

Legislative Assembly

Wednesday, 6 April 2011

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

QUESTIONS WITHOUT NOTICE

Statement by Speaker

The SPEAKER: Members, before I call for petitions today, I remind everybody that question time will be taken at 3.15 this afternoon.

NORTHERN SUBURBS RAILWAY — OVERCROWDING

Petition

MR A.P. O’GORMAN (Joondalup) [12.01 pm]: I present a petition with 373 signatures that reads as follows —

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

We, the undersigned, are opposed to the Barnett Government’s decision to ignore the train overcrowding occurring on the Joondalup line by refusing to order any more train carriages. Commuters are struggling to get to work and appointments on time.

Now we ask the Legislative Assembly to ensure the Barnett Government immediately order at least thirty additional train carriages.

[See petition 388.]

PRESTON RIVER TO OCEAN REGIONAL PARK ESTABLISHMENT PLAN

Statement by Minister for Planning

MR J.H.D. DAY (Kalamunda — Minister for Planning) [12.02 pm]: I am pleased today to announce that cabinet has recently endorsed the Preston River to Ocean Regional Park establishment plan proposal and its final release. This is a significant step in the creation of a regional park within the greater Bunbury area. The concept of a continuous reserve from the Preston River to the coast has been central to planning in greater Bunbury for over 20 years and has received strong, ongoing community support. The greater Bunbury region scheme came into effect at the end of 2007, reserving the land areas within the proposed park as regional open space. The proposed park includes Manea Park, Shearwater Tuart Forest and the Maidens, extending east–west over a total of seven kilometres. In total, the area covers 893 hectares.

The proposed park contains a unique sequence of landform and vegetation complexes, characteristic of the Swan coastal plain. The draft version of the plan was advertised for public comment for a period of three months. Eight submissions were received in total. No submissions objected to the park. The majority of submissions were from government agencies involved in the park and some interested members of the public.

The submissions were discussed with both the community consultative committee and the technical advisory group, prior to being finally considered by the Western Australian Planning Commission. The majority of issues raised are more appropriately addressed through a management plan, and as such have been noted and will be considered during the preparation of a management plan. Dr Bernard Bischoff, who has had extensive and ongoing involvement in the park, requested that in the plan the park be renamed Preston River to Ocean Regional Park to reflect the park’s geological evolution. Given Dr Bischoff’s contribution and involvement, this request was supported and the text amended accordingly.

The majority of the land that will make up the new Preston River to Ocean Regional Park was already reserved for parks and recreation under local planning schemes; however, consolidating these areas into a new regional park coordination will make management of the area more efficient.

I thank all the people who have contributed to the Preston River to Ocean Regional Park, and encourage the community’s ongoing input in its future use and management. I am, accordingly, pleased to now table the documentation for the Preston River to Ocean Regional Park establishment plan proposal.

[See paper 3279.]

MAGELLAN METALS — LEAD CONTAMINATION*Statement by Minister for Environment*

MR W.R. MARMION (Nedlands — Minister for Environment) [12.05 pm]: On Monday afternoon the Office of the Environmental Protection Authority was advised that a Magellan Metals Pty Ltd shipping container at Fremantle port had been found with soil or dried mud on the outside of the container. As part of its health, hygiene and environmental management program, Magellan is required to ensure that all vehicles and containers transporting lead carbonate pass through a wash-down facility, after which they are individually inspected by Inspectorate Australia before leaving the mine site. A sample of the soil was sent for analysis at the ChemCentre and the results indicated a lead reading of 2 800 milligrams per kilogram. This is above the investigation level for industrial sites. Isotopic analysis results received late yesterday indicate that the lead is highly likely to have come from the Magellan ore body.

Inspectorate Australia has advised the OEPA that all containers have passed through the wash-down facility and were free of visible lead dust prior to leaving the mine site for the month of March 2011. Magellan's preliminary investigation has identified that heavy rainfall in Leonora caused muddy soil on the edge of the hardstand where the containers were stored prior to being shipped by rail; however, this has not been independently confirmed. The rail yard at Leonora is owned and operated by another party and may have residual Magellan lead on it from previously approved operations between 2005 and 2007.

Magellan voluntarily stopped the transport of lead carbonate from the mine site and has also decided to suspend its operations indefinitely and undertake a comprehensive review of all of its activities. That is the right decision in view of the government's complete loss of confidence in the company's ability to meet the high standards expected by the Western Australian community. A further four containers stored in Fremantle have been identified with dried mud or soil on them and will be cleaned under supervision of the OEPA and the soil will be removed by a waste management company. I have asked regulatory agencies to commence a full investigation into the source and extent of the soil on the exterior of the containers. The Department of Environment and Conservation is sending a pollution response team to Fremantle port container terminal and to Leonora rail yard to conduct investigations. OEPA officers will also inspect any containers in the Forrestfield marshalling yard. I want to reassure the community that there is no evidence of an escape of lead concentrate from the sealed bags or containers or indeed, any airborne lead. The government will use all powers at its disposal to protect public health and the environment.

TRACK CYCLING WORLD CHAMPIONSHIPS 2011*Statement by Minister for Sport and Recreation*

MR T.K. WALDRON (Wagin — Minister for Sport and Recreation) [12.07 pm]: Mr Speaker, last month seven young Western Australians participated in the 2011 Union Cycliste Internationale Track Cycling World Championships held in the Netherlands. The strong national team featured the biggest names in Australian track cycling and included a complement of seven Western Australian Institute of Sport scholarship holders. This is in itself a fantastic achievement for the team at WAIS; with 35 per cent of the national team coming from WA. Competition at these championships was extremely fierce with the event representing an important opportunity for athletes to tune up prior to the London Olympics.

I take this opportunity to highlight some of the outstanding performances of our athletes and the Australian team in general. In Australia's best ever result at a world championship, WAIS athletes contributed three gold medals out of an Australian total of eight. Congratulations to Cameron Meyer in the madison, Luke Durbridge in the team pursuit, and Michael Freiberg in the omnium. I note that Cameron Meyer also achieved a silver medal in the points race, one of two silver medals achieved by the Australian team. To put these achievements in context, the 2011 result follows efforts in 2010 when three WAIS athletes contributed four gold medals and in 2009 when two Western Australian athletes contributed two gold medals. Cameron Meyer, at 23 years of age, has now won a world title in each of the past three years, for a total of five gold medals.

Luke Durbridge at 19 years, and Michael Freiberg at 20, were both first-year seniors in this year's event, winning world titles at their first attempt. Cameron Meyer is the reigning WAIS athlete of the year, and Luke Durbridge is the reigning WAIS junior athlete of the year. These achievements would not be possible without the support of the staff and coaches at WAIS. I commend cycling coach Darryl Benson, who has been involved with all three riders, nurturing them from their club, through Cycling WA programs, and into WAIS and the Australian Institute of Sport. Darryl's efforts and those of his riders continue a record of success for the WAIS cycling program, which started with Darren Hill, continued with Ryan Bayley, and is now being forged by a new generation of riders.

On behalf of the government of Western Australia I would like to extend my warmest congratulations to the cycling team at WAIS and wish them every success as they head to the London Olympics next year.

**COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT BILL 2011 —
EXPLANATORY MEMORANDUM**

Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): Members, I will provide some information to you. I have received advice that the explanatory memorandum for the Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011 did not reflect an aspect of clause 4 of the bill. The explanatory memorandum for that bill has been updated, and members who previously obtained a copy of that document are advised to obtain the updated version from the Legislative Assembly office.

BUSINESS OF THE HOUSE — PRECEDENCE OF PRIVATE MEMBERS' BUSINESS

Standing Orders Suspension — Motion

MR R.F. JOHNSON (Hillarys — Leader of the House) [12.10 pm]: I move —

That so much of the standing orders be suspended as is necessary to enable private members' business to have priority from 4.00 pm to 8.00 pm on Wednesday, 6 April 2011.

MR D.A. TEMPLEMAN (Mandurah) [12.11 pm]: I want to make some comments in respect of this motion. Obviously, the opposition will support it, but I think it is important that we bring to the notice of the Parliament that we will once again be sitting late this evening. This is a pattern that has now been repeated over a number of sitting weeks. It seems that the government is having major difficulties managing its legislative program. It is very interesting that we seem now to have a standing motion each week to extend the business of the house into the Wednesday evening program. I remind members on the other side that it is important for them to speak to the Leader of the House about this pattern, because it is becoming very much a repetitive process. I speak as a regional member of this chamber who ventures home —

Several members interjected.

Mr D.A. TEMPLEMAN: Some members leave the chamber and are home in bed, sleeping soundly, within 10 minutes; some of us have to travel.

Mr J.H.D. Day: The only ones who do that are country members who have a place in the CBD!

Mr D.A. TEMPLEMAN: Like the Minister for Health? What about the Minister for Planning's mate, who sits in front of him? He goes home and claims \$255 to sleep in his own bed! That is the reality. That was a very silly thing for the Minister for Planning to say; I would not have opened my mouth if I were him! If he opens his mouth, he is going to get smacked! Do not rouse me!

Mr R.F. Johnson: No, please don't rouse him!

Mr D.A. TEMPLEMAN: I could easily use my full 58 minutes! Do not rouse me, Minister for Planning, because I will go through every member in the chamber who goes home and claims \$255 to sleep in their own bed, 10 kilometres from the CBD. Do not worry about that!

Mr P. Abetz interjected.

Mr D.A. TEMPLEMAN: The member for Southern River should not open his mouth! We can all tell a few stories about him; we all remember the pole vaulting over the bar, so do not rouse me! Who is getting upset now? The Minister for Local Government is leaving, which is probably appropriate! He has spat the dummy, like the Premier did yesterday! Go on, off you go, member for Bunbury! Get out of the place! If you cannot stand the heat, get out of the kitchen, son!

Point of Order

Mr R.F. JOHNSON: Mr Speaker, I find the comments very amusing, but they have nothing to do with the motion.

The SPEAKER: Member for Mandurah, I have given you the opportunity to reply to the motion before the house, and I expect that that is what you are doing. I know that there have been a few false starts and a few interruptions; it often happens in this place. I now simply ask you to return to the motion moved by the Leader of the House.

Debate Resumed

Mr D.A. TEMPLEMAN: Since this motion has been moved by the Leader of the House a number of times, he should make it a standing motion that we will sit late on Wednesday evenings until further notice, because a pattern seems to be emerging. I conclude by simply saying that the continual extension of Wednesday evening sittings is purely the fault of the Leader of the House and the government, and it demonstrates that it is not able to appropriately manage its legislative program. It is very sad that some members on the other side continue to

attack the opposition by saying that it is our fault. Frankly, the opposition is doing its job, which is to hold the government to account, and we will continue to do so. If the government cannot get its act together in respect of its legislative program, it seems that we will continue to sit late on Wednesday evenings, as has been the pattern for a number of weeks. Last week the Leader of the House said that it would be the last time the house would sit late on a Wednesday, and he said the same the week before that. His track record is not good.

MR J.N. HYDE (Perth) [12.16 pm]: I want to bring to the attention of members that once again, the business of the house will not be accommodated by the government. It is disgraceful that we are again sitting late this week. There are some very important arts events taking place next Wednesday, and I do not yet know whether I need pairs for them. It seems we have an acting Minister for Culture and the Arts who is asking for pairs to go to arts events, and I do not know what is planned for next week. I am also very concerned that we are now devoid of the presence of senior government ministers. It is good that they are attending an important meeting with a high-level person from China. The irony is that they are missing in action when we should be debating the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011, after the Leader of the House's stunt yesterday during question time, when I correctly drew to the attention of the house and the community that our relationship with China matters much more than the theatrics of CHOGM. The Deputy Premier and the government's senior ministers have today demonstrated that I was correct in acknowledging that our relationship with China is more important than Parliament and question time. What I object to is the government's mismanagement of time, which has resulted in us sitting late tonight. We moved Parliament from sitting during CHOGM because of the incredible disruption that we will have. The government can efficiently arrange a very important meeting with a most important visitor from China, but it somehow cannot do the same for CHOGM. Again, this reinforces the very points I made in my lengthy and measured article, and I thank the Minister for Culture and the Arts for publicising that article to the house yesterday.

MR R.F. JOHNSON (Hillarys — Leader of the House) [12.19 pm]: I appreciate the cooperation of the opposition Whip. He has urged members on this side of the house to talk to me about why we are sitting late, so I think it is incumbent on me to suggest to members opposite that they need to talk to their manager of opposition business. The reason we are sitting late is that we are taking such a long time—not “we” collectively, but the opposition—in filibustering a bill that, I am told —

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

Mr R.F. JOHNSON: We sat late last night and we will have to sit late tonight because it is important to get the CHOGM bill through this Parliament.

Ms M.M. Quirk: If it's so urgent, why are we now sitting through two responses to the Premier's Statement, minister?

Mr R.F. JOHNSON: I do not think the member for Girrawheen will ever be on this side of the house again, so she will never have to be Leader of the House—I promise her. I do not think that will ever happen.

Mr M.P. Murray: No doubt your pre-selection is safe!

Mr R.F. JOHNSON: The member for Collie–Preston would never imagine in his wildest dreams that he would even be on the opposition front bench, let alone the front bench on this side of the house!

We are forced to sit late because of the intransigence and the filibustering of members opposite in relation to the CHOGM bill. If we get through that bill, we will not sit late in the foreseeable future.

Question put and passed.

BUSINESS OF THE HOUSE — DINNER SUSPENSION

Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): Given that we have made that decision, let me inform members that there will be a dinner break this evening from six o'clock until seven o'clock. That has been organised with the dining room.

SKILLED LOCAL JOBS BILL 2011

Introduction and First Reading

Bill introduced, on motion by **Mr D.A. Templeman** on behalf of the Leader of the Opposition, and read a first time.

Explanatory memorandum presented by the member.

[For second reading stage, see page 2485.]

CONSERVATION LEGISLATION AMENDMENT BILL 2010*First Reading*

Bill read a first time, on motion by **Mr W.R. Marmion (Minister for Environment)**.

Explanatory memorandum presented by the minister.

Second Reading

MR W.R. MARMION (Nedlands — Minister for Environment) [12.22 pm]: I move —

That the bill be now read a second time.

The purpose of the Conservation Legislation Amendment Bill 2010 is to amend the Conservation and Land Management Act 1984—the CALM act—and the Wildlife Conservation Act 1950. The amendments to be made to the CALM act include the replacement of the provisions for voluntary land management agreements that presently enable land or waters to be managed by the Department of Environment and Conservation's chief executive officer, but that do not enable joint management with another party or parties. Joint management agreements are currently beyond the powers of the CALM act. Under the bill, this deficiency will be corrected and joint management agreements over private and other land will be made possible, including those committed to under the Burrup and Maitland Industrial Estates Agreement of 2003, the Ord final agreement of 2005 and the Yawuru agreements for Broome signed on 25 February 2010. These types of joint management agreements provide for the joint management of private and other land as though it were a category of reserve such as a conservation park. The provisions of the CALM act will apply accordingly; however, other written laws are not affected by an agreement, and those laws shall continue to apply to the land according to its underlying tenure. The bill also contains provisions to enable voluntary agreements to allow the CALM act to apply to crown lands, such as Aboriginal Lands Trust lands.

The bill provides for consultation with the ministers responsible for mines, fisheries, forestry, Indigenous affairs and water and the relevant local government when voluntary management agreements are proposed. If the relevant area is crown land, the Minister for Lands must provide written approval or be a party to the agreement.

Another significant amendment to be made to the CALM act under the bill is to enable joint management of reserves held by the Conservation Commission of Western Australia or the Marine Parks and Reserves Authority. This will be specified within a management plan and a joint management agreement. This joint management option for reserves is of particular significance to Aboriginal people who have aspirations to be involved in the management of lands to which they have a traditional connection. Providing for joint management over a wide range of lands under the CALM act will not only enable existing obligations to Aboriginal people to be met, but also provide a framework for future joint management agreements to be made part of negotiations for Indigenous land use agreements under the Native Title Act 1993 for the benefit of Aboriginal people, the state and, as applicable, third parties.

The bill will also provide formal recognition of the importance of land and waters to the culture and heritage of Aboriginal people. Currently, the CALM act is silent on this matter, but a new management planning objective that will apply to all lands subject to the CALM act is to be introduced. In meeting this management objective, there is to be no adverse effect on the protection or conservation of the land's fauna and flora.

Providing this new management objective is complementary to protection available under the Aboriginal Heritage Act 1972, but it will not affect the administration or operation of that act, which will continue to apply to the preservation of Aboriginal sites and objects throughout the state. Furthermore, under the bill the term "Aboriginal customary purpose" will apply to the preparation or consumption of food, preparing or using medicine, engaging in artistic, ceremonial or other cultural activities, and engaging in activities incidental to these purposes. To this end, the bill will amend the CALM act to provide Aboriginal people an entitlement, subject to regulation, to carry out acts relevant to doing things for an Aboriginal customary purpose on reserves and other land managed under the act. The bill will also make a related amendment to the Wildlife Conservation Act by extending Aboriginal people's current entitlement to take fauna and flora for food to taking fauna and flora for Aboriginal customary purposes.

The opportunity has also been taken to clarify the CALM act regulation head powers and the relationship of regulations made under the CALM act to regulations made under the Land Administration Act.

This bill will put in place the legislative framework to build greater partnerships with Aboriginal Western Australians and recognise the important role they have in protecting and conserving lands of cultural and environmental significance.

I commend the bill to the house.

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

PREMIER'S STATEMENT*Consideration*

Resumed from 16 March on the following question —

That the Premier's Statement be noted.

MR J.E. McGRATH (South Perth) [12.27 pm]: I believe I still have some time on the clock, Mr Speaker, because you closed me down in full flight when I was on my feet last in this place.

The SPEAKER: Do you think the clock is now a more accurate reflection of the time that you have available, member for South Perth?

Mr J.E. McGrath: That sounds very good. I would like a bit more time. At the time I spoke last on this question, I was talking about the Manning Road on-ramp, which is an issue very dear to my heart and the hearts of my constituents. Ever since I was elected member for South Perth, I have been fighting very hard to get a government of any persuasion to put an on-ramp onto the freeway heading south at Manning Road, which to most sensible people would seem a pretty logical thing to do. I have had talks with the Minister for Transport and the Premier, and I live in hope that one day we will get this very important piece of infrastructure in the southern part of my electorate.

The other issue that has arisen since I last spoke in this place relates to the Perth Waterfront development. I am glad the Minister for Planning is here today, because a little bit of concern has arisen in the electorate of South Perth about the transport implications of the development and its impacts on my electorate. I have always supported the diversion around the actual inlet and changing the direction of Riverside Drive. I think it is a great innovation and the people of Perth will really welcome the Perth Waterfront development. However, there is a fear that diverting that traffic will lead to people not travelling across the Causeway, especially people coming up to this part of the city who at present travel along Riverside Drive. My suggestion is—I do not know whether it is too late—that as a lot of excavation work must be done in that area before the water comes in, it would be possible to dig some sort of a trench so that Riverside Drive would continue. The trench could be made and then covered before the water is allowed in. I am not sure what that would cost, but I intend to write to the Minister for Planning and the Minister for Transport about it. I believe that the work on the project will begin either at the end of this year or early next year. I would like some indication of what impact the government transport planners believe the work on the project could have on traffic coming through the city and into the West Perth–Subiaco precincts. That is something we need to be careful about. As I said, I support the Perth Waterfront project. It will lead to ferries being used more for transport, which will be a great thing for Perth. I have always said that we should use the Swan River for transport and recreation more than we do.

In closing, I will mention another thing that has happened in my electorate. Recently an event was held to celebrate the completion of the restoration of the Church of St Mary the Virgin in South Perth. The church is a heritage-listed building. Most people who have driven along South Perth on the freeway would have noticed the spire on top of its roof. The building has been a landmark in Perth for a long time. Thanks to this government, we were able to provide \$250 000 towards the cost of that restoration work to repair the damage caused by concrete cancer. Lotterywest also provided \$185 000 and the John Howard federal government provided \$250 000. I thank all the ministers who were involved in that. The Minister for Heritage, who has left the chamber, was very closely involved, as was the former Treasurer. It was good to see them get behind the restoration of that iconic heritage building in my electorate. The people of South Perth want me to convey their thanks to the government for getting behind that project.

MR P. ABETZ (Southern River) [12.31 pm]: It gives me much pleasure to rise and speak in support of the Premier's Statement. It is my privilege to represent the illustrious electorate of Southern River on the southern outskirts of the suburbs of Perth. It is an interesting electorate because only 10 per cent of its population is over the age of 60. It is a very young area and many of the suburbs are very new. It also has the benefit of having three modern, well-equipped retirement villages and also a retirement facility hostel-cum-nursing home at the Joseph Banks Aged Care Facility. It is in that context that I put on the public record that on 17 February I had the pleasure of having as my guest for lunch at Parliament House Mr Paul Capaldi, who was accompanied by his octogenarian nephew, Norm Barnard, and a friend, Kelly Costello. Mr Capaldi is one of the many happy residents of the modern and beautifully designed Joseph Banks retirement complex that was completed a few years ago. What is unique about Mr Capaldi is that he is 100 years of age, he still has keen sense of humour and he bounds up the stairs in that complex unaided by a walking stick. He walked into Parliament House without a walking stick and had lunch with me. He certainly enjoyed the food too. When I visited him on his 100th birthday last year he told me that he had never met a politician in person. I said to him that if it had taken him 100 years to meet one that I should invite him to Parliament House. The local newspaper wrote a story about it and said that it took Mr Capaldi 100 years to earn the right to come to Parliament. He thoroughly enjoyed the dining room. It was quite funny because I had forgotten to tell him that he needed to wear a tie but the staff came to the rescue

by opening a draw and pulling out a tie that they tied for him so that he could enter the dining room and enjoy a very nice lunch. He also enjoyed his time in the Speaker's gallery. Mr Capaldi is a little hard of hearing and was having some difficulty hearing what was going on. I assured him that it was alright because half the time I do know what is going on either!

The government is halfway through its four-year term. Much has been done and much still needs to be done. Every time I come to Parliament I see the work progressing on the Fiona Stanley Hospital at Murdoch. When that facility is completed, it will provide state-of-the-art medical facilities for the people in my electorate in particular. The St John of God Hospital Murdoch is also close by; it is just a matter of a short trip down South Street. Having the public hospital so close by will be very much appreciated by my constituents.

The government has also implemented the independent public schools program. The three schools in my electorate that have availed themselves of that program are Bletchley Park Primary School, Campbell Primary School and, more recently, Ranford Primary School. I understand that other school communities are also applying to join the ranks of the independent public schools. I will briefly mention Bletchley Park Primary School. That school is right on the suburban fringe. It started a couple of years ago with 168 students. Even though it received funding for extra classrooms under the Building the Education Revolution program, an additional 10 portables were installed this year to accommodate all the students. Bletchley Park Primary School is a unique school in many respects. A lot of migrants live in that area and one out of every four fathers of the children is a fly in, fly out dad, which certainly creates some issues for the families there. I put on the public record the excellent work of the principal, Mr Chris Partington, who has helped to build a sense of community in that new suburb. The great benefit of the independent public school system is that schools such as Bletchley Park Primary School have a fantastic atmosphere. The children have respect for the teachers, and the way in which the school functions is a credit to the staff. The principal is able to select teachers whom he believes will carry forward the ethos of the school. That is certainly a positive development and I am sure that Campbell Primary School under the leadership of Mr Peter Glendenning and Ranford Primary School under the leadership of Ms Bronwyn Tester will continue to make use of that ability to maintain the excellent standards and atmosphere in those schools.

As a member of the government, I had the opportunity to go to the Ord River a while back to see some of the work that is going on there. With my background in agriculture I found that particularly interesting. The government has taken the step of moving forward with Ord River stage 2, which is a very exciting development. The government has shown leadership on the Pilbara Cities plan. I have a son who lives in Tom Price. We spent Christmas with him and were able to see some of the plans to develop the cities in the Pilbara to make them more liveable places. The communities certainly welcome those plans. I mention that, even though it is way outside of my electorate.

I am thrilled that this government has finally taken the step to do something about the ineffective taxi cameras that have been in our taxi fleet in Perth for far too long. It has been known for many years that these cameras simply do not work much of the time. A tragic situation occurred in my electorate involving a taxidriver, who was awarded by Swan Taxis for customer service and various other things and who is a very honest person. He picked up three drunken teenagers in Thornlie at two o'clock in the morning and drove them to the city. They did a runner and reported him for having sexually interfered with a girl in the front seat. It was a case of three voices against one and the taxidriver was convicted. He lost his taxi licence and means of livelihood. He has five children. He is a hardworking fellow, but now that he has a police record, he cannot get a job because everyone wants a police clearance. Had the camera in his taxi been operational, it would perhaps have been able to provide clearer evidence that he was not guilty. On the evidence presented to the court, the magistrate found him guilty, yet I have serious doubts about that verdict.

Our government has stepped forward to do great things not only on the economic front, but also at the social level. I have been personally involved in talking with church leaders in Perth dealing with homelessness. Because the churches are so involved in providing social services, it is encouraging that twice a year our Premier makes a point of meeting with the church leaders in Perth to talk about social issues. An issue that has come forward is that a crash pad, so to speak, for homeless people is desperately needed in Perth. It is not always a case of homeless people wanting accommodation; some want to live out on the street because of mental health issues and so on. The aim of a crash pad is to provide a safe place where homeless people can basically crash for the night, have a shower, get some breakfast in the morning and then go on their way again. It is a facility that is much needed.

Mr J.E. McGrath: Don't we already have them?

Mr P. ABETZ: We have very few. They are more geared for getting people into housing, whereas this facility would be like the centres in the Pilbara.

Mr J.E. McGrath: What about in East Perth, in Camillus House, where they can go and get a bed for the night, and get something to eat in the morning and off they go?

Mr P. ABETZ: Yes, there is a desperate need for more of that. Some facilities, unfortunately, have closed due to lack of funding, but that is being addressed

The Premier's concern for the socially disadvantaged is further evidenced by the fact that the Premier attended a breakfast this morning, which I also attended, at which he launched the Jade Lewis and Friends Inc charity. Some members may be familiar with Jade Lewis. She is a girl who grew up in a good family, headed in the wrong direction and went down the path of drug addiction but whose life has turned around through the help given to her by various people, particularly her family and Teen Challenge in Esperance. She has written books about her journey.

Mr D.A. Templeman: She is a very impressive young woman.

Mr P. ABETZ: Yes, a very interesting young woman. I am glad that I had two hankies with me this morning at the breakfast, because there were not too many dry eyes. Dixie Marshall, the newsreader, was there and she commented that she had difficulty containing her emotions as we listened to Jade and also to an ex-prisoner from Bandyup Women's Prison, who also gave her story. This happened, I think, because of Prison Fellowship Australia, which was working in Bandyup Women's Prison. Some of the prisoners had read Jade's book and said it would be nice to meet Jade. To cut a long story short, Jade went to the prison on a Saturday morning, and she identified with the situation and issues that these women were experiencing, because some 80 per cent of the women in Bandyup are there because of drug-related issues. She has been going there regularly and has developed a program. A young lady from the prison at the breakfast this morning spoke about how the program that Jade runs has turned her life around and helped her back on the right path. It was also good to hear the governor, the lady who runs that prison, speak so positively about the work of Jade and her team. Jade Lewis and Friends Inc is now a formal charity, and the fact that the Premier took the time out of his busy schedule to be at that breakfast and to launch that charity this morning was most encouraging and sends a clear message that as a government we are not only good economic managers; we also care about the socially disadvantaged.

I move to local issues in my electorate. For the last two years I have been pushing for illuminated 40-kilometre-an-hour speed limit signs; that push has borne fruit. Canning Vale Primary School and Campbell Primary School now have the benefit of those signs, and St Emilee's Catholic Primary School on Amherst Road and Bletchley Park Primary School on Balfour Street will get their signs in the next few months. More of these signs are needed; certainly, Thornlie Christian College on Furley Road and probably Forest Crescent Primary School are the most urgently in need.

Also locally, we have moved forward the building of the extra lane on Kwinana Freeway between Leach Highway and Roe Highway, and that improvement will be very much appreciated by residents of my electorate. The freeway between Leach Highway and Roe Highway already jams up at about 2.30 in the afternoon. My area is growing very rapidly and that puts a lot of pressure on the road system. These issues are being addressed. The Warton Road duplication is almost complete; the Ranford Road duplication is complete; and, the Garden Street duplication is almost done. We still have some issues, one of which is the roundabout at the intersection of Nicholson Road and Garden Street. It is a major bottleneck that is aggravated by the fact that it is close to the railway freight line to Fremantle. That line creates a lot of problems. Ten or 15 years ago there were about three or four trains a day; now there are apparently 20 to 25 goods trains there sometimes. When a train comes through during peak-hour traffic, everything comes to a grinding halt. In fact, even when there is no train, it is already almost at a grinding halt! I am pleased to say that Main Roads is doing some studies on the traffic flow issues there, and hopefully something will be done very soon. I have not seen any plans yet, but I have been led to understand that plans are underway. I think that the member for Gosnells has also been making representations because it also affects people in his electorate.

Another issue in my electorate is that there is an area towards Tonkin Highway that is zoned urban, which over the next 10 to 15 years, is expected to housing extra 20 000 people. Therefore, the need for public transport in my area is absolutely critical. I have been advocating for the extension of the Thornlie railway line through to the Mandurah railway line. It is all very well to have trains going into the city, but we also need to have cross connections.

[Member's time extended.]

Mr P. ABETZ: One thing that really concerns me about the southern railway line is that if anything were to go wrong with the Mandurah-Perth railway line at, say, Mount Henry Bridge or the Narrows Bridge—perhaps some kind of accident that blocks the rail line—the whole southern rail system would grind to a halt. However, if some of the trains could come up through Canning Vale, it would provide at least a skeleton service for the people further south. When I was doorknocking in the lead-up to the election, the railway line, apart from hoons and graffiti, was the top issue. Thanks to the enthusiasm of some very competent people in my electorate who have expertise in railways, I have a beautiful plan here. I am not a minister so mine is not laminated like the ones that have been shown previously!

Mr R.F. Johnson: I'm still saving up for a laminator!

Mr P. ABETZ: I am saving up for a laminator—yes, something like that! A detailed costing was kindly done for me by someone who has worked on railway projects in WA. The project would include three railway stations, at Nicholson Road, Canning Vale markets and Jandakot airport; the double electrified railway track that would need to run parallel to the goods train; all electrical components; refurbishment of some bridges; and \$10 million worth of new rolling stock—we could not pinch trains off the northern line; we would be in real trouble if we tried that! The total cost of the project is the princely sum of \$234 million. That sum of \$234 million may sound like an awful lot of money —

Mr D.A. Templeman: It would be more than that.

Mr P. ABETZ: These are fairly detailed costings. They include \$20 million for the bridge work for an overpass over Nicholson Road.

Mr D.A. Templeman: How much is each station?

Mr P. ABETZ: It is \$20 million.

Mr D.A. Templeman: Each?

Mr P. ABETZ: Yes.

Mr D.A. Templeman: It would be a bit more than that. Have you run it past Peter Martinovich?

Mr P. ABETZ: I have not run it past him, but I am told that that is roughly right for a railway station, particularly in that area, because there is potential for a public–private partnership. We already have the land, so we do not have to buy the land. At the Nicholson Road end, it would lend itself to high-density housing plus a commercial area around it.

Mr D.A. Templeman: What is the current population catchment for that corridor now? Do you have a rough figure?

Mr P. ABETZ: It depends on the area. My electorate has grown by some 4 000 people in the past two years.

Mr D.A. Templeman: What is the current catchment around each proposed station at Nicholson Road, Jandakot and the Canning Vale markets? Under current planning rules, there needs to be thousands of people.

Mr P. ABETZ: To give the member an idea, I mentioned the extra 20 000 people in the area where Ranford Road hits Tonkin Highway. Within 10 years, that strip of undeveloped land, which is just beginning to be developed, is expected to house an extra 20 000 people. With no railway station, Ranford Road will battle to carry the extra cars. The car park at Murdoch railway station is chock-a-block full already. The Canning Vale markets site allows for a very big car park. That would be step number one if we did it incrementally. A car park could be built at the Canning Vale markets. Many buses run along Ranford Road and South Street; there is a bus lane all the way to Murdoch. A bus goes past every two minutes. People could park at the Canning Vale markets site, even before a railway station is built, as an alternative to a two-storey car park at Murdoch station.

Mr D.A. Templeman: What is the length of rail that that figure is being costed for? How many kilometres is it?

Mr P. ABETZ: It is three kilometres from the Kenwick tunnel to Thornlie station. It is another \$5 million for the rail line to Glen Iris and \$57 million for the 11 kilometres from Thornlie station to the Glen Iris rail tunnel. All up, we have allowed about \$70 million just for the rail.

Mr D.A. Templeman: What is the length of the rail? Is it about 20 kilometres?

Mr P. ABETZ: No, it would not be quite that; it would be 14 kilometres.

One of the other things we could do, which I hope will happen one day, is to do it incrementally. We desperately need an overpass over the railway line at Nicholson Road. Obviously, that bridge design would need to be done in the context of the rail development. Hopefully, we can get the basic design work done so that in the very near future we can at least build the overpass as step number one to improve traffic flow. One of the issues is that because the train at Murdoch is quite often full, people from Canning Vale drive to Thornlie to catch the train. The Public Transport Authority tells me that its surveys indicate that one-third of all the people who catch the train at Thornlie live in Canning Vale and Southern River. We have a major issue in trying to address the public transport problem. The car park at Thornlie railway station is overflowing. The PTA is talking about expanding that car park. My suggestion is that we build a car park at Nicholson Road, because if one-third of those people no longer had to drive to Thornlie and could catch public transport in Canning Vale, the Thornlie car park would be big enough for the time being. I believe there are certainly many opportunities for progressing this project. Although I am very conscious of the limitations of budgets, and given the financial constraints of our government, I hope that in the not-too-distant future there will be something in the forward estimates for some of that preliminary work. I have told my constituents that, realistically, I am not sure that the railway line will be built within the next five years. I think that is too optimistic. I am certainly looking at a seven to 10-year time frame to have it all done, but we will wait and see what happens.

Another big issue in my electorate is the shortage of sports grounds. Some members will recall that I made a grievance about that issue not so long ago. My electorate is a young community. Lots of kids in the area want to play sport. The planners put ovals in the design of the urban plan in the 1980s. The problem is that those areas were not cleared and now councils cannot get permits to clear native vegetation. There is a market garden in the middle of one of the Bush Forever sites in my area. The Department of Environment and Conservation wants to revegetate that area. The City of Gosnells and many of the residents are saying, "Let's do some kind of trade-off." We hope to move that forward to at least find some other way of providing more sports grounds.

This government has also provided a very generous feed-in tariff of 47c for the net input. My wife and I installed a 1.6-kilowatt solar panel system on our home. We were curious to see what effect it would have on our electricity bill. The impact is that we no longer have an electricity bill; in fact, I now have a credit of \$269 with Synergy. Although that may not be possible for everybody, my wife and I are empty nesters, so it is only the two of us. By limiting our electricity use during the day when the solar panels generate electricity, feeding in at 47c a kilowatt hour, and by running our dishwasher and washing machine at night, we now have a very healthy credit.

Mr D.A. Templeman interjected.

Mr P. ABETZ: It is probably on the bill somewhere. The net feed-in tariff on 528 units —

Mr C.J. Tallentire: Synergy bills are very difficult to read.

Mr P. ABETZ: I am not quite sure that I understand it all.

Mr P. Papalia: Did you try to contact Synergy personally when you registered?

Mr P. ABETZ: I just filled in the forms and posted them; I did not have to talk to anybody.

Mr P. Papalia: If you didn't have a problem, it got it right. See how difficult it is if you have to contact the office if it does not get it right.

Mr P. ABETZ: I hope it got it right. I hope it has not got it wrong in giving us the credit.

There is another matter that I would like to briefly mention. Members will know that I am a member of the Education and Health Standing Committee. The issues we look at are certainly very interesting. I have always taken an interest in education and health issues. As most members will know, there has been considerable criticism of the proposed national curriculum. That criticism has been levelled not by some fanatics but by well-respected academics such as Greg Melleuish, associate professor at the School of History and Politics at the University of Wollongong; Barry Spurr, associate professor at the department of English at the University of Sydney; and Professor Augusto Zimmermann, a legal scholar working at Murdoch University. Time does not permit me to mention the many others, but I note that the influential and, at least in most circles, well-respected Institute of Public Affairs has also put out a publication in this regard to members of both federal and state Parliaments to alert them to some of its concerns. I must say that I share most of the criticisms that have been raised; in fact, I lodged my own private submission on the history curriculum with the Australian Curriculum, Assessment and Reporting Authority in May 2010. If anybody is interested in that, I am more than happy to provide them with a copy.

Mr A.J. Waddell: Is that about the English Civil War or about Judeo-Christianity?

Mr P. ABETZ: It is about the fact that it does not give enough recognition to our history—where we have actually come from. For us as a society to be cohesive and to move forward together, we must have an understanding of where we have come from and where we will move forward to.

Mr W.J. Johnston: We have a bit of a different history, friend, about where our families have come from.

Mr P. ABETZ: Yes, that is very different, but as Australians our Westminster system of government, our European heritage, which is based on Judeo-Christian heritage, is important. Whether people are Christian or atheist does not matter. For someone living in Saudi Arabia to understand that culture, they would have to have a working knowledge of Islam; otherwise, they could not understand that culture. In the same way, I believe that for people to understand our western culture, they need to have at least a working knowledge of our Judeo-Christian history. The concern I have is the emphasis and the direction that the national curriculum seems to want to take to shape the way people think, thereby creating particular mindsets. A tremendous amount of political power is then given to those who deliver the curriculum in terms of the kind of slant they put on things. Of course, that is always the case, but I think we need to be very cautious. I strongly oppose limiting the curriculum to only certain directions and, to put it this way, pursuing a politically correct kind of agenda. I believe the purpose of education has always been the imparting of knowledge that has been gained in the past so that people can build on that knowledge and the experience of our society and use that to advantage in the future.

My time has almost expired, so with that I conclude and say that I continue to enjoy serving as the member for Southern River and consider it a great privilege to represent the people of that area.

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

[Continued on page 2471.]

COMMONWEALTH HEADS OF GOVERNMENT MEETING (SPECIAL POWERS) BILL 2011*Consideration in Detail*

Resumed from 5 April.

Clause 33: Removal of vehicles, vessels and things from CHOGM security area —

Debate was adjourned after clause 32 had been agreed to.

Ms M.M. QUIRK: I have a point of clarification. Clause 33 deals with the removal of vehicles, vessels and things from the CHOGM security area—for example, a parked vehicle that may be on the route of a motorcade on, say, St Georges Terrace. I understand that parked vehicles will not be allowed along a motorcade route, so this clause will facilitate the exercise of removing parked vehicles from that route.

Mr R.F. Johnson: Absolutely correct, yes.

Ms M.M. QUIRK: I have also heard—I think the minister and the deputy commissioner mentioned this—that there will be ample publicity so that people are not caught, unwittingly, parking their cars in a location from which they are likely to be removed.

Mr R.F. Johnson: Absolutely correct.

Mr A.J. WADDELL: Further to that, if in the event that a vehicle is removed from an area, will there be some signage or anything to indicate to the owner that they can collect it from the police and that it has not been stolen? Will there be some way that people will know that has happened?

Mr R.F. JOHNSON: No, that will not be the case. If someone finds their vehicle missing, they will contact the police and the police will obviously inform them that it has been removed because it was in a security area. The person will be able to collect their vehicle from a particular location, which, in effect, is covered under clause 37, “Notification of removal”. The police would also take advantage of notifying the owner of the vehicle, through their registration plates, but it will depend on who notifies whom first. When a vehicle is removed, if the police are able to contact the owner of the vehicle, they will; if not and the owner of the vehicle came along before the police had an opportunity to notify them, the owner would phone the police and obviously what has happened would be flagged by the person saying that the vehicle was on St Georges Terrace, for instance, on Friday, the day of the CHOGM procession, if I can call it that, or motorcade. Obviously, the person would be informed in a similar manner.

Clause put and passed.**Clauses 34 and 35 put and passed.****Clause 36: Additional powers in relation to removing vehicles and vessels —**

Ms M.M. QUIRK: Clause 36(2) states —

In taking any action authorised by subsection (1), the police officer, authorised person or person assisting is not liable for any damage to the vehicle or vessel that the police officer, authorised person or person assisting causes.

The person assisting could potentially be a tow truck operator. Will the person whose car has been removed be charged for the towage and storage of that vehicle? The bill seems to be silent on this aspect.

Mr R.F. JOHNSON: I am advised that if, for instance, the police broke down a door during the execution of a search warrant, the police would normally repair that door. I think that this is a similar situation. I am advised by the deputy commissioner that if some damage occurred in the removal of a vehicle from a security area, it would be more than likely that the police would ensure that the damage is rectified.

Ms M.M. Quirk: But this subclause seems to suggest the opposite in that if people assert that the police or person assisting the police caused damage, the police or the person assisting would be under no legal obligation to repair that damage.

Mr R.F. JOHNSON: The member is absolutely correct as individuals, but the state, vis-a-vis the police —

Ms M.M. Quirk: Where does the legislation state that?

Mr R.F. JOHNSON: State what?

Ms M.M. Quirk: That the state will pick up the cost of that damage.

Mr R.F. JOHNSON: It does not; it is silent in this bill as far as that is concerned, but there would be the normal practice of the police. As I explained to the member, that is the normal practice: if any damage is done, obviously —

Ms M.M. Quirk: This is why we need to filibuster, minister, as you so kindly, charitably, call it, because if stuff is not in the legislation, that is a reasonable question to ask. Now that we have your words in *Hansard*, people can be given assurances that that will be the case.

Mr R.F. JOHNSON: I am advised that normal torts would apply under common law. Being a lawyer, the member would know that only too well, I am sure.

Ms M.M. Quirk: Being a lawyer, I would have thought that that would exclude liability. I would have thought statute law overcame common law.

Mr R.F. JOHNSON: That may well be the case, but in any event the advice I am given is that the police would do what they believe is the right thing and try to ensure that any repairs were carried out—the same as they would if a door is broken down in the execution of a search warrant.

Mr W.J. Johnston: Minister, while you are on your feet, by interjection I re-ask the question the member asked: what about charges? Let us say that XYZ towing company takes it away. Who pays for the cost of the removal of the vehicle?

Mr R.F. JOHNSON: I am advised that the Western Australia Police would pay in this instance, because it is the designated security area and it is the police who want it removed. The person may not have committed any road traffic offence. I would suggest it is highly unlikely that somebody would even be allowed to get through the roadblock or the cordon with a vehicle to park at that particular time. As I have said, we will certainly advertise extensively exactly what is happening in what areas and on what roads, and people should not attempt to park their vehicles there either the day before or the day after. If they do, it will have to be removed. I think people are going to act responsibly.

Mr W.J. Johnston: Yes, but it is good to have on record. The minister has explained something that is not clear from the bill—that is, who is going to pay.

Clause put and passed.

Clauses 37 and 38 put and passed.

Clause 39: Excluded persons list —

Ms M.M. QUIRK: This clause deals with the so-called excluded persons list. We are interested in a bit more detail and information about how it is anticipated this will work. Frankly, this may well save time in the other house, as I suspect there might be interest in this list upstairs. Therefore, the more clarification we can get on how this list will work might ultimately expedite the passage of the bill through the other house. Clause 39 states, in part —

- (1) The Commissioner may compile one or more lists of persons ... who the Commissioner is satisfied are persons who would pose serious threats to the safety of persons or property (or both) in a CHOGM security area during the CHOGM period.

What is the standard of proof of satisfaction for the commissioner? Is it on the balance of probabilities? Is it something higher than that? What would be the basis of the commissioner forming that view? Will it be based on intelligence? Will it be based on previous conduct by these persons? Maybe the minister can also explain the rationale for the list.

Mr R.F. JOHNSON: It is more than just a view of the commissioner. That is why he has to be “satisfied”.

Ms M.M. QUIRK: But at what level?

Mr R.F. JOHNSON: The person could pose a serious threat, under this clause, to the safety of persons or property or both.

Ms M.M. QUIRK: On the balance of probabilities, is he likely to do it? Will he be satisfied beyond reasonable doubt? What is the standard of proof? What information would he have before him that would make him feel that he was satisfied?

Mr R.F. JOHNSON: It would be based on police intelligence.

Ms M.M. QUIRK: But what level of intelligence?

Mr R.F. JOHNSON: I would suggest a fairly high level of intelligence.

