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

LOCAL GOVERNMENT INTEGRATED PLANNING WEBSITE

Statement by Minister for Local Government

MR G.M. CASTRILLI (Bunbury — Minister for Local Government) [2.01 pm]: I am pleased to update members on the launch of a new website to assist local governments in planning for the future needs of their communities. There is a critical need to improve the standard of integrated planning being undertaken by Western Australian local governments. Studies completed in 2008 and 2009 identified significant gaps in local government capacity in this area. To address this issue, I intend to introduce regulations under the Local Government Act 1995 that will set out the minimum requirements for integrated planning and reporting.

Under the new regulations, all local governments will be required to develop a strategic community plan that connects community aspirations with the council's long-term strategy, and a corporate business plan linking the strategic community plan with council's operations, long-term financial planning, asset management and workforce planning. The regulation changes will be gazetted at the end of August, with full compliance required by mid-2013.

The new website has been developed by my Department of Local Government to help local governments prepare for these regulation changes. Specifically dedicated to integrated planning, it includes information on developing a strategic community plan and a corporate business plan, as well as information on asset management and long-term financial planning. It provides case study examples from local governments across Australia and advice for local governments on how to get started.

The website also links to a number of resources developed by my department to assist local governments in undertaking the various components of an integrated plan. These resources have been developed with guidance and advice from the six local government reform working groups, including representatives from the Western Australian Local Government Association, Local Government Managers Australia WA Division and the WA branch of the Institute of Public Works Engineering Australia. Among the resources is the "Integrated Planning and Reporting: Framework and Guidelines" which I released in September last year and which outlines the process and activities required to achieve an integrated strategic plan at a local government level. Also available is the "Asset Management: Framework and Guidelines", which was recently made available to the sector to assist local governments in planning and managing their infrastructure and assets. The other key publication is the "Long Term Financial Planning: Framework and Guidelines", which has been developed to assist local governments in developing financial plans that align community aspirations with resource capabilities. A third resource which is currently under development and which will be launched later in the year is the workforce planning and development guide.

In a practical sense, these resources, the new website and the new regulations will help local governments provide a better service to their communities. They will ensure that the views and aspirations of Western Australian communities are better captured and reflected in local government planning processes. They will also mean that residents and ratepayers across the state are getting better value for money from their councils through a combination of more effective financial planning practices and prudent management of assets. Combined with the structural reform initiatives underway, these initiatives will have a positive impact on the sustainability of local governments and their capacity to meet the needs of their communities into the future.

STUDENT COMMONWEALTH HEADS OF GOVERNMENT MEETINGS

Statement by Minister for Education

DR E. CONSTABLE (Churchlands — Minister for Education) [2.04 pm]: On 5 August I announced, together with the Parliamentary Secretary to the Premier with special responsibility for the Commonwealth Heads of Government Meeting, Hon Donna Faragher, MLC, that there will be two student CHOGMs on 26 and 27 September. Year 10 students from 106 schools across Western Australia will attend, with travel assistance provided to rural and regional students who are coming to Perth for this important experience. They are coming from far and wide: from Karratha and Tom Price in the north; Albany and Esperance in the south; Norseman and Kalgoorlie–Boulder in the east; and other places such as Carnamah and Jurien Bay. These students will research a Commonwealth country before the event. For example, Narrogin Senior High School students have been assigned Antigua and Barbuda, Wesley College has Kenya, and Kolbe Catholic College has been allocated India. Students will work in small groups to explore ideas presented to them by guest speakers, and will be challenged

to confront issues such as disease prevention. The students will then discuss their ideas and proposals at the main meeting, with those proposals that gain endorsement by all delegates forming part of a communiqué, just like with the real CHOGM.

This is a once-in-a-lifetime chance for these students to get involved in democratic activity while they are still too young to vote. We may discover future Western Australian, or even Australian, leaders through this forum. The student CHOGMs are being organised by the Constitutional Centre of Western Australia. They form part of a larger CHOGM program for schools developed by the Constitutional Centre, which includes: curriculum materials for year 6 and 7, and year 8, 9 and 10, giving them the history, structure and purpose of the Commonwealth and CHOGM; schools around the state being offered the opportunity to adopt a Commonwealth country either as a whole school or as an individual class; and resources on the Constitutional Centre website for schools both in Western Australia and the rest of Australia.

I wrote to public school principals, the Catholic Education Office, and the Association of Independent Schools earlier this year to encourage their participation in this excellent program. I am very pleased to advise that at the last count, Constitutional Centre staff had visited 331 schools, presenting to 801 classes and more than 24 030 students. Schools have been asked to give feedback on the program, and this has been very positive. The program has raised students' awareness and understanding of global issues, while at the same time being engaging and informative.

PLANNING — DEVELOPMENT ASSESSMENT PANELS — LOCAL GOVERNMENT MEMBERS

Statement by Minister for Planning

MR J.H.D. DAY (Kalamunda — Minister for Planning) [2.07 pm]: As part of the state government's reform of the approvals processes, cabinet has recently approved the appointment of local government members to development assessment panels, otherwise known as DAPs, across the state. I now table the names of the local government DAP members for the information of members.

A development assessment panel is an independent decision-making body comprising technical experts and elected local government representatives. These panels will determine development applications made under local and regional planning schemes, in place of the original decision maker. Local government DAP members are a vital component of the panels. Each local government was invited to nominate two DAP members, and up to two alternative members. The alternative DAP members are available to the panel when a local government DAP member is unable to fulfil their role because of illness or unforeseen circumstances. Local government DAP members ensure that local knowledge is provided on each panel when determining DAP applications within each relevant local government district. One of the major benefits of development assessment panels is that they will enhance planning expertise and decision making by improving the balance between technical advice and local knowledge. All panel members will be required to attend a mandatory training workshop on planning law and codes of conduct before they can sit on a development assessment panel. I am pleased to note that a number of mayors and shire presidents will be joining the panels as DAP local government members. Cabinet has also recently approved the appointment of 27 specialist members to development assessment panels. The panels are now in operation across the state, and I look forward to seeing the benefits of this government's planning reform agenda in practice over the coming months.

[See paper 3767.]

QUESTIONS WITHOUT NOTICE

WESTERN POWER — PERFORMANCE BONUSES

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

I refer to the government's repeated promises to remove performance bonuses of 25 per cent for senior executives and 11 per cent for branch managers from Western Power's employment contracts.

(1) Why has the government simply added the maximum bonus to each executive's base salary?

(2) Does that not just deliver windfall benefits to highly paid executives by —

  (a) giving them the maximum bonus every year regardless of performance;

  (b) increasing the dollar value of their future annual wage increases; and

  (c) massively increasing future superannuation payouts for many of these executives?

(3) How can the Premier justify this sort of government action when Western Australian families are doing it tough facing his government's savage increases in their electricity prices?

Mr C.J. BARNETT replied:

I thank the Leader of the Opposition for the question.

(1)–(3) Of course it was the Labor government that built in bonus structures to the salaries of CEOs —

Ms M.M. Quirk interjected.

Mr C.J. BARNETT: That is what the Labor government did—it built in bonus structures.

Mr E.S. Ripper: You said you'd get rid of them, and this is what you've done.

Mr C.J. BARNETT: Mr Speaker, I am very happy to answer questions—as many of them as the opposition wants to ask me.

Those bonus structures were built in under contracts signed by the previous government. This government got rid of the bonus structure and, yes, they are in most cases built into the salaries. We did not talk about reneging or trying to undo people's contracts that they had legally entered into with the Labor government, but we did remove the bonus structure and we will not see bonus and incentive structures built into public sector employment under this government.

WESTERN POWER — PERFORMANCE BONUSES

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

I ask a supplementary question. How many Western Power executives have just had a 25 per cent increase and how many executives have just had an 11 per cent increase in their base salary while the Premier has increased electricity prices by 57 per cent?

Mr C.J. BARNETT replied:

The Leader of the Opposition should answer the question. He was the Minister for Energy who set up these contracts. He probably knows the answer better than I do.

Mr E.S. Ripper: You're the Premier. Respond.

Mr C.J. BARNETT: How many bonus and incentive contracts did the Leader of the Opposition set up when he was the Minister for Energy? He invented this. He brought it about.

Mr E.S. Ripper: You said you'd abolish it.

Mr C.J. BARNETT: And we have.

Mr E.S. Ripper: What you've done has made it worse.

Mr C.J. BARNETT: We got rid of it. We did not say —

Mr E.S. Ripper: But you've given them a 25 per cent wage increase.

Mr C.J. BARNETT: We got rid of it.

Several members interjected.

Mr C.J. BARNETT: I do not know why members opposite are interjecting because they are the ones who set this up.

The SPEAKER: Order! Take a seat, Premier.

Mr P.B. Watson: Pig-headed!

Mr C.J. BARNETT: Pig-headed?

The SPEAKER: Premier! I do not know whether you have finished your answer, Premier. I do not know whether the Leader of the Opposition actually heard the answer to his supplementary question as there is so much noise in this place. I am going to presume that the Premier has finished answering the question.

FIONA STANLEY HOSPITAL — SERCO CONTRACT

462. Dr M.D. NAHAN to the Treasurer:

I understand that the contract to deliver non-essential services at Fiona Stanley Hospital has been signed with the company Serco. Could the Treasurer please detail for the house the savings made for taxpayers in the signing of this contract?

Mr C.C. PORTER replied:

I thank the member for his question; I know that he takes a particular interest in these matters. I also thank the Minister for Health who was pivotal in negotiating this very large, very detailed contract that will save Western Australian taxpayers a very large amount of money. What I might do to start off with is address some of the points the member raised.

Mr F.M. Logan interjected.

The SPEAKER: Member for Cockburn!

Mr C.C. PORTER: Obviously, Fiona Stanley Hospital is to be constructed at an estimated construction cost of $1.761 billion. Recently, the health minister completed the negotiation of the contract with Serco. To put that contract in context, it is a $4.3 billion contract over 20 years. It is, therefore, a 10-year contract with two potential five-year renewals, providing $3.5 billion for facility management and support services; $577 million for assets, including financing information and communication technology, furniture, fittings and equipment; and $165 million for pre-operations and transition activities. Of course, the reason this government has embarked on this process, which was a process indeed that the previous government intended to embark on but it lost government —

Mr E.S. Ripper: That's wrong. You should tell the truth to the house.

Several members interjected.

The SPEAKER: Members!

Mr C.C. PORTER: Of course it is true.

Mr E.S. Ripper: It's just a lie.

Dr K.D. Hames: You talk to the people in the health department and see what they say. You talk to them. They were the ones doing it.

Mr F.M. Logan interjected.

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

Mr F.M. Logan: Thank you.

The SPEAKER: I formally call you for the second time today!

Withdrawal of Remark

The SPEAKER: Leader of the Opposition, I am going to ask that you withdraw the remark you made.

Mr E.S. RIPPER: Mr Speaker, I withdraw that remark.

Questions without Notice Resumed

Mr C.C. PORTER: I think that at least this much we can agree on: members opposite are certainly not in favour of this process now, and indeed would reverse it, which I might come to in a moment. The process itself will save the taxpayers of Western Australia half a billion dollars over the life of the contract. If it were not for this contract, and given the opposition's pretenced concern about debt, of course that is half a billion dollars that the taxpayer would have to fund.

Mr E.S. Ripper: Will you table the analysis?

Several members interjected.

Mr R.H. Cook: Show us the document!

Mr C.C. PORTER: What the model says is this —

Several members interjected.

The SPEAKER: The Treasurer is answering the question —

Mr W.J. Johnston interjected.

The SPEAKER: Member for Cannington, I formally call you to order for the first time today. Quite simply, the Treasurer is answering the question.

Mr C.C. PORTER: What the model says is this: $148 million raw cash outlays saved; $67.9 million saved due to the adjustment for competitive neutrality; and $300 million saved due to the transfer of risks from the state to Serco. That is taxpayer savings of $500 million —

Point of Order

Mr E.S. RIPPER: The Treasurer appears to be quoting from an official document. I ask you to ask him to table it at the conclusion of his answer.

The SPEAKER: I am not going to do that at this time, Leader of the Opposition. What I will do is ask the Treasurer to provide me with that document, and I will make that decision.

Questions without Notice Resumed

Opposition members interjected

Mr C.C. PORTER: It is just notes! Indeed —

Mr E.S. Ripper: It has just been torn off!

Point of Order

Mr M. McGOWAN: What the Treasurer has just done is a form of canvassing the Speaker's ruling. By interfering with a document that the Speaker has asked to look at post his question, he has now interfered with that document. I think it is a contempt of this Parliament for him to do that.

The SPEAKER: Members, I will make that decision. I thank you for your advice, member for Rockingham. I am going to look at these documents.

Questions without Notice Resumed

Ms R. Saffioti interjected.

The SPEAKER: Member for West Swan, I formally call you to order for the first time today, along with the member for Willagee.

Treasurer, I expect to see those documents.

Mr C.C. PORTER: Indeed, Mr Speaker.

What services will be delivered inside this public hospital by a cooperative partnership with the private sector that will bring the world as we know it to an end? There are around 28 of them. They include such things as energy and utilities, grounds maintenance, internal logistics, patient entertainment, and pest control. One would have thought these are logical areas in which to engage the company to deliver services at a lower cost to the taxpayer in an efficient manner inside a public hospital—but not for the opposition. What is its policy with respect to these issues? As I understand it, Leader of the Opposition, the Labor Party's policy is in effect to reverse all of these contracts. Is that not the case?

Mr E.S. Ripper: We would not expand them, we would not extend them, and we will bring the services back in-house as we did after 2001. It is a very clear policy.

Mr C.C. PORTER: So, the Labor Party will bring the services back in-house. That raises some interesting questions. I think that is a fair characterisation of the opposition's policy. I noted that United Voice said on its website —

> United Voice Members moved a number of major changes to the ALP platform. The platform is the blue print for any re-elected Labor government. Our successes included:
>
> - A strong commitment to return private hospital contracts at Fiona Stanley Hospital, Peel health campus, Joondalup health campus and Midland back to public hands …

Premier, clearly United Voice has had its way because you have said—sorry; Leader of the Opposition —

Mr E.S. Ripper: It will not be long!

Mr C.C. PORTER: You can get yourself in problems quoting the Premier! I am not going to do that.

The Leader of the Opposition has said —

> "If the Barnett Government signs the contract with Serco a future Labor government would do whatever it could to reverse the decision, including include negotiating with Serco to bring an early end to the contract."

The negotiator-in-chief would approach Serco and say, "I know that you've just signed a $4.3 billion, 20-year contract, but how about you bring it to an early completion? How about you do that?" That is —

Mr E.S. Ripper: What an outrage!

Mr C.C. PORTER: What an outrage! What a patent nonsense that the Leader of the Opposition would wander into Serco's office in 19 months and talk Serco out of a $4.3 billion contract! One of the other options for the Leader of the Opposition would be to take the route of his deputy, who said that a Labor government would seek to terminate the contract of Health Solutions to run the hospital. Obviously there the Deputy Leader of the Opposition is referring to the Peel Health Campus. A very interesting thing that the Deputy Leader of the Opposition may not be aware of is that when a contract is terminated there can be very considerable costs.

Mr R.H. Cook: We'll never know what they are because you are doing it in secret, aren't you?

Dr K.D. Hames: You were in government when the contract was in place!

Several members interjected.

Mr C.C. PORTER: In any event, the Deputy Leader of the Opposition's party was in power and, had it read the contract at that stage, it would realise that the full value of the contract is about $90 million per annum. There are seven years remaining on the contracts. We are advised that profits are about $4 million per annum. Therefore, if

the contract was simply terminated for convenience because a different policy view was taken, which can be done with contracts of this nature, that could cost the taxpayer of Western Australia anywhere between $28 million and $90 million, merely because —

Mr E.S. Ripper: A bit of robust management and it might not cost us anything.

Mr C.C. PORTER: Robust management? Terminating a contract signed by two parties is a very broad definition of robust management; it is sheer termination. We have contracts delivering high-quality services at low cost to the taxpayer and the opposition's policy is to come into government at some unforeseen time and to terminate these contracts at enormous potential litigious cost to the taxpayer of Western Australia. What an absolutely ridiculous outcome. Mr Speaker, you have asked to see the documents.

The SPEAKER: Yes, please.

Several members interjected.

Mr P. Papalia: How dishonest!

The SPEAKER: Member for Warnbro, you know better! I formally call you to order for the first time today.

Ms R. Saffioti interjected.

The SPEAKER: I do not expect anyone to be talking at this point. Treasurer, will you provide me with those documents?

Withdrawal of Remark

Mr R.F. JOHNSON: The member for Warnbro referred to the Treasurer as dishonest. I ask that he withdraw that comment.

The SPEAKER: Member for Warnbro, if you did make that comment, I would ask that you withdraw it.

Mr P. PAPALIA: Mr Speaker, I said, "How dishonest was the behaviour of the Treasurer?" Therefore, I will withdraw my comments if you ask me to.

Point of Order

Mr M. McGOWAN: I clearly heard the Speaker ask the Treasurer on two occasions to provide him with those documents.

The SPEAKER: Yes.

Mr M. McGOWAN: From my observation, it appears that there is only one document being handed over and as we can see, it is quite clearly ripped. I would ask the Treasurer to provide the other documents.

The SPEAKER: Treasurer, I would ask to see the documents; that is plural.

UTILITY TARIFF INCREASES — GOVERNMENT SUPPORT

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

(1) What advice did the Treasurer receive about the number of Western Australians who would be forced to seek financial assistance to pay for his government's utility price increases when he prepared the 2011–12 budget?

(2) How much will this additional support cost?

Mr C.C. PORTER replied:

(1)–(2) Obviously, during the framing of the budget, when we looked at utility prices and we made a determination to increase the retail tariff of electricity by five per cent, we had advice on the number of applications that had been made under the hardship utility grant scheme. I do not have that advice off the top of my head, but I am sure I can find it for the member and give her a version and the detail of that advice. Based on that advice, we increased HUGS to take into account the likelihood of some increased demand, but I simply do not have those figures to hand.

UTILITY TARIFF INCREASES — GOVERNMENT SUPPORT

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

I have a supplementary question. Given the restrictions on applying for and receiving HUGS funding, does the Treasurer really expect the allocation to be fully expended this year?

Mr C.C. PORTER replied:

I am sorry, do I expect all of that money to be applied for and given out?

Mrs M.H. Roberts: Yes, is it really accessible to people in need?

Mr C.C. PORTER: Again, I do not have the figures at hand about any given financial year. The HUGS system rolls on each year. I do not have figures at hand about what percentage of the total in any given year is applied for and is given. However, in recognition of the fact that there was an increased likelihood of need due to a five per cent increase in utility prices, which of course came on top of other increases that occurred before that, we very substantially increased the amount of money available under HUGS. We genuinely increased that amount of money. That amount of money is available to people in hardship according to rules, which as I understand them were the same rules that existed under the previous government In essence, the same rules exist under this government. The only difference between the member's government and this government is that the rules are the same, but the amount of money that can be applied for by people in genuine hardship is larger.

LANDGATE — FRAUDULENT PROPERTY SALES

465. Mr J.N. HYDE to the Minister for Lands:

I refer to cases of Landgate allowing Western Australian houses to be sold out from under their owners by international scammers.

(1) When did the minister first approach the Attorney General to resolve this issue through new laws?

(2) When will the minister introduce these new laws to the Parliament; and did the minister consult with the Real Estate Institute of Western Australia or any stakeholders regarding these laws?

(3) Why is Western Australia the major state being targeted by these fraudulent sales?

Mr B.J. GRYLLS replied:

(1)–(3) I thank the member for Perth for the question. On the weekend I was quoted in *The West Australian*, when asked about the instances of people losing their houses, and as Minister for Lands I have taken a great deal of interest in this, obviously. Landgate is an agency under my responsibility, and we are very determined to make sure that we can limit as far as possible these frauds and scams happening. With regard to the issue that the member is talking about, I spoke openly with the journalist about the concern coming back to me from the community, being that the community is very concerned that people could lose their house to a scam, and that under the Torrens system, which has been established over many, many years, the compensation —

Mr J.N. Hyde: You were concerned a year ago and you did nothing.

The SPEAKER: Member for Perth!

Mr B.J. GRYLLS: — flows to the original owner of the house, and the person who bought the house via the fraudulent sale is allowed to keep the house. It has been expressed to me by many people that they are concerned about that. I said to the journalist that I would be investigating whether there could be a change in laws that affected that. I said I would investigate that. So, I have not spoken to the Attorney General, because I was asked this on Friday when I was in my electorate office in Northam.

Mr A.P. O'Gorman: You've done nothing!

The SPEAKER: Member for Joondalup!

Mr B.J. GRYLLS: I also have not consulted with REIWA, but I am very happy to hear that REIWA actually understands that the place most likely to stop these frauds is at the point where a person goes to sign up a property for sale with the real estate agent.

Mr J.N. Hyde: They have never said that.

Mr B.J. GRYLLS: They have. They have said that they understand that they need to do much more at that point when the person wishing to sell a house comes to the real estate —

Several members interjected.

Mr B.J. GRYLLS: Let me finish. If members think this is so important, they will listen to the answer.

Mr J.N. Hyde: So the Attorney General announced this without talking to you?

The SPEAKER: Member for Perth, you have asked the question. I will give you an opportunity to ask a supplementary. I believe the minister is endeavouring to answer it.

Mr B.J. GRYLLS: The real estate industry understands they are the most likely point to be able to identify a fraud.

Mr J.N. Hyde interjected.

The SPEAKER: Member for Perth!

Mr B.J. GRYLLS: At the moment, the industry has a voluntary code of conduct that says that real estate agents should do a 100-point identification check at the point of listing a property. Not all agents do that. The challenge we have as a government is that the first point this fraudulent transaction gets to government is after it is well and truly complete.

Several members interjected.

Mr B.J. GRYLLS: Yes it does. Just listen.

Mr J.N. Hyde interjected.

The SPEAKER: Member for Perth, if you wish to ask a supplementary question, I am going to give you that opportunity. What I am going to ask for at the moment, though, is for you to remain silent while the minister endeavours to answer this question that you have asked; and I am sure some other people in this place are interested in the answer.

Mr B.J. GRYLLS: Thank you, Mr Speaker. A person lists a property for sale. The agent goes out and sells it. They receive an offer and acceptance. The offer and acceptance is accepted by the person who listed the property for sale. Money exchanges hands. Settlement agents are engaged. Landgate does not get that document until all that has occurred.

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

Mr B.J. GRYLLS: The member does not know what he is talking about, then.

Mr W.J. Johnston: I do know what I am talking about.

Mr B.J. GRYLLS: Landgate only gets the documentation after the whole transaction has been completed. The most likely —

Several members interjected.

The SPEAKER: Member for Perth, do you have a supplementary question?

LANDGATE — FRAUDULENT PROPERTY SALES

466. Mr J.N. HYDE to the Minister for Lands:

Thank you, Mr Speaker, for saving the minister. Given that the minister has let a year go by before acting on this critical issue, can the minister now give a firm commitment to the house that this will not happen to any other homeowners?

Mr B.J. GRYLLS replied:

The member for Perth said in his supplementary question that we have done nothing. I just let him know that, after the Mildenhall matter last year —

Several members interjected.

Mr B.J. GRYLLS: Just listen to the answer.

Mr P.B. Watson interjected.

The SPEAKER: If the member for Albany wants to ask a question, he can stand up and I will give him the call. I formally call him to order for the first time today.

Mr B.J. GRYLLS: After the Mildenhall issue last year, the registrar of titles recommended that for customers in the land and property industry, all property professionals use the 100-point identification check. That is exactly what the industry is now talking about, because we know that that is the most likely point to be able to identify that a fraud is occurring. At the same time, the Commissioner of Titles also made it more difficult for replacement duplicate copies of titles to be issued at Landgate. Rather than being able to do it over the desk at Landgate, they now have to be applied for.

This is where the sophistication of these scams really needs to be targeted by the police, the land agencies and the real estate sector as well: given that we have asked for a 100-point identification check at the beginning, should a scammer be good enough to scam an identity and have that 100-point identification check, there is actually no way to stop the whole transaction going through. Identity fraud, in which someone forges a passport or can do anything that can gain them the 100 points, even if the real estate agents were doing the right thing —

Mr E.S. Ripper: You can't give a guarantee—is that what you're saying?

Mr B.J. GRYLLS: Can the Leader of the Opposition guarantee that there will be no fraud committed in anything in WA? It is a ridiculous question. The bottom line is that we understand, as the lands agency and, I believe, the real estate industry understand, given that it now seems that this occurrence happened twice, we

need to do much more to assure that the identity of a person who is selling a property actually is that person and that they own the property.

I was confident that Landgate took enough steps when this matter first occurred. It is quite clear now that we need to go further. The Premier was talking in Parliament a few weeks ago about the integrity of government information. I think it is now clear in this particular area that we also have to be very, very diligent. Again, we will look at all avenues available to the government to protect the integrity of the titling and the land transaction systems. That work will occur as of last week.

DAMPIER INDIGENOUS COMMUNITIES — SENATOR GLENN STERLE'S COMMENTS

467. Mr I.C. BLAYNEY to the Minister for Housing:

I refer to recent comments made by Labor senator for Western Australia Glenn Sterle that criticised the state government for its failure to effect repairs at an outstation on the Dampier Peninsula. He claims that the government views the welfare of Aboriginal communities as insignificant to the re-election of the Liberal government. Can the minister inform the house of the accuracy or otherwise of Senator Sterle's comments?

Mr T.R. BUSWELL replied:

Yes, I can. I thank the member for his question. My first response when my staff sent me through this press release was: who on earth is Glenn Sterle? I have discovered, after some significant research —

Several members interjected.

Mr T.R. BUSWELL: Have members heard of him?

Mr W.R. Marmion: No.

Mr T.R. BUSWELL: I actually found out that I stood next to him at a function, but I did not remember. It was not until I saw the photo that I remembered; he looked familiar. He was elected to the federal Parliament in 2004. He took his seat —

Several members interjected.

The SPEAKER: Thank you, members.

Mr T.R. BUSWELL: He took his seat in 2005. His main achievement in his five or six years in Parliament has been 10 overseas trips, including two this year to the United States—one to attend the Teamsters international conference. If members read his inaugural speech in Parliament—have a read—they would not even understand he was a senator from Western Australia. He appears as the sole acolyte of the Transport Workers Union. He put out this press release and held a press conference on Friday, 5 April, and he effectively claimed —

> I received notice from Minister Macklin in February 2011 that funding was now available to the new State Minister for Housing Troy Buswell to carry out the repairs immediately.

He is referring to two outstations, Ngamakoon and Gurrbulgun, up on the Dampier Peninsula. Outstations, for the information of members, are generally very small communities where one or so families live, often for very valid reasons. The families choose to move out of larger communities for a whole range of reasons, which I think we should be supporting. He claimed that we were given money for that back in February. He has made a whole range of disparaging comments about the performance of not only the government but also the Department of Housing in relation to remote Aboriginal housing in particular.

The important point to note is that outstations are the responsibility of the commonwealth through the Department of Families, Housing, Community Services and Indigenous Affairs; they are not the responsibility of the state government. The commonwealth, through FaHCSIA, wrote to the state government earlier this year and asked us to do some scoping and costing for work to make repairs in these two communities. We did that; we supplied data that scoped the program and the costs to FaHCSIA in May. What happened, member for South Perth, was that FaHCSIA thought it was too expensive and it asked us to go back and re-scope the project, which we did. Final approval was given to the Department of Housing by FaHCSIA to progress these works on 10 August; Senator Sterle's press release was put out on 5 August! So we have this bizarre circumstance in which a federal member—I have to say I have a very good working relationship with Senator Macklin, the state department has a great working relationship with FaHCSIA, and we are doing a lot of great things in the area of remote Aboriginal housing that I just want to touch on—Senator Sterle, is criticising us for not spending money that was not approved. It is lunacy.

I just want to highlight some of the good work that is happening in and around remote housing. As the house would be aware, we have about $320 million of commonwealth funding to deliver nearly 300 houses and 1 000 refurbishments over five years. In the first year of that program, 2009–10, we built 78 homes, overachieved our target and refurbished 150 houses.

Mr A.P. O'Gorman: How much state money?

Mr T.R. BUSWELL: If the member had his ears turned on, he would have heard me just say that it was commonwealth funded. This work has always been commonwealth funded; we are the delivery mechanism. Does the member for Joondalup know what? In that year, Western Australia was one of the only states that met its targets—to such a degree that the commonwealth rewarded us with an additional $4 million payment. In the last financial year, 2010–11, we built 84 new houses against a target of 76 and had 271 refurbishments against a target of 250. They are fantastic outcomes in very, very difficult circumstances. In addition, workers' hostels are being built in Halls Creek, Fitzroy Crossing, Derby and Broome, which will deliver 100 beds for young people from across the Kimberley to go into larger towns and work and gain employment. Visitor centres are being built in the member for Eyre's electorate to service people who move in off the Spinifex area out along the railway line heading towards the border. I just want to conclude with a comparison of Senator Sterle's drivel compared with what we have done in Warnum under the leadership of the Deputy Premier.

Mr M. McGowan: Warmun.

Mr T.R. BUSWELL: Warmun, my apologies. Warmun, as members know, on 14 March was damaged badly by floods. The first thing the government did was evacuate the 300 or so people who live in Warmun to Kununurra. The second thing we did was embark on a significant rebuilding program. Phase 1 has just been completed; 15 new homes and eight refurbishments were completed by 30 June. A 200-bed temporary accommodation facility has been built; the community has moved home. There are two more phases to this reconstruction; 19 new houses by the end of this year in phase 2 and another 19 or 20 by the middle of next year. It is a fantastic effort to rebuild in its entirety a whole community that was devastated by a flood. If members look for a mark of this government's commitment to remote housing in communities like that, they need to look at the results we have been delivering to those residents. They are fantastic results, they have been supported by the commonwealth, and I am particularly proud of the work the Department of Housing and this government are doing in delivering Aboriginal housing solutions in remote areas of Western Australia. Perhaps Senator Sterle needs to better inform himself of the circumstances on the ground before making wide spurious claims about our failure to deliver on spending when we have not even had the money approved to spend it.

FIONA STANLEY HOSPITAL — SERCO CONTRACT

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

I refer to the censoring of information from the Fiona Stanley Hospital facilities and services management contract.

(1) Why are the service failure point critical default thresholds blacked out in the contract?

(2) Why have the key performance indicators of privatised services been deemed to be commercial-in-confidence?

Dr K.D. HAMES replied:

(1)–(2) I have had no involvement in what is on the website. I want to have as much information as possible on the website. I have left it to the health department and the State Solicitor's Office to work on what is in the contract and what the State Solicitor's Office, in particular, believes should or should not be deleted.

FIONA STANLEY HOSPITAL — SERCO CONTRACT

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

I ask a supplementary question. Why did the minister give an undertaking in Parliament last week that he would release the KPIs and publish them on the web when he failed to do so, and also failed to provide details to the opposition of those areas that he left out of the contract?

Dr K.D. HAMES replied:

Those details have not yet been finalised. I will provide them as soon as I can. I understand that there were a significant number of KPIs. As I said, I have left it to the State Solicitor's Office to provide legal advice on what it believes is appropriate. The advice that I have been given is that the things that have been left off are the same things that the Labor Party left off the Serco contract when it was in government.

NIB STADIUM — FUNDING

470. Ms A.R. MITCHELL to the Minister for Sport and Recreation:

I was pleased to see that the government has committed additional funding to nib Stadium. This will certainly provide substantial benefits to Perth's rectangular sporting codes. This funding is over and above the Liberal–National government's commitment to build the Perth stadium in the eastside precinct and the state netball centre at the Matthews Netball Centre in Wembley. Can the minister please provide the house with the details of the recent funding announcement for nib Stadium?

Mr T.K. WALDRON replied:

I thank the member for Kingsley for the question. I am very pleased to have the opportunity to answer it. Before I answer the question, I want to inform members that I recently had the opportunity to address the Perth Major Stadium Steering Committee. I took a number of things away from that meeting. I would like to comment on two of those things because it leads into my answer. I am firmly of the view after having met with the steering committee that we have assembled a group with the real and necessary expertise and knowledge to undertake the critical role of guiding the planning and delivery of the stadium and the associated precinct and the services and infrastructure that go with them. It is a very important phase.

The other thing that meeting reinforced to me was the huge importance of undertaking proper levels of planning and stakeholder consultation before significant budgetary decisions are made. These are the principles that underpin the decision that cabinet made and I announced on 3 August, which was to increase the scope of the first stage of the redevelopment of nib Stadium, which is the home for rectangular sports. The decision that we made was a result of that extensive consultation process and stakeholder engagement that made it really clear to the government that the provision of corporate amenity in the first stage of the redevelopment was really critical to the ongoing sustainability and viability of the two major tenants—Western Force and Perth Glory. As a result of that, cabinet decided to increase that budget to $95.1 million to allow the expansion of that scope. The expansion means that the eastern stand will now include 56 open corporate boxes seating 420 and a 250-person barbeque terrace area and associated seating. It will include LED signage and a second video screen.

Mr R.H. Cook: So it's a cost blow-out.

Mr T.K. WALDRON: No. This is the problem we have in this place. We actually plan and do the work properly and work with our sports.

Mr E.S. Ripper: It's a planned blow-out.

Mr T.K. WALDRON: If I was the Leader of the Opposition, I do not think I would be going into blow-outs.

The cumulative impact of this additional investment will stand Western Force, Perth Glory and hopefully—I know the member for Willagee is very interested in this—a national rugby league franchise into the future in good stead. They will have huge match day savings that will make it easier for them to operate and make a profit and keep the sport strong and healthy. With the addition of the corporates, it now gives them great ability to earn a lot more income. They have the ability to use their own expertise and make money for the sport, which is good for the sport.

It is important to note that one of our original priorities in doing that eastern stand was to make sure that public amenity is good; that is why we concentrated on the eastern stand. Those who have been to the stadium would know that it is a temporary facility that needs some attention. Anyone who went to the Brisbane Broncos versus South Sydney Rabbitohs game would have seen the conditions that the general public —

Mr D.A. Templeman interjected.

Mr T.K. WALDRON: You could have done something like this; you just did not.

Mr D.A. Templeman interjected.

The SPEAKER: Member for Mandurah, I formally call you to order for the first and second time today. I formally call the members for West Swan and Cannington to order for the second time today.

Mr T.K. WALDRON: The Premier and I went down and looked at the stadium and met with the sporting organisations et cetera. There was obviously a real need for the general public. It was terrible for those people in the stands when the Broncos and the Rabbitohs played, because it was a really wet night. This is about wanting to provide decent amenity. We have now included some corporates.

After the announcement, it was really heartening to get great support from the Western Force and Perth Glory, because the viability of these codes is important. Those teams appreciate the redevelopment of the eastern stand and will continue to work with government to make sure that we deliver it. The redevelopment is also about the quality of games that we can now attract to that venue. We will be able to attract better quality games, which is great for the public.

In closing, so that members understand, we expect the construction of the eastern stand to be staged such that there is as little disruption as possible to the codes and the venue management. We are working to stage the construction so that we have the least possible disruption. The redeveloped eastern stand is planned to be complete by the start of the 2013 Super 15 season. I look forward to continuing to work with not only the codes—rugby union and soccer—so that they have a strong viable base on which to continue to grow, but also other sports and, hopefully, one day National Rugby League.

PROTEST MARCHES — POLICING COST

471. Mr E.S. RIPPER to the Minister for Police:

(1) Is it state government policy to require groups wishing to organise protest marches to pay for the cost of police attendance at these events?

(2) If no to (1), why did the organisers of a march against live animal exports in August have to cancel their event when police refused to police it because the police said that it was not core police business and wanted the organisers to pay for the cost of traffic management—just how greedy for revenue is the government?

Mr R.F. JOHNSON replied:

(1)–(2) I thank the Leader of the Opposition for the question. I am not aware of the situation that he is referring to. I will certainly find out about that and I will get back to the Leader of the Opposition —

Ms M.M. Quirk: Is there anything you are aware of?

Mr R.F. JOHNSON: Absolutely—your failings!

I will get back with the answers to those questions, because I cannot take them as being correct. I will verify whether the Leader of the Opposition's researchers are correct before I get back to him.

PROTEST MARCHES — POLICING COST

472. Mr E.S. RIPPER to the Minister for Police:

I have a supplementary question. Will the minister right now give an assurance to people wanting to organise protest marches that the government is not going to charge them for the policing of those events?

Mr R.F. JOHNSON replied:

No, I will not give that assurance. The police need to look at every application on its merits, and if there is a need for a huge police presence on behalf of a particular organisation, it is only fair that the organisers should pay for something.

CORRECTIVE SERVICES — PRIVATISATION

473. Mr I.M. BRITZA to the Minister for Corrective Services:

The state opposition and the union movement have been making a lot of noise to suggest that the Liberal–National government has an agenda to privatise corrective services. Will the minister inform the house whether there is any truth at all to these claims?

Mr D.T. REDMAN replied:

I would like to thank the member for Morley for his question and his interest in this matter.

I attended a breakfast talk this morning and was confronted by a union rally with a range of slogans, including "Don't outsource justice!" and "Justice for sale!" I was very concerned and went to the Attorney General to clarify whether he had the Supreme Court for sale and he assured me that he did not have the Supreme Court for sale! Upon walking into the event, I was presented with this document, which is a most interesting read. There are a number of statements in here to get people to go to this rally, including —

> Metropolitan prisoner transport and court security remains privately run despite significant failures. First established as a privately run prison in 2001 by the then Court Liberal Coalition Government our largest prison … will continue to be operated by the multinational corporation, Serco.

Obviously, that sounds very, very scary. Let us take a closer look at what this document states and what some of the facts are that sit behind this.

It is interesting to see the position of the political wing of the Community and Public Sector Union–Civil Service Association of WA—the state Labor Party.

Several members interjected.

Mr D.T. REDMAN: The fact is it had a serious problem with privatisation. Clearly, it had been raised —

Several members interjected.

The SPEAKER: Members!

Mr D.T. REDMAN: And in terms of the court security and —

Several members interjected.

The SPEAKER: I do not know whether you have 58 copies of that document, minister, but there are some people who may be more interested in it than it seems. All I want to do is hear from you. I do not believe that you need any assistance on your feet at this stage from members on either side of this place.

Point of Order

Mr F.M. LOGAN: The minister has not referred to what document he is talking about.

Mr D.T. Redman: It is not an official document.

Mr F.M. LOGAN: I know that the minister is saying that now, but how about he tell the house what document he is referring to.

The SPEAKER: It is not a point of order.

Questions without Notice Resumed

Ms M.M. Quirk: But what about the *Hansard*?

Mr F.M. Logan: Hansard will have to guess.

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

Mr F.M. Logan: Good.

The SPEAKER: I am sure that you want to stay in here, member for Cockburn.

Ms M.M. Quirk interjected.

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

Mr D.T. REDMAN: I want to highlight —

Several members interjected.

The SPEAKER: Order! Member for Collie–Preston, I formally call you to order for the first time today.

Mr M.P. Murray interjected.

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

Mr D.T. REDMAN: I want to point out the position of the Labor Party on privatisation. The point that the Leader of the Opposition made by way of interjection in saying, "Go back and have a look at what we did in 2001" —

Mr E.S. Ripper: In the hospitals!

Mr D.T. REDMAN: When we have it in the hospitals—it is clarified now, Mr Speaker!

When we look at the court security and custodial services contract, we see that during the term of the last government, as the Minister for Health highlighted last week, that contract was renewed—not once, but twice—in 2005 and 2007. The then government renewed that contract and maintained it with the private sector, despite calls that it is sitting on the high ground in saying that we are going to take this back into government. That was the position that Labor members took.

Several members interjected.

The SPEAKER: Members!

Mr D.T. REDMAN: There is also some reference here to significant privatisation failures. They have found five; two in Victoria and one in New South Wales, and they have been able to come up with two in Western Australia. One relates to the most significant underinvestment that the now opposition when in government made in the transport system, and we know what that resulted in. Of course, the other one relates to the nine prisoners who escaped, and we know the response to that one; simply changing their clothes fixed up that issue!

