3) This will be subject to stakeholder consultation once finalised.

MARGARET RIVER AREA — PROTECTION LEGISLATION

Question on Notice 5017 — Answer Advice

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [5.04 pm]: Pursuant to standing order 107(2), I wish to inform the house that the answer to question on notice 5017 asked by Hon Adele Farina on Wednesday, 9 November 2011 of the Leader of the House representing the Premier will be provided on Tuesday, 20 March 2012.

REGIONAL RAIL TRANSPORT — ELECTION COMMITMENT
BUNBURY PORT — EXPANSION FUNDING

Questions on Notice 5007 and 5011 — Answer Advice

HON SIMON O'BRIEN (South Metropolitan — Minister for Finance) [5.04 pm]: Pursuant to standing order 107(2), I also wish to inform the house that the answers to questions on notice 5007 and 5011 asked by Hon Adele Farina on Wednesday, 9 November 2011 of the Minister for Finance representing the Minister for Transport will be provided on Tuesday, 20 March 2012.

LEGAL DEPOSIT BILL 2011

Second Reading

Resumed from an earlier stage of the sitting.

HON LINDA SAVAGE (East Metropolitan) [5.04 pm]: Before the break for afternoon tea, I was speaking about compliance under this legislation, which is being encouraged by a greater understanding in the community about the value and storage of publications, including digital and oral histories, as well as the need to consider more than just what we have traditionally understood to be publications. I understood that the approach would be to encourage people and that there would be quite a lengthy process before anything more punitive was considered.

In the second reading speech, Minister Day made the point that a well-organised legal deposit scheme is an essential element of any national public policy of freedom of expression and access to information. I certainly agree with that. Literacy and access to information and books are stepping stones to being part of society because it allows people to know what is going on around them and to participate. I recall my school days at the printing press and the wide distribution of information for people to read. The fact that information could be spread more widely started the democratic process, because if people cannot read or write and cannot get access to the printed word or, increasingly today, the internet, they can find themselves very excluded from society. As I have said many times in this place, the foundations of literacy occur in the very early years. The absolute key is to develop what my mother called reading readiness. The language foundation for any child comes from what they are exposed to from the time they are very small, because reading to young children is the single most important activity that parents can do to ensure their child's future literacy.

This year is the National Year of Reading. It is a very important year for libraries. One of the privileges of being a member of Parliament was being able to spend some time with two of the most senior people from the State Library of Western Australia. As it happened, some time ago I heard an interview with someone on the ABC radio program *Life Matters* about the National Year of Reading, of which the State Library is a founding partner. The comment I heard was that if children are read to and are engaged with rhymes and singing from three months, by the age of two years, they may have, at best, almost several hundred words, but, if not, they can have fewer than 50 words. Some members may be familiar with the work of Risley and Hart, which looked at children in different environments and the number of words spoken by very young children who had limited interaction

and engagement with adults compared with the number of words spoken by children who had what we would think was a normal or good amount of encouragement, language, adult response and books read to them. The research showed that there was a striking difference in the number of words spoken by those children at the age of two. As I have said on many occasions in this place, that does not only go to what we can overtly see in the child; it affects the connecting of the brain cells. I will not go into that again, but, as members know, I consider that to be a very important core business of government. Libraries are at the very centre of this because they provide an enormous number of resources and services. I was very pleased when I heard Hon John Day talking about the National Year of Reading. I can see that Hon Simon O'Brien looks fascinated with what I have to say!

Hon Simon O'Brien: Oh, I am!

Hon LINDA SAVAGE: He should be, because anyone who is the least bit interested in productivity in this country would know that one of the major obstacles to productivity is poor literacy, language and numeracy. I am sure Hon Simon O'Brien has read the Industry Skills Councils' 2011 report entitled "No More Excuses", which revealed that there are literally millions of young Australians who do not have adequate literacy, language and numeracy skills and so cannot be trained and add to Australia's productivity, which is very important. There was also a paper in 2010 from the Australian Productivity Commission on the link between literacy and numeracy skills and labour market outcomes. Again, I sure that that is something that the Minister for Finance will be familiar with—at least, I hope he is familiar with it.

As I said, I had the opportunity to be briefed by very experienced leaders in the area of libraries. Members can probably tell that I have a soft spot for libraries; they are a core institution and one that we can all access. They are the repositories of our information and history and can be accessed by everyone, which means that they hold an extraordinarily special place.