Ms M.M. QUIRK: If, for example, a person had a proclivity for wearing a Sex Pistols T-shirt advocating anarchy, would that be sufficient? Would that be enough to form a basis of satisfaction?

Mr R.F. JOHNSON: I would suggest that they had very poor taste in clothing, but I do not believe that that would satisfy the commissioner that they posed a serious threat. It is pretty strong; it is not just some whim. It is a very strong suspicion that somebody would pose a serious threat, and that would have to satisfy the

commissioner. That person would obviously then be one of the persons who would be on the list. For instance, there were 61 individuals on the New South Wales Asia–Pacific Economic Cooperation group list, so to some extent we are mirroring the list.

Ms M.M. QUIRK: Can the minister maybe flesh out the character or the type of people who would most likely end up on that list?

Mr R.F. JOHNSON: I am advised the standard is taken from section 26 of the APEC Meeting (Police Powers) Act, which states —

- (1) The Commissioner may, from time to time, compile one or more lists of persons (an *excluded persons list*) that the Commissioner is satisfied are persons who would pose serious threats to the safety of persons or property (or both) in an APEC security area during the APEC period.

Then it goes on obviously with what the commissioner needs to do by publishing the list in the *Government Gazette* and the newspaper and so forth. Further—I think we have the same clause here, if I remember rightly—the APEC act states —

- (4) A failure by the Commissioner to notify the public of the contents of an excluded persons list does not affect the validity of the list or otherwise limit any powers conferred by this Act in relation to persons named in the list.

That has virtually been taken word for word from the APEC legislation.

Ms M.M. QUIRK: I have it in front of me; thank you, minister. I am just trying to get an idea of the kinds of people who are likely to be considered candidates to be on any such list.

Mr R.F. JOHNSON: It will be people who are considered to be a serious threat.

Mr W.J. Johnston: What is an example? Can you give, say, two examples of people from the Sydney city list?

Mr R.F. JOHNSON: I will give two examples. They may include persons who have criminal convictions for assaulting persons who hold public office. Somebody who has a conviction would be on the list. Persons who have made bomb threats would be on the list. They are the sorts of people who the member would know warrant being on that list.

Mr W.J. Johnston: Minister, when we had the briefing upstairs, the police suggested the example of serial pests—the guys who run on the racecourses. They do not appear to be covered by this because it says “serious threats”.

Mr R.F. JOHNSON: They would be a serious threat if they ran in front of the Queen’s vehicle.

Mr W.J. Johnston: How would that be a serious threat?

Mr R.F. JOHNSON: It could be a serious threat if the Queen’s vehicle had to pull up sharply and the Queen was shot forward. I do not know whether the Queen wears a seatbelt, quite frankly. She may not; she may be an excluded person.

Mr W.J. Johnston: That is not a serious threat.

Mr R.F. JOHNSON: It would be a serious threat, because the vehicle might have to swerve and smash into something.

Mr W.J. Johnston: But that is not a serious threat.

Mr R.F. JOHNSON: The member does not think so, but I do.

Mr W.J. Johnston: But it is not a serious threat.

Mr R.F. JOHNSON: That is the member’s opinion. In my opinion, that would be a serious threat. Does the member think that somebody who has a propensity for running in front of vehicles is not a serious threat—to endanger people’s lives through either death or injury?

Mr W.J. Johnston: I am happy to get involved in it, but what I would say is that that is not a serious threat. I do not have a problem with them being on the excluded list, but that is not a serious threat. How would the police commissioner put them on the list if it is not a serious threat?

Mr R.F. JOHNSON: Because he would consider that they would be a serious threat.

Ms M.M. QUIRK: Can I just ask a couple of questions about this power of the commissioner? Is this a power that the commissioner can delegate to other police officers, such as the deputy commissioner?

Mr R.F. JOHNSON: Yes, it is.

Ms M.M. QUIRK: So it may well be someone other than the commissioner making that list?

Mr R.F. JOHNSON: Yes.

Ms M.M. QUIRK: Secondly, I think the member for Cannington made a very valid point as to what constitutes serious. There must be a threat of injury to persons or property that is real.

Mr R.F. JOHNSON: As has been pointed out, there could be a dangerous threat to themselves, never mind to somebody else.

Ms M.M. QUIRK: I will give an example. I cannot remember the fellow's name—I should have googled it this morning. There is a fellow who goes around these sorts of events with cream pies; he likes hitting world leaders with cream pies. That is probably a common assault; I do not know that it is anything higher than that. Would that come within these kinds of activity? It might be embarrassing for the security, but is it a serious threat? Are members of *The Chaser's*, for example, a serious threat? I would think not, but they certainly cause serious embarrassment. I just want to get a feeling for the kinds of activity that the minister believes would definitely fall within this category.

Mr R.F. JOHNSON: They could be a serious threat to themselves. They could endanger themselves, and obviously police have to do everything in their power to ensure that people are not a danger to others and, indeed, to themselves. The earlier part of the member's question was in relation to delegation. The delegation goes to the deputy commissioner. It can go to an assistant commissioner. That is the lowest level at which any delegation in this area would take place. I think the member would appreciate that that is necessary. I perhaps have a different view from that of the member for Girrawheen. I believe that somebody who runs in front of the Queen's car could be considered a serious threat to anybody—to themselves, to the Queen or to the driver of the vehicle if the driver had to swerve to avoid them. That is why I believe a person who has a propensity for doing that should be on that list. That is my view. I ask whether the member would be happy for people who have a propensity to run in front of vehicles and cause a disruption to be on that list or whether she would be happy for them to run in front of the Queen's car.

Ms M.M. Quirk: I think the courts take account of the views of the individual who is introducing the legislation. My personal opinion has no forensic value in interpreting this legislation.

Mr R.F. JOHNSON: If any matter happened to come before the courts, I am sure the courts would look at the comments that every member made.

Ms M.M. Quirk: That is not correct. Extrinsic aids to interpretation are limited to the minister.

Mr R.F. JOHNSON: I have made it quite clear that I would consider those people a serious threat, but that it is not what I would consider; it is more what the police commissioner would consider. If he has intelligence that the person could be a serious threat and if he is satisfied—he must be satisfied—that that criterion exists, he will put them on the list. I do not have a problem with that at all, and I am very happy for any court to interpret those words that I say today.

Ms M.M. Quirk: I think the criminal record situation is quite clear. Let us say there is low-level intelligence of a person who likes to participate in demonstrations; he is a stirrer and he has an attitude problem. Is it the general practice that the commissioner, deputy commissioner or assistant commissioner—whoever makes the decision—would need secondary intelligence or would that be sufficient?

Mr R.F. JOHNSON: I think we have already referred to this in debate on previous clauses. It is not a crime to protest. It is a crime to commit a criminal act—to assault and to do damage to a person or property. That is the criminal act involved, obviously. We have no wish or desire to stop people peacefully protesting.

I will just give the member an example of what happened. I was in Edinburgh during the G8 summit about five years ago—in 2005, the year of the London bombings. I was actually on Princes Street. The member asked last night whether we thought activists would come from abroad. I believe that there is every possibility some activists will be coming —

Mr W.J. Johnston: Do you have any intelligence to support that?

Mr R.F. JOHNSON: The member for Girrawheen is asking my opinion and I am telling her.

Mr W.J. Johnston: No. I am asking whether the police have intelligence to support that information. That is what I am asking.

Mr R.F. JOHNSON: They may not have intelligence at this stage, but I would suggest that they would have intelligence nearer the event. They may not have intelligence because they may not know. The Australian Security Intelligence Organisation may not know—it is very heavily involved in this matter—about the travel intentions of people from another country. When I was in Edinburgh, activists came from all over Europe—the biggest, ugliest looking thugs I have ever seen.

Mr W.J. Johnston: Yes.

Mr R.F. JOHNSON: They were a nightmare. I was on Princes Street when they rioted there.

Ms M.M. Quirk: “Nightmare on Princes Street” would be a good name for a film!

Mr R.F. JOHNSON: Nightmare on Princes Street, yes, and that is what it was! But I have to say that the UK police did a fantastic job. I am confident that our Western Australia Police, with the assistance of our brother and sister police officers from the other states and New Zealand and the federal police will do a fantastic job as well. I would have thought everybody in WA would want as peaceful a time as possible while the heads of state and the Queen are here, so that people can enjoy not only watching the procession, if they wish to, but also a lot of events that will take place around that time. That is a good thing for people in WA. That is why we have moved the public holiday: so that people can have a good weekend, if that is what they want when they come to Perth. If they are not bothered, they will not be interrupted.

Ms M.M. QUIRK: The minister did not answer my question. He is aware of the conduct of *The Chaser’s* gentlemen at the Asia–Pacific Economic Cooperation group forum. I wonder whether that conduct would fall within the clause or whether it would be conduct of the necessary level that would get those people on the excluded-persons list.

Mr R.F. JOHNSON: We are talking about the list at the moment.

Ms M.M. Quirk: Yes.

Mr R.F. JOHNSON: The member raised *The Chaser’s* but nobody knew that the people from *The Chaser’s* would carry out the stunt that they carried out.

Ms M.M. Quirk: All right. Now that they have done that —

Mr R.F. JOHNSON: The member wants to know whether the people from *The Chaser’s* would be on the list.

Ms M.M. Quirk: I am just wondering whether they would be considered.

Mr R.F. JOHNSON: If the police had intelligence that they were planning a similar sort of stunt in WA in that they would dress up as terrorists and go into an area where there would be armed police, they may well —

Mr W.J. Johnston: They didn’t dress up as terrorists.

Ms M.M. Quirk: They dressed up as Canadians, didn’t they?

Mr R.F. JOHNSON: Yes, but they may decide to dress up as terrorists. I am saying that if they did dress up as terrorists or if they gave the impression that they may be terrorists, they would be taking a very big chance.

Mr W.J. Johnston: That’s not what the member asked. The member asked a specific question. Are you going to answer it or not?

Ms M.M. Quirk: In other words, knowing about their conduct there —

Mr R.F. JOHNSON: As far as I am aware, there is no intelligence at this stage that people from *The Chaser’s* are going to carry out a stunt, in which case they would not be on the list.

Ms M.M. Quirk: Even though they have form, to use the vernacular?

Mr R.F. JOHNSON: Even if they have form.

Ms M.M. Quirk: So, even if it became apparent that they were going to engage in the same conduct in WA in which they engaged in Sydney, would that fall within the category in the clause of “serious threats to the safety of persons or property (or both)”?

Mr R.F. JOHNSON: I am seeking some advice on this.

Ms M.M. Quirk: That is fine, minister.

Mr R.F. JOHNSON: My personal view is that I do not think that conduct would fall into that category. They would be an absolute nuisance, obviously.

Ms M.M. Quirk: Yes.

Mr R.F. JOHNSON: But their stupid actions in doing something out of the blue could be interpreted as possibly causing a serious threat to endanger other people’s lives. They might try to swerve their car to avoid being stopped by police. Who knows? At this stage I certainly do not believe police intend to put the people from *The Chaser’s* on the list. Does that answer the member’s question?

Ms M.M. Quirk: Yes; thank you.

Mr A.J. WADDELL: This clause refers to a list of persons. I am wondering whether there is the capacity in the clause for the commissioner to declare a class of persons.

Mr R.F. JOHNSON: No.

Mr A.J. WADDELL: Therefore the list could not say, “Anyone who is a member of the anarchists club is an excluded person”?

Mr R.F. JOHNSON: No.

Mr W.J. JOHNSTON: I just want to quickly ask the minister—it should not take terribly long to answer—what the provisions are for procedural fairness in this clause. There is a common law right to natural justice, so what is the intended procedure for the police to ensure that the common law right to natural justice is exercised?

Mr R.F. JOHNSON: I am advised that subclause (2) refers to that, which reads —

The Commissioner may (but need not) cause an excluded persons list to be published by whatever means the Commissioner considers appropriate.

Mr W.J. Johnston: That’s not natural justice.

Mr R.F. JOHNSON: Before the member for Cannington starts laughing, let me finish the answer.

Mr W.J. Johnston: But it doesn’t relate to the question.

Mr R.F. JOHNSON: The member has not heard all the answer yet.

Mr W.J. Johnston: But you’re directing me to subclause (2) and I’ve referred to subclause (1). That’s not related to the question I asked. The question I asked is about natural justice.

Mr R.F. JOHNSON: The member did ask that, and whether that person would receive natural justice. I am telling the member about what will happen. I am informed that as a first step the police will notify that person, and they may not publish the list.

Mr W.J. Johnston: No; I am talking about before they issue the order. You are saying that the person, before the commissioner compiles the list, will be told that they are potentially on the list.

Mr R.F. JOHNSON: No, I am not saying that.

Mr W.J. Johnston: That is natural justice. That is the question I am asking the minister. What is the police commissioner going to do to afford natural justice? The person might say, “But, commissioner, that’s not right. That’s not what happened. Your intelligence is wrong.”

Mr R.F. JOHNSON: I go back again. The commissioner must be satisfied that the person could pose a serious threat. The commissioner would then have, I believe, the legal right to put that person on the list if the commissioner was satisfied that the person posed a serious threat. That is why we have this provision in the bill.

Mr W.J. Johnston: So, you are saying that there is no contemplation of natural justice for the people who will be included on the list?

Mr R.F. JOHNSON: I am advised that a person does not have a natural right under common law to simply get off the list. The commissioner might say to the person, “I am putting you on the list so that you are aware, because I see you as a serious threat and I am satisfied that that is the case.” Once again, this is about the APEC legislation. I know that the member is in favour of the APEC legislation so I will read something to him because it answers his question perhaps more clearly than I have done so far. The legality of the excluded persons list was tested in the Supreme Court by persons excluded in *Padraic Gibson and Others v Commissioner of Police and Others* [2007] NSWCA 251. The challenge was rejected by the court as the arguments were considered to be insubstantial. The court findings are included in the discussions under civil rights. Being an excluded person was not an offence; it curtailed movement in only one small defined area for a limited time and has no ongoing legal effect. Ensuring the procedural fairness of the interpretation of this clause may be considered in any future legislation with similar powers. APEC basically had the same thing that we have. We took most of our legislation from APEC because it worked.

Mr W.J. Johnston: Yes, but then you changed it.

Mr R.F. JOHNSON: We have tailored it to suit Western Australia.

Ms M.M. Quirk: Broadened it.

Mr R.F. JOHNSON: We may have broadened it slightly. Why? Because we have 53 heads of state and the Queen coming here, which is a heck of a lot more than went to the APEC meetings. They had only 21 visiting dignitaries —

Ms M.M. Quirk: Only George Bush.

Mr R.F. JOHNSON: Is his life worth any more than other heads of state from commonwealth countries?

Mr W.J. Johnston: No, but he is much more likely to draw a crowd. When was the last time there was a significant demonstration aimed at the Queen?

Mr R.F. JOHNSON: I think the member will find that Prince Charles —

Mr W.J. Johnston: Prince Charles got caught up in another issue. That is not what I asked you.

Mr R.F. JOHNSON: But that was done by an unruly crowd that got out of hand. We recently saw the riots in London. It was a peaceful protest but it was taken over by activists who then caused all sorts of damage to the shops and businesses.

Mr W.J. Johnston: I ask the exact question again: when was the last time there was a violent demonstration that was aimed at Queen Elizabeth II?

Mr R.F. JOHNSON: I cannot give the member that information.

Mr W.J. Johnston: Because in your living memory there has not been.

Mr P.C. Tinley: And you're older than the Queen so you'd remember.

Mr R.F. JOHNSON: The member should not be silly.

Ms M.M. QUIRK: I have two other matters that I wish to raise on this issue. I think the first feeds on from the questions asked by the member for Cannington. The minister might recall the case in the United States post 9/11 in which some 10 or 11-year-old child had the same name as an associate of al-Qaida. Every time this kid presented at an airport, he was given the third degree because he had the same surname. Firstly, what measures or steps are in this bill to exclude that possibility? Secondly, do police have the right to share this list with other agencies such as immigration?

Mr R.F. JOHNSON: The scenario that the member has just presented would initially not be the responsibility of WA Police. It would be the responsibility of the Australian Customs and Border Protection Service because they handle international ports and anybody who comes from those ports into Australia.

Ms M.M. Quirk: How can you prevent someone who is an innocent third party getting on the list because they have the same name as someone who should be on the list?

Mr R.F. JOHNSON: I would suggest that it would be a very, very unlikely event. The member has picked one case out of the whole world where unfortunately someone has the same name as a terrorist. But if in the billion to one chance that was to happen, that person has the right to contact the Commissioner of Police —

Ms M.M. Quirk: After the event.

Mr R.F. JOHNSON: The list is published beforehand. They will be contacted. To me, it is a case of natural justice.

Ms M.M. Quirk: What about sharing it with other agencies?

Mr R.F. JOHNSON: Obviously in a situation such as this information is shared between WA Police, the Australian Security Intelligence Organisation and in some circumstances the armed forces. There would be a sharing of information amongst everybody to do with security in Australia.

Ms M.M. Quirk: Finally, we do not know what level of information the commissioner's delegate needs to have to be satisfied. Can the minister at least tell us where the information is likely to be sourced from? It can obviously be sourced from criminal records or ASIO. What other intelligence sources can information be sourced from? For example, can information be gained from the Indian secret service, whatever it is called, that a terrorist is likely to be in town? Is reliance placed on that? If so, what weight is that given? I just want to know what the sources of information are likely to be.

Mr R.F. JOHNSON: As advised by the deputy commissioner, the commissioner has to satisfy himself. He does not have to take notice of an external agency. The member questioned what level of information is needed. As I understand it, in a normal court of law, it is what any reasonable person would assume would be a serious threat and they would be satisfied in themselves that that is a serious threat. That is the level that I believe we are looking at.

Clause put and passed.

Clauses 40 to 42 put and passed.

Clause 43: Restrictions on exercise of special powers —

Ms M.M. QUIRK: I think we dealt with these restrictions a bit last night. I just need some clarification. This clause relates to restricted areas only. Basically, any powers conferred on authorised persons or police can be limited as to their scope, who can exercise them, where they can be exercised and the manner in which they are exercised. I just need confirmation that that is in addition to any personal appointment made in relation to an individual, so that there can be regulations that restrict how they act, which is what this clause allows; there can be a personal appointment; and there can be constraints that are currently within the substantive legislation.

Mr R.F. Johnson: The answer to that is yes.

Clause put and passed.

Clause 44: Power to enter and search premises —

Mr P.C. TINLEY: Clause 44(3)(b) states —

under the authority of a search warrant or under another written law that authorises the entry.

Does that other written law include, in the estimation of the local commander, that a search is needed to be conducted without a warrant because of imminent danger?

Mr R.F. Johnson: No.

Mr P.C. TINLEY: So it is not an emergency circumstance. The reason I ask is that clause 44(3) states —

This section does not authorise a police officer to enter any part of premises being used for residential purposes,

I note that some of the restricted areas may be used for residential purposes, and we note that those restricted areas can be applied at relatively short notice to different places. Some of those restricted areas will have a mixed use—residential, commercial et cetera. I will give an example. I might have missed this last night, but a restricted area may well be an area in which we are housing, for example, some of the seconded police officers and so on.

Mr R.F. Johnson: It could be.

Mr P.C. TINLEY: I will give an example. Leeuwin Barracks in East Fremantle has a significant overwatch from residential premises, yet they seem to be excluded in this section—they may be accounted for in some other clause—from being searched at the direction of the local commander.

Mr R.F. Johnson: In residential properties, yes.

Mr P.C. TINLEY: Why are residential premises excluded when, in fact, the requirement for restricted use is to provide a secure area?

Mr R.F. JOHNSON: This is a substantial power. If they are going to go into a residential property, a search warrant would be required. If they needed to arrest somebody in a residential property, that gives the police the power to go inside that residence and make an arrest; it does not to allow them to do a search. I hope that answers the member's question, or is he concerned about something else?

Mr P.C. Tinley: I am concerned about making sure that restricted areas are just that, and that the capacity to maintain the integrity of a restricted area includes the capacity to conduct searches. We have allowed them to conduct a search without a warrant and to enter and search any premises located in a restricted area.

Mr R.F. JOHNSON: That is providing they are not residential properties.

Mr P.C. Tinley: It seems that would create a mismatch of the secure perimeter.

Mr R.F. JOHNSON: We have to balance this with the right of individuals to have the freedom of their own homes. Police would need to have intelligence. If they want to arrest a person who has suddenly run into their own home, they can arrest them.

Mr P.C. Tinley: The power contained in clause 44 is reactive, as opposed to a proactive arrangement to provide a secure area.

Mr R.F. JOHNSON: It can be proactive as well, and they can certainly do it with consent.

Ms M.M. QUIRK: Could the minister clarify that this clause does not require a reasonable suspicion of a police officer?

Mr R.F. Johnson: No.

Ms M.M. QUIRK: Could the minister let us know the circumstances in which he contemplates the clause will be used? I presume it is to secure premises within a restricted area and there might be a need to go in and have a look. I want to understand the circumstances in which police feel it is necessary to exercise that power. Having said that, I note this clause mirrors terms in the APEC legislation. Could the minister give us examples of why he thinks this power is needed? Presumably there is an issue of urgency and there is not time to obtain a warrant. Could the minister run through the situations in which he believes this clause will be needed?

Mr R.F. JOHNSON: The sort of situation in which this would happen would be for a public or private car park, for example, a Wilson Parking car park. Police will almost certainly be entering any underground car parks that are within the prescribed security area to ensure there are no vehicles with bombs left there or to search for any other items—it could be weapons or whatever. They need these powers to do that.

Ms M.M. QUIRK: I also note that subclause (2) contains a specific and express provision that the police officer must do as little damage as possible.

Mr R.F. Johnson: Correct.

Ms M.M. QUIRK: We talked in a previous clause about the power to take vehicles. There was no such provision in the APEC legislation. There is a legal principle that the express mention of one thing excludes all others. Therefore, from the fact it is mentioned in this case, but is not mentioned in relation to the taking of vehicles, the inference might be made at law that there is no requirement on police not to do as little damage as possible in removing a vehicle.

Mr R.F. JOHNSON: The same will apply to the removal of a vehicle, and the police will do as it says in subclause (2): they must do as little damage as possible. If there was some damage, then police would pay to have that damage repaired, as they would if they removed a vehicle and damage was caused to the vehicle. That is a very reasonable step to take. The purpose of this clause is so that officers can get into these areas. Underground car parks are a classic case, and there may be other similar areas—I am not sure—that could be used to store vehicles, a bomb, weapons or whatever. That is the purpose of this clause, and it is very similar to the APEC legislation.

Ms M.M. QUIRK: Again, I need to clarify this for the record: restricted areas will be as small as possible?

Mr R.F. Johnson: Yes.

Ms M.M. QUIRK: The opposition is agreeing to this provision without knowing the extent and without having that information before us on the basis that it is the intention of police to keep these areas as narrow as possible and the argument cannot be raised that they will be running amok around Perth, because these broader powers have a restricted use.

Mr R.F. Johnson: Correct.

Clause put and passed.

Clause 45: Power to obtain disclosure of identity —

Ms M.M. QUIRK: This clause deals with the power to obtain disclosure of identity in a restricted area. A police officer or an authorised person may, without warrant, require a person whose identity is unknown to the officer or authorised person to disclose his or her personal details if the person is seeking to enter a restricted area or if the person is already in a restricted area. Effectively, they can require disclosure of personal details and ask for proof. We talked about this last night. That disclosure is not limited to a driver's licence, as a police officer or an authorised person can satisfy themselves in a number of ways.

Mr R.F. JOHNSON: The member is right. They may not hold a driver's licence, but some other proof of identity. With a bit of luck, we may have passed some legislation through both houses of Parliament by that time and police may be able to use the tasking and data information system to access somebody's details. Although if they do not have a driver's licence they would not be on TADIS, but there may be another way of identifying a person who does not have a driver's licence. A driver's licence is the simplest way because of the requirement for a photograph. They will be able to pull that person's photograph and details and match them against the person they are talking to. But there are other ways; for example, a passport.

Mr W.J. Johnston: My daughter uses a passport as proof of identity because she does not have a driver's licence, but it does not have her address on it. The passport does not accord with the definition for personal details in clause 3.

Mr R.F. JOHNSON: I am advised that at least it establishes who they are.

Mr W.J. Johnston: Sure, but it is not sufficient under the definition of personal details in subclause (3). That is all I am pointing out.

Mr R.F. JOHNSON: I take the member's point, but if they do not have a driver's licence, we have to go to the next best thing.

Ms M.M. QUIRK: I have one other point. Subclause (3) talks about a police officer or an authorised person having to warn an individual that failure to provide these details may result in the person being refused entry into a restricted area or, as the case applies, being removed from a restricted area. Is it also the case that that person may be committing an offence?

Mr R.F. Johnson: It is possible.

Ms M.M. QUIRK: Therefore, should not that warning include the fact they may potentially be making themselves liable for the commission of an offence?

Mr R.F. JOHNSON: They may not be committing an offence, but if they are in a restricted area and the police officer or the authorised person asks them to provide proof of personal details, they must also warn the person that failure to reply with the requirement, may result in their being refused entry. That is very clear. The other part at the end of subclause (3) states —

... or, as the case requires, removed from the restricted area.

Therefore, if someone suddenly says, “I don’t give a stuff what you want. I’m not going to show you any identity; I’m going to stay here”, that gives the police the right to remove that person from that restricted area.

Ms M.M. Quirk: What about clause 64, minister?

Mr R.F. JOHNSON: We have not got to that yet.

Ms M.M. Quirk: No, but that creates an offence of failure to disclose personal details or provide proof of personal details. Surely that is the very conduct we are talking about. That is in relation to clause 40(2), not clause 45.

Mr R.F. JOHNSON: Yes, the member is quite right; that is in relation to clause 40(2), not clause 45.

Ms M.M. Quirk: So, in relation to clause 45, we have a situation in which no offence is created. That is strange.

Mr R.F. JOHNSON: Obviously, under this clause they can be removed and, pursuant to that removal, under clause 40(2) they may then be required—not just requested but required—to give their personal details.

Ms M.M. Quirk: But clause 40(2) deals with excludable persons.

Mr R.F. JOHNSON: If the member refers to clause 40(2)(c), I am advised that is —

Ms M.M. Quirk: Clause 40(2)(c)?

Mr R.F. JOHNSON: Yes, clause 40(2)(c).

Ms M.M. Quirk: Yes, but that is about excludable persons; it is not about general people. All of clause 40 deals with excludable persons. I want to deal with those people who are in a restricted area and who fail to give their name and address. Presumably, if they do that, they are guilty of —

Mr R.F. JOHNSON: I am advised that somebody who fails to give their name and address becomes an excludable person.

Ms M.M. Quirk: Under which clause?

Mr R.F. JOHNSON: We will find the actual clause for the member.

Mr W.J. Johnston: The member’s question is very important, because you’re saying that if a person does not provide identification, they’re committing an offence, but under that provision they are not warned of that.

Mr R.F. JOHNSON: I think there is a warning in the legislation. Clause 45(3) states —

A police officer or an authorised person who requires a person to disclose the person’s personal details or to provide proof of the person’s personal details must also warn the person that failure to comply with the requirement may result in the person being refused entry to the restricted area or, as the case requires, removed from the restricted area.

As I understand it, if it goes that far, we go to clause 46(1)(b)(iii), which states —

any person who, without lawful excuse, fails to comply with a requirement made of the person under section 45 to disclose his or her personal details or provide proof of his or her personal details.

Ms M.M. Quirk: We are talking about the warnings. You are saying that they can be liable for an offence; therefore, they should be warned of that fact.

Mr R.F. JOHNSON: That is what clause 45(3) says.

Ms M.M. Quirk: No; they are warned that the failure to comply with the requirement may result in the person being refused entry. It says nothing about being liable for prosecution or the commission of an offence.

Mr R.F. JOHNSON: It continues by stating “or, as the case requires, removed from the restricted area.”

Ms M.M. Quirk: Yes. There is no warning that it may leave them exposed to the commission of an offence.

Mr R.F. JOHNSON: Once again, the advice I have been given is that under section 16 of the Criminal Investigation (Identifying People) Act, a police officer has the authority and the right to seek personal details; and, if the person fails to give those details, it can be deemed an offence.

Ms M.M. Quirk: With all due respect, minister, if the person does not have proof of identity on them, they are hardly likely to have a copy of the criminal investigation act on them and know that they are liable for an offence. All I am asking is —

Mr R.F. JOHNSON: The point I am making is that there is no warning under that legislation.

Ms M.M. Quirk: No. Here we are talking about special exceptional powers, and if they are given a warning that is incomplete, isn't it worse than not giving any warning at all?

Mr R.F. JOHNSON: The warning is pointing out the special powers to remove them.

Mr W.J. JOHNSTON: I will give the minister a bit of time to digest what the member for Girrawheen has said. I draw the attention of the minister to the fact that these powers are different from the powers provided in the Asia-Pacific Economic Cooperation legislation. The APEC legislation states —

A police officer may request a person whose identity is unknown ...

Blah, blah, blah. It continues —

A police officer may also request ...

Blah, blah, blah. Whereas this legislation gives a police officer the ability to require a person to disclose personal details, in the APEC legislation clause 45(3) did not exist; it is a new provision. It would be interesting to know whether the new provision arose from the report done after the APEC meeting; whether it was decided that it was something extra that was needed following the review of the APEC meeting. The other point is: the requirement on a police officer or an authorised person in subclause (3) is to warn the person that they might be removed. If, potentially, the person might also be committing an offence, why are they not warned of that? Does the minister see what I mean? It seems pretty simple. Perhaps we should not have that provision, which is what happened in New South Wales, although in New South Wales there was no ability to require the production of identity; there was only the ability to request the production of it. But even if the government has made that change for whatever reason—the minister will tell me in a minute—why do we have this incomplete caution? If a person can be not only removed, but also charged with an offence, surely that is the thing that the person should be warned about. That is even more significant than the fact that the person will be removed.

To summarise, to make sure that the minister understands my question, why is there a difference? Why does the provision in this legislation allow the police officer or authorised person to require the production of the identity document, whereas in New South Wales it was only a request? Did that arise from the review of the APEC meeting? And why is the caution provided in subclause (3) limited to these matters and not extended to include the fact that the person may be committing an offence?

Mr R.F. JOHNSON: Clauses 19(3) and 45(3) provide the power for a police officer to act. In both those clauses, the police officer has to warn the person. The penalty comes under clause 64 if a person does not give those personal details. Clause 64, which we will deal with at a later stage, is headed “Failure to disclose personal details or provide proof of personal details”, and it contains a penalty of imprisonment for 12 months. If the member looks at clause 64, which we will come to, he may not agree with that, and he may want to vote against that clause—I do not know.

Mr W.J. Johnston: We might want to vote in favour of it, but we do not understand why the person is not warned that they could be committing an offence.

Mr R.F. JOHNSON: They are.

Mr W.J. Johnston: Why don't we warn them?

Mr R.F. JOHNSON: Because the police officer requires them to do that.

Mr W.J. Johnston: Why don't we warn them?

Mr R.F. JOHNSON: If an officer —

Mr W.J. Johnston: What is the policy reason for not warning them?

Mr R.F. JOHNSON: We are. We are warning them twice—under clauses 19(3) and 45(3).

Several members interjected.

Mr R.F. JOHNSON: I am told that the policy under a normal power is that police do not warn. Under the Criminal Investigation (Identifying People) Act, police do not warn people. I am told they do in practice, but under that particular act they do not. They do not have to. Under this bill, we are suggesting that they should warn.

Mr W.J. Johnston: No; you are making it a requirement that they warn them. What is the policy reason? It was not in the New South Wales act—why is it in this act?

Mr R.F. JOHNSON: I am advised that we are actually being a bit fairer than the APEC act. We are requiring our police officers to give that warning, in clauses 19(3) and 45(3).

Mr W.J. Johnston: But in the New South Wales act it was only a request; here it is a compulsory production of the document.

Mr R.F. JOHNSON: There was no requirement to warn them.

Mr W.J. Johnston: Yes, but there was no consequence if the document was not produced. It was only a request. Under this bill, it is not a request.

Mr R.F. JOHNSON: I am told that New South Wales police would have removed them if they did not give their name and address details. We would expect them to do that.

Mr W.J. Johnston: Under the New South Wales act, if I was in a secure area and a police officer came to me and said, “I don’t know who you are”, they could not require me to provide evidence of who I am. Of course they could remove me, but they could not require me to produce evidence of who I am.

Mr R.F. JOHNSON: Not under that act, but I do not know under what other acts New South Wales operates. If they have other acts that require people—like our Criminal Investigation (Identifying People) Act—they can insist on a person providing his or her details, and they do not have to provide a warning.

Mr W.J. Johnston: But you have not got a clue whether that is true. You do not know. You just said you are not aware of the powers of a New South Wales police officer. It is an interesting debating point but it does not go to the question.

Mr R.F. JOHNSON: Section 36(3) of the APEC act—the member likes looking at this one!—states —

Nothing in this Act limits any powers, or prevents a police officer from exercising any powers, that the police officer has under any other Act or law.

Mr W.J. Johnston: Which provision of another act in New South Wales authorises them to —

Mr R.F. JOHNSON: I do not know that.

Mr W.J. Johnston: That is what I am asking. You do not have a clue —

Mr R.F. JOHNSON: The member should do his research if he is interested in that. I am happy with the bill as it is. If the member does not like it, he can research it. If he thinks that this is not as fair as the New South Wales act —

Mr W.J. Johnston: That is right; it is not.

Mr R.F. JOHNSON: Is that your view—that it is not as fair to an individual?

Mr W.J. Johnston: I am saying to the minister the drafting instructions prepared by cabinet were inadequate. That is what I am saying to you.

Mr R.F. JOHNSON: That is the member’s view.

Ms M.M. QUIRK: In relation to clause 45(3), the minister made reference to the Criminal Investigation (Identifying People) Act. There is a power in that act for police officers to require name and address, and so on. There is no problem with that. I understand those powers are not available to the authorised officers. It does not cover the whole situation that this clause sets out. The authorised officers cannot rely on powers conferred on police officers under the Criminal Investigation (Identifying People) Act.

Mr R.F. Johnson: Correct.

Ms M.M. QUIRK: That is not really an answer to the situation we are putting up. In the example before us, someone is being asked by someone who is not a sworn police officer to do certain things. We will not labour this point. I make the point that people are being asked by individuals who are not police officers to do certain things. I would have thought they needed to err on the side of caution. I will give an example. I was in Paris some years ago. I was about 300 metres from the Élysée Palace. Apparently the President of France was meeting a president from another European nation—I think it might have been Germany. I was a considerable distance away. A fellow in an anorak came up to me and told me to move on. He did not identify himself as a police officer.

Mr J.N. Hyde: En français.

Ms M.M. QUIRK: Yes, en français.

He did not identify himself as a police officer in any language whatsoever. I thought, “Who is this bloke telling me to move on? What right does he have?” He produced no police identification; nothing. When I started to question him, I found that I was pushed up against a wall.

Mr R.F. Johnson: Parlez-vous français.

Ms M.M. Quirk: He did not need any language to push me up against the wall!

Mr R.F. Johnson: Did he not show you any identification at all?

Ms M.M. Quirk: No.

Mr R.F. Johnson: All our authorised officers will have identification.

Ms M.M. Quirk: All I am saying is that is a situation in which he was obviously trying to secure the scene. I was unaware that he was a police officer and I was unaware that there was anything going on at the Élysée Palace to which I, apparently, constituted a threat. In those situations I think the minister needs to err on the side of being a bit more helpful and explain these matters instead of wielding the big stick.

Mr J.N. Hyde: Further to that, another issue that came up when we were discussing the issue of move-on notices within the Northbridge area, being a multicultural area, related to the requirement to have some ability to provide information in languages other than English, or not requiring only English to be spoken when dealing with a multicultural community. We are continually told there will be 53 countries here during CHOGM. Has there been any decision to ensure that police have some multicultural sensitivity in identifying themselves to people from culturally and linguistically diverse communities?

Mr R.F. Johnson: I am advised that many police officers are multilingual. All those multilingual officers will be deployed so that they can assist, should the situation arise that the member suggested.

Mr J.N. Hyde: More to the point, if somebody, who is in a new city, wanders down a laneway that has suddenly been blocked off—only residents with local ID can get through—there could be a police officer who has been brought down from Mingenew or somewhere who speaks only English or a variant thereof. What is the situation in that respect?

Mr R.F. Johnson: We cannot guarantee there will be a multilingual officer at every roadblock. That would be impossible. It is much the same as in France by the Eiffel Tower and the Champs Élysée, when the member for Girrawheen was thrust up against a wall by somebody in a duffel coat.

Ms M.M. Quirk: It is the most luck I had in Paris, I have to say!

Mr R.F. Johnson: Was it?

Ms M.M. Quirk: It is very sad.

Mr R.F. Johnson: I thought the member came back with a smile on her face!

We are not guaranteeing we will have multilingual police everywhere. We have not got that number, but the multilingual ones we have will be deployed in the necessary areas. Like any capital city throughout the world, not every police officer is multilingual. People have to recognise “No Entry”. Most people can read “No Entry”. If a police officer or an authorised person—who would be in a uniform—stops that person, I think most sane people would know they are not allowed to go any further. It will be well publicised, member for Perth.

Mr J.N. Hyde: In English?

Mr R.F. Johnson: Yes, in English.

Mr J.N. Hyde: What about a Hindi-speaking person struggling down King Street with a backpack who suddenly finds himself in the middle of a barricaded area? That person might not know whether it is a barricade to get a good position to see the Queen passing by or whether it is a sensitively closed-off area because there is a suspicion of a bomb in a rubbish bin.

Mr R.F. Johnson: The police tell me that they deal with this sort of situation every day, and this will not be any different. No matter what capital city people go to, I can tell the member —

Mr J.N. Hyde: If it’s not going to be any different, why do we need a special CHOGM bill? The police already have the powers; this is the whole point we are trying to make. You are agreeing there is no difference.

Mr R.F. Johnson: The member for Perth should not twist my words—he is very good at that. I am saying that the police deal with this sort of situation every day. If they come across someone who does not speak English, they, of course, cope with it. If they have an officer who is multilingual who can assist, they will call that officer or translators.

Clause put and passed.

Clause 46 put and passed.

Clause 47: Recognition of law enforcement officers of other jurisdictions —

Ms M.M. Quirk: We have heard there are likely to be officers from all states and territories in Australia and, I think, New Zealand and, of course, the Australian Federal Police. They are appointed as recognised law

enforcement officers. That appointment can be made by not only the commissioner but also his delegate. Clause 47(5) states —

The appointment of 2 or more recognised law enforcement officers may be in one instrument of appointment.

I envisage there will be a front sheet that says, “I, Karl O’Callahan, Commissioner of Police, hereby appoint the law enforcement officers of another jurisdiction.”

Mr R.F. Johnson: They will be listed by name.

Ms M.M. QUIRK: The officers will appear in the schedule under what will be section 47 of this proposed Commonwealth Heads of Government Meeting (Special Powers) Act, and there will be a schedule of the list of names. There could be an instrument with 50 or 60 names on it. As I said, if some of these officers have restricted duties, there is also the potential for separate authorisation.

Mr R.F. Johnson: Yes. Nothing in this bill will restrict duties of an authorised police officer, whether they come from another state or not.

Ms M.M. QUIRK: I am saying that they can be authorised to have restricted powers.

Mr R.F. Johnson: I am advised only in the appointment.

Ms M.M. QUIRK: Yes; that is what I am saying. There can be an individual appointment if we want to restrict the powers of particular officers.

Mr R.F. Johnson: Under clause 49(2).

Ms M.M. QUIRK: Similarly, there can be provisional regulations for the restriction of special powers.

Mr R.F. Johnson: Yes to that as well.

Mr J.N. HYDE: Approximately how many appointments of officers from other jurisdictions does the minister expect will be made?

Mr R.F. Johnson: I am advised more than 500, but we do not know the final number yet.

Mr J.N. HYDE: A minimum of 500?

Mr R.F. Johnson: Yes. That is the advice I have been given.

Clause put and passed.

Clauses 48 and 49 put and passed.

Clause 50: Command and control of recognised law enforcement officers —

Ms M.M. QUIRK: Clause 50 provides that recognised law enforcement officers remain under the command and control of the police force of which they are members during their term of appointment as recognised law enforcement officers. If these officers are errant in some way, are there internal disciplinary procedures? We heard earlier in debate on clause 48 that their appointment can be withdrawn. WA Police will have no involvement in those procedures, so the officer will be removed of his appointment, sent back home and disciplined there and we will have no control whatsoever irrespective of the conduct.

Mr R.F. JOHNSON: We may be asked to be witness to what has happened but they would come under the control and command of their own police commissioner.

Ms M.M. QUIRK: Is that something that has been a condition of respective state and territory forces and the New Zealand police force?

Mr R.F. JOHNSON: I am told it has. There have been many joint task forces of police officers from different jurisdictions.

Ms M.M. QUIRK: Is that a standard procedure when there is a joint task force?

Mr R.F. JOHNSON: Yes.

Ms M.M. QUIRK: Does the CCC have jurisdiction in relation to any conduct by those recognised enforcement officers?

Mr R.F. Johnson: No; because they are public officers, but —

Ms M.M. QUIRK: They are not members of WA Police.

Mr R.F. Johnson: And they are not public officers under the WA public service.

Ms M.M. QUIRK: They are public officers under this legislation, minister.

Mr R.F. JOHNSON: I apologise, I misled the member then. Under the powers in this bill they would be considered that, but not in their normal appointments.

Ms M.M. Quirk: Does the fact that they are public officers subject them to possible jurisdiction of the CCC?

Mr R.F. JOHNSON: I am advised possibly.

Ms M.M. Quirk: Good; that'll encourage them to come over here!

Mr R.F. JOHNSON: I am sure they will be very happy to come here. Who would not want to come to the sunny west and the beautiful city of Perth?

Clause put and passed.

Clause 51 put and passed.

Clause 52: Production or display of identity card —

Ms M.M. QUIRK: Law enforcement officers will be given identity cards for the purpose of doing their job under this legislation. Given events at the Asia–Pacific Economic Cooperation conference —

Several members interjected

Ms M.M. QUIRK: The member for Wanneroo seems to want to contribute here.

What procedures are in place to eliminate the chances of fraud in relation to those identity cards?

Mr R.F. JOHNSON: I will try to answer the question. Those police officers from other jurisdictions will not be in Western Australia Police uniforms; they will be in their own police uniforms. The initial appearance of them as police officers will be clearly obvious.

Ms M.M. Quirk: The deputy commissioner is pointing at something for the minister.

Mr R.F. JOHNSON: It is about the identity card they will carry. The identity card must contain a recent photograph or digital image of the recognised law enforcement officer and be signed by the recognised law enforcement officer, and it goes on. They will be specifically designed as identity cards.

Mr W.J. Johnston: Will they have them shown attached to their clothing?

Mr R.F. JOHNSON: Not if they are in plain clothes. There will be plain-clothes officers operating.

Mr W.J. Johnston: You said they would be wearing them.

Mr R.F. JOHNSON: If they are uniformed officers, they will be wearing them.

Mr W.J. Johnston: You do not know what they will be doing; they could be wearing anything.

Mr R.F. JOHNSON: I am sure this is a very amusing one.

Mr W.J. Johnston: You are contradicting what you just said.

Mr R.F. JOHNSON: I am not; the member for Cannington takes my words and twists them.

Mr W.J. Johnston: No, I don't. You said they would be wearing the uniform of the police service they left.

Mr R.F. JOHNSON: I said those who are wearing uniforms.

Mr W.J. Johnston: Which ones will be wearing uniforms?

Mr R.F. JOHNSON: I said they would not be wearing WA Police uniforms. However, if they are plain-clothes officers—there could be some from New South Wales, for instance, and certainly some WA Police officers will be in plain clothes—they will have their ID cards on them; they will not walk around with them displayed. They will be able to show them so that people know exactly who they are.

Ms M.M. QUIRK: Thank you.

I want to know—I understand the sensitivity of this—whether consideration has been given to how we protect the integrity of those cards and eliminate possible chances of fraud or copycat cards being produced, given what happened at APEC.

Mr R.F. JOHNSON: Western Australia Police will produce the cards in-house using the latest technology available, including enhanced digitalisation and so on and so forth. I am not an expert on this subject. However, the cards will be produced in-house and I would not think that they would be issued until the last minute. They have to be signed. It is not as though everyone will be walking around with them two weeks before the event. I believe it will be very difficult for anybody who tries to duplicate or forge the cards.

Mr J.N. HYDE: Minister, will there be special identity cards for WA police? My reading of this legislation indicates a normal police ID will suffice.

Mr R.F. Johnson: Correct.