We also come to the Acacia contract. Again, there is reference in here to the point I made about Acacia Prison being the biggest prison in Western Australia run by this multinational company. The original Acacia Prison services contract was awarded to Corrections Corporation of Australia, which, after a series of reorganisations, became Australian Integration Management Services Corporation Pty Ltd or AIMS—remember that one? It was a five-year contract, from May 2001 to May 2006, and the option presented for renewing the contract with the Department of Corrective Services. I say the following for the opposition: at the expiry of the initial five-year period in 2006, the previous government decided not to renew the contract, choosing instead to test the market by re-tendering the service. Serco was selected as the new contractor and took over management of Acacia Prison from AIMS in 2006. Clearly, as the Leader of the Opposition highlights, behaviour does not match the rhetoric when we look at that 2001 decision.

There is also a reference to false economy. The independent Office of the Inspector of Custodial Services highlights the following —

> … Acacia's performance is at least equal to the best public sector prisons in the State and in many respects it is superior.

Another comment reads —

> … Health service provision at Acacia is the best in the State …

And also —

> … it is without doubt one of the best performing prisons in Western Australia, if not the best and it is also providing a financial saving to the State.

That is another measure.

Several members interjected.

The SPEAKER: Thank you, members!

Mr D.T. REDMAN: It is true that I am looking at the corrective services legislation. No decision has been made and there is certainly not an across-the-board agenda to privatise corrections. Regarding another decision made by this government around the Eastern Goldfields Regional Prison, we certainly examined the opportunities for a private contractor to run it, but in the end we decided to keep it in house. This government certainly has not got an agenda to privatise at all costs. Justice is not for sale in Western Australia. That suggestion is absolute rubbish. But, of course, the Opposition's record stands as it is. We certainly do not want to let the truth get in the way of a good story!

The SPEAKER: Members, that concludes question time. Before I call for petitions, I am going to give these documents back to the Treasurer. Treasurer, quite clearly the piece you had removed was pertinent, perhaps, to the question you were being asked, but I see that you have written all over the top of it and created all sorts of corrections to information that is obviously needed for you. The rest of the document has no relationship whatsoever to the questions the member asked.

Mr P. Papalia: He was reading from it.

Mr M.J. Cowper: No, he wasn't.

Mr P. Papalia: He was; it was sitting on his desk and he was reading from it.

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

Mr T.G. Stephens: Surprise, surprise!

The SPEAKER: Member for Pilbara for the first time today!

Mr P. Papalia interjected.

The SPEAKER: Member for Warnbro, I formally call you to order for the third time today! As I understand it, the member for Rockingham asked for some clarification on this. Member for Rockingham, I am providing you with that clarification for the benefit of everybody in here.

PINJARRA–MANDURAH BUS SERVICE

Petition

MR M.J. COWPER (Murray–Wellington — Parliamentary Secretary) [2.56 pm]: I have a petition bearing 208 signatures for a bus service between Pinjarra and the Mandurah train station. The petition conforms to the standing orders and is couched in the following terms —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled:
>
> We the undersigned say that: The Murray shire is growing at 6.5% pa and this year alone 150 new jobs have been created in the Pinjarra Industrial Estate, a new 200 place apprentice training facility has opened, a new swimming pool will open soon in Pinjarra and indigenous training at Fairbridge is continuing to be an outstanding success.
>
> Additionally a new bus service will service those travelling to and from the Pinjarra Paceway and Race Club, new sub-divisions, schools, shopping centres, aged care and medical facilities. Residents of the Murray District, who travel to Perth for work, study, medical appointments or recreation are compelled to drive their cars and when they choose to use public transport are compelled to compete for limited parking at the Mandurah train station. The dual lane Pinjarra road is now WA's busiest provincial road outside of the Perth Metropolitan area and carries large volumes of traffic to and from Alcoa's Pinjarra and Wagerup Operations. Fuel prices are now making Public Transport a necessity in the Murray District, and those outlying towns such as Dwellingup, Waroona and surrounds will be able to park and ride at Pinjarra, taking further pressure off parking at Mandurah train station.

Now we ask that the Legislative Assembly to support our campaign for the government to provide a regular bus service between Pinjarra and Mandurah.

Your petitioners therefore humbly pray that you will give this matter your earnest consideration and your petitioners, as is duty bound, will ever pray.

[See petition 444.]

WEST AUSTRALIAN FOOTBALL LEAGUE — LIVE TELECASTS

Petition

MR P.B. WATSON (Albany) [2.58 pm]: I have a petition signed by 95 petitioners headed "Keep Live WAFL Matches on ABC TV" which reads —

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

We, the undersigned, say that live WAFL matches should continue to be broadcast on ABC TV, as it has long been a part of regional WA were it has a strong following.

Now we ask that the Legislative Assembly call upon the minister for Sport & Recreation to urge the ABC to continue to provide coverage.

[See petition 445.]

RESOURCES PROJECTS — LOCAL JOB OPPORTUNITIES

Petition

MR F.M. LOGAN (Cockburn) [2.59 pm]: I have a petition here signed by 218 petitioners that duly conforms with the standing orders of the Legislative Assembly.

The SPEAKER: Members! This is not an opportunity for an informal chat. If you want to have chats, take them outside this place. This is an opportunity for members to present petitions.

Mr F.M. LOGAN: As I said, this petition conforms with the standing orders of the Legislative Assembly and says the following —

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

We, the undersigned, say the WA Parliament should pass laws that ensure a greater share of skilled engineering and fabrication work for our major resources projects is performed in Western Australia.

Our major resources projects are increasingly sending their skilled work offshore. Many of Western Australia's fabrication workshops are almost empty and our engineers have to go overseas if they want to help design our LNG projects.

Our natural resources can only be used once and we should use the current resources construction boom to provide training and apprenticeships for our young people, so that they can have a future after the boom.

Now we ask the Legislative Assembly to urge all Members to support any legislation with the objective of ensuring a greater share of skilled work for our major resources projects is performed in Western Australia.

A similar petition was presented by **Mr C.J. Tallentire** (33 signatures).

[See petitions 446 and 447.]

MIDLAND RAILWAY LINE — OVERCROWDING

Petition

MS L.L. BAKER (Maylands) [3.02 pm]: I have two petitions, Mr Speaker, and if you do not mind I will table both of them. The first petition has been certified correct and has 357 signatures —

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 Midland 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 448.]

URANIUM MINING — BAN

Petition

MS L.L. BAKER (Maylands) [3.02 pm]: The second petition complies with the orders of the house and has 17 signatures. This petition reads —

> To the Honourable the Speaker and Members of the **Legislative Assembly** of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned residents of Western Australia are opposed to uranium mining. We ask the Legislative Assembly to recognise the unacceptable risk to the community and the environment posed by uranium mining and to immediately reinstate the ban on uranium mining in Western Australia.
>
> Your petitioners as in duty bound, will ever pray.

[See petition 449.]

CONTAINER DEPOSIT SCHEME

Petition

MR M.P. MURRAY (Collie–Preston) [3.03 pm]: I wish to table a petition that conforms with the standing orders of the Parliament and contains 169 signatures and which reads —

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in parliament assembled.
>
> We, the undersigned, say it is time to address the number of beverage containers recycled in Western Australia and assist in improving the ongoing litter problem we have in our state. Discussion about the introduction of such a scheme for Western Australia has been ongoing for too long and it is now time the Government took action.
>
> Now we ask that the Legislative Assembly call upon the Barnett Government to immediately introduce a Western Australian Container Deposit Scheme, similar to the system that operates in South Australia.

[See petition 450.]

PAPERS TABLED

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

LANDGATE — FRAUDULENT PROPERTY SALES

Notice of Motion

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

> In relation to the second known case of Landgate issuing a title deed to an unlawful owner, that this house —
>
> (a) condemns the Minister for Lands for failing to fund and introduce best-practice systems to ensure Landgate is not able to issue documents resulting from a fraud; and
>
> (b) calls on the Minister for Lands to immediately take responsibility for his failures in preventing another occurrence of this fraud.

MINISTER FOR EDUCATION — DEPARTMENTAL ADVICE

Notice of Motion

Mr B.S. Wyatt gave notice that at the next sitting of the house he would move —

> That this house calls on the Minister for Education to explain what actions she has taken in respect of the findings of the Standing Committee on Estimates and Financial Operations—twenty-seventh report—tabled on 1 July 2010 and the Public Sector Commissioner's investigation into the "Orchestrating Lives: an Evaluation of the Early Intervention Conductive Education Trial at Carson Street School" report in relation to the quality and accuracy of advice, including briefing notes provided by the Department of Education to the minister.

MINISTER FOR EMERGENCY SERVICES — ROLEYSTONE–KELMSCOTT BUSHFIRES — KEELTY REPORT

Matter of Public Interest

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

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

"That the House —

Condemn the Minister for Emergency Services for the Government's failure to make public the Keelty report into the February 2011 Perth hills bushfires and calls on the Premier to immediately relieve the Minister of this portfolio for his mismanagement of this area."

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

MR E.S. RIPPER (Belmont — Leader of the Opposition) [3.07 pm]: I move —

That the house condemns the Minister for Emergency Services for the government's failure to make public the Keelty report into the February 2011 Perth hills bushfires and calls on the Premier to immediately relieve the minister of this portfolio for his mismanagement of this area.

What a sorry history the government has in the aftermath of major bushfires in this state. In December 2009 a bushfire at Toodyay caused the second worst amount of property damage from a fire in the state's history. Rather than respond to the opposition's calls for a comprehensive inquiry into that fire the government ended up with three separate inquiries—none of which did the job satisfactorily from the point of view of the people of Toodyay. EnergySafety conducted two inquiries into that matter. The outcomes of those two inquiries contradicted each other. The government said that it accepted the finding of the second report that Western Power's equipment had caused that Toodyay fire; however, the government did not go on to compel Western Power to accept the consequences of that report and settle the legal matters with those people whose properties had been burnt out as a result of Western Power's equipment failure.

Now we are dealing with the aftermath of the Roleystone–Kelmscott fires early this year. These fires were the worst ever in the state's history for property damage. We are complaining today about the government's failure to release the report of that inquiry, but let me go first to the history of the commissioning of that report. This was an inquiry that the government had to be dragged into—absolutely dragged into!

On Tuesday, 8 February, the opposition called for an independent inquiry into the bushfires. The shadow Minister for Emergency Services, Hon Margaret Quirk, called for an independent inquiry into Western Australia's firefighting capabilities, the relationship between firefighting agencies, how resources are deployed, laws relating to fire bans, communication strategies, roles of local governments in resourcing fire brigades, prescribed burning programs and firefighting equipment. She said at the time that an inquiry is not about directing blame but is about ensuring that world's best practices are applied to cope with the increased risk.

The Premier's response at the time was absolutely extraordinary. The Premier's statement of Thursday, 10 February was reported in *The West Australian* on Friday, 11 February and reads —

"FESA will do its own investigation, which we have full confidence in," he said. "Every time there's a fire there are calls, 'Lets have an inquiry, lets have a review'. Sorry. It worked brilliantly.

"For 72 homes to be totally destroyed and no one to have lost their lives or suffered serious injury is just fantastic."

That is what the Premier said in early February when the opposition called for an independent inquiry into these fires. As Paul Murray wrote at the time in one of his columns —

The Premier sarcastically rejected pleadings from the Opposition, the lobby group of concerned ex-foresters and Liberal politicians called the Bushfire Front and the Fire Fighters Union:

He sarcastically rejected calls for an inquiry. In the end, there were so many calls for an inquiry that the government had to commission the Keelty inquiry; it was dragged into calling a commission against the expressed displeasure of the Premier. This is an inquiry that the government did not want, and it is a report that it is now withholding. The way in which the government has treated this report is really quite remarkable. The front page of *The West Australian* on Saturday, 13 August, delivered some very, very disturbing information. This is what was included in that news article by Ben Harvey. He stated —

The inquiry by former Australian Federal Police boss Mick Keelty into the Kelmscott–Roleystone blaze, which destroyed 72 homes in February, delivers a withering assessment of FESA …

Later on, the article again refers to an element of the report. It states

In his report, Mr Keelty singles out a purple circle of senior FESA officials for savage criticism.

Someone—I do not know who—apparently knows something about the report and describes it, according to the article, as a "complete hatchet job" on FESA officials. This is what has been published on the front page of *The West Australian*, and the government is apparently happy to let that material stand. The government could

actually clear the air and table the report, and let everyone see what the report says. We do not know; is *The West Australian* report right? Are the sources right? We do not know. We are moving a motion against the Minister for Emergency Services because the government is refusing to table the report. The government is using the bogus excuse of cabinet-in-confidence to avoid tabling the report. It is just spin; it is just media management.

Let me give members three examples of where governments, on major inquiries and major reports, have not followed this course of action. The report of the royal commission into the devastating Victorian fires was given to the public of Victoria the same day it was given to the government. The report of the inquiry into the Queensland floods was given to the Queensland public the same day as it was given to the government. I sat in a Western Australian state cabinet that received a major royal commission report, and that report was given to the public of Western Australia on the same day it was given to the cabinet of Western Australia. That is the right way.

Mr C.J. Barnett: Royal commissions report to the Parliament.

Mr E.S. RIPPER: Royal commissions report to the government. Get it right. A royal commission is an agency of the executive. The Premier should know that.

Those are three examples of major inquiries to which the government has delivered its response after the public has had a chance to look at the report, and the public has received the report on the same day as the government. This cabinet-in-confidence defence, this argument that the government will develop a response, is just media management; it is just spin. What the government wants to do is tie it all up in a bow, find a couple of public service scapegoats, and then release that information together with the report and say to the public, "You don't need to worry about it, we've fixed it all; we've shot a couple of people in the public service".

That is exactly the way in which the government is going to approach it, but there is a downside for the Minister for Emergency Services. His reputation is compromised and he is open to all sorts of criticism because the government will not clear the air by tabling the report. Now, there is another explanation, and that explanation is that the report is so bad that it will only worsen the position of the Minister for Emergency Services, but I think that what we are arguably seeing is the Premier's media management drive, with his new media manager, taking precedence over any collateral damage that might otherwise occur to the Minister for Emergency Services.

As the Premier has already commented, we in the opposition in this Parliament are having some difficulty debating this issue because the government is withholding the information. We have to rely on what unnamed sources have told *The West Australian* newspaper, and what the newspaper has been confident enough to put on its front page. But that is bad enough; that requires us to debate the issue in the Parliament, and it is absolutely outrageous that the government has refused to provide this Parliament with the basic information needed to explore this issue properly.

When an agency, after the worst fire for property damage in the state's history, receives a withering assessment and savage criticism of its senior managers, the minister has a case to answer. The minister is responsible; the minister cannot allow those comments to stand without giving the report to the Parliament and the public so that we can see exactly what Mr Keelty found. I do not think the government can wait, tie it all up with a bow, give us its response, and then table the report. The government has to be better at accepting ministerial responsibility than it has been of late. We have seen the Minister for Lands blame his public servants and real estate agents for the fact that Nigerian scammers can sell people's homes without their consent. We have seen the Minister for Housing blame his own department for things that have gone wrong in that portfolio. And we have seen the Minister for Education blame the Department of Education for the fact that two different versions of a sensitive report existed and were distributed.

It is not good enough for the government to blame public servants, but that is only part of a broader pattern. The Premier, whenever there is any difficulty for his government, blames the federal government or the previous state Labor government. His ministers, when they get into difficulty, blame public servants. Ministers are responsible; they are responsible for what they do and they are responsible for what they do not do. They certainly should be held responsible when we have had the two worst fires for property damage in the state's history in a period of just over 12 months, and when there have been very significant criticisms of the state's firefighting capacity and of the performance and behaviour of officials within the agency for which the minister is responsible, yet the Minister for Emergency Services apparently does nothing. That is something for which the minister has to accept responsibility. It is not good enough for him to face the television cameras and say, "I've done nothing; I don't need to resign". In fact, the fact that he has done nothing is the very reason he should be held accountable for the poor performance of the agency, as revealed in *The West Australian*. The government cannot contradict that because it refuses to table the report.

I will conclude by saying this: when the Premier gets around to tabling the report, he should table it with a major ministerial statement so that the opposition will have a chance to respond to what the government says. He should not come in here, slip it into the house at five o'clock in the afternoon or with a brief ministerial

statement, and give the opposition no chance to debate this major issue. It certainly is a major issue when we have had the two worst fires in the state's history for property damage.

Mr C.J. Barnett interjected.

Mr E.S. RIPPER: Yes, these were the two worst fires in the state's history for property damage, and the Premier is refusing to provide the report to the Parliament and to the public of Western Australia.

MS M.M. QUIRK (Girrawheen) [3.19 pm]: This last weekend, the Minister for Emergency Services was asked by the news media whether he should resign. His response, of course, was to reject this proposition, saying he had done nothing. Well, for once, we are in fierce agreement. Yesterday, the Premier told 6PR that he was surprised about the strong line taken by Mr Keelty in the report. Both these comments, I think, speak volumes about the government's lack of appreciation and understanding of the underlying issues and policies that many have been very concerned about for some years. Both of these comments speak volumes that the lessons learned from previous inquiries have made no impact on them. If they had, they would share the concerns of many that the same findings are occurring in inquiry after inquiry without ever being properly addressed.

Today we are debating a matter of public interest, and nothing can be of greater public interest than access to a report that will shed light on aspects of the firefighting response and efforts of those fateful days in February this year. Despite the fact that the government received the report in late June of this year, we are still waiting for its release. Maybe I am naive, but I consider that a report of this import should have warranted some attention in the nine weeks or so since it was first received by government. If the government needed time to consider its contents, I would say it has had that time, yet it was only apparently considered by cabinet yesterday. That speaks volumes about the level of priority that this government places on these issues. It is not clear why we must rely solely on speculation and leaks. It is not clear what the reasons are for further delay in the release of the Keelty report. Over the past few days I have made a comparison with other state governments that have had to grapple with similar issues in recent times, and the Leader of the Opposition referred to both Victoria and Queensland and the fact that on the same day that those governments received their royal commission reports, they tabled them in Parliament. I think the example of Victoria in particular is very instructive; not only did it table the royal commission report on the same day, but also it arranged, within a fortnight, to provide an interim answer. It also arranged, in that time, a whole day's sitting of Parliament so that the report could be debated, and on top of that, it provides regular progress updates as to how the recommendations are being implemented.

So I ask the question: why is the Western Australian public being held in such contempt that the report is still being kept under wraps? What is in the report that the Premier and Minister Johnson would prefer not be released? As we have said all along, this is not about attributing blame; it is about ensuring an impartial and objective analysis of how we could do better in the future. In the absence of that report, we must speculate on its contents. We are all grateful and appreciate that no lives were lost in the February fires, but I think we need a public discussion about whether, for example, the inflexible application of a policy that property loss was a subsidiary concern may have, in fact, hampered firefighting efforts. For example, the damage to Buckingham bridge on Brookton Highway meant that additional appliances could not get in to fight the fires. When houses were destroyed hours after the fire front went through, we need to ask whether the damage could have been avoided or mitigated in some way. When those evacuated were unable to get information about what had happened to their houses, for what would have seemed like an interminable amount of time—in some cases it was days—we need to ask: could that have been done better? Just as we need to ask whether regimes to reduce fuel loads were rigorously pursued in the lead-up to last summer. Volunteer fire crews, such as those from Albany, travelled for many hours in searing heat, and when they arrived at the scene they were never deployed; the round trip took some 40 hours. We need to ask: why did this occur? We also need to ask whether taking appliances off the road to wait for fuel that never arrived could have been better coordinated. We need to ask whether current arrangements between the Fire and Emergency Services Authority and the Water Corporation for hydrant maintenance are optimal, whether the response to these fires left the rest of Perth dangerously exposed, and what contingency plans were in place. We should also be asking: does the current structure of FESA assist or confound the firefighting response and efforts? Is the division of firefighting responsibility between different agencies most effective in light of the vastness of our state and the added changes climate changes present? The report must also address how resources can be best allocated. It is not unreasonable for the community to ask, since the emergency services levy has gone up by over 32 per cent for the last three years, whether that has been strategically invested and spent to reflect where the risk to resources is greatest.

All this is mere speculation, but I anticipate that the report will have much to say about the responsibility of homeowners with building codes in fire-prone areas, and on community education. In the months leading up to the fire season everyone in our community needs to understand and act on their respective responsibilities, but to do so we need to have a public debate, and to have a public debate, we really need to see the Keelty report. We need to be clear exactly what those responsibilities entail, and on the respective roles and obligations of individual groups and agencies. This report is an important catalyst for that discussion. Government can exercise leadership, or it can duck for cover. We ask: which is it to be?

That brings me to the issue of previous reports and what measures and recommendations Minister Johnson has acted upon, which is the kernel of this motion today. As I noted earlier, previous reports have iterated and reiterated what needs to be done. Although the government is clearly not responsible for the elements and adverse climate conditions, it is responsible for ensuring that the recommendations of previous reports are acted upon. It is clear that this is not the case when it comes to Rob Johnson and the Barnett government.

Withdrawal of Remark

Mr C.J. BARNETT: It is totally inappropriate to refer to the minister as "Rob Johnson"; the member knows that.

Ms M.M. QUIRK: I said "Minister Rob Johnson".

Mr C.J. Barnett: No, you didn't say that.

Ms M.M. QUIRK: I will withdraw that.

THE ACTING SPEAKER (Mr P.B. Watson): Member, you will refer to the minister by his proper title.

Ms M.M. QUIRK: Thank you, Mr Acting Speaker; I am sorry for that inadvertence.

Debate Resumed

Ms M.M. QUIRK: It is clear that this is not the case, and Minister Rob Johnson and the Barnett government —

Mr C.J. Barnett: So she does it again.

Ms M.M. QUIRK: — must take full responsibility for that not occurring.

Since coming to government, there have been a number of inquiries touching upon our firefighting capacity, notably the coronial inquest into the Boorabbin fires; several reports into the Toodyay fires, including the major incident review by consultants Noetic in August 2010; and the major incident review into the Kelmscott–Roleystone fires by Stuart Ellis, released in June of this year. The latter document recognises, at page 55, the previous work by noting, in the Toodyay management review, that FESA needed to implement measures that will ensure unity and clarity of the command.

Recommendation 2 states —

> FESA and DEC take a whole of capability approach to joint operations …

And so on. The review continues —

> Recommendation 3: FESA, in partnership with other agencies and the community, develops Western Australia's urban interface firefighting capability and capacity

Which was very important in the Kelmscott–Roleystone area. The review continues —

> Recommendation 6: FESA establishes a process … to mobilise staff to an incident —

Significantly —

> incorporating pre-formed multi-agency Incident Management Teams …
>
> Recommendation 7: FESA maintains inter-agency relationships and arrangements …

So what is noted by the Ellis report is that these are all recommendations of the Toodyay management review, and yet they are reoccurring in the context of the Kelmscott–Roleystone review. So, in other words, the very same recommendations that were identified in the Toodyay inquiries are still an issue in the context of current inquiries. Those familiar with the findings of the Boorabbin coronial inquest will also recognise that similar issues were raised there.

They say the definition of madness is doing the same thing over and over again and expecting a different outcome, and that is exactly what Minister Johnson can be accused of. He endorses FESA conducting business as usual, without taking it to task on any of its performance whatsoever. That, frankly, reflects very badly on the minister and his capacity to perform the job. What is common in all of these inquiries—I suspect it will emerge when we see the Keelty report—is the enormous admiration for the courage of individual firefighters, both volunteer and career, and for police and other individuals who exercised courage, initiative, endurance and resolve in challenging and dangerous conditions. That is a given. However, we need to stress that our criticisms are about how the fires were handled, and that should not be a reflection on these individuals.

The consistent criticism, however, that I do maintain relates to management and to why this minister sits back and endorses this lack of real meaningful change. Those with an education such as mine will be familiar with the term "sins of omission". I charge Minister Johnson with committing sins of omission, and he does so regularly when it comes to managing effective change in the Fire and Emergency Services Authority, an agency for which he is responsible.

In a joint press release with the Premier on 23 February this year Minister Johnson is quoted as saying —

> The Liberal–National government is committed to continually improving the State's preparedness for these major incidents and will welcome any input into whether anything can be done to mitigate the possibility of destructive bushfires in the future.

I simply cannot see any evidence of this so-called continuous improvement. I will make specific reference to one of the flaws that the Ellis report highlighted.

The ACTING SPEAKER: Excuse me. Member for Alfred Cove, you do not walk past the Chair. You acknowledge the Chair before you go through.

Ms M.M. QUIRK: The Minister for Education just walked past, while we are at it!

One of the flaws that the Ellis report highlighted was the need to pre-form incident management teams so that time is not wasted on the day. This is something that was mentioned in the Toodyay report but happened again in the Kelmscott–Roleystone fires. Similarly, there is a reference to the need for a greater effort in working together and for cooperation between the Department of Environment and Conservation and FESA. The sins of omission, therefore, also relate to the failure of the minister to follow the recommendations of the inquiry into the fire and emergency legislation, the report on which was handed down in 2006. The minister did enact some legislative amendments to the Bush Fires Act in 2009, which the committee recommended, but he has done nothing to change the structure of FESA, which is what I speculate will be a core issue in the Keelty report. In fact, the performance review report from the CEO of FESA states that last year FESA established an emergency services act team and that drafting instructions are being developed. In other words, nothing has been done in this term of government to enact the recommendations of the parliamentary committee, which was a very comprehensive inquiry chaired by my colleague and good friend the member for Joondalup. All these recommendations are, therefore, gathering dust under the Liberal government.

We therefore have a minister who publicly praises firefighters and will appear in photo opportunities with them while at the same time refusing to meet with their union. The United Firefighters Union has from time to time sounded alarms, for example, about the potential for fires on the urban fringe, and in one case the president of the union was disciplined by FESA for sounding a warning. It was a very prescient warning about a year before the fires occurred. I therefore have to say that FESA is shooting the messenger.

To conclude, for too long our firefighting authorities have been fighting fires with their hands behind their backs because they are not accountable to the very people they are supposed to protect and for too long have been hampered by artificial and bureaucratic impediments that are the minister's duty to eliminate.

MR C.J. BARNETT (Cottesloe — Premier) [3.34 pm]: Mr Acting Speaker (Mr P.B. Watson), it will not surprise you that the government does not agree with this motion before the house. Before I talk about the fires, I want to refer very briefly to some of the natural disasters and economic events that this government has faced and how we have responded.

The first issue that we had to deal with was lead contamination in Esperance. That was an issue that occurred perhaps through neglect by the previous government, and an issue that the previous government deliberately tried to conceal and keep quiet about during the election campaign. When this government came into power, we immediately looked at the issue and immediately acted, and we have spent so far around $30 million in dealing with the problems at Esperance port and cleaning up the residences of Esperance. The opposition in government, without any doubt at all, ignored the issue and tried to hide it in the lead-up to the election campaign.

Several members interjected.

Mr C.J. BARNETT: The next major incident that this government had to deal with was the Toodyay fires. I was in Toodyay immediately after the fires and I can say that the efforts of the firefighters, both professional and volunteers, was absolutely superb. Not a person in Toodyay, to my knowledge, questioned the fighting of that fire. There was, of course —

Ms M.M. Quirk interjected.

Mr C.J. BARNETT: We listened to the member for Girrawheen in silence. I will sit down, as will the minister, unless she wants to have this debate.

The ACTING SPEAKER: Member for Girrawheen!

Mr C.J. BARNETT: The member for Girrawheen has a choice. We can conclude right now, as I have no interest unless she is going to listen or be quiet!

Mrs M.H. Roberts: You have double standards then, minister. You interjected on the member for Girrawheen.

The ACTING SPEAKER: Member for Midland!

Mr M.P. Whitely interjected.

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

The ACTING SPEAKER: Premier, if you keep provoking, you have got to expect to get it back. You just said that you are going to sit down and you are not going to answer. That is being provocative, so if you just get on with your speech, I will protect you.

Mr C.J. BARNETT: Good, because we listened in silence to members opposite.

Mrs M.H. Roberts interjected.

Mr C.J. BARNETT: The EnergySafety report on the Toodyay fire suggested that the fire had started around Western Power infrastructure. The report did not establish negligence, yet the opposition immediately demanded that people, whether or not they were insured, be fully paid out and all sorts of things. The state government, in conjunction with Western Power, allocated a total of $10 million in ex gratia payments with no requirement that people were not free to pursue legal action. We therefore acted. I have to say that not everyone but most people in Toodyay are very pleased with the way in which this government dealt with that situation. I should know, because I am in Toodyay every other weekend.

The next issue was, probably following the global financial crisis, the closure of the Ravensthorpe nickel project. That created a major dislocation with some 1 500 jobs lost. This government—the Minister for Regional Development played a key role—provided up to $5 million to keep local services going. We invested in the community and we also invested in measures to open up and improve tourist facilities in Fitzgerald River National Park.

The next issue was the earthquake in Kalgoorlie, more specifically in Boulder. Again this government acted and made $5 million available for safety measures, restoration of buildings and the like.

The next issue was the Carnarvon floods. Again, an amount of about $5 million was made available to assist and deal with the emergency and also rehabilitation of the sites and so on.

The most recent issue was the devastating flood in the Aboriginal community of Warmun. Again the Minister for Regional Development and the Minister for Health performed a miracle with that community to have them basically relocated into that area and to have the whole town rebuilt.

Every issue is different and every response of government is accordingly different, but this government has a good record—in fact an outstanding record—in dealing with natural disasters or economic events that cause mass disruption and loss to local communities.

With respect to the fire in the foothills of the Kelmscott–Armadale area, I am sure most members remember well that weekend when there were very hot, very strong winds. It was a very dangerous situation. I remember it particularly well. I was in the country, not that far away actually from the fires, driving and listening to the media reports coming over the radio and then the warnings. I have to say that I dreaded what I expected to hear later that day. I expected, from the nature of the reports coming through and the descriptions people gave of the conditions in that fire, that there would be a significant loss of life in that fire. It is a great relief to everyone in this state that there was no loss of life and in fact only one serious injury relating to a vehicle movement. Again, along with the minister, I visited that site early in the morning following the fire. Indeed the fire was still out of control in some parts. Water bombing was still taking place and firefighters, both professional and volunteer, were out there. I remember one group of them sitting by the side absolutely exhausted, as they had worked all night. They just sort of laughingly waved but I could see that they were absolutely exhausted from the work they had been doing. In that environment, our concern as a government—as was the firefighters'—was certainly the safety of the public, and then the clean-up of the area, and to make sure that we acknowledged the efforts of firefighters during that process. From any fire, from any natural disaster, there will be lessons to be learnt. I was not impressed, I have to say, with some of the calls that were coming from various parts of the community—accusations against firefighters, this organisation and that organisation. I was very unimpressed, as an Australian, and as a Western Australian, that some of those claims were made in the aftermath of the fire, when people were still out there fighting the fires. Indeed, as the minister can confirm, there were firefighters in firefighting vehicles who went past their own homes, which were in danger of fire, to go and save the homes of others. In that environment, I do not think it is appropriate for people to be calling for blood, virtually, and recrimination the following day. That is not the way I behave; it is not the way this government behaves. Nevertheless, it was a very serious fire and there was a very large amount of property damage.

FESA undertook its major incident report. That was a matter of course; that does and should happen. The government listened to some of the issues and talked to the people involved, and it decided that there would be a full and independent review; not a royal commission, but an independent review. The fire was on the weekend of 5 and 6 February. Within two weeks of the fire, Mr Mick Keelty, a former head of the Australian Federal Police, accepted a commission to undertake that review. That was announced on 23 February; it was hardly a long delay. Of course he had other responsibilities and work that he was doing. The report was to get to the point and

report quickly back to government. The report that was prepared was received by the Public Sector Commission on 16 June. So it did not come to government until around the final weeks of the last session. The Public Sector Commission, because the report related to organisations and individuals, and I guess in recognition of natural justice, made copies of sections of that report available to individuals who were mentioned in the report, and to the organisations, so that they would have the capacity to respond, to make any corrections or whatever. That happened before the report came anywhere near the government. That was a proper process of the Public Sector Commission.

Mr E.S. Ripper: Are you saying that no minister knew what was in the report?

Mr C.J. BARNETT: I am not saying anything. I am just answering. I am speaking.

Several members interjected.

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

Mr P. Papalia: Ops normal!

Mr C.J. BARNETT: You're a bunch of idiots, aren't you! You really are!

Withdrawal of Remark

Mr M. McGOWAN: Mr Acting Speaker, whilst the Premier did not refer to a specific member, I think the use of that sort of language is offensive, and the Premier should withdraw offensive language if it is used.

Mr C.J. BARNETT: I withdraw, Mr Acting Speaker.

Debate Resumed

Mr C.J. BARNETT: The report was received by the Public Sector Commission on 16 June. On 17 June, the Public Sector Commission provided all, or probably parts, of the report, to the minister, FESA, DEC and some individuals named in the report simply on grounds of natural justice. The report, which was commissioned by the Premier and was to come to the Premier, did not come to me until 23 June. That was right at the very end of the last session, and that was the first time the report was sent to the Premier.

On 25 July, the report was provided to cabinet ministers and was noted by cabinet. We then made arrangements for Mr Keelty to be available to come and go through it in detail with cabinet. That happened, as members would be aware—it has been reported—on 15 August; on Monday of this week. The report, quite properly, should be tabled in Parliament. If members have not noticed, this is the first week that Parliament has been back. This week is the first opportunity for the government to table the report in the Parliament.

Several members interjected.

Mr C.J. BARNETT: The report went to cabinet on Monday, and this now provides our first opportunity to table it.

Several members interjected.

Mr C.J. BARNETT: Mr Acting Speaker, it is absolutely pointless, absolutely pointless.

The ACTING SPEAKER: Members!

Mr C.J. BARNETT: I am trying to get to the point, if the Leader of the Opposition would control his members. The report was noted by cabinet. Arrangements were made for Mick Keelty to be available to brief cabinet. That happened this Monday. If members want to know, for over two hours cabinet went through the report, recommendation by recommendation—a long discussion. On the advice of Mick Keelty, the minister and I are now considering some aspects of that report, and it will be tabled in Parliament this week. I do not think that is in any way sitting on the report. It will be tabled this week.

Ms M.M. Quirk: So what makes you different from Premier Bligh or Brumby? Why should you behave differently from Premier Bligh or Brumby, Premier?

The ACTING SPEAKER: Member for Girrawheen!

Mr C.J. BARNETT: Because they were royal commissions. This is a report to the Premier and to cabinet.

Ms M.M. Quirk: What is the difference?

Mr C.J. BARNETT: There is a big difference.

Several members interjected.

The ACTING SPEAKER: Members!

Mr C.J. BARNETT: I am going to sit down. This is absolutely pointless. Members opposite come in here with what they purport to be a serious issue, and they do not treat it as such.

Several members interjected.

Mr C.J. BARNETT: Members opposite can ask me questions in question time.

Mr M.P. Whitely interjected.

The ACTING SPEAKER: Member for Bassendean, I call you to order for the first time.

Mr C.J. BARNETT: That has been the history of this report. It was discussed in cabinet in a detailed briefing this week. This week is the first opportunity to table the report, and it will be tabled this week in the Parliament, as is correct.

Mr E.S. Ripper: Will you take a question?

Mr C.J. BARNETT: No, I will not.

The second part of the motion deals with the minister standing down or being stood down. Members opposite did not even make a case for that—there is not a case for that, but they did not even try to make a case for that. I am not going to comment in any way about the content of the report other than to say that the report does not reflect in any way whatsoever about the Minister for Emergency Services. It is not about the minister. It is about the fighting of that fire and implications that can be drawn from it. So here members opposite are again. They jump in. They move a motion against a minister that he should be stood down. They do not even have the report. They will have it this week, and when they get the report and they read it, maybe then they might form some opinion. But they are just flying a kite, throwing a knife in the dark, hoping they can have a go at the minister. The only thing I will tell members opposite about the report is that in no way does it reflect on the Minister for Emergency Services.

DR A.D. BUTI (Armadale) [3.47 pm]: Indeed, this fire on 6 February was a very serious matter for my local community. There are a couple of points I want to make. The fire occurred at 11.41 am on 6 February. If we take 3.00 pm today, in that period of time, six months, 10 days, three hours and 19 minutes have elapsed, and this government has done nothing to address the problems that occurred on that day. The Premier has just tried to give us a reason why the report has not been released. I think he also mentioned that it went to the minister before the Premier received it.

Mr C.J. Barnett: Yes.

Dr A.D. BUTI: If the report was commissioned by the Premier, why did it go to the minister before the Premier received it? Does that mean there is an adverse finding against the minister? If not, why did it go to the minister first?

I am also appalled by what has been reported in the local *Comment News*; and, if it is incorrect, the Premier has the opportunity to correct it. A question was put to the Premier with regard to stamp duty exemption. This relates to families who have lost their homes and have decided that they do not wish to build in a fire-prone area and want to purchase a home. The Premier said that he would not agree to that. He also referred it to the Treasurer, who has responded to me in correspondence. The Premier was quoted as saying that it is not like the Victorian fires, because no people lost their lives. Exactly—no people lost their lives. But people lost their properties. People lost their life memories. People lost their treasured possessions. People in my local community are appalled by what the Premier said. It just shows an incredible insensitivity to the gravity of the loss that occurred on 6 February, and the inaction by this government in not doing anything since 6 February and in not releasing the report. It has been two months since the government received the report. The government has had sufficient time to release that report. It will be very interesting when that report is released to see what it says. The Premier said it is not like the Victorian fires; people did not lose their lives. But what about the people who lost their properties? What about the people who lost their possessions? He said that he was appalled on 6 February when there was criticism of certain fire prevention exercises. I can tell him that people in my local community today are appalled by the actions of and the words that have been spoken by this Premier and the inaction of the minister and the government. It is about time that Armadale was recognised as part of Western Australia, and that the Premier and the minister look at what happened in Armadale, Kelmscott and Roleystone and address that issue forthwith. As I said, six months, 10 days, three hours and 19 minutes have elapsed since the bushfire.

MR R.F. JOHNSON (Hillarys — Minister for Emergency Services) [3.50 pm]: I could not believe it when I saw the matter of public interest that has been raised by the Leader of the Opposition today. It condemns me as the Minister for Emergency Services for the government's failure to make public the Keelty report into this particular fire. I think it has been explained time and again, although the opposition does not seem to understand, that this was not my report; this was the Premier's report. Of course, it is up to the Premier to table it when he has had a chance to carefully digest the report and once it has been before cabinet. The Premier explained quite clearly what happened. As opposition members are aware, cabinet did not consider this report until Monday of this week. Cabinet sat for quite a long time this Monday to give Mr Keelty —

Mr R.H. Cook: Why?

Mr R.F. JOHNSON: I am not taking interjections. Mr Keelty gave about a two-hour explanation and went through —

Mr R.H. Cook interjected.

Mr R.F. JOHNSON: Ask it at question time. Mr Keelty went through the report he has now given to the government, and quite rightly so. Questions were asked, explanations were given and comments were made. As the Premier said, the report will be tabled this week, but that is the Premier's decision, not mine. I am not in control —

Several members interjected.

The ACTING SPEAKER (Mr P.B. Watson): Members, give the minister an opportunity to speak.

Mr R.F. JOHNSON: I have no control over the tabling of this report. That is the Premier's responsibility, and that is what he will do: he will table it this week.

The opposition never lets the truth get in the way of a good attack against the Minister for Police and Emergency Services. The member for Girrawheen does it weekly, almost daily. Other members of the Labor Party do it almost as often as that. Quite frankly, members opposite have to have some sort of case and some sort of evidence. They cannot simply—

Mr E.S. Ripper: You're such a tempting target!

Mr R.F. JOHNSON: Yes, I might be. It is probably my good looks, Leader of the Opposition. I said I was not going to accept any interjections, so I apologise for accepting that one, but it sounded quite a good one.

Some of the comments that opposition members have made so far have actually related to me as the minister, a lot of them related to the Premier and some of them related to the actions of the firefighting agencies that dealt with the fires not only at Kelmscott–Roleystone but also at Toodyay and other places.