I will finish by quoting a little from an article that I read in *The Guardian* some time ago, entitled "Humans have a need to read". The subheading was "Whether in print or electronic form, books help shape who we are". The article refers to the democratising impact of reading and literacy and, therefore, the ability to participate. It makes reference to a study by psychologists from Washington University, who used brain scans to see what happens inside our heads when we read. They found that readers mentally simulate each new situation encountered in a narrative. The brain weaves these situations together with experiences from its own life to create a new mental synthesis. Reading a book leaves us with new neural pathways. The article reads —

> The discovery that our brains are physically changed by the experience of reading is something many of us will understand instinctively, as we think back to the way an extraordinary book had a transformative effect on the way we viewed the world.

It can also have an effect on our state of mind and emotions. This research is significant because we are aware that children today are reading books much less. They are spending time in front of screens, and that can involve reading, but often it does not involve the unconscious mental activity associated with reading.

Rationally, we all know that reading is the foundation of education. As I said earlier, it is an essential underpinning of an economy like Australia's, which is adjusting to the challenges of the future. Given our very small population, the skills we have as an educated population will be particularly important. Reading, in my opinion, forms a fundamental aspect of public policy, as well as providing enormous pleasure.

I am very pleased that I have been able to speak about the Legal Deposit Bill 2011 and to take the opportunity to put on record how important I think libraries are to the encouragement of reading, particularly during this, the National Year of Reading.

HON LYNN MacLAREN (South Metropolitan) [5.15 pm]: The Legal Deposit Bill provides for the deposit of copies of published material in Western Australia with the State Library. This provision was inadvertently repealed in 2005 with the repealing of the WA Copyright Act. This bill is similar to the Northern Territory legislation passed last year, which also covers digital material, and to legislation in New Zealand. I want to thank the Minister for Mental Health for the briefing that was afforded to the Greens (WA) earlier this week, which covered all of the concerns that we have about this bill. I note that some amendments to the bill have been placed on the supplementary notice paper and that we will be going into Committee of the Whole to discuss those amendments. I flag my support for those amendments at this time. I do not want to take up much of the time of the house now because I think we might be able to pass this bill tonight if we were to go forthwith into committee. Therefore, I just say that the Greens support this legislation. Our policies to ensure that our cultural heritage is protected and preserved are on the public record; I point members to them and say that this legislation is welcomed and we support it.

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [5.17 pm] — in reply: In speaking on the Legal Deposit Bill, it is very tempting in five minutes to say, "Thanks very much", and sit down and see whether we can get the bill through in that time.

Hon Simon O'Brien: Yield to the temptation!

Hon HELEN MORTON: Yes—the minister thinks I should yield to the temptation!

Hon Norman Moore: If it has to be amended, that will not work.

Hon HELEN MORTON: It does have to be amended, and we do have to go into Committee of the Whole to do that. Therefore, we probably will not get the bill through in that time frame, so I will take five minutes to talk a little about the bill. I will not recap too much on the background of the bill, because I think members have done that already. I found out something about this bill when I was being briefed on it. I asked the question: does that mean that all the newsletters that I as a member of Parliament put out will be legally required to go to the State Library? The answer, in case any members are interested, was: yes; under this bill, members will be required to ensure that any material they publish is deposited with the State Library of Western Australia.

Hon Norman Moore: In that case, will you entertain a small amendment?

Hon HELEN MORTON: No! Of course I understood the reason for that when I got a bit more of an understanding of the implications of the bill.

Western Australia is the only state in Australia that currently does not have this type of legislation in place, and there has been considerable demand from the historical, the academic and the library communities for this to be rectified. Of course, we thank the Western Australian publishers of print material, who have maintained the spirit of legal deposit and have continued to provide copies of their publications to the State Library in the interim.

The benefit to Western Australia of this legislation is that it will capture and provide access to the published records of the state's economic, social, creative, scientific and educational activities, and these materials will form the basis of much of the historical research in this state for decades, if not centuries, to come. This legislation is very forward looking, as I think Hon Linda Savage has drawn out, because it recognises that the documented history of this state now comes in more than just the printed form, and the world is embracing these powerful new information technologies, which are dramatically changing what it means to "publish" a work. We are entering the age of e-publishing and the e-book, and it is critically important to capture digital information in order to record the state's history and culture.

This bill broadens the definition of a publication beyond print to include information recorded on other media, such as music CDs, CD–ROMS and DVDs, as well as information on a website—including your website, members, if you have one—or other electronic formats. These definitions have been framed broadly to account for future technological developments. There may be concerns that the definition of "documents" in the bill is too broad and may attract surplus material of little value or relevance. However, to prescribe exemptions to the bill now would decrease the possibility of gaining a full and relevant collection of material of cultural and historical significance. It is only through the lens of time that we know what is significant.

Through regulations there will be provision for the State Librarian to exempt particular persons or a class of persons from this definition so that for some types of materials only samples will be collected. I think Hon Linda Savage showed us what a sample might be.

Debate adjourned, pursuant to standing orders.