Mr J.N. Hyde: Given legislation provides specific expiry dates for CHOGM powers, that would seem to contravene the normal expiry date of police ID. What is the normal expiry date?

Mr R.F. JOHNSON: If my memory serves me correctly, we will cover this aspect later. The member's concern is covered further on in the bill. I have re-read this bill three or four times, and I believe that it will be an offence for anybody to not return the ID. Authorised persons will have to return their ID cards; if they do not, they will face quite a substantial monetary penalty.

Mr J.N. Hyde: But clauses 51 and 52 specify that there has to be an expiry date. A WA Police officer will have a normal expiry date on his ID card.

Mr R.F. JOHNSON: Yes.

Mr J.N. Hyde: But surely, in many cases, that will exceed the expiry date of the CHOGM legislation.

Mr R.F. JOHNSON: Yes; of course it will. The deputy commissioner's warrant card and badge will not expire at the end of CHOGM.

Ms M.M. Quirk: He will feel like expiring!

Mr R.F. JOHNSON: He might do! He might do after spending all this time in this chamber. However, his badge and his warrant card—as it is today—will be in place during CHOGM and will continue to be in place until, I suspect, the deputy commissioner wants to take up early retirement. After the time he has spent in this chamber, that might be sooner rather than later!

Mr J.N. Hyde: Will Tasmanian police officers be able to flash a badge or will they be given a special one?

Mr R.F. JOHNSON: No; definitely not—and they will have to return the identification badge that they will have been given by WA Police.

Mr J.N. Hyde: What is the expiry date on these visitor badges?

Mr R.F. JOHNSON: It will not be beyond 5 November, which is the expiry date. That is all covered further on in the bill. The member for Perth is getting ahead of himself.

Mr J.N. Hyde: I am. We have a whole-of-government response despite having only three government members in the chamber. A more churlish member may talk about the “Q” word and do something about it. The minister is lucky that I am not churlish.

Clause put and passed.

Clause 53: Appointment of authorised persons —

Ms M.M. QUIRK: We have already heard that authorised persons will be deployed, which is, I think, a departure from the APEC legislation that conferred powers on police officers only and not on “authorised persons”. Authorised persons will include, for example, auxiliary police officers, security guards and traffic controllers—all could be authorised persons. I am particularly interested in subclause (2), which states —

The Commissioner may appoint a person to be an authorised person only if the Commissioner believes that the person has the necessary expertise of experience to be an authorised person.

What expertise is required in the conduct of an authorised person?

Mr R.F. JOHNSON: As the member for Girrawheen quite rightly stated, clause 53(2) states —

The Commissioner may appoint a person to be an authorised person only if the Commissioner believes that the person has the necessary expertise of experience to be an authorised person.

Let me give the member some examples. It could be a traffic controller. It could be a council ranger. If the commissioner is satisfied that they have the necessary experience and expertise to be able to carry out the function of an authorised person, he would appoint them.

Ms M.M. Quirk: I think the wording in subclause (2) puts enormous onus on the commissioner because he has to turn his mind to each individual. That would seem to be a very onerous requirement.

Mr R.F. JOHNSON: Obviously, the commissioner will not interview each individual person and assess that person.

Ms M.M. Quirk: He needs to form an independent judgement of each person.

Mr R.F. JOHNSON: He does; but that can be delegated. Obviously, he will rely on the deputy commissioner and his assistant commissioners.

Mr W.J. Johnston: Minister, if we were to take McMahon's, one of the contractors around the place, as an example, the police service cannot just authorise McMahon employees to do something; it has to make an individual decision about each person.

Mr R.F. JOHNSON: Correct. Absolutely. Yes.

Ms M.M. Quirk: Would that involve a criminal record check? What will that process be?

Mr R.F. JOHNSON: It would obviously include a criminal record check and consideration of their training, their experience and their expertise—all these things will form the criteria when the commissioner makes the decision whether to afford them these powers.

Ms M.M. Quirk: To give the minister an example, let us say someone from McMahon's contractors—I do not mean to be defamatory—had no criminal record, was an exemplary employee, but there was police intelligence that he was a member of a neo-nazi group or some such racist organisation, would that criteria be relevant to the person's appropriateness to be dealing with people from all over the world?

Mr R.F. JOHNSON: Yes; it would be. Obviously it would be—and for very good reasons. The member has outlined those good reasons.

Clause put and passed.

Clause 54 put and passed.

Clause 55: Statement of powers —

Ms M.M. QUIRK: Subclause (1) relates to the “instrument of appointment of an authorised person”. It appears that, unlike recognised law enforcement officers, these need to be done individually; that is, they cannot be done in bulk lot. Can the minister confirm that?

Mr R.F. Johnson: Correct.

Ms M.M. QUIRK: That is correct—and then the appointees may be restricted in what they can do.

Mr R.F. Johnson: Correct.

Ms M.M. QUIRK: As I think I said earlier, and just to confirm, they will have an instrument of appointment, but will there be any obligation on them to carry that instrument with them? How will the police officer overseeing the person know?

Mr R.F. Johnson: They will have to carry only the identity card.

Ms M.M. QUIRK: How therefore will the police officer supervising the authorised person know the extent of their authority? I think the minister has already said they will be subject to some supervision by a police officer and I am wondering how the police officer will be aware of the extent of the authorised person's authority.

Mr R.F. Johnson: I am told it will come under operational orders, as they normally do, and those orders will contain details of the specific authorisations the member is referring to.

Ms M.M. QUIRK: We may have a certain situation. I am concerned. I do not mean to harp on, but we may have a situation in which there is some sort of contingency and police have to deploy personnel at another location. It seems to me that there could be some confusion about an authorised person with somewhat limited authority who is sent to another location and who then exercises powers that they do not have the authority to exercise.

Mr R.F. JOHNSON: The advice I am given is that that is part of the planning process. If the police believe that they have not given them enough powers, obviously it will have to ensure that those extra powers are covered.

Clause put and passed.

Clauses 56 to 58 put and passed.

Clause 59: Appointees are public officers —

Ms M.M. QUIRK: Clause 59 provides that appointees—that is, law enforcement officers and authorised persons—are given the status of public officers for the purpose of the Criminal Code. That issue arose earlier. I want to confirm that this clause means that if someone assaults an authorised officer, that person is liable to a mandatory term of imprisonment under the Criminal Code.

Mr R.F. JOHNSON: Mandatory sentencing does not apply to all public officers; it applies to only Western Australia Police officers. I am a little surprised at that. I would have thought we would have covered our interstate cousins in the same way, but that is not the case under this particular bill. The member for Girrawheen may or may not be pleased that that is the situation.

Ms M.M. Quirk: I am just clear which is the mandatory, minister.

Mr R.F. JOHNSON: I am just saying that that is the advice I am given. A person would have to cause bodily harm or grievous bodily harm and that would have to be assessed, as it is at the moment, by a senior officer before a charge could be laid stipulating that it was an assault against a police officer causing either bodily harm or grievous bodily harm. That is the only way that that particular part of the Criminal Code would be affected by the bill.

Ms M.M. QUIRK: If these recognised law enforcement officers and authorised persons are to be taken as public officers but not police officers, because they are referred to as police officers under the Criminal Code, what do these public officers equate to? What other public officers are they equivalent to? Would it be ambulance officers?

Mr R.F. JOHNSON: The answer I am given is: persons exercising a power under statute, but obviously not a meter reader or somebody like that. Mandatory sentencing, as I said, does not apply to that, but a person could be charged with assaulting a public officer.

Clause put and passed.

Clause 60: Unauthorised entry to CHOGM security area —

Mr W.J. JOHNSTON: I would like to know whether the wording in this clause is *The Chaser's* amendment, because it appears to me that this is designed to prescribe that somebody who has been allowed into the security area is nonetheless guilty of an offence. Clause 60 says —

A person must not enter or remain in a CHOGM security area unless the person —

(a) has the consent of the organiser of the CHOGM event being held or to be held in the area;

I raise this because we may get the cast from *The Chaser's War on Everything* turning up in a Canadian limousine with a card clearly stating that it is not a security card, but the police wave them through, which is exactly what happened at APEC. *The Chaser's* cast were not guilty of an offence in New South Wales because it was determined that they were authorised to enter, but here it says that the “organiser of the CHOGM” is the person who gives them the consent. Is that what this clause is designed to achieve; so that even if the police let someone in, a person would still be guilty of the offence? Is that the purpose of this clause?

Mr R.F. JOHNSON: I am advised that the short answer to that is no, but to expand on that, it is “or otherwise authorised”. That would possibly include a police officer’s authorisation.

Mr W.J. Johnston: Is the minister saying that if a police officer lets somebody in, that is sufficient to give them authority to be in the area?

Mr R.F. JOHNSON: Possibly yes.

Mr W.J. Johnston: Yes or no?

Mr R.F. JOHNSON: It depends on the facts and the circumstances. The advice I am given is that a police officer could do that. Police officers make mistakes sometimes; they are human, like we all are.

Mr W.J. Johnston: As we all do.

Mr R.F. JOHNSON: Yes, exactly. If a police officer makes a mistake and gives somebody authorisation to go into a CHOGM security area and it is later found out that the officer should not have given authorisation, I am sure the Commissioner of Police would have something to say.

Mr W.J. Johnston: Yes, but that is not related to whether it is an offence.

Mr R.F. JOHNSON: Exactly.

Clause put and passed.

Clause 61: Unauthorised entry to restricted area —

Ms M.M. QUIRK: Clause 61 deals with unauthorised entry to a restricted area and states —

(1) A person must not, without reasonable excuse, enter or remain in a restricted area.

I think this comes up elsewhere in the legislation, but I want to check whether mere inadvertence is a reasonable excuse; for example, if someone said, “I did not know I was in a restricted area.”

Mr R.F. JOHNSON: I am told that that is specifically addressed under clause 61(2) —

(2) A person has a reasonable excuse for the purposes of subsection (1) if the person establishes that, at the time when the offence is alleged to have occurred —

(a) no steps had been taken under section 13(1)(a) to notify the public that the area that is the subject of the prosecution had been designated as a restricted area under section 12; and

(b) the person did not know that the area was a restricted area.

Ms M.M. QUIRK: Would inadvertence be a reasonable excuse?

Mr R.F. Johnson: If a person did not know the area was restricted, yes.

Ms M.M. QUIRK: Is the onus of proof reversed? Is it up to the person to prove?

Mr R.F. Johnson: I am told it is, yes.

Ms M.M. QUIRK: What standard is that onus of proof?

Mr R.F. Johnson: Balance of probabilities.

Ms M.M. QUIRK: Thank you.

Clause put and passed.

Clause 62: Interference with CHOGM event —

Ms M.M. QUIRK: Clause 62 relates to the offence of interfering with a CHOGM event. Amongst other things it provides —

A person must not, in a CHOGM security area —

...

(b) interfere with the reasonable enjoyment, by another person, of a CHOGM event.

I would like some examples, if the minister can provide some, of what constitutes “interfere with the reasonable enjoyment”. This is a very subjective concept and it carries a penalty of 12 months’ imprisonment, so I would like to know what conduct is contemplated.

Mr R.F. JOHNSON: I think the classic case would be if a person made their way into an official opening while the Queen was making her speech and made a nuisance of themselves. That would be covered under clause 62(a) and (b).

Ms M.M. Quirk: What do you mean by “made a nuisance of themselves”? Would that be heckling, streaking or whatever?

Mr R.F. JOHNSON: I think certainly streaking would be totally inappropriate and would constitute an offence under this clause.

Mr W.J. Johnston: What about a person standing with their back to the Queen while she is giving a speech?

Mr R.F. JOHNSON: No, I am advised not.

Ms M.M. Quirk: If someone was to stand in front of a person and restrict their view, could we say that was interfering with the reasonable enjoyment of that person at the CHOGM event?

Mr R.F. JOHNSON: No, the advice I am given is that that would not be seen as interference with reasonable enjoyment.

Ms M.M. Quirk: How do we know that?

Mr R.F. JOHNSON: It depends on the facts and the situation.

Ms M.M. Quirk: Trust me, because I am short and I miss what is going on a lot of the time.

Mr R.F. JOHNSON: Sorry?

Ms M.M. Quirk: I find that that behaviour certainly limits my enjoyment of events. It happened to me at a police graduation not so long ago, when they put some 6’8” police officers in front of me and I saw nothing.

Mr R.F. JOHNSON: We will try to make sure the member gets front row.

Ms M.M. Quirk: Well, you did after that, thank you very much, minister. I am asking: what sort of minimum level of conduct will bring that provision into play?

Mr R.F. JOHNSON: I suppose it would have to come to the attention of a police officer or authorised person that someone was disrupting, interfering with, delaying or obstructing the conduct of a CHOGM event. It is often a matter of judgement by police officers; they have to make judgements every day of the week. The Commissioner of Police has said at every graduation —

Ms M.M. Quirk: Time, place and circumstances.

Mr R.F. JOHNSON: Yes, but also that if a police officer makes a decision in a split second, as they very often have to do, and that decision is made in good faith, the commissioner will stand by his officers. And I say the same thing.

Ms M.M. Quirk: Let us say, for example, that someone at an event attended by the Queen was wearing a T-shirt with anti-monarchist tendencies on it. A lot of people would regard that as offensive.

Mr R.F. JOHNSON: They would not be breaking the law. Quite frankly, I do not think those people would get an invitation to be that close to the Queen. I think it would be most unlikely. But it would not be an offence for someone standing on the street to wear something that says, “I don’t like the Queen”.

Mr J.N. Hyde: During the Pope’s visit, we had the case of the person who was wearing controversial garb on the freeway. That person was arrested because that was deemed to be offensive to the Pope. So you’re saying to us that anything goes.

Mr R.F. JOHNSON: The member for Perth can wear whatever he likes at a CHOGM event.

Ms M.M. Quirk: And he frequently does!

Mr J.N. Hyde: On a more serious note, what is your definition of a CHOGM event?

Mr R.F. JOHNSON: We have dealt with that. I will not go over that again. We dealt with that the last time this bill was debated.

Mr J.N. Hyde: If any of these amazing public arts events that the Minister for Culture and the Arts seems to be including as part of CHOGM —

Mr R.F. JOHNSON: The member is going back to a previous clause, and I am not going to discuss that now.

Mr J.N. Hyde: Yes, you are—on this clause.

Mr R.F. JOHNSON: No. Read the clause carefully. It is headed “Interference with a CHOGM event”. I will not answer spurious questions.

Mr J.N. Hyde: I am asking you politely and carefully what a CHOGM event is.

Mr R.F. JOHNSON: I have already answered that. If the member reads *Hansard*, he will see.

Mr J.N. Hyde interjected.

The ACTING SPEAKER: Member for Perth!

Mr W.J. JOHNSTON: It is worth addressing the issue raised by the member for Perth, because the problem is that this goes to the fundamental weakness of the bill. It goes to the fundamental failure of the drafting instructions to encapsulate what the minister discusses at the table. The problem for the minister is that this clause will not apply to the youth forum, the people’s forum or the business forum because none of those events is a CHOGM event. The minister referred the member for Perth to the definition of “CHOGM event” in clause 3. It states —

CHOGM event means any meeting, event, function or activity that forms part of CHOGM (Perth);

I have previously pointed out to the minister the website of the Commonwealth Secretariat. The words in the bill have only the meaning that they have. CHOGM Perth is the Commonwealth Heads of Government Meeting in Perth. That is what the legislation says and that is what it means. Those other events are not part of CHOGM Perth. This provision will not apply to the business forum, the youth forum or the people’s forum. The member for Perth has quite correctly raised this issue. According to the words of the minister in *Hansard* of 24 March, it may apply to informal meetings of delegates outside of CHOGM. When the minister was asked on 22 March whether it would apply to a karaoke bar that the delegates might attend, he said no. But on 24 March he said —

However, police need powers to protect dignitaries, delegates and other participants in Perth for CHOGM at whatever formal or informal CHOGM event they are attending. Accordingly, the bill should not strictly define “CHOGM Perth”, as this could lead to police not being able to use these powers to adequately protect the security of participants in CHOGM.

That is a direct quote from *Hansard* of 24 March. If the delegates of CHOGM have some informal get-together, according to the words that the minister used on 24 March, the provisions of clause 62 will apply. But clause 62 will not apply to the business forum, the youth forum or the people’s forum.

Dr A.D. BUTI: Clause 62(b) states —

interfere with the reasonable enjoyment, by another person, of a CHOGM event.

I cannot understand how this provision managed to make its way into the legislation in its current form. One can of course work out what “interfere” means. What do we mean by “reasonable enjoyment”? The greatest problem I have is with the words “another person”. I presume that “another person” would not have to be in the security area; that person could be anywhere. Should it perhaps refer to another person within the security area? It could be someone who is outside the area. A person inside a security area might do something that prevents their enjoyment when they are outside the security area. What does that mean?

Debate adjourned, on motion by **Mr R.F. Johnson (Minister for Police)**.

PREMIER'S STATEMENT*Consideration*

Resumed from an earlier stage of the sitting.

MR V.A. CATANIA (North West) [2.47 pm]: As members will know, the Gascoyne has experienced a natural disaster that has never been seen before as a result of the floods that have occurred since 19 December. Since then, four major rivers have run through Carnarvon, causing widespread damage to the horticulture industry and to the townsfolk in general. The amount of damage that has occurred in Carnarvon is worth over \$100 million. That damage has been done to the horticulture industry, which is a \$90 million industry for Carnarvon, to road infrastructure and to sporting clubs. Nine sporting clubs have been affected by the floods. Clubhouses have basically been wiped out and a lot of the infrastructure needed to hold events this year has been damaged. The damage caused by the floods at the Carnarvon Race Club has attracted some attention from the media. I visited the club on the weekend with the Minister for Sport and Recreation. Minister Waldron saw the racetrack being restored so that we can have a race round this year. That has come about through the quick delivery of much-needed funds from the Department of Sport and Recreation to assist the race club to get its track in order so that it can hold this year's racing circuit.

As I have said, a huge amount of damage has been done to the horticulture industry, as has been widely showcased by all media organisations. Having been there throughout the floods and having to provide that government assistance in a timely manner, it was great to be part of a community that banded together to ensure that everyone got back on their feet. I believe that the community has really pulled together to ensure that it can get back on its feet, get planting again and fix the damage caused by the floods. As I said, sporting clubs have been affected. Caravan parks, too, unfortunately, have been caught up in this and incurred a huge amount of damage. They are only slowly getting back on their feet now. Anyone who knows Carnarvon knows that when we have a 6.5 metre river, there is a lot of inundation around the Caltex and Shell service stations. Right next door to them is the BIG4 Plantation Caravan Park owned by Alex and Matt Malloch. They have been hit by three of the four floods that have occurred, which has put their business well and truly under pressure. However, I am sure that they will continue to pick themselves up, empty the water from their boots and get back to it to ensure that they get their business back on track.

Speaking of floods, it is interesting to go through the process every day in which I met all the government agencies. The Fire and Emergency Services Authority would coordinate a meeting with the shire, and we met at 10 o'clock in the morning every day from 20 December to discuss where things were at, what needed to be done that day and the assistance needed for government departments to do their jobs. In doing that, I learnt that it is about more than water coming through and property being damaged; there are a lot of consequences when the roads are cut off from north to south and the town becomes isolated. A lot of things that we do not think about came up during those meetings. Some of the issues that were presented shocked me and probably shocked everyone in the room. When towns are isolated and people cannot get out, people who have personal issues can find it very difficult to cope. Therefore, an increased number of people present at hospitals with various issues, including psychological issues, or because they cannot get a hit because they cannot get their drugs in town. That was probably a good thing because it actually highlighted some of the people who have issues with illicit drugs; when they could not get their hit, they presented at the hospital. Therefore, floods can have a lot of knock-on effects—flow-on effects, I should say—on the community that need to be thought about and which go beyond saving people's lives because their houses are being inundated, properties damaged and crops washed away; many other little bits and pieces pop up that the community also has to deal with.

As I said, the community really got together and could actually only get together with the leadership, I think, of a couple of people in particular. I know this name has been mentioned several times in this place for the work he has done in handling the flood situation—that is, the shire president, Dudley Maslen, who led from the start and chaired every single meeting during this difficult period. I congratulate him on his leadership, which really showed and provided much-needed support for everyone else around that table, so we had the will to go on day in, day out. Dudley and another fellow worked 24/7. When I was not with them, they would call me up at all hours of the morning—one, two or three o'clock—to tell me that the river is rising again by a couple of inches or to report that they were still out there working so they thought they should wake me up as well. There were plenty of those times when they kept in contact well into the wee hours of the morning when I was trying to sleep. Our day would normally start about four in the morning and finish late into the evening, so it was a flat-out time. People like Dudley and Tom Day, who was the recovery officer, really do deserve to be congratulated for their efforts, the way they have shown leadership and really ensured that other community leaders and government departments were on track to do the right thing and ensure that people's lives and the town were protected. As I said, Dudley Maslen showed leadership. For three or four months before the flood, Dudley stockpiled sand in the depot at the Shire of Carnarvon because it is said that a drought over a long period is often broken by a flood. His knowledge and understanding of the region meant he was preparing for the worst and it

was lucky that he did because that stockpiled sand was used to top up the levees by another metre and a half. As it was, there was probably only a good 10 centimetres to go before those levees would have breached on 19 December 2010 when the major flood occurred. I congratulate Dudley on his foresight and initiative to ensure there was enough sand to protect the town.

There are plenty of people whom I need to thank not only on my behalf but also on behalf of the community. The CEO of the shire, Maurice Battilana, also worked through the nights and ensured that he provided all the shire support that was necessary. FESA and the State Emergency Service did a fantastic job in coordinating all the volunteers to ensure that things ran as smoothly as possible. I also note some of the government departments and people who stood out and really lifted things. One utility that stood out and gave support to everyone else was Horizon Power, which, under the leadership of Mark Bruce, manager for the Gascoyne area, and Dave Shelton, really ensured that all the training its staff had done in the past came to fruition and provided support for government departments. People do not like having their power turned off and Horizon Power was very quick to respond and ensure that power was brought on as quickly as possible. Main Roads, through the leadership of Peter Sewell, faced tough times when people wanted to get in and out of the town. It had to manage all those people and all those truck stops that were quite full because people could not travel anywhere and were stuck for days. Main Roads staff enabled the roads to open as quickly as possible over the week that followed to ensure traffic flow. The Water Corporation and the Department for Child Protection also helped. People think that DCP is there only to protect children and families, but it was basically put in charge of ensuring that everyone was looked after. DCP staff dealt with everything that was brought to their attention and with people who were affected by the floods, even in terms of administering the funds to get people's carpets and whitegoods replaced, so their houses were liveable again. The departmental staff have done an outstanding job; it is a bloody hard job that they do, and they are still working, going round to houses to ensure that people get the funds they need to get back on their feet. I thank the Red Cross and the banks. People anywhere do not often praise banks, but representatives of the local banks, in particular BankWest and ANZ, came with me to all the meetings and provided assistance to the growers. As we know, when growers do not have crops on the go, they do not have income coming in and therefore it is very hard to make ends meet with their mortgages. The banks were able to provide ways in which people's mortgages could be put on hold for three to six months so that they could get crops into the ground and start earning some money again to pay their mortgages. Well done to the banks.

The president of the Carnarvon Chamber of Commerce and Industry, Tony Beard, was also in those meetings day in, day out, and assisted those small businesses. As I said, it was not just those people who had their houses damaged by the floods who were affected; the businesses that were unable to operate were also affected. As people need to repair the damage, they stop spending. When they stop spending, they stop spending in town. When the floods happened over Christmas, for example, everyone who had toys on lay-by at the toy shop suddenly had to cancel those lay-bys. The toy shop took a large hit because people had to pull back their spending. It affected tackle stores, as people were not fishing any more. They are still struggling to have those days when they take the boat out. Small businesses in general have suffered greatly and are still suffering. I think it is going to take a long time before we see the Carnarvon small business economy lift once again.

As I said, it has been a very busy time. My office and I are still dealing with a lot of issues from the flood, and I think we will be for the next few years because there is a lot to do. We often do not recognise our electorate officers, who do a lot of work that we give them, and work that comes through the office. When officers live and work in the community, people present to them 24/7, even when they are going to the shops or just running in the morning to get some exercise. I would like to acknowledge my electorate officer, Doriana Mangili, who has done an outstanding job. Her value well and truly exceeds what electorate officers get paid. I just want to congratulate her.

Carnarvon has had a setback. Carnarvon has gone through some rough times, but this is pretty much the icing on the cake. But I can see Carnarvon turning the corner. One way that we are trying to assist Carnarvon to turn the corner is by ensuring that those projects that have been talked about for so long come to fruition. It is great to see a couple of very important projects such as the boat ramp in Carnarvon, which has been promised by governments of all persuasions, finally start. It is well on track to be completed by the twentieth anniversary of the Carnarfin fishing competition. The building of the \$75 million power station has also commenced in Carnarvon. Earthworks are well and truly underway.

Those two projects alone mean that there are contractors in town. People who are going to be around for a long time will be spending money in town, and that is what we want to see. Those projects are giving a much-needed lift to the economy, and there are many more on the way.

Putting the issue of the flood aside, Carnarvon has had a lot of social issues in the past. This time last year there was not very much for kids to do. The Clontarf Academy was funded for a two-year program through a \$5 million grant from the royalties for regions program. That has been running now in Carnarvon for the last month and a half. That has turned things around dramatically. With the Clontarf Foundation in town, children

who had attendance rates of about 30 per cent have now turned that around, and within a month have started going to 67 per cent of classes.

[Member's time extended.]

Mr V.A. CATANIA: Just having the foundation there has ensured that kids attend school, which means they are not roaming the streets. We are definitely dealing with a lot of the social issues—not only the infrastructure needs of the community but the social infrastructure, which is desperately needed to ensure our kids have the opportunity of a good education, which will lead to many other things.

The other day I went to TAFE and saw Rio Tinto's apprenticeship program. It is training 16 people to do fly in, fly out work from Carnarvon to other parts of the north west. It looks like those 16 people, predominantly Indigenous people, will make it through their apprenticeship and get employment in the Rio company, and they will fly in and fly out of Carnarvon.

Things are looking up on the social front as well as the infrastructure front. Those projects that have been committed to in the budget are all on their way. There has often been a lot of talk about the police station–courthouse in Carnarvon. I saw a media statement by the shadow Minister for Police the other day. The member for Girrawheen sent out a media statement calling on the government to build the police station–courthouse in Carnarvon. She forgot to take off all the attachments from her iPhone, which had many comments such as, "Please check this with the opposition leader, Eric Ripper, before I send it out, because we need to get it out before the Nats conference on the weekend." It was quite interesting that the opposition, which everyone knows I was a part of before, is now calling for the police station–courthouse to come to fruition on a site that the opposition did not want. It is interesting that that is being spouted. The opposition is calling on this government to come forth with the police station–courthouse that was not properly funded under the previous government, but is fully funded now. I look forward to that project, because I think that just shows that this is a government that is listening to the people. The people wanted to site the police station–courthouse where the previous police minister and previous Premiers did not want it to be located. It is interesting that the opposition is now calling for it on that site.

It is great to see that that is well and truly on track, as well as the redevelopment of Carnarvon Hospital, which will be needed. A full upgrade of Carnarvon Hospital costing \$28 million will ensure that it is properly redeveloped. In the previous budget only \$6.7 million was allocated to Carnarvon Hospital, which would have given it a nice coat of paint. Now \$28 million has been allocated to it, so that we can properly expand the hospital and provide the services that are needed. The other day I had the great privilege of opening a computerised tomography scanner in Carnarvon, which is already being used by three patients a day. It stops patients having to travel to Geraldton or down to Perth to exercise the basic right to a CT scan. As I said, three people a day are using it and it is saving lives already. It is projects like that that I mention when people often ask why I left the Labor Party. It is because I can deliver the CT scanner and the infrastructure that people want. It is great to be able to lift the community.

Several members interjected.

Mr V.A. CATANIA: It makes all this banter from the other side worthwhile when I know that I am part of a government that can save lives by providing a simple piece of infrastructure like a CT scanner. Whenever members on this side listen to members opposite yell out, they can look back and see what they have delivered for their electorates and they can hold their heads up high, because they know they are trying to save lives. That can be done by this government.

As I said, Gascoyne Junction also suffered from major flooding, and pastoral stations out there probably experienced the most catastrophic flooding of the whole lot. It is interesting that it took the opposition leader four months after that major flood to visit the region. We saw other shadow ministers come three to four months after the event. However, no opposition member has gone out to the Gascoyne Junction to see the damage there. The whole town, basically, has been destroyed and pastoral stations have been wiped out.

Several members interjected.

Mr V.A. CATANIA: I am proud to be —

The SPEAKER: I must admit that the member for North West has a voice that is easily heard normally by the Chair, and some other voices are also easily heard by the Chair. It is not always my preference to hear the member for North West, I must confess, but at the moment I do want to hear from the member for North West and nobody else.

Mr V.A. CATANIA: Thank you, Mr Speaker, for those kind words.

As I said, Gascoyne Junction has been devastated. It is great that the Minister for Regional Development has fast-tracked \$3 million to the area to ensure that people can get simple things like food, fuel for their cars and a place to go to have something to eat. That \$3 million will provide a pump station for fuel, a shop to buy food and

other amenities, and also a restaurant to give people the opportunity to go and have something to eat. It is great to see the Minister for Regional Development fast-track those much-needed funds to ensure that Gascoyne Junction can get back on its feet. I encourage members of this place to go out to the pastoral regions and see the damage that has been caused to homesteads that have never been flooded in their 100-year history. It is amazing to see how high these homesteads sit on banks and that over 15 metres of water has gone through the area, and the devastation that flooding has caused to the land with scouring. Having gone out there a few days after the flooding hit Gascoyne Junction, I saw cattle everywhere. It is a pretty amazing sight to see cattle in trees! Everyone was caught unawares. I saw 400 head of cattle that were stuck, and they all perished. It has been a huge blow to the pastoral industry. We are working closely with them to ensure that we can provide the necessary support for them to rebuild their waterholes and homesteads and to get their cattle back onto the land. Fortunately, a lot of cattle had been agisted, which meant they had at least some cattle to bring back in from which to get an income—yet again.

Moving off the Gascoyne, which has been at the forefront of a lot of things that I have been doing personally in government to ensure that everyone can get back on their feet, I particularly want to thank the quick action of the Premier, the Minister for Regional Development, the Minister for Agriculture and Food and the Minister for Sport and Recreation, who have all been up to this region several times, meeting with the locals and going through those issues to try to resolve them as quickly as possible. Of course, people want things to happen more quickly, but the reaction from this government has been amazing, and it has been of great support to me as the local member to ensure that we do the right thing by the community.

I will quickly touch on what has been going on in the Pilbara, particularly Karratha, which is another amazing story that is unfolding as a result of the vision of this government, through the Premier and Minister for Regional Development. The Pilbara Cities initiative is really starting to take shape. If any member has gone to Karratha and seen the cranes on the skyline for the first high-rise in the north west, it is an amazing sight. Once that building is up and running, it will be the pillar of Pilbara Cities.

Several members interjected.

Mr V.A. CATANIA: It is interesting to hear opposition members' comments. They do not want to see Karratha turned into a city! I know that the member for Pilbara does not want Port Hedland turned into a city.

Several members interjected.

Mr V.A. CATANIA: It is great to see that members opposite are passionate about what is going on. I encourage them all to come up to the north west and see what is happening.

Several members interjected.

Debate adjourned, pursuant to standing orders.

The SPEAKER: Before question time, I call the member for Victoria Park, the member for Mandurah and the member for North West to order for the first time today.

QUESTIONS WITHOUT NOTICE

METROPOLITAN RAILWAYS — NEW RAILCARS

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

I refer to the Premier's wild claims yesterday that the trains are full because the economy is performing better under his government.

- (1) Is the Premier aware that patronage on trains is growing by only three per cent per annum under his government?
- (2) Is the Premier aware that under Labor governments patronage was growing by four and a half per cent each year?
- (3) Will the Premier now accept that the congestion facing urban transport is a direct result of his inaction and failure to order the new trains that he was warned he needed to order in 2008?
- (4) Will the Premier commit to ordering at least 30 new railcars and thus end the congestion affecting our urban rail system?

Mr C.J. BARNETT replied:

Mr Speaker, before I answer, I thank you and members for agreeing to have question time later so that members could attend the Chinese delegation lunch.

Ms M.M. Quirk: It's all right; we carried on without you, Premier!

The SPEAKER: Thank you, member for Girrawheen. I am formally going to call you to order for the second time today.

Mr C.J. BARNETT: In response to the question —

(1)–(4) As I said yesterday, there is congestion and crowding on our train system, and congestion on the roads. This government is acutely aware of that.

Mr E.S. Ripper: But you are not investing!

Mr C.J. BARNETT: This government came into power in October 2008.

Several members interjected.

Mr C.J. BARNETT: That is the reality!

Mr E.S. Ripper: Why did not you order them? You were the Treasurer.

Mr C.J. BARNETT: We also came into power at the time of the global financial crisis.

Several members interjected.

Mr C.J. BARNETT: It is true! A couple of billion dollars went out of the state's budget. We have recovered from that, but we still face a lot of constraints.

Mr E.S. Ripper: So commit now!

Mr C.J. BARNETT: We are looking at a number of issues in transport. The Minister for Transport has responsibility for that. We are extending the northern rail line. We have provided 3 000 extra parking bays —

Mr E.S. Ripper: What will it be like with the extension, but no railcars?

Mr C.J. BARNETT: This government has not solved all the issues. There are issues; I readily concede that, but this government has committed \$240-odd million to extend the rail line through Clarkson into Butler. That is important. That is something that members opposite were stalling on. Members opposite had not got there, had they? They had not! That is one of the issues that we committed to. The reality is that members opposite could not make up their minds, so we made that decision. I have to say that that was with the support of some Labor members opposite who were delighted that the Liberal–National government had made that decision, because they knew their ministers were incapable.

Mr E.S. Ripper: Who pressured you with their campaign to sign up to the same commitment that we were promising?

Mr C.J. BARNETT: No! After the election, several of the Leader of the Opposition's members came across and said, "Well done! You made the decision that we didn't!"

Mr E.S. Ripper: At last—you made a decision!

Mr C.J. BARNETT: Mr Speaker, I do not want to sit down again. I have had a very good day today and the Leader of the Opposition should not spoil it for me.

We committed to the rail line extension to Butler, and that work is underway. We promised during the election campaign that we would provide extra parking bays on both the northern and southern line. In excess of 3 000 bays have been provided. We delivered free public transport to seniors from 9.00 am to 3.30 pm, which is worth somewhere between \$300 and \$600 a year for those seniors. It also shifts some of their patronage of the public transport system away from peak hours into other times of the day—obviously to when it is free. There is more to be done. We are now looking at the issue of freeway expansion. The Minister for Transport has announced an expansion on the southern leg. We are looking at the northern leg of the freeway. In the longer term, issues like light rail and servicing the northern suburbs and north eastern corridor are being looked at. Transport infrastructure issues are big decisions and they take time.

Mr E.S. Ripper: You are two years too late!

Mr P. Papalia: You said you are making decisions.

Mr C.J. BARNETT: I have just been through what this government has done. They are good measures in public transport. The opposition sits and grins over there. They were such a useless mob in government; just so useless! The public of Western Australia knows that. Do not try to rewrite history. What the Labor Party still has not realised is that if it is not truthful, if it does not tell the truth to the public of Western Australia, the public will not respect Labor Party members.

METROPOLITAN RAILWAYS — NEW RAILCARS

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

I have a supplementary question. Why is the Premier failing to provide Western Australians with basic infrastructure such as railcars, while the Premier spends on indulgent pet projects like his palace on the hill?

Mr C.J. BARNETT replied:

I heard the word “hopeless” from this side. I mean, is that it? Will that be the totality of the Labor Party’s campaign to the public of Western Australia? Will that be it? This government is sinking the rail line through the city of Perth. This government will complete the foreshore development.

Mr M. McGowan: Where is it? You have not delivered anything.

Mr C.J. BARNETT: The member for Rockingham should get off his seat, walk down there and look at what is happening! Preliminary works are underway. Go down and have a look. The site has been prepared and construction will start shortly. The contract has been let.

Mr R.H. Cook: It is under the stimulus package, is it not?

Mr C.J. BARNETT: About 40 per cent of the funding is from Infrastructure Australia. Thank you, Kevin Rudd, my friend. Sixty per cent of the funding came from the Western Australian government. This government —

Mr P. Papalia: You have done nothing. You have no credibility on transport!

Mr C.J. BARNETT: Mr Speaker, I am going to sit down, but I will —

Mr R.H. Cook: When was the last time you caught a train?

Mr C.J. BARNETT: When was the last time I caught a train?

The SPEAKER: Member for Warnbro, I have given you a few subtle hints. I formally call you to order for the first time. Premier, I do not know whether you have more to say.

Mr C.J. BARNETT: To answer the member for Kwinana: about a month ago I caught the train to Mandurah. It was excellent. I have to say that, since Hon Alannah MacTiernan left, the opposition has nothing. At least she had a crack. At least she could make a decision. Sometimes they were bad decisions, but she made some good ones too. Without her, the opposition is all front, no shop! There is nothing there.

Several members interjected.

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

KIMBERLEY FLOODS — POLICE RESOURCES

186. Mr V.A. CATANIA to the Minister for Police:

I am all too aware of the effect natural floods have had on communities in the north west. As the minister knows, the north east of Western Australia has also been significantly affected by floods. Can the minister please update the house on the aftermath of the significant flooding in the Kimberley region in the past month, particularly the efforts of local police dealing with a significant number of Indigenous communities relocating to Kununurra?

Mr R.F. JOHNSON replied:

I thank the member for North West for the question and, indeed, his interest in and commitment to the people in the Kimberley and other areas.

There has been a significant increase, unfortunately, in antisocial behaviour, domestic violence, common assault and alcohol abuse. Garrjang Village currently has over 300 persons registered there, including 170 children. The mess is feeding over 500 people on occasions. The increased population is impacting upon not only police workloads but also our emergency service workloads. As a result of antisocial behaviour and three serious assaults on 19 March 2011, further voluntary alcohol restrictions were requested by police and agreed to by three licensees in Kununurra, restricting the sale of wine, spirits and full-strength beer. This was a police strategy to limit the levels of intoxication observed during antisocial behaviour incidents. Additional police resources were sourced from Perth, the Pilbara and within the Kimberley. A total of eight officers commenced at Kununurra on 21 March 2011. These resources include Aboriginal police liaison officers.

Kununurra police formed a local management team at the commencement of the event to collaboratively address the issues. This group meets on a daily basis and comprises representatives from Kununurra and Warmun police, local government authorities, the Departments for Child Protection, Indigenous Affairs, Housing, and Education. All those agencies are involved. Although police are managing the situation extremely well, I am unwilling to authorise any visits that are not a matter of significant importance or urgency. Unfortunately, the precious

princess from Girrawheen asked to visit the Kununurra police station while all these disasters were taking place. I refused that visit because our police officers were stretched to the limit. Unfortunately, the weather —

Mr E.S. Ripper: Was it on police advice that you made that decision?

Mr R.F. JOHNSON: I made that decision myself.

Mr E.S. Ripper: So, you did not have police advice it would be an operational problem?

Mr R.F. JOHNSON: I made that decision myself because I was made aware of the stress and the workload —

Ms M.M. Quirk interjected.

Mr R.F. JOHNSON: It is a great shame that the weather upset the travel plans of the member for Girrawheen! As I say, I refused on this one occasion a visit to that police station because I thought it would be disruptive. I did not want our police officers distracted from the important work they do. What did the member for Girrawheen do? She created a tantrum, and then she issued another press release. No regard to the environment, no regard to trees, and very little regard to the truth! She then went on ABC radio and said that it was disgraceful—all she wanted was to speak for 20 minutes in the police station. When has the member for Girrawheen ever spent 20 minutes in any of our police stations? Never. Whenever she leaves, there always seems to be problems. They seem to follow her around. She did not understand the tremendous workload of our police officers, and indeed our emergency service officers in Kununurra, with the influx of 350 people from Warmun—there are about 500 now. The last thing they wanted was a royal visit from the member for Girrawheen! That is why I refused. I am more than happy, when things get back to normal and police and emergency services do not have this sort of pressure on them, for the member to visit Kununurra. I doubt whether that will meet her travel plans. Do not have these tantrums, member for Girrawheen. The world does not revolve around her. The important people in this area are the residents and the people who have had to be transferred from Warmun and other areas to reside in Kununurra. They are the first priority, not the member for Girrawheen; and she never will be!

MAGELLAN METALS — CONDITIONS BREACH

187. **Mr C.J. TALLENTIRE to the Premier:**

I refer to the Premier's recent comments regarding Magellan Metals, which state, according to my notes —

I am furious at this latest breach by Magellan. I have sent Magellan a letter, it could be described as a rocket, and my tolerance has run out with Magellan. They are right on the edge of their right to operate in this state.

- (1) Does the Premier accept that his failure to act has led to the latest catastrophic failure by Magellan to protect our community?
- (2) Will the Premier cancel Magellan's licence to operate?
- (3) What explanation has Magellan provided the Premier on the most recent breach?

Mr C.J. BARNETT replied:

- (1)–(3) I am happy to make a comment. I really do think that question would have been far better directed to the Minister for Environment, who is directly handling the issue.

Mr E.S. Ripper: You made the comment about the rocket. You have engaged with the issue!

Mr C.J. BARNETT: I am giving the member the option. I will sit down, with the indulgence of the Speaker, and let the minister answer it. He is dealing with it.

Mr M. McGowan: You said "rocket"!

Mr C.J. BARNETT: Okay; if the opposition does not want to. The member would be far better asking the minister who is dealing with this situation and who has been in contact with Magellan.

Mr P. Papalia: You know you don't want him to stand!

Mr C.J. BARNETT: No. I have made my comments. I stand by them. Magellan is right on the edge. It has made successive breaches going right back to the situation in Esperance, which cost the state—and therefore taxpayers—\$30 million to rectify. We are still spending money in Esperance cleaning up. That is something, I must say, that the former government—which knew the problem was there—ignored. One of the first decisions of this government was to act on the Esperance situation and deal with it directly. The member for the former electorate of Roe was actively involved in that. This has been the fourth breach. It is unacceptable. There will be a proper process, but the minister has made it very clear that he has run out of patience—whatever term he used. I totally concur with that. I have run out of patience, too. If Magellan wishes to continue, it will have to redo its whole system of operation, in my view—whether it is in a pellet or briquette form—or totally change its

transport system. For lead to be found not in the containers, but on the outside of the containers, is a serious breach. Lead is a serious problem. If lead, particularly in that form, gets into the atmosphere it is extremely dangerous, particularly for mothers-to-be and children.

The member for Kalgoorlie asked about the jobs. I am concerned about the jobs, as everyone should be.

Mr E.S. Ripper: If they downstream processed, there would be more jobs.

Mr C.J. BARNETT: Maybe; it would depend on the value of the resource. I assume that Magellan's parent company is very concerned about the adverse publicity that has come about due to the way the lead has been handled and transported in this state.

MAGELLAN METALS — CONDITIONS BREACH

188. Mr C.J. TALLENTIRE to the Premier:

I have a supplementary question. When will the Premier honour the requirement to be a good regulator of environmentally damaging actions in this state?

Mr C.J. BARNETT replied:

This government is a good regulator and it will take positions on important environmental issues through the proper process. This issue is one; the proposed coalmine in Margaret River is another; the proposed development of Straits Resources in Exmouth was another.

Mr F.M. Logan: Will Cockburn Cement be another?

Mr C.J. BARNETT: Yes, the issues surrounding Cockburn Cement are serious. We do not in any way disregard environmental issues, particularly where there is contamination in water or on land.

Mr C.J. Tallentire: Prove it.

Mr C.J. BARNETT: I think we are, but we do not jump at issues like the member for Gosnells might. We will deal with it properly.

Mr M. McGowan: Send another rocket.

Mr C.J. BARNETT: That is a cynical, smart alec response. The member for Rockingham should calm down; he has had a nice lunch and behaved himself fairly well, I thought! He should calm down for a moment. Just think: a letter was sent to the company.

Several members interjected.

The SPEAKER: Members!

Mr M. McGowan: You were watching me during my lunch were you? You sat Peter Conran next to me to keep an eye on me did you?

Mr C.J. BARNETT: A letter was sent, yes, expressing a point of view. They have had views from the EPA and from the minister. I do not think it was a coincidence with this last transgression that Magellan has shut down the operation. I think it makes the point.