I have nothing but admiration for all our firefighters—career firefighters, volunteer firefighters and bush fire brigades.

Mr E.S. Ripper interjected.

Mr R.F. JOHNSON: The Leader of the Opposition should ask me a question tomorrow, and I will answer it.

Mr E.S. Ripper interjected.

Mr R.F. JOHNSON: Why did the Leader of the Opposition not ask me that question today? I have nothing but admiration for the bush fire brigades and all of our State Emergency Service volunteers. They do a fantastic job across our state. I visit them regularly, and I tell them what a fantastic job they are doing. They appreciate the support that this government has given to all our firefighters—career firefighters, volunteer firefighters and SES volunteers.

When a tragedy happens, as it did during the floods at Warmun when about 350 people were evacuated from Warmun to Kununurra —

Mr E.S. Ripper interjected.

Mr R.F. JOHNSON: I am not taking interjections; I do not want any interjections. The opposition does not want to hear this. During that tragic situation of those dreadful floods, the member for Girrawheen wanted to visit the police station in Kununurra. She did the right thing; she contacted my office, and I said, "No, it is not appropriate at the moment. The police are under enormous stress dealing with the influx of 300-odd people and the problems emanating from that." She wanted to be entertained for an hour or two by police who were doing a fantastic job. Quite rightly, I said, "No. Go after the problems have been dealt with and people are back into their normal stable positions. Then you can go and visit the police station and be entertained for an hour or two." Wherever the member for Girrawheen goes, she leaves a wake of discontentment. The member for Girrawheen keeps accusing me of not doing anything in my portfolio area. The Leader of the Opposition almost certainly implied that as well by signing this dreadful, inaccurate and ridiculous matter of public importance.

What have I done? Let me just say what the opposition members did not do. Do members opposite remember this report, "Inquiry into Fire and Emergency Services Legislation"? This was the report of a committee chaired by an opposition member, the member for Joondalup. The then government had the numbers on that committee. In all fairness to the member for Joondalup, I think he did a very comprehensive job. It is a huge report; there are 88 recommendations. That was tabled in the house in October 2006. What happened to it? It went on the shelf and gathered dust. Nothing at all happened to it until we came into government. I hit the ground running, because I took this report and said, "We've got to implement some of these recommendations. Some of them are very serious." I compliment the member for Joondalup for chairing the committee. I think it did a very worthwhile report. What did I do? Within a month or six weeks of becoming a minister, I took recommendations

to cabinet, and I got cabinet endorsement to fulfil the most critical recommendations contained within the report. That is what I did within six weeks of becoming the minister. I made amendments to the Bush Fires Act.

Several members interjected.

Mr R.F. JOHNSON: I understand that the Premier gets frustrated with all the interjections from some of the members opposite, who do not want to hear the truth. They hate the truth. They say, "Never let the truth get in the way of a good story or a good attack on a government minister." That is what we have seen today. Today we have seen a motion that condemns me because I did not release the report that was commissioned by the Premier. The Premier commissioned this report. It goes to cabinet, as I have explained to opposition members; that is what happens.

Mr E.S. Ripper: So you blame him?

Mr R.F. JOHNSON: No, I do not blame him.

Mr J.N. Hyde interjected.

Mr R.F. JOHNSON: I would respond, but I am not taking interjections; they are rather inane. The Premier has already covered many of the areas. What do we say? The opposition is asking for me to be stood down. What have we heard? We have heard a speech that was probably co-written by the United Firefighters Union, because I recognise some of the comments. I have said before that she is just a mouthpiece of that particular union. The union thinks I should resign; that is what it said. What did it say about the former minister? I am sure he will not want me to tell members this, but an article of 5 April 2008 was entitled "Minister must go, say firefighters". Who was the minister then? It was the member for Balcatta, and that is what the union said. Another article, headed "Lives, homes put at risk, firefighters say", attacked the then Minister for Emergency Services. Who was that? It was the member for Balcatta. An article headed "Fire alarm" stated —

> People will die in Perth's inner suburbs because there's not enough firefighters, their union has warned.

It was another attack on the then minister. Let me read a quote. The union said that the member for Balcatta was negligent and a liability to the state. According to my notes, former union secretary David Bowers stated —

> We've been trying to tell the Government, but no-one's listening. Kobelke does not care. In his words, I should shut up and just go away he doesn't care.

That is a direct quote. That is what David Bowers from the UFU said about the former Minister for Police and Emergency Services. Did he stand down? Did the member for Girrawheen stand down when she was under attack in relation to a certain area in her portfolio? No, she did not.

Ms M.M. Quirk: There was never a motion moved that I should resign.

Mr R.F. JOHNSON: Many people thought she should have resigned.

What have I done? I have done quite a bit since I have been the responsible minister.

Mr E.S. Ripper: Why has Keelty found all these problems if you've been so active?

Mr R.F. JOHNSON: We can always do better. Everyone can do better. The Leader of the Opposition could do a lot better. Alannah MacTiernan thinks so. She has said it many times. She has become the Labor Party's new spokesperson. She seems to cover every portfolio there is in the Labor Party these days.

Mr F.M. Logan: She did in government.

Mr R.F. JOHNSON: I know she did. She is even worse out of government. She is becoming a celebrity. She really wants the top job in the Labor Party.

Mr E.S. Ripper: Come back to the issue.

Mr R.F. JOHNSON: I certainly will.

Mr E.S. Ripper: What have you actually done since the Toodyay fire and why was Mr Keelty so critical of FESA if you've been on top of your game?

Mr R.F. JOHNSON: I have done quite a bit since then.

Mr E.S. Ripper: You can't find the briefing note.

Mr R.F. JOHNSON: No, I am just trying to make sure I have them in the right order. I am aware of all the different reviews that have taken place. I know what has been dealt with and approved and what may be still ongoing. There is hardly anything ongoing now. From all of the reviews that have taken place into the devastating —

Ms M.M. Quirk: What have you done?

Mr R.F. JOHNSON: I will tell the member what I have done. I instigated and initiated an interdepartmental agency committee incorporating —

Mr E.S. Ripper: An IDC?

Mr R.F. JOHNSON: Yes; I did this last year. It incorporated FESA, DEC and local government so they would work more closely together. They have been meeting for some time. They have formed subcommittees, all at my direction basically. There have been problems with our firefighting agencies for decades. They occurred under the Labor government. The opposition is fully aware of that. In nearly eight years it did nothing about it whatsoever—a big zero. That applies to most things that happened when it was in government. Zero; that is what the opposition did. It did not address any problems. I have set up that committee since I have been the minister, and I have done many other things. I have secured massive funding for firefighting equipment for FESA by making sure we guaranteed two type 1 helicopters. We have four helitacks. DEC has the water bombers. We spent record amounts of money—$128 million—for services and equipment for our firefighters. A total of $26 million or $28 million was spent to increase the number of career firefighters to 102 over this period. There are other amounts of money. I am very happy to give them to members but I know that one of my colleagues would love to take part in this debate. I am sure that this will not be the last debate we will have on this issue. There is no substance to this motion whatsoever, and we will certainly reject it.

MR J.M. FRANCIS (Jandakot) [4.04 pm]: A couple of years ago I joined my volunteer fire brigade out at Jandakot as a volunteer firefighter. I got pretty involved with it. In the past couple of years I have seen firsthand from the front-line how the Fire and Emergency Services Authority interacts with the Department of Environment and Conservation and how the red trucks work with the white trucks. I have been fairly vocal in some of my criticisms of FESA. I think *The West Australian* has even reported some of my comments when I criticised FESA for certain things. I do that because I do not think that this issue should be a party-political issue.

I will make one point about this motion. I notice that the member for Rockingham did not speak on this motion. The Leader of the Opposition made a very important point when he criticised the government for sitting on the Keelty report and using cabinet-in-confidence as an excuse to do it. I had a quick look at the record of the Labor government during its last couple of years and some of the reports it sat on. This is why the member for Rockingham was too gutless to speak on this issue. The previous government sat on Dawn Casey's "Report of the Review of the Department of Indigenous Affairs" for eight months and used the excuse of cabinet confidentiality not to release it. It sat on the Sanderson report, which was released at the same time, for 10 months. It also sat on the Twomey report—this is the member for Rockingham's golden child—for seven months. I ask the Premier: How long have we had this report? Has it been two months? We have had it for two months. We should look at the excuses the Labor Party used for not releasing the Twomey report. A newspaper article dated 26 April 2008 states —

> Education Minister Mark McGowan came under renewed pressure yesterday to release a five-month-old report hailed as the solution to WA's alarming teacher shortage …
>
> …
>
> Mr McGowan said the report, which was completed by teacher shortage task force chairman Lance Twomey late last year, would be released publicly once Cabinet had considered it.

It is okay for the Labor Party to do it in government but it is not okay for us to consider it in cabinet. Is that what it is saying? It now has a totally different view. The article continues —

> But Mr McGowan yesterday blamed the five-month delay on the State Government's moves to develop a comprehensive response to the report before it is released.

On 10 June 2008, another article states —

> There are two possible reasons for the failure of the State Government to produce the Twomey report into WA's alarming teacher shortage. One is that Education Minister Mark McGowan has not had the political skill or clout to ensure that the report made its way through Cabinet in the six months since it was handed down.

The former government sat on that one for seven months. Seven months later we were still calling for the government to release the Twomey report. The reason the then minister gave for not releasing it after seven months was cabinet confidentiality.

I have a newspaper article headed "Cabinet secrets a ruse to hide bad news, say MPs". The Labor Party was the party of cover-ups and sitting on reports. It made the trade of sitting on reports in cabinet a work of art; it mastered it. One reason the Labor Party lost government is that it sat on reports time and time again.

I will leave members of the opposition with a great quote from Andre Gide, who won the 1947 Nobel Prize for Literature. He said, "The true hypocrite is the one who ceases to perceive his deception, the one who lies with

sincerity". Members of the opposition should listen to that quote and learn from it. There is a lot of hypocrisy in this Parliament right now. When it comes to governments sitting on reports, those opposite mastered it.

Question put and a division taken with the following result —

Ayes (26)

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

Noes (30)

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

Pair

Mr M.P. Whitely	Mrs L.M. Harvey

Question thus negatived.

BILLS

Appropriations

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

1. Duties Amendment Bill 2011.
2. Cat Bill 2011.

RETAIL TRADING HOURS AMENDMENT BILL 2011

Receipt

Bill received from the Council.

CURRICULUM COUNCIL AMENDMENT BILL 2011

Second Reading

Resumed from 18 May.

MR B.S. WYATT (Victoria Park) [4.14 pm]: I am the lead speaker on the Curriculum Council Amendment Bill 2011. I inform the house now that the opposition will support this legislation. This bill has had a long gestation. A clause within the Curriculum Council Act 1997 provides for a review of the legislation after five years. That review commenced in 2002 and the subsequent report by the Department of Education Services was given to Hon Ljiljanna Ravlich in 2006, which she tabled in Parliament on 17 October 2006. It has been a long time coming. The former Minister for Education and Training, the member for Rockingham, drafted, I believe, legislation that was very similar to the Curriculum Council Amendment Bill 2011. I have not seen that draft legislation, but certainly the briefing that was provided to me by the Department of Education led me to believe that the legislation is very similar. There are some differences mainly around the number of members of the board of the new School Curriculum and Standards Authority; nonetheless, the legislation itself is, indeed, similar.

I say now to the Minister for Education that we find ourselves with a precedent that was set last week concerning legislation introduced into this place. The precedent was set by the Premier and the Minister for Housing when the member for Southern River sat in the chamber with his adviser, who was providing advice to that member on his private member's bill. The Leader of the Opposition made the point fairly clearly that members who introduce legislation are entitled to bring in here advisers whom they see fit, because, ultimately, they are strangers on the floor of the house and it is the member himself or herself who is providing information to members in the house. The Premier certainly made it crystal clear in his statements to the house last week, on 10 August 2011, when he said —

> … if an adviser before the house has had or has a pecuniary interest in the matter before the house, should that stranger be allowed on the floor of the chamber? In my view, the answer is clearly no.

This had not been raised before the Premier raised it last week when he was attacking the member for Southern River during debate on the member for Southern River's private legislation. More interesting was the Minister for Housing's remarks, when he made the point that unless the adviser had been specifically involved in drafting the legislation, that person knew nothing about the legislation at all. The Minister for Housing stated —

> I am sure the member for Southern River can get advice from his adviser who knows nothing about the legislation, because he was not involved in the drafting of it …

I do not believe there has previously been a requirement in this house for advisers generally—it is mainly members of the public service who give advice to ministers—to have been specifically involved in the drafting of the legislation. However, this is something that the government has now decided is a requirement for, as the Premier said, the integrity of debate. Questions will be asked of the minister's advisers to make sure, as the Minister for Housing said, that those advisers have been involved in the specific drafting of this legislation, and, as the Premier said, as strangers on the floor of the house—not non-public servants, the Premier said, but strangers on the floor of the house—they must be interrogated. Members are entitled to interrogate strangers on the floor of the house about any pecuniary or commercial interest they may have in connection with legislation upon which they are advising the member—in this case, the Minister for Education. It is new, and although no-one has accused the Premier of being an arch conservative, he has certainly introduced a new practice into the chamber, and it is something that the opposition will pursue when we move into the consideration in detail stage.

This is the minister's first piece of legislation —

Dr E. Constable: Second.

Mr B.S. WYATT: It is the second piece of legislation that the minister has introduced into this house, but the first piece of legislation that I have had the pleasure of debating with her in my role as shadow Minister for Education. The bill has bipartisan support because, as I have already pointed out, similar legislation was drafted by the member for Rockingham when he was Minister for Education and Training; however, when the election was called in 2008, that legislation never made its way onto the floor of the chamber. As Mr Acting Speaker will appreciate, I have a very keen interest in receiving commentary or input. Despite the opposition's support for this legislation, I was keen to get input from those involved in the delivery of education in Western Australia, and I have sought, by way of letter, advice from a number of different organisations—the State School Teachers' Union of WA, the Western Australian Primary Principals Association, the Western Australian Secondary School Executives Association, the Catholic Education Office in Western Australia, the Association of Independent Schools of WA, Murdoch University, University of Western Australia, Curtin University, Edith Cowan University and University of Notre Dame. I will not name all the various subject associations, because there are many, but I also wrote to those organisations seeking their input and many—not all, but a number—replied with their views on the legislation. Whilst questions were raised and comments made, many of which I will pursue during consideration in detail, broadly there is support for this legislation, and certainly there seems to be acknowledgement of and support for what the 2006 report found, which is the importance of separating the provider and regulator functions that currently are effectively combined in the Curriculum Council Act 1997.

I will reflect on the thorough review conducted by the Department of Education Services. The review certainly gave me some knowledge of the history of the development of curriculum in Western Australia. It outlines in quite some detail exactly how we arrived at the Curriculum Council Act 1997. The bill was introduced by Hon Norman Moore when he was Minister for Education.

Mr M. McGowan: Is that right? It would have been the now Premier.

Mr B.S. WYATT: The member advises me that it was the member for Cottesloe, the current Premier, who introduced it. I will check that because I am pretty sure that Hon Norman Moore set up the committee that recommended the Curriculum Council. Again, I am pulling this out of the Department of Education Services' report.

Mr M. McGowan: The member for Cottesloe was the minister in 1997. Hon Norman Moore ceased being minister in 1995; he might have established some sort of review group, but I am pretty sure it was the member for Cottesloe who introduced it.

Dr E. Constable: I think the member is probably right.

Mr B.S. WYATT: I will quote page 12 of the report, which reads —

> In June 1994, the then Minister for Education, Employment and Training, Hon. Norman Moore, appointed the Ministerial Committee to Review Curriculum Development, chaired by Mrs Therese Temby.
>
> …

> The Ministerial Committee completed the Review of School Curriculum Development Procedures and Processes in Western Australia (the 'Temby report') in September 1995.

It went on to say —

> The Temby report contained 23 recommendations, in response to which the Minister announced six 'major decisions', together with a response to each specific recommendation.

The DES report outlines those recommendations; the first is the establishment of the Curriculum Council with about 14 members. That was the first major decision made by Minister Norman Moore that led to the Curriculum Council being established by way of the Curriculum Council Act. The conclusions that were reached by the DES report were —

- that the Curriculum Council continue as a statutory authority;
- that items for attention be referred to the statutory review pursuant to the section 36 review of the Act to commence on or after 1 August 2002;
- that a new five-year review provision, equivalent to section 36, be retained in the Act … and
- that the general consideration of the Council's performance, efficiency and effectiveness be incorporated in the statutory review under the new review provision.

When the former member for Victoria Park, Hon Geoff Gallop, became Premier, a functional review of the delivery of government was commissioned by the Labor government in 2002. That review recommended that all agencies in the education and training portfolios be amalgamated to form one department. However, as time moved on, the government decided not to amalgamate all the organisations, which would have included the Curriculum Council, into the one department, simply because the development of public policy called for the separation of the provider and regulatory functions.

The report goes into some detail on the history and context of the Curriculum Council Act and then highlights its own conclusions. The report made the point that having professional development by combining regulator and provider functions was indeed unusual and recommended that they be split. It also made the finding that, in respect of section 9(1)(c) of the current act, there was no means for that function to be carried out. A number of weaknesses were found within the Curriculum Council Act. Page 61 of the DES report reads —

> We believe it would be prudent for the Council to also review, in the interests of good governance, its induction process, code of conduct and the professional development of Council members and senior staff to build the expertise of the governing body and ensure that all are clear about their duties and responsibilities.

That is something that the opposition will pursue in consideration in detail. The 2006–07 DES annual report also noted that the review, which had been tabled in Parliament in October 2006, concluded —

> … that the Curriculum Council is basically a regulatory body that should set standards for what should be taught and learnt in schools and assess student achievement in relation to those standards. The Act, however, combines provider and regulatory functions and the review queried the wisdom of this, proposing that most, if not all, of the provider functions could be placed elsewhere.

Whilst that perhaps is one of the more significant findings in the report, the change in governance structure is considerable and will require some investigation. However, it was interesting to read some of the Curriculum Council's own commentary in its 2009–10 annual report in light of the fact that the minister's bill is specifically removing from the board of the Curriculum Council organisations that under the current act have the right to representation. The State School Teachers' Union and the various universities have representation; in addition, one representative is nominated by the Catholic Education Office, two representatives are nominated by the education department, three representatives, effectively, are nominated by the minister and one is nominated by the Western Australian Council of State School Organisations. There is specific representation on the current Curriculum Council board of organisations involved in schools and various organisations; for example, parents and citizens associations and representative bodies. The correspondence I received from the universities—certainly from Edith Cowan University—was basically contained in the letter that was provided to the minister. Whilst the universities acknowledge that they support most of the changes being brought by way of this legislation, they would like to see specific university representation on the new authority or on one of the subcommittees to be established. The minister would appreciate that members of the education sector who currently have the right under the Curriculum Council Act to be on that board would like a role to play. I am focusing at the moment on the university sector because of some of the commentary outlined in the 2009–10 annual report of the Curriculum Council.

I want to read into the *Hansard* one part of that report. Page 14 of the Curriculum Council annual report on year 11 and 12 school enrolments states —

> In the 15 years since 1995, the number of 17-year-olds has increased by 21 per cent … Over this same period, the number of students staying on to complete Year 11 in school has increased by 49.3 per cent … This represents an increase in retention rate from 74 per cent in 1995 to 92 per cent in 2009. Similarly, the number of students staying on to Year 12 has increased. In 1995, 17,308 Year 12 students completed at least one accredited subject. By 2009, the number of Year 12 students completing at least one course unit or unit of competency had increased by 22.2 per cent to 21,151 students. Despite the increase in enrolments, the overall retention rate for Year 12 has remained relatively constant between 65 per cent and 70 per cent.

Importantly, the report went on to say —

> The number of students who sat for at least four examinations also increased between 1995 and 2009.
>
> …
>
> Despite this increase, Western Australia continues to have the lowest proportion of Year 12 school leavers eligible for university entrance compared with other Australian states.

That is, the lowest proportion of year 12 school leavers in the Australian Federation. I think that fairly raises the question—a question we will put to the Minister for Education to explain during consideration in detail: why is it that the university sector and other organisations that currently have the right to be on the Curriculum Council board no longer will have that right once the amendments are passed? As I have said, the opposition will support the legislation, but we will certainly make those points to the minister.

The legislation creates two subcommittees—the standards committee and the curriculum and assessment committee. In her second reading speech, the minister went through the roles that those two committees will perform. However, again, a number of questions that have been brought to my attention by various organisations in Western Australia, and I will be pursuing with the minister the roles of those committees and the make-up of the government structure.

The opposition will support the Curriculum Council Amendment Bill. It is the result of a process that started back in 2002, which led to the drafting of legislation by the former Labor government, but unfortunately it was never introduced because of the calling of the early election. Here we are now, three years into the term of the Barnett government, finally dealing with this bill. The opposition has a number of points to make and a number of questions to ask the minister during consideration in detail, but we will certainly support the passage of this legislation.

MR T.G. STEPHENS (Pilbara) [4.33 pm]: In the context of it having been explained to the house that the opposition will support the Curriculum Council Amendment Bill, there is an obvious question about this legislation that has been finally brought on: what took the government and the Minister for Education so long to deal with what should have been a fairly simple matter of advancing legislation through to this point, considering that it was gifted to the minister when she fell into the portfolio?

The passage of this bill through Parliament provides us with an opportunity to raise issues about the capacity of Western Australia to respond to some of the challenges we face, now that there is the advance of a national curriculum that requires investment by the state government of Western Australia of significant funds that are yet to land on the table in adequate amounts to prepare the education system to embrace the national curriculum opportunities that will come our way.

When one represents an area like I do in the Pilbara, where one sees many people moving in and out of the region to and from other parts of the nation and the globe, one can see how important it is to take up the opportunity for a national approach to the educational system in this country. In my view, a message has to be delivered by the opposition benches to the Minister for Education, to the government of which she is a part and to the Curriculum Council, to get on with the task of equipping the education system in this state with the resources it needs to embrace these changes.

This Parliament has also been the recipient of reports by parliamentary committees that have dealt with some of the problems we face within our education system. It is not adequately delivering skills in literacy through the educational techniques and styles that have been adopted in our classrooms over the past couple of decades. It is galling to find that we still, to this day, have a Curriculum Council that has not adequately taken notice of bipartisan parliamentary reports—pleas by Parliament—with recommendations made to the Curriculum Council, the government and the Minister for Education to mandate an appropriate approach to the teaching of English and the acquisition of literacy within Western Australia so that we can, in this state, catch up with literacy levels that are on offer in other English-speaking countries.

We have seen international reports from all the other English-speaking democracies, including Canada, the United States, New Zealand and the United Kingdom—those countries with which we have, perhaps, the most to share in terms of the ways in which we deal with the English language—yet we find that our curriculum and the

way our curriculum is being dealt with in our classrooms is not delivering for us, as a state, an appropriate framework that we know will work with more certainty than that which has been on offer in our schools to date. The pedagogical style and the teaching techniques that are loosely associated with the whole-language approach of the left-wing philosophies of education that emerged in the late 1970s in this state have failed the most vulnerable. They have failed the values that the people of the left in education always said that they were committed to, and have left the most vulnerable floundering with inadequate skills in English literacy. We know that there is a framework and a pedagogical approach, a curriculum approach, that should be mandated for the teaching of literacy to secure, for both the vulnerable and the proficient, opportunities for advancing literacy skills with certainty.

We are lucky in Western Australia that we have resources that make us a wealthy state. Recently, my wife and I were travelling in the United States and we bumped into countless people who know about Western Australia because they see us as a resource-rich, lucky group of people whose lifestyle is bolstered by the resources that are ours. But that is luck that should be built on and not taken for granted, and it is luck that is unevenly spread, even within our own state. The worst indicator for putting Western Australians on a trajectory that does not take advantage of the luck with which we are blessed as a rich state is the number of people who do not thrive in the education system—the vulnerable; people with learning difficulties, and people with a propensity for some of the conditions that can loosely be described as dyslexia, for example, or a lack of phonological awareness and processing. They are the types of skills that can be rectified by a mandated pedagogical approach in the classroom, which was the approach that was on offer in the classrooms of the past. When I was a lad, and when many people in this Parliament were younger, there was an approach to direct instruction that more securely advanced, evenly, the educational and literacy outcomes of our classrooms. Alternative approaches were adopted that have not impacted upon 50 per cent of the population who thrive anyway, but the vulnerable have failed miserably, and we are rapidly producing this long tail of inadequately equipped sections of our population. The grandchildren of totally literate grandparents in my electorate are proving themselves to be scarcely able to read. Here we are debating changes to the Curriculum Council that seem to me to be perfectly entitled to the support of the chamber, but they should not be passed without at least a firm message on the new structures that have been put in place—a firm message to government, and a firm message to this minister to get on with it and place some demands on the education system that will more securely advance the educational opportunities and the literacy outcomes for all children in Western Australia. We need more than has been on offer through the Curriculum Council and through the styles that have been adopted in our classrooms, in the education department, in the Catholic school system and in the independent schools of Western Australia. A multitude of approaches are simply people tinkering around the edges of what the parliamentary reports and the big inquiries from England, Canada and the United States tell us we should be doing, yet the Curriculum Council still sits there gutless and spineless, and not encouraged by its minister or this government to adopt the bleeding obvious and mandate an approach to the teaching of literacy that will more evenly advance the interests of all our youngsters.

The cost of this failure is enormous. The alternative investment required is huge. There is stupidity in some of the approaches that have been funded, such as the reading recovery platform that has been put into schools, including the Catholic school system, in the Kimberley. Its name would alert any educator to how futile and expensive such an approach is. We are required to have a reading recovery approach for youngsters who should be more confidently acquiring skills in their classrooms with a pedagogical approach to, and methodology for, the teaching of literacy that will secure advances in the acquisition of literacy. There would not then need to be this tailor-made, individual approach to reading recovery for youngsters who have just gone through primary school and have still not picked up literacy. The teachers emerging out of our universities are still landing in our classrooms without the training or confidence in what is needed to deliver literacy programs to the students of this state.

For me, I cannot help but sit in this chamber and accept my responsibilities, which are to press for action on the reports that we have delivered to this Parliament. I am, quite frankly, a bit sick of sitting opposite a Minister for Education for whom great hopes were held out that she had the skills to advance education in Western Australia in her term in government, while she sits on her hands and slothfully deals with these crisis issues with legislation like this that is, by and large, machinery and of no great argument. She has taken her time and has not advanced the Curriculum Council Amendment Bill 2011 into this place expeditiously so that we can get on with, and she and the government can get on with, ensuring that there is mandated in our schools an approach that works more evenly.

Members of this Parliament, both current and past, have diligently gone about the work of looking at the research on these questions and the other reports that exist around the world to determine the curriculum that should be adopted here in Western Australia to advance with certainty the literacy skills of our youngsters. It seems that the meta-analysis of all of the work that has been done can leave one with confidence about which way to go to shrug off the approaches of the past. I am a bleeding heart of the left of politics in Western Australia, but I have no time for approaches that do not work and that fail the people in need. That is what

happened with the whole-language approach. We pulled out the reliable language approach of Scandinavia and shoved it into our English language context, which is very irregular and desperately needs a thorough knowledge of how it works. It has to be taught in ways that require rote learning that is not boring or dull or unentertaining but, rather, takes an approach to adopting the teaching of English literacy which is direct, repetitive and fun and which delivers steps upon which all youngsters can advance to the acquisition of literacy with more certainty than they have.

As this bill is dealt with, I do not want to miss the opportunity to give the Curriculum Council, the officers of the education department and, most importantly, the education minister a whack and say, "Get on with it!" There will be consequences, eventually, and ministers who hold their portfolios now, I predict, will face the consequences of people coming after them because this system is continuing to fail in the delivery of literacy skills to our youngsters. In the past, ministers, Curriculum Councils and education departments and directors general might have had the defence that they just did not know—well, they damn well know now! They have unanimous parliamentary reports and they have reports from around the globe that tell and chart the way forward, yet the inaction is self-evident. I arrive in classrooms around my electorate and around the state where young teachers are still floundering and are not guided by their principals with any certainty, and with professional development that still draws off the worst aspects of the whole-language approach, which is this guessing approach to the teaching of English. It is the Mem Fox approach, that somehow or other reading is magic. Well, there is nothing magic about the learning of English literacy; it is hard work for most, and it requires skilful teaching, supported by a Curriculum Council that should know what it is doing. It has not displayed that competence to this point. There will come a time, I predict, when people will take legal action based on the reports before the Parliament. They will be able to draw on these reports and we will see curriculum councils, directors general, the Catholic education system, the independent school system and ministers in the courtrooms defending themselves against a whole class of vulnerable people who are missing out on the basic skills needed for participating in the economic prosperity of a rich state like ours, which should be theirs by virtue of their birth. I do not know how I can make it any plainer than that.

My anger over this issue is increasing. On this issue I might seem like a calm person on the exterior. However, I can tell members that seething underneath this speech is a volcano of anger as I watch the failure of our schools to deliver a pedagogical approach to the vulnerable people of Western Australia. Increasingly, statistics indicate that 50 per cent of youngsters cannot get access to speech therapists and will never have any prospect of getting access to them. In those circumstances they need classrooms that have a curriculum that works, and by and large they do not have them. I am of course in large measure thinking of the needs of the Aboriginal community of my electorate. I watch the pathetic attempts at current measures that represent best practice delivered by the Curriculum Council, the Catholic education system and the independent Aboriginal school system. They are not working. People have recommendations in reports on how to improve the system but have not adopted them. This debate gives me an opportunity to demand of the minister and of the people who work with her on the education portfolio: take seriously the unanimous reports that have landed in this Parliament on this question and get on with it.

MR A.J. WADDELL (Forrestfield) [4.51 pm]: I find it odd that we are told that this Curriculum Council Amendment Bill is very similar to that which was proposed in 2008. I find it odd because the situation we face in 2011 is fairly distant from where we were in 2008. Members will recall that in 2008 we were just coming out of the great outcomes-based education debates; whereas today we are faced with the issues of independent public schools and implementation of the national curriculum, and the problems those particular plans bring to our education system.

I find it quite interesting that we can present a bill to this place that is similar to the one of 2008 when clearly the terrain has changed to a very large extent. I think members will find that the Curriculum Council is caught somewhat in a pincer move here. On one hand there are independent public schools. The Department of Education's website, in answer to a question in the frequently asked questions section for teachers about whether independent public schools can teach what they like, states that independent public schools, like all private and public schools in WA, can introduce curriculum that is relevant to their students' needs and in context provided that it is consistent with the Curriculum Council Act, the curriculum framework and the national curriculum. It is, therefore, clearly giving a nod to the national curriculum and a nod to the state curriculum, and stating that teachers needs to be consistent across the board but they can do what they want. Essentially, we are relegating the Curriculum Council to being one leg of a multi-legged beast.

On the other hand, the Australian curriculum is coming in. In Western Australia we are known for "WA" standing for "Wait Awhile", and in WA we will get the national curriculum a year later than everyone else. It is due here in 2014, as opposed to 2013 in other states. However, there are some obvious similarities between the various curricula on the national curriculum website and the Curriculum Council website. I was particularly looking at the mathematics curricula for primary school students, as I have spent a lot of time in recent days considering those curricula. I will go into that a little later. However, those websites indicate that we are a little

behind the national curriculum. From my research and my understanding from speaking to parents, we are more than a little behind our fellow states in terms of where they are at in a similar year. Therefore, the curriculum that we teach our year 5s is possibly being taught in year 4 in other states. That is not necessarily anyone's fault; it is a result of changes that have occurred as a result of historical elements. It is a result of a range of things. The reality is that we are coming into a national curriculum and students will be presented with a new syllabus for which they may not be adequately prepared, simply because they are behind their counterparts in the eastern states.

This is a matter that concerns me a bit. I recently had a constituent in my office talking about social security matters—obviously nothing to do with this bill. It was about them having to provide payments to their child who was residing in Tasmania. The background to this story is that the mother and daughter had decided to come and live in WA. They came over here, the parent applied for the daughter to go to one of the local schools and was told that because she was X age, she had to go into X year. In that year she would have been taught pretty much the same as she had already learnt the previous year back where she was in Tasmania. Essentially the system was saying to this girl, "You need to repeat a year because you have made the mistake of coming to Western Australia." Naturally, like any rebellious teenager, this teenager chose to walk and is now residing in another state with another parent. It is not the first time I have come across this situation and it is certainly not the first time I have spoken in this house about our one-size-fits-all education system. I have certainly raised it in the context of gifted education in the past. I have raised it in the context that our education system is utterly and completely obsessed with chronological age. It is tying learning to the age of the child. It is like saying, "You have a left arm which has a bone length of 30 centimetres and therefore you can now do fractions. It's not about your capacity, it's not about what you already know, it's about when you happen to be born." We have built this inflexibility into the system over the years.

A lot of people have asked me over the years why I do what I do and why I am a member of this place. I say, "Well, if you get enough good people in Parliament, you can actually change things; you can reform the system; you can really make a difference." They say, "How can you do that?" Oddly enough, for a long time, long before this bill ever came to our attention and long before I even developed the interest in education that I have developed over the last couple of years, I used the Curriculum Council as my example. The reason I used the Curriculum Council as an example is that it demonstrates our fundamental problem. Our problem is that we are very good at solving problems, or at least trying to solve problems. Problems come up, problems are in the community, problems are out there and people demand that we do something. So, we do something. What do we do? We have a review. We create a committee. We create a body. We create an authority. We fund that authority. That authority does something. It either works or it does not work. What we do not do well is to then ask ourselves, "Did that work? What happens after the facts? Why does a Curriculum Council exist?" Once we have developed a curriculum, why does the Curriculum Council need to continue to exist? We could argue that standards evolve and circumstances change. That is certainly true, but do they change on a year-by-year basis? Do we need to continue to tinker with the system? If we continually change what is happening in our schools, will our teachers ever get to a level of competency at which they can perform their job adequately? Will we ever get to a point at which teachers know very well what they are supposed to be doing, without being offered professional development every 30 seconds to learn whichever new system we are trying to introduce, so that they can start to deal with those very at-risk students previously spoken about?

Why is it that we seem incapable in 2011, with all our wealth, with all our technology, with everything we know, of producing the same level of literacy and numeracy that was created 40 or 50 years ago? Why is that? I think it is because we keep tinkering. We keep changing. We keep developing the standards. We have taken the commonsense out of the system. We do not even allow teachers to teach anymore. It is by the book; it is step by step: this is what the Curriculum Council says, this is what the national curriculum says, this is what this regulation and this guideline is, and so forth and so on. It is to the point at which we are too worried about priming our students to pass the next National Assessment Program — Literacy and Numeracy test. A state test on science was done last week, and again I saw teachers obsessed about making sure their students did well in that test. Why? It was because they were to be assessed against that test. Schools get funding in accordance with how well their students are doing, or how poorly their students are doing, according to these tests. These tests become king, and we move forward on that basis.

Therefore, the question I would raise is: is this an opportunity to ask ourselves whether we need a Curriculum Council? Seriously. The national body will be providing what will be 90 per cent, I should imagine, of our curriculum in the future. What will the Curriculum Council be doing? If we are seriously committed to the concept of independent public schools, and if they will have a say in their curriculum, and if they can adapt their curriculum to the needs of students in their particular area, why do we need a Curriculum Council? Why can those schools not simply make reference to the national standards, implement that at a local level, and cut out the middle man? Why do we need this? Is this not an opportunity for us to claw back a dividend? Is this not an opportunity for us to say that we need not keep doing it the way we have done it in the past?

In going through the bill, it is interesting to see that certain things will be taken out of the existing Curriculum Council Act. One of the things that quickly comes to mind is section 10. The second reading speech for this amending bill states —

> An existing section—section 10—which requires all schools and home educators to provide schooling in accordance with the curriculum framework unless exempted from so doing is to be repealed for three main reasons.

The second reading speech then outlines the historical basis of how the Curriculum Council Act was passed before the current School Education Act was passed, and that essentially both those acts are attempting to put that same mandatory nature on schools, and there is no need for two acts to prescribe the same standard.

The School Education Act talks about how schools must implement a curriculum in accordance with what is mandated by the Curriculum Council Act. I hope the minister will take an opportunity in her reply to address how the mechanics of that might work, because I have a sense that we are caught in a bit of circular argument here. We are mandating it in one, and then saying that we can do what is mandatory in the other; however, if we take away the mandatory element of the Curriculum Council, it will really free up schools to do whatever they want. I will not necessarily argue that case, but I certainly think that may be a defect in the bill.

The other thing that I noted in the minister's second reading speech was the discussion of a database. The speech states —

> The authority will hold in its database the results of all assessments of student achievement it has made, caused to be made, or has recognised. These include the results of national and international tests. Results of other assessments conducted by schools of their own volition and for their own purposes will not form part of the authority's database.

This of course raises questions about who will have access to that database, what privacy protections will be put in front of that database, what accessibility will be provided, and whether we will transfer that record to other similar authorities in other states at their request. Is this really what they call in TV land the "permanent record"? What opportunity will students have to correct errors in that database, and will students have an opportunity to know what has been recorded against them? Administrative mistakes do occur. It would be very unfortunate to have a so-called permanent record in a database that a student never has the opportunity to correct and has to keep having that same fight over and over again and face a sort of nightmare of a schooling lifetime trying to constantly correct what may have been an administrative error in the past. So again I would hope that the minister has an opportunity to discuss what safeguards have been put in place to protect against that.

The other thing that I noted in the second reading speech was that it talks about the authority having the power to accredit courses and to safeguard the results of tests conducted either directly by it or under nationally agreed arrangements. It says also that the authority will ensure that education providers are clear about what schools ought to be teaching across those years.

In the independent school system, obviously schools have the ability, in conjunction with and through this framework, to set their own curriculum. This raises the question of whether independent schools, if they seek to make a variation from the curriculum, will need to seek accreditation back through the Curriculum Council in order to proceed with that variation. Again, I ask: is this another layer of bureaucracy that will be put over independent schools or can they run alongside that process?

I note that the Curriculum Council in its new form has been set up as a perpetual authority, so we assume that it will last forever—or at least I imagine until we decide otherwise in this place. We need to be thinking about allowing cycles of curriculum to embed themselves in the system. Seriously, I do not think the school system should be operating on electoral terms. We should not be thinking about four-year cycles. If we are to be running changes through the school system, we should allow them to run through 12-year or 20-year cycles that will enable teachers to become completely aware of and familiar with the material, to develop it, to learn it and to adapt to it, and, at the same time, to allow parents and students to achieve what their expectations of the system are.

That takes me back to an earlier point I have been dealing with; namely, mathematical curricula for primary schools. I have spoken in this place about my own family and my daughter's education needs. I have for some time been tutoring my daughter in mathematics, not because in any way she needs any remedial tutorage—probably quite to the contrary—but so that she has an opportunity to learn some mathematics. Early in this process I discovered something quite remarkable. Those of us here who do not have primary school aged children, have not had them yet, or had them a long time ago, might be quite shocked to learn that we do not give textbooks out to kids any more. The first question I asked my daughter was, "Can I have a look at your textbook so that we can begin to work through it?" She went, "What's a textbook?" She did not know what it was and does not have one. That surprised me greatly, so I began to search. Ultimately, we ended up buying some textbooks out of New South Wales and Singapore. This is where I made the observation that we are in fact

considerably behind in terms of what work I was seeing coming through in my daughter's schoolwork and that of other children I have spoken to and what was being set for those year levels. I would say we are a good 12 months behind New South Wales in the mathematics area, and probably 18 months to two years behind Singapore in the mathematics area. That is quite a shocking revelation. The reality is that our school system does not allow for children to learn at their own pace these days.

These frameworks seem to mandate that students are expected to know a, b, c and d for a given year, which is tied to their chronological age. Once students know a, b, c, d and e, they are entertained with puzzles and little games to keep them on the side. There is no inclination to push students that little bit further and bring them into learning for later years. I think there is an endemic fear in the system that it is going to run out of things to teach students. If students start learning year 6 curriculum when they are in year 5, what are students going to be taught in year 6? Schools are not set up to teach year 7 curriculum in year 6 and so on. We really need to start thinking about how we can begin to stream children into areas of competency and areas of their own need.