DIVISION — HON MATT BENSON-LIDHOLM

Statement

HON ED DERMER (North Metropolitan) [5.21 pm]: I want to explain to the house an error that I made this afternoon during the course of the division on the question of the amendment to the motion about the request of documents in the proposed St Andrew's special inquiry. For anyone looking at the record of the division, it would appear that Hon Matt Benson-Lidholm missed the division. This is not the case. Hon Matt Benson-Lidholm vacated the chamber at my request as the opposition Whip and any apparent absence in the division by Hon Matt Benson-Lidholm was not his error, but entirely mine. I want to make that clear on the *Hansard* and I extend my apologies to the house for my error.

BROOME AIR RAIDS — COMMEMORATION

Statement

HON KEN BASTON (Mining and Pastoral) [5.22 pm]: I would like to bring to the house's attention two events; one was last week and the other one was last weekend. These were the commemorative events of the air raids on Broome on 3 March 1942 by the Japanese, which we are commemorating some 70 years later. That was when the war came to Western Australia. Wyndham was also attacked on the same day in 1942. The first event was held on 23 February at the Dutch enclave of the Perth war cemetery in Karrakatta where some 35 Dutch victims of that raid are buried. I had the privilege of representing the Premier at a moving ceremony of remembrance where a rose was laid on each of the 35 graves.

The second commemorative event was at Broome to commemorate, some 70 years later, the anniversary of the air raid on Broome. This event was attended by the Premier; state and federal politicians; the Dutch ambassador,

His Excellency Willem Andreae; the American consulate, Aleisha Woodward; the Dutch consulate; the shire president; councillors and many other dignitaries. The event was organised by the Broome shire, the Returned and Services League of Australia and the Dutch embassy. Approximately 1 500 people attended this memorial service. St Mary's College of Broome provided a story and dance. The young ladies who performed were fantastic; the town of Broome should be proud of them. History was displayed. There was a fly-past by three RAAF Hawk aircraft from No 79 Squadron. The 717 Qantas, which was given special allowance to fly low, was also lined up. In 1942 Qantas lost one of its aircraft at Broome. Privately owned light aircraft also participated.

Broome had been used in the evacuation of people from the Netherlands East Indies to Australia, but mainly military personnel and bureaucrats came from there. Broome was chosen because it was close to Java and could take both land-based aircraft and flying boats. I am told some 7 000 to 8 000 people went through Broome in 14 days. Around 60 aircraft were processed daily; this was mainly to refuel on their way to Sydney or Melbourne. Shuttle flights were discontinued after the Battle of the Java Sea on 28 February 1942, but they were opened briefly on 2 March 1942 to allow 81 civilians and 80 air crew members to escape. These people arrived in Roebuck Bay, Broome, in their flying boats—Dorniers and Catalinas. They had just flown some seven hours and were refuelling. They thought that they would be safe once they reached Australian shores.

How wrong they were. A surprise attack took place shortly after 9.30 am. It comprised nine Zeros, split in three ways—three went for the airport, three went for the flying boats and three others circled above to see if there was any resistance. Once they realised there was none, it was an open attack for approximately 20 minutes. It was a horrific massacre. All aircraft and flying boats were destroyed—a total of 22 aircraft. Of the 161 people who were aboard, 48 lost their lives—16 men, 12 women and 20 children—either by gunfire or swimming through the burning oil. There was one story told of a small boy, whose hair was burnt off, who had been picked up by life raft. He had obviously swum from the flying boat, was picked up and put in the life raft, but a Zero zoomed back in again. The person who picked him up turned around to see the small boy had been shot in the face. There were many memories recited. However, one heroic act that members might have read in the press was that of Mr Gus Winckel, who grabbed a machine gun out of a Lockheed Lodestar aircraft and shot down a Zero. In fact, it is claimed he shot down a second Zero because one of them had been shot in the tank and never returned to base. It crash-landed on the way back. Mr Winckel lives in New Zealand and is now 99 years old. They tried to bring him across but it was thought the travel was a little too far. However, four of his boys attended, as did many other survivors. That was their first time back to Broome since that fateful day.

Some of the references made in speeches that stuck in my mind included "freedom was a privilege; we should never forget", and "If we don't remember history, then history has the habit of repeating itself." These commemorative occasions are important to keep generations informed of our past history.

I thank all those who went to great effort to hold this special commemorative event on the raid of Broome; particularly the RSL club of Broome, the Shire of Broome and whoever else participated—private enterprises et cetera.

INVOLUNTARY MENTAL HEALTH PATIENTS — SMOKING BANS

Statement

HON LJILJANNA RAVLICH (East Metropolitan) [5.27 pm]: I want to make some comments about the smoking bans for involuntary mental health patients. In doing so, can I say that one of the things I really like about the Minister for Mental Health is that I can read her like a book! Her body language at the moment says to me, "Boy, oh boy, am I embarrassed!"