PUBLIC HOUSING — ANTISOCIAL BEHAVIOUR EVICTIONS

189. Mr J.J.M. BOWLER to the Minister for Housing:

I refer the minister to the recent front-page article in the *Kalgoorlie Miner* regarding the eviction of a local couple by the Department of Housing for antisocial behaviour. Whilst I feel for the couple, given the large number of people coming through my front door seeking priority housing, I understand the minister's new policy. Does the minister accept the argument presented in the newspaper article that the couple should retain the property due to their ill health?

Mr T.R. BUSWELL replied:

I thank the member for the question. The short answer is no; I do not accept the argument in the newspaper. I think this is a very unfortunate circumstance. I read the file notes today about this couple. They have some quite serious health issues, but over a sustained period they have breached what most people would deem to be acceptable standards of behaviour for residents in a community. As a result, their tenancy will not be renewed and they will have to find alternative accommodation outside taxpayer-subsidised housing. I think it is an entirely appropriate outcome. In my view, poor health is not an excuse for antisocial behaviour. In my view, blaming visitors to one's property is not an acceptable excuse for antisocial behaviour. As this policy is implemented I expect there will be more evictions and we will be defending some of them in the media because they will be seen to be unfair.

I noticed yesterday that the WA Council of Social Service, the former home of the member for Maylands, attacked the government for the new policy it has introduced. I do not accept WACOSS's criticism. I make no apology, as the government makes no apology, and as I think every member on this side of the house makes no apology, for cracking down on antisocial behaviour in public housing. It is quite possibly the single biggest issue backbenchers bring to me as the Minister for Housing—the single biggest issue.

Mr A.J. Waddell: Apologise for how long it has taken you to act on it.

Mr T.R. BUSWELL: I will deal with that in a second, thank you, my friend.

Like the government, I make no apology for the tougher stance in attempting to restore the balance between tenants and neighbours and for attempting to remind tenants in public housing that with taxpayer funded accommodation comes a mutual obligation. That mutual obligation is quite simply that the community expects those tenants to be good neighbours in the neighbourhood in which we provide that subsidy.

I reflect on history because it is always interesting to look at what has happened historically.

Mr M.P. Murray: Don't go back too far.

Mr T.R. BUSWELL: I will not go back too far, member for Collie–Preston; I will go only to those exciting days at the end of 2008 when he changed sides in the Parliament.

When we came to office, I looked at the policy to deal with antisocial behaviour in government housing. The fact is, there was none.

Ms M.M. Quirk: That's not true.

Mr T.R. BUSWELL: Does the member for Girrawheen not think so? I will tell her what happened: a breach notice would be issued, which was valid for two weeks. All tenants had to do was to keep their heads down for two weeks, and another breach notice would be issued. I found people had more breach notices than Steve Hooker could pole-vault over. Some of the behaviour was outrageous.

Mr P. Papalia interjected.

Mr T.R. BUSWELL: This government introduced a policy framework called the three-strikes policy framework.

Several members interjected.

Mr T.R. BUSWELL: Let me finish. We introduced a framework that we thought would bring about real reform.

Mr P.B. Watson: You know all about hookers!

Withdrawal of Remark

The SPEAKER: Take a seat, minister. The member for Albany might like to withdraw that comment.

Mr P.B. WATSON: I withdraw.

Questions Without Notice Resumed

The SPEAKER: Now that he has withdrawn it, I formally call him to order for the first time, and I call the member for Wambro for the second time.

Mr T.R. BUSWELL: I point out again to the house that when I was in Albany, the member for Albany got me to meet a group trying to arrange a shelter for homeless men in his town. When I found a location for it, who was leading the charge to oppose it being put in that suburb? It was the member for Albany, that great consistent performer in advancing the rights of the people in his community! He is a weak individual; as soon as someone ran a flag up the pole, he bolted. That is what the member for Albany does. I have a list as long as my arm, and I did not pay for them either, member for Albany.

Moving on. We introduced the three-strikes policy, which was aimed at improving behavioural outcomes. It has become clear, especially in recent times, that in some cases, it has not delivered the required outcomes. Why was that?

Mr E.S. Ripper: Has the Premier got a three-strikes policy on you?

Mr T.R. BUSWELL: When some of the Leader of the Opposition's colleagues learn to count past nine, I think he will be struck over and out. Why did the policy fail? The member for Wambro is working on it; I have seen him get past 10 recently. The Leader of the Opposition should be nervous. My only bit of advice is: do not get the member for Forrestfield to be the other numbers person! He is terrible.

There were significant grey areas in the old policy.

Mr B.S. Wyatt interjected.

Mr T.R. BUSWELL: The member for Victoria Park can ask me; I have a bit of experience at it: I was that good I got rid of myself!

On top of those grey areas there were some significant inconsistencies in the way the policy was applied. It is clear that change was needed. We have made some changes. I will be frank: if those changes do not deliver the outcomes we are seeking, we will make more changes. I will quickly advise the house of what they are: the setting of three tighter criteria that have associated with them much more severe penalties for inappropriate behaviour as it relates to antisocial behaviour; dangerous criteria that will result in immediate eviction; serious disruptive criteria that will result in eviction after two occurrences in a 12-month period; and a minor disruptive that will result in eviction after three occurrences in a 12-month period. In early May we will introduce a central hotline by which people can make complaints, and a central compliance team to deal with complaints about things that are deemed to be dangerous or serious. Also, in due course some changes will be made to the Residential Tenancies Act, and that will mean that social housing tenants will be subject to a far more stringent set of laws and criteria than private housing tenants.

I conclude by saying that it is my expectation that this policy will lead to a significant increase in the number of people being evicted for antisocial behaviour. It is my expectation that there will be potentially more headlines like the one in the *Kalgoorlie Miner* effectively criticising the government for evicting people. We make no apologies for that. We think this is the sort of change the community requires of us and that we are happy to deliver.

METROPOLITAN BUS PURCHASES — PERTH PARKING LEVY

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

- (1) Of the 65 buses the Premier is purchasing this year, is he aware that they simply replace 65 buses that are retired each year, a replacement process that has been occurring for the past decade?
- (2) When will the Premier order additional buses over and above the bus replacement contract to provide services to those suburbs that do not have an adequate bus service at the moment?
- (3) Given that the Premier has \$17 million in surplus funds sitting in the Perth parking levy war chest and that there is overcrowding on the CAT buses every single day at peak times, when will he order more additional CAT buses to reduce this congestion?

Mr C.J. BARNETT replied:

- (1)–(3) The central area transit buses in the city were a wonderful achievement of a previous Liberal–National government—an example of excellent, forward thinking in inner-city public transport. It has been successful. People are having difficulty at the moment because —

Mr J.N. Hyde: Two of them!

Mr C.J. BARNETT: The member is ungracious.

The CAT system is a good system, and there has been discussion about extending it into the near inner-city suburbs, and I think that proposition has a lot of merit. Obviously, people using the service are frustrated at the moment because of City of Perth works to narrow the streets and widen the footpaths; many people object to this. I think it will be terrific, and that the City of Perth is doing an excellent job in smartening up the central areas of the city. If more CAT buses are needed—they probably will be in time—we will look at that situation.

As to the 65 buses, the contract signed last year was for 650 buses over a 10-year period. I do not know the delivery schedule. Maybe the Minister for Transport knows that or he could give us some advice about that at some later stage.

Mr E.S. Ripper: They are only replacements.

Mr C.J. BARNETT: The Leader of the Opposition says that they are only replacements, but it depends on the rate at which they come on stream, does it not? There is an order for 650 buses. I do not know the exact numbers, but, within that figure, there would be a provision for growth. The system is expanding, not contracting.

METROPOLITAN BUS PURCHASES — PERTH PARKING LEVY

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

I have a supplementary question. Why did the Premier raise the Perth parking levy and then sit on \$17 million in surplus funds when the Perth parking levy is supposed to fund the CAT bus service, and to relieve congestion on that service?

Mr C.J. BARNETT replied:

I said that we would look at the CAT bus system. There have been proposals for extensions to the service—I think the City of Perth has made some suggestions—but the matter is with the Minister for Transport.

The SPEAKER: I call the member for Wanneroo.

Several members interjected.

The SPEAKER: Thank you, members! Member for Pilbara, I formally call you to order for the first time today. I have given the call to the member for Wanneroo.

STRAWBERRY GROWING INDUSTRY

192. Mr P.T. MILES to the Minister for Agriculture and Food:

The minister is aware that my electorate of Wanneroo is one of the largest strawberry growing areas in the state. Will the minister please inform the house how this government is supporting the strawberry industry, which is very important to my electorate, and how this support relates to biosecurity?

Mr D.T. REDMAN replied:

I thank the member for Wanneroo for his interest in this matter. Obviously, he has been an extremely strong advocate for strawberry growers in his electorate. He has phoned me and met with me on a number of occasions to highlight the challenges faced by a number of people in his electorate. He has effectively lobbied to ensure good outcomes for strawberry growers in particular.

Strawberry growing across the state is worth about \$50 million a year, which is certainly not insignificant, and the Liberal–National government wants to support strawberry growers to ensure their wonderful product is grown in Western Australia. It might not be known to the house that 95 per cent of the runners used by Western Australian strawberry growers come from the eastern states, and in particular from a strawberry growing cooperative in Toolangi, Victoria. Runners have been sourced from there since about 1960. However, that is not the issue. Members may recall that late last year I highlighted that Western Australia had been declared free of potato cyst nematode. I think that was the first time anywhere in the world that such a declaration has been made. As we source strawberry runners from the eastern states, the challenge is to have protocols in place to ensure that no PCN is brought into Western Australia. There was some risk, and for a short while we stopped bringing in strawberry runners from the eastern states because of the risk of attached soil affecting our potato cyst nematode–free area status. The outcome was that a close look at that challenge was needed. Between the member for Wanneroo, the growers in his electorate, the Department of Agriculture and Food and the Department of Primary Industries in Victoria, we have come up with a protocol to ensure that we can still import the strawberry runners, which are very important to the industry in Western Australia, and particularly to the electorate of the member for Wanneroo, while maintaining our PCN-free status. It took some time to achieve that declaration, and we want to protect that status because it is important to the export of potatoes from this state. This is a significant outcome. The member for Wanneroo has led that charge. We achieved a good outcome for growers in his area, while protecting other industries in the state for which area freedom from certain diseases is important.

I also refer to the management of the Queensland fruit fly. The member for Collie–Preston highlighted flies. He took the time to put out a media release, but he put it out on the back of a question that he put on notice: he asked me how much I had cut from the Queensland fruit fly program. I said —

Point of Order

Mr M. McGOWAN: We have a very truncated question time. The question was about strawberries, and the minister is now going into another subject area. I ask that he be sat down so we can get onto another question.

The SPEAKER: There is no point of order.

Questions without Notice Resumed

Mr D.T. REDMAN: Mr Speaker, I highlight that the question is about biosecurity, which is important to the state.

The member for Collie–Preston finds in a question on notice that the state government —

Several members interjected.

The SPEAKER: Thank you, members. Take a seat, minister.

Mr P.B. Watson: When you were in opposition, you did not make any press releases!

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

Mr P.B. Watson: Thank you.

The SPEAKER: Although I did not take the point of order from the member for Rockingham, I entirely understand his sentiment. I have given the opportunity for the Minister for Agriculture and Food to conclude his comments, not for people to continually interject.

Mr D.T. REDMAN: Thank you, Mr Speaker; I will try to wrap up my comments.

I raised the example of the Queensland fruit fly. One fruit fly was found in Highgate on 18 February, and the response has been quick. We were able to grant approval to eradicate and to control the outbreak in accordance with the Plant Diseases Act. A whole heap of inspectors moved in. We are now in a position that if we can remain fruit fly-free for eight to 12 weeks, we will be a designated area free of Queensland fruit fly. This Liberal-National government is certainly vigilant about biosecurity. The member for Collie-Preston needs to take a little closer notice of his questions on notice, because he got it wrong in his media release.

Several members interjected.

The SPEAKER: Before I give the member for Girrawheen the call, I formally call to order the member for Albany for the third time and the member for Forrestfield for the first time.

POLICE ASSISTANCE CENTRE — TELEPHONE CALLS

193. Ms M.M. QUIRK to the Minister for Police:

I refer to the police assistance centre, at which, in the last quarter of last year, 4 000 calls for police help went unanswered each month.

- (1) When was the minister first informed of this situation?
- (2) What resource request has been made to the minister?
- (3) What is the minister's plan and deadline to restore functionality at the call centre, thereby ensuring that those who need police assistance have their calls answered in a timely fashion?

Mr R.F. JOHNSON replied:

- (1)–(3) The member for Girrawheen tends to mislead the public—along with her coffee club friend who she meets regularly now. I am not quite sure whether he has become her unofficial media adviser or whether the member has become his unofficial research officer. I am not quite sure which way it works. It is one way or the other.

Ms M.M. Quirk interjected.

Mr R.F. JOHNSON: The member for Girrawheen issued a press release last night, before the matter even appeared in the newspaper.

Several members interjected.

Mr R.F. JOHNSON: Obviously, her new little coffee club is working very well! It may be a bit unhealthy, but it is working very well.

Ms M.M. Quirk: Who is my friend in the coffee club? Name names!

Mr R.F. JOHNSON: The member knows his name. She sees him regularly.

Ms M.M. Quirk: Who is this? You name him.

Mr R.F. JOHNSON: The member has cappuccinos in her little coffee club with her very good friend now.

Ms M.M. Quirk: Which one? I have lots of them.

Mr R.F. JOHNSON: The member knows who I am talking about. I am sure anybody with any commonsense will work out who it is.

Several members interjected.

The SPEAKER: Thank you, members.

Mr J.R. Quigley: This is a minister who knows nothing and says nothing.

Mr R.F. JOHNSON: There is the vainest person I have ever come across. Who wants to see his body on *Australian Story*? No-one does. It was quite obscene. There he was shaving his head in full view of the people who walk along West Coast Highway. It was a revolting sight. I will not let my children watch it! Disgraceful!

Several members interjected.

Mr R.F. JOHNSON: Talk about a reconstruction! It was more amusing than *Home and Away*!

Several members interjected.

Mr R.F. JOHNSON: It was absolutely disgraceful. I have to tell members that I almost puked. My wife said, “Who is that disgusting creature?”

Mr B.S. Wyatt: Was that her sweet whisperings, minister?

The SPEAKER: Member for Victoria Park, I will formally call you to order for the second time. I remind members that question time will finish at four o'clock today. I am looking forward to the rest of the answer, minister.

Mr R.F. JOHNSON: Mr Speaker, I got distracted by a bit of interjection. My wife was taken quite ill after seeing that program. She was very upset. I certainly will not let my children see it. In fact, I will not watch the second part of the program. Talk about reconstruction!

Point of Order

Mr M. McGOWAN: We have a limited question time. The question was about the very serious issue of 4 000 calls going unanswered every month from people trying to reach the police. All we would like is an answer to the question.

The SPEAKER: I believe the minister is going to answer the question.

Questions without Notice Resumed

Mr R.F. JOHNSON: I am certainly going to answer the question now. I was digressing because I was interjected on. The member for Girrawheen knows, and so does her good mate, because he was given the information —

Ms M.M. Quirk: Who are you talking about?

Mr R.F. JOHNSON: I am talking about the member's coffee club friend.

Ms M.M. Quirk: Name names.

Mr R.F. JOHNSON: The member works hand in hand with him now. She has an unholy alliance. The member knows that those calls were not unanswered. Those calls were from people who phoned and then decided to put the phone down.

Ms M.M. Quirk: They gave up.

Mr R.F. JOHNSON: Some may have given up because they did not want to wait. People are put in a queue. Assistant Commissioner Michelle Fyfe gave a very good answer this morning. Those calls are designated as abandoned.

Mr E.S. Ripper: Do you find that acceptable? Do you endorse that?

Mr R.F. JOHNSON: I am answering this question, not the Leader of the Opposition. The member for Girrawheen and her mate misled the public of Western Australia. He was given a full explanation of what was happening. It was quite clear that the calls were not unanswered.

Mr J.R. Quigley: We don't have crime in Western Australia because we don't answer the calls!

The SPEAKER: Member for Mindarie, perhaps you did not listen to what the leader of opposition business had to say. The fewer interjections we have, the better the opportunity for ministers to answer questions in this place. I formally call you to order for the first time today.

Mr R.F. JOHNSON: There are no calls that I am aware of that are unanswered. That was misleading. The member for Girrawheen knows full well what happens when people dial 131 444. But what did we get? We got another press release. Once again, the press release came out before the story was even published in the paper! I wonder how that happened—at her coffee club meeting?

Ms M.M. Quirk: Especially when I was in here dealing with the CHOGM legislation!

Mr R.F. JOHNSON: Yes, I know. The member is not concentrating on Parliament; she is concentrating on issuing more press releases. She has no regard for the environment! The member for Girrawheen knows quite well that no calls are unanswered.

Ms M.M. Quirk: I know nothing of the sort.

The SPEAKER: Member for Girrawheen!

Mr R.F. JOHNSON: The member has been to the call centre. I gave her permission to go to the call centre. She wanted to go there for a day, but I said that she was not going to disrupt the call centre for a day; the staff absolutely did not deserve that. I said that I would agree for her to go to the call centre for two hours so that she could see what happens there. What has happened since she has been to the call centre? There has been all this bad and untrue publicity. She knows full well that no call goes unanswered. People are given options. People

phone 131 444 for all sorts of reasons. They call that number for information on flood victims or family members in Queensland, for instance. They are given a number. If there is a fire, they have to ring 000. People should phone 000 for urgent calls to police. There are all sorts of calls to 131 444. The member knows that and I know that.

Ms M.M. Quirk: Why has it tripled in a year?

Mr R.F. JOHNSON: It is totally untrue to say that the calls are unanswered. The member knows that and her mate knows that, but he did not bother to put that in the paper and she did not bother to put it in her press release.

Ms M.M. Quirk: Because I know nothing of the sort.

Mr R.F. JOHNSON: Yes, the member does. She has been to the call centre and she knows the truth. He must have shown the member my comments. He did not print any of my comments, which explained it in clear detail. I got a one-liner that was totally unrepresentative of what I said.

Ms M.M. Quirk: What are you talking about?

Mr R.F. JOHNSON: The member knows exactly what I am talking about.

Ms M.M. Quirk: Why don't you name names?

Mr R.F. JOHNSON: It is the member's new-found friend, her close confidant, her coffee club friend. The question is wrong.

Ms M.M. Quirk: When did you find out, what are you doing about it and what's your plan?

Mr R.F. JOHNSON: I have been discussing these issues with the police for some time now. We had some problems in January and we are trying to address them. The police are employing more people for the call centre. We are looking at expanding the call centre because we are running out of space.

Mr F.M. Logan: You're flailing, minister.

Mr R.F. JOHNSON: No, we are not. Not one call goes unanswered, so the member should apologise for misleading the public of Western Australia with her worthless press release. What are we doing about it? We are doing whatever we need to do to make sure that the call centre runs well.

POLICE ASSISTANCE CENTRE — TELEPHONE CALLS

194. Ms M.M. QUIRK to the Minister for Police:

I have a supplementary question. Does the minister think it is acceptable that call centre operators are driving home fatigued due to the inflexibility in current rostering arrangements?

Mr R.F. JOHNSON replied:

I cannot take anything that the member for Girrawheen says as a truthful reflection of the facts. I have found that to be the case many times. Her press releases bear little resemblance to the truth. To be perfectly honest, the police care for their employees and they do everything they can to make sure that their employees suffer no stress. There are times when there is stress—obviously, when they get overloaded with work. In the months from October to December, which is the hot time of the year, the number of calls goes up. The call centre has been a victim of its own success. Forty per cent of the calls to the call centre are from four of the regional areas. People in those areas have direct access now. Rather than trying to get through to a small local police station, people are directed to the call centre and they get a much quicker response. The member knows that, and I know that she knows that.

Ms M.M. Quirk: But why has it tripled in a year?

Mr R.F. JOHNSON: That is not the case at all. Those people ring off for whatever reason. Some of them ring off because they get the message that their call will be monitored and recorded. Some people do not like that and so they ring off. The member knows that and I know that.

VOLUNTARY ALCOHOL BANS — REMOTE COMMUNITIES

195. Mr I.C. BLAYNEY to the Minister for Racing and Gaming:

The success of voluntary alcohol bans in remote Western Australian communities is now well documented. However, the true effectiveness of this initiative will depend on continued momentum in new communities seeking alcohol bans and whether the bans already implemented prove to be sustainable. Could the minister please update the house on this important issue?

Mr T.K. WALDRON replied:

I thank the member for the question. It is a good question, because we need to keep asking ourselves about the sustainability, and I will comment on that in a little while. I have spoken on this topic quite a few times in

Parliament, and I intend to keep doing so. It is an important issue for the government, for me as minister and for every member of the house.

An opposition member interjected.

Mr T.K. WALDRON: I will talk about that because it is a good point.

On 18 August last year I informed the house that I had agreed to implement total alcohol bans in the Pilbara and western desert communities of Punmu and Irrungadji. I am pleased to report that, since then, three more additions to the family of communities that have sought my assistance to implement section 175 alcohol bans have taken place. It brings the total number to 15 communities across the state. These three new communities are the western desert community of Kunawarratji and the West Kimberley communities of Pandanus Park and Looma. I reiterate that this is not a rubber-stamp exercise, and I will talk about that a bit more in a moment. The point that was raised was about resources. For these initiatives to work, they require support from the local police and the local community, as well as from other local support agencies. We have some pretty good support services in place, but we need to keep monitoring them. Over the past few months I have been meeting with my ministerial colleagues in this area, and I know that they are focusing on this area. I am confident that we will continue to improve these support services.

Last week when I visited the area, I was accompanied by Dean Holder from the Broome branch of the Department of Sport and Recreation. I wanted him to understand what we are trying to do in these communities and to look at what we can do through the sport and recreation portfolio, as well as through working with Garnduwa, which delivers sports development across the area. It is probably something that I should do more of with other agencies. We always have the Drug and Alcohol Office with us, but it is a good step to take the Department of Sport and Recreation.

Mr M.P. Murray: Is it true that 600 people have left Halls Creek since those bans have been put in place?

Mr T.K. WALDRON: What tends to happen is that people move; I have always said that. If an alcoholic really wants alcohol, they will sometimes go to extreme measures to get it, and that has been proven in Alice Springs, which I monitor very closely. Quite a lot of people move and then come back. I noted in the member's press release, which I thought was quite good, that he acknowledged that he supports the bans. I hope he does support them, because they are showing a success rate.

When we go there, it is not perfect. This initiative is not perfect, but it certainly provides that circuit-breaker and enables local leadership to play that role. When I go there and look at the kids and talk to the schoolteachers and the mums in particular, I am once again inspired to keep doing what we are doing, but it has to be done working with them. The member raised in his press release an incident last Friday at Bayulu, which is one of the communities that we made alcohol-free. There was an incident, but that was from people who were drinking elsewhere, not in the community. If people were still allowed to drink in the community, that would be happening more often. What we are doing is very important.

SKILLED LOCAL JOBS BILL 2011

Second Reading

MR E.S. RIPPER (Belmont — Leader of the Opposition) [4.00 pm]: I move —

That the bill be now read a second time.

Despite the Premier's best endeavours to characterise it otherwise, Western Australia is sitting on the cusp of another resources boom. Already our resources sector has an annual output of over \$90 billion, with that figure set to increase significantly as our iron ore industry expands and our vast natural gas reserves leave us poised, in the Premier's own words, to become the "Saudi Arabia of natural gas". The rapid expansion of WA's resources sector is also evidenced by a staggering \$250 billion of further resources industry investment in the pipeline. This extraordinary level of growth delivers the responsibility to policy and decision makers to ensure that Western Australia retains this economic value into the future.

The resources that are being exploited within Western Australia are mostly non-renewable, and it is entirely reasonable for local workers and businesses to expect a correlating improvement in their economic and financial status. Without effective political will to ensure that Western Australians are employed, utilised and engaged in the resources sector, the economic boom will not improve the standards of living or skills base of the state to a commensurate level. There is no doubt that our vast mineral and petroleum wealth presents a once-in-a-lifetime opportunity for our state and its people. Western Australians are proud of their contributions to the national economy and I believe they should expect to share in the wealth generated by their resources.

While many like to speak of resources development and boom conditions as though they are intrinsically positive occurrences, the opposition believes that the government of the day must ensure these investments maximise the benefits of our vast natural resources first and foremost for the people of Western Australia. The

resources that provide so much of Western Australia's current prosperity belong to all Western Australians. I believe governments should be judged on how well they can leverage the economic boom into benefits for the entire population. Management of a rapidly expanding economy requires the government to stand up for WA jobs and WA businesses so that they have an opportunity to share in that prosperity.

It is quite clear that Premier Barnett and his government are failing on this front. In 2009 when signing off on the \$43 billion Gorgon project, the Premier boasted that WA workshops would be full for years on the back of the vast steel fabrication works required for the project. Workshops are full with work from Gorgon, but those workshops are not located in Western Australia. Just this week *The 7.30 Report* detailed the case of Kwinana's GF Engineering, which has reduced its workforce from 75 to 25 in the past 18 months. The millions of dollars of equipment in which GF Engineering invested to gear up for the work the Premier promised is now sitting idle.

It is not only steel fabricators who are being let down by the Premier's broken promise and failure to stand up for WA. The story is just as dire with Western Australian's engineering and drafting firms. Work on WA's projects is almost exclusively being done in London, Houston, Yokohama and Singapore. Talented young engineers are leaving WA, not because they want to, but because they cannot get a job here at a time when WA requires some of the most lucrative engineering and design work in the state's history. Western Australians are doing the engineering and drafting work on these projects, but they are not doing it in Western Australia. Engineers tell us that if it is not designed here, it will not be built here. That is why we need to give information and opportunities to WA firms right at the beginning of the supply chain. All Western Australians should share the construction industry's concerns that prefabricated buildings, right down to the concrete footpaths, are being shipped over and slotted in without any involvement from the local industry. How does the Premier respond? He tells WA businesses to do more to win the contracts, despite signing an agreement preferencing Chinese business over our WA workforce for the massive Oakajee development. The Premier says he cannot step in when project proponents let tenders for their projects that disadvantage Australian firms because they are based on overseas specifications and standards.

As local businesses go to the wall, the Premier takes a tour of the empty fabrication workshops. As youth unemployment doubles over two years, he says the situation will work itself out. I say that attitude is just not good enough. The people of this state deserve a Premier who will stand up for them, not one who sits on his hands and refuses to act. Leadership is not about taking a stand when it is politically convenient. It is about doing what is right no matter the circumstances. When the Premier says he will not step in between private companies doing deals, he fails to acknowledge that these deals are being done for the rights to Western Australia's sovereign property and that the Western Australian government has a right and responsibility to set conditions on how those resources are used.

The Premier and some people in industry seem to be saying that Australian and Western Australian firms do not have the skills and understanding to undertake complex engineering and manufacturing work, and hence the work is done overseas. This is defeatist nonsense. I point out that scarcely one single major defence procurement in Australia has taken place in the last 50 years without substantial high-tech local content. F111 and FA18 fighter jets, weapons systems for destroyers, submarines and other technically complex projects have been and continue to be delivered by our skilled Australian workers. If successive Australian governments using consolidated revenue can continue to make this happen, so can transnational companies spending shareholders' funds.

Local industry needs certainty and our Skilled Local Jobs Bill will set up a framework for that certainty. It will force the government to take responsibility and stand up for WA jobs and WA businesses and provide local businesses with the information they need to compete and participate on a level playing field. The short-term effects of a failure to improve local participation in the resources sector, particularly from the supporting industries that provide fabrication and modular construction, will leave local businesses desperately short of high-quality projects to keep their workforces utilised and well skilled. The situation erodes the skills base of the Western Australian workforce when compounded over the longer term. If Western Australian businesses are denied the ability to provide locally manufactured content, which in turn utilises local skilled labour, the local fabrication and modular construction industry will lose the critical mass to innovate and justify a concerted investment in training.

The Skilled Local Jobs Bill seeks to improve the capabilities across Western Australia's skill base in the engineering, manufacturing, fabrication and construction sectors. Not only does the Skilled Local Jobs Bill seek to highlight the government's endeavours to ensure Western Australia "makes" things, it also necessarily seeks to ensure that the conception and design of these projects are retained in Western Australia. This bill requires skilled work provisions to be inserted into all new state agreements, making it incumbent on the government and project proponents to be up-front with the people of Western Australia about the circumstances in which resources are extracted and sold. Where a state agreement is not required, a stand-alone skilled work agreement will be tabled in Parliament and thus made publicly available. Clause 3 of the bill defines the scope of the projects that will require a skilled work agreement. Aside from the original resource extraction, projects

requiring a skilled work agreement will include downstream processing, as well as the infrastructure required to transport the resources. The bill also covers electricity generation and transmission. These are the defining projects of our resources boom and the projects that the Western Australian public has a right to know about.

Also contained in clause 3 is a definition of the types of skilled work that need to be covered in a skilled work agreement. Engineering, design, drafting and fabrication are the skilled work areas that Western Australia must retain in order to keep and expand a diversified economy, and they are the key areas that WA businesses need certainty on.

Clause 6 of the bill outlines the principles that must guide the minister and the government in getting the best deal for Western Australia. These are the principles that must guide the government if we are to move beyond the dig-it-up-and-ship-it-out economy. The clause refers to long-term viability, the expansion of a skilled workforce and the future economic diversity of our state. At present, we are going backwards in developing our secondary industries and it is not going to change with a business as usual approach. In deciding whether to support this bill, the government needs to ask itself: Do we pursue economic diversity or do we want to lock in a two-speed economy? Do we want to leave a strong legacy for our children and future generations or merely holes in the ground?

Clause 7 of the bill shows what each agreement must contain. Young Western Australians should know how many apprenticeships are created through development of their resources projects. Western Australian businesses should know if and why Australian standards and specifications will not be used when they try to secure work on major projects. Western Australian employee groups should have a right to know how many jobs will be created through these projects. Every Western Australian deserves to know how the boom will benefit them and the WA economy. Although the bill specifies certain terms that must be included in skilled work agreements, the terms covered in clause 7 are not intended to be an exhaustive list. The opposition sees a role for other areas to be included over time, such as Indigenous employment participation and benefits. If the government supports this bill, there is nothing stopping it including the entire gamut of the social and economic benefits that will flow from the development of Western Australia's resources.

There has also been much speculation that our bill would include mandating levels of local content. The opposition does not support this concept. What we do support is transparency and openness with the Western Australian people about how the government is working for them to maximise their economic and social dividends. WA people own the resources and have an absolute right to know how they are being used. The information contained in these agreements will provide the certainty and honesty that Western Australians need to maximise the benefits of the boom. We need long-term vision and leadership for the state, not a continuation of the same old dig-it-up-and-ship-it-out mentality we have seen in the past. Western Australia has one chance to maximise value from each tonne of exported iron ore and one chance to maximise value from each cubic foot of exported natural gas. This bill is about making a choice on how we leverage those resources into a lasting benefit for the state. The system is broken and it will not be fixed by itself. This bill provides the first step for getting it right. I commend the bill to the house.

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

INFRASTRUCTURE INVESTMENT — POPULATION GROWTH

Motion

MR E.S. RIPPER (Belmont — Leader of the Opposition) [4.14 pm]: I move —

That this house condemns the Barnett government for its failure to invest in basic infrastructure across Western Australia, in particular its failure to purchase additional trains and buses or to construct new roadworks to keep up with population growth.

There is a basic comparison that underscores the importance of this motion; namely, in this current four-year period, based on the government's own budget papers, the government will spend \$1 billion less on road and rail than the previous Labor government spent in this area in its last four years. There is \$1 billion missing from the necessary investment program in road and rail in Western Australia. This missing investment has consequences every day for our people.

On Monday this week I went to rail stations on the Joondalup line. We had petitions for commuters to sign urging the Barnett government to order immediately 30 additional railcars. I must say that the petitions were very enthusiastically received. Despite the fact that the government, after sitting on them for five months, had put 12 additional railcars onto that line, there was still crowding on the trains. There was still great enthusiasm from commuters for signing our petitions, and why would there not be? They know that those 12 additional railcars are only a stopgap, a bandaid, measure. It is appalling that the Minister for Transport was so out of touch with his own portfolio and the needs of the citizens of Western Australia that he did not know that those trains were in the warehouse. How appalling is it that the minister is not on top of his own portfolio and just did not

know? It begs the question about the conversation that obviously did not occur between the former failed transport minister, Hon Simon O'Brien, and the new transport minister, the member for Vasse. Surely, the former failed transport minister would have been advised that these railcars were arriving. Surely, when he took over the portfolio there would have been an incoming briefing to tell him about the order for these new railcars. Surely!

Mr F.M. Logan: Member, he's not even here!

Mr E.S. RIPPER: The member for Vasse is not even in the house to answer this question or to explain this situation. Perhaps he will come into the chamber later in the debate. Actually, we do not have a single minister of the government concerned enough about congestion on our trains —

Several members interjected.

Mr E.S. RIPPER: Sorry, we do have one minister; we have the Minister for Culture and the Arts! He is sitting in the second row. There is not a single government minister on the front bench who is prepared to listen to and debate these issues.

I am amazed that the Minister for Transport did not know about those railcars. I am amazed at the lack of communication between the minister and his own agency. I am amazed at the lack of communication on this particular question between the two Ministers for Transport that this government has had. Nevertheless, the government opened the warehouse, noticed the railcars and put them onto the system, but it is only a bandaid. Quite clearly, the railcars were crowded despite the additional railcars on the system at peak hour, and it will only get worse and worse. As I stood on the platform, I looked at the congestion on the Mitchell Freeway. I am a member for the eastern suburbs, I am the member for Belmont, and so I do not often get on the Mitchell Freeway at peak hour. The level of congestion on that freeway is staggering. Naturally, people will want to move off that freeway and onto the trains if they can, and they will particularly want to do that if the price of petrol rises. Is there a chance that the price of petrol will rise quite significantly? If the value of the Australian dollar changes and there is more trouble in the Middle East, there could quite easily be a significant spike in the price of petrol. That will bring a big spike in demand for public transport and that will compound the situation in which the government has already been caught out. We made an election promise in September 2008 to order 30 new railcars if we were elected. The government did not match that promise. The government should have matched that promise. I am sure that when the government came in, it would have had advice from the Public Transport Authority that such an order was absolutely vital. I will be interested to see whether the government will deny it got advice from the Public Transport Authority straight after the election that an order for 30 new railcars was absolutely urgent.

Commuters have been experiencing increasing difficulty for the last two and a half years as a result of the government's failure to order those 30 new railcars, and commuters will continue to experience more difficulty into the future. This will be an albatross around the government's neck. Every day for the next two years and more, the government is going to wear the pain of its failure to meet the need of commuters on our urban rail network. It takes two years from when the government places the order until the first trains arrive, and the government has not yet placed the order! Members on the back bench should know that they have at least two more years of pain from the urban rail network congestion if the government places an order this afternoon. Judging from the Premier's response, and the Premier's and the minister's absence from this chamber, the government has nothing constructive to say in this debate, so I doubt that we will see an early announcement of the government ordering those 30 new railcars.

The member for Wanneroo has been absolutely weak and spineless. He has not stood up for his constituents. He has let his constituents down. He has not been able to get his government to deliver for the northern suburbs with the order of 30 new railcars.

At last the Minister for Transport arrives! I ask the minister to reflect, and when he responds he might like to tell us what advice the government got from the PTA on the government taking office. I have asserted, on the basis of my experience in government, that the government would have had advice from the PTA to order those 30 new railcars. I would like to know why the government rejected that advice. The minister was certainly in a position to know about this. Even though he was not the Minister for Transport at the time, he was the Treasurer. The minister might like to reflect on that and perhaps even check his records and be prepared to answer that question when he rises to his feet.

The government has also failed on the issue of buses. When the Minister for Transport brought down his first budget as Treasurer, it was remarkable, looking into the forward estimates, to find that the government had completely cut the bus replacement program. We had a dishonest budget with the government pretending that there would be no need in the forward estimate years to purchase replacement buses. I raised that in my reply speech to the 2009 budget—this complete fudge; this completely misleading dishonesty in the budget papers, with the government pretending there would be no need to purchase replacement buses. Later on the government

announced with great fanfare that it had signed a 650-bus contract for 10-year delivery of replacement buses. When we deconstructed all the fanfare, we found this was the restoration of the traditional bus replacement program at 65 buses a year that the government had taken out of its financial plan in its very first budget. The plain fact is that 65 buses a year will not do the job. They are simply replacement buses; they are not additional buses. We have suburb after suburb on the outer fringes of the metropolitan area now without any bus service or with inadequate bus services. To the extent that new suburbs are getting bus services —

Mr T.R. Buswell: How much did you expand the bus network by?

Mr E.S. RIPPER: To the extent that new suburbs are getting bus services —

Mr T.R. Buswell: You didn't spend a cent on buses.

The ACTING SPEAKER (Mr P.B. Watson): Minister, you have the opportunity to reply.

Mr E.S. RIPPER: You are a failed minister, make a speech! Let me advocate on behalf of the citizens of the outer metropolitan area and do not interrupt me as I put their case.

Mr T.R. Buswell: I will interrupt you because you're wrong!

Mr E.S. RIPPER: If you have something to say, you can say it later!

The ACTING SPEAKER: Minister, I call you to order for the first time. I warned you.

Mr E.S. RIPPER: If the minister has something to say, he can say it later and not prevent me from speaking or harass me as I try to present the case for the people of Western Australia who deserve a decent public transport system. The minister insults them and their concerns if he interrupts and interjects in that way.

New or expanding suburbs will get additional bus services only at the expense of existing bus services in other suburbs. The government will rob Peter to pay Paul as the metropolitan area's population grows and as new suburbs come into existence. That is the meaning of 65 buses a year. They are replacement buses. As a result of the government's lack of investment, there will be no effective expansion of the public transport system. People will not only face congestion on the trains, they will face a complete absence or deterioration of bus services where those are the public transport services available to them.

We have significant population growth. We have growth in service kilometres on the buses, which is much less than that population growth, and we have a decline in service kilometres on the rail system. The situation is plain: population growth is outstripping growth and service kilometres on the buses; meanwhile, there is a decline in service kilometres on the trains. This is part of a pattern. The pattern is that this government is much more interested in investing in the headline pet projects of the Premier and the Minister for Regional Development than it is in investing in the basic core infrastructure that provides the services that the people of Western Australia need. We have a focus on Oakajee. We have the Premier's self-indulgence of the "palace on the hill" for the Premier's office, at the same time as we have lack of investment in new railcars, lack of investment in additional buses and lack of investment in roads. The pattern does not apply only to transport. We have lack of investment in our electricity network.

Members can compare the three-year program in the government's budget papers with the three-year program of efficient investment approved by the Economic Regulation Authority. Quite frankly, there is a \$500 million gap between the level of investment that the Economic Regulation Authority says is efficient for the network and the level of investment that the government is actually funding. If members go to the budget papers and to the ERA's draft decision, they will find a similar situation with Horizon Power, which has a prospective \$300 million gap between the efficient level of investment recommended by the ERA in its draft report and what is in the budget papers.

The ACTING SPEAKER: If members want to have a conversation, can they please go outside.

Mr E.S. RIPPER: We have that lack of investment in public transport, lack of investment in roads and lack of investment in the electricity system. I believe that the government is trying to avoid massive investment in the water system. I think that the government is facing an urgent submission from the Water Corporation, quite possibly with regard to two summers: how to deliver sufficient water in the next summer and the summer immediately before the election. I believe that the government will receive submissions from the Water Corporation for emergency measures to deliver more water in the next summer period and to fund an expansion of the Southern Seawater Desalination Plant at Binningup. It will be interesting to see how the government responds to these issues. Will the government face up to its responsibility to fund basic core infrastructure or will it reserve its scarce financial capacity for the Premier's pet projects and for the pet projects of the leader of the National Party? This is what has been going on. The Premier has been focused on those pet projects, while ignoring basic core infrastructure. The other way that the Premier has been funding his pet projects is by quadrupling state debt, and he is now projecting state debt to grow to \$20 billion and beyond.

Mr Speaker, there is a real problem here. The government has not faced up to its basic responsibilities in funding core infrastructure, and pain is now being borne by commuters on the urban rail network. It is likely that if the government continues to adopt this pattern of behaviour, the pain will be faced by electricity customers, by people in danger from a fire caused by the electricity system, by people who want to use the water supply to have nice-looking gardens in Perth and by people who seek to get about the metropolitan area by car but face congestion at unexpected places at unexpected times of the day as a result of government's failure to invest in the road network.

The public transport issue is bad enough in itself. It is causing serious concern among people who ride on the trains. It is an example of government lack of foresight, government lack of commitment and government lack of planning for the future, but it is also the tip of the iceberg; it is an example of a broader problem of a government that has tried to focus on sexy headline pet projects while ignoring its responsibilities to fund basic core infrastructure that the people of Western Australia need so that they can go about their lives with amenity and with convenience.

The opposition will have a lot of speakers on this motion, because a lot of our members are getting complaints from their constituents about the government's lack of investment in the public transport system. I want to go back to the statement I made at the beginning of my speech. There is one set of figures that really underlie the problem. In this four-year period this government is spending \$1 billion less on road and rail than Labor spent on this infrastructure in its last four years of government. That gap in funding will be a serious issue for the commuters of Perth, for the drivers of Perth and for the citizens generally as they deal with the impact of population growth and economic growth in the context of a government that has simply failed to face up to its responsibilities and has simply failed to plan for the future.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [4.32 pm]: I rise to support this important motion for the people in my electorate. Kwinana is a very good example of all that is going wrong with our transport system. On a daily basis I see a congested freeway, I see congested railcars, and I see commuters who are quite frankly fed up with the system which has been totally underinvested in. When I talk about a congested freeway, I am not talking about those sections of the freeway approaching the city. As members would know, the Kwinana Freeway is fairly well south on the freeway network. We are not talking about a section of the freeway that is approaching the city, where some early morning congestion would be expected. In areas such as the Russell Road and Gibbs Road exits and entry points, and of course up towards the member for Cockburn's area at Cockburn Gateway exit and entrance points, there is morning congestion day after day. Frankly, in a city that is looking to expand and to grow and to prosper into the future, it is unacceptable to have a freeway system that is so inadequate and is failing to cope.

We are not talking simply about the commuter traffic that might impact the roadways at about 7.30 am—that is, those people who are making their way to Perth. If members watch that section of the freeway at 6.15 am, they will see it is chock-a-block with utes, trucks, tradies and people working in the transport industry trying to get to and from jobs or to and from worksites. It is not simply a question of commuter inconvenience; it is a matter of economic infrastructure and the capacity of our freeway network to carry businesspeople to and from their point of trade.

I was approached by a number of people in my electorate; namely, one Mr David Johnson, who was absolutely irate about the amount of time he spends in his truck trying to get from worksite to worksite. Mr David Johnson is a tradie. He is a man whose livelihood depends on getting to and from jobs in a speedy and timely manner, and he is frankly fed up to the back teeth with a freeway system that is unable to cope.

I called some time ago for the government to examine the expansion of the freeway. We might not be looking at expansion from two lanes to three lanes in the immediate term, but we need to look, as a matter of urgency, at expanding the freeway at those bottleneck points, particularly around the Roe Highway exit and entrances. It is pleasing to see the government has responded in some way to the calls from me and from others and will undertake some work to at least expand the freeway at these bottleneck points. The fact of the matter is that this part of the freeway will continue to be busy into the future, and it will continue to carry a lot of local traffic. The fact of the matter is the government has to invest now to make sure that it can cope with the expansion into the future.

By far the greatest concern, I think, of people in my area is the manner in which the Mandurah railway line has become so quickly clogged, even though it was opened in quite recent times. I think it is telling that the minister was not even aware of the problem when it was raised in the media recently. In fact, the minister's immediate response was to say that people should get further down the carriage. That was his answer to the congestion in our public transport system. People moving down the carriage would somehow resolve a lot of the public transport issues that beset our community. That shows a complete lack of understanding but it also shows simply what a Liberal government is about—that is, a Liberal government is incapable of investing in this sort of transport infrastructure

Mr T.R. Buswell: What particular station is under stress at the moment on the Mandurah line? If I go out with you tomorrow, at which station will people be under stress? You told me you were experiencing it everywhere.

Mr R.H. COOK: I am happy to go into that, minister. If the minister could be a bit patient, I will come to that particular point.

The point I wanted to make is that Liberal governments do not lay rail. They do not lay rail; they never have. My earliest political memories growing up in Western Australia was the decision by the Court government to stop the Fremantle–Perth railway line. They are some of my earliest possible memories of politics in the state. It was closed by the Court government. The closure of the commuter public rail system was just part of its overall plan for closing railway lines right across the state. This government is no different. It is closing wheatbelt railway lines, which will have an immediate impact upon the road system in my electorate. I am told that up to 57 000 truck movements a year take wheat through my electorate to the Co-operative Bulk Handling site in Kwinana.