I come from an area in the lower socioeconomic range. We have a lot of at-risk children, but we also have a number of very well performing children. It is difficult seeing them wither on the vine simply because they lose interest in school, because the school appears to lose interest in them. If they are not being taught anything new, they do not think school is for learning. That is the situation I find myself in. I am constantly pushing the boundary with my daughter. That is why I teach algebra to my nine-year-old. That is why I have a nine-year-old who can actually multiply fractions together, and she can do it quite easily and quite well. I find myself in the odd situation in which each night my wife and I ask ourselves, "What are we going to do about our daughter? What are we going to do about her schooling? She is not learning anything there. What shall we do?" We have seriously started to consider homeschooling. I always used to think that people who homeschooled their children were people who had particular views of the world that I did not agree with. They had particular ideologies or belief systems.

[Member's time extended.]

Mr A.J. WADDELL: I thought that parents who homeschooled their children felt that they did not want their children to be indoctrinated into mainstream schooling. I thought they were fringe dwellers. I find myself increasingly one of those fringe dwellers. It is not that I want to ensure that my child believes in obscure and weird things like global warming or, for instance, that it is okay to have a marriage in which there is a single gender or anything like that. I feel that she will pick all that up in time with her own intellect. It is simply that I want her to be in an environment where she is challenged, where she believes learning is fun, where she can achieve the maximum that she can. I do not want to take my daughter out of her school. I do not want to isolate her from her peers. I do not want to do any of those things. I am faced with this balancing act now. I am not alone; I have spoken to dozens of parents in the last month who have expressed the same feelings. Some very good friends of mine have recently taken that same jump, and they have started to homeschool their child for the same reasons.

It is a shame that we are forcing parents into the situation in which they believe the state system and the private system are failing them to such an extent that they have to take matters into their own hands. In a wealthy state and a technological society such as ours, that is a disgrace. We have the capacity and the ability to differentiate between people. We have the ability to say, "There's a certain ability group there. Let's build the resource they need so that they can move forward". In New South Wales, for instance, there are 26 primary schools that are aimed at gifted children and providing them with their educational needs. It is about bringing together children of like ability and therefore allowing them to have an accelerated curriculum to allow them to expand on topics and to not be held back by other students in their class. It is also very important not to demand so much of their teachers that they are taking away from the other students in the class. It is about ensuring that everyone is getting the optimal learning experience.

I call on the minister to look seriously at that model here in Western Australia. I understand some pilot projects are operating in my electorate right now at Wattle Grove Primary School, which is considering putting together one of these programs. We need to ensure that all the resources that are necessary to allow that program to run successfully are delivered. I also think we need to consider the expansion of the Perth Modern School. We only have one high school in Western Australia that is aimed at children who have accelerated learning capacities—it is right, bang, in the middle of the city. If students are in Joondalup, Kalamunda, High Wycombe or Maddington, it is going to be quite a hike to get to that school. Most of us will do whatever we can to ensure that our children get the best education they possibly can, but some people do not have the resources to do that. We need to ensure that each region has a school that meets the needs of these students.

No-one in this place would say we should not have special education schools that cater for children who have learning disabilities. Nobody would say, "They don't deserve the same rights as everyone else." Nobody would suggest we should not have an education system that will provide for them to (a) survive the education system

and (b) have the necessary life skills to cope with the challenges they are going to face. Nobody would say that. I think it is time we considered the other end of the spectrum as well.

As the member for Victoria Park indicated, we will be supporting this bill, but a lot of questions need to be answered. Firstly, there are issues with the mechanics of the bill itself and how it will work, but also with the philosophy behind it. If this government is seriously committed to independent schools and it expects to devolve some of its energy back down to the local schools, surely it is time for it to start unwinding that central bureaucracy and questioning whether or not this is one that we need to continue.

I would certainly like to know how this government intends to implement the national curriculum. I would certainly like to know how we are going to deal with the fact that we will be the last state with year 7 in primary school. How is the curriculum going to be designed around the idea of specialist mathematics and English teachers who will be teaching a curriculum aimed at year 7s in a high school context and how are we going to implement that without having those specialist teachers in our primary schools? The reality is that we are going to have to get with the program; we are going to have to move forward. I think it is about time that we got some details. Parents out there want details; we want details. The public deserves details. We want to know what it is going to cost and when we are going to do it. As the previous member said, it is time to just get on with it.

MR D.A. TEMPLEMAN (Mandurah) [5.17 pm]: I am very interested in the Curriculum Council Amendment Bill 2011, as are a number of members in this place. I want to congratulate the members who have spoken so far. The member for Pilbara made a very passionate speech about the particular failings of the current system for many of his constituents, particularly Indigenous children in Western Australia. I also acknowledge the work and efforts of the member for Forrestfield, who I know has an interest in education, particularly in the area of gifted and talented students, who in themselves create a whole range of challenges for the education system. As the member has highlighted, children who demonstrate gifts and talents continue to not be given every opportunity that they might have, although we have in place systems such as Primary Extension and Challenge, which I was involved in towards the end of my teaching career.

It is very interesting when we talk about curriculum development and curriculum councils. I am sure that there are records in *Hansard* that probably date back 100 or more years about the very debate we are having tonight and some of the issues that have been raised. For instance, how do we put in place the best possible structure—that is, our schools and the resourcing of our schools—and garnish those schools with an overall curriculum framework that ensures that all the students who attend that school, no matter their ability or disability, reach their full potential? I have no doubt that 50 years hence, when most of us, if not all of us, will not be here, the same type of debates will be presented.

The member for Pilbara and the member for Forrestfield both highlighted some of the cyclical history of education—some of the fads of the time. When I first started teaching as a fresh-faced graduate at Three Springs Primary School in 1986, I can always remember the most experienced teacher there—a long-term teacher—saying, "David, fads come and go. The fad for a particular way of teaching literacy and numeracy will come and I've seen it go in cycles." We have constant debates about whether children, particularly in those very early years, should be taught phonics. I do not know whether the minister remembers a wonderful woman—I think she has passed on now—named Thelma Jones. She taught early childhood education at the Claremont campus of the then Western Australian College of Advanced Education. When Thelma took students of my ilk in the early 1980s, she was an exponent of phonics. Her approach and what she delivered in teacher instruction was very much focused on phonics being the key element for literacy, learning and reading in early education.

As the member for Pilbara mentioned, towards the end of the 1980s, from memory, we went through what was known as the First Steps initiative, which put children on a continuum, particularly in the areas of literacy—spelling, writing and reading. If children had attained certain skills and knowledge, the teachers would put them on the continuum. The students who were advancing rapidly in their literacy achievement or capacity would move along the continuum much more quickly perhaps than the students who were not. At around the same time, the whole-of-language approach to literacy was gaining momentum, from memory. This was also being introduced to trainee teachers in the mid to early 1980s. It was very much focused on language experience. I remember a wonderful lady who now calls Mandurah home, Dorothy Newland, who was a literacy teacher with the education department for a long time but also co-opted into the university sector. I can remember her doing some great language experience demonstrations, as they were called, in the teacher's college at the old Claremont campus. I caught up with her late last year and reminisced about the sort of curriculum that she was delivering to trainee teachers at the time.

The member for Forrestfield highlighted in his speech the challenge for teachers in particular. I am sure all of us talk to teachers. I think he is right. So many teachers complain that they are finding it increasingly difficult to just teach. There is a plethora of paperwork and so-called accountability requirements demanded of them. If they analyse the amount of time they are effectively teaching, it has diminished over time.

I do not know about members in this place but many of us look back at those teachers who made an impact on our own development, particularly in schools. People's recollections of what makes a good teacher vary. I know that is not being debated here. Essentially, we ultimately still rely on teachers—the people who are presenting themselves face to face with the students to deliver the curriculum and to deliver the learning opportunities. We can have the best and most modern curriculum framework that is available in the modern world, but, at the end of the day, if we do not have quality teachers in the classroom, that is where we will fail.

I have a personal view. It relates to the criticism made of the minister about the year 7 issue. I know and understand that the minister does not want to rush the decision about what happens with the year 7s; that is, whether they go to high school or stay in the primary sector. As she would know, the private sector has already anticipated her potential decision. Many schools in the private sector have already moved towards the year 7 transition or have been in the process of doing that for some time. One of the things that always puzzles and concerns me is that we now live in a world in which no-one fails. I am absolutely astounded that we have graduation ceremonies in kindergartens. I am not being too critical because for the teachers and those involved in early childhood, it is the celebration of a year et cetera. There is almost this graduation process at that young age. When we go to certain schools, we see some of the outlandish expenses that are almost forced upon parents. I am not just talking about school balls and formals or things like that. This sense that we have to compete and make things bigger than *Ben-Hur* is an emerging concern. A kid can get a certificate for blowing their nose properly!

Dr E. Constable: In Mandurah?

Mr D.A. TEMPLEMAN: No. I am not joking. It is that world of "no-one fails". Every time a student might achieve a small incremental achievement, we go and give them a certificate. That is fine, but the modern world, the world that these young people are going into, actually has some major challenges for them. In my view, we set them up for greater failure when they come out of the system after 12 or 13 years, and some after eight years of primary school, and they cannot read, but they will show you a range of certificates on their wall that highlight that they have made massive achievements. How many times have members in this place had a parent come to see them and say, "My child has just graduated from year 7 and now I've suddenly realised that she can't read or add up, and her numeracy is at a three, four or five-year-old level. I was under the impression she was doing well"? How many times have members heard that? I have heard it. Then they say, "Well wait a second, they are going into high school", and this is a disaster because, now, the inability of that student or young person to take basic literacy or numeracy skills to high school becomes even more magnified. It should never get to that stage. I reckon we are making our kids too soft, quite frankly. I think we do not want them to get dirty; we "risk-avert" every single thing. We do not want them to climb trees. "The tree will fall over and hurt them."! We do not want them to experience a bit of rough and tumble.

Dr E. Constable: Yes, we do.

Mr D.A. TEMPLEMAN: I want them to.

Dr E. Constable: So do I.

Mr D.A. TEMPLEMAN: Everything has become too clinical. I do not blame teachers for being scared to take kids out of school on excursions. Many schools now do more incursions than excursions. The reason behind that is they are afraid of any legal action or legal liability. I do not blame teachers for that, but is it not sad that we have reached that stage?

The ACTING SPEAKER (Ms L.L. Baker): No; it is because they cannot afford the bus fares.

Mr D.A. TEMPLEMAN: Yes, although the bus fares are not too bad. Most schools arrange for a sort of sterile, not quite real, experience to come to the school so the kids can touch some furry farm animals, and get exposure to a couple of bantams and a couple of woolly sheep.

Ms J.M. Freeman: Those sheep can be a bit scary!

Mr D.A. TEMPLEMAN: They can be! That is the stage schools have reached.

The minister is probably going to ask me: what does this have to do with this bill? I will tell her what it has to do with this bill.

Mr M. McGowan: How old are you?

Mr D.A. TEMPLEMAN: I almost feel as though my body has been invaded by the former member for Moore, Bill McNee! I am going to stand here and point at members and talk about sheep, horses and ducks and other poultry!

Mr P.B. Watson: Grab your braces!

Mr M. McGowan: Smelly old fish!

Mr D.A. TEMPLEMAN: But I will not do that. As we move to a national curriculum framework and, as the member for Forrestfield said, we have a situation in which one size fits all, I think that is quite sad.

This bill provides for a number of new functions for which the School Curriculum and Standards Authority will be responsible. I am very interested in the elements that relate to student assessment. The bill provides for student assessment functions and advisory committees to advise on course development and student assessment functions. I think also one of the issues canvassed in this bill is how we can expect schools to report on their students' progress or otherwise. I will be very interested in what the minister says when she replies to this debate about where she sees that part of the responsibility coming to fruition. As we have heard from other speakers, students in our schools are already expected to undertake a series of tests, if we like, and they form part of the overall report on the competency of the students and of the schools.

[Member's time extended.]

Mr D.A. TEMPLEMAN: Something that has always been of interest to me is the portability of students' records. This is dealt with in the explanatory memorandum under the heading "Amendments to Part 3A — Student Records". We know that it is important that student records are accessible when a child changes school or state. I am interested in the implications of amendments to section 19C of the act. If I am reading this correctly, the portability of student records is currently compulsory only after the eighth year. Is that right?

Dr E. Constable: Yes.

Mr D.A. TEMPLEMAN: I am astounded by that; I did not know that. I understand then that part of this amendment to section 19C will provide for the portability of records much earlier, particularly in the early years. I am interested in that because I think it is critical. It is certainly pertinent to all students, particularly vulnerable students. I mean not just students who may have difficulties in numeracy and literacy, for example, but also students with particular family-related circumstances that will influence that portability. For example, one of the biggest criticisms of the child protection system was the lack of record keeping of children in care and/or children in foster care and the failure to ensure that the continuity of a child's progress was recorded. I will be interested in the minister's comment on that.

I am also interested, by way of comment if the minister has the information, in whether we know how many students' records go missing for whatever reason and are not retrieved. How many records of secondary and primary school students are not up to date even though it was compulsory to keep them from year 8? I am interested in that because, again, the portability of those records becomes important. I agree with what the member for Pilbara said—it is sad to see it—if we have not done so already, we probably will very quickly reach the stage at which those sorts of records are legal documents that can be potentially used as strong evidence in court against schools and against teachers. I think the liability issue and the capacity to prosecute teachers, schools and/or the system—the minister—will become more apparent than perhaps has been in the past. That will mean records, whether it be a report a teacher writes or a portfolio a teacher compiles with a child, will have legal status if they do not already do so. I am not a lawyer, but I am assuming they already have some legal status. I reckon we will enter a period in which they will be drawn upon more and more as legal documents to be potentially used against teachers and/or educators. I would like the minister's comment on that.

Finally, as I said during the estimates hearings—this is not necessarily related to this bill—if our kids are not going to school and being exposed to that curriculum and the learning related to it, it will not matter what curriculum we have in place. I was astounded to hear in the estimates hearings about prosecutions of parents who had not ensured their child attended school as specified by the School Education Act. Does the Minister for Education remember the question I asked? The minister advised that since 1999 two parents had been formally prosecuted through the courts. I did not have a problem with the minister's answer, which was that the school—student services et cetera— wanted to work with the parents and the students before it got to that stage. I have to say that, for some, only a legal prosecution might jolt them into realising that they cannot devalue education.

In the estimates hearing the minister highlighted another phenomenon that schools are coping with already. This is occurring in my electorate and I am sure in many other electorates and it is related to fly in, fly out family relationship issues. Maybe the minister could ask schools to report, just for interest sake, on how many parents are pulling their kids out of school for significant periods in the year. Our kids are at school for five days a week, 40 weeks of the year. That is not an insignificant time, when we break it down into a range of days, but more and more parents are taking their kids out of school for their one-week, two-week or three-week Bali holiday.

Dr E. Constable: One day a fortnight from years 1 to 10 equals a full year of schooling.

Mr D.A. TEMPLEMAN: It is devaluing education. I know why some parents are drawn into it. Quite frankly, many of them are in a fly in, fly out situation and they are compensating for lost time with their kids by taking them on these trips—the cheap trip to Bali in particular—and they think it is some way of rewarding the kids. In my view, it is compensatory and, basically, the parent is saying, "I do not spend enough time with you week to week, month to month, because of work circumstances, so I will take you out of school for one or two weeks."

Most of the time they take them out in non-school holidays because the school holiday period is a very busy time in Indonesia.

Dr E. Constable: And fares are more expensive.

Mr D.A. TEMPLEMAN: They are more expensive. This is a real issue. I also think—maybe through the independent schooling process—there will be a move to look at the whole issue of hours in schools, opening and closing hours et cetera. I think we are coming to that as well. I know that some independent schools are already raising this issue.

Dr E. Constable: It is being looked at now.

Mr D.A. TEMPLEMAN: I think the pressure of modern life will demand that. The school that my eldest son will go to next year has an 8.20 am start and a 2.40 pm finish. I was brought up in Northam with an 8.50 am start and 3.15 pm finish. That was in a period when parents' work hours were significantly different from the sort of pressures that parents might be under now. I think we will have to look at those issues. At the end of the day, those issues will influence the framework of curriculum that is offered in schools in general. This is an important debate. It is good that we debate education in this place and that we throw up ideas on how we can improve things. I am going to be very interested in the minister's response to a couple of the points that have been mentioned.

DR A.D. BUTI (Armadale) [5.44 pm]: I have the unfortunate privilege of following the entertaining but also very informative member for Mandurah. I must say that this debate on the Curriculum Council Amendment Bill 2011 has been informative and interesting. Even though we have strayed from the bill, I am sure that the minister will also have found it quite interesting. All speakers have had significant input into where our education system should go. I have had a longstanding interest in education, as we all do. I was previously a schoolteacher; and Professor Andrich taught me at the University of Western Australia. He was an outstanding teacher, who actually made education statistics interesting. Anyone who can do that has to have a special flair for teaching, so I have a high regard for Professor Andrich.

Curriculum is the basis by which we design our educational learning system. The curriculum sets goals that we want our children to achieve. It provides the framework in which teachers then impart the subject knowledge to the students. Any bill dealing with curriculum is of significant import to the education system. But, in many respects, as has been mentioned by speakers before me, this debate is a mechanical exercise as we will not be opposing the bill, although we will be commenting on some clauses during the consideration in detail stage. I want to use this opportunity, as many other speakers have done, to talk about a number of curriculum issues, and education in general.

In a previous debate we talked about whether year 7 classes should be located at high school or stay in primary school. I said it was inevitable that the minister would make the decision that year 7s should go to high school because of the national curriculum and the private school system, but I personally was against that. However, I am starting to rethink that after speaking to some teachers and principals over the last couple of weeks. I think the member for Balcatta raised this issue in a previous debate. The previous Labor government changed the school starting age of students so that now many students are entering year 7 at least six months older than previously. These teachers and principals believe that year 7 students are ready for high school, and it is very hard to keep them in primary school because they are six months further in their development than previous year 7 students. Even though I am still not completely convinced that year 7 should be relocated to high school, as I said, it is going to happen and maybe there is now a good reason, besides the private school and the national curriculum issues.

I was interested to hear the member for Mandurah push the issue of legal liability a few times in his speech, and I thought that the member for Mandurah was going to criticise lawyers. Of course, legal liability is a very pressing concern for teachers and principals, and the member for Mandurah is right that many excursions that would have happened in our time now do not happen because of the schools' legal liability. I keep hoping that things will change in the future.

The member for Forrestfield, as usual, made a number of interesting points and I want to get to some of his more pertinent points in a minute. The member referred to textbooks. He is right that textbooks seem to have gone "out of fad". In 2005 I spent eight months in the USA and my children went to school in the USA. They were enrolled in a local school that was not overly well resourced—it was not a well-off school—but the number of textbooks that were supplied to students free and the other supplies like pads, pencils, biros et cetera was very different from our system. I was quite surprised at how their education system, which overall is funded per student much less than ours, was able to afford these students incredible material support. We need to revisit the issue of what teaching aids we are providing our students. I am not sure why textbooks are not "in fad" any more—maybe it is because of all the online resources that are available.

The member for Mandurah mentioned school hours. This is a real problem. He mentioned the fly in, fly out scenario, which I am sure is a major factor in this. What I am going to say is only a personal view and is not very well informed, but I have a gut feeling that we should have longer school days. I do not think our school days are long enough, particularly with what we expect teachers to teach. In my view, they should be teaching more subjects. Our school days should be longer, and the fact is that a lot of parents would probably prefer them to be longer, especially in families in which both parents are working. In many respects, I do not think that parents would necessarily be up in arms over a longer school day. Of course, that would then have an impact on after-school club sport, music rehearsals et cetera, but maybe those things could become more school focused. I think that one day we will be looking at longer hours, because there are longer school hours in many other countries. In Italy, the students actually go to school on Saturdays, although they probably go only until about lunchtime, the siesta, and do not necessarily go back in the afternoon, but they do go to school on Saturdays. With all the things I would like students to learn, I think school hours should be increased.

A couple of speakers mentioned the issue of teacher quality. We can have curriculum development and we can put in the apparatus for the machinery of curriculum development in the education system, but if we do not have quality teachers, it does not really matter what curriculum we have. From my time as a teacher, and from observing teachers as a parent, out of professional interest, three main things go towards the quality of a teacher. Number one is passion. Number two is actually content knowledge—if teachers do not have knowledge of the content, it is very hard to teach; it does not matter how great they are as communicators or how passionate they are. They need to have passion, they need to have content knowledge and they also need to be effective communicators. The quality of people entering the education courses at university has, unfortunately, deteriorated over the past 10 to 15 years. Somehow we have to redress that and make the profession of teaching more appealing. That does not relate to just improving the conditions, salary-wise, of teachers; we may need to look at what we do in academia, but on a smaller scale, whereby we provide study leave after a certain period of service, and different promotional pathways for outstanding teachers.

The member for Forrestfield made a number of points about curriculum and the lack of diversity in curriculum in respect of whether curriculum development is catering for the various needs of our students. I am in total agreement with the member for Forrestfield; even if we grant the Minister for Education some acknowledgement that independent public schools, in some respects, seek to increase flexibility in the system, what they really do is increase flexibility in the sense of allowing principals to determine their staff. The same staff are still flowing through the whole system; it is just that each individual school may have greater determination. Without an increase in resources, schools will still be very limited in curriculum diversity, so we will still be stuck with generally very monolithic curriculum goals for our students. We say, "This is the average student, and we'll teach to this structure", so if students do not fit within the four walls of that structure, they can become marginalised and either drop out of the system or become otherwise dispirited. What we need to do is cater for the outstanding students and for the students who have learning difficulties, whether they are because of a biological issue or from a cultural perspective.

One of the greatest criticisms I have heard from speaking to teachers and principals in the short time I have been the member for Armadale is about the Schools Plus system, which is, as the minister very well knows, there to provide funding for schools to engage assistants and added support for children with disabilities. Many teachers state that they find the process demeaning and that it is a tick-the-box process that is really not appropriate and does not cater for the special needs of some students.

There is no getting away from the fact that we must have greater resources put into education if we are to have greater curriculum flexibility. We have to cater for not only average students, if there is such a thing as an average student, but also outstanding students, students who have learning difficulties and students who have cultural issues. Unless we do that, we are going to develop a class of students who will go into the workforce if they are lucky, but if they are not lucky, they will become disenfranchised from society, and we all know what can happen when a large body of disenfranchised or marginalised youth are in a society.

The education system is the most critical part of the development of a child, besides the input from the family. I still believe that family input is the number one determinant of a child's future prospects, but the quality of educational instruction that students receive will be the most significant determining factor in the success of that child, whether from a career point of view or from a sociological point of view. We can talk about the machinery of curriculum, but we need to talk about curriculum development in a flexible manner. Unless we do that, we are failing our students, we are failing our education system and we are failing our society.

The member for Mandurah talked about school assessment. I think we all agree that students need to be assessed; of course they need to be assessed. But I have heard, time and again, that because of the emphasis on the National Assessment Program — Literacy and Numeracy, and other external assessment models, teachers are under pressure to teach to the assessment and not to the education of a student. We are preparing students to pass the tests or to do well in the tests; that does not necessarily mean that we are educating them well. I do not know

the answer, but I do believe that we need to reassess the way we are assessing our students, particularly the external assessments that our students have to undertake, which put incredible pressures on our teachers, especially as we now have the My School website, which allows comparisons between various schools. If I had to decide whether that initiative had been advantageous or not, based on my anecdotal conclusions I would say it has been detrimental to the educational process.

Dr E. Constable: You need to take that up with your federal colleagues.

Dr A.D. BUTI: Yes, I know that. But the minister is in agreement, from my understanding. Is the minister in agreement with it?

Dr E. Constable: Well, we agreed as a state, but somewhat reluctantly, I must say.

Dr A.D. BUTI: I am not saying that we need to throw the whole thing out; we need just to reassess it, because it is really putting incredible pressure on our teachers and principals—not that teachers and principals should not have pressure put on them, but it has to be pressure for the right reasons. The pressure should be to provide the best education, not necessarily providing the best test scores, because they are not necessarily the best determinants of whether a child is being properly educated.

My solution to a great education system is greater resource input and flexibility; we have to look at flexibility, so that we can try to cater for the needs of all children. Of course, we will not succeed at that, but that is what we have to aim for. We have to aim for a system that caters for the child who has a great IQ, for the child who has a learning disability, and for the child who is marginalised. As I have stated previously, there are many, many students who would probably learn better through sport, through dance or through music; maybe we should look at that. Not everyone needs to sit down for six or seven hours a day behind a desk listening to a teacher. There are other ways we can instruct our students and produce better outcomes for our students, which will, of course, be better for the wealth and the wellbeing of our state and our nation.

Sitting suspended from 6.00 to 7.00 pm

MR M.P. WHITELY (Bassendean) [7.01 pm]: I have been looking forward to the opportunity to participate in the debate on the Curriculum Council Amendment Bill 2011, and I will make some general comments about education, the future of education, and some of the challenges in front of this minister and subsequent ministers.

One of the themes that has come through in some of the other speeches, particularly those of the members for Pilbara and Forrestfield, is how education has suffered from fads. We have had different fads at different times when different models of education have been imposed upon the system, often because somebody in a decision-making position has a particular enthusiasm for a particular innovation or model. That has, I think, been at the cost of kids' education. I support the member for Pilbara's comments about the need to go back to an emphasis on phonetics, or phonemic awareness, and the need to move away from whole-of-language teaching, although I have to say that I do not think it is quite as easy as just imposing a system of phonics and phonemic awareness on current teachers—particularly primary schoolteachers—because the reality is that many of the people teaching in primary schools these days would have been taught using the whole-of-language approach. I think it is far easier for someone to teach in the way they were taught than it is to learn a new system. I think if we are going to go away from a whole-of-language approach towards a phonetics approach, we need to look at the issue of how we properly train in-service particularly young teachers who will not even have learnt, during their own time at primary school, an approach based on phonetics.

I think the problem with the whole-of-language approach is that in many cases it actually assumes that kids entering school have prerequisite knowledge. As we have discussed many times in this place, many children have unmet language development issues that often need the attention of speech therapists because they are not getting that sort of accidental and incidental education in language that happened in previous generations typically around the foot of mum in the home. They are not getting that accidental education that happens before school because of a whole range of reasons that I have spoken about previously, and they are rolling up to the school with the schools expecting kids to have language skills—not letter skills, but language skills—that, in some cases, do not exist. The problem with a whole-of-language approach is that it actually assumes kids have the verbal and listening skills that are often not present, which exacerbates the problems of a move away from phonetics. Indeed, whole-of-language may have worked better 30 years ago, when kids had better incidental language skills developed informally in the home. For all sorts of social reasons we are seeing more kids who do not have those sorts of language skills, and, more than ever, we need an approach that emphasises phonetics. That does not mean there is not a place for a whole-of-language approach, and that does not mean that the majority of children will not learn well in a whole-of-language situation, but my fear—I think the evidence backs it up—is that a whole-of-language approach sees a cohort of children, particularly those who do not have strong language skills, being left behind. I think that is one long-term fad that I think kids—not all, but a significant minority—have suffered from, and it is one of the reasons we have seen, in some ways, a deterioration at the bottom end of literacy and language skills.

The other fad that I think was imposed on the teaching profession, to a great cost in Western Australia—I know the minister has some sympathy for my thoughts on this, because we were on the same parliamentary committee—was the experiment with outcomes-based education. Within the confines of my party room, I was a fierce critic of the OBE approach; in fact, it is fair to say that the former member for Wanneroo and I were the drivers of the parliamentary inquiry into OBE. Both she and I recognised that by imposing that inadequate model on, particularly, year 11 and 12, when it got to that hard end of education where there was a need to rank and measure performance, it was not a system that could cater for that. For those who did not understand the problems with OBE, it was quite easy to explain them. The idea was that there could be eight descriptors of levels of achievement that could differentiate between who was going to go to university and get access into medicine and how children were performing in year 1. It was said that the eight descriptors of performance could actually provide the sufficient fine-grade distinction to make those sorts of distinctions, which was a complete nonsense. It got initial energy under the former Court government, and it got too much energy and too much of a head of steam up under the previous government. Looking at it retrospectively, I think our inability to deal with the problem and turn it around earlier was one of the reasons we sit on this side of the Parliament. I think that fad did significant damage to the education system in Western Australia.

When we got to the pointy end and when we started to talk about those fine-grade distinctions that need to happen at year 12—at the end of someone's education—it became obvious that the system was completely inadequate, so that is when the turnaround was made. We did turn it around, and I think some credit needs to go to the former Premier, Alan Carpenter, for recognising the need to turn that around. I am happy to say that I played a role with him in identifying some of the problems, and I was actually a conduit in speaking to Greg Williams, who was the head of People Lobbying Against Teaching Outcomes at the time. Greg Williams had been dismissed by some on our side as a critic of change, and some had even dismissed him as being a mouthpiece of conservative forces, which I thought was complete and utter rubbish. I am happy to say that I played a conduit role with him. I congratulate the former Premier for actually recognising the problem and taking action. I also want to congratulate the current manager of opposition business, the member for Rockingham, for the job he did in turning around some of the excesses of OBE in his time as education minister, but in a sense I think he inherited a poisoned chalice and the damage had been done and it was too late to turn that around. Nonetheless, I think the point I am making is that OBE was another fad. It always struck me as being one of those situations of someone having been to a conference or having done a PhD in a particular model of education, and then coming along and somehow getting the authority to impose it upon the good folk of Western Australia.

As a backbencher, I approached people at the Curriculum Council to get some information on outcomes-based education because I had concerns with it. I will not name the people I spoke to because that would not be fair; they do not have the opportunity to defend themselves. However, I was particularly struck by their approach. When I asked basic questions of them, I was told not to ask those questions because I was interfering with their presentation. If this was the response government backbenchers were getting, I wondered what response ordinary teachers were getting. The feedback I consistently got from teachers was that their concerns were not being listened to. Frankly, I think our inadequate response to that issue at the time is one reason we now sit in opposition. As I said, I think the former Premier and the member for Rockingham did a good job turning it around, but unfortunately the ship had moved on and, in some senses, a significant proportion of teachers had lost confidence and faith in us by that stage. Despite the good works of the former Premier and the member for Rockingham, teachers had stopped listening; the ship had moved on and it was too late. I think this actually built up a culture-of-change fatigue amongst the teaching profession. My electoral officer has been with me for 10 years—in fact, we reached that milestone two weeks ago. Linda Gordon is an exceptional electoral officer who still works one day a week as a primary schoolteacher. I often listen to Linda's concerns. Linda has consistently said that teachers are sick of two things; they are sick of change and they are sick of busy work—you know, filling in forms and meeting the accountability measures that interfere with teaching. Some teachers are also sick of the amount of testing that goes on. They have been particularly critical of the National Assessment Program — Literacy and Numeracy testing as well as its predecessor, the Western Australian Literacy and Numeracy Assessment.

As a parent, I was a huge fan of WALNA. It was not until we got the WALNA test results for my son in year 3 that we actually saw that he had particular issues that needed to be dealt with. His school reports said that he was a lovely child, was a pleasure to teach, had good manners and was socially adjusted. That was true; he was a great kid and he has grown up to be a great young man who is now having considerable academic success. I am incredibly proud of how well he is doing now, but at that time he was not doing well at all; he was doing very poorly and had some specific issues that had to be dealt with. The school reports were telling me that we had a lovely child who was progressing brilliantly, but the reality was that when the WALNA results came in, he was below benchmark and, in some cases, in the bottom 10 per cent of the population. We knew that he was a smart kid and we knew that he had enormous potential, but until that report came home, there was no moment of truth. For that reason, I am a real fan of WALNA and now NAPLAN testing. I am a real fan of standardised testing,

not as some way of ranking kids or making kids fail but as a way of providing information. As a parent, it was incredibly useful, because we could see that he needed help. He had some issues with his eyesight—he had some issues with tracking. We got him the necessary support and the kid blossomed as a result. Frankly, the catalyst for me taking the situation seriously was the WALNA test. My wife was far more awake to it than I was. She knew there was something not quite right, but I said, "Look at his school reports." Frankly, I had dismissed her concerns. His school reports were saying that we had a wonderful kid who was progressing brilliantly. Yes, we did have a wonderful kid who in many ways was progressing brilliantly, but he was not progressing brilliantly academically. Until we got that WALNA test result, we did not know the truth. I am a fan of having meaningful analysis. I am not a fan of having busy work, which I think is so much of the outcomes-based focus; it is basically about ticking boxes to say that a teacher has measured a child in an abstractly worded descriptor of educational performance, and that has to be shown a certain number of times before the child can progress through the levels. I think that is a lot of busy work.

Another example concerns my other son when he was in year 8 at a government high school. He is a bright boy; he is doing very well at university these days. He started well at high school. We were pleased with his effort. He did a bit of homework every night, which I thought was pretty good stuff for a year 8 student. He seemed to be getting good results. His first term report came home and he got level 3. I asked him how that made him feel and he said that everybody else got level 3 as well. There was no incentive for the kid to do any better, because there was no capacity for measurement and no meaningful analysis of how the kid was going. A kid who was initially motivated at high school basically asked what the point was if everybody got level 3 and when they all seemed to move through at roughly the same pace. He asked what the point was in making any extra effort. His experience in year 8 was the genesis of my concern about OBE and its imposition in years 11 and 12.

I will relate an experience I had when I was a teacher. It is important to understand that good teachers will do what good teachers do regardless of the models imposed on them by various authorities. I was a teacher at Christ Church Grammar School for six years. It was a wonderful school to teach at. I must admit that, having been educated in the government system and having, I guess, a little bit of reverse snobbery in me, I was a little nervous about entering a bastion of educational conservatism, as I thought it was at the time. But they made me an offer I could not refuse, so I took the money and went and worked there. It was a wonderful place to work for a number of reasons. In my second year in teaching we were given a huge document—I cannot even remember the name of it—which had been handed down from on high by the Curriculum Council. We, as teachers, were expected to run it across our courses. It was not for years 11 and 12, because they had very defined curricula which one taught, and that is as it should be for years 11 and 12. This was for our year 9 and 10 courses. I taught business studies at the time. I was only a second-year teacher and when I looked at the language in this huge document, I could not understand any of it.

Mr D.A. Templeman: When was that?

Mr M.P. WHITELY: This was in 1996, 1997 or 1998.

Mr D.A. Templeman: It wasn't the unit curriculum?

Mr M.P. WHITELY: I am not sure what it was; I honestly cannot remember. Members will understand why I cannot remember when I explain it. I looked at this really large document that I was supposed to run across my courses. I was the course controller for some of the year 9 and 10 courses at that time, and I think for year 12 as well. Year 12 was not a concern, but the years 9 and 10 courses were. The head of my department looked at the document and said, "Don't worry. You're a good teacher. I'll take care of it." He grabbed it, put it behind the door and used it as a doorstop. He said, "Go on with what you're actually doing at the moment; I'll make sure we tick all the boxes so the school looks like it is in line." I just think there is a real danger in having things like curriculum imposed from on high by people who are not actually classroom teachers.

If I ruled the world—if I were education minister for a day—one thing I would do would be to get classroom teachers to have some time out of the classroom to do curriculum development as part of their paid duties. I do not think that people can confront the reality of teaching unless they are in a classroom. Teachers should be the drivers of curriculum development.

Dr E. Constable: With the national curriculum, over the last couple of years at least, teachers have been trialling content, so they have been having absolute input into the final product. I think that is part of what you are saying as well.

Mr M.P. WHITELY: Well, it should be. They should be the drivers of the actual change and not just the triallers of the change.

[Member's time extended.]

Mr M.P. WHITELY: Before I was a teacher at Christ Church Grammar School I lectured at Curtin University for four years. I spent three years in the Centre for Aboriginal Studies as a lecturer in financial management in

the community management course, and one year in the bridging course. My experiences at Christ Church Grammar School and particularly at Curtin made me suspicious of some of the language of education, such as the terms "student-directed education" or "student-focused education". They are fine sounding words. We can all talk about having a class of 25 individuals and needing to tailor 25 different programs to the 25 kids. That is the sort of rubbish that is spoken about by people who have never been classroom teachers. The reality is that we have one teacher, a 50 or 60-minute session, and 25 kids. There is one voice. I do not want to portray that I am saying all teaching should be chalk and talk, because I am not, do not get me wrong; I do not want to overstate it. We need to be real about models and about the capacity for teachers to deliver material. A teacher cannot develop 25 different lesson plans. There will be one lesson plan but a good teacher will be able to structure it in a way that everybody in the class, from the very bottom to the most able students, will get something out of the lesson. When I was teaching well—I like to think I was a good teacher; certainly the feedback I got was that I was a good teacher—I made sure that the kid who struggled the most in the class was with me. I built on that base. There was something there for the other kids. Elements were added all the way up to the very brightest kids. We have to be real about that. There is still one teacher, one lesson plan, one class. We cannot have this notion of individual children determining their own educational pathways and determining what they want to learn and pick up. It does not work in reality. People who think it does work have never been in a classroom, or they were in a classroom and probably were not a very good teacher. That is the reality of teaching. We need to have the experience and reality of teaching embedded in our curriculum development and in our programs.

I want to say something about what I think the key element of success in education is. It is something that is missed. It relates to panic; this flight that is happening—the flight from government to private schools. It is a fundamental challenge to the character of Australia. My generation had access to a good education that catered for aspirational kids no matter how wealthy their parents were. I relate that to my experience at Como high school. Como high school was a fairly mixed school. It serviced a diverse area in my time. I was at Como high school from 1972 to 1976. There were some pretty rough characters at Como—in fact Bradley John Murdoch was one, who members will know as the Falconio murderer. He was a year above me at both Manning Primary School and Como high school. He was not even the biggest bully at Como high. We had some pretty big bullies. Most kids in the suburbs of Como, South Perth, Karawara, Manning, Collier, and Salter Point went to the local government high school, so there was a real melting pot. In some ways it was a rough environment. There was not quite the approach to bullying we have today. Back in my day the approach was "turn a blind eye and sort it out yourself". When we rolled up on day one, year 11, about two-thirds of the kids had actually left school. The parents of the third who were left were aspirational. There were a wide range of abilities. Some of the third who were left were not academically gifted but their parents valued education. There was a sudden change in culture at the school, from one of trying to get through the school day in some ways—I am being perfectly blunt here—to one of it was good to excel and okay to succeed.

My mates were typically the kids who had a degree of academic ability. Some kids came from the old State Housing Commission backgrounds and were not particularly wealthy. Very few of them had parents who had finished high school let alone gone to university. They got dragged along with the mainstream because the middle-class kids were going to that school and there was an expectation of success. Two changes have occurred since. It is now compulsory to stay to year 12. That is a good thing, but we have to recognise the enormous challenge that presents. There are kids in school who do not want to be in school. It is possible for the culture of the school to be dragged down to be less aspirational. That is a real challenge. It is not enough to say we will keep students at school until year 12; we have to think about these sorts of things. We have to make school meaningful for them and we have to protect the aspirational kids.

The other thing is that middle-class parents are panicking about their kids' academic performance. They are sending their kids to private schools. I have two boys. One completed his entire education at a government school. It was beautiful; it worked perfectly for him and that is great. The other did nine of his 12 years in a government environment and then three years in a private school environment. It is horses for courses. I am not saying to parents, "Do not send kids to private schools", because we make the best decisions for our kids. However, this fear of failure in the government system has the danger of becoming a self-fulfilling prophecy. Fewer and fewer aspirational parents are sending their kids to government schools, which is dragging down the other students.

I noticed that the member for Forrestfield spoke about the need to have more elite government schools. I have a concern about that. The problem is that we are dragging the high-performing kids out of good schools, like Lockridge high school and Hampton high school in my electorate, into elite schools. We have this flight from the ordinary government schools. One of the keys to the success of Australia as a tolerant, well educated and aspirational land of opportunity has been the success of the government education system. Where I lived, if you were a Catholic you might go to St Pius and possibly Aquinas. Anybody who was really rich might have gone to Wesley. Just about everybody else went to Como high school. There was this melting pot and this aspiration at the end that dragged the kids up. A good friend of mine Bill McEwen is a senior Treasury Corporation officer.