Hon Helen Morton: Do I look embarrassed?

Hon LJILJANNA RAVLICH: Yes, the minister does. She is embarrassed about this backflip and pulling away from the commitments that she gave to this place to lift the smoking ban for involuntary mental health patients.

On 10 November, the minister, in response to questions asked by me, provided some information on the extent of consultations that she has had and how everywhere she has gone she has had conversations with parents, carers and people with mental ill health who are, or have been, involuntary patients. The minister said that this is a very important issue for them and talked about how pleased she was to be able to do something. In fact, in response to my questions on Thursday, 10 November last year, this is what the minister said —

> It is pretty much final now, and I could almost not have imagined that I could have managed to make this happen so quickly. I am so thrilled that we have been able to do that. I do not know precisely when this will be wrapped up, but it is very close.

I do not know what the minister thinks is "very close", but I suspect most people would not think that five months later is very close! In fact, the answer that she gave to my question today would indicate to me that we are not getting very close; we are actually getting further and further apart. This is no laughing matter. Obviously, the minister has gone out there and told the sector that she is committed to lifting these bans. Now we

find that she is backtracking. Today I asked some very simple questions about some commitments that the minister had given to United Voice members in which she advised that she would make arrangements for the nurses to have input into the policy group and also that she had expected that by February a minute would go to cabinet and this matter would be resolved. Today the minister told the house that the government is seeking State Solicitor's advice on the potential government liability. This matter of potential government liability was raised by the member for Alfred Cove quite some time ago—probably about five or six months ago—and there was almost an implied threat that the government had better know what it is talking about because we have an issue about potential government liability. I put to the minister that I find it incredible that there should be a question of potential government liability when it comes to involuntary patients but there is no question of potential government liability when it comes to prisoners smoking. We know —

Hon Helen Morton: Can I just give you a small interjection—very small?

The PRESIDENT: Order!

Hon LJILJANNA RAVLICH: I suspect one has to do with health and the other one has to do with —

Hon Helen Morton: No, no—just very small. I think I am allowed to —

Hon LJILJANNA RAVLICH: No, do not worry. I do not want to waste my time with it.

The PRESIDENT: Order! The minister is allowed under the standing order to request extra time later, but there will probably be time in members' statements, anyhow, if she wants to refute things. But I do not want to see the debate degenerate into the sort of situation we saw last night.

Hon LJILJANNA RAVLICH: I could not agree with you more, Mr President. It was absolutely shocking the way the minister behaved, but, anyway, we move on.

The point is that surely to goodness this question of potential government liability or related matters should have been examined prior to the minister making public her comments that she would support the lifting of the ban. It is quite clear to me that —

Hon Helen Morton: You said that you support it, too.

Hon LJILJANNA RAVLICH: I support it.

Hon Helen Morton: Did you get SS advice before you said you support it?

Hon LJILJANNA RAVLICH: I support it. If there was an issue with the timing of progressing this particular initiative, the minister should have come into this place and explained to the people of this state what that delay was and she should have explained that delay to the sector, but she failed to do that. In fact, had I not asked the question today, we would still be anticipating that this reform was imminent, but quite clearly it is not. If the minister is going to do the right thing on this whole issue of potential government liability, she might in due course explain to members, and also to the broader community, how it is that prisoners can smoke in prisons—maybe they are privately run institutions because the government privatised them; I do not know. Anyway, somewhere down the track we need an explanation of that.

However, the point I really want to make is that the minister has now backpedalled considerably. Today I asked why no arrangements had been made for the nurses to have input into the working group. The minister, who met with that group in December 2011, said that she took into account the matters that they had raised, and there was an opportunity for United Voice members to meet with the working group and that would be arranged in due course. We are in March at the moment. I find it incredible that one cannot arrange for a —

Hon Helen Morton: They have already had one meeting—don't worry—and members of the working group were there.

Hon LJILJANNA RAVLICH: It must have happened very, very recently.

Hon Helen Morton: No. The initial meeting had people there from the working group.

Hon LJILJANNA RAVLICH: I do not know how many people attended the one that the minister is talking about, but, as far as I am concerned, when I met with members of United Voice, its members had not been included. Unless something has happened very, very recently, that is the position as I understand it to be.

In the second part of the minister's response, she said that the working group is developing preliminary recommendations and it is not possible to provide an update on progress until she has received advice from this group and considered the best approach to progress this important and complex issue. She anticipates receiving this in the future. It is almost six months since the minister made that original promise. She told this house that the work is nearly wrapped up and that that policy would be effective within a very short time frame. The one thing that can be said about this is that she is very big on promises but not big on delivery. A similar thing happened when it came to the promised declared place. She made a promise to this house, the sector and the

general public that it was near finalisation and it would be announced shortly. That promise was made six or seven months ago. We have not seen any progress on that matter.

