Legislative Assembly

Thursday, 11 August 2011

THE SPEAKER (Mr G.A. Woodhams) took the chair at 9.00 am, and read prayers.

SKILLED LOCAL JOBS BILL 2011

Petition

MR E.S. RIPPER (Belmont — Leader of the Opposition) [9.02 am]: I have a petition bearing 154 signatures which 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 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 the *Skilled Local Jobs Bill 2011* with the objective of ensuring a greater share of skilled work for our major resources projects is performed in Western Australia.

[See petition 441.]

LOT 211 WANDOO STREET, MT NASURA — RESERVE STATUS

Petition

DR A.D. BUTI (Armadale) [9.03 am]: I have a petition certified in accordance with the standing orders, containing 32 signatures, 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 residents of Western Australia respectfully request that Lot 211 Wandoo Street, Mt Nasura be restored to its' former status as a Reserve since the residents opposed the rezoning of this Reserve as it is highly valued by them.
>
> Your petitioners therefore humbly pray that the Legislative Assembly will take the action necessary to restore this land to its' original purpose as a Reserve.

[See petition 442.]

MIDLAND RAILWAY LINE — OVERCROWDING

Petition

MS L.L. BAKER (Maylands) [9.04 am]: I have a petition that has been notarised as complying with standing orders. There are 171 signatures and 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, are opposed to the Barnett Government's decision to ignore the train overcrowding occurring on the Midland line. Commuters are struggling to get to work and appointments on time.
>
> Now we ask the Legislative Assembly to ensure the Barnett Government addresses the continuing overcrowding issues on the Midland line, as it has done on the Joondalup–Mandurah lines.

[See petition 443.]

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

Fourteenth Report — "Death of a Witness" — Government Response — Point of Order

MR J.N. HYDE: Under standing order 277(2) regarding requirements of ministers to respond to committee reports, I ask for the Speaker's ruling regarding the failure of the Attorney General to respond to the Joint Standing Committee on the Corruption and Crime Commission "Death of a Witness" report. The Attorney General's response was due on 24 May. The notice paper rightly reports the noncompliance, which was first reported on 25 May. Under this standing order I query what further action the Speaker is able to undertake to ensure that the Attorney General complies with the standing order.

The SPEAKER: I am glad that the member for Perth rushed back to his seat to raise this point of order. I will enable him to get his breath back. I will engage with the Attorney General and bring this point of order to his attention. I think that the member has made a good point of order. That is all I can instruct at this point, member for Perth.

Are there any further points of order?

Mr M. McGowan: If you want one!

The SPEAKER: I always welcome points of order from you, member for Rockingham!

PAPERS TABLED

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

INDUSTRIAL RELATIONS AMENDMENT BILL 2010

Removal from Notice Paper — Statement by Speaker

THE SPEAKER (Mr G.A. Woodhams): I advise that, in accordance with standing order 144A, the order of the day that appeared on the last notice paper as private members' business 1, Industrial Relations Amendment Bill 2010, has not been debated for more than 12 calendar months and has been removed from the notice paper. For the information of members, I advise that a bill removed under this standing order may be restored by motion to the point that it reached prior to its removal.

MRS EDIE HOY POY — CONDOLENCE

Statement by Minister for Citizenship and Multicultural Interests

MR G.M. CASTRILLI (Bunbury — Minister for Citizenship and Multicultural Interests) [9.07 am]: I am greatly saddened to report the passing of the late Mrs Edie Hoy Poy, OAM, a distinguished leader in the Chinese community and elder of the Chung Wah Association. Edie passed away in June 2011 at 84 years of age.

At this stage I acknowledge in the Speaker's gallery this morning Edie Hoy Poy's niece Mrs Frances Blampey and nephews Mr Neville Hoy Poy and Mr Grant Hoy Poy.

For several decades, Edie, best known as "Mother of Chung Wah", provided exemplary service to the Chung Wah Association and the wider Chinese community in Western Australia. Edie was born in Western Australia in 1927 to Chinese parents and at the age of 10 years started translating letters and documents for members of the local Chinese community. That was the start of a lifetime of community service.

Edie experienced, firsthand, what it was like to grow up under the White Australia policy. As a result of her experiences, she dedicated her life to promoting harmony and supporting multiculturalism. Edie was a role model for everything that is positive about cultural diversity in our state. She was a great leader, a mentor to many, an advocate against racism and discrimination, and passionate about building bridges across diverse cultures and religions and teaching us all about dignity and respect.

Edie's lifetime of service was recognised with many awards, including: the Order of Australia in 1988, Ambassador for the United Nations Year of the Older Person in 1999; WA Multicultural Ambassador Award in 2002; WA Citizen of the Year Award for Community Service in 2003; Senior Australian of the Year (WA) in 2004; and Lifetime Achievement Award in 2009. In 2007, Hoy Poy Street in Northbridge was named in honour of Mrs Edie Hoy Poy, OAM, her late husband Royce and the Hoy Poy family.

Edie will always be remembered as an outstanding Western Australian who led through example, courage and humility.