He has a great mathematical mind. He came from the most working class of backgrounds; the most struggling of backgrounds. He got a great education at Como high school. He got caught up in this culture of competition. He even dragged people like me along with him. My fear is that fewer and fewer kids will have the opportunity to come through the system if we lose that aspirational thing. I am concerned about that. It is a real challenge for the education system. It is a real challenge to continue something that is so good, important and essential about our current education system.

I do not have a lot of time left. There are a couple of other issues I want to talk about, particularly the year 7 transition issue. Regardless of what we might think about the desirability of it, it is a reality that has been imposed upon us. The private schools—partly as a marketing tool—probably said, "Let us get students a year earlier —

Dr E. Constable: They were given permission from the then minister.

Mr M.P. WHITELY: They have actually made it an inevitable reality that we need to look at transitioning kids in year 7 into high school. That is not an easy task. It is a real challenge, but one we have to embrace.

I briefly want to talk about an issue that is difficult to talk about; it is something that I would be absolutely negligent in my responsibility as a local member if I did not discuss it. I will be blunt about this: I believe I have the highest Indigenous population of any metropolitan electorate. I am concerned that many Indigenous school-aged kids do not attend school.

Mr D.A. Templeman: All kids.

Mr M.P. WHITELY: I will be honest with the member: there are certainly other kids not attending school. I know of particular families, often in very difficult circumstances, whose kids are enrolled in school and there is a dedicated school bus that makes it easy to get kids to school. The school bus arrives, but on many days nobody gets on it. The bus departs with nobody on the bus. There may be as many eight to 10 kids living in some of these three-bedroom houses who should be at school. There is a dedicated bus service and they do not get on the bus. I do not think a punitive approach to families will work. It concerns me that these kids often go to independent schools that rely on government funding as their only source of revenue. I have a suspicion—it is a suspicion and I do not have empirical evidence to back this up; I do not have a report that generates that evidence—that these kids truant and the schools collect the payment. The schools do not have to deal with these kids in a sense because the kids are not there. This needs to be investigated to see whether the reality I encounter translates through in evidence; that is, whether schools get the payment for servicing the kids, the kids do not roll up and the schools do not have to externally report the truancy. I am not sure that these kids have ever been caught in the system as being truant.

Ms J.M. Freeman: Unexplained absence is what they call it.

Mr M.P. WHITELY: Yes. These kids who desperately need education opportunities are missing out. I do not think that a punitive approach to parents will work. We have to tie the funding to the schools—to real attendance. The schools will be rewarded when they get kids in the school system who succeed. It really concerns me. As I say, it is a difficult issue to discuss, but I would be absolutely negligent if I did not raise my concerns in the chamber. I hope that the minister will take this matter on board because it is a reality that would be experienced—let us be honest—mainly in Labor electorates and less commonly in conservative electorates. It is a huge issue that needs to be addressed.

MS J.M. FREEMAN (Nollamara) [7.32 pm]: I rise to speak on the Curriculum Council Amendment Bill. There are two issues in the bill that I am interested in gaining some better understanding of from the minister. I understand that the board of the new authority will be made up of a chair and six members appointed by the minister, who —

> … have, between them, the knowledge, experience and expertise needed to enable the Authority's functions under this Act to be performed effectively.

I am interested to know whether one of those criteria will be knowledge of diversity issues. With that, I particularly want to raise one of the issues that occurs within the Sudanese community that has been raised with me. I note that the member for Forrestfield raised the impact of the curriculum on age-based learning. His comments were obsessed with age. The issue I will outline has been raised with me on many occasions by the Sudanese community. I understand that the Office of Multicultural Interests has consulted the community, but it does not look as though it has done an education consultation yet.

Dr E. Constable: I don't think they have.

Ms J.M. FREEMAN: No.

It was an issue I raised with the Equal Opportunity Commission when it did a consultation about substantive equity issues. Although I have also obviously spoken to a few different people, I do not think I have raised it

formally with the minister. Nevertheless, when I raised it with the Equal Opportunity Commission, it came back to me and said that in its investigations it had raised the issue with the Department of Education and that the issue was not perceived as a problem. I want to point out that I have heard that it is not just a problem that happens in our communities. I quickly sent off an email to some of the communities asking them to get back to me so I could specifically give the minister some of those details. A case study of Sudanese youth in Noble Park in the electorate of Mulgrave, Victoria, was conducted in 2006, and was published by the South Eastern Region Migrant Resource Centre in March 2007. It was a complete study of some of the issues faced by Sudanese communities in that part of the world. This study mentions this issue as well. I quote —

> When young Sudanese refugees arrive in Australia, schools usually enrol them in an age-based level. Placing these students according to age is not necessarily productive or wise. Students who have missed years of primary education are placed in secondary schools, resulting in those students being disadvantaged when their academic performance is compared with longer-term Australian students. Inability to understand the curricula or to live up to such standards results in some students becoming disruptive or leaving school altogether.

That is probably a very eloquent way of putting what a lot of community members have raised with me. They note the problem of younger people becoming quite disillusioned with education. It is worth noting as a background that according to the Department of Immigration and Citizenship's 2007 report, the Sudanese community was one of the fastest growing communities in Australia. In the past 10 years, the number of arrivals born in Sudan increased by an average of 34 per cent a year. From 1996 to 1997, we had 20 000 settlers born in the Sudan, 40 per cent of whom were aged under 17 years. The 2006 census for Nollamara, which is largely a young community, indicated many people from Sudan and other African nations lived in that area. I have not spoken to the Karen community.

The feeling in the area at the moment is that we are getting a larger number of Burmese, Karen and Chin people coming into the area. Schools have given me feedback that people from these communities also have difficulties. A Karen or Chin refugee living on the Thailand border does not even live in a United Nations camp because the UN does not recognise the refugee camps on that border; therefore, that refugee gets even less education than some of the Sudanese humanitarian refugees who have been sitting in Kenya and such places from a very early age. In saying this, I recognise the Sudanese Australian Integrated Learning—SAIL—program, which does weekly tutoring run by volunteers in our community to assist Sudanese people with some of these issues. It is beholden upon us, when looking at curriculum and such areas, to ensure that someone on those boards has expertise to ensure that these issues are not only recognised, but also understood—and understood in ways so that people can be assisted.

The other issues raised in a different way by the member for Bassendean, which I have become aware of through personal experience with my son, is the paltry aspect of the teaching of Aboriginal history in our curriculum. I took my son to the Perth foreshore to witness the live broadcast of the apology to the stolen generations and mentioned to the teacher that it was an opportune time to talk about the issues of modern Aboriginal history. I raised with the teacher how concerned I was that the apology had not been discussed in class. She commented that it was okay because the children had done Aboriginal studies; they had studied dot paintings so that they could get an understanding of Aboriginal culture. We never want to be the ugly parent in the room, because our children are there, but it concerned me because Aboriginal culture is more than dot paintings. The minister will know that I send her a letter every year saying that it is the anniversary of the apology. I have noted that since that time—my son was in year 7 then; he is now in year 10—at no stage in his education has the apology been discussed in the context of it being a remarkable benchmark occasion in terms of Aboriginal history or in the context of the recognition of the stolen generations and the impact that period had on modern Aboriginal history. It is important when we look at curriculum that we have that recognition.

When I recently had the opportunity to travel to Turkey with a delegation, a member of our delegation commented that in comparison to Turkey we are a very young country. I almost choked on my Turkish tea because we have a 40 000-year history! The problem is that if we are not learning about that history as part of our curriculum in the time that we can learn it, we do not identify as Australians who have an Aboriginal history as well. I think that is a very important thing to consider when we talk about the curriculum. I note that the explanatory memorandum states —

> The bill contemplates the Authority publishing a document that sets out in general terms the knowledge, understanding, skills, values and attitudes that students are expected to attain through a school's curriculum and how attainment ought to be assessed.

I hope that one of those things is an understanding of Australia's full history, not just the settlement history. While I am talking about that, I note that it is the holy month of Ramadan. Hopefully, many of us in this place will go to the iftar dinner on Thursday night.

An opposition member interjected.

Ms J.M. FREEMAN: Inshallah. I note that the New South Wales curriculum has the option for year 7 to 10 students to study Islam and history. Given that Islam is one of the fastest growing religions in the world and that Indonesia, one of the largest Islamic nations, sits off our border, it is extremely important for our young people to have an understanding of Islamic history in a cultural context—not necessarily in a religious context, although I think there can be a historical understanding of the religious context—and to know that Christian and Islamic communities lived peacefully alongside each other and that it is really only in modern history that some of the conflicts arose. In a growing community with amazing diversity we want to be able to celebrate the richness of our community. This is about setting the curriculum and those people who will set the standards and assess those areas. If the minister is the person who will appoint the six people who are about to sit on the Curriculum Council and she has that power, I really urge her to consider those issues that I have raised and to ensure that one of those people has the expertise, understanding and knowledge, not just seeking that knowledge, of those sorts of cultural contexts of the wider aspects of what our curriculum should have, to ensure that we have a harmonious and inclusive society.

Another point I want to raise is that I have a 15-year-old son who is studying at Mount Lawley Senior High School, and the studies there are very good. However, the situation is that my son loves history and social sciences but he comes from a family who are a bunch of pacifists, basically—we marched against sending troops to Afghanistan—and in the past two years the history curriculum, which is supposed to be modern Australian history, has been dominated by the study of Australia's military involvement in conflicts. My son has tried to raise this issue, but it is very difficult for students to raise issues and say that there are other histories they would like to learn about. For example, my son has an interest in Aboriginal history, probably because his parents have taken an active interest and ensured that we have taken him to places around this state and the rest of the country to learn more about Aboriginal history. One of the things that I want to see is that students' input is included in any curriculum development. The member for Bassendean thinks that I am naive and that I have never been in a classroom, so I do not understand; however, I read about lots of kids who my son is on Facebook with who rail against the fact that there is stuff that they do not have the opportunity to study. These are bright kids; these are our kids who will be future leaders. I think that it is an important lesson to learn that this is their education and if they are going to be engaged in their education, there must be some way that they can have input into that other than have a parent rock up to the school because we are also trying to teach them independence in those sorts of things.

Mr M.P. Whitely: Will you take an interjection?

Ms J.M. FREEMAN: No, simply because I am going to be quick; I will finish before the timer.

Mr M.P. Whitely: You misinterpreted what I said slightly.

Ms J.M. FREEMAN: Okay —

Mr M.P. Whitely: I just probably didn't expand on it —

Ms J.M. FREEMAN: I apologise, member for Bassendean.

I do not want to be a bleeding heart. My son is in the process of trying to set up a student union at his campus and I think that is driving his principal absolutely crazy, but all power to him and his friends in doing that.

Mr M.W. Sutherland: A socialist collective he's setting up, is he?

Ms J.M. FREEMAN: No; he wants some student activism there. Clearly, there are some very bright and active kids who have great minds that are challenging lots of the parameters of understanding both at that school and other schools. More power to them for doing that because these students have a right to look at and have input into their studies.

My last point is that I asked a question on notice and raised the issue, which the member for Bassendean also raised, of truancy. I asked a question on notice about truancy because for me it is very important to have an understanding of what is going on in the electorate I represent so that I can raise issues with the minister that there are aspects that need to be addressed. It is my role as a representative to advocate as well as I can for the needs of the community. I asked that question and all I got back was, "Well, we don't really count truancy." I got one of those loophole answers that it is really about unexplained absences, so the department cannot tell me what sort of figures there are. Therefore, basically, I got a "We can't tell you what the level of educational attainment is and whether there are children missing out on educational attainment in all the public schools in the electorate of Nollamara" answer. I think that is very disappointing. The question was asked with the good intention of being able to raise issues with the minister if there was a concern about the percentage of truancy at the schools. I think that these are really important issues. I came back and asked what the unexplained absences are and got a whole bunch of principals to jump through yet more hoops because the education department did not want to give me full and frank information.

Dr E. Constable: It is not kept; the attendances are kept.

Ms J.M. FREEMAN: Attendance clearly —

Dr E. Constable: Breaking down non-attendance is actually quite difficult.

Ms J.M. FREEMAN: The minister needs to know about non-attendance, especially in those schools. There will be a lot of analysis of the London riots and a lot of issues will be raised. I do not want to be one of the people who jumped on the bandwagon, but I have been interested to read some of the issues around that because I represent a diverse community that can have problems, such as some of the social issues that may have occurred in those riots. Hopefully, that is not the case and we do live in a harmonious community that gives people the services they need, which is part and parcel of that. One analysis is that a high number of people—this is an analysis; it is not in stone and I am sure that much research will be done on it—about 12 to 20 per cent of kids, leave and do not get a complete education, end up in a welfare system in which they have high unemployment for a long period and become socially disoriented and dispossessed from our community. Therefore, the minister should know about, especially in the areas that we represent, the unexplained absences. I know that Mount Lawley Senior High School keeps that information, because every time my child is not at school, I get a text from the school asking for an explanation. Even if he is not at school for one period, I get a text sent to me and I have to explain his absence, or I get something at home and I have to explain. That information is certainly kept at Mount Lawley Senior High School. I could ask questions at other schools, but we should know when kids are not going to school.

Dr E. Constable: The information is not kept centrally.

Ms J.M. FREEMAN: If the Curriculum Council is about to do one of its major reports, that information should be provided. It is no good knowing that the kids at school are doing okay. If most of the kids are not at school and they are like how the member for Bassendean described them, we are creating rods for our own backs. Education is the way to employment and employment is the way to be included in our community, and that is what all communities want. That is certainly what the Sudanese community wants. I am a bit worried that that information is not available centrally. I am very worried that it is not something that the Department of Education is monitoring on an ongoing basis for the benefit of our communities.

MR M. McGOWAN (Rockingham) [7.51 pm]: I rise to say a few things on the Curriculum Council Amendment Bill 2011. As I understand it, the opposition supports the legislation. I think that is a wise thing to do given that the genesis of the legislation goes back a few years to when the former Labor government was in power.

I looked over past information and I found a press release that I put out in 2007 to indicate that we would introduce legislation to come up with an education standards authority, which, according to my press release, would largely do what the new Curriculum Council will do. The exception is that the Curriculum Council will have some role with national curriculum, which was not particularly on the commonwealth's agenda at that point. The formation of such a body has had a gestation period going back a few years. From my recollection, and as the member for Bassendean referred to, the idea arose from the curriculum, syllabus and content debate, otherwise known as the outcomes-based education debate of the mid-2000s. It was probably 2005–06 when the debate reached its crescendo. I remember arriving in the portfolio in early 2007 and announcing 10 or so significant changes to how course content would be decided in Western Australia from that point forward. This legislation was one of the major changes alluded to at that point. We came up with a new body to administer curriculum in Western Australia.

The problem with the old body was that the structure was created in the mid-1990s and in many respects it was too representative, if there can be such a thing. Roughly 14 individuals were on the board and they were representatives of different interest groups across Western Australia. I met with them and they were all well-meaning people. However, that body was unwieldy; in a couple of cases its own interest groups were pursuing their own agendas and they were not acting in a particularly collegiate fashion. Parties from that body were leaking to the press because the press had a massive interest in all these issues. That interest has dissipated since the reforms that were put in place in 2007–08. To be honest, the interest is not there anymore in the slightest. In 2005 or 2006 *The West Australian* ran 17 front pages in a row on the state of the education system. Frankly, some of those front pages were disgraceful and shocking; anyone who saw some them thought that the situation was straight out of another country—horrible sorts of front pages. It was an issue that had to be resolved.

I had difficulty with the fact that some people on the Curriculum Council were leaking information. Once a camera or a microphone was put in front of them, they would say things exactly contrary to what had been agreed upon in a Curriculum Council meeting. The body needed to become something that people had more confidence in. It needed to be a smaller body, perhaps, made up of more eminent people who would defend the positions that they had arrived at, rather than the body I just described. That body was not doing the job it should have in the way that it should have. The idea was to create a body that was eminent and above the hurly-burly, so that Western Australians and people sending their kids to Western Australian schools could respect and have full confidence in the curriculum framework. That was the basis of what was proposed.

I had great confidence, and still do, in Bill Louden and Dave Wood, who was the then CEO of the Curriculum Council. Bill Louden is an eminent academic. I would not be surprised if he ends up vice-chancellor of a significant university. He is already deputy pro-vice-chancellor or something of that nature at the University of Western Australia.

Dr E. Constable: He is the senior deputy vice-chancellor.

Mr M. McGOWAN: Is he the senior deputy pro-vice-chancellor?

Dr E. Constable: No, he is just the vice.

Mr M. McGOWAN: Bill Louden is a senior deputy vice-chancellor of the University of Western Australia and the sort of fellow who could be a vice-chancellor at a university in Australia and may well be so in the future. I had great confidence in him, but I outlined the difficulties with the Curriculum Council. The difficulties were part of the broader debate surrounding curriculum and syllabus. It is often forgotten—I found a press release—that the whole debate commenced in 1998 with the institution of what became known as outcomes-based education. The member for Cottesloe was then the Minister for Education. The wheels started to fall off when the idea of a syllabus was taken away. We have a curriculum, which is an overarching document, and under that we have a syllabus. The syllabus was in place for all years of schooling up to year 10. In the late 1990s, the syllabus stopped getting updated and only older teachers had the syllabus. The syllabus did not go to the degree of providing daily lesson plans, but it was a much more comprehensive document that gave teachers guidance on what to do in their daily teaching activities. The syllabus was abandoned and the idea was—we can see how this idea came about philosophically—to let teachers use their judgement, experiences and skills to create lessons to meet the needs of their students.

Students would be judged and the success of the system would depend upon the outcomes that students were achieving rather than what they were taught, if members understand the distinction. Rather than the teachers teaching all the time and not worrying about what students were achieving, they should worry more about what the students were achieving. That as an idea is difficult to disagree with. We have to worry about what kids are learning rather than what they are being taught. Being taught does not mean that you are learning. That was the idea behind it. Unfortunately, the way it all transpired, it did not quite work out that way. As the member for Bassendean referred to, there was way too much paperwork and the levelling process for marking students' work was way too involved and difficult for many teachers. Perhaps the levelling process was over-engineered by its creators or some of the practitioners took it way too seriously and tried to level every piece of paper they got from a single student. I always thought that was a bit over the top. Teachers were unhappy with a whole set of work that they were required to do, and there was the whole process of school reports, which I think was overly complex and difficult for people to understand and which perhaps did not reflect traditional reporting, and parents could not understand where their children sat. All those things had to be resolved; therefore, we went to traditional reporting and we allowed teachers to mark according to how they had traditionally marked. We imposed a greater number of exams in senior high school. Not all students were undertaking exams, but I certainly intended to impose more exams on students undertaking year 12. I had hoped to get 60 or 70 per cent of year 12 students to take exams—that was the intent—thus imposing a greater number of examinations.

We also undertook to get rid of some of the unnecessary paperwork, reintroduce the syllabus, return to some of the traditional courses and make sure the new courses of study in years 11 and 12, which were violently objected to by some teachers, were supported by the teaching profession generally. All those things happened in 2007–08. I am not sure how the examination process worked out and whether 70 per cent of the students were taking exams. I know that a lot of the schools, for various reasons, do not want their students to do exams. However, I was keen for a much higher level of exams to be put in place. One thing I regret and which I think the department and I were wrong about was that we abandoned the requirement for primary school teachers to provide student portfolios for parents. As a parent with kids in primary school now, which I did not have then—my kids were perhaps approaching primary school at the time—I understand the value of the portfolio for parents to see what their children are doing and to understand what they have done for that term of schooling. There is no longer the requirement for portfolios; it was a requirement until 2008 but was removed as part of the Classroom First strategy to allow teachers to concentrate on teaching. I honestly think that that accountability measure for both teachers and their students was a good thing and should be reintroduced. It was a mistake to remove it. Some teachers hated producing portfolios. Sometimes teachers must comply with accountability requirements, and if a portfolio is something that has to be done, it has to be done. All those—there are numerous others—were put in place, and they were all designed to put tradition back into the classroom and the schools. The then Education Standards Authority, now the curriculum and standards authority—what is it called —

Dr E. Constable: The School Curriculum and Standards Authority.

Mr M. McGOWAN: It is now called the School Curriculum and Standards Authority—in the fine tradition of the Barnett government's changing the name of something that the former government was going to name in

order to gain ownership of it, of which the Heath Ledger Theatre is the most celebrated example. There other examples of changing the names things —

Mr J.H.D. Day interjected.

Mr M. McGOWAN: The minister is awake! I thought he was asleep.

Several members interjected.

Mr M. McGOWAN: He is normally asleep; I know that. However, he is awake. It was just a test; I was only testing.

Mr J.H.D. Day interjected.

Mr M. McGOWAN: This is one of those exams that I was talking about; I was testing to see whether the minister was awake!

Mr D.A. Templeman: And you passed!

Mr M. McGOWAN: He passed with flying colours. However, in the finest tradition of changing names, the name has been changed. I also note that a couple of extra people have been added to the school curriculum and assessment authority —

Mr B.S. Wyatt: Standards.

Mr M. McGOWAN: Yes, that is the one. I notice that its membership has increased from five to seven, which was the original intention. I know that it has responsibility for standards across the system, which is a good thing. There has to be some responsibility for standards. The member for Bassendean correctly identified that people are and have been concerned about standards. Even though the concern over curriculum and syllabus has, I think, dissipated, the overarching concern for parents is, and always will be, to make sure that their children have the best education possible and the best opportunities in life provided by that. He correctly identified the one per cent, or thereabouts, a year drift from public schools to private schools. We have to do something to arrest that decline. Irrespective of everything governments do and all the good intentions of ministers, it is difficult to find a solution to arrest that.

I return to the bill.

Ms J.M. Freeman interjected.

Mr M. McGOWAN: High-quality education is one, and I was going to talk about the quality of teaching a little later. We now have this new authority, which is a good thing; we now have a syllabus reinstated as of late 2007; we now have more exams; we now have all these initiatives out there, but people refer to literacy and numeracy and to teaching quality. Despite all these good intentions and all this work, it is always difficult to translate that to the classroom because some teachers will have been in the workforce for a long period and some for a short period. However, it is what happens at the upper level to translate the instruction, intention or desire down to individual teachers in individual classrooms that is difficult, especially considering in Western Australia there are 800 schools across Western Australia with 22 000 or so teachers, and another 10 000 or 15 000 private school teachers. To translate all that initiative and work to those individual teachers is very difficult. Irrespective of what is said about phonics or whole-of-language teaching for literacy, translating what this Parliament decides, what the minister thinks or what I thought when I was minister to the individual teachers is very difficult. Irrespective of what we say, those teachers will keep doing what they have done for the past 30 or 40 years. That is not going to change. To be honest, I know there is now a huge focus on phonics, but, in my experience, there needs to be a mix. For some kids, phonics works; for other kids, it does not. While on that subject, teachers need to be flexible and able to teach both methods. For some kids, particularly my second son, a bit of both works; that is, looking at the picture and the word works for him. My older boy picked up phonics very, very quickly by just spelling out the word. In a nutshell, on that subject, different approaches will work for various children. However, translating down to individual teachers in the profession all this effort and initiative, all this legislation and the creation of a new curriculum body is very difficult. Whatever is done and however many courses are put in place, it will not affect a lot of teachers and the way they teach because they have been teaching that way for a very long time.

I want to touch on a few of the other issues raised by members. I support exams. The member for Mandurah made some seventeenth century remarks on that subject. I support exams in year 12.

Mr D.A. Templeman: I did not say that I did not support exams.

Several members interjected.

Mr M. McGOWAN: In any event, I totally support exams in years 11 and 12. I support exams in high school. I support testing. I support the National Assessment Program — Literacy and Numeracy. I was very supportive of NAPLAN when it was introduced. I supported the Western Australian literacy and numeracy assessment testing in schools and we put the WALNA results online.

[Member's time extended.]

Mr M. McGOWAN: I supported all of that.

I am concerned that in primary schools we somehow categorise kids at a very early age with the homespun philosophy referred to by the member for Mandurah. I am concerned about that. I think we need to reward kids. One of my children—again, homespun on my behalf—had a graduation ceremony from preprimary. It was nice. It was nice that all the kids were acknowledged for what they had done during the year. Any sociologist or child psychologist will say that kids need praise. They do need praise. Our Western Australian public primary school system is wonderful. Children need the praise that very many of the teachers give. If that means that they get a reward, certificate or acknowledgement, that is a good thing. It is not a good thing to put them in an environment in which they are tested and fail at a very young age. I do not agree with categorising kids in the sixteenth-century style that the member for Mandurah wants to implement in Western Australia. I am trying to think of a sixteenth-century politician who would be appropriate. He is certainly not Machiavelli. That is not the way to go in my view, but the National Assessment Program — Literacy and Numeracy, or the Western Australian literacy and numeracy assessment before it, is a good way of identifying where students are at, allowing their parents to know where they are at and allowing schools to know whether they are doing well or need to do better. Schools and principals need to understand where they are at. If NAPLAN testing means that teachers are concerned about ensuring that their kids get results in the exams, that is a good thing. They should be concerned; they should be worried. If a school does not do well, and it is held accountable for that by the parents or, hopefully, the department or us in this chamber, that is a great thing; it should be held accountable. It has been too long without that level of accountability. It came in with WALNA, and the results were published. NAPLAN lifts it to a new level. That level of accountability is a good thing. Some purists will say that it is not, that teachers are teaching to exams and that there is too much pressure. I do not agree. But I also am not that far out on the right as is the member for Mandurah to suggest that somehow younger children need to be in that highly competitive environment when they are emotionally fragile and very easily upset. They need to understand that doing their best is the main thing, and coming twenty-fifth out of 25 students could be very disturbing for their future life. I suppose there is a middle course in all those things.

On the issue of the quality of teaching, as I have said, there is an overarching document and this will be an overarching act. People will implement it at that overarching level. In my view, the two key things for students to do well are the quality of teaching and the interest of the parents. A lot of academics will say that it is the quality of the teaching. Papers can be found that indicate that a lot of the additional resources put into education over the years have not resulted in higher levels of achievement. It is about ensuring that the resources are put in and that they go in at the right places, that teachers understand there is a requirement for quality and accountability, and that there is an interest by parents in education. That is a difficult thing for a lot of parents, because they never had involvement in education. If members were lucky enough for one of their parents to have been a teacher, as one of mine was, they are lucky. My children have one parent who is a teacher, so my children are lucky as well. Every night there is homework. My wife understands exactly where they should be because she is a primary school teacher, but a lot of students do not have that. There needs to be an emphasis by government. It can try, but it cannot just be enforced by government. I certainly was very keen on providing the raw material for parents to involve themselves in their kids' education. But if we have those two components—high-quality teachers and parents who are interested—students will do well.

I want to mention two other issues. We are dealing with the curriculum. I am still awaiting some results of the independent public schools initiative to assess whether it meets the overall needs of the system. It is a difficult thing to discuss because it is complex, but I support there being more flexibility for people in education to achieve a high standard. We always have to make sure that that is what is happening in schools—that is, if schools are provided with greater flexibility, it is about achieving a high standard. There needs to be some analysis of that in independent public schools, so that we do not see an increase in paperwork for principals that means that they spend less time on educational pursuits or what have you and that they are intent on making sure that their schools do better. We need to ensure that there is some overarching analysis to make sure that this initiative is working.

I have some areas of concern in relation to the initiative. I have a concern about those teachers who go to our more rural and remote locations. I have a great deal of time for those teachers. My favourite teachers, bar none, were those teachers I met at remote Indigenous communities. I had the utmost respect for them, for where they were and for the conditions that they worked in—often in the middle of the desert, essentially. They were compassionate and wonderful people. I would not like to think that teachers who are in more difficult locations, whether it be in the country or the city, are inhibited from getting to, as they say in education parlance, some of the leafy, green schools. I would not like to think that this initiative prevents or provides a disincentive to teachers to go to those locations. I would also not like to think that there is some opportunity for schools, as I have seen written, to pick their curriculum. When the initiative was originally announced, there was a series of dot points, one of which indicated that schools could pick their curriculum. There are a lot of curricula out there

on the shelf. I would not like to think that somehow schools could avoid all the best efforts and work of the state and that some off-the-shelf, unusual and maybe even bizarre curriculum could be picked up by a principal because that happened to be his or her whim. I would hate to think that that is what this initiative means. The Catholic and Anglican school systems do not allow schools to just select whatever they want. I have seen that written in the minister's press releases; that is what this initiative would allow. I have three initial concerns about the independent public schools initiative. The first is the analysis of how it is working, the second is what it is doing to teachers in more difficult locations, and the third is what it means for the selection of curriculum.

Lastly I want to touch on two people. I have mentioned Dave Wood. I thought he was a very good person and he did a very good job at the Curriculum Council. Every year there were difficulties with exams. The final year exams for students in years 11 and 12 will always have a spelling mistake here or there; that will always happen. As I recall, last year or the year before, when Dave Wood was there, significant resources were withdrawn from the Curriculum Council and there were mistakes, and then he got the boot. I was sad for him for that because he was a good educator and a good person. I was sad that he was treated in that way, because I thought he had done a good job in difficult circumstances during the so-called outcomes-based education debate when we had to resolve all those issues.

The other person I want to refer to is Sharyn O'Neill, who became head of the Department of Education at roughly the same time I became minister in early 2007. She is an excellent and outstanding educator. She rose from a primary school teacher to be head of the Department of Education in her early to mid-40s. As far as I am aware, she holds the most senior position ever held by a female in the Western Australian public service. It was a difficult time. It is a difficult agency. When it has 36 000 or thereabouts employees, it is a difficult organisation to run. I understand that the department is the biggest organisation west of Melbourne. West of Melbourne, there is no bigger organisation than the Western Australian Department of Education and Training, as it then was; it is now the Department of Education. Sharyn O'Neill was brilliant. I am sad about the way she has been treated lately, and I do not think it was necessary for her to be treated in that way. A word of advice to the minister: Sharyn O'Neill is a good person. I saw the minister on the news the other night refusing to express confidence in her. The thing that comes with being a minister is that you have to take it on the chin. When things go wrong in your agency, you take it on the chin. That is your responsibility, and you have to accept it. To blame or refuse to express confidence in someone of that quality and stature will just say to public servants across Western Australia, "What's the point of trying to work so hard to get to one of these positions if you're going to be treated in that way by your minister?" I do not think the minister did the right thing by Sharyn O'Neill the other day; I do not think the minister did the right thing at all. Fortunately, the Premier stepped in and expressed his confidence in her, and so I suppose she feels better now about her position. All the people in the agencies who have time for her and respect her would think that. I think the minister needs to realise that in the Westminster tradition, the minister must take it on the chin. It is your fault and your responsibility when things go wrong. Do not take it out on your chief executive.

DR E. CONSTABLE (Churchlands — Minister for Education) [8.21 pm] — in reply: This has been a really interesting and wide-ranging debate tonight on the Curriculum Council Amendment Bill 2011. I think seven opposition members have spoken on it. Interestingly, members opposite have accepted the bill, although I am sure that we will debate some aspects of it in more detail in the consideration in detail stage. It has been very interesting to hear about the issues in education that are important to members. The member for Pilbara asked for a mandated way of teaching, particularly in the areas of English and literacy. At the other end of the scale, the members for Forrestfield and Armadale wanted much greater flexibility. We have had everything in between those two views expressed in the debate tonight.

I will begin by thanking members for their comments and also for their general support of the bill. In some ways I can see why people have strayed from it, because the bill states what we will do in a fairly straightforward way. I will highlight four of the essential things the bill does, just to bring us back to what the bill is about. It replaces the Curriculum Council with the School Curriculum and Standards Authority. It will establish a board—members made some comments about the board, which I will get back to in a moment—that is to be appointed for its collective knowledge of, expertise in and ability to discharge broader functions, rather than representational interests. I think there is an acceptance that that is the way to go. It is certainly the way the previous government was going to go with this legislation, following the review of the Curriculum Council. The bill will also streamline the current functions and introduce new functions relating to the setting of standards of student achievement. That is something that members generally were supportive of and were calling for. The bill will also enable the new authority to prepare reports on the standards being achieved in schools. That is a very important aspect of what the new authority will do. Standards were one of the common themes of a number of members' comments.

I want to clear up one thing because, as many members have said, this bill has been a long time in the making. It is my understanding—I checked again during the dinner break—that this government requested from the Leader of the Opposition not long after the 2008 election a copy of the bill that the former government prepared, and

there was never any response to that request. Members opposite have commented on the amount of time this has taken. We had to go back to the beginning and to the review and start this process again without the benefit of having the work that had been done on the former government's bill. It was the Leader of the Opposition's prerogative to do that, but it explains, to some extent at least, why this has taken the time it has.

The member for Victoria Park highlighted one of the major aspects of this bill—that is, the importance of separating the provider and the regulator. That is exactly what this bill does. Not having a representative board and, instead, having a board of seven experts plus two committees will allow that to happen. The member for Victoria Park said that there should be a representative of the universities on the board because that is something the universities want. I can assure the member that, although the membership has not been decided, the current chair, who will continue, is a former pro-vice-chancellor of Edith Cowan University, an eminent educator and emeritus, Professor Patrick Garnett. He has many of the qualities that the universities would be looking for.

Mr B.S. Wyatt: Minister, I am not making the point that there should be someone from the higher education sector; I noted the comments made by the member for Rockingham that that question will be put to you in consideration in detail as to why not, because I had some correspondence from universities that obviously want that. You may convince me that that is not the appropriate way of doing it.

Dr E. CONSTABLE: I am sure that through the board of seven, the assessment committee, the standards committee and the curriculum committee, the expertise of the people on the board will ensure wide representation of the areas that the member wants to be represented. Certainly, we often look to university academics for their skills and knowledge when it comes to a high level of assessment. As I said, the current chair, Pat Garnett, who was recently appointed and who I am sure will be the continuing chair, has many of the attributes that the universities would consider represent the knowledge of what universities must do. I think that will be covered. The member is correct; we will come back to that at a later time.

The ACTING SPEAKER (Ms A.R. Mitchell): Excuse me, minister. Could the members for Midland and Rockingham please talk quietly outside?

Dr E. CONSTABLE: The member for Victoria Park said Western Australia had the lowest proportion of university entrants. There was some publicity on this recently. It is another of those situations in which apples and oranges were not being compared. Victoria looked like it had 91 per cent of its students getting an Australian tertiary admission rank. I think that is what the member was referring to.

Mr B.S. Wyatt: I was quoting from the annual report of the Curriculum Council.

Dr E. CONSTABLE: There was also some recent publicity on this, and it is worth commenting on it this evening. Victoria takes out the vocational education and training students from its analysis, whereas we do not. The member for Rockingham said that in 2006, 52.2 per cent of students did four-plus courses in year 12, and I can add that in 2010, which is the latest information we have, that figure had risen to 61.2 per cent, bearing in mind that we are talking about all our year 12s, including the extra 12 per cent of students who now stay at school because of the raised school leaving age. When we analyse the Western Australian data and present it, it has all our year 12s, whereas other jurisdictions take out students who are doing a VET certificate rather than a more academic course of study. It is therefore hard, and not proper, to compare across jurisdictions until we analyse our data in the same way, if we come to that.

It is important to emphasise that the new authority will not dictate what is taught, but the authority can ask about pedagogy and what is taught. For example, the authority might prepare a report on the year 3 National Assessment Program — Literacy and Numeracy. If the authority is concerned about or sees something interesting in the results, it can request information about pedagogy. However, it is not for the authority to say how things will be taught. The authority will determine what will be taught and when, but not how; it is for the provider to decide how lessons will be taught in schools.

I was really interested to hear the comments and generalisations about teachers. There was a note of despondency in some members' comments about the teachers in our schools. I agree totally with the member for Rockingham about teachers in rural, and particularly remote, communities and the work they do.

I have now undertaken just under 400 school visits since I became minister. I am amazed wherever I go with the quality of what is happening in our schools, such as the excitement of principals and staff when they talk about how they are using NAPLAN results to plan whole-school literacy approaches as well as approaches for individual students. They are the two particular benefits of the NAPLAN results, which also have been mentioned by others tonight.

The ACTING SPEAKER (Ms A.R. Mitchell): Member for Midland and member for Mandurah, I ask you to step outside if you wish to continue speaking.

Dr E. CONSTABLE: I was talking about the two benefits of NAPLAN results. One is that they enable parents and teachers to see the progress or otherwise that children are making and whether any change of approach is

needed to assist a child who might be having difficulties or a child who is performing really well and who might need to be extended. The second is the ability to look across a school to see a continuous whole-school approach to teaching, particularly of literacy and numeracy. The results are used for much more than that now—we can look at the My School website—but the essential focus of schools is the progress of individual students and a whole-school approach to improvement. We have seen improvements in our NAPLAN results over the past two or three years. There have been significant inroads in many schools, despite the despondency of some speakers tonight.

The member for Forrestfield covered many subjects, including his favourite of gifted children. He knows that I have a particular interest in that subject as well. I will not go into detail on things that really do not concern this bill, but I appreciate the member's continuing interest in that area. I would like to just let him know that although he is calling for more schools like Perth Modern to be established, at least nine schools have selective intakes. I think that is probably the way to go. I will not read out the names of those schools—I am sure the member is aware which schools they are—but they are part of a selective intake that provides opportunities right around the metropolitan area. In 2013, Bunbury will be the first regional centre to have a gifted and talented stream through the high school. I know what the member is interested in, but I think he might have to wait quite a while before any more Perth Mods are established. However, good things are happening in any number of schools for high school students who have particular needs due to their brightness. I agree with him, as he knows. We are looking at what can be done in primary schools as well. Again, when I visit primary schools, I see a lot of grouping within classes or year groups so that students can do extension work, and this goes way beyond what is offered through the primary extension and challenge program. Some of that is very good indeed.

The member for Forrestfield mentioned that the bill repeals section 10 of the Curriculum Council Act. I think he pointed out that the original Curriculum Council Act was passed in 1997 and that the School Education Act came into being after that, and there was a crossover between the two. Section 10 of the Curriculum Council Act, which is about the curriculum being taught in accordance with the curriculum framework, is being repealed. This is covered for public schools under section 67 of the School Education Act, and for non-government schools under section 159. That duplication has been attended to.

A question about administrative errors in the database was raised by, I think, the member for Forrestfield and one other speaker. I checked that today. The person I spoke to from the Curriculum Council cannot remember when there was an error in the Curriculum Council databases, so those members may have been thinking of other databases or data from individual schools that might not have been correct.

Under the Curriculum Council Act, students can request their results through freedom of information applications. Members need to bear in mind that the Curriculum Council Act deals with students from years 8 to 12. The bill covers students from kindergarten onwards. Records will be kept initially of NAPLAN results, but I am sure other results will be placed there over time. Of course, it would be a bit strange to leave the act as enabling just students to access the results through FOI. The bill will enable parents to do that as well, because it is much more appropriate for the parents of kindergarten and young children to be able to do that.

I have a lot of notes here. The member for Mandurah gave a very spirited speech. At one point, just for a moment, I thought Bill McNee was on his feet.

Mr D.A. Templeman: I am reading it now; it is a landmark speech.

Dr E. CONSTABLE: Good. I will certainly go back and read it myself when I get the blue *Hansard* tomorrow.

Mrs M.H. Roberts: Bill McNee was a very fine member of Parliament.

Dr E. CONSTABLE: Yes. The member for Mandurah referred to him in his speech. He was very fine and very entertaining. The member for Mandurah's speech was also very entertaining.

Mr M. McGowan: Bill had more hair than the member for Mandurah has.

Dr E. CONSTABLE: He did, too.

One interesting thing in the debate was that several members referred to their own children. The member for Mandurah talked about children climbing trees during excursions and so on. I cannot resist telling members that my five-year-old granddaughter in Sydney went on an excursion to a farm a couple of weeks ago. Her class is doing a study of farm to lunchbox. She rang to tell me that she had just milked a cow all by herself. The member for Mandurah's speech reminded me of that. My husband grew up on a farm and he used to milk a cow every morning. He was delighted to know that his granddaughter had experienced that. In saying that, I think the member for Mandurah raised a number of really interesting issues about how children are brought up these days and the sorts of restrictions that are placed on them for a whole lot of reasons that were perhaps not present when he was a young lad. It is a great pity. Schools do have to find ways to give opportunities to students that perhaps came naturally in the past.