Hon Helen Morton: I have. There's been heaps of progress.

Hon LJILJANNA RAVLICH: Let it be made public. I can tell that the minister is under a bit of pressure because she cannot help herself. She should tie herself down and keep herself in her seat and we will all get on much better. Quite clearly, this minister is frustrated by her own lack of action and she is frustrating everybody else by her total inaction. It is very, very disappointing. I am going to put the minister on notice. I am going to get a checklist of all the things that she has promised and all the things that she has not delivered. I will be able to roll it out here. It will be a mile long. Quite clearly, it is just not good enough for the minister to create these expectations and then let people down.

PETER AXFORD

Statement by President

THE PRESIDENT (Hon Barry House): Before the house adjourns, I inform members that one of our table staff, Peter Axford, is about to leave us and embark on an overseas adventure. Peter, thank you very much for the work you have done in the Legislative Council, and all the very best for the future.

House adjourned at 5.38 pm

_____

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

PILBARA — POTABLE WATER DEMAND

5022. Hon Helen Bullock to the Minister for Mental Health representing the Minister for Water

I refer to potable water in the Pilbara, and I ask —

(1) What is the current domestic demand for potable water in the Pilbara?

(2) What is the current commercial (non-agriculture) demand for potable water in the Pilbara?

(3) What is the current agriculture demand for potable water in the Pilbara?

(4) What is the current capacity in surface and artesian potable water currently available in the Pilbara?

(5) What is the forecast total demand for potable water in the Pilbara for all uses over the next 10 years?

Hon HELEN MORTON replied:

The Minister for Water provides the following response:

(1) Per capita domestic demand for potable scheme water in 2010/2011 is approximately 570 kL/annum.

(2) Industrial and commercial demand, including hospitals and standpipes, for potable scheme water in 2010/2011 was approximately 14.3 GL.

(3) Agriculture demands are not met through potable scheme supply.

(4) 15 GL

(5) Forecast demand for three main Pilbara areas at 2022 is around 60 GL per year under a high growth scenario.

EMERGENCY SERVICES LEVY

5023. Hon Ed Dermer to the Minister for Energy representing the Minister for Emergency Services

I refer to the Emergency Services Levy (ESL), and ask for each of the years 2008, 2009, 2010 and 2011 year to date —

(1) What is the total ESL collected?

(2) How much was spent on appliances and equipment?

(3) How much was spent on training?

(4) How much was spent on capital works?

(5) For each of the amounts shown in (1) and (4), what is the breakdown between the metropolitan area and regional Western Australia?

Hon PETER COLLIER replied:

The Fire and Emergency Services Authority of Western Australia (FESA) advises as at 10 November 2011:

Please note information is presented in financial years as per below:

(1)
2008/09	$168.878 million
2009/10	$180.138 million
2010/11	$218.803 million
2011/12	$87.140 million (to31/10/2011)

(2)
2008/09	$7.425 million
2009/10	$8.896 million
2010/11	$11.588 million
2011/12	$1.666 million (to31/10/2011)

This only includes the cost of equipment grants and appliances delivered to State Emergency Service Units and Bush Fire Brigades via the Local Government ESL Grants Scheme. FESA owned equipment and appliances are included in Q4.

(3) FESA's accounting system is not structured to provide this response.

(4)
2008/09	$22.396 million
2009/10	$24.783 million

2010/11	$35.219 million
2011/12	$8.410 million (to 31/10/2011)

Please note, the outlays in Question 2 are not included in FESA's Capital Works Program(which includes land, buildings and equipment for career and volunteer fire and rescue brigades), and are therefore not included in this total.

(5) Resource allocations are based on operational need, supported by a risk-to-resource analysis. Fire and emergency services are available statewide and are not restrictedwithin metropolitan or regional boundaries.

BURRUP PENINSULA — ABORIGINAL HERITAGE SITE 23323

5024. Hon Robin Chapple to the Minister for Indigenous Affairs

I refer to interim registered Aboriginal Heritage Site 23323 Burrup Peninsula, Murujuga, and ask —

(1) On what date was Site 23323 Burrup Peninsula lodged with the Department of Indigenous Affairs (DIA)?

(2) On what date did the Aboriginal Cultural Materials Committee (ACMC) finally assess Site 23323 Burrup Peninsula?

(3) Was the decision of the ACMC in respect of the assessment of Site 23323 Burrup Peninsula, that it met the criteria for a registered site?

(4) Were the Aboriginal parties to the Burrup Maitland Industrial Estates Agreement consulted by DIA staff in respect of the ACMC's decision?