This government does not get rail infrastructure. It never has; it never will. It is coming into a bit of a new-age renaissance in its attitudes to rail infrastructure with the development of the Butler section of the rail line. But it is telling that it had to —

Mr C.J. Barnett interjected.

Mr R.H. COOK: This is the same railway line that the Premier privatised.

Mr C.J. Barnett: It needed investment, and this government put money into it. You didn't. You ignored the problem for eight years.

Mr R.H. COOK: The Premier privatised it, and in addition to that he is closing other railway lines. It will be interesting to see what the net impact is. This government is begrudgingly extending the public transport rail system to Butler only after pressure from Labor members in the northern suburbs. Of course, as usual, the member for Wanneroo was completely silent on these matters.

We see a complete lack of planning in relation to the public transport system. As we heard in question time today, the congestion on our public transport system at the moment is not due to the booming economy, as the Premier claimed yesterday; it is simply part of the ongoing increase in our public transport system. Growth is currently tracking at three per cent. During the former Labor government's time, we had four per cent growth in commuter numbers on the rail system. It is not a sudden expansion, it is not a sudden awakening and it is not a sudden congestion. This is just steady growth of commuter use of our train system. The congestion we see today is a failure by this government to invest properly.

Coming back to the position in Kwinana, as I said earlier, Kwinana is fairly early on in the commute from Mandurah to Perth. In my electorate I am lucky enough to have three train stations. I have the Rockingham, Wellard and Kwinana train stations. As I get on the train at Wellard station to come to Parliament, on a regular basis I am astounded to find—even at that particular point, anywhere from about 7.30 am onwards—I struggle to get a seat.

Mr C.J. Barnett: You should stand for old ladies; that is what a young fella like you should do!

Mr R.H. COOK: Old ladies are standing, Premier. That is the problem—they are standing from Wellard onwards. By the time people get on the train at Murdoch and Bull Creek, people are pushing each other and scrambling to get onto the trains.

Mr M. McGowan: You took Deidre's seat anyway!

Mr T.R. Buswell: We are very pleased about that.

Mr C.J. Barnett: She will get a chance; I will give it back one day!

Mr R.H. COOK: Not soon enough, Premier! This government has grossly underestimated —

Mr T.R. Buswell: Which station have people been left behind at?

Mr R.H. COOK: They have been left behind at Murdoch and Bull Creek. People have to stand, I assume, from Rockingham —

Mr T.R. Buswell interjected.

Mr R.H. COOK: To answer the question from the Minister for Transport, Premier, he asked: at what point have they been left behind? I am telling the Premier they have been left behind from Murdoch and Bull Creek onwards. People are standing from Rockingham onwards because they have to get onto trains that are already congested. At that point the train has only been through the Mandurah and Wambro train stations. We have a new rail network that should be operating at optimum efficiency. We have a new rail network built by a Labor government that has now been underinvested in by a Liberal government. This government should have continued the investment process begun by Labor in expanding the number of railcars on call; expanding the

number of railcars so we can expand the capacity of the rail system. This government talks about its plans to increase the capacity of the system to Butler. That is to be welcomed, but it has to come in concert with an expansion of the railcar capacity to make sure we have high-frequency trains delivering people to the city.

This government needs to get cars off the freeway. The only way we will get cars off the freeway, so we have a chance to meet the traffic demands on the freeway, is to make sure we have a public transport rail system capable of taking the increase in passenger numbers. We have a new rail system on the Perth–Mandurah line that is already struggling through underinvestment. It will continue to struggle for the next two years at least because that is how long it will take to bring extra trains back into the system. The question on everyone's lips, as we move to the final stages of this budget process, is: will the government put in the order? We know the government baulked at that order two years ago. We know it cut investment in our transport system two years ago. We now have an absolute crisis; a crisis in terms of expanding our public transport system and our rail networks. The question remains: will the government be up to the challenge? Will it accept the criticism from the public and now put that order in for extra railcars? Will the government understand? Will it hear the message from Perth commuters that it now has to put the order in, or will the government continue to underinvest in our public transport system?

I have a lot of tradies in my electorate who are screaming out for an expansion of our freeway network. I have a lot of commuters in my electorate who, when getting on the rail network in the morning, early in the piece, want a rail network that meets their needs, particularly during peak times. This government has let them down. It is important the government hears the message from commuters in Western Australia and starts to invest in our public transport system.

MS R. SAFFIOTI (West Swan) [4.45 pm]: I rise to speak to this motion about key infrastructure in our suburbs. This motion particularly relates to public transport and roads in our suburbs. As I have stated a number of times in this place, the north east corridor is a growing corridor with residents moving into the area every day. The Lord Street corridor, over the next five to 10 years, will be home to 33 000 new residents. Of course there is Ellenbrook to the north of my electorate which is currently home to 17 000 people. The wider area has about 25 000 people. It is a growing area that needs better public transport and better roads. It is an emerging issue that is being raised with me on a weekly basis. On Sunday, we saw the RAC survey on the most dangerous roads in the metropolitan area. Reid Highway and Gngara Road, two key east–west connecting roads in my electorate, were two of the three most dangerous roads as surveyed by the WA public.

Mr T.R. Buswell: Was that the survey of roads that people do not like?

Ms R. SAFFIOTI: Yes.

Mr T.R. Buswell: So it is not necessarily the most dangerous.

Ms R. SAFFIOTI: One of the reasons people do not like them is because they are dangerous.

Mr T.R. Buswell: I am not disputing it. I just wanted to clarify that.

Ms R. SAFFIOTI: Roads and public transport are key issues. Minister for Transport, one of the key questions we are asking is: where is the public transport master plan? That plan was promised by the minister's predecessor. For two and a half years we heard from Hon Simon O'Brien, the former Minister for Transport, that "it is coming". We still have not seen it. Minister for Transport, I would hate to be picking up a portfolio after him, but that plan is essential for the public to know where public transport is heading over the next 10 to 20 years. What we should see in that is the growth and capacity on our rail line and our bus system. We have spent one and a half years waiting. I think it was promised a year after the election. There has been delay after delay. We need to know what that plan is.

There are two key projects that I would like to know the future of: the first is the Ellenbrook rail line, a key election commitment given by the Barnett government; and the second is the Alexander Drive bus way, which I understand is a key project the government is looking at. I understand a feasibility study is being undertaken now. A feasibility study was done, but this is now the next stage—the detailed feasibility study to determine the route and key stops of the Alexander Drive bus way. We have not seen that public transport master plan. I know Hon Ken Travers, the shadow Minister for Transport, has been asking and asking about where this plan is. Like I said, minister, I would not want to be taking over from Simon O'Brien, as he hides train sets in sheds and things like that! We need to know where the public transport plan is. Maybe it is in the shed with the trains!

In the Minister for Transport's response, we need to know where the public transport plan is. Seriously, on the trains, I cannot believe that no-one raised, since December, that a few trains were sitting in the shed. I cannot believe that.

Mr T.R. Buswell: The busiest month of the year is March, according to the Public Transport Authority. The issue came to light in March, which is the busiest month, and we dealt with it.

Mr T.G. Stephens: When you were Treasurer, you made them put them in the bloody shed.

Mr T.R. Buswell: No, I didn't.

Mr T.G. Stephens: You did when you ordered them.

Withdrawal of Remark

The ACTING SPEAKER (Mr P.B. Watson): Excuse me; you will withdraw one of your comments, and you will stand when you withdraw.

Mr T.G. STEPHENS: I will stand and withdraw.

Debate Resumed

Ms R. SAFFIOTI: I cannot believe how it was missed in his briefings and that when he took over the portfolio no-one said, "By the way, we've got a few spare trains in the shed."

Mr P. Papalia: Get Frankie onto it; he's got some friends in public transport.

Mr P. Abetz interjected.

Ms R. SAFFIOTI: They do not service Aveley.

Several members interjected.

Mr F.A. Alban: What did your government do for the previous eight years? I inherited a bus system that was the most disgraceful in the metropolitan area.

Several members interjected.

The ACTING SPEAKER: Members, can we get back to the motion please?

Ms R. SAFFIOTI: The member for Swan Hills said in August last year that the service was "equal to the best available in the Perth metropolitan area". He did not realise that half the area—the suburb of Aveley—did not have a bus service. It took the local government member three months to realise that Aveley did not have a bus service.

Mr F.A. Alban interjected.

The ACTING SPEAKER: Members! I call the member for Swan Hills to order for the first time.

Ms R. SAFFIOTI: The member said in August that it was the best bus service ever.

He had not realised that Aveley did not have a bus service. A few months later he said, "Oh, well, look, if the community wants a bus service, we'll try to get one." Please—he cannot say it is a world-class service and three months later realise that half his electorate does not have a bus service.

I want to put on the record my thanks to the Minister for Transport for the reinstatement of the Orchid Park bus stop.

Mr T.R. Buswell: Where's Mabel? I thought you were going to bring her to lunch. You were happy to bring her in until I said it would be your shout. You, I and Mabel were very close to a date!

The ACTING SPEAKER: Members! Let us get back to the motion, please.

Mr T.R. Buswell: Get Mabel in.

Ms R. SAFFIOTI: I will bring in Mabel and we will have a lovely lunch; she is a lovely woman.

Back to public transport throughout the area.

Mr D.A. Templeman: How old is she?

Ms R. SAFFIOTI: I will not pass any comment. As we have said, there is no funding in the budget to increase the number of buses. The budget is the key. There is a replacement bus program but there is no provision in the budget for additional buses. As we grow and more people move into the outer suburbs, we need extra capacity. Currently, a lot of areas throughout the outer suburbs are poorly serviced. We need additional services. As we have noted, we talked about the buses throughout the suburbs, particularly the suburbs in my electorate of Ballajura and Henley Brook and, of course, West Swan Road, on which currently no off-peak buses run. Basically, the connection between Ellenbrook and West Swan Road to Midland is not good enough. Older people living on West Swan Road who need to go to a doctor or to access government services are not able to do it by public transport. To do so means they have to spend the whole day in Midland because there are no off-peak buses. We have lobbied for an improved service on West Swan Road.

Mr F.A. Alban: That's not true; they can go to Bassendean train station and travel back to Midland. Every 10 minutes they can go from Ellenbrook to Midland and back.

The ACTING SPEAKER: Member for Swan Hills, if you want to make a statement, you can get up after and make a comment. I call you to order for the second time.

Ms R. SAFFIOTI: If the member for Swan Hills believes that the bus service on West Swan Road is sufficient, that is his view, but it is not the view of people who live on West Swan Road.

The issue of east–west connecting services is raised with me constantly. It is about how we can connect our suburbs to the train line, and through Hepburn Avenue–Gnangara Road systems. As I meet people in Landsdale in particular, I hear stories of people whose sons and daughters live in Malaga and are unable to access those roads by public transport. I believe there is a strong need for an east–west connection through that area for people in Landsdale, for example, who want to connect to Kingsway Shopping Centre or to the train line. It is an issue some of my colleagues will raise. We need east–west connecting bus services to give people the option to use public transport. As petrol prices continue to increase, people need an affordable way to move around the suburbs and into the city, and public transport is the best way.

As I said, two major public transport initiatives have been talked about by the current government: The Alexander Drive bus way, which would benefit greatly my electorate, particularly the people in Ballajura. It would give them a fast, direct connection. I understand that that is currently being looked at. Of course, there is also the Ellenbrook rail line. A time frame for the government’s commitment needs to be shown in this budget. It was a key election commitment. If the government wants to say it will not build that rail line, this is the place to do so. It is no use saying, “We did not commit to this time frame” or “We did commit to this time frame” or whatever. Just make it clear to constituents.

Mr C.J. Barnett: You be clear: is Labor committed to it?

Ms R. SAFFIOTI: Is the government going to build it? When is the government going to build it? It is the Premier’s commitment to begin construction in 2012. He is in government. “We’re in government”, as he says all the time. He should start building it in 2012.

Mr T.R. Buswell: Who said that?

Mr C.J. Barnett: No-one has ever said that.

Ms R. SAFFIOTI: Yes, you did.

Mr T.R. Buswell: No, we didn’t.

Ms R. SAFFIOTI: The Premier should look at the financial plan released during the election campaign.

Mr T.R. Buswell: I wrote it, and guess what? It all added up.

Ms R. SAFFIOTI: The Minister for Transport should have seen the look the Premier just gave him! Hansard must record “Dirty look by Premier to Minister for Transport” for mentioning the financial plan.

Mr C.J. Barnett: The commitment we gave in the election campaign was that we would look at that as a second-term option.

Ms R. SAFFIOTI: No, he did not. He matched our election commitment.

Mr C.J. Barnett: That is exactly what I said repeatedly on television.

Ms R. SAFFIOTI: The Liberal Party said it would match our election commitment.

Mr C.J. Barnett: The question now is: does the Labor Party commit to an Ellenbrook rail line?

Several members interjected.

The ACTING SPEAKER: Members!

Mr C.J. Barnett: You won’t

Ms R. SAFFIOTI: If we look at the government’s financial plan, \$52 million was dedicated in 2011–12 to commence construction of the Ellenbrook railway line. That is there.

Mr C.J. Barnett: Can you build it for \$52 million? I don’t think so.

Ms R. SAFFIOTI: That was one year’s funding. Jesus! I mean, really.

Mr C.J. Barnett: How unparliamentary was that?

The ACTING SPEAKER: Member, be careful with the language you use, please.

Ms R. SAFFIOTI: I mean jeepers. Is \$52 million in 2011–12 enough to put in a railway? No. It is a one-year funding commitment for it.

I want to talk briefly about the roads in the area. As I have outlined, surveyed RAC members rated Gnangara Road and Reid Highway as two of the worst roads in the metropolitan area. I will briefly talk about some of the key intersections and key issues surrounding these major east–west connecting routes. Firstly, there is talk about Reid Highway. As I put on the agenda from day one, the two key projects along Reid Highway—sorry, three —

Mr T.R. Buswell: You thought of a third one after you said the first two.

Ms R. SAFFIOTI: No. The minister must listen to what I have to say. I am talking about the Reid Highway–Malaga Drive intersection.

Mr T.R. Buswell: Is that the number one priority?

Ms R. SAFFIOTI: The duplication of part of Reid Highway is the number one priority, including improvement to the Reid Highway–Lord Street intersection.

Mr T.R. Buswell: What is number two?

The ACTING SPEAKER: Minister, you will have the opportunity to speak.

Ms R. SAFFIOTI: It is the duplication of Reid Highway and improvement of the Lord Street–Reid Highway intersection, which is part of that duplication, so it is a subset of one, if the minister would like to take notes.

Mr T.R. Buswell: Okay, is that (1)(b)?

Ms R. SAFFIOTI: Yes, (1)(b), and then (2), which is Reid Highway–Malaga Drive.

The ACTING SPEAKER (Mr P.B. Watson): Can you address the Chair? Otherwise, you will get interjections all the time.

Ms R. SAFFIOTI: Okay, I said there are two—and one with two parts. As I said there are three priorities on Reid Highway. The completion of Reid Highway duplication; the Lord Street–Reid Highway intersection and, of course, the Reid–Malaga intersection, too.

Mr T.R. Buswell: What's three?

Ms R. SAFFIOTI: I said three.

Mr T.R. Buswell: What about Reid–Alexander?

Ms R. SAFFIOTI: That is being undertaken.

Mr T.R. Buswell: Oh. You said you have always had three priorities.

Ms R. SAFFIOTI: We committed \$72 million to it and it will cost \$42 million.

Mr T.R. Buswell: What happened to Reid–Mirrabooka?

Ms R. SAFFIOTI: The amount of \$72 million was allocated by the previous Labor government.

Mr T.R. Buswell: No, there wasn't.

Ms R. SAFFIOTI: Yes, there was.

Mr T.R. Buswell: It must have been in a very hot pot and evaporated quickly.

Ms R. SAFFIOTI: There was \$72 million allocated and the cost came in at about \$42 million. There was money left over and the overpass at Mirrabooka is being built.

Mr T.R. Buswell: What about the 50 per cent from the commonwealth?

Ms R. SAFFIOTI: No, there was \$10 million from the commonwealth for Reid–Alexander.

The ACTING SPEAKER (Mr P.B. Watson): Minister, you will have the opportunity to speak later.

Ms R. SAFFIOTI: The government received \$10 million from the commonwealth. It did—yes, it did—for Reid–Alexander.

The ACTING SPEAKER: Member, do I have to remind you again to speak through the Chair?

Ms R. SAFFIOTI: Sorry, Mr Acting Speaker.

Gnangara Road, highlighted in the survey, was mentioned in the media again on the weekend. Gnangara Road is a local government road. I wrote to the relevant councils asking that it be upgraded to a state road because it is a major east–west connecting road. Ellenbrook is growing, as is the Wangara industrial estate; new suburbs north of Gnangara are planned; and the development of East Landsdale is already underway. The status of Gnangara Road, a major east–west connecting road, needs to be elevated from that of a local road to that of a state government road, and it needs to be a dual carriageway road. The Gnangara Road–Beechboro Road intersection, which has been rated the worst intersection in the metropolitan area by Reid Highway users, also needs to be fixed.

I believe that a coordinated plan or strategy for the roads in this growing area is needed. The growth in the number of people who will soon live in the Lord Street corridor will put pressure on both Lord Street and West Swan Road. Lord Street, a local government road, is a major regional connecting road that services Ellenbrook.

As the member for Swan Hills knows, many people use Lord Street to get to Ellenbrook; therefore, we need to improve not only the safety on that road, but also the amenity for the people who live in the area and the people of Ellenbrook who use that road.

West Swan Road is a major tourist road that carries a lot of residential traffic in addition to the truck traffic trying to avoid Great Northern Highway. There have been some major accidents in recent weeks. West Swan Road is becoming a very dangerous road as the trucks servicing the residential developments continue to use it. I have asked the government to put in place a plan for this corridor. Because hundreds of homes are being built now, and 33 000 more are on their way—not to mention the growing Ellenbrook area—a coordinated commitment from government is needed to improve the road network in the area. The corridor I refer to is not serviced by a freeway and it is not serviced by any direct link to the city; therefore the government needs to do something to improve the roads in the area. I have said that I believe a plan is needed—in particular for the Lord Street area—to pre-fund the development of Henley Brook Avenue to take some of the residential traffic away from Lord Street. Transport is a big issue in my electorate, and I am glad to speak on this issue today.

We have heard a lot about congestion on trains. Many of my constituents use the Midland train line and the congestion experienced is significant on not only the train service, but also the bus service. This government needs to commit to increase the capacity of our bus network and to improve and extend or build rail lines. I believe —

Mr T.R. Buswell: Member, can I ask a question?

Ms R. SAFFIOTI: Yes.

Mr T.R. Buswell: If you had enough to do one, which would you do?

Ms R. SAFFIOTI: Of all those?

Mr T.R. Buswell: If you had enough money to fund a significant upgrade to bus service kilometres or rail service kilometres, which would you choose?

Ms R. SAFFIOTI: Rail.

Mr T.R. Buswell: Rail. That is interesting.

Ms R. SAFFIOTI: Yes. It costs more, so it is not really a valid question. I believe people prefer rail because it is a pre-determined route and people know that if they get on a certain train they will end up at a certain place. I believe people like rail better. During discussions about the Mandurah rail line it was debated whether to service Mandurah with buses—there was a rapid busway—or trains. That was a huge debate over a number of years. All the studies showed, and, I think, the outcome has shown, that people like rail better because there is a clear destination and a certainty about when the train will arrive and where it will go. People like that. It is my view that rail is the most effective way of —

Mr T.R. Buswell: What about people who need a bus to get to the railway line?

Ms R. SAFFIOTI: Again, I think it has been demonstrated to work if the feeder services operate properly and throughout the area in question.

Mr T.R. Buswell: Yes, but surely you need the money to fund the feeder services before you fund the rail or people have no way of getting to the railway line.

Ms R. SAFFIOTI: What does the minister mean? If there is no rail, what are we funding feeder services for?

Mr T.R. Buswell: To get to the train.

Ms R. SAFFIOTI: I do not know what the minister is saying. Mandurah was supplied by bus services. The former Labor government built a rail line and changed the Mandurah bus service to a feeder service for the train line. The number of buses needed to service Mandurah reduced, which freed up buses to service other areas. That was a win-win for both the bus network and the train network.

Several members interjected.

Ms R. SAFFIOTI: If the member for Riverton is arguing that the Mandurah rail line is not a net positive service to the community, he can stand and argue that.

In my view, rail is better. It is very popular. We have seen that popularity with every rail connection built over the past two decades. After all, this motion is about overflowing carriages. Rail provides a definite and permanent route that people can plan their lives and lifestyles around.

MR J.C. KOBELKE (Balcatta) [5.05 pm]: I rise to support the motion —

That this house condemns the Barnett government for its failure to invest in basic infrastructure across Western Australia, in particular its failure to purchase additional trains and buses or to construct new roadworks to keep up with population growth.

Having been in this place a while, I am aware of the inadequacies in our transport system. Roads and intersections always need upgrading. Bus services are always inadequate. There is always the need for a train service. There is nothing new in saying that the government needs to do more. However, this government has totally dropped the ball in terms of proper planning and the commitment of funds to make sure that our metropolitan transport system works. That has been clearly driven home by the people of my electorate, Balcatta, and surrounding electorates not being able to get on to a train at Stirling station. I have been there on a couple of days and have noticed that people just have to wait for the next train. The trains are packed. That might happen once in a while because something else changes and there is a huge influx in patronage. However, if that happens regularly, people expect the government to take the matter seriously and address the problem. This government is not even interested. We get half-truths, misleading statements and jokes. We do not get a serious approach to something as important as public transport. In the past week I have spoken to my constituents in Balcatta and to constituents of the members for Scarborough and Carine on the other side of the freeway, who all tell me that the system needs major attention from the government. While gathering signatures on a petition that requests the additional railcars needed, I received very strong support from people at the Stirling station to indicate that the government simply has to act and put in the order for additional railcars. As we know, it takes some time to purchase railcars.

I will make some more general comments before I return to the particulars of this motion, the northern rail and the problems for my constituents, predominantly at Stirling station, although some of them use Glendalough station. Public transport is incredibly important. As a former minister involved in promoting Western Australia, my colleagues and I saw the benefit of having the high-end market services, such as engineering, medical and research, wanting to relocate to Perth, Western Australia. People will come to an area with a very good environment, a wonderful climate, health services that are better than most around the world, and with reasonably good education services, and law and order services. People want to live in a city that works. They want to be able to commute. They want to be able to get to where they have to go for work. Until recently—I am not referring to the change of government; it started when we were in government—growth was causing real pressure on the system. We have had quite incredible growth, which I will turn to later. Rapid growth means the government has to prioritise where it puts its money, because there will not be enough money to fix all the problems. The attention of government is needed to decide where to invest and what mixture of buses, rail and roads will be invested in. We can argue about priorities, but the plan mentioned by an earlier speaker is needed. This government does not have a plan. Governments need a plan to ensure the city will work and that people can get around. Labor did that. People knew then, and they know now, that Labor governments are committed to public transport, Labor governments deliver good rail services, and Labor governments invest in bus services. We did not invest as much as we would have liked, but we did invest. We did a lot more than this government has done. This government cancelled the contract for buses. That was this government's commitment. This government had its own priorities—building palaces on the hill, creating new government departments, and constructing musical toilets and plastic cows. They were the priorities of this government. Its priorities were not about public transport. As I have said, this government has totally dropped the ball.

Under the previous Labor government, the Mandurah railway was built. The attack from the Liberals over that railway was that it was ahead of its time, there was no demand and we were doing it too early. We now find that the patronage on that line is above the projected level. It is a fantastic success. The extension from Joondalup north and the Kenwick link were done in less than eight years of a Labor government. There were also major upgrades to the bus fleet. When this government came to power, it cancelled the contract to purchase even replacement buses, let alone additions to the bus fleet.

It is very clear that the Barnett Liberal government has no interest in public transport. It basically does not care about it. It avoids public transport; it does not want to deal with it. The images on the television news of crowded trains and the many people who are left behind at train stations impacted on the government's political standing. The Minister for Transport had to respond, but what did he do? The Minister for Transport blamed the passengers: "They need to be smaller so we can fit more on the train. We need to squeeze them down the carriages." It is the passengers' problem; it is not the fact that the government has failed to take the advice it would have received to order extra train carriages. The minister just blamed the passengers. That did not look too good. The passengers knew that that was not true and they did not like being made the culprits for the government's incompetence and lack of interest in public transport. The government then looked around and found that there were four trains in a shed. That really shows how competent this government is! It did not even know that it had four trains—12 carriages—stored in a shed. That is immaterial to these people, because public transport does not matter. The government does not know how many sheds have trains in them. Why worry about it? Public transport is not something that this government wants to take an interest in.

The Minister for Transport's excuses did not go down too well, so he thought he would blame the Labor government. He did not quite say it, but I thought he was suggesting that the Labor government built too good a train system and that too many people want to use it; therefore, he blamed the Labor government for building

such a wonderful train system. He put out a media statement on Thursday, 31 March claiming credit for adding 12 carriages to the Joondalup rail line. I will read the second paragraph of that media release. It states —

Transport Minister Troy Buswell said the rail cars were purchased by the former Labor government which reserved their use until the completion of the Butler extension in 2014, ...

He is correct: those railcars were purchased by Labor, but the idea that they were reserved is a total fabrication—a concoction by the minister to try to blame someone else. There was no reservation on them. Talk about being free and loose with the truth! Labor ordered a number of new rail carriages at the end of 2006. Those carriages were delivered from 2008 to 2010. They were to meet the need of the growing patronage, because that is what the figures were showing, and the fact that we were committing to the Butler line and would need extra trains. That is why they were ordered.

Mr T.R. Buswell: That is not true.

Mr J.C. KOBELKE: What is not true?

Mr T.R. Buswell: That is not consistent with the advice I have from the Public Transport Authority.

Mr J.C. KOBELKE: Which aspect is not true?

Mr T.R. Buswell: Almost the totality of that statement, with the exception of when they were ordered.

Mr J.C. KOBELKE: So I got it right when I said that they were ordered. They were ordered to be put in a shed; is that the reason?

Mr T.R. Buswell: No. I said that almost the totality of the statement you have just made is not consistent with the advice I have had from the PTA.

Mr J.C. KOBELKE: In which way is it different?

Mr T.R. Buswell: In nearly every aspect, except the fact that they were ordered.

Mr J.C. KOBELKE: I take it from the minister that he thought that the train carriages would go into a shed. That shows how little interest this Minister for Transport has in public transport. He cannot give me any specifics about the facts as I know them. The train carriages were ordered in 2006 because in the early days of the start-up of the Joondalup to Mandurah line, it was seen that there was increased patronage and we had to cope with that. The minister knows that it takes two years or more from the time these rail carriages are ordered before they arrive here to be put into service. Because Labor was committed to public transport and an improved rail service, we took the steps necessary to try to meet that need, but when this government came to power, it was not interested in doing that. It would have been told that the growth in demand was even greater than predicted and that it needed to put in another order. The last order was made in 2006, so in 2008 the government could have predicted that another order was needed. It might not have ordered the 30 carriages that we said were needed, but it should have ordered some because the demand was there. In 2011, there is still no order. Even if the government ordered them now, it would be 2013 before the extra carriages that are needed started to roll in.

The Minister for Transport also suggested in that media statement that the Butler extension would be completed in 2014. Under Labor it was to be completed in 2012. The incoming Barnett Liberal government was not going to do the extension. Again, it shows a lack of commitment to public transport. A campaign was run by the member for Mindarie, the member for Joondalup and others that the northern suburbs needed this extension. I do not know where the member for Wanneroo and the other Liberals in the northern suburbs were; they seemed to be in hiding. It was the pressure from those Labor members in the northern suburbs, particularly the member for Mindarie, that caused the government to realise that, even though it does not believe in public transport—everyone knows that—for political purposes it needed to extend the rail line to Butler. But the government was going to delay that extension for a couple of years. It was not going to worry about railcars; it was going to leave a couple of them in a shed for several years so that it would look good when it brought them out of the shed. In that way, it might look as though it was doing something. Clearly, there is no commitment to public transport. The Minister for Transport tried to shift the blame. Everyone saw through that. He is relatively new to the portfolio. He certainly made a mess of some of the other portfolios he has had. Let us hope that in time he comes to grip with the importance of public transport and improving our road system and becomes more competent in this area.

Yesterday during question time the Leader of the Opposition asked the Premier a question about the need for new railcars for our metropolitan rail system. The response from the Premier was absolutely astounding. According to *Hansard*, he said —

The reality is that there is an increase in congestion on our roads; there is an increase in congestion on public transport. Why? Has the population soared? No, so why could it be? What has suddenly changed?

The Premier says that there has not been an impact on demand because of an increase in population. I do not know what rock this Premier lives under. I simply had to go to the Australian Bureau of Statistics website to find the most recent figures for the September 2010 quarter. The 12-month growth in Western Australia's population at that time was 2.1 per cent. Clearly, it was the highest growth rate of any state in Australia. We are the growth state with 2.1 per cent. I then clicked a few more items to find another statistic and I found the figures for the June quarter in 2009. In that 12-month period, Western Australia's population grew by three per cent—way ahead of any other state. Yet this Premier says that population growth is not a factor in the increase in demand on our public transport system. I thought that might have been a bit of an aberration, just a couple of figures; in fact, Western Australia has had the highest population growth rate of any state since the 2007 calendar year. In 2007, 2008, 2009 and 2010—which is as far as the figures are available—we were the growth state in population. This Premier, emphasising his lack of any interest in public transport, says that it is not because of population growth—it cannot be that. The Premier does not want to acknowledge that it is not only population growth, but also the extra taxes that this government has loaded onto people that have helped make public transport much more attractive.

The state does not control petrol prices. Petrol prices going up is perhaps the biggest factor, but when people have been hit by a 46 per cent increase in the price of electricity, a 30 per cent increase in the price of gas and a 30 per cent increase in the price of water, just in two years, it is hard for people to find the extra dollars for their petrol. The government's new tax on central city parking also hurts the commuters who have to come into the city. Therefore, in addition to all the cost increases that are outside the control of the state government, this government has loaded extra costs onto ordinary householders, onto working men and women and onto pensioners, which has clearly made using a good public transport system look attractive! As the roads clog up, that is another disincentive to drive because people do not want to be parked on the freeway for an hour trying to get into the city. There are very good reasons that we have seen an increased patronage of public transport. As I said earlier, one such reason is that the last Labor government radically improved our rail system; it doubled it in size and improved the quality, and more people want to use it.

Mr T.R. Buswell: What about buses? What did you do for buses?

Mr J.C. KOBELKE: The Minister for Transport asked: what about buses? This is the game playing of the party freak from the government, the man who is great in the party; he is a real freak at it; he gets everyone laughing and he is great entertainment. The minister should hire himself out as a clown because he would do a better job of that than he does as a minister, quite honestly. The minister might not make quite as much money—or, because he is so good at clowning about, he might actually make more money as a clown than he does as a minister. The minister wants to talk about buses when I am talking about a range of things. The minister does not want to consider the fact that rail was the central issue that I was talking about. When the minister interjected on me, I asked him to give me some facts and he would not, reflecting again that he has no interest in public transport and he is not across the detail.

I drive home the fact that the Premier's statement that increased rail patronage is not to do with population increase is simply the Premier talking absolute nonsense. All I can take from that statement is that the Premier and his government really do not give a fig for public transport. They are not interested in it; it is an irrelevance to them.

The Premier went on in that statement to say that the increased patronage is the result of economic growth. We can measure economic growth in all sorts of ways, but one way to look at it, of course, is to consider the unemployment rate. We have a very low unemployment rate, which is great. In fact, in the most recent figures for Western Australia, for February 2011, using seasonally adjusted figures, we find an unemployment rate of 4.2 per cent. Was there less economic activity per person under the last Labor government? Unemployment would be one reasonable indicator of that. If members go back to the last several months of the Labor government, unemployment was well below 4.2 per cent. In fact, in October 2008—this was the legacy of the Labor government—unemployment in this state fell to 2.3 per cent, which is well below the unemployment rate now; and it is good now. Therefore, for the Premier to suggest in an arrogant way that he is somehow responsible for economic growth, and economic growth is why people want to catch the train, is an argument that a primary school teacher would not accept from a student. It is absolute rubbish! But the Premier can stand in this place with a straight face and use that as an excuse for his lack of interest in public transport. It is absolutely astounding that a man of his ability can think that he can get away with statements of such absolute nonsense.

As I said earlier, there will always be demands for public transport and roads, and governments have to do the balancing act. We know that this government, over its four-year period projected forward, will spend \$1 billion less on roads and public transport than was spent in the last four years of the Labor government. It is not as though the government has a different set of priorities in the area of transport; it simply has a different set of priorities generally, and the trouble is that transport has gone to the bottom. Transport is not a priority for the government. Whether it is roads in the metropolitan area, rail or buses, those matters are a very low priority for

this government. It has taken money out of that area and is not willing to commit to it. That is reflected by the \$1 billion less that it will put into the area of transport.

I return to our earlier discussion about Reid Highway, an area, again, that does not affect my constituents so much but certainly blocks the roads on which traffic is coming through. Reid Highway, particularly now with the bridges at Alexander Drive and Mirrabooka Avenue—which is great, and I congratulate the government for being able to do that with the help of the federal government—will bring more traffic down —

Mr T.R. Buswell: Member, just so you know, Mirrabooka is 100 per cent state-funded.

Mr J.C. KOBELKE: Yes.

[Member's time expired.]

MR A.P. O'GORMAN (Joondalup) [5.25 pm]: I will start my contribution to the debate on this motion by giving a bit of a history lesson, because since I have been in this place I have heard members opposite manipulate and rewrite history time and again. I will start this history of public rail transport in this state at about 1979. What happened in 1979 that was so significant? The Court Liberal government closed the Fremantle railway line. It closed a very well used, high-patronage line. In July 1983, Labor was in government and it reopened the Fremantle line, thus heralding its mantra or catchcry of that election—putting the state back on the rails. That is exactly what that Labor government did. In November 1987, Labor committed to the northern suburbs rail line, which is the rail line that comes out to my electorate, through the member for Balcatta's electorate and the electorates of a number of members on the other side. Again, if I remember, at the time the then opposition criticised it and said that it would not work, it was not needed and that it was silly to put it up the middle of a freeway. I remember all those things from back then. It was also in 1987 that the Labor Party introduced the new *Australind* service. In September 1991, Labor introduced electric trains to MetroRail—I also remember that fairly well, or very well—all the way to Fremantle.

Mr T.R. Buswell: Fairly well or very well?

Mr A.P. O'GORMAN: Very well. My memory is pretty good. Does the minister remember last Saturday night?

Mr T.R. Buswell: Yes, I do.

Mr A.P. O'GORMAN: Unfortunately, I did not get to ride on the first train because I made a trip to visit my parents in Ireland, but in December 1992, Labor opened the northern suburbs railway line. The expected patronage—I will stand corrected but I am pretty sure I have it right—was 25 000 passenger trips a day. In its first year, the northern suburbs line achieved well over 40 000 passenger trips a day. It was a great day that line opened. Again, the Liberal Party tried to stop it, saying that it was not a good thing. The Liberal Party wanted to run more buses up the freeway and all those sorts of things.

Mr R.F. Johnson: I think we did the official opening of that, didn't we, when we got into government in February 1993?

Mr A.P. O'GORMAN: No, the Liberal government did not; the official opening was December 1992. I think the Leader of the House might remember Carmen Lawrence riding to Joondalup.

Mr R.F. Johnson: That's when I didn't get an invitation to the opening, when I was the Mayor of Wanneroo.

Mr A.P. O'GORMAN: The Liberal government might have done something else.

In 1998, the Liberal Party was back in power. What did it do? The Liberal government sold Westrail Freight. That was its commitment to rail; it sold Westrail Freight at a huge loss to our rural people. In October 2004, the Labor Party opened the Clarkson extension, and, again, the Clarkson extension was full as soon as it was open. Not only the rail carriages, but also the car parks were full within a matter of months. Again, that was another great effort by the Labor Party in terms of rail. In August 2005, the Labor Party under Dr Geoff Gallop opened the Thornlie spur line. That was a further advancement for rail. The Labor Party has a great history in this state for rail. In December 2007, we had another great opening: the train line to the beachside City of Mandurah, 70 kilometres to our south, was opened by the Labor Party. The Mandurah train line cost, I think, \$1.6 billion—I will be told by someone opposite if that is wrong; it might be \$1.5 billion or \$1.7 billion—and was paid for completely by the government, with no interest charged to the taxpayers of Western Australia. What a great Treasurer we had at that time to put that sort of money into that rail line!

Let us briefly recap. The Liberal government closed the Perth–Fremantle line, wanted a bus way instead of the northern train line, and promised a Clarkson extension and new Greenwood station, but did the Liberal government deliver? No. The Liberals wanted a Kenwick deviation, which would have taken 15 minutes longer to get to Perth from Mandurah. The Liberals opposed a rail line to the Murdoch train station, which is now the busiest train station on the Mandurah line.

There is the history, and it is a truthful history; I challenge anyone to say it is not. The Labor Party has put all this in place over time. Every time the Labor Party is in government, it not only builds more kilometres of rail,

but also puts on more carriages, and it continues to plan for the future. The words that are being used by the government—I think the member for Balcatta referred to the words earlier—are that the four trains, 12 carriages, that this current Minister for Transport found are not on the network because the Labor Party reserved them until 2014 for the Butler–Brighton extension. The Butler–Brighton extension under the Labor Party would have been developed and up and running in 2012. Our history tells us that it would have happened, and no-one can deny that.

What happened in 2008? The Barnett Liberal government stopped everything dead in its tracks and put everything back on the drawing board until the member for Mindarie and a number of members from the northern suburbs kicked up a fuss.

Mr T.R. Buswell: Have you heard of the global financial crisis?

Mr A.P. O’GORMAN: Do not tell us that it is the global financial crisis. The Liberals came into power with a \$2.5 billion surplus, but all it did when it was in opposition was to criticise the surplus.

Mr T.R. Buswell: “I’ll just pretend it did not happen!”

Mr A.P. O’GORMAN: This state had a hiccup; we did not have a global financial crisis.

Mr T.R. Buswell: You are a GFC denier!

Mr A.P. O’GORMAN: We had a hiccup. This state had a setback but it continued to move constantly. The Minister for Transport over there has been shouting across the chamber, “What have you done for buses?” I will tell members what the Labor government did for buses in my electorate. We put the central area transit bus on. The patronage is 40 000-odd trips a month.

Mr T.R. Buswell: Who pays for that CAT bus?

Mr A.P. O’GORMAN: The state government, the City of Joondalup and Edith Cowan University pay for it.

Mr T.R. Buswell: What percentage?

Mr A.P. O’GORMAN: Roughly one-third each.

Mr T.R. Buswell: Very good.

Mr A.P. O’GORMAN: The Labor government also extended the CAT bus system on a trial basis to run into other parts of the City of Joondalup. It was much needed. It serviced people with mental health illnesses and people who wanted to get to the Winton Road business park and Arena Joondalup. It also serviced people coming back from areas such as Arena Joondalup and the city north area of Joondalup, and transported them back into the city and the train station. Path Transit was able to run a figure of eight with four buses on that route so that we had a guaranteed 15-minute service right around the City of Joondalup, including the business park, Arena Joondalup, the health campus, the university, the CBD and the council offices. It was an excellent service that ran on time every 15 minutes and had plenty of capacity. What do we see now? As soon as the Liberal Party got in government, it cut the extended CAT service. It just chopped it, with no notice—nothing. The service was gone on Monday morning. I happened to walk over to the train station, and young students from Lake Joondalup Baptist College were stranded because they used to get to their school on the CAT service from the Joondalup train station. They would come in from the various suburbs, north and south, into the train station and jump on the CAT bus, and at that time of the morning it did not go through the business park as it went straight to their school. What was done by the Minister for Transport and the former Minister for Transport in the upper house, who is sitting at the back of the chamber? Instead of giving the service the chance and the opportunity, they cut the extended CAT bus service straightaway. What do we see now? We see complaints about the CAT bus service because it is not running on time and it is overcrowded on a daily basis. We are down to two buses because those ministers did not have the foresight to ensure that public transport was well serviced in the City of Joondalup and the northern suburbs.

At the moment, we have a crisis with parking at our train stations. Yes, the government has put on 3 000 bays, but 2 500 of those bays were already in the budget and some of them were already under construction when the Liberal Party came to power.

Mr T.R. Buswell: Which budget? They were not yours.

Mr A.P. O’GORMAN: Yes, they were in the budget.

Mr T.R. Buswell: Rubbish! Which ones?

Mr A.P. O’GORMAN: Edgewater train station was already under construction when we went to the last election. What has the government done? Does it have plans for any future expansions? No. Has the government figured out a way to get more buses to get people into the train stations? People in the electorate of Wanneroo are very poorly serviced by buses to bring them in to the north–south train link. The same can be said for the

member for Mindarie's electorate. Mindarie is very poorly serviced by buses to come in to the Clarkson, Currabine or Joondalup train stations.

I will also give a bit of a history about the road infrastructure in the northern suburbs, because I have been up there 30 years now. I refer to freeway construction. I have been travelling up and down the freeway for a long time. I worked at Curtin University for a long time and I worked in Osborne Park for a long time. During my initial travels from Belden, Joondalup and Craigie—when I lived in Craigie—I used to get off the freeway at Hutton Street, and work my way through Osborne Park and the various suburbs and up to Craigie. The freeway has been extended and widened bit by bit by both sides of Parliament. Who funded the most recent expansion of the freeway—the Ocean Reef Road to Hodges Drive extension? The Howard federal government funded it. Not one penny came from the Court Liberal government that was in power at the time. The extension was completely funded by the federal government. That extension was the Court Liberal government's contribution, a government in which the now Premier was a senior minister. I will give the former Liberal government credit for one thing: it widened the freeway from two lanes to three lanes between Warwick and Hepburn. That is the only thing I can think of in the northern suburbs that the Liberal government did. What did the Labor Party do in our time? We invested \$170-odd million in the extension north from Hodges Drive. We applied for money to the Howard federal government at the time, but we got knocked back. Therefore, it was totally funded by the Gallop-Carpenter Labor government. The extension runs all the way to Burns Beach Road, where it stops at the moment.

I have not got the material, but my memory is that coming into the last election the Liberal Party was going to fund the extension to Hester Avenue. That is nowhere to be seen at the moment.

Mr T.R. Buswell: What material was that in?

Mr A.P. O'GORMAN: I said as far as I can remember.

Mr T.R. Buswell: I think you've made a blue.

Mr A.P. O'GORMAN: I put it through many months ago that we should be widening the freeway. I submitted that to the Treasurer, even though I knew it would be a waste of time, so that he would know what we are looking for. What do we get? We get a response from other Liberal members who had barely opened their mouths about it. All of a sudden I read in the newspaper that the member for Wanneroo has actually nominated me as the person who put it forward and he is agreeing with me. In last week's *Wanneroo Times* the headline is, "Widen freeway - MPs", and the article reads —

More MPs have joined a fresh call to expand the Mitchell Freeway, after reports neither the State nor federal governments had plans in place.

Mr A.P. Jacob interjected.

Mr A.P. O'GORMAN: Members opposite jumped onto this. They are afraid to say it themselves. They are told, "Guys, we don't have the money. We'll look after you, but we don't want to make it an issue, so just stay quiet." Members opposite just stayed quiet about it. It is really fun watching the way the truth is twisted continually in this place by members opposite. The expansion of Burns Beach Road, again, is one of the projects that was initiated and started while Labor was in government. The extension and dualling of Connolly Drive was funded when we were in government. It was completed —

Mr A.P. Jacob interjected

Mr A.P. O'GORMAN: Do members see what I mean? Members opposite always have to twist the truth; they could not lie straight in bed. We saw it again this week with the Premier and his comments about the trains and the expansion of rail. The Premier takes credit for a great economic boost to the state, and tries to claim that overcrowding on trains is because of his great economic credentials. What economic credentials? He is running up a debt of \$20 billion. Why is that? It is not to build the vital infrastructure that people need; it is not to widen or to extend the freeway; it is not to boost our road services; and it is not to add to our train carriages or to add to our rail network at all. Where are this government's future plans at? The government keeps announcing plans, but it has not delivered. In nearly 30 years that I can count, they have not delivered one metre of track. I will guarantee that, by the next election, members opposite will not have delivered even one metre of track. That is what their record shows. That is why the member for Ocean Reef is mouthing off. He knows the government's record is crap—is disgraceful. He knows the government will not extend the line out to Butler. He knows it will not add extra carriages or put the freeway out to Hester Avenue.