The portability of student records was raised by the member for Mandurah. Yes, those results are portable. If a student moves interstate, the results can certainly go with them from our database. The member for Mandurah talked about results going missing. I dealt with that. He covered a whole lot of issues that were very interesting but were not part of the bill.

Mr D.A. Templeman: That is very common.

Dr E. CONSTABLE: Is it? I found the member's speech very entertaining and very interesting.

The member for Mandurah also spoke about attendance. He said that it was good we were having a general debate on education. I agree that it was quite invigorating to listen to members' comments.

The member for Armadale also covered a range of things, including the use of textbooks and resources. I think it is a good thing that a wide range of resources is now available to teachers. Computer banks of resources are available. That is one important aspect of the Australian curriculum. There has been a strong move away from textbooks, but then students also have access to the Internet. Learning and teaching has changed dramatically even in the last few years because of that.

Issues of teacher quality and so on were raised. Again, they were often very important points but were not really central to the bill before us. I have already commented on that. As members pointed out, this is a machinery bill in a way, although it has some important underpinning principles as part of that.

The member for Bassendean covered some points that others had covered. I think much of his speech was really about issues in education rather than about the bill itself.

Mr M.P. Whitely: A blueprint for the future.

Dr E. CONSTABLE: A blueprint, certainly! He made some very interesting comments.

The member for Nollamara raised the issue of the board's composition and drew my attention to making sure there is someone on the board with knowledge of diversity. There are a range of points like that that are really important to be considered in choosing board members—not just the board, but also the two committees: the committee of five, the assessment committee, and the curriculum committee, which I think is 13. Certainly through that, I will make sure the issue of diversity is uppermost. In fact it is one of the things I was thinking about the other night when I was looking at this. The member for Nollamara made a very important point about that. It is important for our schools and for people to have that reassurance.

I found the member for Rockingham's speech very interesting because he gave some detailed background of the years leading up to this. I thank him for that. I gave figures on the numbers doing more than four courses in year 12. They have risen somewhat but there is still some way to go in the future.

I would like to conclude my remarks by acknowledging all the people who have contributed over the years on the Curriculum Council. Many members have represented their organisations on that council. They have put in a great deal of work. It is an amazing organisation because, as well as board members, there are large numbers of people from the profession who are involved in setting exams, including syllabus committees. The teaching profession voluntarily contributes thousands and thousands of hours a year to the good work of the Curriculum Council. I would like to acknowledge those people tonight.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

METROPOLITAN REDEVELOPMENT AUTHORITY BILL 2011

Consideration in Detail

Resumed from 11 August.

Clause 19: Powers in relation to land contiguous to redevelopment area —

Debate was adjourned after the clause had been partly considered.

Clause put and passed.

Clause 20: Subdivision and amalgamation, modification of PAD Act —

Mr J.H.D. DAY: I move —

Page 13, after line 3 — To insert —

(1) In this section —

Minister means the Planning Minister.

The reason for this amendment is to take into account the amendment that was previously moved to clause 3 which defines the planning minister. The overall purpose, as I have explained, is to ensure that the core planning functions of the bill are undertaken by the minister responsible for the Planning and Development Act. In the possible event in the future—probably unlikely—that another minister was responsible for this act, this amendment and the subsequent three amendments I have on the notice paper ensure that the minister responsible for land use planning in this state will exercise these powers.

Amendment put and passed.

Ms J.M. FREEMAN: Can the minister give me an outline: in terms of clause 20(1) —

The ACTING SPEAKER (Ms A.R. Mitchell): Member for Nollamara, we are still on clause 20.

Ms J.M. FREEMAN: Yes. Sorry, clause 20 subclause (1).

We talked a lot about transparency and reasons for decisions that will be tabled in the house. In this case it is the modifications to the Planning and Development Act. I am trying to reassure myself—it has been some time since we looked at this—that clause 20(1) will be subject to transparent reasons for decision tabled in the house. I am wondering whether that will be the case, whether the reasons for decision as to the powers and the reference to "the minister grants an approval" will be tabled in the house.

Mr J.H.D. DAY: The subclause here provides for tabling in the house. That is not the usual activity under the Planning and Development Act in relation to these sorts of changes. What is being put into effect, as I read it, is consistent with what is in the Planning and Development Act; nothing more, nothing less.

Clause, as amended, put and passed.

Clause 21 put and passed.

Clause 22: Compulsorily acquiring land under *Land Administration Act 1997* —

Mr C.J. TALLENTIRE: As the minister is aware, I have a strong interest in the issue of compulsory acquisition of land under the Land Administration Act; an interest that relates particularly to my electorate. The minister was good enough, during the course of the second reading debate, to suggest that I work with the City of Gosnells on a particular case. Looking at this legislation more generally, I am seeking the minister's guidance on how the term "development of land" would be applied. How broadly can that be applied and in what context can that development be deemed to be public works?

Mr J.H.D. DAY: I draw the member's attention to clause 3 on page 2 where "development" is in fact defined as meaning —

> (a) the erection, construction, demolition, alteration or carrying out of any building, excavation, or other works in, on, over, or under land; and
>
> (b) a material change in the use of land; and
>
> (c) any other act or activity in relation to land declared by regulation to constitute development,
>
> but does not include any work, act or activity declared by regulation not to constitute development;

In short, development will often encompass public works, but not necessarily, of course, and I think that the overall explanation of the meaning of development is pretty well defined, as I said, in clause 3.

Mr C.J. TALLENTIRE: I thank the minister for that clarification. I seek information on the compensatory aspects of a compulsory acquisition.

Mr J.H.D. DAY: I am advised that the provisions are the same as those in the Planning and Development Act and are referred to in a later clause of the bill. Therefore, we will no doubt come to them at a later stage. It is clause 75, "Injurious affection: compensation"; it is all outlined pretty clearly there.

Mr C.J. TALLENTIRE: I thank the minister for that, but I think there might be a difference between the normal process of determining the amount of compensation and what would apply in this case. I note that mention is made in the explanatory memorandum that this mirrors the situation in place under existing development authority acts. I suspect, then, that it is different from what might sometimes apply under the Land Administration Act. I seek clarification whether there is a different mechanism that works with redevelopment authority acts as opposed to what would normally apply under the Land Administration Act.

Mr J.H.D. DAY: I am advised that the notice provisions that normally apply under the Land Administration Act will not apply under this legislation when it comes into force. That is the same as the situation in the existing redevelopment authority acts. I am not sure of the origin of that situation. Presumably, it is to facilitate and to expedite development, which is really a large part of what this authority will be established for, as with the previous redevelopment authorities. I am sure that there are checks and balances in place, but it is different from the case under the Land Administration Act.

Clause put and passed.

Clause 23: Public authority can be directed to transfer land to Authority —

Mr J.N. HYDE: The definition of a public authority includes local governments. I want to draw the minister's attention to the fact that the Barnett government currently has a legal agreement with the City of Perth regarding the area of the Northbridge Link that governs the City of Perth's quite substantial financial contribution there. The direct concern raised by the city to me is whether the provisions of this bill will override the legal agreement between the city and the state. I raise this issue during debate in this clause because subclause (5) states —

> A public authority must comply with a direction given to it under subsection (2), despite any other written law.

The bill, therefore, clearly states in this clause that existing laws can be overwritten.

Mr J.H.D. DAY: I am advised that the measure provided for in this clause for public authorities to be directed is exactly the same as the measure in the existing redevelopment authority acts. In relation to the specific situation with the City of Perth and the financial agreement related to the development of the Perth City Link project, there is certainly no intention at all—although I am unaware of any inadvertent outcome from this bill, of course—to change that agreement that was put in place a few years ago. The Perth City Link project is of course now underway and the obligations under that agreement certainly will be fulfilled by the state government and I am sure also by the City of Perth.

Mr J.N. HYDE: Further to that, one of the existing problems under the East Perth Redevelopment Act that is replicated in this clause is that the definition of "development" extends beyond the Planning and Development Act to include —

> … any other act or activity in relation to land declared by regulation to constitute development, …

In this clause, therefore, not only is there the ability to direct a public authority to transfer land to the Metropolitan Redevelopment Authority, but also when the city is undertaking works in this area, it will have to apply for development approval within the redevelopment area; whereas if the works were in its own council area, it would not have to apply for approval.

Mr J.H.D. Day: That's correct, but that is the same as the current situation.

Mr J.N. HYDE: The minister, in saying it is the same as the current situation, is replicating EPRA.

Mr J.H.D. Day: Yes.

Mr J.N. HYDE: Again, the whole purpose of this bill is to pick up on the good points and our experience from having operated under EPRA and the Armadale and Midland Redevelopment Authorities and to come up with improvements. The City of Perth maintains that it has not been consulted properly on this bill and that this is a very big issue for it. It is a failure in the redevelopment authority legislation that we already have and we are replicating it in this MRA bill.

Mr J.H.D. DAY: I do not recall the concern that the member for Perth raised with me being raised by the City of Perth over the almost three years that I have been the Minister for Planning. I am not saying that it has not been raised, but I certainly do not recall it being raised. The intention is to have a clear authority for development to occur and for a development approval process. Redevelopment authorities are about urban renewal and regeneration. I think that has been very successfully achieved, including within the boundaries of the City of Perth; for example, in East Perth the Claisebrook Cove development and adjacent areas; the new Northbridge development that has occurred and is still occurring to some extent in that area; and now the Perth City Link project.

Mr J.N. Hyde: But the City of Perth and the Town of Vincent are also about urban regeneration, and they have done an excellent job.

Mr J.H.D. DAY: Indeed; I agree entirely. They do have a strong interest and a strong track record in relation to that. As I said last week in this place, there is a good, cooperative working relationship between the state government and the City of Perth on what happens within the wider boundaries of the City of Perth and Perth as a capital city. I do not expect that relationship to change. I certainly expect the consultation and collaboration to continue. It certainly will on the part of the state government, and I have no reason to think that it will change on the part of the City of Perth.

I should add that it is not proposed to add to the definition of "development" in the regulations currently being developed. The regulations will prescribe some measures that are not to be included in the definition, but it is not intended to really widen the effect of what is already in the existing acts.

Mrs M.H. ROBERTS: I have a couple of questions about clause 23. Clause 23(2) states —

> If a public authority has an estate or interest in land over which it has a power of disposition and the land is in a redevelopment area, the Governor, by order, may direct the public authority to transfer all or a part of the estate or interest to the Authority.

First off, I make the point that where the clause states "Governor", one can really read "executive government" because generally the Governor assents to the recommendation of the minister to the Executive Council and very rarely, I put to the minister, makes a decision other than what is recommended by the minister and the government of the day. Therefore, essentially, the recommendation comes from the executive government to the Governor, and in my experience that order is generally made. The clause states —

> … the Governor … may direct the public authority to transfer all or a part of the estate or interest to the Authority.

My first question is: is any consideration given in that circumstance? Presumably the public authority's interest would have a monetary value. Is that taken into consideration? Would the local government authority be paid the appropriate monetary compensation, and how would that be determined? Secondly, I note that in response to some of the questions from other members that the minister said that these provisions are already applicable in the respective redevelopment acts. I make the point that they have involved very discrete areas put in place by both houses of Parliament, and that the rules that will apply in this provision are somewhat different. This legislation gives executive government considerably more power in this respect and is considerably more threatening to local government, in my view. I specifically ask: given that the minister says that this provision is in place in the other redevelopment authority acts, has it been used and can the minister give me examples of where it has been used? Why is it necessary for this provision to be in this proposed act?

I refer also to clause 23(5), which states —

> A public authority must comply with a direction given to it under subsection (2), despite any other written law.

I wonder what those other written laws might be that local government authorities would have to comply with in this action, despite those laws.

Mr J.H.D. DAY: As I mentioned, as the member reiterated, this provision exists in the existing redevelopment authority acts. The issue of compensation being paid is contemplated in clause 23(4); it does not guarantee that compensation will be paid but it certainly contemplates that that may well be the case in reference to the terms on which the transfer must be made.

Mrs M.H. Roberts: But it's not guaranteed, is that what you're saying?

Mr J.H.D. DAY: As I read it, no, it is not guaranteed, but I think it would be a very unusual situation in which a redevelopment authority acquired land that had some actual value from a local government and for compensation not to be paid. Obviously, if that occurs, it will have to be justified in the public arena and in Parliament, but I think it is a very unlikely situation. I am not aware of any situation in which this power has been used in the past, from the advice I have been provided, and certainly not in my three years as minister. The previous government was in office for seven and a half years, of course, and, from what I am advised, there is no recollection of it being used in that time or prior to that. However, presumably on the advice of Parliamentary Counsel or others in establishing this authority, it has been considered appropriate to ensure that the same powers that are available under the existing acts continue to remain available should they be needed.

In relation to increasing the powers of this authority and the government of the day regarding additional areas to be included under the redevelopment authority area, it is the case that it will not be necessary to have an act of Parliament, as the member said. However, as we will get to in a later clause, consultation is required to be undertaken with the relevant local government before any additional area is included and regulations need to be prepared and are subject to disallowance by either house of Parliament. Therefore, there are still quite a few checks and balances in the whole operation. My experience has been that in many cases at least—the member will certainly be well aware of the case of the Midland Redevelopment Authority—the local government, among others, was very keen for the authority to be established and for these powers to be put in place. So it would be a pretty unlikely situation in which any additional area were added to the responsibility of this authority without the support of the relevant local government. I cannot guarantee that will be the case, but there would at the very least be consultation; and if there were not going to be support, a very strong case would need to be made by the government of the day for that to occur.

Mrs M.H. ROBERTS: With respect to the minister's response, I acknowledge that these are provisions that are in those other acts. I again make my point that they are about specific areas of land. I have looked at the provisions in, I think it is part 5 of the bill, that provide for the setting up of other authorities, and I do not think that they provide the same level of accountability as is put in place when we have a separate act of Parliament to establish a local government authority. I do not think that clause 23(4) is a fair provision. Subclause (4) simply states —

> An order under subsection (2) must specify the estate or interest to be transferred and the terms on which the transfer must be made.

I would have thought that fair compensation should be paid, and some mention of that would at least put the local government authority in a better bargaining position. I also note that the minister has responded by saying that this in fact is a power that hitherto has not been used. So, given that, I wonder whether this power is really necessary. The minister responded to that by saying that parliamentary counsel has suggested this as a provision, or whatever. I actually think that just because it is in the other redevelopment authority bills for specific areas, it has simply been transferred into this bill. I think that some of these provisions probably should not have been just imported across carte blanche.

The final part of my earlier question was in relation to clause 23(5), which states —

> A public authority must comply with a direction given to it under subsection (2), despite any other written law.

I am still waiting to hear an answer about what written laws may be ignored in this transaction should it occur.

Mr J.H.D. DAY: In relation to subclause (5), I am advised that any written law would include laws which vest land in a public authority; therefore, clause 23 would override them. That is mainly what is contemplated by that provision. In relation to the other points the member made, I understand what she is saying. I think it is important at least to ascertain, and I am happy to look at this further, the desirability of having this power, and the origin of it. I would certainly not want to agree to remove it here and now, but I am happy to have a further look at the issue prior to this bill being debated in the upper house.

Mrs M.H. ROBERTS: I have one further question. I am trying to remember what they are called, but there is some land that is called an A-grade reserve, or some particular category that prescribes what can be done on that land. Can I just inquire whether those provisions will be protected? Often councils will have land vested in them that can —

Mr D.A. Templeman: Class A reserves.

Mrs M.H. ROBERTS: Yes, class A reserves, for example, that can only be used for specific purposes. I want to know whether those restrictions on a class A reserve would be preserved if land were to be acquired under this provision.

Mr J.H.D. DAY: I am advised that the transfer of the ownership of the land would not in itself change the proved use of that land. If there was any contemplated different use, the whole rezoning process would need to be gone through and any other provisions complied with. In relation to the issue of compensation being paid for land that is acquired by the authority, I agree that it would be a very unlikely situation that compensation would not be paid where land does have a positive value. In most cases so far, land that is being acquired or allocated to the existing redevelopment authorities has generally contained contaminated soil. It is rundown old industrial land and either has zero value or a negative value in a lot of cases. I expect that will generally be the situation in which compensation is payable. As I said, where land is held in freehold title and where it does have positive value, generally speaking, compensation should be payable. That would be the norm.

Clause put and passed.

Clause 24: Closing thoroughfares, temporarily or permanently —

Mr C.J. TALLENTIRE: I seek clarification from the minister on the closure of thoroughfares. I note that this is an issue that raises a lot of interest from people who wish for thoroughfares to be closed or for them to be kept open. I just want to check what the process is for the actual closure. I notice there is reference to the processes outlined in the Land Administration Act in relation to permanent street closures, but I am interested in thoroughfares more broadly and not just permanent street closures.

Mr J.H.D. DAY: Where a temporary closure is intended, I imagine that that will be for some construction activity to occur. In fact it is referred to in clause 24(1), which provides for vehicles to gain access to a construction site or to enable construction to occur. The authority is empowered to undertake a temporary closure for that sort of purpose. As clause 24(2) states, it cannot be for more than three consecutive days unless the relevant local government is notified at least 14 days in advance. Adequate notice does need to be given. Where a permanent closure is intended, the same procedure as applies for other thoroughfares under the Land Administration Act needs to be followed. Under that act, from my experience, there needs to be consultation with people in adjacent areas and so on. It is the same process.

Mr C.J. TALLENTIRE: I perhaps should have been clearer. I am particularly interested in public access ways. I do not think they meet the definition we are talking about, which would be covered by process under the Land Administration Act, because that refers to street closures. I am concerned about the process that we would have for the closure of public access ways.

Mr J.H.D. DAY: I am happy to take that question on notice. It requires an examination of the Local Government Act. We will seek to get that information, and perhaps I can provide it during the third reading stage. As I said, it is not possible to do so at the moment.

Mrs M.H. ROBERTS: My concerns mirror those of the member for Gosnells. I note that the minister will give further consideration to this matter before we get to the third reading stage. Clause 24(1) states —

> If the Authority considers it is necessary for the performance of its functions to temporarily close a thoroughfare in a redevelopment area to vehicles or people, wholly or partially, then despite the *Local Government Act 1995*, it may do so in such manner and for such period as it decides.

I am rather familiar with the Local Government Act. There is a prescribed process to go through. I cannot see why a redevelopment authority should not go through that same process. I would be rather keen for the minister to give that some further consideration. I refer to these closures and especially the words "for such period". That period may be something that falls short of permanent closure but it might be for a period of two years and it could significantly affect the business or livelihood of a private landholder, for example, with restricted access. It would appear that people do not have to go through the same procedure that is in place under the Local Government Act 1995 in which they can have a say or where there are advertising requirements and so forth. I certainly would appreciate some further commentary from the minister at a later stage as to why it would be needed. This is what I consider to be very much a carte blanche provision. The final words of clause 24(1) state —

> …it may do so in such manner and for such period as it decides.

I find that quite extraordinary. Local governments throughout the state adhere to the provisions of the Local Government Act 1995. I am not confident that there is any good reason for the Metropolitan Redevelopment Authority not to act in accordance with the Local Government Act 1995.

Again, I briefly make the point that some of these provisions were put in place especially when EPRA was set up in the first instance and we were dealing with a very small area that was in the greater part publicly owned land.

Mr J.H.D. DAY: It will continue to be the case, generally speaking, that land that is developed under this authority will be publicly owned. I do not think it is a different situation from that which occurred when EPRA was first established. This power is transferred from the existing EPRA act so it is a continuation of the situation that has been in existence, as the member acknowledged. I would certainly hope and expect that unless there was a very strong reason to do otherwise, there would be adequate public consultation or at least notice given of a decision to close a thoroughfare. My experience has been that organisations such as EPRA and the other redevelopment authorities are pretty good at public communication about what they are doing in a very local and short-term sense, and also in a much longer term and broader sense. I do not see any reason why that would not continue. However, I will undertake to provide further information about the justification or the need for this power, as the member requested.

Clause put and passed.

Clause 25 put and passed.

Clause 26: LRC to be established for each redevelopment area —

Mr J.N. HYDE: I would like to find out from the minister whether it is his intention that the Northbridge Link —

Mr J.H.D. Day: The Perth City Link.

Mr J.N. HYDE: The Perth City Link; I stand corrected. Will it become part of a new Metropolitan Redevelopment Authority area and which area, or will it be a stand-alone area?

Mr J.H.D. DAY: The clear intention is that the Perth City Link redevelopment area will be contained within the boundaries of the Metropolitan Redevelopment Authority as it is currently within the East Perth Redevelopment Authority boundaries. I will also explain the reason for the change of name from Northbridge Link to Perth City Link. We consider that it much better describes the project, as it is really about wider Perth and Perth as a capital city rather than just the Northbridge area. Given that that issue was inadvertently brought up, I thought I would provide some explanation for that. Clearly, that area is to be included within the Metropolitan Redevelopment Authority.

Mr J.N. HYDE: I go back to the issue I raised earlier about the legal agreement between the city and the state regarding the Link. The agreement requires that an advisory committee with city councillors representing the city be maintained. This seems to be in direct conflict because the minister has stated that it will come under the MRA. The MRA bill states that there will be a land redevelopment committee, but there will be just one local government representative, not necessarily from the City of Perth, on the LRC. I understand that now that the minister has seen my amendment, he has fashioned his own amendment to ensure that there will be local government representation on the LRCs.

Mr J.H.D. Day: It was happening anyway, but I'm glad we appear to be pretty much in agreement.

Mr J.N. HYDE: We are in sync, minister, as so often happens. My direct question is: how does the minister plan to deal with the existence of the legal agreement and the LRC provision that is included in this legislation?

Mr J.H.D. DAY: In relation to any contractual arrangements that are in place between the existing redevelopment authorities and another entity—in the case the member referred to it was the City of Perth—those contracts will be transferred to the new authority, so whatever obligations exist when the new authority is established will continue. In any case, there is nothing to stop an advisory committee to a land redevelopment committee being established with the approval of the board of the authority. In relation to the specific issue that the member raised, there is no intention at all on the part of the government to change the agreement that has been in place with the City of Perth. We would certainly want that particular advisory committee to continue in its role if, indeed, it has been very active in recent times. I am not sure whether that has been the case, but there is certainly interaction and consultation with the City of Perth, and that will continue.

Mr J.N. HYDE: Can we go a step further than the minister saying that he has no intention of standing in the way of giving us a guarantee that the current agreement for City of Perth councillors to be on the advisory committee will be replicated for the LRC?

Mr J.H.D. DAY: I give an undertaking that whatever agreement is in place at the moment will continue under the new authority.

Mrs M.H. ROBERTS: Clauses 26 and 27 deal with the land redevelopment committees. I may have missed it, but is there somewhere else in the bill that defines the make-up of those committees?

Mr J.H.D. Day: Yes, later in the bill.

Clause put and passed.

Clause 27: Function of LRC —

Mr J.N. HYDE: What is the minister's understanding of the powers or the duties that will be delegated to the land redevelopment committees? I still have some concern about the apparent lack of financial decision making by LRCs and their limited financial role with their apparent other power being able to be delegated or exercised—as it says here, "any powers or duties delegated to it"—under sections 13 or 14.

Mr J.H.D. DAY: The intention is for the land redevelopment committees to exercise the development control powers that exist under the redevelopment schemes and to undertake minor scheme amendments. We intend for the land redevelopment committees to exercise the existing planning powers that the boards and existing authorities have—any minor scheme amendment will still needs ministerial approval, as is the case at the moment. The overall intention with these committees is to reflect the fact that there is a degree of local ownership and local identity in the existing Midland, Armadale, East Perth and Subiaco Redevelopment Authorities. We want to retain a combination of the local input that exists at the moment on the one hand and gain the benefit of having one organisation with greater capacity, better career paths for staff and the ability to further undertake redevelopment in the Perth metropolitan area more readily than is the case under the existing redevelopment authority act. We discussed all that during the second reading stage, but, to reiterate, we are seeking a continuation of local input balanced with appropriate planning, architectural, financial and other expertise, which is contemplated under the make-up of the committees and the overall board at a later stage of the bill. I hope that answers the question. In short, these committees will have the purpose of undertaking the planning and development control powers that the existing boards have.

Mr J.N. HYDE: The minister referred then to a minor application.

Mr J.H.D. Day: Minor scheme amendments.

Mr J.N. HYDE: My understanding is that the MRA is required to decide whether a development application is a standard or a major application. Is it the minister's intention that that power be devolved also to the LRCs and that they will decide whether a DA is standard or major?

Mr J.H.D. DAY: It will be up to the board of the MRA to determine what will be delegated to the land redevelopment committees. But, generally speaking, the intention is that probably most development applications will be considered by the land redevelopment committees. Something of a much larger scale such as the Perth City Link project may also need some board consideration, given its financial implications.

Mr J.N. HYDE: Can the minister detail the criteria for determining the threshold for when a standard DA becomes a major DA?

Mr J.H.D. DAY: The short answer is no, those criteria have not been determined as yet. I am advised that some financial criteria will be applied when it comes to distinguishing between major and minor amendments. I am not sure what those limits are, but that will be a matter for the board and probably consultation with the minister. Ultimately, it will be the responsibility of the board, once it is established, to determine the criteria for delegation.

Mr J.N. HYDE: This is an area in which we came into conflict over the establishment of development assessment panels. We established a clear threshold; an arbitrary decision that when a development application reached the $5 million or $7 million mark—I think it was $7 million for the City of Perth —

Mr J.H.D. Day: For the City of Perth, it is mandatory at about $15 million and for the proponent it is above $10 million. That is in the City of Perth; it is lower elsewhere.

Mr J.N. HYDE: I think it is fair to ask why we have not established that threshold in the Metropolitan Redevelopment Authority Bill now when we are trying to introduce these measures by 1 January next year.

Another concern with this clause is that the MRA, and possibly the land redevelopment committees, which are less representative than local government, could make arbitrary decisions. I understand that a standard application is to be determined within 90 days and a major application within 120 days. That seems to be an extraordinarily wide time frame if the whole purpose of having a redevelopment authority is to work more efficiently and enable development to occur in a more timely way. Under the provisions of the East Perth Redevelopment Act, applications must be referred to the relevant local government. In that case, only 42 days are provided for comment, regardless of whether it is a major or a standard development application.

Mr J.H.D. DAY: The only significance of whether a project is declared a major or minor project in a development application is the period allowed for during which a decision must be made. Therefore, a deemed refusal may apply if the decision is not made within the relevant time. That is the only significance of the criteria for major and minor development applications. The periods that apply are 42 days for comment on a development application, which I think the member indicated, and 90 or 120 days to make and communicate a decision, depending on whether it is a minor or major project.

Clause put and passed.

Clause 28 put and passed.

Clause 29: Recommendation of Minister to declare a redevelopment area —

Mr J.N. HYDE: I reiterate the position argued by the City of Perth, which I believe the minister has received a copy of by now. The City of Perth argued that despite the significance of the bill, it was prepared and introduced to Parliament without consultation or input from the city; the only consultation with local government was with the Western Australian Local Government Association, and there has been no opportunity for public comment. I repeat the comment made by the City of Perth in a meeting last week when it said that this was very disappointing and unsatisfactory, particularly as a number of aspects of the bill are of considerable concern. Given that we are developing the regulations, what undertaking can the minister give about consulting with local councils? Let us be honest, the City of Perth is the major council that will be affected by this bill and its operations. What consultation will the minister undertake on the regulations when this bill proceeds through this chamber?

Mr J.H.D. DAY: Subclause (2)(d) indicates that each relevant local government will need to be given at least 30 days to make recommendations about the content of the proposed regulations—in other words, any additional area that is proposed to be included under the auspices of the MRA. That is the minimum time. The usual situation is that there would have been consultation and discussions, generally in a collaborative way I would expect, with any relevant local government, including the City of Perth, for much more than the 30 days that are indicated as the minimum. I do not think it would ever be a surprise to a local government that an area is declared as a redevelopment area. As I mentioned earlier, often it is the case that local governments want parts of their areas to be included under the powers of a redevelopment authority, and I am sure that will be the case in the future; in fact, I know some have already expressed a desire for that to occur.

Mr J.N. HYDE: My other concern is in subclause (2)(d), in which the only requirement for consultation that is placed on the minister before he makes the recommendation is with the WA Planning Commission and the relevant local government. It seems quite incredible that there is no requirement for public comment, as there is in major land transactions and scheme changes throughout the state. I wonder whether that is a deliberate or an accidental omission, or why it is not there. Given there are only 30 days for the local council to consult with local communities, that does not seem to be terribly fair or timely.

Mr J.H.D. DAY: There is nothing to stop local governments consulting with members of their community if they wish. Local government councils are made up of people who are elected from the communities within local government areas. I also point out that this is about regulations to declare an area as being part of the responsibility of the redevelopment authority. It does not provide for approvals or what will happen within the particular area, and all of the existing consultations required in the preparation of planning schemes will need to occur prior to any change of land use being approved—in other words, prior to any new planning scheme being agreed to by the Minister for Planning. All the consultation that occurs at the moment will continue, including public consultation and advertising.

Mr J.N. HYDE: I appreciate that, but we have already established that the government of the day can determine any area to be a redevelopment area. Therefore, it is feasible that the government could establish a transport corridor to transport uranium through the CBD to the port of Fremantle or anywhere, by declaring a redevelopment authority area.

Mr J.H.D. Day: If we wanted to do that, we would use some other power.

Mr J.N. HYDE: Tell us which ones, minister.

Mr J.H.D. Day: It is not something that I have ever turned my mind to, but I am sure they are there under some act or acts of this Parliament other than the existing redevelopment authority act.

Mr J.N. HYDE: As the minister states, in order for the minister to determine it to be a transport corridor, the City Link area or the waterfront area, he does not have to be up-front with what the planning changes or intent are. The government can establish the area, and then the minister is required to go into the detailed scheme amendments and so on. However, once the minister has established that it is a redevelopment area, it takes away local government planning powers and, of course, veto rights.

Mr J.H.D. DAY: Clause 29(2) indicates that the minister must —

> (a) have regard to whether including the land in a redevelopment area will facilitate —
>
> (i) the regeneration of the area; or
>
> (ii) the provision of land suitable for commercial or residential purposes close to public transport; or
>
> (iii) the establishment of new industries;

Those issues need to be consciously thought about and justifiable by the minister of the day. I also point out that local governments will retain the planning powers until a redevelopment scheme is agreed to and put into effect. Even though a redevelopment area is declared, the local government planning powers remain in place until a new redevelopment scheme under the redevelopment area has been agreed to, following all the public consultation. Just declaring an area as being part of the responsibility of the Metropolitan Redevelopment Authority does not change the planning approvals, the land use approvals or the planning scheme at that point; it is necessary for the whole public consultation period to be undertaken, as currently applies for the preparation of a planning scheme, before a new planning scheme applies.

Mrs M.H. ROBERTS: I would just like to clarify what the minister is saying. I perfectly understand that the planning scheme cannot change until the authority has put into place a new planning scheme, but I would have thought that the moment the redevelopment authority was established over an area of land, it would have the planning approvals process utilising the existing planning scheme. I can see the minister's advisers shaking their heads to say that that is not the case. I am guessing that the advice the minister is getting is that despite the authority existing, and the local government authority's planning scheme also existing, the planning approvals process remains with the local government authority until such time as a new planning scheme is put in place by the redevelopment authority. If that is the case, I would appreciate the minister's advice in that regard.

Mr J.H.D. Day: That is what I'm advised, and that is provided for in clause 51.

Mrs M.H. ROBERTS: I also note that clause 29(2)(d) states —

> allow the WAPC and each relevant local government at least 30 days to make written recommendations to the Minister on the proposed content of the regulations.

I make the point that, although the local government authority can make its written recommendations, I cannot see any provision there that actually compels the minister to take heed of that, other than to give it some consideration and then, potentially, do the exact opposite, if it is the minister's opinion that that is what he or she should be doing. I note that the key words "in the Minister's opinion" appear yet again in clause 29(4). It states —

> Without limiting subsection (2), the Minister must not recommend the making of regulations to add land that is not contiguous with land in an existing redevelopment area to that area unless, in the Minister's opinion, the addition would be consistent with the objectives of the redevelopment area prescribed under section 30(5)(c).

Clause 29(5) states —

> If the Minister recommends the making of regulations the content of which is, in the Minister's opinion, significantly different to any recommendation made by the WAPC under this section, the Minister must cause notice of the difference to be laid before each House of Parliament …

The point I make is that the regulations either are or are not significantly different from the recommendations made by the Western Australian Planning Commission, and that maybe there should be some independent

person or body that determines whether or not the regulations vary significantly from the recommendations made by the WAPC. I do not think that it is sufficient, given that the minister is one of the parties, to have the proviso of "in the minister's opinion". I think we should have some more empirical and objective measure as to whether or not there is a significant difference.

Mr J.H.D. DAY: I understand the member's point. In relation to new areas that have been declared for inclusion, as I have pointed out, there needs to be consultation with the Western Australian Planning Commission and relevant local governments. Regulations then need to be prepared and presented to the Governor. The usual practice would be—certainly in my practice and this is a very minor change—that cabinet would consider the new area to be concluded and then those regulations would need to be presented to both houses of Parliament and could be disallowed by either house; therefore, there is control in place.

In relation to the issue of the minister's opinion on a decision about whether something is significantly different, there needs to be some way to determine whether the difference is significant enough to trigger the tabling and publication requirements. I think that most people would agree that the whole system should not be clogged up with the tabling of very minor changes that really have little effect. There is no objective standard that can be used to measure degrees of difference and opinion; therefore, it has to be up to someone's discretion to decide. The advice has been that it is appropriate for the decision to be determined by the opinion of the minister of the day. I also pointed out that all these decisions and most aspects of what we do are subject to the Freedom of Information Act, and of course questions can also be asked in Parliament either on notice or without notice. There are also various other ways in which issues can be raised in this Parliament to ensure that there is appropriate scrutiny applied to ministerial decisions.

Mr C.J. TALLENTIRE: My question relates to the use of the phrase "must have regard". I note that it appears in clause 29(2)(a) and (b), and I recall that in the Town Planning and Development Act there were similar uses of the phrase "must have due regard". It is not a particularly clear way of wording things. Basically, it says, "the minister should consider", but at the same time, it tries to pretend that it says "the minister must be sure to achieve". Why can we not be a bit franker with the language? This idea of "must have regard" is a very vague one that gives people all sorts of false impressions.

Mr J.H.D. DAY: The intention is to not only allow a degree of flexibility, but also ensure that these issues are clearly considered and taken into account. We want to facilitate urban renewal and urban regeneration; that is what this authority and existing authorities are all about and any minister would need to be able to justify a decision to this Parliament primarily, to the media, and to local communities or whatever the case may be. If decisions are made that are not well founded, in which these issues have not been appropriately considered or taken into account, whoever is responsible in the future will be subject to having to justify their actions. I think that the wording is appropriate; we do not want to unduly constrain what may be decided in the future when it is in the agreed public or community interest. Of course, it is often the case that not everybody agrees, but governments are elected to make decisions and generally these sorts of decisions would be made, as I said, in consultation and in agreement with local governments. I therefore think that the wording here provides an appropriate balance between those objectives.

Clause put and passed.

Clauses 30 to 33 put and passed.

Clause 34: Development applications not finalised when land removed —

Mr J.H.D. DAY: I move —

Page 23, line 18 — To insert after "Authority or" —

Planning

As I mentioned earlier in relation to clause 20, this ensures that the powers under this clause are exercised by the minister responsible for the Planning and Development Act in the event that the overall act is allocated to another minister.

Mr J.N. HYDE: Just for clarification, is the amendment to insert "Planning" after "Authority or"?

Mr J.H.D. Day: Yes, so that it becomes "Planning Minister".

Mr J.N. HYDE: Has the wording not been "Minister for Planning" elsewhere, or has it always been "Planning Minister"?

Mr J.H.D. DAY: The definition, which was included in clause 3 through amendment, states —

Planning Minister means the Minister who administers the PAD Act;

"Planning Minister" is therefore the terminology that is being used.

Mrs M.H. ROBERTS: I note that the minister also has on the notice paper a proposed amendment to clause 60, which states that the Minister for Planning will move to insert —

(1) In this section —

Minister means the Planning Minister.

Why would the reference to minister not mean the planning minister throughout the bill? Would that not be a simpler way of doing it? If that is what it means in clause 60, why would it not simply apply throughout the bill?

Mr J.H.D. DAY: We are jumping ahead to clause 60, but the reason for making this clear is that the overall act may not be assigned to the Minister for Planning, the minister responsible for the Planning and Development Act, and this wording is really needed to clarify the point that is referred to in clause 60. The Interpretation Act states that references to minister generally mean the minister administering the act. I hope that provides the explanation.

The SPEAKER: Members, I indicate that we are dealing with an amendment to clause 34.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 35 and 36 put and passed.

Clause 37: Draft redevelopment scheme: work prior to declaration of redevelopment area —

Mr J.N. HYDE: My query on this clause is about the requirement to establish a draft redevelopment scheme. In relation to the time line, we previously discussed the planning responsibilities not being taken over by the land redevelopment committee or the MRA until the new scheme is enacted. In this time line, when is the minister factoring in the establishment of an LRC, or what other work will the MRA be doing before the area is officially established?

Mr J.H.D. DAY: The new MRA will, of course, take over the planning schemes for the existing redevelopment authorities so that they will have all the powers under the existing redevelopment schemes. There is no requirement to establish a draft scheme before an area is declared. This enables the MRA to start work on a scheme while the regulations are being settled. The purpose, therefore, of this clause is essentially to save time to ensure that some work can be undertaken before the area is officially declared as being under the redevelopment authority. The whole purpose of these authorities, as I mentioned, is to facilitate high-quality urban regeneration and renewal. This clause will assist in that process by ensuring that some planning work can be undertaken prior to the formal declaration of an area.

Mrs M.H. ROBERTS: Clause 37 deals with work prior to the declaration of a redevelopment area. I note that clause 37(1) gives the Metropolitan Redevelopment Authority the authority to consult with the local government of a district and any public authority or person the authority thinks will be affected. However, clause 37(2) states that the authority "cannot act under section 39 or 40 until the redevelopment area is declared". I note that clause 40 in particular deals with the draft redevelopment scheme being referred to the Environmental Protection Authority and other matters that we can deal with when we consider clause 40. My question is really this: why is it that the authority cannot do other preliminary work for the preparation of the proposed redevelopment scheme, particularly with reference to the EPA? Clause 37(2) seems to have some small conflict with clause 37(1), which provides that the authority can consult any public authority. Presumably, the EPA is a public authority that the Metropolitan Redevelopment Authority can consult. I am concerned that restriction is there. I cannot see why it cannot do something further under proposed section 40. I would have thought that the earlier the stage the EPA was consulted, the better it would be, and that that might in fact help in some decision making.

Mr J.H.D. DAY: The intention, as I said, is that some preliminary work can be undertaken prior to an area being declared, but it is also intended that the Metropolitan Redevelopment Authority will not be able to seek the advice of the Environmental Protection Authority prior to the redevelopment area being in place so that the EPA's time is not wasted in the event that the redevelopment area regulations do not go ahead. We want to facilitate some planning work being undertaken but we do not want to consume the time and effort of the EPA in the event that the area is not ultimately so declared. The authority can have informal discussions but not formally lodge documents for assessment with the EPA, I am advised. Of course, people can talk and government agencies can communicate with each other in an informal way. The reason for that provision is, as I explained, clause 37(2) is more specific than clause 37(1) and overrides it as a matter of statutory interpretation, I am advised.

Clause put and passed.