(5) If yes to (4), on what date and where did this consultation occur?

(6) Did the Aboriginal parties to the Burrup Maitland Industrial Estates Agreement support the decisions of the Aboriginal Cultural Materials Committee (ACMC) in respect of their assessment of Site 23323 Burrup Peninsula?

(7) What is the current status of Site 23323 Burrup Peninsula, is it now a registered site or still an interim registered heritage site?

(8) If Site 23323 Burrup Peninsula is still an interim registered heritage site, why?

(9) If Site 23323 Burrup Peninsula is now a registered heritage site, will its status be amended on the DIA website to reflect that it is now a registered site?

(10) Did the Department, Minister or the ACMC receive any lobbying or submissions from government agencies or industries in respect of the assessment of Site 23323 Burrup Peninsula by the ACMC?

(11) If yes to (10), which departments or industries lobbied or made submissions to the ACMC, DIA or the Minister in respect of Site 23323 Burrup Peninsula?

(12) What was the position put forward by each department or industry either by lobbying or written submission in respect of Site 23323 Burrup Peninsula?

(13) Is the same level of protection ascribed to an interim registered heritage site as a registered heritage site under the Aboriginal Heritage Act 1972?

(14) If yes to (3) and (13), why is the site not now a declared registered site?

Hon PETER COLLIER replied:

(1) 4 September 2006

(2) DIA 23323 was last discussed by the ACMC on 15 August 2011

(3) Yes

(4) No

(5)–(6) Not applicable.

(7) DIA 23323 retains the status of "insufficent information".

(8) The Register is yet to be updated to reflect the ACMC decision. The Department of Indigenous Affairs (DIA) is working with cultural groups of the Burrup to further refine information on the heritage values and boundaries of site DIA 23323 to ensure that the site properly reflects the heritage values and can be protected.

(9) Not until the process outlined in the response to (8) is complete.

(10) The DIA initiated briefings with other government agencies.

(11) The briefing included the Department of State Development and the Dampier Port Authority.

(12) Other agencies and industry were interested to learn the implications of the ACMC assessment and understand how a site of this magnitude can coexist with the designated industrial area.

(13) Yes

(14) DIA is currently doing further work with the Aboriginal groups of the Burrup to refine and confirm the heritage values of the site to maximise protection.

AGRICULTURAL PROTECTION BOARD — CARL DRYSDALE

5026. Hon Robin Chapple to the Minister for Child Protection representing the Minister for Agriculture and Food

I refer to the employment of Mr Carl Drysdale by the Agricultural Protection Board (APB) and his Workers' Compensation Claim BJ/185059/R03 and to a letter sent by Dr Frank FS Daly to Mr Paul Crawford, the Claims Team Leader of 30 August 2004 which contained reference to a motor vehicle accident, and ask —

(1) What was the basis and evidence for the statement by Dr Frank Daly that Mr Drysdale was involved in a motor vehicle accident whilst intoxicated?

(2) If any evidence exists that Mr Drysdale was intoxicated at the time of the motor vehicle accident, will the Minister provide or table that evidence?

Hon ROBYN McSWEENEY replied:

(1) Dr Daly reviewed medical records pertaining to Mr Drysdale's motor vehicle accident in 1977.

(2) Yes, the Insurance Commission of WA worker's compensation claim file BB/65002/1 is available for this purpose, if requested.

AGRICULTURAL PROTECTION BOARD — HELICOPTER ACCIDENT

5027. Hon Robin Chapple to the Minister for Child Protection representing the Minister for Agriculture and Food

I refer to a letter dated 29 August 2011 to Dr Nick Wilson from the State Solicitor's Office representing the Agricultural Protection Board (APB) SSO Ref 2822-10 and reference to a purported fall from a helicopter accident in that letter, and ask —

(1) Did a Bell 47 J2 model helicopter containing Tony Ferris (pilot), Carl Drysdale and Paddy Watson, crash in the Kimberley in the vicinity of Louisa and Fossil Downs?

(2) Was this crash site reported to authorities by a Transwest flight that circled the area?

(3) Did the authorities notify John Henwood from Fossil Downs to fly out to the crashed helicopter to try to guide the occupants out from the crash site?

(4) As a result of the actions of the Transwest flight and the efforts of John Henwood, did Ron Heelan from the APB drive out and rescue Carl Drysdale, Paddy Watson and Tony Ferris from the area?

(5) Once the helicopter was retrieved from the area, what was the extent of the damage to the helicopter?

Hon ROBYN McSWEENEY replied:

(1) Yes.

(2) Unknown.

(3) Unknown — this question ought to be directed to the authorities referred to.