I do apologise. I withdraw that word. I did correct myself. I just got a bit passionate because members opposite are telling me I am wrong, when I know I am not because I have been in the northern suburbs all that time watching this. I have watched every time Labor comes into government and we get better public infrastructure out to the northern corridor, and then members opposite have come into power and they cut buses, they do not order trains, they do not put any tracks on the ground, and then they try to claim that they are a party of —

Mr T.R. Buswell: Have a breath! Seriously, take a breath!

Mr A.P. O’GORMAN: I will have a breath. Did the Minister for Transport have a breath on Saturday night?

Mr D.A. Templeman: Ask for an extension; you’re on a roll!

Mr A.P. O’GORMAN: No, I do not think I will need an extension.

In this place the other day, we had the Premier saying trains were crowded because of economic activity and not because of a population explosion. We do not have to go to the Australian Bureau of Statistics to know that we have a population explosion. We can go out to the northern suburbs and look at the houses that are being built there, or to the electorate of the Acting Speaker (Mr J.M. Francis) in the southern suburbs; it is about population expansion. The Labor government was preparing for it; our government was adding the services. This Liberal government is not! It is not putting tracks down. It is not making plans to add extra buses. It is leaving the poor member for Wanneroo out on a limb! What an election campaign we are going to have against him! We will drive our buses out there and bring our people to the polling booths, but he will not be able to. It will be the same for the member for Ocean Reef. That member will not be able to get people to park their cars along the northern line. Why? Because there is not enough parking there. There are not enough buses going to our suburbs, let alone the suburbs to the north and the east. The member for Ocean Reef supported cutting the CAT buses in Joondalup. He said to me in here, “What about the passenger numbers?”

Mr A.P. Jacob interjected.

Mr A.P. O’GORMAN: The member for Ocean Reef asked me about the passenger numbers. I said to give it time.

Mr A.P. Jacob: No.

Mr A.P. O’GORMAN: Yes, the member did! He can go back and check it because it is in *Hansard*. What we are looking at here is a Liberal government that has no record of providing the basic services that people in the northern suburbs need, want and, by right, should have. They would have them if there were a Labor government in power today because we would not be squandering it on building the “Premier’s palace”, creating more departments and making it more comfortable for ministers. It is about the public. It is not about the Minister for Transport and his white car—his chauffeur-driven limousine. The government should be delivering the basic services of public transport, road infrastructure, good policing, good health and good education. This government is not doing that.

If members opposite read the front page of today’s *The West Australian*—I know it is a bit off the subject of transport—the headline is “4000 calls to police go unheard”. How outrageous is that? That proves that the government is not delivering the basic services that the people of this state put it in power to deliver. Members opposite lied to them! As a group, they lied to the people before the last election about what they were going to do. They were going to do great things. They have not delivered and they will not deliver! They will not deliver by the next election because they are claiming now that they do not have the money.

I will go for an extension, Mr Acting Speaker.

Mr A.P. O’GORMAN: I am sorry, member, but the bell did go—you did have the opportunity—I am sorry; I am advised. The extension is granted.

[Member’s time extended.]

Mr A.P. O’GORMAN: We know what this government is about. We know what all Liberal governments are about. Do members remember when Richard Court came to power? He added \$50 to the transport costs of every person in this state who owned a car, and he blamed it on WA Inc. We do not have WA Inc now, but this government is going to knock up our cost of transport by putting up the cost of our licence and registration fees—again. How outrageous is that? It was not good enough to take it off us in increased charges for power and gas. It was not good enough to take it of us in the many, many other ways that they do; they now have to hit the average motorist. What do we get for it? What do motorists in the northern and suburbs get? Motorists in the northern suburbs get a 26-kilometre-long car park every morning and a 26-kilometre-long car park in the evening. I happened to be out this afternoon at the Motor Industry Training Association’s opening of its new facility, so I was driving back into Perth just before five o’clock. Looking on the other side of the freeway, the traffic was moving at probably five to 10 kilometres an hour for most of the way. It will take those people nearly an hour to get to their homes tonight. Is that right? They come and do their eight or nine hours of work a day; they spend an hour on the road to get here and another hour to get home. That is up to 11 hours a day! How great is that for a young family out there in the northern suburbs, where their mum or their dad has to keep them in child care or they do not see them because by the time dad or mum gets home their child is in bed asleep? How is that for building communities and looking after families? At the same time, the government has its hand in their pockets taking the money out for the bloody electricity! Then the government charges them an extra \$10, \$20 or \$50 a year just to register a car.

Mr T.R. Buswell: What are you talking about—\$50 week to register their car?

Mr A.P. O’GORMAN: It is a year.

Mr T.R. Buswell: What are you talking about?

Mr A.P. O’GORMAN: It will be going up; I guarantee it!

I referred to the time when the Court government did it. That was another rip-off. It was a way of robbing every motorist in this state of \$50 a year. The Liberal government used it; it did not go back into the road infrastructure.

Mr I.C. Blayney: WA Inc debt!

Mr A.P. O’GORMAN: What debt? We left government with \$3.6 billion worth of debt. This government will have \$20 billion worth of debt! The member for Geraldton comes into this place; he is another man who does not support rail! What did a Labor government do for his constituents in Geraldton? We put the southern transport corridor in and took the rail line off the seafront. We opened Geraldton up for the member! What has the government done? What has happened in Geraldton in the past two years? Nothing. Not one kilometre of track has been laid, and it will not be laid.

Several members interjected.

Mr A.P. O’GORMAN: It is not because the member for Geraldton is so good, but because of a redistribution! We will see a bigger debt at the end of this term of government than ever seen before. It will be the member’s kids’ and grandkids’ responsibility to pay that debt. My grandkids will have to pay that, not this Premier and not this cabinet. Our children and grandchildren will be the ones paying for it. Why? This government wants to build monuments to itself instead of delivering public services to the community! It is about time this lot got off their backsides and got out into the community to find out what services are needed. They should stop trying to beat themselves on the chest saying that this government is bringing all the economic benefits to this state. The Premier said the reason more people are on the trains is that the economy is performing better. My eye! It is because we are expanding as a population. We have been growing faster than anywhere else in the country. That is why. It is about time this Premier stopped misleading the people of this state and the people in this house.

MR D.A. TEMPLEMAN (Mandurah) [5.50 pm]: I am very keen to make a contribution to the motion before the house this evening. I congratulate the member for Joondalup for his very passionate contribution. I concur with everything he said. New members, particularly on the other side of this place, need to perhaps remind themselves of the history of public transport infrastructure and indeed the investment into public transport infrastructure in Western Australia. The member for Ocean Reef was probably only a small boy when a former Labor government committed to extend the rail link through to the northern suburbs, which of course he now calls home. That also included the electrification of the northern line. It was, and continues to be, since that major extension of the metropolitan public transport rail infrastructure, only Labor governments that have made significant investments in public transport in Western Australia, particularly in the metropolitan area and extending to the regional city of Mandurah.

I remember very well during the lead-up debates to the extension of the southern suburbs railway, both before and after I entered Parliament in 2001, the contributions by members from the opposite side of politics, some of whom no longer grace the seats of this chamber. We remember the commitments by the former government, including the Court government. I was very interested to hear one of our previous speakers remind the house about what the Liberals would have delivered to Mandurah. If we had had a succession of Liberal governments, we would have had the train service finishing at Rockingham and a designated bus service operate the Mandurah extension. That was promised. Then they came up with the idea that if the line to Mandurah were extended, only a single rail line could be afforded. It would not be a double rail line; it would be a single! I can remember the debate very well in the 1990s because I was not only a member of the Mandurah city council, and later deputy mayor, but also, of course, I followed the debate right through until the 2001 state general election. What did the people of Peel, and particularly the people of Mandurah, and indeed the people of the southern corridor from the southern suburbs of Perth through to the regional city of Mandurah, do? They recognised that only one party would deliver quality public transport and had a track record in doing so. That was the Labor Party.

I was pleased that the Premier and cabinet, when they visited Mandurah recently for a regional cabinet visit, utilised the train service. That was excellent. That service was completed despite the absolute venom displayed by members opposite against then Minister for Planning and Infrastructure, Hon Alannah MacTiernan. Absolute venom was hurled at her almost daily in this place about her vision for southern suburbs rail. I can remember comments from members of the Liberal Party and members of the National Party highlighting the issue as a “waste of money”, “totally before its time”, “should never be built for another 10 years” —

Mr C.J. Barnett: Don’t rewrite history.

Mr D.A. TEMPLEMAN: No. If the Premier looks through *Hansard*—I will dig out stuff that the Premier said as member for Cottesloe, supported by the Willy Packers of the world from his constituency, who claimed the only thing that was south of Fremantle was cow paddocks! I have to tell the Premier this —

Mr C.J. Barnett: No; don't rewrite history.

Mr D.A. TEMPLEMAN: I have to tell the Premier this because he was one of those who railed against the southern suburbs extension, and certainly attacked the minister of the day, in the Gallop government and the subsequent Carpenter government, with regard to the southern suburbs rail. The Premier jumped on the bandwagon with his mates from Peppermint Grove, who did not want to see a major doubling of the system of the metropolitan electrified rail system. The Premier should be condemned for that, and because he suddenly flips over and says, "What a wonderful thing it is" or "What a wonderful thing it was." Even today in question time, the Premier's comment about the former member for Armadale was "at least she had a go" or "at least she had a crack", or something like that. Thank goodness for the people of Western Australia that a Labor government was elected in 2001 and that the minister overseeing the biggest expansion of the metropolitan rail system in Western Australia's history was Alannah MacTiernan! Thank goodness we had someone of that calibre.

I remember very well that when the Gallop government was elected, one of the first things that the former member for Armadale did was look at the route. The Liberal Party had of course, once again, demonstrated that its version of public transport investment is to do it on the cheap. The Liberal Party was arguing that its option was to deviate the southern suburbs rail link through to Kenwick, and not of course a direct route, which Hon Alannah MacTiernan argued was the best route for the southern suburbs rail. That is what the current Premier put on the record as his proposal.

Mr C.J. Barnett: No, no.

Mr D.A. TEMPLEMAN: Yes, it was! The Premier wanted the Kenwick deviation. He constantly argued for public transport investment on the cheap. That is the Liberal Party's history when in government. The facts are, and history shows, that whenever the Liberal Party is in government, it closes public transport services, as Hon Tom Dadour argued so strongly against when he was part of the team back in the 1980s. The Premier does not like it, so he leaves the chamber! It is a wonder the member for Bunbury has not left the chamber after my contribution this morning. I have something else for the member for Bunbury, because this issue is about population growth. It is about the two great regional cities of Mandurah and Bunbury, but I will come back to that.

The Liberal Party in government has always demonstrated that it cuts services, reduces services, rationalises services or does them on the cheap. It has demonstrated that approach time and again in the history of the Liberal Party in government—its investment in public transport infrastructure is on the cheap. The history is there. The member for Joondalup was absolutely spot-on when he highlighted that in the eight years of the Richard Court government not one millimetre of rail was laid by that government, and no commitment was made for major investment in our system. They were going backwards. Western Australia, as highlighted by the Leader of the Opposition and a number of speakers on this side of the house, is now experiencing, as expected, dramatic population growth. With that comes the stresses and strains on our public transport systems, particularly in the Perth metro area. It is not a case of, as the Premier mentioned earlier, "We've got a good economy; that's why we have problems." Our population growth has caused the stresses and strains on the system.

Sitting suspended from 6.00 to 7.00 pm

Mr D.A. TEMPLEMAN: Before I was very rudely interrupted by the dinner break, I was railing against the government about the history of its terms in government, particularly in recent decades. I think the key theme that I have been very eloquently highlighting is that the Liberal-National government in power is always dragged, almost reluctantly, to make any investment in public infrastructure, and, when it does, it tries to do it on the cheap. That has been demonstrated, of course, by the archiving of carriages in sheds and the massive swollen crowds that are experiencing the overcrowding on the rail system.

Mr R.F. Johnson: We didn't want to get them dirty.

Mr D.A. TEMPLEMAN: That is probably true. The government did not want to pay anyone to clean them.

However, the fact is that, in government, the Liberal and National Parties have a record strewn with lack of investment, lack of commitment and lack of strategy. The member for West Swan highlighted this very clearly and very appropriately when she mentioned the dramatic need for the public transport strategy to be released and certainly for the public to have greater consultation on and greater input into that. Those of us in the Mandurah sector look with great interest to the public transport strategy with regard to where the next station will be between Warnbro and Mandurah. As many members would know, the localities of Warnbro are currently serviced by the Warnbro station, but people then have to travel 22 kilometres south before they get to the next

station at Mandurah central, which is the terminus. The communities along the northern part of Mandurah, in particular, including the localities of Lakelands, Madora Bay and Meadow Springs, are very rapidly growing areas. They have a demographic mix of young families, particularly in the Lakelands community, through to retirees and people in middle age. The choices of those northern suburbs people for accessing the rail are limited. One choice is to go south to get to that Mandurah terminus, and some people go north to the Warnbro station; and, if they are lucky enough to get a car park there, they will access the rail link there.

In this place I have always expressed my strong support for a station at Lakelands. It is a growing community. Every day when I go back to Mandurah from this place—sometimes late at night on the lonely journey—everyone else is sleeping in their little homes, some collecting \$255 just to go home. I, of course, go home to the city that I want to go to and where I want to be. If people go through those burgeoning suburbs of Lakelands and Madora Bay, they will notice that every day there are more and more roofs of new dwellings. Therefore, I have always put on record my strong support for a station at Lakelands, and certainly I will be watching with great interest the public transport strategy and what the minister proposes for a station between Warnbro and Mandurah. As I have argued in this place before—this was confirmed in the Australian Bureau of Statistics report only two weeks ago—the City of Mandurah remains the fastest-growing city in Australia. Last year it had a growth rate of 5.34 per cent. That is over and above the state's population growth. The growth of the City of Mandurah continues to be greater than the growth of most other equivalent regional cities in Australia. Currently, the 83 000-plus people who now call Mandurah home—that is the latest statistic from the Australian Bureau of Statistics—are serviced by only one station. The only station that the people of Mandurah can access is indeed the Mandurah terminus, unless they travel further north to Warnbro or even Rockingham.

Mr T.R. Buswell: And, member, serviced by a train and a bus paid for by the City of Mandurah.

Mr D.A. TEMPLEMAN: That is the foreshore express.

Mr T.R. Buswell: The bus that goes from the train station into —

Mr D.A. TEMPLEMAN: Yes, the foreshore express connects the station with the central business district.

Mr T.R. Buswell: You'll be pleased to know that we are working very actively at the moment, trying to develop a CAT service for Mandurah.

Mr D.A. TEMPLEMAN: That is very, very important. However, as I think the Leader of the Opposition clearly identified in his opening remarks this evening, the government's investment in 65 new buses only replaces 65 buses that will be retired from service.

Mr T.R. Buswell: Member, the additional three or four buses that are now servicing Austin Cove Baptist College were not specifically those buses, but the reason they have been added to the fleet is that we have delayed the retirement of some buses, so it is entirely possible to have an expansion of the fleet still on a 10-year annualised replacement rate of 65 per annum. I appreciate that that is at the margin.

Mr D.A. TEMPLEMAN: However, the reality is that as the fringe suburbs of Perth and the regional areas such as Mandurah expand, the government will not have the buses to service the growing demand.

Mr T.R. Buswell: I think the holes in the bus network are probably the biggest challenge at the moment.

Mr D.A. TEMPLEMAN: That remains the biggest challenge, but the government does not have any answer to that growth issue in its budget or in its strategy. That is what I think the minister has to explain —

Mr T.R. Buswell: We had an answer for Austin Cove.

Mr D.A. TEMPLEMAN: That is only for the school, and that is great.

[Member's time extended.]

Mr D.A. TEMPLEMAN: The minister wrote back to me only two weeks ago after I had been saying that we need a service in the corridor between Mandurah and Pinjarra. The Shire of Murray continues to expand rapidly. We have the growing suburbs of Ravenswood, the Riverland Ramble area, the areas along Pinjarra Road and the Austin Cove development in South Yunderup. The locality of North Yunderup is a much older suburb. We then have, of course, the important town centre of Pinjarra. Pinjarra is a fantastic place. It is not in my electorate. Part of the Shire of Murray is. Pinjarra town site is not; it is in the seat of the member for Murray–Wellington. That remains a growing corridor, and young families live along it. There are a number of retirement complexes in the Ravenswood area that currently are not serviced by public transport. If there are going to be extensions of public transport for that corridor, as there should be, where is that expansion going to come from? It is not shown in the budget, and there is no evidence of strategic planning by the government to purchase more rolling stock; in this case buses. Two weeks ago the minister wrote back to me, saying that there was no plan for an extension of Public Transport Authority service through the corridor between Mandurah and Pinjarra. That is very disappointing.

Mr T.R. Buswell: Can I just say—

Mr D.A. TEMPLEMAN: I will let the minister have a say in a second. It is demonstrative of the petition that was presented to the Parliament by the member for Murray–Wellington earlier this week. People in the communities of Pinjarra and that corridor want access to the rail system of Mandurah, and they want to have access to a public transport service. One of the problems, which the minister would be aware of—this is one of the problems with the Austin Cove bus proposal—is that outside the municipal boundary of Mandurah is a grey area in terms of PTA coverage.

Mr T.R. Buswell: And your country fuel card.

Mr D.A. TEMPLEMAN: Yes, but you see—

Mr T.R. Buswell: And your orange school bus service—

Mr D.A. TEMPLEMAN: Yes, that is right. I would love to talk about the Country Age Pension Fuel Card, because one of the great problems with the country fuel card is that it discriminates against people who live in the postcode 6210—the people of Mandurah. My electorate straddles a significant proportion of the northern and eastern section of the City of Mandurah and a significant part of the western section of the Shire of Murray. People over one side of the Serpentine River get the fuel card—and good on them; I strongly support them getting it. However, 200 metres across the Serpentine Bridge, there are people with the same needs, many of them in the Mandurah Gardens Estate, who can look at their good friends across the Serpentine River in the River Glades Resort. The River Glades Resort people in the Shire of Murray get the card, but those in the Mandurah Gardens Estate do not.

I know the Minister for Regional Development has tinkered with the boundaries, but, as has been demonstrated, I fail to see the equity. The fact is that the City of Mandurah, as far as the metropolitan region scheme is concerned, is outside the metropolitan region scheme. Its current status is part of country Western Australia. The Country Age Pension Fuel Card is for country pensioners. People make an assumption—and this is the problem—and say, “No, you have got a train.” The fact is that many people in various parts of Mandurah and parts of Dawesville have been given the country fuel card, because the argument has been that they do not have access to public transport. Some of that is true for people in Dawesville. However, there are people in sections of Mandurah, particularly people who are aged and need to get to Fremantle or to the Sir Charles Gairdner Hospital for oncology treatment, who would be greatly assisted by receiving the fuel card; however, they are not eligible because they do not live on the right side of the Serpentine River. That is the reality.

Then I make the following comparison: if members look at the number of the services that service the outer suburbs of Mandurah, the timetable is equivalent to the PTA services in cities such as Bunbury, and yet the people of Bunbury get the fuel card. I do not have a problem with people getting it; I do have a problem with those who do not get it, but, according to the criteria, should be eligible. If members look at the City of Bunbury and some of its bus services, they are equivalent in terms of frequency to those in the outer suburbs of Mandurah. Yet the argument by the Minister for Regional Development is, “Oh, but they’ve got a train.” The simple fact is that the service by PTA in Bunbury is equivalent to a number of the services in Mandurah. Where is the difference? The difference is that this is discriminatory.

The member for Dawesville, the Minister for Health, admitted in writing in a letter to one of his constituents, which was shown to me, that the underlying reason was cost. The reason that the people of Mandurah did not get the country pensioner fuel card was simply that it would have cost too much. The figure was around \$15 million, and the Minister for Regional Development decided the government was not going to spend the extra money to make access to this card equitable.

I want to finish by saying this: We have demonstrated in this motion that this government is absolutely lax in its investment in public transport and its strategy for public transport expansion, and now it has been found wanting. In his reply, the Minister for Transport needs to map out very clearly what the strategy is and he needs to make sure that he comes clean to the people of Western Australia. It is absolutely wrong to continue to tax them to the hilt, particularly those people who are most vulnerable, to increase power, gas and water prices, and to continue to put further impositions on their day-to-day costs by not investing appropriately in public transport. It is essential, if Perth is going to become more sustainable and better connected to places like Mandurah, that we actually have a massive investment and a long-term strategy for public transport infrastructure. The Western Australian community knows that in government there is only one party that has a track record of delivering quality, efficient public transport, and that is the Labor Party. That is the reality. No matter how some government members might try to rewrite history, that is a fact.

When I look at people such as the member for Swan Hills, Duffy at Swan Hills, he wriggles and squirms every time the Ellenbrook railway line is mentioned. He knows he is squirming because history shows that that rail link will not be committed to or delivered by a Liberal government and that the burgeoning population there can only look to Labor to deliver the quality public transport infrastructure they require.

Mr T.R. Buswell: Which *F Troop* character would you align yourself with?

Mr D.A. TEMPLEMAN: Crazy Cat!

Mr T.R. Buswell: What about Vanderbilt?

Mr D.A. TEMPLEMAN: No. My sight is not that bad. I would be Crazy Cat.

MR C.J. TALLENTIRE (Gosnells) [7.17 pm]: I rise to support the motion before the house. The need for quality public transport and transport infrastructure is absolutely critical to the quality of life of Western Australians. If we do not have good quality public transport and transport infrastructure, it is certain that we will have more and more traffic jams, more and more congestion on our roads, and people spending hours getting to and from work. They will be suffering the consequences of poor planning and poor government, which just means their day-to-day life is that much harder to bear. Their day begins badly as they are stuck in traffic. It ends badly as they get home from work after a frustrating time, waiting for several light changes to get back to their homes.

That is the critical thing about this area. If the government does not act, people will look at this issue as the thing that really shapes their day-to-day living and what upsets them most—the sorts of traffic jams we have on roads around my electorate that are used by my constituents. Nicholson Road, Ranford Road along to South Street, Roe Highway, Tonkin Highway and Albany Highway are roads used by many people each day, but we are not seeing any improvement in the fluidity of the transit along those roads. On the contrary, we are seeing that people are spending more and more time stuck in traffic on those roads. The public transport options that are available to people are not growing at the rate that is required. The bus services and the rail network are not expanding to meet the demand.

One proposal that is of particular interest to people in my electorate—it was touched on earlier today by the member for Southern River—is the extension of the Thornlie rail line to Nicholson Road, Canning Vale. There is huge community support for that extension. The City of Gosnells would love this extension to go ahead. It commissioned a report into the cost of extending the Thornlie rail line. Quite remarkably, that report found that that extension could be done for as little as \$20 million or \$25 million. I think that might be a very low estimate. A report that was commissioned by the government—the former Minister for Transport, Simon O'Brien, commented on it—said that the cost of extending that rail line was more likely to be around \$70 million. Fortunately, there is an existing freight line that provides the alignment, and there will be no need to acquire land, although that will probably need to be studied a bit more closely, because there might be a need to widen the rail reserve. But essentially much of the critical infrastructure is already in place. A train station at Nicholson Road in Canning Vale would have great appeal to people in my electorate. Whenever this matter has been raised with the government, the answer that has come back each time has been that the government is developing a 20-year public transport master plan, and that will indicate what level of priority the government is prepared to give to the extension of the Thornlie line to Nicholson Road. Unfortunately, there has been nothing but delay from the government when it comes to the production of that master plan. My recollection is that the first time the former minister for Transport spoke about the master plan, he commented that it would be available to the public some time in 2009. We then heard that it would be available to the public some time in 2010. We now hope that with the new Minister for Transport, that master plan will be delivered in very rapid time. That master plan will be critical, not only to policy and planning people, but also to people who are looking to invest in properties in different parts of the city, because they need to know where the public transport infrastructure will be developed, and what the government's commitment to public transport will be. I certainly hope that a Nicholson Road train station will be at the top of the list. Both the government study and the City of Gosnells study indicate that the return on investment from such a station would be very high. Therefore, there is good justification for such a train station to go ahead. This would make a big difference not only to people in my electorate, but also to people in the electorate of Southern River. Extending the Thornlie rail line to the Mandurah line, to connect with the South Street station area and the Murdoch area, would also have great appeal and would clearly be of benefit to people in a range of electorates, including Riverton and Jandakot. There is great appeal and interest in that project going ahead. I hope that when we see the master plan, this project is very high on the list.

Another matter that relates to all things to do with public transport infrastructure is TravelSmart. I know that the government does not really believe in funding the TravelSmart initiative. However, I put it to the Minister for Transport that if we do not help people to understand what travel options are available to them, they will not be able to use the new infrastructure in the best possible way. This has been demonstrated to us by the problem that we have with the very successful Mandurah rail line, and also the very successful rail line to the northern suburbs, and out to Thornlie and Armadale. That problem is the supply of parking spaces at the train stations. It almost seems as though the present government is scared to extend the rail network because it knows that there will never be enough parking spaces at the train stations. There needs to be a solution to that. There are many good studies to show that many of the people who park in train station car parks have driven only a couple of kilometres to get to the station. We should be able to develop options for those people so that they do not feel the need to drive to the train station. Each individual parking bay represents a cost to government of upwards of

\$18 000. That money would be much better spent on helping people to consider alternatives to driving to the train station. The most obvious alternative is to use a local bus service. If the local bus service is not adequate, money that might otherwise be allocated to increasing the number of parking bays could be put towards improving the bus service to get people to the train station.

Another TravelSmart-type initiative that could help people understand and appreciate and have confidence in the public transport system is to ensure that cages are provided at train stations so that people can secure their bikes. People might not want to ride their bikes all the way into work, but they might be happy to do a short two-kilometre ride to the train station if they can be sure that their bike will still be there in the evening when they get back from work. There are many examples elsewhere in the world, particularly in Europe, which has a higher population density than we have in Perth, of how we can successfully use the full mix of public transport options—train, bus and tramway—and also options such as walking or riding a bike to a train station. What drives the high usage of each one of those elements of the public transport system is the quality of infrastructure. We need to provide infrastructure that is more sophisticated, more cost efficient and more cost effective for the community than the traditional idea in Western Australia of simply allowing people to drive on freeways to their place of work, and then have to hunt around for that very expensive piece of real estate—a car parking space—be it at an urban train station or in the city centre. There is a real argument to say that building more car parking spaces is a great waste of money, especially in the city centre, and that it gives people the wrong message and does not help to solve many of the problems that we are facing. TravelSmart is at the core of helping people to change their behaviour and their appreciation of the different transport options that are available to them.

We need to look also at the current zone structure that is used when charging fares for patrons of our public transport system. It seems somewhat inequitable that a person who has travelled for only a couple of kilometres, but from one zone to another zone, is charged more than a person who has travelled for many kilometres more but has stayed within the one zone. We need to provide people with the right sorts of incentives to encourage them to use public transport more effectively.

In other speeches in this debate, people have homed in on the issue of bus replacement. Clearly the present rate of bus replacement is inadequate. The amount of money that has been provided for bus replacement is not sufficient. The supply of new buses will be sufficient only to meet the replacement need. About 600 new buses will be provided over the next 10 years —

Mr T.R. Buswell: It will be 650.

Mr C.J. TALLENTIRE: If it is 650, that is 65 new buses a year. However, clearly at least 65 buses a year will fall into an age category that will make them no longer viable, and the government will want to move them out of the system to make sure that the bus fleet is the very best that we can have and that it uses the most efficient form of energy.

Mr T.R. Buswell: I like those old belching diesels!

Mr C.J. TALLENTIRE: People might like them; they are a bit of the old steam engine nostalgia type of thing, but when it comes to air quality and, of course, the actual fuel efficiency of those vehicles and their greenhouse gas emissions, I do not think it is reasonable to suggest that we want to see 20-year-old or 30-year-old buses on our roads anymore. Clearly, we want a much better bus fleet; one that is ever-improving and expanding, which is the critical thing. At the moment there is no expansion of bus routes. If somebody gets a new bus route in their area, it means that buses are being taken out of service from somewhere else. There is no expansion.

Mr T.R. Buswell: Member, can I just make a point? The new bus route that I mistakenly announced today—I was supposed to announce it next week—that will go from Armadale via Piara Waters to Murdoch is not being provided at the expense of another bus service.

Mr C.J. TALLENTIRE: At the expense of what; sorry?

Mr T.R. Buswell: It is an additional one.

Mr C.J. TALLENTIRE: Sorry, I am missed what the Minister for Transport said.

Mr T.R. Buswell: I am saying that a new bus service will be starting, I think, at the beginning of next month—I thought it was next week—and will run from Armadale via Piara Waters to Murdoch, and no bus service has been dropped off to provide that. That is only one little example, but I thought it might be relevant in that it is in your area.

Mr C.J. TALLENTIRE: I have heard of many more examples from around Perth of a decrease in the number of services.

Mr T.R. Buswell: I thought you might like that announcement.

Mr C.J. TALLENTIRE: I am pleased for the people of Piara Waters.

Mr T.R. Buswell: And Armadale.

Mr C.J. TALLENTIRE: And Armadale—they will be very pleased to hear that.

While riding my bike to Parliament, as I usually do, along the Roe Highway bike path and freeway bike path, I have observed that traffic congestion on the freeway is getting worse and worse. It is getting really diabolical. I look at those people and I think: “Gosh, surely there must be a better option for those people to get into their place of work.” Perhaps many of them have no option because they are involved in a line of work that means they have to have a car all day, or they have other things to do at the end of the day, or they have dropped children off at school or something like that that requires them to have a car. But I am sure that of those many cars that are stuck on the freeways in the morning, many people would take other options if they were presented to them, and that is where I come back to TravelSmart.

I know the minister is a recent convert to cycling, and I welcome that; I hope the minister will have the fervour of a convert, because we need the extension of and investment in the cyclepath network. It is absolutely vital that we continue that. As a rule of thumb, taking 100 cars off the road, getting rid of those single-occupant vehicles and getting the drivers on bikes will free up about one kilometre of road space, so there is a clear economic argument that investment in cycling infrastructure is a very sensible investment in our public transport infrastructure. I certainly encourage the minister to continue to enjoy the health benefits that he gains from cycling; I note he has an excellent bike and I am sure he rides it at least three times a week. It is has all the gear and it is a very stylish choice, and I welcome that. We have to make sure that the cycling infrastructure in Western Australia—in Perth especially—continues to expand.

One real disappointment for cyclists in recent times relates to the St Georges Terrace refurbishments. It is amazing; when we look around the world at cities that are improving their transport infrastructure, they straightaway make sure that a bike path is included in that transport infrastructure and that there is a good cycleway. Unfortunately, the St Georges Terrace upgrade has not allowed for that at all, and I believe the excuse is that there is not a sufficiently wide strip between the skyscrapers that line St Georges Terrace to allow for the necessary carriageways for traffic and to squeeze in what would be a three-metre strip for a cyclepath to allow cyclists to go east–west, west–east. It is a real shame, because that is a missed opportunity, and it means, unfortunately, that, compared with other cities, we are slipping way behind. It also means that the very good bike paths coming into the city centre bring people to the edge of Perth, but when they get to the edge of the city it is actually quite hard to traverse from one part of the central business district to the other. It gets very tricky because cyclists have to cross over busy roads if they want to come in off the northern freeway bike path or the southern freeway bike path and head towards East Perth. At the moment they have the option of Riverside Drive, but I am concerned about the future of that; we need to know the effect of the foreshore developments on that option. However, at the moment, and in the future, riding down St Georges Terrace is highly dangerous; and in some causes cyclists are putting other people at risk by riding on the footpath.

The motion before the house is an excellent one; we do need to condemn the government for its failure to invest in basic infrastructure across Western Australia, particularly in relation to public transport, trains and buses. We urgently need to tackle this problem because it is critical to the quality of people’s lives, and the economic aspects to it are considerable, especially when we think of the emerging issue of peak oil. I think some people feel that, at the moment, oil prices are still relatively acceptable, but I think that in the months or years to come we will see significant increases and there will then need to be a vast improvement in the quality and capacity of our public transport.

MS J.M. FREEMAN (Nollamara) [7.36 pm]: I, too, rise to speak to the motion. Clearly, the Minister for Transport is aware that I have welcomed the construction of the Mirrabooka Avenue overpass as I believe it is much needed in the community.

There is a real necessity for a public transport master plan. I will take the minister through a whole series of issues in my area to put them on record, so that when a master plan is considered he understands and has an appreciation of the needs of the people in the electorate of Nollamara. The electorate of Nollamara is in a bit of a no-man’s-land and will not necessarily be serviced if and when we get a train service through to Ellenbrook, the provision of which I would welcome. The area is not currently serviced by our overcrowded trains, although a percentage of people from the area commute to train stations.

The electorate of Nollamara encompasses the suburbs of Nollamara, Mirrabooka, Koondoola, and Alexander Heights, and I wish to inform the house of something that I find extremely and extraordinarily concerning in that electorate. I will take members through the 2006 census suburb by suburb and they will notice that an appallingly small number of people from those suburbs catch public transport; it is below the Perth statistical data as a whole. In Mirrabooka in 2006, 212 people caught public transport to work on 8 August, which was the date of the census. Of those 212, 47 caught the train and 165 caught the bus. Compare that figure with the 2 149 people who drove private vehicles to work. This occurred in the suburb of Mirrabooka, which is really 15 kilometres—at the outside maybe 20 kilometres—from the City of Perth.

It is somewhat concerning for urban development in our community that people feel such antipathy towards catching public transport. Public transport should be available and effective, but, as the member for Balcatta outlined, people are choosing to drive their cars rather than take public transport despite the costs involved. If it is no quicker to catch public transport than it is to drive a car, the convenience of driving will encourage people to drive in spite of the distance.

In Mirrabooka alone 7.5 per cent of the population made use of public transport, compared with 8.5 per cent of the whole of Perth. Use of private vehicles in Mirrabooka was 76.1 per cent, versus 70.4 per cent for the whole city. That is a massive number of people who should be looking at alternatives to driving their cars. In Nollamara, which is even closer to the city, a higher percentage of people used public transport, but there was still an enormous number of people driving their cars. In August 2006 in Nollamara, 330 people caught public transport, two per cent of them on trains, compared with 2 350 people who drove a private vehicle. That is, 73.1 per cent drove a private vehicle, versus 70.4 per cent for the whole of Perth. In Westminster, bordering Wanneroo Road, 123 people caught public transport, while 1 144 drove private vehicles. Again, that is 74.2 per cent versus 74 per cent, which is roughly the average. In Koondoola, which is a very small suburb, 66 people caught public transport to work while 1 015 people drove private vehicles. In Alexander Heights, 230 people caught public transport to work, and 2 892 drove in private vehicles. That is 6.2 per cent versus the statistical average of 8.5 per cent, so more than two per cent fewer people in that area used public transport than the Perth average, and 77.5 per cent drove vehicles, compared with 70.4 per cent. In my area alone, on census day, 9 550 people drove to work, while 965 used public transport. What does that say about our community, when so few people are using public transport?

Mr T.R. Buswell: It might work in the other direction.

Ms J.M. FREEMAN: I looked at that, because it shows where they go. The vast majority go to the city; there are a few who go through to Malaga. There is a cross-suburb transport problem. I am happy to give the minister further statistics to drill down.

Mr T.R. Buswell: No, I'll be right. Seriously.

Ms J.M. FREEMAN: I am trying to indicate to the minister that we have a major issue in public transport delivery in our area.

Mr T.R. Buswell: Just so you can establish a trend, what were the numbers for the previous census?

Ms J.M. FREEMAN: They have increased for both public transport and private vehicles. I was not able to show which increased by the greater percentage, but both increased. It appears that the figures for driving may have increased at a slightly higher rate than the figures for public transport. But the issue is that it should have gone the other way around. When we think about the difference between the 2000 census and 2006 census, we had increased parking costs in Perth and reduced parking availability. It is an issue that needs to be addressed in our area to provide rapid, effective and efficient public transport into the city for people who need it for work. Obviously there are other issues surrounding public transport across the eastern suburbs, such as feeder services to train stations, because people seem to want those services to avail themselves of rapid transport into the city.

I have recently posted on my website a transport survey, and I have also sent the same survey out to the constituents of Nollamara. I admit that there has been a very minimal response to the online survey; only 10 responses to date.

Mr T.R. Buswell: How many did you send out, just out of interest?

Ms J.M. FREEMAN: We are hand-delivering the paper survey; this is the online survey, which was publicised in an ad. I am waiting to see what happens—maybe not very much! However, the overwhelming majority identified road congestion as being the most important issue, which reflects the fact that the majority of people are driving. Again, 20 per cent of people are having trouble with access to public transport, but the response was overwhelmingly about people driving vehicles and their road issues. There were some suggestions, including a call for light rail along Alexander Drive, which was also mentioned by the member for West Swan. That is something that I think would benefit the people of Nollamara, Morley, Mt Lawley and West Swan. There really should be great consideration given to that in any government master plan. There should also be a higher frequency of buses. There was a suggestion that buses should be smaller and run more often; I do not know the issues involved in increasing the number of buses, but I know that bus frequency is not particularly fantastic, especially on Sundays, because my son has to catch a bus on Sundays to get to work and is constantly complaining about the service in that area. I presented a petition in the house on 20 August 2009 that requested the addition of a bus service along Mirrabooka Avenue on Sundays. It is an issue that has concerned the people of Nollamara and Mirrabooka for some time and it is a great concern that we are only replacing buses and not increasing their number. The frequency of rapid transport in the area, which is necessary to encourage people to

leave their vehicles at home and take public transport, is an issue. I note the member for Gosnells' very good contribution about the education campaign on public transport and transport alternatives.

The census in Mirrabooka revealed that fewer than 0.8 per cent of people rode a bike, and I can understand why. I have tried to ride a bike from Nollamara, and I am not much of a bike rider. However, I know that if someone yells out that they have a flat tyre, the person in front will usually stop to help!

Mr T.R. Buswell: Not in the Liberal Party!

Ms J.M. FREEMAN: Maybe bicycle etiquette is not something the minister has been taught!

Mr T.R. Buswell: I seriously thought it was a seagull! If I'd known you were in distress, I would have stopped immediately!

Ms J.M. FREEMAN: I did yell, and I had to wait until my good comrade from the other place and some police officers came along. I said that I thought the usual etiquette was that if you yell, "Flat tyre", everyone stops to help, or at least checks to see whether you can do it yourself—but no; the Minister for Transport kept on going!

Mr T.R. Buswell: The problem is that when someone is moving at the speed of sound, it is very hard for your voice to catch up.

Ms J.M. FREEMAN: I can tell the minister that he was not moving at the speed of sound!

The bike ride from Nollamara to the city is beset with difficulties. There is a bicycle path down Flinders Street, but cyclists take their lives in their hands riding on that strip of the road. There is no way anyone would ride on that path during peak hour. My partner rides to his work in Hay Street every day. He has to take a circuitous route through Dianella and Mt Lawley to get into the city. He basically rides on the roads all the way. He is a seasoned bike rider and, although it is not particularly pleasant, is capable of doing that. I enjoy riding to work but cannot cope with the cars. The most recent research on this matter shows that I am not alone; it is a female trait. We are just not aggressive enough to take on the cars. That means that a group of people in our community are not riding bikes. It is imperative to look at bicycles as being part of the transport plan. Bicycles can be and often are a much quicker form of transport for many people in many cities throughout the world. Recently I was in Melbourne and I used the Melbourne Bike Share system and the bicycle paths.

Mr W.J. Johnston: Did you return the bike?

Ms J.M. FREEMAN: I did. I used it every day that I was there. I did not return the helmet because cyclists need to buy a helmet.

Mr T.R. Buswell: Who operates that?

Ms J.M. FREEMAN: There is one in Queensland and one in Melbourne. I believe that in Melbourne it is operated by the Melbourne city council, but it may be operated by a private company. Queensland has it, too.

Mr T.R. Buswell: The London bicycle scheme is operated by Serco. You wouldn't like that.

Ms J.M. FREEMAN: I do not mind Serco running bicycles but I do mind it running hospitals. It can run as many bicycle-sharing schemes as it wants, but it certainly should not run hospitals. Clearly it is not capable of running hospitals if all it can do is run bicycle-sharing schemes.

I will quickly talk about the Mirrabooka bus station upgrade. Although it is very welcome, I will outline a problem with Sudbury Road. I do not know whether the minister recalls the place where he launched the housing project in my electorate one day; it was in Sudbury Road, which has now been made a through road. It will be part of the plaza, which has been paved with bricks and has trees. It is expected that pedestrians will cross that road to go to and from the plaza and the bus station. Transperth is keeping its massive service road into the Mirrabooka bus station, which its buses can drive in and out of, and it will also use the new Sudbury Road that has just had a lot of money spent on it. Frankly, that will cause havoc. A bus will drive along the plaza every 17 minutes between 9.00 am and 4.00 pm, and every 11 minutes between 4.00 pm to 6.00 pm. Transperth can use an alternative route because it has kept its service road. Driving buses on the new road will cause havoc and is dangerous. Despite the city raising the matter with Transperth, Transperth has continued —

Mr T.R. Buswell: If you raise that as a grievance, we will look into it.

Ms J.M. FREEMAN: Okay. On that basis, I thank the house.

MR W.J. JOHNSTON (Cannington) [7.53 pm]: I see that there is not much time left.

Ms J.M. Freeman: Sorry.

Mr W.J. JOHNSTON: That is okay; I am quite relaxed about that. This is an important resolution. I am pleased that the Minister for Transport has been, and is, in the house to listen to the debate. I respect him for that. He is about to deal with a bill as Minister for Housing, so he has a lot to think about.

Mr T.R. Buswell: I think my title for that is the minister assisting the Minister for Commerce.

Mr W.J. JOHNSTON: The Minister for Commerce certainly needs plenty of assistance. I was just about to comment on his performance as the Minister for Transport.

Mr T.R. Buswell: And we were getting on so well.

Mr W.J. JOHNSTON: We were. One of the interesting things about public transport in the metropolitan area is that the Minister for Transport was missing in action. Let us take the issue of the 12 railcars that the new minister found in a shed in the northern suburbs. We have not heard from the government why the previous minister left those railcars in a shed. The Minister for Transport might let the house know why Hon Simon O'Brien decided to park 12 carriages in a shed. The member for Wanneroo seems to be amused by the idea.

Mr P.T. Miles: It's a very big shed.

Mr W.J. JOHNSTON: It is a very big shed, is it? What else is in it? I remind the house that on 13 November 2008 in this chamber we had a debate about public transport and the need to order 30 additional railcars. I remind members that part of that discussion was about not being able to build a rail line to Southern River without those 30 railcars. Of course, the government has done no planning on the rail line to Southern River. Even if it had done that, a train could not turn up anyway because there would not have been any railcars to carry passengers on the rail extension. Even if that planning were to start tomorrow, the railcars would not be available at the station when it is ready.

The interesting thing about railcars—the Minister for Transport can probably talk about this issue—is that because there is a massive expansion of the metropolitan rail lines, not just in Perth, but, as was so ably demonstrated by the former Labor Party, in cities all around the world, it is quite difficult to produce railcars for metropolitan services.

Mr T.R. Buswell: We buy good Aussie railcars from Queensland.

Mr W.J. JOHNSTON: From Downer EDI, whose partner is Bombardier, a Canadian company. The essential technology is Canadian and the railcars have a large component of Canadian equipment in them. There is a worldwide shortage of railcars. The former Labor government gave a commitment during the election campaign to order an extra 30 railcars because doing it that way meant that at the end of the previous contract for 45 additional railcars, Bombardier–EDI would not have had to retool to produce the 30 additional railcars. As no city connects its rail service to another city, each city's trains are built slightly differently. Every time an order for a rail system is finished, the manufacturer has to retool for the next production run. If the incoming government had followed through on the Labor Party's commitment to order the 30 extra railcars, the cars would have been cheaper and delivered earlier because Bombardier–EDI would not have had to retool. Its factory is being retooled for the next order. When we do order the railcars, they will be more expensive than they should have been because Bombardier–EDI will have to retool again back to the specifications required for the Perth metropolitan rail system.

On 13 November 2008, I pointed out to the chamber that the Liberal government could not build a train station in South Perth, and the Premier challenged me on that. That has come true. These issues are all connected. I will keep talking, minister. Every time another station is added onto a line, extra railcars are needed to keep down the travel time because every time the trains have to stop it adds to the travel time. As the railcars are not available, the government cannot add the extra station at South Perth and at Secret Harbour; is that where the extra station is needed, member for Warnbro?