Clause 38: Draft redevelopment scheme —

Mr J.N. HYDE: Clause 38(7)(b) states that a draft redevelopment scheme—sorry, if I am interrupting the sports discussion at the back of the chamber—may "include provisions in relation to the payment of redevelopment and

associated costs". What concerns me is that surely one of the benefits of us having a Metropolitan Redevelopment Authority is that we will get best-practice schemes, so instead of having a different Armadale, Midland, Subiaco or Perth scheme, we will have a model scheme to use. That should be the case particularly for the issue of the payment of redevelopment and associated costs. One of the real bugbears of developers and smaller operators in the development and building industry is that the conditions that they get from one council to another, be it on public open space requirements or public art requirements, which we discussed previously, vary so much. One of the benefits of having an MRA should surely be consistency. So I am a bit concerned that we will have here the ability, every time we are looking at a little piece of the metropolitan area, to end up with different provisions in relation to the payment of cost contributions.

Mr J.H.D. DAY: This clause is largely to deal with the different situation that exists under the Armadale Redevelopment Authority. Most of the land that is being developed under the ARA act, in particular in the Wungong area, is privately-owned land, and there is a significant development contribution scheme in place for the provision of works and acquisition of land to facilitate development within that area. That is a somewhat different situation from that which exists with the other three redevelopment authorities generally. Therefore, it is very important to ensure that the development contribution scheme that has been established within the ARA area is able to continue. To take up the member's particular point, the authority board will be able to put in place policies to ensure that there is consistency in cost contributions and development contribution schemes across redevelopment areas if that is what is appropriate—but there may well be local factors that apply as well, of course.

Mr J.N. HYDE: I thought we had already dealt with this issue and that retrospective arrangements that have been made by the existing MRAs would be given cast-iron legitimacy. We have already dealt with the retrospective problems regarding Armadale. We are now referring to a future action by the new MRA. Surely if we have fixed it up retrospectively, why do we have to be allowing for it prospectively?

Mr J.H.D. DAY: The reason is that the development contribution scheme, which I mentioned is in place under the MRA, is going to continue in operation for potentially up to 20 years or so. So it is important not only to ensure that what has been put in place in the past is authorised, but also that what is done in the future under the planning arrangements that I mentioned earlier is going to be validated and that the MRA is empowered to enforce the development contribution scheme, which as I said needs to apply in the future potentially for up to 20 years or so.

Mrs M.H. ROBERTS: I think this is one of the extraordinarily powerful clauses of the bill, and I have made comments previously about this being an extraordinarily powerful bill. Clause 38 deals with draft redevelopment schemes. Firstly, it says in subclause (1) —

> The Authority may prepare one or more draft redevelopment schemes for a redevelopment area.

I have a simple question as to why we would need one or more drafts. How many drafts would we need, and why would we need more than one draft? What is the purpose of that? I may have a further question depending on the minister's answer.

Mr J.H.D. Day: Often they evolve. You do a draft, and then you consult and some changes are made, so you do another draft. As you would know, in developing legislation there are often a number of drafts.

Mrs M.H. ROBERTS: I just cannot work out why that would need to be specified. If they have the capacity to do a draft, presumably they could do it over and over again. It sounds to me as though they might do a couple of drafts and send them both up to the minister at the same time.

Mr J.H.D. DAY: Often they evolve. When a draft is done, there is consultation, and then some changes are made, so there is another draft. As the member would know, in developing legislation there are often a number of drafts.

Mrs M.H. ROBERTS: I cannot work out why that would need to be specified. If they have the capacity to do a draft, presumably they could do it over and over again. It sounds to me as though a couple of drafts might be done and they are both sent to the minister at the same time.

Mr J.H.D. DAY: Different scheme provisions may apply in different parts of a redevelopment area. This also provides for that.

Mrs M.H. ROBERTS: That seems to be a more suitable explanation. With respect to the draft redevelopment scheme, clause 38(4) states —

> In preparing a draft redevelopment scheme, the Authority must make reasonable endeavours to consult —

It is not that they must consult—I do not see why they should not—but they have only to make reasonable endeavours to consult —

(a) each local government of a district in which is land to which it is proposed the draft will relate; and

(b) any public authority or person that the Authority considers would be likely to be affected by the scheme if it were approved.

The latter might involve endeavours. I would have thought that the provision should be that the authority must consult the local government authority and potentially make reasonable endeavours to consult with the others. The legislation states only that reasonable endeavours must be made to consult public authorities or the persons. Clause 38(7) then states that a draft redevelopment scheme can —

(b) include provisions in relation to the payment of redevelopment and associated costs ***(costs contributions)*** by owners of land in the redevelopment area, including, but not limited to, providing for —

(i) the criteria for requiring costs contributions;

(ii) the payment, recovery and waiver of costs contributions;

This is a provision that will affect private landowners. With respect to some earlier points I made, because I said that the original East Perth Redevelopment Act dealt mainly with public land—there were certainly private landholders, but they were the minority—part of the minister's response to an earlier question was that he expected that in the future these areas would probably be dominated by publicly owned land. But, of course, there is no guarantee of that, and there is the potential under this legislation that an area of land could be chosen in which there is no land or little land in public ownership.

These are quite extraordinary powers. I am assuming—the minister can correct me if I am wrong—that these landholders still remain in local government authority areas. They would be paying their rates to the local government authority, and any of these contributions would be over and above the rates that they were paying to their local government authority. Essentially, these are contributions towards the redevelopment and associated costs of an area of land. Some of these owners may in fact not have even been consulted, because under clause 38(4) the authority has only to make a reasonable endeavour to consult them about the actual redevelopment. Owners then have potentially no say in the costs that they are then required to contribute towards the redevelopment and the effect on them. I think this is pretty extraordinary. This is a power to basically tax people in the redevelopment area, to put a fee upon them in whatever form and at whatever amount —

Mr J.H.D. Day: This is where land is being developed or subdivided, typically.

Mrs M.H. ROBERTS: This is people's privately owned land.

Mr J.N. HYDE: I think this is a really important issue that we need to pursue.

Mrs M.H. ROBERTS: Of course, when local government authorities want to do something similar and maybe charge a differential rate or impose a fee or whatever, they have to go through a different set of procedures from what is proposed here. This legislation gives the redevelopment authority incredible power in that respect. The minister often responds by saying, "Well, there's public scrutiny and some judgement would be made, and you have to be aware of what is publicly acceptable", and so forth. But when it comes to local government authorities or a council imposing fees for a particular purpose, we are dealing with elected members who have to stand for re-election and stand by the decisions that they have made in the local area about a differential rate or something of that nature. They know that there is a direct consequence. In this case we have a board appointed by the government that is not directly elected by the owners or the people affected. It has the potential to impose significant fees upon those people. It also has the potential to waive what could be a significant cost. There is very little restriction on how the authority goes about that process.

My simple view is as follows. There are significantly more restrictions under the Local Government Act. There is significantly more accountability on local government, partly through the ballot box and because elected members are making those decisions and taking responsibility for those decisions and partly because of the processes and the consultation required under the Local Government Act. It would appear to me that the authority will have little regard for the response of the owners of the land about how they view the benefit of the costs that might be imposed upon them.

Mr J.H.D. DAY: In relation to the issue of consultation that the member raised and the reference to "reasonable endeavours to consult", I point out that this section refers to a draft redevelopment scheme, which would be under preparation prior to a redevelopment area being declared. A redevelopment scheme can only be finally agreed to, firstly, after the redevelopment area has been declared and, secondly, as provided for in clause 39, after formal consultation with the relevant local government. A scheme cannot be finalised until the opportunity has been given for submissions to be made.

Mrs M.H. Roberts: It is the private landowners that concern me.

Mr J.H.D. DAY: In relation to land owned by private landowners, as I pointed out, that is generally the case under the Armadale Redevelopment Authority. We are not just talking about people who own a block of land, live in a house or so on and pay rates; we are talking about people who are undertaking development of land—subdivision generally—and often on a broad-scale basis in which a development contribution scheme is established so that the infrastructure that is provided for the benefit of the whole development is contributed to by the landowners benefiting from that development. That is the situation in Armadale, as I said, particularly in the Wungong urban development area, where there will eventually be in the order of 10 000 homes. It will be a very large development. There are a large number of landowners in that area. It is essential to have a development contribution scheme in place so that people contribute to the public infrastructure that will be provided in the development.

I also point out that for other land developments outside the redevelopment authority areas, state planning policy 3.6, which relates to development contribution schemes, is in place. Essentially, it establishes criteria to be undertaken for local governments to determine the development contribution scheme for development in a particular area. This clause ensures that a similar process can be put in place and that the powers exist for it to be enforced for the reasons that I have mentioned.

I also point out that, in short, clause 39 provides that there is local government consultation, and clauses 41 to 43 ensure that there will be public notification of a proposed redevelopment scheme; in other words, landowners in a particular area will be required to be notified about what is proposed to be approved for their land and they will have the opportunity of making submissions.

Mrs M.H. ROBERTS: I note that the minister said that this is a similar process to what has been put in place for local government for development schemes. Why would it not be the same process? Why does a separate process need to be established under this legislation? Why would we not have the same or a consistent process so that the same rules apply for a local government redevelopment scheme or development scheme as apply here? Secondly, is there any appeal process for the costs contributions that owners are required to pay? Is there an appeal process to the State Administrative Tribunal, for example, if they are dissatisfied with the amount they are required to pay, the payment method, the recovery or the waiver of costs by other potential contributors? If they are not essentially satisfied, where will the private owners go and what appeal rights, if any, will they have?

Mr J.H.D. DAY: I did make reference to state planning policy 3.6. That has been in operation now for around 18 months. It is currently under review. Since it has been in operation, some issues have been identified that need to be further considered and probably modified, so it would not make sense to put in place exactly what is currently the situation in state planning policy 3.6. Based on my understanding, the provisions in the bill will ensure that there is the ability for a development contribution scheme to be put in place similar to that which exists under the Armadale Redevelopment Act at the moment. I do not think there is any need for any great suspicion about this. Obviously, the powers need to be balanced. It will be the case that planning schemes will deal with appeal or review under development contribution plans. Clause 38(7)(b)(v) provides for a review of determinations of the authority in respect of costs contributions.

Mrs M.H. Roberts: So who will do that review? Will the review be just by the authority itself?

Mr J.H.D. DAY: I am advised that it will be possible for landowners to appeal to the State Administrative Tribunal to undertake a review as provided for in this bill when a landowner has made an appeal to SAT.

Mrs M.H. ROBERTS: The minster referred me to clause 38(7)(b)(v). At line 13 on page 27 it states —

> review of determinations of the Authority in respect of costs contributions;

Is that the line, minister?

Mr J.H.D. Day: Yes.

Mrs M.H. ROBERTS: It is really difficult to work out. Paragraph (b) states —

> include provisions in relation to the payment of redevelopment … costs … by owners of land in the redevelopment area, including, but not limited to, providing for —

Then subparagraph (v) states —

> review of determinations of the Authority in respect of costs contributions;

It sounds to me as though the authority can review its own costs. I do not see that that specifically enables SAT to review the costs. Maybe that is possible under another provision or maybe the minister can explain to me how that caters for the review to be done by SAT.

Mr J.H.D. DAY: That is an understandable point to raise. I am advised that it is generally the case at the moment that planning schemes provide for a review to be undertaken by SAT and that it will be possible for schemes under this act to make a similar provision. I agree that it appears that SAT cannot undertake it automatically, but that will generally be the case. That is provided for in planning schemes.

Mrs M.H. Roberts: Are cost contributions part of that review?

Mr J.H.D. DAY: That is a review of state planning policy 3.6, which applies to development contribution schemes generally across the state. We will check and provide further information about this point at the third reading stage.

Mrs M.H. Roberts: This is a stand-alone piece of legislation. My concern is that this will have some precedence or whatever.

Mr J.H.D. DAY: We will check that, as I said, and provide a response at the third reading stage.

Mrs M.H. Roberts: Thank you.

Clause put and passed.

Clauses 39 to 46 put and passed.

Clause 47: Minister's functions in deciding final approval —

Mr C.J. TALLENTIRE: I refer to subclause (2)(a)(iii) where reference is made to the planning minister's approval of conditions that are actually imposed by the Environmental Protection Authority. How will a planning minister be able to gauge whether environmental conditions are satisfactorily met?

Mr J.H.D. Day: How to gauge what?

Mr C.J. TALLENTIRE: How will a planning minister be able to garner the necessary expertise to enable him to make a decision on whether conditions imposed by the Environmental Protection Authority have been met? Unless by some special arrangement the EPA is able to provide technical advice to a planning minister, I do not really think it will be a possibility, especially considering the complexity of some of the environmental conditions that, foreseeably, will be imposed. All sorts of issues could arise, such as whether acid sulfate soils have been dealt with, whether drainage has been dealt with or whether an environmental offset has been achieved. There are all sorts of complex issues which, I put to the minister, are beyond the capacity of a planning minister to deal with, but which would require the final sign-off of an environment minister.

Mr J.H.D. DAY: I understand that this provision is either the same or similar to what is in the current acts. Therefore, the MRA will monitor compliance of the conditions and report to the Minister for Planning, as required under the Environmental Protection Act. I understand also that it is possible for the Environmental Protection Authority to take action if it believes that some conditions that it has put in place are not being complied with. There is no special case with the MRA. I understand, as applies with the existing redevelopment authorities or other government agencies, that if the EPA is not satisfied for some reason that the conditions that have been put in place are being complied with, it can take action. I am advised also that clause 74 gives the minister the power to enforce environmental conditions, so there is that control in place as well.

Mrs M.H. ROBERTS: I too refer to clause 47, "Minister's functions in deciding final approval". I note that clause 47(4) states, and I made this point earlier in another clause, that —

> If the Minister approves a draft redevelopment scheme the content of which is, in the Minister's opinion, significantly different to any recommendation given by the WAPC under section 46, the Minister must cause notice of the difference to be laid before each House of Parliament or dealt with under section 131, within 14 days after the scheme start day.

I am puzzled about why that occurs after the scheme's start day. I would have thought that these things should be tabled in Parliament prior to when a scheme started.

In addition, I note that we are again dealing with the words "in the minister's opinion". The minister made the point that someone has to make a judgement call as to whether or not there is a significant difference. Essentially, one of the affected parties—the decision-making party; the minister who himself or herself has made a decision about the development scheme—also makes a determination as to whether there is a significant difference between the scheme that he or she approves and the recommendations that were given to the minister by the Western Australian Planning Commission. I agree with the minister that someone must make a determination about whether it is significantly different or not. However, I do not believe that it should be the minister, who is the decision maker. That is hardly independent or objective. There are no criteria and no guidelines for the minister to follow when deciding whether it significantly differs or varies from the recommendation of the Western Australian Planning Commission. The bill also states that the minister must cause notice of the difference to be laid before each house of Parliament. It does not say that the minister must put the recommendations of the Western Australian Planning Commission before Parliament or table the WAPC's advice; it states only that the minister must cause notice of the difference to be laid before each house of Parliament. At best, that will alert people that, in the minister's opinion, and only in the minister's opinion, there is a significant difference between the recommendations of the WAPC and what the minister has approved. Again, it is a judgement call and it just notes the difference. I suppose the minister can give the answer that he

gave in part before—that these things are subject to freedom of information and that the opposition can ask the minister questions on notice. I would have thought that it would be a lot more simple, fairer, open and accountable if there were a requirement for the minister to table the WAPC recommendations so that we could see what those recommendations are and we could see, side by side, what the minister had approved. When there is a significant difference, I would have thought that that type of procedure would more appropriately apply so that the process could be open and accountable, and we could see that there was nothing to hide. We could then see the WAPC's recommendations and what the minister had approved and the public, along with the Parliament, could then make a decision.

What concerns me even more is that there may be occasions in which the minister's opinion is that there is not a significant difference, but perhaps to the common man—to somebody else—there is a significant difference between the recommendations of the WAPC and what is approved by the minister. The only way we can find out, presumably, is by questioning the minister, asking for documents to be tabled and potentially going through freedom of information requests to find out. I do not think that is open or accountable or the process that should be adopted here. I absolutely think there should be an independent arbiter on whether something significantly differs or not; it should not be left just to the minister, who is involved in the process, to make that call. There needs to be much more public accountability, both in the case in which the minister's opinion is that there is not much difference between the WAPC's recommendations and the approved redevelopment scheme and also where the minister considers there is a significant difference.

Mr J.H.D. DAY: I do not think there is any need for any great suspicion here. Firstly, this provision goes quite a long way further than the existing redevelopment authority acts. The WAPC has no formal role—or maybe no role at all—in relation to the existing redevelopment authorities and planning schemes that are put in place. This bill provides that the WAPC will be consulted to provide advice to the Minister for Planning to ensure that we have a coordinated view about planning in the Perth metropolitan area. We are going quite a long way further than is currently the case. The fact that any significant difference needs to be tabled in Parliament is also going further, because the WAPC is not included in the process at all at the moment. We are talking here about tabling something different from the advice provided by WAPC. In my view, that is not really an issue. The main issue is what is agreed in a planning scheme, and that will always be made public. We do not have the situation at the moment in which local government planning scheme amendments or planning schemes for local government areas are required to be tabled in Parliament. They are not required to be tabled in Parliament. Amendments are made all the time; decisions are made weekly. I have made well over 1 000 such decisions since we have been in office, and they are not tabled in Parliament. We are going quite a long way further than is generally the case with planning scheme amendments at the moment. As I explained previously, it is necessary to have a commonsense provision in here so not every minor detail needs to be tabled in Parliament. Anything that is more than minor will need to be tabled where there is a difference between the WAPC and the Minister for Planning, which would be a pretty unusual event—certainly in my experience—and the planning scheme will be subject to public advertising, consultation and possibly amendment from what has been advertised, and all of that is made public. As I said, there are always the FOI processes and other scrutiny through the parliamentary processes, which is available.

Mrs M.H. ROBERTS: I appreciate that the Minister for Planning is attempting to play down this issue by suggesting that it is not of terribly much consequence. However, the minister may or may not recall that there has been a lot of debate in past years in this state about what constitutes a major scheme amendment and a minor scheme amendment. That was very much left to the minister's opinion, too. Although the words "minister's opinion" was not specified in legislation, the requirement for advertising and the role and authority of the minister varied as to whether something was deemed to be a major scheme amendment or a minor scheme amendment.

In past years, these things have been highly controversial, and changes to the Planning and Development Act have occurred since then; I acknowledge that. It appears to me that these clauses provide some semblance of accountability, but the reality is that they provide no accountability at all, because we are relying on the key decision maker, the Minister for Planning, to make a decision about whether there is a significant difference between the Western Australian Planning Commission's recommendations and what he approves. The minister has made the point that because of the way scheme amendments come forward from local government authorities now, those requirements are not in place. I frankly do not see what the problem is in tabling the recommendations of the WAPC. I also do not see what the problem is in having somebody independently assess whether there is a significant difference, rather than having someone who is integrally involved in the process of making that decision—someone that the Metropolitan Redevelopment Authority answers to as its minister. The Metropolitan Redevelopment Authority will essentially be one of the minister's agencies, and the WAPC will make recommendations to the minister, so the minister will become both the decision maker and the arbiter. I do not think that that is good practice. I suppose the minister and I can disagree on that point; I expect that there will be further consideration of the point in the upper house. It is all very well to say, "Well, accountabilities do not

exist here, there or elsewhere," but I think there is an obligation on us to look at new legislation like this—legislation, I will again reiterate, that is immensely powerful. The minister's general answer seems to be that government will use these powers responsibly and in the public interest; I certainly hope that all governments do, but that is not necessarily the basis for making good laws.

Mr J.H.D. DAY: I have given a response; I do not think that this is an issue of great significance. In fact, it is simply intended to provide a commonsense provision so that we do not need to have every minor issue tabled in Parliament. As I said, all planning scheme amendments, minor or major, need to go through a consultation process and then be published in the *Government Gazette*, so they are not secret. That is really the main game—what is actually in the planning schemes, as opposed to whether something is tabled in Parliament, if there is any difference of view between the WAPC and the Minister for Planning. I do not see this as a major issue and I have given a response that I think is reasonable.

Clause put and passed.

Clauses 48 to 56 put and passed.

Clause 57: Minister may amend local planning scheme to conform with redevelopment scheme —

Mr J.H.D. DAY: I move —

Page 38, line 16 — To insert after "The" —

Planning

This is to have the same effect as the previous amendments I have moved to ensure that the minister responsible for the Planning and Development Act exercises the powers under this clause.

Mr J.N. HYDE: In terms of the local planning scheme, what is the purpose of clause 57? Does this mean that the minister is able to amend any existing local planning scheme within, say, the City of Perth, to make it conform with the redevelopment scheme?

Mr J.H.D. DAY: When a redevelopment scheme is in operation, the normal local planning scheme of a local government is suspended. This clause provides for the local government's planning scheme to conform with a redevelopment scheme prior to normalisation occurring—in other words, prior to the development control and planning powers being transferred back to the local government. That is what happens after the redevelopment authorities have done their work. After they have used the powers that they have under this act to undertake development and all that sort of thing, the powers are transferred back to the relevant local government. This is to ensure that the planning scheme is in place and that the local government will conform to the redevelopment scheme. That is exactly what occurred in the East Perth Redevelopment Authority area, for example. Areas within that scheme—the Claisebrook Cove area, for example—have now been normalised and transferred back to the City of Perth. In fact, only in the last few days there was an example of signing a regulation to allow that to occur for an additional area.

Mr J.N. HYDE: On how many occasions since the minister has been in his position has normalisation occurred—he stated EPRA—from the other planning authorities?

Mr J.H.D. Day: I recall areas being normalised at least twice, possibly three times. It is done on a progressive basis within the redevelopment of the area. I can get that exact information for the member if he wants it, but I think, as I said, two or three times, I reckon.

Mr J.N. HYDE: I am curious about the wording here; everywhere else in the bill it says, "in the opinion of the minister", whereas in this clause there is the blatant objective so that the planning scheme is consistent. I guess that the understanding is that it is in the view of the minister that it is consistent, whereas in other sections of this legislation the wording is expressed as being in the opinion of the minister. Who determines whether it is consistent?

Mr J.H.D. DAY: To add to the previous information I provided, I recall normalisation having occurred in the Subiaco Redevelopment Authority Area; therefore, that is another example.

The intention is that the local planning scheme will be amended to be exactly the same as the redevelopment scheme that was in operation prior to normalisation occurring. Therefore, it is not really a matter of opinions or any variation occurring. The planning scheme that has been in place under the redevelopment authority will in effect be transferred to the local government; therefore it will be exactly the same as what has been previously put in place under the redevelopment authority. This clause does not allow changes to be made to the local planning scheme that go beyond what is in the redevelopment scheme. In other words, if other changes are desired or necessary, there needs to be the normal amendment instead of an amendment process going through a public consultation.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 58 and 59 put and passed.

Clause 60: Authority must get Minister's approval for development —

Mr J.H.D. DAY: I move —

Page 40, after line 7 — To insert —

(1) In this section —

Minister means the Planning Minister.

This amendment will have the same effect as I referred to for the previous amendments, mainly to ensure that the powers exercised under this clause will be undertaken by the minister responsible for the Planning and Development Act.

Amendment put and passed.

Mrs M.H. ROBERTS: I note that clause 60 is about the authority getting the minister's approval for development. Subclauses (2) and (3) state —

(2) If the Authority has a financial interest in the subject matter of a development application by reason of its participation in a business arrangement, as defined in section 11(1), the Authority —

(a) must not make a decision on the application; and

(b) must forward the application to the Minister.

(3) The Minister must decide whether or not to approve an application for approval under subsection (1) or a development application forwarded under subsection (2).

Subclause (4) states that the authority must provide the minister with all relevant information and so forth. My initial query is: Who would provide independent advice to the minister? Would the only advice the minister gets be from the authority itself? Would the Department of Planning, for example, provide advice to the minister on that application? Essentially, how would the minister actually deal with that development application by the authority?

Mr J.H.D. DAY: The usual process—certainly since I have been in this position, and I am sure it was the case prior to then—is that the authority itself recommends the conditions that should be complied with. However, there is the ability, of course, for the minister to seek independent advice, whether it be from the Department of Planning or elsewhere. I have done that on one or two occasions when that has been necessary—not as much in relation to a development but more in relation to a scheme amendment in the Subiaco Redevelopment Authority area. However, as I said, the same process could be used for this situation. It is also possible to get external independent advice, if necessary. The current arrangement—I am sure it was the case with my predecessor—is that one or two people are on secondment from the Department of Planning in the ministerial office, and I rely on them to provide a degree of scrutiny and to ensure that what is being recommended is reasonable. In all of my experience, the conditions that are recommended by a relevant redevelopment authority are actually extensive and are the same as would be applied to any private development. However, as I said, there is the ability to get independent advice, if necessary.

Clause, as amended, put and passed.

Clause 61 put and passed.

Clause 62: Undertaking unauthorised development an offence —

Mr J.N. HYDE: Clause 62(2) specifies the penalty and includes in the legislation that the penalty is a fine of $200 000 and a daily penalty of $25 000. I raise this matter in the context that this legislation has exactly the same sunset clause of five years that was put in the heritage legislation passed in the early 1990s, which we did not get around to amending until November last year when the Minister for Heritage and I came to an agreement about getting legislation through Parliament quickly. In terms of best practice, would it not be more sensible to have the level of fines determined by regulation rather than specifying a daily fine? There is no minimum or maximum fine in this clause; it is a flat, determined fee.

Mr J.H.D. DAY: I take the member's point; however, these penalties are quite substantial and if we had provided that they could be determined through regulation I imagine that there could well have been an argument from the opposition that that did not give Parliament sufficient ability to scrutinise what are potentially quite severe penalties. This reflects what is now in the Planning and Development Act, from my recollection, and that amendment was made, I am pleased to say, in the context of debate about the destruction of heritage-type buildings. As the member pointed out, an amendment was also made to the Heritage of Western Australia Act; however, quite separate from issues of heritage, there was a need to increase the penalties that applied under the Planning and Development Act. That has been done and these penalties are the same.

Mr J.N. Hyde: To $1 million was the heritage penalty.

Mr J.H.D. DAY: That is right; in the heritage act it was higher because we are talking about properties that are on the state Register of Heritage Places. Unauthorised development may be something not related to heritage, in fact, but when people start to construct a building or something of that nature without appropriate approvals, so it was thought that the penalties should not be quite as high as for the heritage act. However, as I said, the penalties are the same as those in the Planning and Development Act, and if that is amended in the future, I imagine an amendment would also be put in place for this legislation at the same time.

Mr J.N. HYDE: I will go into a real-life example in the City of Perth, where an apartment developer massively changed the internal layout of the development and that was an unauthorised planning development. If the original agreement was for, say, a three-bedroom penthouse apartment and suddenly there are 10 one-bedroom studios on that level, is that expected to be covered under this legislation or would that come under separate building regulations?

Mr J.H.D. DAY: I am advised that if works were undertaken that do not comply with a development approval, an offence would be committed under this legislation. I point out that a daily penalty of up to $25 000 is applicable. Therefore, it is not simply a one-off fine; a daily penalty is possible, which could well add up to a large amount of money if somebody was not prepared to desist or correct what they have undertaken inappropriately.

Mr J.N. HYDE: I am interested in pursuing this because it is very prescriptive. In the example of development approval for a penthouse that suddenly instead of being a six-bedroom penthouse was 12 one-bedroom studio apartments, the development authority undertaking its equivalent local council role would, as the City of Perth did, prosecute, but there does not seem to be leeway. If it took three months for this to be discovered, that would mean 90 days by $25 000. There does not seem to be any leeway in the way that this is prescribed.

Mr J.H.D. DAY: The penalty is a maximum penalty as is consistent with other legislation, and the offence applies after a court has determined that an offence has been committed. Therefore, it is not after somebody has given notice of prosecution; it is after a court has decided that an offence has been committed.

Mr J.N. HYDE: Further to that point, will the MRA and its delegated LRCs be able to make retrospective approvals, such that in this situation they could, after having a chat with the developer, decide, "Hello, we will retrospectively allow you to do what you have done and totally change the original decision", which was achieved after much public consultation in terms of its impact on parking and other things?

Mr J.H.D. DAY: The situation that has been described is provided for in clause 68, which is entitled "Development may be approved after it is undertaken". So, retrospective approvals can be given. Whether it is desirable in a particular case that that occurs or not would be a matter of each issue being looked at on its merits. But I think it is appropriate to have that power there to deal with real-life situations.

Clause put and passed.

Clause 63: Initial assessment of development application —

Mrs M.H. ROBERTS: Clause 63 provides that the authority has to determine whether an application is standard or major. I am wondering whether the criteria for what is a standard application and what is a major application are set out anywhere; and, if so, where, and what are the criteria?

Mr J.H.D. DAY: I am advised that this is a new procedure reflecting administrative arrangements undertaken by some existing authorities but not reflected legislatively. It will also provide a trigger for deemed refusal, which will enable an applicant to apply to the State Administrative Tribunal for review. So the significance of whether something is declared to be a standard application or a major application is really only related to the time that is allowed for the authority to consider and make a decision about the application, and therefore when it becomes a deemed refusal, when appeal can be made to SAT.

Mrs M.H. ROBERTS: The minister has essentially answered what he says is the difference between a standard application and a major application. I note that in clause 65 there is a reference in subclause (2) to the 90 days and the 120 days, so I am fully aware of that. I was really asking the minister what are the criteria for a standard application and what are the criteria for a major application; how does one determine the difference; where is that written down; can the minister advise me what the criteria are; and, if this is a new procedure, are there some set criteria that will be established in the regulations or by some other instrument?

Mr J.H.D. DAY: It will not be contained within the regulations. I am advised that EPRA does currently have a policy, which I presume is available to applicants, to assist in determining whether something is a standard or major application. To some extent I guess it is a matter of commonsense, but I agree there should be criteria there. They are provided for in an existing policy of EPRA, as I said, and I would imagine that that situation would continue. Certainly the new authority will need to have criteria in place that people understand. It will

need to turn its mind to that once it is established, and it may well be simply a matter of adopting what currently applies under EPRA.

Mrs M.H. ROBERTS: Further on in clause 63, which deals with the initial assessment of a development application as to whether it is a standard or a major application, subclause (2) states —

> The Authority must give written notice of its determination under the section to the applicant.

That is obviously useful for the applicant, but in my view this should be public information. I do not see why the authority would not at the very least publish on its website a decision of that nature so that other interested parties could view it. I am assuming that the criteria for a major application would include something of some significance. If there is an application for a significant or major development, people in the vicinity may want to take an interest in it. It might be appropriate for the authority to publish that application. I notice that clause 64 gives further explanation to clause 63 of what occurs in a notice of development application. It states that the local government of the district in which the proposed development is carried out has to be advised. Clause 64(1) states in part —

> (b) each local government and public authority prescribed by the regulations as a local government or public authority that must be notified of the development application; and
>
> (c) any other public authority that appears to the Authority to have functions relevant to, or whose operations are likely to be affected by, the proposed development.

Clause 64 then states —

> (2) A person notified under subsection (1) may give the Authority a written submission about the proposed development.

My point is that the front of the bill states the definitions of a public authority, but it does not appear to incorporate all potentially interested parties. The definition of a "public authority" is any of the following —

> (a) a Minister of the State;
>
> (b) a department of the Public Service, a State instrumentality or a State public utility;
>
> (c) any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State a social service or public utility;

Chief among the potentially interested parties that are not required to be informed or advised would be a ratepayers group, a community group of some kind or perhaps a heritage group. In my own electorate, there are groups such as the Guildford Association, various ratepayer groups and the Bellevue Action Group. All different kinds of groups are interested in planning applications and what is going on in their local area. It seems that the interests of the state are well covered in the legislation and that all those public authorities need to be advised, but there does not appear to be a requirement to advise those potentially other interested parties or a requirement for the publication of that decision in a public form. I notice that in other planning procedures, there is a requirement for things to be published in the *Government Gazette* or to be put into public notices of local papers, which is probably getting a bit old fashioned these days. I would have thought that at the very least it would not be too onerous to put these decisions on the authority's website. Most interested parties, regardless of the kind of community group they are, could look there.

This provision has further impacts as we look at this clause and the next few clauses. I do not want to go too far beyond clause 63 at this point, but I notice that clause 64(2), for example, states —

> A person notified under subsection (1) may give the Authority a written submission about the proposed development.

Does that mean that if a person is not one of those persons or authorities notified in subclause (1), they may not give a submission about the proposed development to the authority? I would really like some clarification from the minister.

Mr J.H.D. Day: In relation to which part do you require clarification?

Mrs M.H. ROBERTS: I would like clarification on clause 63(2) and the giving of written notice. I understand that there is some flow-on into clause 64. Why is that not to be a written notice? Why is that not a public notice? Why should that not be available on the website for other interested groups that, to me, do not seem to be incorporated here, such as heritage groups, community groups, ratepayer groups or other interested parties?

Mr D.A. TEMPLEMAN: I am interested in the member continuing her line of questioning.

Mrs M.H. ROBERTS: There are interested parties other than the local government authority or public authorities. Even an individual member of the public should be entitled to know, particularly if the authority is

dealing with a major application that is in that person's local vicinity. I do not see why they should not be able to make a submission.

Mr J.H.D. DAY: We are talking here under clause 63 about a decision as to whether an application is standard or major. That is the only issue.

Mrs M.H. Roberts: Subclause (2) is the written notice issue.

Mr J.H.D. DAY: Yes, and written notice needs to be given to the applicant. Obviously, it is natural that the applicant should be advised about whether it is a standard application or a major application. I do not think this is a particularly big deal. We are not talking about the decision about the development itself; we are simply talking about the decision as to whether it is a standard or a major application.

I do not see any reason decisions cannot be published on the authority's website. There is quite extensive information on the existing four authorities' websites. The biggest is the East Perth Redevelopment Authority website. There is a lot of information. Whether the authority would be required to publish on its website a decision on whether something is a standard or major application is not a major point. Decisions about what developments are going to occur should certainly be made publicly available.

Clause put and passed.

Clause 64: Notice of development application —

Mrs M.H. ROBERTS: I am continuing on the same point because clause 64 gets into this more broadly. I fully understand the minister's point. This is not the decision; this is simply the notice of application. In my experience, that is the point at which the community wants to be notified. It wants to know that there is an application before the authority, as do community groups, be they heritage groups, a community action group of some kind or an environmental group. There are a range of potentially interested groups, depending on the situation. Sometimes they do not find out that something is happening until very late. These people are community members who have other jobs and other things to do in their lives. They need a little notice. The best possible way that they can have their say is if they are notified at the development application stage. I take the minister's point that there is nothing in this clause or the previous clause that prevents the authority from putting information on its website. Of course it can. The minister made the point that the port authority has information on its website that it is not required to put there by law. In my experience, sometimes government agencies or authorities of various kinds just do what they are required to do by law. When they do anything beyond that, they well and truly make the point to people that they are not required to do certain things. The fact that they do anything beyond that should make the person eternally grateful. I just think in this day and age that the simple thing to do would be to make this information public.

The minister seemed to say, at least in part in his response, that it really does not matter whether something is a standard application or a major application, and there is not really much difference. Yet a couple of pages of this bill are absolutely devoted to this issue. If it is determined to be a standard application, we find in a later clause that it will be 90 days before it is effectively a deemed refusal. If it is a major application, it is effectively 120 days before it is a deemed refusal. There is obviously some difference and some reason a major application gets a month longer for consideration before it is deemed to be refused. My point is that rights are given to the local government authority and other public authorities and I assume that that will potentially include the Environmental Protection Authority, the water authority or any one of a number of government agencies or ministers, but it does not include community groups and other potentially affected parties. Because of that, I do not think that clause 64 goes far enough. Clause 64(2) states —

> A person notified under subsection (1) may give the Authority a written submission about the proposed development.

Does that mean that somebody who is not notified under clause 64(1) is not able to make a submission about the proposed development?

Mr J.H.D. DAY: I agree that it is reasonable for information to be made available to the public. This clause provides for local governments to be advised of proposed developments to be carried out. It is the usual practice that local governments provide a lot of information about developments proposed in their area on their websites and through other means, and I expect that that would be the case with proposed developments such as the member has described. That is one way in which community groups or members of the public would be advised. I think it is also desirable that the authority publish information on its website. Whether that necessarily occurs prior to decisions being made is probably open to debate. If it is the usual practice of local governments, there is no reason why it cannot be the usual practice of this authority. I would certainly encourage that to occur if that is the case.

Mrs M.H. ROBERTS: I do not want to prolong the point, but I will simply say that a lot of the legislation that is put in front of us simply mirrors legislation that has been put before this place on previous occasions. There

are standard practices and standard ways of doing things that have been in place for years. I am suggesting that we move with the times and that when we want information to be publically available, we contemplate a requirement to put it on a website; that is how most people access information these days. I think it is about time this Parliament contemplated that. It is not the initiative that we would get from Parliamentary Counsel necessarily or from departments or people who have done things. Yes, local government authorities have moved with the times; they have moved ahead of legislation. I say good on them. The minister asks whether they need to know before a decision is made. Yes; that is the important time to know, because if community groups want to have some input to the decision-making process, they need to know before the decision is made. Learning about the decision after it has been made is nowhere near as valuable to a community group.

Mr J.H.D. Day: How does the situation with development applications work with EPRA at the moment in your experience?

Mrs M.H. ROBERTS: As I understand it, EPRA is quite open about its development application process, but I do not have any particularly close experience of how EPRA is currently operating. I have not been in a position to receive any complaints or plaudits on EPRA's behalf.

Mr J.H.D. DAY: I am happy to consider this issue further. I do not think we can come up with an amendment right at the moment. Certainly, I am happy to indicate to EPRA or the new authority that publication of information such as this on the website should be undertaken as a matter of policy. Whether we need to require that in legislation is perhaps debatable. But, as I have said, I am happy to consider the issue further and maybe look at an amendment in the Legislative Council if that is necessary.

Mrs M.H. ROBERTS: I note that the minister did not respond to my question about clause 64(2), which states —

> A person notified under subsection (1) may give the Authority a written submission about the proposed development.

My question simply was: if a community group of some description was not notified, would it be able to make a submission about the proposed development? I question that because my guess is that it should be able to make a submission. What is the need for specifying that one of the persons or groups referred to in clause 64(1), such as a local government authority or another public authority, can make a submission; and, if there is a need to specify that they can make a submission, is there equally a need to specify that another affected party, such as an individual landowner or a community group, can also make a submission?

Mr J.H.D. DAY: Yes, it is possible for another individual or organisation to make a submission. There is nothing to stop that occurring. I presume that occurs in practice at the moment to some extent, so this should not be read as anything to prevent that occurring.

Clause put and passed.

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

House adjourned at 11.15 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES — MEDIA MONITORING SERVICES

5424. Mr E.S. Ripper to the Premier; Minister for State Development

For each department or agency under the Premier's control, including the Ministerial Office, I ask:

(a) are media monitoring services provided, and if yes:

(i) which firm/s currently provide a media monitoring service;

(ii) what is the cost of the contract/s;

(iii) since 23 March 2011, how much has been paid for media monitoring services;

(iv) what is the duration of the contract/s; and

(v) when did the contract/s commence?

Mr C.J. BARNETT replied:

Please refer to Legislative Assembly Question on Notice 5441.

GOVERNMENT DEPARTMENTS AND AGENCIES — MEDIA MONITORING SERVICES

5441. Mr E.S. Ripper to the Premier; Minister for State Development

For each department or agency under the Premier's control, including the Ministerial Office, I ask:

(a) are media monitoring services provided, and if yes:

(i) which firm/s currently provide a media monitoring service;

(ii) what is the cost of the contract/s;

(iii) since 23 December 2010, how much has been paid for media monitoring services;

(iv) what is the duration of the contract/s; and

(v) when did the contract/s commence?

Mr C.J. BARNETT replied:

Time period: 23 December 2010 – 24 May 2011.

Government agencies in the Premier's portfolio advise:

Department of the Premier and Cabinet including the Office of the Premier and Ministerial Offices:

(a) The Department of the Premier and Cabinet provides media monitoring services to the Premier's Office and Ministerial Offices through the Media Monitoring Unit of the Media Office.

Public Sector Commissioner:

(a) The Department of the Premier and Cabinet provides media monitoring services to the Public Sector Commission through the Media Monitoring Unit of the Media Office.