I express this Parliament's condolences to Frances, Neville and Grant and the whole extended family.

COMMUNITY SAFETY NETWORK REGIONAL RADIO NETWORK

Statement by Minister for Police

MR R.F. JOHNSON (Hillarys — Minister for Police) [9.09 am]: I was delighted to attend the recent signing of a memorandum of understanding to implement a new communications network for police and emergency services in regional Western Australia. The community safety network regional radio network will replace the police regional radio network, providing mobile digital radio coverage across more than 18 000 square kilometres. The current police regional radio network is outdated and has aged to the point at which an unacceptable level of outages is occurring. It also does not have the capability to provide access for other agencies. The Liberal–National government has allocated $94.5 million through the royalties for regions program to fund the new common network infrastructure. The MOU was signed by representatives from WA Police, the Fire and Emergency Services Authority and the Department of Corrective Services. The project will bring together these agencies under one common infrastructure managed by WA Police.

The new purpose-built secure radio communications network will allow WA Police and other emergency services to better serve country residents. It will benefit regional communities by providing a more informed, responsive and coordinated service. Albany, Geraldton, Kalgoorlie–Boulder and the Pilbara will be the first major regions to gain access to the new network, with Motorola being awarded the contract to implement the network to these areas.

The project caters for future expansion, allowing eventual access for other agencies. Opportunities will also be available to leverage access at minimal cost to additional radio sites across the state as part of the regional mobile communications project. Standardised terminal equipment will be used by WA Police, DCS and FESA, with WA Police and DCS already receiving the new equipment and beginning programming. A conventional digital radio network throughout the remainder of the state will be implemented for WA Police over a five-year period from late 2011, and is scheduled for completion in 2016–17.

WESTERN AUSTRALIAN RUGBY CENTRE

Statement by Minister for Sport and Recreation

MR T.K. WALDRON (Wagin — Minister for Sport and Recreation) [9.12 am]: On 14 July I had the great pleasure, along with the Premier, to attend the official opening of the Western Australian Rugby Centre at the outstanding sporting precinct, AK Reserve. RugbyWA and the Western Force have done an extraordinary job growing the code in Western Australia, and I expect that this facility, along with the $95 million upgrade announced to nib Stadium, will deliver a terrific dividend for the sport they say is played in heaven. Successive state governments have made a significant commitment to the development of the high-performance precinct at AK Reserve. In addition to Challenge Stadium and the UWA Sport and Research Park, this precinct now boasts the new rugby facility alongside the state athletics centre and the WA Basketball Centre. This, combined with the $2 million commitment in the last state budget to the planning for a new facility for the Western Australian Institute of Sport, underlines the Liberal–National government's commitment to supporting high-performance pathways for talented local athletes. I also note that this project, which was budgeted at $20 million, was actually delivered for $17 million, so I congratulate all involved. I encourage all members to take the opportunity to visit this facility—it really does need to be seen to be believed.

While the completion of the rugby administration centre for RugbyWA and the Western Force, as well as indoor training facilities, a gymnasium and change rooms, gives rugby a great kick-start, the state government is also committed to the development of WAIS and to the opening up of opportunities for people with disabilities at all levels of sport. As such, RugbyWA will also host the rehabilitation programs of WAIS's disabled athletes in this new building while the institute's new facility is developed.

Like its new neighbours the athletics and basketball facilities, the WA Rugby Centre is environmentally friendly, incorporating photovoltaic cells for power generation, solar passive design and low-energy lighting. I am sure all members acknowledge the importance of the state government supporting these design principles. Congratulations go to the staff at the Department of Sport and Recreation and Building Management and Works, whose expertise has allowed this facility to come in within scope and well under budget. I look forward to updating the house on the progress of other significant infrastructure projects within the sport and recreation portfolio.

BALLAJURA — COMMUNITY SAFETY

Grievance

MS R. SAFFIOTI (West Swan) [9.14 am]: My grievance is about community safety in Ballajura and particularly about what has occurred since the closure of the Ballajura Police Station. This is a very important issue. Community safety is the number one issue in Ballajura today. It is the number one issue that is raised with me at every community meeting I attend and when people visit me in my office. Over the past number of years,

people have constantly spoken to me and given me information about the lack of police presence in the area and slow police response times. Over the parliamentary winter break, there was a significant crime spree in Ballajura over one weekend, to which there was a lack of police response. People felt very vulnerable and unsafe in their own homes. That crime spree was just one example that has been presented to me in all of the forums and meetings I have attended.

People are very angry about what is happening and about the lack of government action on increasing police presence in Ballajura. As I have stated many times, I do not blame the police. This is happening purely because of a lack of resources. When the police station was closed in 2009, Kiara Police Station was asked to patrol Ballajura. Kiara Police Station already covers the suburbs of Ashfield, Bassendean, Beechboro, Eden Hill, Kiara and Lockridge. Ballajura and Malaga were also given to it to patrol. Kiara was not built as a dedicated hub for Ballajura. It is located a number of kilometres away from homes in Ballajura. The distance from the north of Ballajura to Kiara is around 10 kilometres. Public transport is not an option. There is an issue with the distance police have to travel and also with the number of incidents that police are asked to look after, particularly on weekends and weeknights. As I said, I cannot and do not blame the police. They are doing what they can. But when they receive emergency calls from people throughout the suburbs I have mentioned, and even into Mirrabooka, Ballajura is left without the dedicated police presence that had been committed.