Mr P. Papalia: Karnet.

Mr W.J. JOHNSTON: It cannot be added at Karnet because there are not enough railcars to stop and keep the travel times to a reasonable level. These issues are all connected.

The problem is that the Liberal government—we know from the history of the Liberal Party in this state—has no commitment to public transport.

Dr A.D. Buti: It's in the DNA of the Libs.

Mr W.J. JOHNSTON: It is in the DNA of the Libs, as the member for Armadale said. The Labor government had made those decisions but the Liberal government has not implemented them. It is like the relocation of the train station on the northern extension; people had planned their lives around stations at Butler and Brighton. These issues are important; they are all connected. In the 60 seconds I have to go on the clock, I will say that just before I was elected to this place the former minister promised to refurbish Queens Park rail station.

Debate adjourned, pursuant to standing orders.

BUILDING BILL 2010*Consideration in Detail***Clause 1: Short title —**

The ACTING SPEAKER (Ms A.R. Mitchell): Members, we are in consideration in detail of the Building Bill 2010. The bill has 203 clauses and there are some amendments listed on new version A of today's papers.

Mr T.R. BUSWELL: Madam Acting Speaker, by way of clarification and to assist the opposition, there is an alternative attachment with amendments. The amendments are basically on the notice paper, and one or two others have been circulated. The other amendments also contain the member for Gosnells' amendment. Effectively, and I am sure you, Madam Acting Speaker, will clarify it, the sum of amendments is the totality of the amendments on the notice paper plus a couple of others that we have just put on. I just draw that to the attention of members.

The ACTING SPEAKER: Yes, we have just asked for some to be circulated.

Mr T.R. BUSWELL: I thought I would raise it because we have proceeded through these bills dealing with issues in an appropriate way, and it would be fair and reasonable to make sure that all the proposed amendments are circulated so that we are up to speed; that was why I raised the issue. I understand that is now happening so I shall take this opportunity to thank the Clerks for circulating the documents and return to my seated position.

Ms J.M. FREEMAN: The short title of the bill is the Building Act 2010. I note, again, that this bill does not have objects. I note also that the minister said previously during debate on the other building bills that they did not contain objects because the long title of the bill setting out a number of dot points was sufficient. I note that one of those dot points states —

An Act to provide for the following —

- work affecting land other than land on which the work is done;

The minister would know that I have raised on two separate occasions now the issue of land that someone believes they own and then someone comes to take it. I have forgotten the term.

Mr T.R. Buswell: Adverse possession.

Ms J.M. FREEMAN: Adverse possession; I thank the minister. I have looked and cannot see where in the bill adverse possession is dealt with. Can the minister give me guidance on where I can see the adverse possession aspect in the bill, given that one of the objects of the bill is to deal with work affecting land other than land on which the work is done?

Mr T.R. BUSWELL: I can, member, and the guidance is that that matter is not canvassed or dealt with in this bill. That particular component of the long title on work affecting land other than land on which the work is done—and no doubt we will tease this out when we work through the clauses that deal with that specific area—is really when there will be work on one piece of land that has an adverse impact on a neighbour; for example, a retaining wall, a fence, a compaction that causes cracking and the like. I am not exactly sure which aspect of common law—perhaps one of the member's colleagues can help me—deals with the issue of adverse possession, but it most definitely is not the Building Bill. My understanding is it is the basic common law.

Dr A.D. Buti: It is common law.

Ms J.M. FREEMAN: It is common law; I thank the minister for that. It is something that I raised with the minister's advisers assisting him and was told simply by the advisers that in fact it would deal with adverse possession and make adverse possession claims through common law more difficult. I am just again clarifying for the record, what the minister has told me—namely, that this bill in no way deals with adverse possession.

Mr T.R. BUSWELL: Perhaps I can provide the advice by way of clarification. It will make it harder in the instance when someone has to get consent for an encroachment. So, if someone has consent for an encroachment, it will become a lot harder to pursue a common law action for adverse possession. I am happy to tease out that point in consideration in detail.

Ms J.M. Freeman: Okay; so, where is consent for encroachment? That is why I said I had looked through the bill.

Mr T.R. BUSWELL: I do not mean to be disrespectful, but the member did not mention consent for encroachment.

Ms J.M. Freeman: I was not told that at the time I got advice. I asked the question when I went to see the minister's advisers. I was never told that at the time.

Mr T.R. BUSWELL: My advice is that it is in part 6. If we flag part 6 as we progress through the bill, I am sure we will get to it.

Ms J.M. Freeman: Okay. Any particular area of part 6?

Mr T.R. BUSWELL: It is clause 76, no encroachment without consent or court order; and clause 77, other land not to be adversely affected without consent or court order et cetera.

Ms J.M. Freeman: Thank you.

Mr T.R. BUSWELL: No worries.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Terms used —

Ms J.M. FREEMAN: I am interested in the definition of adult, which reads —

adult means a person who has reached 18 years of age, and in the absence of positive evidence as to age, means a person who is apparently 18 or more years of age;

Why was that definition necessary and who will make the judgement that an adult is apparently 18 or more years of age? I am at a loss to know why the bill would have as uncertain a definition as that. First, why was it required? Eighteen years of age is adulthood, so I get that. But why in the first instance was it necessary to have such a vague definition of “adult” and what impact will it have?

Mr T.R. BUSWELL: My understanding is that that definition is related to powers that are created under clause 100 of the bill, which the member will find on page 79. It is clause 100(2). Effectively it says —

The authorised person is not entitled to enter a part of a place in use as a residence, except —

This relates to entry powers for an authorised person, and paragraph (a) is with the consent of an adult occupier. The advice I have is that the clause is to deal with those circumstances. So, if the adult is a person over 18 or, in the absence of positive evidence, a person who is apparently 18.

Ms J.M. FREEMAN: Why is the following definition, “adversely affect land”, limited to the three points in paragraphs (a), (b) and (c)? Why did the minister in the drafting of this clause not include a provision that would not limit it to those three areas? Again I go to the adverse possession aspect of land and I note the areas are included in that definition. I suppose I am just asking for confirmation that by including those points, the definition is not limited to those three areas in paragraphs (a), (b) and (c).

Mr T.R. BUSWELL: My understanding is that these three inclusions in the definition of adversely affected land are included in relation to impacts that permanently affect the land and permanently affect the capacity to construct on the land. That is the advice I have, and that is why the clause is limited in that way.

Ms J.M. FREEMAN: Is it a limiting clause rather than an include but not limit-type of clause? I am asking about the clause’s construction.

Mr T.R. Buswell: No, it is quite specific.

Ms J.M. FREEMAN: Is it a specific term to limit the definition?

Mr T.R. Buswell: Yes.

Ms J.M. FREEMAN: According to the minister’s advice, how does that limited definition affect land that is in dispute? Does land in dispute under adverse possession not come under the definition of adversely affected land?

Mr T.R. BUSWELL: My understanding is that this would not have an effect on adverse possession.

Clause put and passed.

Clause 4: Meaning of independent building surveyor —

Mr T.R. BUSWELL: I move —

Page 6, line 11 — After “independent” to insert —
building

My understanding is that the amendment tidies up a compositional oversight by changing the reference from “independent surveyor” to confirm that it means “independent building surveyor”.

Mr M. McGOWAN: I am interested in an explanation from the Minister for Transport—perhaps one that is a little better than the one just provided. A number of amendments are proposed to this bill, and it is incumbent on the minister to provide us with better explanations than some of these very brief descriptions that he has given us.

Mr T.R. BUSWELL: My advice is that this provision defines the meaning of “independent building surveyor”, and the word “building” was mistakenly omitted from the clause. A building surveyor is an independent building surveyor as opposed to what is written in the bill. It currently states —

A building surveyor is an independent surveyor in relation to an application if —

The amendment ensures that we correctly identify the person to be defined, and that person is not an independent surveyor, but an independent building surveyor. It is simply inserting the word “building” between “independent” and “surveyor”. The title of clause 4 is “Meaning of independent building surveyor”. Hopefully, that explanation suffices.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 5 to 19 put and passed.

Clause 20: Grant of building permit —

Dr A.D. BUTI: What I am about to say also refers to clause 21, but we are now dealing with clause 20. Clause 20(1)(j) states —

that the applicant satisfies any other insurance requirements prescribed by regulation or under any other written law in respect of the building work; ...

Under the Interpretation Act, written law refers to all other acts and also subsidiary legislation that may come into force at any particular time. Presumably, that would include the city’s town planning schemes, and thus would require local governments to check compliance with the requirements on behalf of all public authorities in the state. That is my interpretation. Could the minister provide some clarification of that situation?

Mr T.R. BUSWELL: The advice I have is that the issue that the member has raised is covered in clause 20(1)(n), which states —

that the applicant has obtained in relation to the building work each authority under a written law that is prescribed for the purposes of this paragraph; ...

Clause put and passed.

Clauses 21 and 22 put and passed.

Clause 23: Time for deciding application for building or demolition permit —

Mr M. McGOWAN: I will talk about the clause for a moment. Maybe that will give us some parameters to what the minister —

Mr T.R. Buswell: Didn’t you have an amendment?

Mr M. McGOWAN: Yes, the amendment is still being prepared. I should have had it ready before now; I apologise.

Mr T.R. Buswell: That’s all right; I’m the same.

Mr M. McGOWAN: We are both in the same boat then.

This provision relates to time for deciding application for building or demolition permits. A further provision at clause 59 deals with the time for granting occupancy permits or building approval certificates. They are two separate things, but the provisions are similar in that an application will be deemed to be refused at the expiry of a certain amount of time. This is a point of contention. When someone has submitted a building application to a local authority for approval, a great concern is that it can often take a long time to make it through the building department of the local authority. It must be said that some local authorities, some councils, are very slack in dealing with approvals; they are very slow. Sometimes they may well be subject to outside pressures, which might be quite illegitimate, in slowing down some building approvals. We should have a streamlined and easy system, particularly with single residential approvals so ordinary families around Western Australia who want to get a house built can get their plans in, get them approved and get the house built quickly. It is simple. What is wrong with that?

It is a very slow process in a range of local authorities around the place, particularly in the western suburbs of Perth, though also in some areas outside the western suburbs of Perth. I saw some figures recently. My local authority in Rockingham and the one in the City of Swan had roughly a two-week turnaround period on building applications, which is fantastic. It is a simple, swift system. If one wants to build a single-storey residential house, it is a quick system. That is a good system. However, from memory, when we go to the shires of Claremont, Cottesloe, Subiaco or Fremantle, in the case of the first three I think the turnaround time was up to 40 weeks. I think the turnaround time in Fremantle is quite long. I recall that the turnaround time in the case of

Stirling may be up to 20 or so weeks. That is too slow. People who want to build a house and fulfil the great Australian dream have to wait all that time. When they have to wait, that means that the costs go up. Whoever is building that house factors that into the cost structure before they start, most probably because they are aware of the expected time frame. When they provide a quote to build a house, they realise that whilst they quote a certain amount at the time they provide the quote, over the next year or so costs will increase. They have to factor that into the initial costs. It will cost the purchaser more money as time goes by. One of the most significant issues in housing affordability is the fact that for some reason a lot of local authorities—often quite deliberately—slow down building approvals, which impacts on families who want to build a house. I would like to see a system that speeds that up significantly.

Ms J.M. FREEMAN: I am very interested in hearing what the member for Rockingham has to say.

Mr M. McGOWAN: Through this legislation the government is putting in place a system which it says will speed up these approvals. It is basically saying that after 14 days, or 35 days—it is quite confusing—there will be a deemed refusal if a decision is not made by the local government. Is that correct?

Mr T.R. Buswell: Yes.

Mr M. McGOWAN: That means that a council will have to approve or not approve a building licence application within 14 days or 35 days, depending on what sort it is. That means that if the council does not do that, a building licence application is automatically refused. The applicant will then have to go to the State Administrative Tribunal to get the council decision overturned. The council will lose its fee if that happens. When an applicant goes to the State Administrative Tribunal, I assume the tribunal will retain the fee if the licence application is overturned. The big stick on the council is that it will lose its fee.

I have seen different systems in other states. They say that the expiry at the time is deemed approval. In the case of Queensland, there is a deemed approval. If a council does not make a decision within that period to approve or refuse, the application is deemed approved. We went the other way in Western Australia. This government has not gone for the more aggressive approach. I understand that the Queensland Labor government put that mechanism in place. New South Wales and Victoria went for a different system; that is, if it is privately certified, one does not have to go through the council process. I suspect that enables people to get away from those councils in Sydney that might make it very difficult for people trying to do anything. Here we have gone for the least aggressive approach out of the three states that I mentioned in getting those building approvals through. We are number four, even though we have the most modern legislation. I will seek an explanation from the minister as to why he has not gone for a more forceful approach in dealing with this issue, which would be a deemed approval system, as has been put in place in Queensland. That would naturally mean that local government has a far greater level of efficiency when approving or refusing building licence applications.

The ACTING SPEAKER (Ms A.R. Mitchell): Before the minister responds, I need to inform members that the minister wishes to move some amendments to clause 23(1) and (2) and the member for Rockingham wishes to move an amendment to subclause (3). We will deal with the minister's amendments first.

Mr T.R. BUSWELL: I was just going to suggest to the house that given that order in and around clause 23, it might be easier if I move the amendments on the attachment that has been circulated relating to lines 20 and 21 on page 20 of the bill. This amendment clearly relates to clause 23(1). Then we can discuss the member for Rockingham's proposed amendment to clause 23(3). My amendment significantly changes clause 23(1)(a) by removing the time period of 35 days. Rather than it being 35 days, it would be a period prescribed for the purposes of this subclause. In other words, the feedback we have had from industry is that 35 days is perhaps too long and we will require some flexibility in setting that period of time. That flexibility will be delivered by being able to, through consultation with industry, set that period of time by regulation. I would not suspect that that period of time would be longer than 35 days. I think industry's preference was for it to be significantly shorter, so this just gives us the capacity to negotiate a period of time under clause 23(1) which is less than 35 days. I move—

Page 20, lines 20 and 21 — To delete “not later than 35 days after the application is made; or” and substitute —

before the expiration of the period —

- (i) that is prescribed for the purposes of this subsection for the classification of the building that is the subject of the application; and
- (ii) starting on the day after the application is made;

or

Mr M. McGOWAN: This amendment relates to cases in which a local authority requires further information. As the bill was originally presented, the local authority could send the applicant away for a period of 35 days in which to provide further information. The applicant would then come back and, as I understand it, the two-week

period starts again. On the last day, the applicant is sent away for 35 days during which time they can provide further information and come back and apply again, and it is two weeks again. That is 24 days plus 35 or thereabouts.

Mr T.R. Buswell: I am not disputing the thrust of your argument but it was actually 14 plus the 21, which makes 35. It was 14, 21 and 14. The 35 is the 14 plus the 21. I am not diminishing the thrust of your argument. I think the 21 days was too long, industry thinks it was too long and I assume you think it was too long.

Mr M. McGOWAN: I do think it was too long. In effect, the total is around 49 days or something of that nature. Industry understands that if a person is applying for a building licence under this new streamlined system, the local authority still has 49 days—that is, seven weeks—to consider the application before refusing it or approving it, but that activity can still go on during a period of seven weeks. Whilst it might speed up the process for councils—for instance, the ones I mentioned before, in which the average time taken for approval was 40 weeks—in the case of a lot of local authorities it is still a lot longer than the average time they spend considering an application anyway. Therefore, if the government wants to speed up the building licensing system, this amendment still provides huge scope for a slow approach by some local authorities.

The minister is proposing that the period can be prescribed by regulation, so that it is not 35 days; it might be less. But we do not actually know what the lesser period would be. This is an improvement, I assume, because the minister indicated that it would be a lesser time. Therefore, the opposition will support this amendment because it is an improvement. However, it does not deal with the point that I am making; that is, there is still the potential for there to be a seven-week period before a council is required to make a decision on a building licence application put in by someone for a single residential house. The systems in Queensland, New South Wales and Victoria are all far more efficient than this one. Queensland, New South Wales and Victoria all had Labor governments that put in far more efficient mechanisms than this model. In fact, the New South Wales system might even go back before the last Labor government, but I am not quite sure of that. But for a long time it has had a private certification system for single residential dwellings that is outside much of the control of councils.

I suggest to the minister that, although this is a slight improvement, there is still the potential for a long period of delay in the granting of a building licence by a local government council for an ordinary person building a house.

Amendment put and passed.

Mr T.R. BUSWELL: On the amendments sheet, I have four amendments that relate to page 20. I assume we just dealt with the first one.

The ACTING SPEAKER: Yes, we did.

Mr T.R. BUSWELL: So, as I understand it, there are three other amendments on page 20, and they are those that relate to lines 22 to 25, lines 29 and 30, and lines 31 and 32. Given that these amendments are effectively dealing with the same matter that we just dealt with, I seek leave of the house to move those three amendments en bloc.

Leave granted for the following amendments to be considered together.

Mr T.R. BUSWELL: I move —

Page 20, lines 22 to 25 — To delete the lines and substitute —

- (b) if there is a requirement under section 18(1) that is complied with within the specified time, before the expiration of the period mentioned in paragraph (a)(i) starting on the day after the compliance.

Page 20, lines 29 and 30 — To delete “not later than 14 days after the application is made; or” and substitute —

before the expiration of the period —

- (i) that is prescribed for the purposes of this subsection for the classification of the building that is the subject of the application; and
 - (ii) starting on the day after the application is made;
- or

Page 20, lines 31 and 32 — To delete the lines and substitute —

- (b) if there is a requirement under section 18(1) that is complied with within the specified time, before the expiration of the period mentioned in paragraph (a)(i) starting on the day after the compliance.

I apologise for not dealing with all four amendments at once. These amendments pretty much deal with the same issue that the member has raised. I think the issue the member for Rockingham has raised is very important. I have had some discussions with the building industry about this. I suppose again it is a matter of trying to find a balance between the professional advice from the department and the advice of the industry.

Mr M. McGowan: You've had discussions but you're not the responsible minister, are you?

Mr T.R. BUSWELL: I know, but, as the Minister for Housing, I often have discussions with the industry about a whole range of things, and it raised this with me.

Mr M. McGowan: Is the minister Hon Simon O'Brien? Is he the correct minister we are dealing with here?

Mr T.R. BUSWELL: Yes. I will mention one point that was made to me about the amendment relating to lines 31 and 32. I think the point the member raises is valid. If we follow it through, there was a period of 14 days, then a possible 21 days to provide new information, and, at the end of those 21 days, possibly 14 days to deal with it again. We have discussed previously modifying the 14 days and the 21 days—the 35 days. The fourth amendment states —

if there is a requirement under section 18(1) that is complied with within the specified time, before the expiration of the period mentioned in paragraph (a)(i) starting on the day after the compliance.

In other words, the day on which the information is provided is when that back set of 14 days starts. That means that the local government, just by asking for information, cannot apply the maximum period. It has to start to reconsider the application from the time the information it has requested is provided. To be frank, I am with the member. I am sceptical of some local governments. I think that some local governments will use any means available to them to try to dodge the intent of this bill, and that will not be limited to this sort of clause; it may also be limited to trying to pull building approvals back into the planning process so that a development approval is needed for a simple single residential dwelling effectively in a suburban area. I mentioned last night in my second reading response on this bill that we will be keeping an eye on any behaviour along those lines, because that would clearly fly in the face of the intent of the bill. I point that out regarding that fourth amendment to page 20.

Mr M. McGOWAN: As I understand it, under this amendment a council will have the 14-day period in which to approve or refuse the application, or seek further information. If the council seeks further information from a person applying for a building licence, at the point in time that that person provides that information, the second 14-day period will kick in. Therefore, there will be a potential truncating of the total period in which the council can consider the information.

Mr T.R. Buswell: Correct. Member, I will just add one other thing. The ability to set that 35-day period by regulation, as I understand it, will also reduce those original 35 days to a number yet to be determined.

Mr M. McGOWAN: This is potentially an improvement, assuming that the earlier prescription mechanism does not expand the number of days, but, rather, contracts the number of days.

Mr T.R. Buswell: There is absolutely no intent for that to happen.

Mr M. McGOWAN: Yes, but there is a form of words that could have been used. Hold on; it is not later than 35 days after the application is made.

Mr T.R. Buswell: Yes.

Mr M. McGOWAN: It just says that it is prescribed; okay. It actually provides the potential for it to be longer than 35 days, which was not in the legislation before. What the government could have done was draft the provision we passed a few moments ago in a way that ensured the period was less than 35 days to remove all doubt. But, having said that, I accept that the minister's intent is to reduce the time. Again, these are mechanisms to try to reduce the time involved. This intent is good. It still does not deal with the issue I talked about before; that is, if no decision is made within the time frame, that issue is not dealt with by these amendments that the government is proposing.

Mr T.R. Buswell: That's correct.

Amendments put and passed.

Mr M. McGOWAN: I move —

Page 21, lines 1 to 4 — To delete the lines and substitute —

- (3) If the permit authority has not made a decision in the time mentioned in subsections (1) or (2), the permit authority is to be taken to have granted the building permit or demolition permit in accordance with the application.

This is an amendment that I have not had parliamentary counsel draft and I have not had a law firm draft. I had some help from the Clerk. The Clerk drafted the amendment to clause 59 and I drafted this one based upon his earlier work, with a couple of modifications. So it was not done by a Queen's Counsel. In any event, it is designed to point out the intent of what we are trying to do.

Mr W.J. Johnston: It was still done by a learned lawyer.

Mr M. McGOWAN: That is right.

Mr T.R. Buswell: You are only learned when you crack *Australian Story*, as I have found.

Mr M. McGOWAN: Yes. Maybe one day I will be on *Australian Story*, although I doubt it. Not many people have a double episode!

Several members interjected.

Mr M. McGOWAN: I missed the early part, but I saw the latter part. Seriously, I think he is —

Several members interjected.

Mr T.R. Buswell: Did you see him from the underwater camera? They had the underwater camera following him.

Mr M. McGOWAN: He is an amazing person.

Several members interjected.

Mr R.F. Johnson: I think it should have come with a warning against children seeing it; it could give them nightmares!

Mr M. McGOWAN: I think the member for Hillarys doth protest too much!

Mr T.R. Buswell: I think he has probably got a copy on his hard drive!

Mr M. McGOWAN: Yes! He has a photo on the wall of the member for Mindarie in the shower!

The ACTING SPEAKER (Ms A.R. Mitchell): Thank you, members!

Mr R.F. Johnson: Probably all the people walking along West Coast Highway saw him through the window! It was absolutely amazing.

Mr M. McGOWAN: Not only doth the member for Hillarys protest too much —

Several members interjected.

The ACTING SPEAKER: Members! The member for Rockingham.

Mr M. McGOWAN: I think he is a bit envious!

Mr R.F. Johnson: I promise you I am not!

Mr M. McGOWAN: I think the minister is! I am pretty sure they not going to do a double episode on the minister!

Mr R.F. Johnson: I would not want them to—not along those lines!

The ACTING SPEAKER: Thank you, members! I would like to give the call back to the member for Rockingham.

Several members interjected.

Mr M. McGOWAN: I think we all envy him, to be honest, but anyway.

Mr R.F. Johnson: I don't.

Mr T.R. Buswell: Did you like it when he put his feet on the table and did push-ups?

Mr M. McGOWAN: This is a bloke in his 60s, doing push-ups like that. That is impressive.

Several members interjected.

Mr M. McGOWAN: We should all be envious.

The ACTING SPEAKER: Member for Rockingham, your time has run out.

Ms J.M. FREEMAN: I am very interested in hearing the Member for Rockingham's actual point, and not the digression. That would be good.

The ACTING SPEAKER: Member for Rockingham, please get back to the subject.

Mr M. McGOWAN: Madam Acting Speaker, I would just remind you that I was not the one who took us off the subject.

In any event, the central point is about deemed refusals and deemed approvals. I alluded to that earlier. The people in the housing industry are not evil people.

Mr T.R. Buswell: That is not what the member for Gosnells said last night.

Mr M. McGOWAN: The minister is trying to take me off the point again. These are not evil people. Roughly 150 000 Western Australians work in the housing industry. It is a high-class industry, and it builds good houses. I have lived in other states. The houses that are built in Western Australia are as good as, or better than, those built in other states, particularly Queensland, I might say.

The industry in its residential sector employs roughly 70 000 Western Australians, predominantly in Perth. The housing industry is frustrated by some of the red tape that is tying it up. One of the things that is tying up the industry is the time that it takes for councils to grant building licences for residential dwellings so that people can build a house. I agree with the industry. That should not be happening. That happens for a range of reasons. First, I think that some people who work in local government—there might be some justification for the government's position—are taking a long time to make a decision. Secondly, a number of elected officials think that their role is to listen to the loudest complainer in relation to a building. If someone is building a house, and the neighbours object and complain and are able to get the local government councillors on their side, all hell is caused within the organisation about whether the house should be built in the way it is being built on that particular location. In those situations, the building may comply with all the R-codes and the building codes and so on, but the neighbours are unhappy with what is going on, and compliant, or perhaps even vexatious, local government elected officials are taking up their cause.

That issue needs to be dealt with. That is most prevalent, as I have said, in the more affluent areas. In my electorate of Rockingham, it is not a problem. Rockingham City Council is doing a wonderful job, and it has a very efficient planning and building section. It is the same in the City of Swan, and it is probably the same in the majority of local government authorities.

Mr T.R. Buswell: Busselton.

Mr M. McGOWAN: Not across Busselton. Busselton has a history of very poor local government councillors. But it has improved in recent times—in the last five or so years.

Mr T.R. Buswell: Not the one you tried to flog the foreshore off to! He has gone, old Wes!

Mr M. McGOWAN: The minister is ideologically inconsistent. In any event, there are a lot of problems with local government authorities. Some significant action needs to be taken to deal with this problem.

This legislation is an improvement on the existing situation. However, governments in other states have really bitten the bullet. They have said that at the expiry of the time within which a council can consider a building licence application, there will be a deemed approval if the council has not made a decision; therefore, the council needs to make a decision. What this government is saying is that, at the expiry of the time, there will be a deemed refusal. Therefore, this government is weaker than the governments in other states. This government is slacker and slower on cutting red tape than the governments in Queensland, New South Wales and Victoria have been. We are saying that the government needs to toughen up. This amendment gives the government the opportunity to be a bit tougher in dealing with councils that are slack and slow in making decisions about building licence applications. I believe the government should support the amendment. If the government does not support the amendment, it should say why. The government has drafted the legislation in a way that will, I suspect, make this proposed amendment a bit difficult. If the government will not support the amendment, it should tell us whether it will amend the legislation, using the resources of the state, in the upper house so that this provision can be brought into effect. That is what I want to know.

Mr T.R. BUSWELL: Member for Rockingham, I have to say—I will get into strife for saying this—that I am actually very sympathetic to deemed approval. I think it has application in planning law, and it should have application possibly in this law. However, that is just my view. I am not the minister responsible for this legislation. The advice I have been given is that the minister's view—I am not using that as an excuse, but I am here representing the minister—is that he has considered the option of deemed approval as opposed to refusal, and has rejected it. It is not normally my nature to read out points, but it is important that I put these points on the record, because these are the points that have been provided to me.

Basically, the response is as follows. Clause 23(3) provides that if the permit authority does not either issue the permit or refuse the application within the prescribed period, the application is taken to be refused; that is obvious. This provides the applicant with a right to appeal to SAT as a last-resort mechanism to force a decision. The permit authority can continue to process the application and issue a permit, or a formal refusal, but must refund the permit application fee. This provides an incentive to process an application on time. The government

does not support a change to deemed approval if the permit authority does not deal with the application within time. There will be no public record or documentation of a deemed approval. Subcontractors may be unwilling to work, and insurers may be unwilling to provide cover, if there is no evidence of an approval.

A deemed approval process would need a mechanism to provide evidence of a deemed approval, and to cancel the approval if the application is then processed and refused. This will load the approvals process with more, rather than less, red tape. The notes then go on to state that a possible concession may well be that clause 66(1) of this bill provides for regulations to prescribe that a building permit is not required for building work of a kind specified in the regulations. The regulations could provide that a building permit is not required for building work covered by a certified application when the prescribed time has elapsed and the permit authority has not issued a building permit or has refused the application. This concession will allow a builder to reliably plan to start work on site at the end of the prescribed time. If the application is processed within time and a permit issued, the builder can commence work on site as planned. If the application is not processed within time but a permit is issued at a later stage, the builder can still commence work on site as planned, without committing an offence. If the application is processed within time and rejected, the builder will not commence work. If the application is not processed within time but the application is rejected at a later stage, the builder must stop work.

As I say, this is one of those unfortunate situations for the opposition in which, notwithstanding some of the merits of what has been put to me, I am quite simply not in a position to accept, on behalf of the government, the amendment. That is really a matter that the opposition's upper house colleagues will have to tease out with the minister. I am sorry that that is the situation, but I have been advised that the minister's view is that deemed approval will not be accepted at this stage. As I say, I have long been an advocate of the application of deemed approval in certain areas, including in planning law, although some people have pointed out to me—this is not really on my notes—that if a deemed approval regime is created, then the easy thing for the approval authority to do is just simply refuse. The benefit of that is that it does start a process; however, I have read the advice I have into *Hansard*, and I would encourage the opposition to encourage its colleagues in the upper house to canvass this more thoroughly with the minister in the other place.

Mr M. McGOWAN: I have thought through the issue. Councils will be able to make a decision within the period—ordinarily two weeks—as to whether to approve or refuse. If, at the point in time that it expires—at the end of the two-week period—they have not been provided with information and they elect to refuse, there is still the right of appeal. The government is deciding to allow them to elect not to make a decision; whereas I am suggesting there should be a deemed approval system.

Mr T.R. Buswell: Member, just for clarification: you mentioned within two weeks, but of course there is a provision to ask for more information. So it is within two weeks, unless there is a request for more information. As we have talked about before, that period for more information will be less than the two weeks plus 28 days, which equals 35 days, by regulation, and the approval process will start again when the information is provided. So it is not necessarily within the two weeks; that would be the case only if there is no request for additional information.

Mr M. McGOWAN: I understand that.

Mr T.R. Buswell: It doesn't change your argument though.

Mr M. McGOWAN: I think it gives some scope to some councils to unnecessarily, on occasion, delay things.

Mr T.R. Buswell: I am not disputing that.

Mr M. McGOWAN: I think in the case of single residential dwellings that are certified and so forth, there should perhaps even be a different regime than that that applies to a twenty-storey building being built in the city. All I am saying is that I have considered the idea that a council may just refuse in order to comply with the law and prevent deemed approvals, but I still think that if a system of deemed approvals is put in place, it would force councils to actually make a considered decision in a quicker period of time than they otherwise would. I am saying to the minister that the system that the government is putting in place is weaker and slower than the system I am proposing, and I think, from the words the minister said, he agrees with me that that is a fact.

Mr T.R. Buswell: I think I said I agree with the principle.

Mr M. McGOWAN: Yes, the minister agrees with the principle. I heard what the minister had to say, and he essentially agreed with the principle and that the system being put in place by the government is slower and more cumbersome than would be the case had we gone for a deemed approval system, as is the case in the other states. As I said to the minister, as I understand it, in New South Wales and Victoria single residences do not even go before councils because there is a private certification system and some sort of record is provided and there is no building department decision.

Mr T.R. Buswell: In Victoria?

Mr M. McGOWAN: Yes, in Victoria; that is an even more efficient system than the deemed approval system, and out of the four states ours is going to be the most cumbersome and have the greatest amount of red tape. I think that is a fact; that is what the housing industry says, and I think it has been verified by what the minister has said. We are suggesting a way of at least making us equal to Queensland by allowing people to get their building approval through a council in quick time. Let it be on the record that the minister is saying to the house—even though it is not his view—that he will vote so that the system is tied up in a greater degree of red tape and is slower than the system proposed by the amendment I have put before the house. I want all Liberal Party members to understand that they will be voting for a system that will be slower and more cumbersome than the one proposed in the amendment before the house right now. So when people want to get a house built and a council is being unnecessarily slow, perhaps vexatious, perhaps obstropulous—whatever —

Mr T.R. Buswell: Obstructionist.

Mr M. McGOWAN: — and that; obstructionist—obstropulous.

Ms L.L. Baker: Obstreperous.

Mr M. McGOWAN: Obstreperous—that is it—and obstructionist, that the government members are voting for a system that allows councils to do that to a greater degree than it would have, had the government agreed with the amendment. I advised the housing industry that we were going to move this amendment, and I might say that they were quite supportive. I have moved it, and we will put this issue to the vote before the house tonight.

Mr J.N. HYDE: I also support this amendment, and I think two aspects of the minister's comments deserve comment. To abrogate his responsibilities and say "get it fixed up in the upper house" is a total cop-out. This is the house of government, this is where this amendment has been moved, and this is where this legislation has been introduced. The minister's argument that the result of having deemed approvals will be very quick refusals is not how the situation will work in reality.

Mr T.R. Buswell: I didn't say it would, I said it could.

Mr J.N. HYDE: Whether it was could or should, that was all the minister's comment was. The reality will be that we may have some lazy councils doing that. The applications will go off to the State Administrative Tribunal, which, in a minimal time frame, will turn it around and grant the approval, and bad councils with bad decision making will be exposed for what they are. This system has been tried and tested around the world and, to a lesser extent, elsewhere in Australia, and that is why the industry is onside with us, and, more importantly, consumers in Western Australia are onside with us. I urge the minister and other members of the Legislative Assembly not to think, "We'll just palm it off to the upper house". Let us stand up and do the job we are paid for and make the Assembly be a real house of decision making.

Mr T.R. BUSWELL: I am happy to argue the toss on all these points now; it does not worry me. I was merely trying to explain that, in principle, I am sympathetic to the arguments around deemed approval.

Mr J.N. Hyde: Well vote for it.

Mr T.R. BUSWELL: I am not sure the member for Gosnells would agree with me; he is a bit quiet up there! I will put the view of the government again: it is that we will not accept deemed approval. The opposition has painted the absolute worst case scenario, and we are trying to find a balance in a bill that is a vast improvement on the framework that currently sits in and around building in Western Australia. We have had to strike a balance between the views and position of local government and the views and position of the building industry in relation to this matter.

Mr J.N. Hyde: But it's a timid response.

Mr T.R. BUSWELL: It is our view that this represents a good balance. Members can stand in this place and paint the very worst picture of the very worst scenario to us, and on the odd occasion, if all of the factors were equal—as the Treasurer likes to say, "ceteris paribus"; I think that is the turn of phrase I learnt in economics 100, and it means all else being equal—the opposition may be right. I am not saying the member will definitely be right, and there is absolutely no suggestion that this will result in more red tape and more bureaucratic processes for the vast majority of building applications. I do not accept that view and the government does not accept that view, and we quite simply will not accept this amendment. I am happy for the member for Rockingham to bring it to the vote and I am happy for him to go back to the building industry and say, "Those ratbags in government did not support deemed approval". I have a suspicion that when the building industry looks at the totality of the reform of which this bill is part, it will be happy with the outcomes that will be delivered.

Mr P. PAPALIA: I want to explore the explanation that the minister read that had been provided to him for not considering deemed approval. In particular, it was suggested that there might be some type of issue if the time expired, the deemed approval was given and the builders went ahead but the approval was subsequently denied. However, would deemed approval not —

Mr T.R. Buswell: Deemed approval just means you assume it is approved.

Mr P. PAPALIA: Does it just entitle one to assume that it is approved?

Mr T.R. Buswell: Yes.

Mr P. PAPALIA: The minister's suggestion was that there could be further complications and that, as a result of deemed approval being given, builders would go ahead and there would then be issues concerning the process later on. Which has the heavier weighting? What is the minister's greatest concern? Is it that councils will be encouraged to refuse automatically as a way of avoiding the issue, or that there will be complications because deemed approvals will be issued?

Mr T.R. BUSWELL: As I think I said, in my role in local government I canvassed deemed approval many times in respect of planning changes. One of the arguments that was put to me was that if we create a deemed approved mechanism, we will get, by default, more refusals. I do not know whether that is the case; in some cases, a refusal is not a bad problem because in a long, drawn-out planning process, it will at least get to a point of finality at which people can toddle off and deal with something else. However, that is not the government's main concern. As I indicated, the government's main concern is that the period would expire and the person would assume that they have an approval. If for one of a number of reasons the local government had not dealt with it, it may deal with it the next day, the next week or whatever, and then refuse it. The concern is that the person will assume that it has been approved and launch their building program or whatever else they want to do with their approval, only to discover at a later date that it has been refused.

Mr M. McGOWAN: That does not make sense because there is an expiry period. At the end of the expiry period there is a deemed approval; it is not as though they are going to make the decision the next day. I think I am paraphrasing the member for Warnbro, who set out the argument in a far lengthier fashion! All I am saying is that at the expiry of the period there is deemed approval, and as I understand it, that is what happens in Queensland. Now the minister is saying that it is all unmanageable, or he is being advised by the minister in the other place that it is unmanageable, but I do not think it is beyond the wit of the state of Western Australia to come up with a way of managing this.

Dr A.D. Buti interjected.

Mr M. McGOWAN: Exactly. If it is in place in other states and countries, surely there is a way of doing it here. In any event, I have set out the argument for members of the Liberal Party. This approach involves less red tape, less time and less cost for householders. Liberal Party members claim that they have the right to cross the floor on legislation; well, here is their chance. This is an amendment that will provide more certainty for householders, quick approvals and less cost. This is their chance to cross the floor. Let us see how well that rule in the Liberal Party constitution that allows members to cross the floor works in practice on something as clear-cut as providing more affordable houses for Western Australians, quicker approvals and less red tape for the building industry. We will see exactly how they vote on that issue.

Mr P. PAPALIA: As a result of the minister's response, I am interested to know whether he can find out from the advisers what research was done on the manner in which deemed approvals operate in other states, and how frequently those deemed approvals result in subsequent issues of the type the minister has indicated he is concerned about. How often does the deemed approvals process come apart subsequent to the expiry date and after the builders have gone ahead because they have assumed they have approval? How often is that a problem in states where deemed approval is exercised? Did we just assume that there was going to be a problem and that Western Australia was incapable of resolving it?

Mr T.R. BUSWELL: The advice I have is that it is difficult in all cases to compare what happens in Western Australia with that in other states, because the role of the building surveyor is different; the permit issuing authority here is the local government. It is our view that this gives a fair balance in attempting to reform the building approvals process, and it is an outcome that has been arrived at after what I can assure members has been a long and considered discussion with both local government bodies and housing bodies. As I said, their views are not entirely consistent on this. We think that this strikes a good balance. If members want my views on local government authorities, they should look at what I said at the end of my response to the second reading debate last night. I might not repeat my remarks now because it might just inflame further debate.

Mr M. McGowan: What did you say?

Mr T.R. BUSWELL: Not much, but enough.

Mr M. McGowan interjected.

Mr T.R. BUSWELL: Have a look; it was brief, but succinct.

Mr C.J. Tallentire interjected.

Mr T.R. BUSWELL: I said I would address issues that people had raised in consideration in detail, which is what we are doing. We have a point of difference on the amendment, and the government will not support it.

Mr P. PAPALIA: I take the opportunity to place on record my observation of the timidity with which the government—particularly the minister representing the minister in this place—is approaching this particular issue. It is completely at odds with the public persona that the Liberal Party seeks to cultivate in the media and elsewhere, and particularly with industry representatives. The government has been especially timid in its approach to this amendment proposed by the opposition. Normally, I would have thought that this would provide a wonderful opportunity for the government to advance its purported cause of cutting red tape and speeding up the delivery of housing to Western Australians. It strikes me as absolutely remarkable for this minister and all other members of the government to take this timid path, and to be led around by the nose by advisers or perhaps by vested interests—who knows? It is missing an opportunity to advance a cause that it often purports in the public arena to champion. I am disappointed with the government, but I am very happy to be part of the opposition proposing this amendment.

Dr A.D. BUTI: In one of the minister's responses to the member for Rockingham and the member for Warnbro in not agreeing to the deemed approval provision, he stated that, if a decision was not made, the application could be deemed approved, but the council could decide a day later that it has not approved it. I would have thought that that was not possible, unless the minister is saying that the council has the ability to retrospectively undo something that has been deemed approved.

Mr T.R. Buswell: You are right.

Dr A.D. BUTI: I thank the minister. If I am right, what is the problem?

Mr M. McGOWAN: We will conclude this amendment. Just so members fully understand, I will set out once again that the Labor opposition is proposing a system of deemed approvals. The drafting of this legislation commenced during the term of the former Labor government. I have spoken to the former ministers responsible for this area and they have told me that they are keen to progress the matter in this way. We have moved this amendment so that Liberal Party members can choose to either support or not support less red tape, quicker approvals and cheaper houses for Western Australians.

Mr T.R. BUSWELL: I will clarify one point. I picked up this bill when we came to government. As I understand it, this bill had been given approval to draft. The drafting instructions for this clause, which the former government had approved, have not changed. It is best to put on the public record, member for Rockingham, that, as I recall, and as I have been advised, the drafting instructions that produced this clause did not change following the transition of government.

Amendment put and a division taken with the following result —

Ayes (18)

Ms L.L. Baker	Mr W.J. Johnston	Mr P. Papalia	Mr P.C. Tinley
Dr A.D. Buti	Mr J.C. Kobelke	Ms M.M. Quirk	Mr P.B. Watson
Mr R.H. Cook	Mr M. McGowan	Mr E.S. Ripper	Mr D.A. Templeman (<i>Teller</i>)
Ms J.M. Freeman	Mr M.P. Murray	Mr T.G. Stephens	
Mr J.N. Hyde	Mr A.P. O'Gorman	Mr C.J. Tallentire	

Noes (22)

Mr P. Abetz	Mr V.A. Catania	Mr A.P. Jacob	Dr M.D. Nahan
Mr F.A. Alban	Mr J.H.D. Day	Dr G.G. Jacobs	Mr D.T. Redman
Mr I.C. Blayney	Mr J.M. Francis	Mr R.F. Johnson	Mr T.K. Waldron
Mr I.M. Britza	Mr B.J. Grylls	Mr W.R. Marmion	Mr A.J. Simpson (<i>Teller</i>)
Mr T.R. Buswell	Dr K.D. Hames	Mr P.T. Miles	
Mr G.M. Castrilli	Mrs L.M. Harvey	Ms A.R. Mitchell	

Pairs

Mrs M.H. Roberts	Mr M.W. Sutherland
Mr M.P. Whitely	Mr C.C. Porter
Mrs C.A. Martin	Dr E. Constable
Mr B.S. Wyatt	Mr J.E. McGrath
Ms R. Saffioti	Mr A. Krsticevic
Mr J.R. Quigley	Mr M.J. Cowper

Amendment thus negatived.

Mr T.R. BUSWELL: I move —

Page 21, line 22 — To delete “subsection (3),” and substitute —
subsection (3) and section 18(2),

This amendment simply makes a reference back to clause 18(2).

Mr M. McGOWAN: I am trying to work out what this means because the minister's explanation was not very good. What is the practical effect of what the minister is proposing?

Mr T.R. BUSWELL: I understand that the amendment tidies up this clause, and ties clause 23(3) with clause 18(2). Clause 18(2) deals with requests for further information. The advice I have been given is that it basically ties those two together.

Amendment put and passed.

Mr T.R. BUSWELL: I move —

Page 21, line 25 — To delete “(2)” and substitute —

(2), or the time specified under section 18(1),

Again, clause 18 deals with a request for further information. This amendment simply ties the two clauses together. It is very similar to the previous amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 24 to 37 put and passed.

Clause 38: All demolition work to comply with applicable building standards —

Mr T.R. BUSWELL: I move —

Page 32, line 8 — To delete “demolition” and insert—

demolition

This is an amendment that deals with a very complicated issue; that is, the incorrect spelling of the word “demolition”.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 39: Non-application, modification of, building standards —

Mr T.R. BUSWELL: I move —

Page 32, line 20 — To delete “specified” and insert —

specified

Having just dealt with “demolition”, we are now dealing with “specified”. This is basically fixing up another spelling error. We are just addressing the term “specified” and making it “specified”.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 40 to 58 put and passed.

Clause 59: Time for granting occupancy permit or building approval certificate —

Mr T.R. BUSWELL: I move —

Page 48, lines 6 and 7 — To delete “not later than 14 days after the application is made; or” and substitute —

before the expiration of the period —

(i) that is prescribed for the purposes of this subsection for that kind of application; and

(ii) starting on the day after the application is made;

or

This amendment is the same as the matter we dealt with before. Effectively, it is an amendment to prescribe the period provided to building permit authorities for deciding applications for occupancy permits and building approval certificates. Instead of mandating the period in the bill, this amendment gives us the capacity to determine that period through regulation. It is similar to the previous amendment we moved back at clause 23—so, same argument, same clause.