Salaries and Allowances Tribunal:

(a) Nil

(i)–(v) Not applicable

Department of State Development:

(a) Yes. The Department of State Development uses a media monitoring service under a Memorandum of Understanding with the Department of Mines and Petroleum.

(i) Media Monitors.

(ii) There is no contract.

(iii) Under the Memorandum of Understanding the Department of State Development has paid $20,000 to the Department of Mines and Petroleum to provide the service during 2010/11. The Memorandum of Understanding is reviewed annually.

(iv)–(v) Not applicable.

Gold Corporation and its subsidiaries:

(a) Yes

(i) Gold Corporation contracts the supply of media monitoring services from Media Monitors Pty Ltd.

(ii) The cost of the current contact averages at approximately $726.22 per month (calculated from monthly invoices received between 1 December 2010 and 24 May 2011).

(iii) Between 23 December 2010 and 24 May 2011, Gold Corporation paid Media Monitors Pty Ltd a total of $4,357.31 for services rendered.

(iv) The Gold Corporation/Perth Mint contract with Media Monitors Pty Ltd is reviewed and reauthorised in September each year.

(v) The ongoing arrangement with Media Monitors Pty Ltd commenced in 2002.

Lotterywest:

(a) Yes

(i) Previous contract: Media Monitors Pty Ltd
Current contract: Media Monitors Pty Ltd

(ii) Previous contract: $95,000 (5 October 2007 — 31 March 2011)
Current contract: Estimated $147,743 (1 April 2011 – 31 March 2016)

(iii) Since 23 December 2010, a total of $6,625.53 has been paid for media monitoring services. This has been broken down to $5,033.13 for the previous contract and $1,592.40 on the current contract.

(iv) Previous contract: 3 years and 5 months (5 October 2007 – 31 March 2011)
Current contract: 5 years (1 April 2011 – 31 March 2016)

(v) Previous contract: 5 October 2007
Current contract: 1 April 2011

MINISTERIAL OFFICES — STAFF, VEHICLES, CREDIT CARDS AND MOBILE PHONES

5458. Mr E.S. Ripper to the Premier; Minister for State Development

As at 23 December 2010, will the Premier please indicate for his Ministerial Office:

(a) for each staff member, including staff on secondment, placement or attachment to the office:

(i) name;

(ii) level;

(iii) salary band for employee; and

(iv) type of employment contract;

(b) how many vehicles have been allocated to the office; and

(i) the make and model of each vehicle;

(ii) the names of staff to which each vehicle is allocated;

(iii) total fuel charges for each vehicle since 23 September 2008; and

(iv) the name of the scheme to which each vehicle has been allocated?

(c) how many Government credit cards have been allocated to the office; and

(i) the names of staff to which the credit cards have been allocated;

(ii) the limits on each credit card;

(iii) the expenditure to date on each credit card; and

(iv) the current credit card balances; and

(d) how many mobile phones are allocated to the office; and

(i) the total number of mobile phones available to the office;

(ii) the name and position of each person to whom a mobile phone has been allocated;

(iii) the model and make of each mobile phone allocated;

(iv) the functions and delivery of service utilised by each staff member on their mobile phones (including email, internet, downloads);

(v) any additional costs associated with the functions listed in (iv); and

(vi) the total cost expenditure for each mobile phone since 23 September 2008?

Mr C.J. BARNETT replied:

Information relating to staff in Ministerial Office's can be found in the Ministerial Resourcing Report tabled in Parliament every quarter as part of this government's ongoing commitment to accountability and transparency.

Four Ministerial Resourcing Reports have already been tabled, the latest being tabled paper 3305 covering the quarter to 31 March 2011.

If the Member has a more specific question relating to information not covered in the comprehensive Resourcing Report, the government will be happy to answer it.

MINISTERIAL OFFICES — STAFF, VEHICLES, CREDIT CARDS AND MOBILE PHONES

5475. Mr E.S. Ripper to the Premier; Minister for State Development

As at 23 March 2011, will the Premier please indicate for his Ministerial Office:

(a) for each staff member, including staff on secondment, placement or attachment to the office:

(i) name;

(ii) level;

(iii) salary band for employee; and

(iv) type of employment contract;

(b) how many vehicles have been allocated to the office; and

(i) the make and model of each vehicle;

(ii) the names of staff to which each vehicle is allocated;

(iii) total fuel charges for each vehicle since 23 September 2008; and

(iv) the name of the scheme to which each vehicle has been allocated?

(c) how many Government credit cards have been allocated to the office; and

(i) the names of staff to which the credit cards have been allocated;

(ii) the limits on each credit card;

(iii) the expenditure to date on each credit card; and

(iv) the current credit card balances; and

(d) how many mobile phones are allocated to the office; and

(i) the total number of mobile phones available to the office;

(ii) the name and position of each person to whom a mobile phone has been allocated;

(iii) the model and make of each mobile phone allocated;

(iv) the functions and delivery of service utilised by each staff member on their mobile phones (including email, internet, downloads);

(v) any additional costs associated with the functions listed in (iv); and

(vi) the total cost expenditure for each mobile phone since 23 September 2008?

Mr C.J. BARNETT replied:

Information relating to staff in Ministerial Office's can be found in the Ministerial Resourcing Report tabled in Parliament every quarter as part of this government's ongoing commitment to accountability and transparency.

Four Ministerial Resourcing Reports have already been tabled, the latest being tabled paper 3305 covering the quarter to 31 March 2011.

If the Member has a more specific question relating to information not covered in the comprehensive Resourcing Report, the government will be happy to answer it.

GOVERNMENT DEPARTMENTS AND AGENCIES — EMPLOYEE NUMBERS

5509. Mr E.S. Ripper to the Premier; Minister for State Development

With respect to each government department, agency or publicly owned corporation within the Premier's portfolios, as at 23 December 2010:

(a) how many full-time equivalent public sector workers were employed;

(b) how many public sector workers by head count were employed; and

(c) how many public sector workers who were actively engaged were employed?

Mr C.J. BARNETT replied:

Information relating to the profile of public sector staff by agencies can be found in a range of materials regularly published as a part of this government's ongoing commitment to accountability and transparency. This material includes respective agency annual reports or the Public Sector Commission's WA Public Sector Quarterly Workforce Reports or annual Workforce Profiles.

GOVERNMENT DEPARTMENTS AND AGENCIES — FEMALE STAFF CLASSIFICATION

5526. Mr E.S. Ripper to the Premier; Minister for State Development

(1) How many female staff members within each department and agency within the Premier's portfolios are currently ranked at class 1 and above (for each class please specify); and

(a) what is the percentage of female staff at class 1 and above (for each class please specify); and

(b) how many males are currently ranked at class 1 and above (for each class please specify)?

(2) For those persons currently employed in the Ministerial Office please advise:

(a) the number of female staff employed, including those on placement, secondment and attachment; and

(b) the name, position, and contract type of each female staff member?

Mr C.J. BARNETT replied:

Information relating to the profile of public sector staff by agencies can be found in a range of materials regularly published as a part of this government's ongoing commitment to accountability and transparency. This material includes respective agency annual reports or the Public Sector Commission's WA Public Sector Quarterly Workforce Reports or annual Workforce Profiles.

Information relating to staff in Ministerial Office's can be found in the Ministerial Resourcing Report tabled in Parliament every quarter as part of this government's ongoing commitment to accountability and transparency.

If the Member has a specific enquiry relating to a specific agency, the Government will endeavour to answer it.

GOVERNMENT DEPARTMENTS AND AGENCIES — PLANT HIRE AND PURCHASE

5543. Mr E.S. Ripper to the Premier; Minister for State Development

For each department and agency within the Premier's portfolios:

(a) what amount has been paid for the hiring and/or purchase of plants since 1 December 2010;

(b) how many plants are featured in the Premier's office;

(c) what company is contracted to tend to and water these plants;

(d) what is the cost of this contract to date since 1 December 2010;

(e) how regularly does this company tend to and water the plants;

(f) how many flower arrangements are featured in the Premier's office;

(g) which companies provide flower arrangements to the office;

(h) what amount has been paid for the hiring and/or purchase of flower arrangements since 1 December 2010; and

(i) how regularly are flower arrangements replaced?

Mr C.J. BARNETT replied:

For the period of 1 December 2010 — 13 December 2010 please refer to Legislative Assembly Question on Notice range 4457–4472.

Government agencies in the Premier's portfolio advise for the period of

14 December 2010 — 24 May 2011:

Department of the Premier and Cabinet

(a) $4,691.04 for the Department, including the Premier's and Ministers' Offices.

(b) Eight.

(c) Indoor Gardens.

(d) $964.32.

(e) Monthly.

(f) Nil.

(g)–(i) Not applicable.

Public Sector Commissioner; Department of State Development; Salaries and Allowances Tribunal:

(a) Nil

(b)–(i) Not applicable

Gold Corporation:

(a) $3,493.80

(b)–(i) Not applicable

Lotterywest:

(a) $7,238 (excluding GST)

(b)–(i) Not applicable

GOVERNMENT DEPARTMENTS AND AGENCIES — PLANT HIRE AND PURCHASE

5560. Mr E.S. Ripper to the Premier; Minister for State Development

For each department and agency within the Premier's portfolios:

(a) what amount has been paid for the hiring and/or purchase of plants since 1 March 2010;

(b) how many plants are featured in the Premier's office;

(c) what company is contracted to tend to and water these plants;

(d) what is the cost of this contract to date since 1 March 2010;

(e) how regularly does this company tend to and water the plants;

(f) how many flower arrangements are featured in the Premier's office;

(g) which companies provide flower arrangements to the office;

(h) what amount has been paid for the hiring and/or purchase of flower arrangements since 1 March 2010; and

(i) how regularly are flower arrangements replaced?

Mr C.J. BARNETT replied:

For the period of 1 March 2010 – 13 December 2010 please refer to Legislative Assembly Question on Notice 4457.

As for 14 December 2010 – 24 May 2011 please refer to Legislative Assembly Question on Notice 5543.

HOMELESS SHELTER — BUDGET ALLOCATION

5628. Mr T.G. Stephens to the Minister for Housing

In reference to the Budget allocation of $5.4 million to build and operate a homeless shelter within two kilometres of the Perth central business district:

(a) what location has been chosen for this facility;

(b) how much has been allocated to the cost of construction;

(c) how much has been allocated for the annual operation of this facility;

(d) what year will this facility become operational;

(e) how many people will be accommodated in this facility;

(f) which government agency or non-government agency will manage and operate this facility; and

(g) if it is to be the non-government sector, by what process will the particular agency be selected?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

This question should be asked of the Minister for Child Protection.

BASSENDEAN PRINCIPAL SHARED PATH — CONSTRUCTION

5630. Mr M.P. Whitely to the Minister for Transport

In February, the Minister's office stated the estimated start of construction of the Bassendean Principal Shared Path would be early October 2011. Can the Minister confirm that this will be the start of construction on this project; and

(a) if not, why not?

Mr T.R. BUSWELL replied:

Main Roads WA advises: Construction will occur in October.

PUBLIC HOUSING DEVELOPMENT — BEACONSFIELD

5631. Ms A.S. Carles to the Minister for Housing

In relation to the Department of Housing subdivision development on Curedale Street, Beaconsfield:

(a) can the Minister confirm that a cul-de-sac was installed in the subdivision instead of the originally planned through road due to concerns over shallow service lines at the site;

(b) can the Minister confirm whether the Department of Housing made the decision to include a roundabout at the exit of the subdivision on Grosvenor Street;

(c) can the Minister indicate if the roundabout is compliant with regulations requiring a buffer of 25 metres to residential drive ways; and

(d) if the roundabout is not compliant with regulations, what action will be taken to rectify the non-compliance?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

(a) Yes

(b) The conditional planning approval (WAPC 132894) required a roundabout to be constructed.

(c) Clause 2.3.1.2 of the Main Roads Western Australian's "Driveways" (document number:67-08-65VB revision 2E)), applies to new driveways:

> "Driveways near roundabouts are not to be located within the roundabout area nor within 25m of the roundabout entrances or exits, and are to be located as far as practical from the roundabout."

This guideline explicitly states that the guideline itself is applicable for access to roads under the control of Main Roads.

Both Grosvenor and Davies Streets are local authority roads not Main Roads roads.

The guideline as it applies to local authority roads requires contact to be made with the local authority. This has been done, with approval for the roundabout sought and granted.

(d) Not applicable

PUBLIC HOUSING — WAITLIST

5633. Mr M. McGowan to the Minister for Housing

What is the total number of people associated with the public housing wait-list as at 31 May 2011?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

Please refer to Question on Notice 5634.

PUBLIC HOUSING — WAITLIST

5634. Mr M. McGowan to the Minister for Housing

With reference to the wait-list for Department of Housing accommodation as at 31 May 2011, could the Minister advise the number of:

(a) applicants on the wait-list for Department of Housing accommodation;

(b) children and dependants associated with applicants on the wait-list for Department of Housing accommodation;

(c) children and dependants associated with applicants on the wait-list for Department of Housing accommodation per district;

(d) applicants on the priority housing wait-list;

(e) applicants on the priority housing wait-list per district;

(f) children and dependants associated with applicants on the priority housing wait-list; and

(g) children and dependants associated with applicants on the priority housing wait-list per district?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

(a) As at 31 May 2011 there were 23 554 applicants on the waiting list, this is a reduction from 23 761 as at 30 April.

(b) 23 665 children and dependants (as at 31 May 2011). (Includes dependent children, adult non dependent children and shared custody children)

(c) Children and dependants on waitlist per district (as at 31 May 2011):

Metro North	9 672
Metro Fremantle	2 914
Metro South East	5 454
Southern	515
South West	1 244
Goldfields	440
Mid West/Gascoyne	1 124
Pilbara	743
Kimberley	1 320
Wheatbelt	239

(The figures above consist of children which includes dependent children, adult non dependent children and shared custody children).

(d) 3 289

(e) Priority Wait list by application per district (as at 31 May 2011):

Metro North	1 411
Metro Fremantle	606
Metro South East	515
Southern	108
South West	49
Goldfields	42
Mid West/Gascoyne	103
Pilbara	158
Kimberley	258
Wheatbelt	39

(f) 3 743

(g) Children and dependants on priority waitlist per district (as at 30 April 2011):

Metro North	1 607
Metro Fremantle	527
Metro South East	629
Southern	88
South West	60
Goldfields	25
Mid West/Gascoyne	185
Pilbara	236
Kimberley	352
Wheatbelt	34

(The figures above consist of children which includes dependent children, adult non dependent children and shared custody children).

PUBLIC HOUSING — HEAD CONTRACTOR MAINTENANCE MODEL

5636. Mr M. McGowan to the Minister for Housing

I refer to the Barnett Government's awarding of Department of Housing maintenance contracts to three major companies, and I ask:

(a) were the contracts tendered; and

  (i) if so, on what date did the tenders open and close;

(b) on what date was the contract signed;

(c) what provisions are in the contracts for the contract to be terminated; and

(d) what are the financial repercussions for the State if the contracts were to be terminated?

Mr T.R. BUSWELL replied:

The Member should refer to Question on Notice 5073.

PUBLIC HOUSING — ALBANY

5638. Mr P.B. Watson to the Minister for Housing

Please provide details on the following for the Albany area, as at 31 May 2011:

(a) the total number of Homeswest properties; and of these:

  (i) how many are houses;

  (ii) what is the breakdown of houses by number of bedrooms;

  (iii) how many are units;

  (iv) what is the breakdown of units by number of bedrooms;

  (v) how many of these properties are waiting for refurbishment or repairs; and

  (vi) how many are currently being refurbished or repaired;

(b) what is the total number of vacant properties; and of these:

  (i) how many are houses;

  (ii) how many are units; and

  (iii) what is the total number of bedrooms vacant;

  (iv) how many of these properties are waiting for refurbishment or repairs; and

  (v) how many are currently being refurbished or repaired;

(c) how many people are on the waiting list for accommodation; and of these:

  (i) how many are families;

  (ii) how many are pensioners;

  (iii) how many are singles; and

  (iv) how many are couples;

(d) how many people are on the priority list for accommodation;

(e) what is the average length of time for those people on the waiting list before they are placed in accommodation; and

(f) what land does the Department for Housing have available for Homeswest accommodation to be built on; and

  (i) where is this land located;

  (ii) what is the expected time frame for development; and

  (iii) what type of housing is to be built on it?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

(a) 770

  (i)–(iv)) Apartment

    0 = 2
    1 = 58
    2 = 6

3 = 2

Cluster House

1 = 9
2 = 11
3 = 7

Duplex

1 = 4
2 = 51
3 = 21
4 = 2
5 = 1

One Storey Town House

1 = 74
2 = 181
3 = 73
4 = 2

Single Detached

2 = 6
3 = 183
4 = 68
5 = 8
6 = 1

(v) 1

(vi) 16

(b) 7

(i) 5

(ii) 2 townhouses

(iii) 2 x 2 bedrooms; 3 x 3 bedrooms; 1 x 4 bedrooms; 1 x 5 bedrooms

(iv) 0

(v) 5

(c) 482

(i) 179

(ii) 108

(iii) 195

(iv) Couples without dependants are counted in single applicants in (iii) above.

(d) 69

(e) Between 1 July 2010 and 30 June 2011 there were 74 occupations in the Albany zone which took on average 629 days or 90 weeks

(f) 12 titled lots

(i) Lockyer (1), McKail (2), Spencer Park (8) and Orana (1)

(ii) The lot at Lockyer is under consideration for rezoning and is likely to be developed after 2011/12. One lot in Mckail offers potential for 9 dwellings and is intended for development in 2011/12, the other lot at McKail is a single residential site likely to be developed in 2012/13. The majority of lots at Spencer Park are subject to the preparation and approval of a Precinct Plan and as such are likely to be developed after 2011/12. One lot in Spencer Park is a redevelopment site which offers potential for one dwelling and is unaffected by the Precinct Plan. This site is likely to be developed after 2011/12. The lot in Orana is a one dwelling site, likely to be developed after 2011/12.

(iii) The lots have zonings ranging from R20 to R80 and will be used for grouped and multiple housing most likely in the form of one and two bedroom units.

TRAILERS — REGISTRATION AND LICENSING

5639. Mr P.B. Watson to the Minister for Transport

With regard to trailer registration, licence and third party insurance policy, can the Minister please provide details on the following:

(a) what is the licence fee paid for;

(b) how is the licence fee for a Class A box-top trailer with an insurance class 06 determined; and

(c) why is the six month fee $15.10, and yet the 12 month fee is $23.60?

Mr T.R. BUSWELL replied:

The Department of Transport advises:

(a) To allow the trailer to be used on the State Road Network.

(b) The licence fee for a Class A box-top trailer is determined by the tare weight of the trailer.

(c) The higher fee is charged for the 12 month period as it is 6 months longer than the 6 month registration.

GOVERNMENT DEPARTMENTS AND AGENCIES — ALBANY–PERTH SKYWEST TRAVEL

5640. Mr P.B. Watson to the Premier; Minister for State Development

For each department and agency within the Premier's portfolio, can the Premier please advise the total cost spent on Skywest airfares for travel between Albany and Perth for the 12 months to 31 May 2011?

Mr C.J. BARNETT replied:

Government agencies in the Premier's portfolio advise:

Salaries and Allowances Tribunal; Gold Corporation; Public Sector Commissioner: Nil

Department of the Premier and Cabinet; Department of State Development; Lotterywest: [See paper 3759.]

GOVERNMENT DEPARTMENTS AND AGENCIES — ALBANY–PERTH SKYWEST TRAVEL

5651. Mr P.B. Watson to the Minister for Transport; Housing

For each department and agency within the Minister's portfolio, can the Minister please advise the total cost spent on Skywest airfares for travel between Albany and Perth for the 12 months to 31 May 2011?

Mr T.R. BUSWELL replied:

Albany is an important regional area of Western Australia which was ignored by the previous Labor Government and, by admission, a region ill-served by the local Member on significant issue such as the Albany Hospital. This Government is reversing the neglect of regional Western Australia which was the hallmark of the previous Labor Government.

The Department of Housing advises: $19 776

The Department of Transport advises: $19 953

Main Roads WA advises: $39 641 (inclusive of the Office of Road Safety)

Albany Port Authority advises: $22 400

Broome Port Authority advises: $910.19

Bunbury Port Authority advises: $578.04

Dampier Port Authority advises: $324.45

Esperance Port Authority advises: $526.80

Fremantle Port Authority advises: $1 024.55

Geraldton Port Authority advises: $5 866.12

Port Hedland Port Authority advises: $2 558.90

The Public Transport Authority advises: $4 766.47

HEALTH DEPARTMENT — GIFT ACCEPTANCE BY SENIOR STAFF

5677. Mr M. McGowan to the Minister for Health

I refer to Question on Notice No. 5075 regarding the provision of gifts, free travel and accommodation to Health Department staff and ask in relation to the 259 items outlined in the Minister's answer:

(a) of the 259 items identified as incidents of gifts, free flights or free accommodation provided to Health Department staff, which specific items involved travel to pharmaceutical company symposia, trade fairs, sales events or conferences in which the products of the company were promoted?

Dr K.D. HAMES replied:

When companies of any sort sponsor events, it is a common practice for their branding and products to be displayed and/or promoted during the event.

GOVERNMENT DEPARTMENTS AND AGENCIES — GIFT ACCEPTANCE BY SENIOR OFFICERS

5679. Mr M. McGowan to the Deputy Premier; Minister for Health; Tourism

For each agency within the Deputy Premier's portfolio of responsibilities, has any officer above level 7.1 within those agencies, since 1 April 2011, accepted any gift, free accommodation or free travel from a private company or individual; and if so:

(a) how many officers have accepted a gift, free accommodation or free travel from a private company or individual;

(b) what was the nature of the gift(s), free accommodation or free travel, and what is the name of the individual or private company that offered them;

(c) what is the estimated individual value of the gift(s), free accommodation or free travel; and

(d) does the agency have any commercial or financial relationship with the private company or individual; and

(i) if so, what is the nature of that commercial or financial relationship?

Dr K.D. HAMES replied:

Department of Health

(a)–(d) [See paper 3761.]

Health and Disability Services Complaints Office, Healthway, Tourism Western Australia and Rottnest Island Authority

(a) Nil.

(b)–(d) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — GIFT ACCEPTANCE BY OFFICERS

5680. Mr M. McGowan to the Deputy Premier; Minister for Health; Tourism

For each agency within the Deputy Premier's portfolio of responsibilities, has any level 3, level 4, level 5 or level 6 within those agencies, since 1 July 2010, accepted any gift, free accommodation or free travel from a private company or individual; and if so:

(a) how many officers have accepted a gift, free accommodation or free travel from a private company or individual;

(b) what was the nature of the gift(s), free accommodation or free travel, and what is the name of the individual or private company that offered them;

(c) what is the estimated individual value of the gift(s), free accommodation or free travel; and

(d) does the agency have any commercial or financial relationship with the private company or individual; and

(i) if so, what is the nature of that commercial or financial relationship?

Dr K.D. HAMES replied:

Department of Health

(a)–(d) [See paper 3762.]

Health and Disability Services Complaints Office; Healthway

(b) Nil.

(b)–(d) Not applicable.

Tourism WA

(a) 1.

(b) 2 tickets to AFL match (held in Perth) from QANTAS

(c) $120

(d) Yes.

(i) A marketing/travel contra agreement.

Rottnest Island Authority

(a) 7.

(b)	(b)	(d)	(d)(i)
Christmas Gift Pack — Greenway Enterprises	$30.00	Yes	Greenway Enterprises are suppliers of revegetation products for Rottnest Island.
2 x bottles of wine — Pelagic Marine	$40.00	Yes	Pelagic Marine provides barge services to Rottnest Island.
Wine gift pack — McGees Property	$40.00	Yes	McGees Property provides residential and commercial property management services to the Rottnest Island Authority.
3 bottles of wine — McGees Property	$60.00	Yes	McGees Property provides residential and commercial property management services to the Rottnest Island Authority.
One bottle of wine — ISS Cleaning Service	$20.00	Yes	Until May 2011, ISS Cleaning Services provided accommodation cleaning services on Rottnes tIsland.
One bottle of wine — ISS Cleaning Service	$20.00	Yes	Until May 2011, ISS Cleaning Services provided accommodation cleaning services on Rottnest Island.
One jar of chutney — unknown visitor.	$5.00	No	Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES — GIFT REFUSAL BY OFFICERS

5681. Mr M. McGowan to the Minister for Health

Could the Minister detail the nature of all gifts, free travel and free accommodation offered to Department of Health officers since 1 July 2010, reported by the officer but subsequently refused by the officer?

Dr K.D. HAMES replied:

[See paper 3763.]

HEALTH DEPARTMENT — FREE TRAVEL AND ACCOMMODATION ACCEPTANCE BY SENIOR STAFF

5700. Mr M. McGowan to the Minister for Health

I refer to Question on Notice No. 5075 regarding the provision of gifts, free travel and accommodation to Health Department staff. In relation to all overseas trips undertaken by staff, and I ask:

(a) what is the name or names of the staff member/s who took the travel or accommodation;

(b) what is the staff member/s level and title;

(c) on what dates were the flights to and from the overseas location;

(d) on what dates was the accommodation provided;

(e) what was the purpose or nature of the event to which the staff member/s accepted the travel and accommodation; and

(f) on what date/s was the event held?

Dr K.D. HAMES replied:

(a)–(f) [See paper 3764.]

SOUTH HEDLAND — LAND SALE BALLOT

5710. Mr T.G. Stephens to the Minister for Housing

In reference to the recent public ballot for land in South Hedland which preferenced first home buyers over owner occupiers and then investors:

(a) has the Minister been advised of the discrepancy between the definition of a first home buyer in the advertising brochure and the definition of a first home buyer in the First Home Owner Grant Act 2000 (WA);

(b) has the Minister also been advised of the discrepancy between the explanation of statement of preference in the advertising brochure and the explanation in the ballot papers; and

(c) given these misleading discrepancies, what mechanisms has the Minister put in place to ensure such discrepancies do not recur?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

(a) The definition of a first home buyer in the Department's advertising brochure is not related to the definition of a first home buyer in the First Home Owner Grant Act.

The Department's definition applies the ordinary or literal meaning of a first home buyer or home owner and is in accordance with its intent to encourage first home buyers and home owners and stands alone from the requirements of the Grant Act.

(b) The Department maintains there is no discrepancy between the advertising brochure and the ballot papers. As an advertising brochure it does not contain the full details of the terms and conditions of the ballot which is highlighted in the "For more information" section of the brochure.

(c) Whilst the Department does not accept that there were misleading discrepancies, all sale documentation and contracts are reviewed for each new land release and consideration is given to any feedback and lessons learnt from previous releases.

KEYSTART — LOAN APPLICATIONS

5713. Mr M. McGowan to the Minister for Housing

For every month from December 2010:

(a) what has been the number of applications for Keystart loans;

(b) what has been the number of new loans provided for under Keystart;

(c) how many applications have been rejected each month; and

(d) how many Keystart loan foreclosures have occurred in each month?

Mr T.R. BUSWELL replied:

(a) December 2010 — 67
January 2011 — 37
February 2011 — 69
March 2011 — 62
April 2011 — 47
May 2011 — 47
June 2011 — 47

(b) December 2010 — 41
January 2011 — 43
February 2011 — 36
March 2011 — 44
April 2011 — 38
May 2011 — 48
June 2011 — 41

(c) December 2010 — 7
January 2011 — 7
February 2011 — 12
March 2011 — 5
April 2011 — 4
May 2011 — 2
June 2011 — 5

(d) December 2010 — 1
January 2011 — 1
February 2011 — 0
March 2011 — 1
April 2011 — 0
May 2011 — 0
June 2011 — 0

In the two previous financial years Keystart more than doubled its portfolio both in numbers and value of loans.

This was to assist borrowers during the Global Financial Crisis and against a background of a large increase in the first homebuyer grant.

This record level of activity significantly brought forward Keystart's future demand.

The last six months of loan approvals for 2011 reflect the anticipated reduced demand trend.

GOVERNMENT DEPARTMENTS AND AGENCIES — VACATION OF LEASED ACCOMMODATION

5716. Mr M. McGowan to the Premier; Minister for State Development

(1) Could the Premier advise how many statutory authorities, departments or agencies within the Premier's portfolio of responsibilities have vacated leased accommodation since 23 September 2008?

(2) What are the names of those statutory authorities, departments or agencies who have vacated leased accommodation since 23 September 2008?

(3) On what date did the statutory authority, department or agency vacate the leased accommodation?

(4) To what address or addresses did the individual statutory authority, department or agency move?

(5) On what date did, or when does, the lease expire on the vacated office accommodation?

(6) For how long after the accommodation was vacated was rent paid?

(7) How much in total has been paid in rent by each individual statutory authority, department or agency after the accommodation was vacated?

(8) How much in total has been paid for the lease on car bays by each individual statutory authority, department or agency after the accommodation was vacated?

(9) As at 1 June 2011, which statutory authorities, departments or agencies are paying rent on vacated premises, and how much is that monthly rental cost?

(10) As at 1 June 2011, which statutory authorities, departments or agencies are paying leases on car bays attached to vacated office accommodation, and how much is that monthly rental cost?

Mr C.J. BARNETT replied:

The requested information has been provided for General Sector agencies with leased accommodation arranged by the Building Management and Works unit of the Department of Finance. It covers the period from 23 September 2008 to 1 June 2011.

(1) One.

(2)–(8) [See paper 3760.]

(9)–(10) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES — VACATION OF LEASED ACCOMMODATION

5717. Mr M. McGowan to the Deputy Premier; Minister for Health; Tourism

(1) Could the Deputy Premier advise how many statutory authorities, departments or agencies within the Deputy Premier's portfolio of responsibilities have vacated leased accommodation since 23 September 2008?

(2) What are the names of those statutory authorities, departments or agencies who have vacated leased accommodation since 23 September 2008?

(3) On what date did the statutory authority, department or agency vacate the leased accommodation?

(4) To what address or addresses did the individual statutory authority, department or agency move?

(5) On what date did, or when does, the lease expire on the vacated office accommodation?

(6) For how long after the accommodation was vacated was rent paid?

(7) How much in total has been paid in rent by each individual statutory authority, department or agency after the accommodation was vacated?

(8) How much in total has been paid for the lease on car bays by each individual statutory authority, department or agency after the accommodation was vacated?

(9) As at 1 June 2011, which statutory authorities, departments or agencies are paying rent on vacated premises, and how much is that monthly rental cost?

(10) As at 1 June 2011, which statutory authorities, departments or agencies are paying leases on car bays attached to vacated office accommodation, and how much is that monthly rental cost?

Dr K.D. HAMES replied:

(1) Four.

(2) Department of Health; Tourism WA; Healthway; Rottnest Island Authority.

Department of Health and Rottnest Island Authority

The requested information has been provided for General Sector agencies with leased accommodation arranged by the Building Management and Works unit of the Department of Finance. It covers the period from 23 September 2008 to 1 June 2011.

(3)–(8) [See paper 3765.]

(9)–(10) Not applicable.

Healthway

(3) 18 February 2009.

(4) 24 Outram St West Perth.

(5) 8 March 2009.

(6) 1 month.

(7) $18,000

(8) $1,800

(9) Nil.

(10) Not applicable.

Tourism Western Australia

(3)–(10) [See paper 3765.]

GOVERNMENT DEPARTMENTS AND AGENCIES —
ROYALTIES FOR REGIONS FUNDING ACKNOWLEDGMENT

5733. Mr M. McGowan to the Premier; Minister for State Development

In relation to acknowledgement requirements linked to the funding of projects through the Royalties for Regions programme, could the Premier advise:

(a) the cost of producing all signage acknowledging Royalties for Regions funding for each individual agency within the Premier's portfolio of responsibilities where Royalties for Regions funding was allocated; and

(b) the cost of producing all presentations, publications, articles, newsletters or other literary works acknowledging Royalties for Regions funding for each individual agency within the Premier's portfolio of responsibilities where Royalties for Regions funding was allocated?

Mr C.J. BARNETT replied:

Government agencies in the Premier's portfolio advise:

Department of the Premier and Cabinet:

(a)–(b) The Department of the Premier and Cabinet advises that it has no record of any associated expenditure.

Public Sector Commissioner; Salaries and Allowances Tribunal; Gold Corporation; Lotterywest:

(a) No

(b) Not applicable

Department of State Development:

(a)–(b) The Department of State Development has not expended any funding on Royalties for Regions signage, presentations, publications, articles, newsletters or other literary works acknowledging Royalties for Regions funding.

GOVERNMENT DEPARTMENTS AND AGENCIES —
ROYALTIES FOR REGIONS FUNDING ACKNOWLEDGMENT

5744. Mr M. McGowan to the Minister for Transport; Housing

In relation to acknowledgement requirements linked to the funding of projects through the Royalties for Regions programme, could the Minister advise:

(a) the cost of producing all signage acknowledging Royalties for Regions funding for each individual agency within the Minister's portfolio of responsibilities where Royalties for Regions funding was allocated; and

(b) the cost of producing all presentations, publications, articles, newsletters or other literary works acknowledging Royalties for Regions funding for each individual agency within the Minister's portfolio of responsibilities where Royalties for Regions funding was allocated?

Mr T.R. BUSWELL replied:

The Department of Housing advises:

(a) $8 131. The Member would acknowledge that this represents a small portion of the funding received through the Government's Royalties for Regions program for regional housing initiatives, an area neglected by the previous Labor Government.

(b) Nil / Not applicable

The Department of Transport advises:

(a) $3 335

(b) Not applicable

Main Roads WA advises:

(a)–(b) Nil

Albany Port Authority advises:

(a)–(b) Nil

Broome Port Authority advises:

(a)–(b) Nil

Bunbury Port Authority advises:

(a)–(b) Nil

Dampier Port Authority advises:

(a)–(b) Nil

Esperance Port Authority advises:

(a)–(b) Nil

Fremantle Port Authority advises:

(a)–(b) Nil

Geraldton Port Authority advises:

(a)–(b) Nil

Port Hedland Port Authority advises:

(a)–(b) Nil

The Public Transport Authority advises:

(a)–(b) Nil

PUBLIC SECTOR — BOARDS AND COMMITTEES

5759. Mr M. McGowan to the Premier

I refer to the Boards and Committees List on the Public Sector Western Australia website, and ask:

(a) how many people sit on each of the boards or committees;

(b) what is the name of the Chair of each of the boards or committees;

(c) on what date was the person appointed Chair;

(d) what does the Chair earn;

(e) what do the individual board or committee members earn;

(f) what was the cost in sitting fees and other remuneration for these boards and committees from 1 January 2011 to 30 June 2011; and

(g) what was the cost for other expenses, including travel expenses, for these boards and committees from 1 January 2011 to 30 June 2011?

Mr C.J. BARNETT replied:

Department of the Premier and Cabinet advises:

(a)–(g) The information requested is not kept in a central register. The Government of Western Australia is currently working to improve the publicly available information on boards and committees and this will be published on the Government website as soon as it is available.

ARMADALE DISTRICT — ELECTRICAL OUTAGES

5765. Dr A.D. Buti to the Minister for Energy

In relation to electrical blackouts/outrages in the Seville Grove, Camillo, Kelmscott, Armadale, Mt Nasura, Mt Richon, Wungong, Brookdale, Champion Lakes and Harrisdale suburbs or districts:

(a) on what dates from 1 January 2009 to 31 March 2011 have electrical blackouts/outages occurred in each of these suburbs;

(b) what was the duration of each electrical blackout/outage;

(c) what was the reason for each electrical blackout/outage; and

(d) could the Minister please provide a comparison of these outages with the state average?

Mr J.H.D. DAY replied:

(a)–(d) [See paper 3766] with respect to questions (a), (b) and (c) listing the summary of outages which customers have experienced in those particular areas over the time period 1 January 2009 to 31 March 2011. Due to the number of outages, the date of each incident has not been provided.

Each outage, on average, affected 270 customers out of approximately 15,000 customers in these areas. The average duration per customer over this time period is 139 minutes. Of all outages there were 196 planned outages necessary to undertake maintenance work activities.

In respect to Question (d), for time period 1 January 2009 to 31 March 2011, each customer in those areas on average experienced 11.5 interruptions. In comparison, customers on the whole network over this same time period experienced 4.5 interruptions.

The majority of interruptions to a customer on average over this time period were caused through environmental events and third party factors such as:

- The severe storms on the 22 March 2010 and the 28 February 2011;
- Wind borne debris in conductors;
- Lightning strikes;
- Birds in equipment;
- Vegetation in overhead conductors;
- Asset damage from bushfires;
- Pole damage from car collisions;
- Loss of supply from third party owned power stations; and
- Equipment failure.

SCHOOL ZONES — 40 KM/H SPEED LIMIT POLICY

5770. Mr D.A. Templeman to the Minister for Transport

(1) Can the Minister please advise if Main Roads will be making changes to the school zone 40 kilometre per hour policy, and if so:

  (a) what changes will be made; and

  (b) when will changes be made?

(2) Can the Minister advise if Main Roads is currently looking to extending the hours of operation for the school zone 40 kilometre per hour policy?

(3) Can the Minister please provide a history of how the school zone 40 kilometre per hour policy has been applied to Gordon Road, Mandurah?

(4) Does Main Roads support the Department of Education's proposal to extend the hours of the school zone 40 kilometre per hour policy; and

  (a) if so, when will changes be made; and

  (b) if not, why not?

(5) when will the Government and Cabinet formally consider extending the hours of the school zone 40 kilometre per hour policy?

(6) What advice has Main Roads received from the Minister for Education about this issue?

Mr T.R. BUSWELL replied:

Main Roads WA advises:

(1)–(2) No

(3) There is one school zone on Gordon Road encompassing two schools. The Gordon Road school zone was one of the original seven trial sites for Electronic School Zone Signs. The school zone has standard operating hours of 7:30am – 9:00am and 2:30pm – 4:00pm.

(4) (a) Any changes will be subject to further discussions.

(b) Not applicable

(5) The Minister will not forecast or reflect on decisions or deliberations of Cabinet.

(6) Nil

PUBLIC SECTOR PAY RISE — PETER CONRAN

5777. Mr M. McGowan to the Premier

I refer to comments from the Director-General of the Department of Premier and Cabinet regarding the recent State Administrative Tribunal pay rise for senior members of the public service, and I ask:

(a) on what date did Mr Conran formally advise the relevant payroll section he did not want his pay increase implemented;

(b) how did he advise his payroll section not to proceed with the pay increase;

(c) has the payroll section acted upon his request; and

(i) if not, why not;

(d) has the increase been passed on to Mr Conran; and

(i) if so, on what pay date;

(e) if the pay increase has been passed on to Mr Conran, has Mr Conran reimbursed the State for the increase; and

(f) if the pay increase will be passed on to Mr Conran, does Mr Conran intend to reimburse the State for the increase?

Mr C.J. BARNETT replied:

Department of the Premier and Cabinet advises:

(a) On 27 May 2011 Mr Conran advised the payroll section that he did not want to be receive an advance of the increment (as adjusted by the Salaries and Allowances Tribunal) until it was otherwise due in accordance with his employment arrangements entered into when he commenced employment on 28 November 2008. His employment arrangements, consistent with previous arrangements for CEOs, that had been in place for a number of years, provided for an increase in remuneration after three years service, which in the case of Mr Conran, is 28 November 2011.

(b) By email.

(c) Yes.

(i) Not applicable.

(d) No.

(i) Not applicable.

(e) Not applicable.

(f) Mr Conran will receive the pay increase from 28 November 2011 consistent with the decision he made not to take an increase in accordance with his employment arrangements until 28 November 2011 being three years after he commenced employment.

RECREATIONAL FISHING LICENCES — CONCESSIONS

5933. Mr C.J. Tallentire to the Minister representing the Minister for Fisheries

Will the Minister ensure the Government continues concessions for currently eligible applicants on recreational fishing licenses to the end of the Barnett Government's term in March 2013; and

(a) if not, why not?

Mr W.R. MARMION replied:

There are no plans for any changes in the concession framework for recreational fishing licences.

(a) Not applicable.

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