(4) Ron Heelan did drive out to meet the occupants at a shed a few kilometres from the crash site, but it is not known how he came to do so.

(5) Unknown.

ABORIGINAL HERITAGE ACT 1972 — CONSULTATION ISSUE

5028. Hon Robin Chapple to the Minister for Indigenous Affairs

With regard to applications pursuant to section 18 of the Aboriginal Heritage Act 1972 made in respect of a project, and answers to question without notice No. 1092 asked in the Legislative Council on 13 August 2003 by Hon John Fischer, I ask —

(1) Is it correct that in cases where an application pursuant to section 18 of the Aboriginal Heritage Act 1972 is to be made in respect of a project, the Department of Indigenous Affairs and Aboriginal Cultural Material Committee require three categories of persons to be consulted, as follows —

(a) relevant native title holders or claimants;

(b) registered informants (i.e. persons listed as such on the Register of Aboriginal Sites) for any Aboriginal sites on the land the subject of the application; and

(c) persons who can be identified through scrutiny of records and previous professional reports at the Department as having or as claiming knowledge of Aboriginal heritage matters relevant to the land the subject of the application?

(2) If yes to (1), why does the current Cultural Heritage Due Diligence Guidelines (Guidelines), PART 1 – Information to assist in using these Guidelines and PART 2 – Cultural Heritage Due Diligence Guidelines (Guidelines) of 21 September 2011 only refer in part 1.10 and 3.2 to registered claimants and not claimants?

(3) Is it still correct that 'Consultations under the Aboriginal Heritage Act 1972 are separate and distinct from matters concerning the federal Native Title Act 1993. A finding that a group does not hold native title in no way suggests that that group does not have traditional associations with that area.'?

Hon PETER COLLIER replied:

(1) The correct categories of persons to be consulted are as stated within the Due Diligence Guidelines at part 1.10 and 3.2. Claimants who are not registered would be included in category d), any other Aboriginal persons who can demonstrate relevant cultural knowledge in any particular area.

(2) Not applicable.

(3) Yes.

AGRICULTURAL PROTECTION BOARD — CARL DRYSDALE

5029. Hon Robin Chapple to the Minister for Child Protection representing the Minister for Agriculture and Food

I refer to the employment of Mr Carl Drysdale by the Agricultural Protection Board (APB) for approximately 10 years, and ask —

(1) Did Mr Drysdale work for the APB from the period 5 January 1975 to 5 January 1985?

(2) If no to (1), what was the actual employment period for Mr Drysdale

(3) Did Mr Drysdale have time off as a result of a motor vehicle accident during the above period?

(4) If yes to (3), what was the time and duration of that time off?

Hon ROBYN McSWEENEY replied:

(1) No.

(2) 6 January 1975 to 14 February 1985, the date of Mr Drysdale's resignation.

(3) No, but Mr Drysdale claimed time off on sick leave which he later claimed was as a result of a motor vehicle accident.

(4) Mr Drysdale took sick leave for the periods;

(a) 16 to 25 March 1977 by reason of "displaced collar bone"

(b) 18 to 21 July 1977 by reason of "collarbone damage"

In addition to the sick leave, Mr Drysdale claimed that he was unfit for work from 25 May 1987 to 16 May 1996 and ongoing by reason of a motor vehicle accident.

INDONESIAN PRISONERS — STATISTICS

5034. Hon Alison Xamon to the Minister for Finance representing the Minister for Corrective Services

I refer to the Indonesians in custody in Western Australian adult prisons for so called 'people smuggling' offences, and I ask —

(1) In each of the following prisons, how many Indonesian prisoners are currently or have previously been 'employed' to work in accordance with Part V Prison Regulations 1982 —

(a) Acacia Prison;

(b) Albany Regional Prison;

(c) Bandyup Women's Prison;

(d) Boronia Pre-release Centre for Women;

(e) Broome Regional Prison;

(f) Bunbury Regional Prison;

(g) Casuarina Prison;

(h) Eastern Goldfields Regional Prison;

(i) Greenough Regional Prison;

(j) Hakea Prison;

(k) Karnet Prison Farm;

(l) Pardelup Prison Farm;

(m) Roebourne Regional Prison;

(n) West Kimberley Regional Prison; and

(o) Wooroloo Prison Farm?

(2) Of the prisoners referred to in question (1) —

(a) how many are/were on remand at the time they were 'employed' to work in the prison; and

(b) how many have/had been sentenced by a court of law at the time they were 'employed' to work in the prison?

(3) Taking into account regulation 43(2) and (3) of Prison Regulations 1982, can the Minister confirm whether any of the prisoners referred to in (2)(a) were asked to or made to work before formally applying in writing to the superintendent?