Mr M. McGOWAN: Perhaps I was not paying enough attention, but this amendment appears to me to be similar to the amendment we debated earlier. I think that is what the minister just said.

Mr T.R. Buswell: Yes.

Mr M. McGOWAN: There was a range of amendments in the earlier provision, whereas there does not appear to be on this one. There appears to be only one amendment. I am interested in why there is only one amendment, as opposed to a number of amendments in the earlier clause.

Mr T.R. BUSWELL: My advice is that this is for a certified application for an occupancy permit. Previously we were dealing with certified applications for building or demolition permits and uncertified applications for building or demolition permits. That meant we had to deal with a number of different clauses because the different clauses applied to certified building and demolition permits, and uncertified building and demolition permits. Before we were dealing effectively with four subsets: a certified building permit, a certified demolition permit, an uncertified building permit and an uncertified demolition permit. In this particular case we are simply dealing with certified occupancy permits or building approval certificates.

Amendment put and passed.

Mr T.R. BUSWELL: I move —

Page 48, lines 8 and 9 — To delete the lines and substitute —

- (b) if there is a requirement under section 55(1) that is complied with within the specified time, before the expiration of the period mentioned in paragraph (a)(i) starting on the day after the compliance.

This again is similar to the clause that followed on from clause 23, which dealt with the second period starting at the time at which information is provided, rather than at the expiry of the maximum period of time which is available to provide the information.

Amendment put and passed.

Mr M. McGOWAN: In relation to the amendment I circulated, I move —

Page 48, lines 10 to 24 — To delete the lines and substitute —

- (2) If the permit authority has not yet made a decision in the time mentioned in subsection (1), the permit authority is to be taken to have granted or modified the occupancy permit or granted the building approval certificate in accordance with the application.

This is similar to the clause we dealt with earlier about deemed approvals, but this relates to occupancy permits or building approval certificates, which I understand are a little different from the building licences that we were dealing with earlier. This is therefore a different division, if we like, of the legislation and it applies to different permits that councils might be required to decide upon that people undertaking construction work or moving into a property might need to obtain. We are faced with exactly the same issue as we faced before. Are people required to wait while a council dillydallies in making a decision or should we have a system that encourages swift, quick and effective decision making by councils with appropriate appeal mechanisms if an application is refused within that time period? That is the decision that has to be made by the house. The Labor opposition is on the side of swift, effective and quick decision making, not slower and more cumbersome decision making and more red tape. That is the decision that has to be made here. The Minister for Police is on the side of a slower decision-making process for people —

Mr R.F. Johnson: I just wondered whether you'd apply the same rules to the CHOGM bill. That would be great if you did. That is what I was smiling at.

Mr M. McGOWAN: In any event, the house needs to decide whether to support a quicker approval process for ordinary families attempting to obtain these approvals so they can build a house to raise their children and bring up their families in happiness and harmony. We on the Labor benches are on the side of happiness, harmony, housing and less red tape so that the ordinary mum and dad battlers out there in our community can get into their homes, enjoy their televisions and enjoy all that comes with that happy life that Western Australia offers to people. Their children can play in the backyard: they can swing on the swings and they can play with the dog. They can do all these things under us, yet they will be delayed in enjoying all those simple pleasures of life by the Liberal government if it refuses to back this amendment. That is what we are dealing with here—the health and happiness of ordinary citizens. We are on the side of families. We are on the side of people. We are on the side of ordinary Western Australians. The Liberals are on the side of slower development and less happiness for ordinary Western Australians. Let that be on the record.

Mr T.R. BUSWELL: I am struggling to lift myself off the canvas after that withering attack. I understand that the member for Rockingham's amendment to this clause will mean that householders can move into their houses quicker, that families can enjoy a run in the backyard in a more timely way and that they can enjoy the company of their dog and all those wonderful things. That would be true if this clause applied to residential dwellings, but it does not.

Mr M. McGowan: I was talking about the other clause!

Mr T.R. BUSWELL: I am sorry; I overlooked that. I understand that occupancy permits are required for only commercial buildings.

Mr M. McGowan: This relates to a building approval certificate as well.

Mr T.R. BUSWELL: People do not need one of those to move in, unfortunately. They are a retrospective approval. Notwithstanding that, I think the argument that the member for Rockingham put was fantastic. However, it does not quite get us over the line to support the amendments.

Mr M. McGowan: What do these deal with?

Mr T.R. BUSWELL: Occupancy permits are required before one can occupy a commercial building. A building approval certificate is needed if one needs retrospective approval for unauthorised building work.

Mr M. McGowan: Do any of these commercial buildings have housing attached to them?

Mr T.R. BUSWELL: Some may.

Mr M. McGowan: There might be a backyard.

Mr T.R. BUSWELL: It would be a multistorey building. If someone sends Lassie the labrador out to the backyard, they will hear a dull thud as Lassie is turned into a labrador pancake in the car park below.

Dr A.D. Buti: Where in the clause does it say it is exclusively for commercial use?

Mr T.R. BUSWELL: We deal with occupancy permits a bit later in the bill—in part 5.

Dr A.D. Buti: That provision does not give you any indication of that.

Mr T.R. BUSWELL: The member should hang on; he should cool his jets and not go into orbit. Part 5 deals with circumstances in which building, demolition or occupancy permits are not required. The specific section that deals with occupancy permits is clause 66(5), which states —

The regulations may provide that an occupancy permit is not required for a building of a kind specified by the regulations.

My understanding is that they are not required at the moment, and they certainly will not be required in the future.

Mr M. McGOWAN: Just so that I get it straight, we are dealing with occupancy permits or building approval certificates. I understand that the occupancy permit can be for commercial premises that might have some sort of residential dwelling attached.

Ms J.M. Freeman: Set out by regulations.

Mr M. McGOWAN: I am not sure. In any event, we are dealing with two different things—an occupancy permit and a building approval certificate. Forgive my ignorance on what the building approval certificate relates to, but does it have the capacity to relate to a dwelling in any shape or form? Does this have the capacity to slow down the approval for a dwelling in any shape or form if it is a strata development? Earlier in this division it refers to them being part of strata developments. As we know, strata developments are most likely to be residential dwellings. I am interested in what the building approval certificate applies to—dwellings or other premises?

Dr A.D. BUTI: Just by way of clarification, the minister referred us to clause 66(5) as it relates to occupancy permits. Clause 66(1) has the same wording for a building permit.

Mr T.R. BUSWELL: How about we deal with that when we get to clause 66? The advice I have is that occupancy permits are required for commercial premises and building approval certificates are not required but are available for houses when someone wants to ensure that the building is certified to comply with applicable building standards.

Mr M. McGOWAN: Was I correct when I spoke before about the health and happiness of ordinary families obtaining a dwelling?

Mr T.R. Buswell: No, because building approval certificates are not necessarily required prior to someone occupying a property. Therefore, people can still have enjoyment of their property.

Mr M. McGOWAN: Is that prior to obtaining a building approval certificate?

Mr T.R. Buswell: Yes.

Mr M. McGOWAN: But if one is not obtained, it is possible to lose enjoyment of the property; is that correct?

Mr T.R. Buswell: No, that is not an offence.

Mr M. McGOWAN: What is the point of a building approval certificate then?

Mr T.R. Buswell: If someone has built without proper building approval, that person can retrospectively have the building approved by requesting a building approval certificate, which is the current process.

Mr M. McGOWAN: Therefore, it can apply to a residential dwelling. If the retrospective approval is not obtained, I suspect there is some provision in the bill for an authority or council, at some point in time, to do something to that building; otherwise, why is the building certificate approval needed?

Mr T.R. Buswell: That is correct.

Mr M. McGOWAN: Therefore, it can be the case that the health and happiness of an ordinary family occupying their house and their yard, with their dog and their children, can be impacted by this clause. I reiterate that the Labor Party is on the side of families occupying their houses and, hopefully, having less red tape applied to the continued operation of their dwelling. That is what this amendment is about. Although I set out all the arguments before for a deemed approval provision, this amendment is merely a reiteration of those previous arguments and also applies to some commercial dwellings. I might add that I have a lot of sympathy for people building commercial dwellings—they take a risk, they go out there, they put their money out there and they hope it all comes off. We want to cut red tape for them as well. We are on the side of cutting red tape for people setting up small businesses and for householders who want to continue to occupy their houses into the future. Therefore, this amendment stands on that basis. We will proceed with it. The question of whether to support small business people and householders being able to occupy their premises is now in the hands of the Liberal Party. I do not intend to speak on this amendment anymore unless the minister stands up and contradicts me. We are, once again, on the side of less red tape for people who want to get on and build something.

Amendment put and a division taken with the following result —

Ayes (15)

Ms L.L. Baker	Mr J.C. Kobelke	Mr P. Papalia	Mr P.C. Tinley
Dr A.D. Buti	Mr M. McGowan	Ms M.M. Quirk	Mr P.B. Watson
Mr R.H. Cook	Mr M.P. Murray	Mr T.G. Stephens	Ms J.M. Freeman (<i>Teller</i>)
Mr W.J. Johnston	Mr A.P. O’Gorman	Mr C.J. Tallentire	

Noes (22)

Mr P. Abetz	Mr V.A. Catania	Mr A.P. Jacob	Dr M.D. Nahan
Mr F.A. Alban	Mr J.H.D. Day	Dr G.G. Jacobs	Mr D.T. Redman
Mr I.C. Blayney	Mr J.M. Francis	Mr R.F. Johnson	Mr T.K. Waldron
Mr I.M. Britza	Mr B.J. Grylls	Mr W.R. Marmion	Mr A.J. Simpson (<i>Teller</i>)
Mr T.R. Buswell	Dr K.D. Hames	Mr P.T. Miles	
Mr G.M. Castrilli	Mrs L.M. Harvey	Ms A.R. Mitchell	

Pairs

Mrs M.H. Roberts	Mr M.W. Sutherland
Mr M.P. Whitely	Mr C.C. Porter
Mrs C.A. Martin	Dr E. Constable
Mr B.S. Wyatt	Mr J.E. McGrath
Ms R. Saffioti	Mr A. Krsticevic
Mr J.R. Quigley	Mr M.J. Cowper
Mr D.A. Templeman	Mr C.J. Barnett
Mr J.J.M. Bowler	Mr G.A. Woodhams

Amendment thus negated.

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

BILLS

Third Reading

1. Building Services (Complaint Resolution and Administration) Bill 2010.
2. Building Services (Registration) Bill 2010.

Bills read a third time, on motion by **Mr T.R. Buswell (Minister for Transport)**, and transmitted to the Council.

JURIES LEGISLATION AMENDMENT BILL 2010

Returned

Bill returned from the Council with amendments.

House adjourned at 9.50 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

EDUCATION AND TRAINING SUPPORT PROGRAMS — FUNDING

4717. Mr B.S. Wyatt to the Minister for Education

- (1) Will the Minister confirm that \$4.066 million is due to be cut from the Department of Education's Education and Training support programs as part of the Department's three percent efficiency dividend for 2010–2011; and
 - (a) if not, what is the amount that will be cut from Education and Training support programs?
- (2) What support programs will be cut to reach the three percent target for 2010–2011?
- (3) What schools will be affected by the cuts to the support programs?
- (4) Will the Minister confirm that, by the end of the 2012–2013 financial year, \$18.81 million is due to be cut from the Education and Training support programs as part of the Department's three percent efficiency dividend; and
 - (a) if not, what is the total amount that will be cut by that date?
- (5) What schools will be affected by the cuts when the total savings target, to the end of the 2012–2013 financial year, is reached?
- (6) What support programs will be cut to meet the target total noted at (5)?

Dr E. CONSTABLE replied:

- (1) The Member has cited a savings measure from an internal Department of Education spreadsheet "3% Efficiency Dividend as per 2009-10 Budget Paper No. 2".

This spreadsheet was originally constructed in January 2009 and is no longer being used internally or externally to make decisions on particular savings initiatives.

The contents of this spreadsheet are now of historical value and do not represent my views regarding future savings. Savings initiatives, such as that identified by the Member, for the current financial year (2010-11) and future years are currently being determined through the Budget process.

Furthermore, please note that this is now a matter for the Department of Training and Workforce Development.

- (2)-(6) Not applicable.

EDUCATION ASSISTANTS — FTE FUNDING

4719. Mr B.S. Wyatt to the Minister for Education

- (1) Will the Minister confirm that \$8.75 million in savings has been identified by cutting 450 full-time equivalents (FTEs) in Department of Education over-establishment Education Assistants as part of the Department's three percent efficiency dividend for 2010–2011; and
 - (a) if not, what is the amount that will be saved from the cut and how many FTEs are to be cut?
- (2) Is the 450 FTE target just for 2010–2011, or will the cuts be spread over the years to 2012–2013; and
 - (a) if so, what is the target for 2010–2011?
- (3) How many FTEs have been cut to date and has this resulted in any Education Assistants losing their positions?
- (4) If Education Assistants have lost their positions, how many Education Assistants and from what schools?
- (5) What schools will be affected by the cuts to over-establishment Education Assistants?
- (6) Will the Minister confirm that, by the end of the 2012–2013 financial year, a total of \$43.75 million in savings has been identified as a result of over-establishment Education Assistant cuts as part of the Department's three percent efficiency dividend; and
 - (a) if not, what is the total amount that will be saved by that date?

Dr E. CONSTABLE replied:

- (1) The Member has cited a savings measure from an internal Department of Education spreadsheet "3% Efficiency Dividend as per 2009-10 Budget Paper No. 2".

This spreadsheet was originally constructed in January 2009 and is no longer being used internally or externally to make decisions on particular savings initiatives.

The contents of this spreadsheet are now of historical value and do not represent my views regarding future savings. Savings initiatives, such as that identified by the Member, for the current financial year (2010-11) and future years are currently being determined through the Budget process.

Nevertheless, please note that there has been an overall growth in kindergarten, pre-primary and Schools Plus enrolments in recent years, necessitating a system-wide increase to Education Assistant employment levels.

The Department of Education actively manages Education Assistants to minimise "over establishment" FTEs. If there is an excess at one school and a vacancy at another, then staff will be redeployed (although there are limits about reasonable distances that staff can be moved).

- (2)-(6) Not applicable.

LEARNING WITH INFORMATION AND COMMUNICATION TECHNOLOGIES (ICT) PROGRAM

4720. Mr B.S. Wyatt to the Minister for Education

- (1) Will the Minister confirm that \$1.5 million is due to be cut from the Department of Education's Learning with ICT program as part of the Department's three percent efficiency dividend for 2010–2011; and

(a) if not, what is the amount that will be cut?

- (2) What aspects of the Learning with ICT program will be cut to reach the 3 percent target for 2010–2011?

- (3) What schools will be affected by the cuts to the Learning with ICT program?

- (4) Will the Minister confirm that, by the end of the 2012–2013 financial year, \$5.25 million is due to be cut from the Learning with ICT program as part of the Department's three percent efficiency dividend; and

(a) if not, what is the total amount that will be cut by that date?

- (5) What aspects of the Learning with ICT program will be cut to meet the target total from (4)?

- (6) What schools will be affected by the cuts when the total savings target, to the end of the 2012–2013 financial year, is reached?

Dr E. CONSTABLE replied:

- (1) The Member has cited a savings measure from an internal Department of Education spreadsheet "3% Efficiency Dividend as per 2009-10 Budget Paper No. 2".

This spreadsheet was originally constructed in January 2009 and is no longer being used internally or externally to make decisions on particular savings initiatives.

The contents of this spreadsheet are now of historical value and do not represent my views regarding future savings. Savings initiatives, such as that identified by the Member, for the current financial year (2010-11) and future years are currently being determined through the Budget process.

Nevertheless, please note that the Learning with ICT program was consolidated into the Online Curriculum Services program.

- (2)-(6) Not applicable.

EDUCATION PARTICIPATION PROGRAM — FUNDING

4721. Mr B.S. Wyatt to the Minister for Education

- (1) Will the Minister confirm that \$4.5 million is due to be saved by cutting 50 percent in funding from the Department of Education's Participation Program as part of the Department's three percent efficiency dividend for 2010–2011; and

(a) if not, what is the percentage funding cut that will be taken from the Participation Program and what is the expected saving for 2010–2011?

- (2) Has the whole 50 percent cut to the program's funding taken place; and

- (a) if not, how much has been cut and how much will be cut to reach the three percent target for 2010–2011?
- (3) What staff, full time equivalents (FTEs) and head count will be cut as a result of the 50 percent decrease in funding to the Participation Program?
- (4) What schools will be affected by the cuts to the Participation Program?
- (5) What is the current participation rate for Western Australian government schools?
- (6) Will the Minister confirm that, by the end of the 2012–2013 financial year, \$18.0 million is due to be saved by cutting funding to the Participation Program as part of the Department's three percent efficiency dividend; and
 - (a) if not, what is the total amount that will be saved by that date as a result of the funding cut to the Participation Program?
- (7) Does the Department of Education have projected participation rates for Western Australian government schools for the years 2010–2011, 2011–2012 and 2012–2013; and
 - (a) if so, what are they?

Dr E. CONSTABLE replied:

- (1) The Member has cited a savings measure from an internal Department of Education spreadsheet "3% Efficiency Dividend as per 2009-10 Budget Paper No. 2".
This spreadsheet was originally constructed in January 2009 and is no longer being used internally or externally to make decisions on particular savings initiatives.
The contents of this spreadsheet are now of historical value and do not represent my views regarding future savings. Savings initiatives, such as that identified by the Member, for the current financial year (2010-11) and future years are currently being determined through the Budget process.
- (2)-(4), (6) See (1). Not applicable.
- (5) The level of participation in 2010 was 95.2%.
- (7) Such projections cannot be made given the number of variables that impact on the participation of early school leavers in approved education, training or employment. These include the employment market, the state of the economy, the availability of training places and migration and immigration patterns.
 - (a) Not applicable.

RUNNING COSTS OF SCHOOLS ALLOCATIONS — FUNDING

4722. Mr B.S. Wyatt to the Minister for Education

- (1) Will the Minister confirm that \$2.832 million is due to be cut from the Department of Education's Running Costs of Schools (RCOS) allocations as part of the Department's three percent efficiency dividend for 2010–2011; and
 - (a) if not, what is the amount that will be cut from RCOS allocations?
- (2) What new schools had their foundation grants cut to reach the three percent target for 2010–2011, and by how much?
- (3) What schools scheduled to be opened in the 2011 school year will have their foundation grant cut to reach the three percent target, and by how much will each grant be cut?
- (4) What schools will be affected by cuts to discretionary running costs and how much will each school lose from its grant?
- (5) Will the Minister confirm that, by the end of the 2012–2013 financial year, \$13.43 million is due to be cut from the RCOS allocations as part of the Department's three percent efficiency dividend; and
 - (a) if not, what is the total amount that will be cut by that date?
- (6) What schools scheduled to be opened in the 2012 and 2013 school years will have their foundation grant cut to reach the three percent target, and by how much will each grant be cut?
- (7) What schools will be affected by cuts to discretionary running costs in 2012 and 2013 and how much will each school lose from its grant?
- (8) What schools will be affected by the cuts when the total savings target, to the end of the 2012–2013 financial year, is reached?

Dr E. CONSTABLE replied:

- (1) The Member has cited a savings measure from an internal Department of Education spreadsheet "3% Efficiency Dividend as per 2009-10 Budget Paper No. 2".

This spreadsheet was originally constructed in January 2009 and is no longer being used internally or externally to make decisions on particular savings initiatives.

The contents of this spreadsheet are now of historical value and do not represent my views regarding future savings. Savings initiatives, such as that identified by the Member, for the current financial year (2010-11) and future years are currently being determined through the Budget process.

- (2)-(8) Not applicable.

DEPARTMENT OF EDUCATION CENTRAL OFFICE — STAFFING

4723. Mr B.S. Wyatt to the Minister for Education

- (1) Will the Minister confirm that \$5.3 million is due to be saved by a five percent staff reduction from the Department of Education's central office and \$6.0 million saved from an additional five percent staff cut from central and district offices as part of the Department's three percent efficiency dividend for 2010–2011; and

(a) if not, what is the amount that will be saved from staff cuts?

- (2) Has any staffing in district and central offices been cut already, and what are the details of these staff cuts?

- (3) What central office positions will be cut to reach the three percent target for 2010–2011, and what FTEs and head count do these cuts represent?

- (4) What district office positions will be cut to reach the three percent target for 2010–2011, and what FTEs and head count do these cuts represent?

- (5) Will the Minister confirm that, by the end of the 2012–2013 financial year, \$23.5 million in savings has been identified as a result of the five percent central office staffing cut as part of the Department's three percent efficiency dividend; and

(a) if not, what is the total amount of savings identified by that date?

- (6) Will the Minister confirm that, by the end of the 2012–2013 financial year, \$18.0 million in savings has been identified as a result of the additional five percent central and district offices staffing cut as part of the Department's three percent efficiency dividend; and

(a) if not, what is the total amount of savings identified by that date?

- (7) Will the five percent reduction in central office staff and the additional five percent reduction in central and district offices staff be achieved in 2010–2011, or will there be cuts to staff in subsequent years; and

(a) if so, what positions are intended to be cut in those subsequent years?

Dr E. CONSTABLE replied:

- (1) The Member has cited a savings measure from an internal Department of Education spreadsheet "3% Efficiency Dividend as per 2009-10 Budget Paper No. 2". This spreadsheet was originally constructed in January 2009 and is no longer being used internally or externally to make decisions on particular savings initiatives.

The contents of this spreadsheet are now of historical value and do not represent my views regarding future savings. Savings initiatives, such as that identified by the Member, for the current financial year (2010-11) and future years are currently being determined through the Budget process.

- (2)-(4) Overall, comparing March 2011 to March 2010, 207.1 FTE have been reduced (104 from Central Office and 103.1 from District Offices). This equates to a headcount of 271 (143 from Central Office and 128 from District Offices). The positions reduced apply to contract, permanent and casual staff.

- (5)-(7) It is not possible to provide the information sought by the Member at this stage as Central and Regional Office re-organisations are not yet completed.

However, please note that any savings generated from reductions in District Offices will be reinvested in the Department's Education Networks and Regions.

SYLLABUS DEVELOPMENT PROGRAM — FUNDING

4724. Mr B.S. Wyatt to the Minister for Education

- (1) Will the Minister confirm that \$601,000 is due to be cut from the Department of Education's Syllabus Development program as part of the Department's three percent efficiency dividend for 2010–2011; and
 - (a) if not, what is the amount that will be cut?
- (2) What aspects of the Syllabus Development program will be cut to reach the three percent target for 2010–2011?
- (3) What schools will be affected by the cuts to the Syllabus Development program?
- (4) What cuts have been made to the primary specialist teacher program, and will further cuts be made; and
 - (a) if so, what are the details of the further cuts to be made?
- (5) What cuts have been made to the secondary assessment and performance program, and will further cuts be made; and
 - (a) if so, what are the details of the further cuts to be made?
- (6) Will the Minister confirm that, by the end of the 2012–2013 financial year, \$3.969 million is due to be cut from the Syllabus Development program as part of the Department's three percent efficiency dividend; and
 - (a) if not, what is the total amount that will be cut by that date?
- (7) What aspects of the Syllabus Development program will be cut to meet the target total at (6)?
- (8) What schools will be affected by the cuts when the total savings target, to the end of the 2012–2013 financial year, is reached?

Dr E. CONSTABLE replied:

- (1) The Member has cited a savings measure from an internal Department of Education spreadsheet "3% Efficiency Dividend as per 2009-10 Budget Paper No. 2".

This spreadsheet was originally constructed in January 2009 and is no longer being used internally or externally to make decisions on particular savings initiatives.

The contents of this spreadsheet are now of historical value and do not represent my views regarding future savings. Savings initiatives, such as that identified by the Member, for the current financial year (2010-11) and future years are currently being determined through the Budget process.

Nevertheless, please note that the syllabus development program was completed in 2008-09. Accordingly, it was no longer necessary to expend \$601 000 on this program in the forward estimates.

- (2)-(8) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEES ON WORKERS' COMPENSATION

4740. Ms J.M. Freeman to the Minister for Transport; Housing

For each department and agency under the portfolio of the Minister:

- (a) how many employees, both permanent and non-permanent, are currently on workers' compensation as a result of a workplace injury;
- (b) what is the average time for employees to be on workers' compensation as a result of a workplace injury;
- (c) are all workplace injuries resulting in lost time investigated to find the cause of the injury and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not;
- (d) of the employees absent on workers' compensation, how many are as a result of workplace stress;
- (e) of those employees on workers' compensation as a result of workplace stress, how many are not permanent employees; and
- (f) has each case of stress resulting in lost time been investigated to find the cause of the stress and to review workplace practices; and
 - (i) if yes, who conducts the investigation; and
 - (ii) if not, why not?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

- (a) 8
- (b) 51.2 days
- (c) Yes
 - (i) All workplace incidents are investigated by the Manager of the employee in conjunction with the appointed OSH Representative for the workplace. Incidents which become workers' compensation claims of a psychological stress nature are investigated and reported on by a Riskcover appointed investigator.
 - (ii) Not applicable
- (d) 2
- (e) 1
- (f) Yes
 - (i) An investigator appointed by the Department and also a Riskcover appointed investigator.
 - (ii) Not applicable

The Department of Transport advises:

- (a) Department of Transport: 18
Main Roads Western Australia: 15
Public Transport Authority: 39
- (b) Department of Transport: 24 months
Main Roads Western Australia: 4 to 6 weeks
Public Transport Authority: 7 weeks
- (c) Yes
 - (i) Department of Transport: Line manager of the injured employee (assisted by the Safety and Health Representative and Occupational, Health, Safety and Wellbeing Consultant if required).
Main Roads Western Australia: Occupational Health and Safety Branch
Public Transport Authority: Occupational Health and Safety Coordinator
 - (ii) Not applicable
- (d) Department of Transport: 1
Main Roads Western Australia: 2
Public Transport Authority: 3
- (e) Department of Transport: Nil
Main Roads Western Australia: Nil
Public Transport Authority: Nil
- (f) Yes
 - (i) Department of Transport: Organisational Development Branch (assisted by the Occupational Health, Safety and Wellbeing Branch if required)
Main Roads Western Australia: Employee Relations Branch
Public Transport Authority: Occupational Health and Safety Coordinator
 - (ii) Not applicable

The Dampier Port Authority advises:

- (a) None
- (b) Only one workplace injury in past 3 years and that one incident (back injury) resulted in a six week return to work plan
- (c) Yes
 - (i) Safety Officer
 - (ii) Not applicable.
- (d)-(f) Not applicable

The Esperance Port Authority advises:

- (a) 1
- (b) 5 days / rolling average

- (c) Yes
(i) Incidents are investigated by the Esperance Ports Sea and Land - OHS Officer, the responsible Manager, the relevant Supervisor and the elected Health & Safety Representative.

(d) Nil

(e)-(f) Not applicable

The Albany Port Authority advises:

(a) None

(b) 0

(c) Yes

(i) Supervisor and Safety and Security Officer

(ii) Not applicable.

(d)-(f) Not applicable

The Port Hedland Port Authority advises:

(a) None

(b) Only one workers' compensation injury this financial year - resulting in 20 days off.

(c) Yes

(i) Senior Safety & Security Officer.

(ii) Not applicable.

(d)-(f) Not applicable

The Geraldton Port Authority advises:

(a) 1

(b) 63 days

(c) Yes

(i) HSE section in conjunction with the employees Manager/Supervisor.

(ii) Not applicable.

(d)-(f) Not applicable

The Bunbury Port Authority advises:

(a) 1

(b) Approximately 23 days in total over the last 14 years.

(c) Yes

(i) The investigation would be undertaken by senior management and OH&S Officer.

(ii) Not applicable.

(d)-(f) Not applicable

The Fremantle Port Authority advises:

(a) 4

(b) 9.5 days

(c) Yes

(i) Relevant Manager and Port Safety Coordinator if required.

(ii) Not applicable.

(d)-(f) Not applicable

The Broome Port Authority advises:

(a) Nil

(b) 2 days

(c) Yes

(i) Safety Officer, Operations Manager, and if required, WorkSafe inspector

(ii) Not applicable.

(d)-(f) Not applicable

WELLINGTON BUS STATION — SINKING PROPOSAL

4795. Mr J.N. Hyde to the Minister for Transport

In relation to the Barnett Government's proposal to sink the Wellington Bus Station, I ask:

- (a) what is the proposed cost of the project;
- (b) what timeline has been given for the project; and
- (c) what is the source of the funding?

Mr T.R. BUSWELL replied:

The Public Transport Authority advises:

- (a)-(c) This information was made available to the public on 1 March 2011, 14 days prior to this question being asked. I advise the Member to refer to the recent joint media statement from the Minister for Transport and the Minister for Planning.

SHORE-BASED NET FISHING — LICENCES

4802. Mr M.P. Murray to the Minister representing the Minister for Fisheries

In relation to shore based net fishing, I ask:

- (a) how many shore based net fishing licences are located between Mandurah and Bunbury, and Bunbury and Busselton;
- (b) what is the length and type of each net allowed to be used;
- (c) what fish are allowed to be caught, for example, whitebait, herring, whiting;
- (d) is there any restriction on the operating months/hours of the licence; and
- (e) how many people are allowed to operate each licence?

Mr W.R. MARMION replied:

- (a) There are 11 Fishing Boat Licence holders authorised to operate in the shore based South-West Coast Beach Bait Net Fishery (SWCBBNF). They can operate between Mandurah (Tims Thicket) and Busselton (Port Geographe Marina). There are 8 shore based South West Salmon Managed Fishery (SWSMF) authorisation holders that can operate between Mandurah and Busselton (Port Geographe Marina).
- (b) Both SWCBBNF and SWSMF operators are allowed to use seine nets from the beach. The SWCBBNF operators are restricted to a net length of 250 metres, whereas there is no limit on the length of net that can be used by SWSMF authorisation holders.
- (c) SWSMF authorisation holders can only take salmon. SWCBBNF operators can take all fish species other than those protected by other legislation (e.g. pilchards, salmon). In practice they target small pelagic fish; the main species taken is whitebait, although blue bait, whiting, mullet and herring are also taken.
- (d) There are some closures to netting around populated areas between Mandurah and Bunbury as defined in the Closed Waters Netting (Preston Beach to Dunsborough) 1990 Prohibition Notice No 443. Operators in both fisheries are prohibited from using beach seines in Geographe Bay (Port Geographe Marina to Cape Naturaliste).
- (e) The holder of a SWSMF authorisation must be present before any fishing activity can occur. There is no limit on the number of persons assisting in the fishing operation provided they hold a commercial fishing licence (CFL). Depending on the size of the school of fish between 4 and 6 persons will typically participate in the fishing operation. Each of the 11 SWCBBNF operators may use only one boat at a time and all persons engaged in the fishing operation must hold a CFL. Usually two people participate in a SWCBBNF fishing operation.

MORRISON ROAD–ROE HIGHWAY INTERSECTION — ROADWORKS

4806. Mrs M.H. Roberts to the Minister for Transport

- (1) What is the scheduled start date for work on the Morrison Road / Roe Highway Midvale intersection flyover?
- (2) Will the work on the Morrison Road / Roe Highway Midvale intersection be commenced within the next five years?

- (3) Has the planned work on the Morrison Road / Roe Highway Midvale intersection flyover been budgeted for; and
- (a) if so, what are the details; and
 - (b) if not, when will the work on this intersection be budgeted for?
- (4) Can the Minister confirm that it is the intention to have Roe Highway flow over Morrison Road and not the opposite way around?

Mr T.R. BUSWELL replied:

Main Roads WA advises:

- (1)-(4) Government is currently considering and costing many road projects throughout the State. Information on each project will be made public as appropriate.

LAND ADMINISTRATION — DEVELOPER CONTRIBUTION SCHEMES

4807. Mr J.N. Hyde to the Minister for Planning

In relation to developer contribution schemes administered by land authorities and any other agencies within the Minister's portfolio/department, for each authority/agency what schemes, to what value, and under what conditions, are being administered?

Mr J.H.D. DAY replied:

Armadale Redevelopment Authority

- (a) Wungong Urban Developer Contribution Scheme: \$249 million under Part 7, Wungong Urban Water Redevelopment Scheme 2007;
- (b) Forrestdale Business Park (East) Developer Contribution Scheme: \$55 million under Part 8, Armadale Redevelopment Scheme 2004;
- (c) Champion Drive Developer Contribution Scheme: \$13.5 million under Part 8, Armadale Redevelopment Scheme 2004;
- (d) West of Rail Developer Contribution Scheme: \$5 million under Part 8, Armadale Redevelopment Scheme 2004;
- (e) Forrestdale Business Park (West) Developer Contribution Scheme (proposed): value not yet estimated under Part 8 Armadale Redevelopment Scheme 2004.

East Perth Redevelopment Authority (EPRA)

Developer contributions are administered under the EPRA Redevelopment Scheme to enable the State Government to recoup costs associated with infrastructure provision from land owners who benefit from this work.

Development costs associated with infrastructure provision in EPRA's Riverside project area in East Perth were identified as \$51.4million. Developer contributions will be charged to affected land owners at development approval or subdivision stage.

Subiaco Redevelopment Authority (SRA)

Developer contributions are administered under the Subiaco Redevelopment Scheme.

Development costs associated with the infrastructure works in the Subiaco Redevelopment Area were identified under the Scheme as \$26.8million and developer contributions have been applied at development approval or subdivision stage.

LandCorp

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

Midland Redevelopment Authority

Not applicable.

Department of Planning

The term 'developer contribution schemes' is understood to refer to either 'Guided Development Schemes' or 'Developer Contribution Plans'. Guided Development Schemes are a form of Local Planning Scheme made under the Planning and Development Act 2005. Although approved by the Minister for Planning, such schemes are

initiated and administered by local government. Similarly, Developer Contribution Plans may be made by a local government pursuant to State Planning Policy 3.6, and are then incorporated into a local planning scheme and administered by local government.

The Western Australian Planning Commission may develop and administer developer contribution schemes for the purpose of implementing an improvement scheme under the Planning and Development Act 2005. There are currently no improvement schemes in effect under that Act.

BUNBURY — SPORTING AND RECREATION FACILITIES

4808. Mr M.P. Murray to the Minister for Sport and Recreation

Given that Hay Park, Bunbury's main sporting complex, and the Leschenault Leisure Centre in Australind are both operating at full capacity, I ask:

- (a) as the lead agency responsible for the implementation of government policy and initiatives, and given that the Greater Bunbury Regional Scheme does not have strategy to build another recreation centre, what strategy does the Department of Sport and Recreation have to meet the growing demand of the region; and
- (b) has any funding been allocated for the provision of a new recreation centre in the Bunbury Region; and
 - (i) if so, how much; and
 - (ii) if not, why not?

Mr T.K. WALDRON replied:

- (a) Responsibility for planning community sporting facilities rests with each local government authority. The Department works in partnership with those local governments, sporting associations and other government agencies on identifying the need for and planning of facilities.
- (b) No
 - (i) Not applicable
 - (ii) The Department of Sport and Recreation facilitated the Greater Bunbury Sports Facilities Plan 2009 (stage 1) in partnership with the local authorities in the region with a view to identify existing facilities and uses as well as potential future sporting requirements and indicative timelines.

The department's South West office have also coordinated a joint discussion with the three local governments, however no application has been submitted by any of the Local Governments for such a facility at this point in time.

COMMUNICATIONS AND MOBILE PHONE COVERAGE — REGIONAL AREAS

4810. Mr M.P. Murray to the Minister for Science and Innovation

I refer to the Minister's promise to provide royalties for regions funding to go towards building communication towers and upgrading services in strategic areas of the State to improve mobile phone coverage as well as emergency services communication for Western Australia Police and the Fire and Emergency Services Authority, and I ask:

- (a) when will the money be available to provide a communication tower that will give full coverage to the Noggerup and Mumballup area;
- (b) given that these communities are in a high fire risk area, is high priority given to upgrading communications in such areas;
- (c) can the Minister provide information on how high priority areas are assessed; and
- (d) how much money has been allocated for a communication tower to give full coverage to the Noggerup and Mumballup area?

Mr J.H.D. DAY replied:

The Industry, Science and Innovation Division for the Department of Commerce advises:

- (a) The tender for the Regional Mobile Communications Project (RMCP) was released to the market on 29 March 2011, closing on 6 May 2011. Respondents are encouraged to propose solutions to "Priority Target Regions" outlined in the tender request. Noggerup and Mumballup have been identified as part of the "Priority Target Regions".
- (b) An ability to leverage the outcome of the RMCP to enhance the capabilities of the emergency response in regional Western Australia is considered a key component of the project. An example of this is the

recently completed Community Emergency Mobile Communications Project. This project improved mobile telephone coverage in the Blackwood Valley area from Nannup to Balingup while simultaneously providing facilities that are currently used by emergency services at Balingup and Quongup.

- (c) The evaluation criteria for the RMCP tender are published as part of the tender documents. A copy can be downloaded from the Tenders WA website.
- (d) No allocation of funds has been set aside for any specific location or facility. The aim is to achieve the maximum number of new mobile sites and coverage with the allocated \$39.2 million for the RMCP project. The cost of the individual sites will only become apparent once responses to the tender have been assessed through the tender process.

VEHICLES — AUTOGAS CONVERSIONS

4822. Ms R. Saffioti to the Minister for Transport

With regards to vehicle auto gas conversions in Western Australia, how many conversions have been completed on a monthly basis since July 2010?

Mr T.R. BUSWELL replied:

The Member would be aware that a vehicle gas conversion subsidy was introduced in Western Australia by the former Liberal-National Government in 2000. In light of the Commonwealth also paying a subsidy, a decision was made in 2009 to stop the State subsidy. On average 59 conversions a month were complete between July 2010 and February 2011.

REID HIGHWAY DUPLICATION — COST ESTIMATES

4831. Ms R. Saffioti to the Minister for Transport

- (1) Have estimates on the cost of the duplication of Reid Highway between Beechboro Road and West Swan Road been updated; and
 - (a) if so, what is the current estimate of this project?
- (2) Has the pre-construction planning and design works for this project been completed by Main Roads; and
 - (a) if so, will the project include two pedestrian underpasses at Lord Street and one near the Bennett Springs estate?
- (3) Does the project include installing traffic signals at the Lord Street intersection?

Mr T.R. BUSWELL replied:

Main Roads WA advises:

- (1)–(3) Government is currently considering and costing many road projects throughout the State. Information on each project will be made public as appropriate.

REID HIGHWAY–MALAGA DRIVE INTERSECTION — IMPROVEMENT MEASURES

4832. Ms R. Saffioti to the Minister for Transport

I refer the Minister to Main Roads data which identifies the intersection of Malaga Drive and Reid Highway with the third longest traffic light cycle times in Western Australia, and I ask:

- (a) is the Government considering improving this intersection;
- (b) have estimates been undertaken on the cost of building an overpass at this intersection; and
 - (i) if so, what is the current estimate of this project; and
- (c) does this project exist in the Main Roads Department ten year capital works program?

Mr T.R. BUSWELL replied:

Main Roads WA advises:

- (a)–(c) The Government is considering improvements to many intersections throughout the metropolitan area and decisions will be made when appropriate.

LORD STREET — UPGRADE PROPOSAL

4833. Ms R. Saffioti to the Minister for Transport

Lord Street, between Gnangara Road and Reid Highway, is currently below standard for the amount of traffic using the road on a daily basis. I ask:

- (a) has the Government been approached by the City of Swan to assist in upgrading the road; and
- (b) will the Government consider contributing to the improvement of the road in the short-term, given it has outlined the Perth-Darwin Highway as a medium- to long-term project?

Mr T.R. BUSWELL replied:

Main Roads WA advises:

- (a) No
- (b) This road is a local road under the care and responsibility of the City of Swan.

PERTH-DARWIN HIGHWAY — CAPITAL WORKS PROGRAM

4834. Ms R. Saffioti to the Minister for Transport

With reference to the Perth-Darwin Highway project, does this project, or any stage of this project, exist in the Main Roads Department ten year capital works program?

Mr T.R. BUSWELL replied:

Main Roads WA advises:

Main Roads has allocated \$190 000 from its recurrent budget in 2010-11 for project development activities for this project.

PERTH-DARWIN HIGHWAY — PRELIMINARY BUSINESS CASE

4835. Ms R. Saffioti to the Minister for Transport

In August 2010 the previous Minister for Transport stated that a preliminary business case for the Perth-Darwin Highway would be ready in coming months. I ask:

- (a) has Main Roads completed the preliminary business case; and
 - (i) if so, will the Minister release this business case to the public;
- (b) given this business case, will the Government now proceed with funding this important project; and
- (c) has the Government formalised a funding application to the Commonwealth for this project?

Mr T.R. BUSWELL replied:

Main Roads WA advises:

- (a)-(c) A preliminary business case has been completed and the project will be examined as part of the budget process. Unfortunately for Western Australia, in particular people living in Ellenbrook and the northern suburbs, the Federal Government has rejected the State Governments' request to help fund the Perth-Darwin Highway.

LORD STREET — CRASHES

4838. Ms R. Saffioti to the Minister for Transport

I refer to the sub-standard condition of Lord Street between Gnangara Road and Reid Highway, and ask:

- (a) how many traffic crashes have occurred along this road in each of the past five years, not including crashes at the intersection of Reid Highway;
- (b) how many fatalities have occurred in each of the past five years along this road as a consequence of those traffic crashes; and
- (c) how many of these crashes involved a bus?

Mr T.R. BUSWELL replied:

Main Roads WA advises:

- (a)-(c) Between 2005 and 2008 there were 136 crashes. In 2009-10 there were 38. No fatalities are recorded and one crash involved a bus.

HEPBURN AVENUE — STAGE 3 EXTENSION

4844. Ms R. Saffioti to the Minister for Transport

- (1) Have estimates been undertaken on the cost of the stage 3 extension of Hepburn Avenue to the Reid/Tonkin Highway intersection; and
 - (a) if so, what is the current estimate of this project?
- (2) What is the proposed design of this new intersection?

(3) Does this project exist in the Main Roads Department ten year capital works program?

Mr T.R. BUSWELL replied:

Main Roads WA advises:

(1)-(3) Government is currently considering and costing many road projects throughout the State. Information on each project will be made public as appropriate.

KEYSTART — BORROWER STATISTICS

4874. Mr M. McGowan to the Minister for Housing

I refer to the number of Keystart clients, and ask:

- (a) what is the number of Keystart borrowers per local government area in Western Australia; and
- (b) what is the number of Keystart borrowers per Legislative Assembly electorate in Western Australia?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

(a)-(b) This information is not tracked by local government area or electorate..

SWAN VALLEY PLANNING ACT 2005 — REVIEW

4892. Ms R. Saffioti to the Minister for Planning

I refer to the Swan Valley Planning Act 2005, and ask:

- (a) has the Department of Planning commenced its comprehensive review of the Act; and
 - (i) if yes, when did this review process begin;
 - (ii) if yes, who is undertaking the review process; and
 - (iii) if no, when is the review scheduled to begin;
- (b) what landowner consultation is planned as part of the review process;
- (c) will each landowner within the Swan Valley be consulted; and
- (d) what is the timeframe for the expected completion of this review?

Mr J.H.D. DAY replied:

(a)-(d) There is no Swan Valley Planning Act 2005. The current Act is the Swan Valley Planning Act 1995.

Section 26 of the Swan Valley Planning Act 1995 required a review of the operation and effectiveness of the Act to be carried out as soon as practicable after five years from the commencement of the Act. The Act commenced on 25 November 1995.

In accordance with section 26, a review of the Act commenced in March 2000 and a report on the review was tabled in both Houses of Parliament in September 2004. There is no further requirement for review under the Act.

DRIVERS' LICENCES — MEDICAL ASSESSMENT CERTIFICATE

4895. Mr P.B. Watson to the Minister for Transport

Will the Minister please advise why applicants in Albany, who have applied for an additional class to be added to their driver's licence, are told that it will take four weeks for the Department of Transport to access the Medical Assessment Certificate application?

Mr T.R. BUSWELL replied:

The Department of Transport advises:

Once the Department of Transport is in receipt of all the relevant information, applications are normally processed within approximately five working days.

PERTH WATERFRONT PROJECT — ARCHAEOLOGICAL ASSESSMENT

4914. Mr J.N. Hyde to the Minister for Planning

In relation to Question on Notice No. 4686, will the Minister table the archaeological assessment and report relating to the Perth Waterfront Project site; and

- (a) if not, why not?

Mr J.H.D. DAY replied:

No.

- (a) Project reports will be published on the Department of Planning website when they are available for public release.