(4) How much money is currently being held by the Department of Corrective Services for Indonesian prisoners who —

(a) are currently imprisoned in Western Australia; or

(b) were formerly imprisoned in Western Australia but have since been released?

(5) Is the Department of Corrective Services bound by the directive that was issued by the Commonwealth Attorney General's department directing State and Territory authorities to cease transfers of money earned by Indonesian prisoners?

(6) If yes to (5), why?

(7) If no to (5), please explain why this directive was followed.

(8) Is the Minister aware that, pursuant to regulation 50 of the Prisons Regulations 1982, the money being held by the Department for former prisoners must be made available to the prisoner upon their discharge, and that any money currently being held for former Indonesian prisoners, as referred to in (4)(b), is being held contrary to that regulation? (9) Has a review of Policy Directive 69 — Management of Prisoners' Money been commenced?

Hon SIMON O'BRIEN replied:

(1) As at 10 January 2012, Indonesian prisoners were employed at the following prisons.

(a) Acacia Prison: Nil.

(b) Albany Regional Prison: 49.

(c) Bandyup Women's Prison: Nil.

(d) Boronia Pre-release Centre for Women: Nil.

(e) Broome Regional Prison: Nine.

(f) Bunbury Regional Prison: Nil.

(g) Casuarina Prison: Nil.

(h) Eastern Goldfields Regional Prison: 10.

(i) Greenough Regional Prison: Nil.

(j) Hakea Prison: 15.

(k) Karnet Prison Farm: Nil.

(l) Pardelup Prison Farm: 33.

(m) Roebourne Regional Prison: Nil.

(n) West Kimberley Regional Prison: Nil.

(o) Wooroloo Prison Farm: Four.

(2) (a) As at 10 January 2012, 120 Indonesian prisoners were employed throughout Western Australian (WA) prisons. Of these, 22 were on remand.

(b) As at 10 January 2012, 120 Indonesian prisoners were employed throughout WA prisons. Of these, 98 were sentenced.

(3) As per the Section 43(2) and (3) of the Prisons Regulations 1982:

"(2) A prisoner on remand shall not be required to work.

(3) A prisoner on remand may apply in writing to the superintendent to work and, if such application is granted, the prisoner may, be employed in the prison in which he is confined, and be credited with gratuities accordingly."

Overall, it is usual practice for verbal communication to the prisoner to be given the opportunity to work during the orientation session on admission to the prison system. During the orientation process, a form (C101) is completed by the orientation officer and the prisoners are advised of employment opportunities within the prison.

In the case of an Indonesian prisoner who does not understand English, a fellow Indonesian prisoner who is able to interpret will be utilised for this purpose and the orientation officer will ensure the prisoner understands the opportunities available to him.

(4) (a) As at 31 January 2012, the total amount of money being held by the Department of Corrective Services (the Department) for Indonesian prisoners whose most serious charge/offence is recorded as 'people smuggling' was $40 255.68.

(b) As at 24 February 2012, the total amount of money still being held by the Department for Indonesian prisoners who were released between 1 March 1997 to 31 January 2012 and whose most serious charge/offence is recorded as 'people smuggling' is $897.90.

(5) No.

(6) Not applicable.

(7) The Department received a request from the Commonwealth Attorney- General's Department to prevent individuals charged with 'people smuggling/illegal fishing' offences from attempting to remit money overseas until the Department of Immigration and Citizenship (DIAC) can issue a notice to garnish their earnings (Garnishee Notice).

The Attorney General's request, which was in line with Section 262 of the Migration Act 1958, states that a person who is in immigration detention and is convicted of certain offences (including people smuggling and illegal fishing) owes a debt to the Commonwealth for their detention costs and the Commonwealth can issue a Garnishee Notice under section 264 of the Migration Act 1958 requiring the prison superintendent to garnishee or freeze a specified amount of the prisoner's gratuity earnings in order to recover the debt.

In keeping with the intent of a Garnishee Notice, the Department has honoured the request by exercising the powers provided in Section 48(2) of the Prisons Regulations 1982;

"Notwithstanding any thing in regulation 47, the chief executive officer may determine that, subject to any further direction given by the chief executive officer in relation to any specified circumstances, gratuities credited to prisoners shall be retained in the account of the prisoner to such extent as is specified by the chief executive officer."

Therefore, prisoners in custody for reasons of 'people smuggling' or illegal fishing are not permitted to:

- Transfer gratuity earnings outside of the prison
- Transfer gratuity earnings to another prisoner.

(8) In the absence of a Garnishee Notice upon the prisoners' release, all money held on their behalf is and will be made available to them upon discharge or as soon as practicable thereafter as per Section 50 of the Prisons Regulations 1982.

(9) Policy Directive 69 (Management of Prisoner's Money) has been identified as requiring review, however the review has not commenced at this time.

_____