I will go through the history of this matter once again. In 2009 we heard rumours that the government was considering closing this police station. In June 2009 it was announced that the station was going to be closed. There was no community consultation and no plan of action was presented to the people of Ballajura. It came out of the blue. In August and through September 2009 the police station was closed. Some officers were transferred to Kiara and some to Ellenbrook. As I understand from information obtained under a freedom of information application, $100 000 a year was saved through the closure of the police station. A number of commitments were given to the people of Ballajura at that time, such as that the response time would improve, incidents of crime would go down, and people would see more police on the streets. That is not the case. Official statistics provided on this government's own website show that crime has increased.

Law and order is the number one issue of everyone I speak to. In a community meeting I held in a park a number of weeks ago, 95 per cent of the issues raised related to law and order. It is a significant issue and it is a real issue. People are very unhappy. They do not want to feel unsafe in their own homes and in their suburbs.

I believe that the biggest deterrent to crime is police presence. I truly believe that. I believe local knowledge also helps in clearing up crime. I think a local police presence is needed to act as a deterrent and to ensure that the police know which gangs and which people are committing crimes. Police officers say that when they have been in a suburb or a country town for a number of years, they soon know who has committed a crime just by the way a window is smashed or a door has been opened. Local knowledge is needed for that. The government's own website shows that crime has increased in key areas such as assault, dwelling burglary, robbery and motor vehicle theft. The government's own statistics show that crime has increased in a number of key areas, comparing 2010–11 with 2008–09. As I said, people are very unhappy with response times. There are simply not enough police to patrol the suburbs I have outlined. We need a greater police presence at the weekends and at night.

I am asking the Minister for Police to take this issue very seriously. I am not asking him to grandstand or to make personal attacks on people, as he normally does; I am asking him to take this issue seriously. He has held a number of press conferences to talk about how tough he is, but when it comes to the real issue of actually ensuring community safety, he has an obligation to respond. I am asking him to review his decision to close Ballajura Police Station. I am asking him to honour his commitment to review the crime statistics in Ballajura since the closure of the police station. I am also asking him to commit to a greater police presence for the people of Ballajura; they deserve it. As I said, they do not feel safe, they do not believe that there are enough police, and they need the security of knowing that there are police present when they call.

I have undertaken another petition and already, over the past couple of weeks, we have received more than 1 000 signatures. More than 600 people on a Facebook site have called for the reinstatement of Ballajura Police Station. This is a serious issue, and people raise it with me constantly. We need some action and we need the government to take this issue seriously. The people of Ballajura deserve better. The government closed their police station and it has not improved police presence, and people want a better police presence in Ballajura.

MR R.F. JOHNSON (Hillarys — Minister for Police) [9.22 am]: In responding to the grievance by the member for West Swan, I say: let us not let the truth get in the way of a good story. She kept stating that the government closed Ballajura Police Station; she knows that is not the truth. She knows that I personally cannot close a police station, and that the government cannot. The Commissioner of Police closes police stations.

Mr E.S. Ripper interjected.

The SPEAKER: Leader of the Opposition!

Mr R.F. JOHNSON: The Commissioner of Police is the person who closes police stations; that is within his authority. But let us look at Ballajura Police Station, if the member for West Swan can bear it. Under her government, it deteriorated —

Ms R. Saffioti: It existed!

The SPEAKER: Member for West Swan, I noticed that nobody interjected whatsoever during your entire seven minutes. I would expect the same from you and every other member in this place while the minister is on his feet.

Ms R. Saffioti: I didn't personally attack him —

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

Ms R. Saffioti: Yep.

The SPEAKER: And for the second time today, as well.

Mr R.F. JOHNSON: All I am trying to do is outline the truth, and the truth of the matter is that the previous Labor government allowed Ballajura Police Station to deteriorate. It was not a police station; it was a police post; it was a shopfront, basically. Obviously, it was useful for people to go there to renew their licences and various other things, although the attendance at that particular police post was extremely low. The problem was that the previous government allowed that police post to deteriorate to such an extent that it was basically almost uninhabitable; it was a disgraceful police post. I visited it, and I can tell members that when I came out, I said that I would be loath to put my dog in that place. There was one holding cell in the middle of the shop where prisoners could be held, and all around there were detectives and police officers working at their computer stations. The person in the holding cell could hear everything. There was no lockup cell as such; it was a holding cell. It was absolutely disgraceful. There were leaks everywhere, and it was a dirty, filthy, worn-out police post. I believe that it was in contravention of occupational health and safety regulations to put our police officers in there. That is why the commissioner told me, quite clearly —

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen!

Mr R.F. JOHNSON: That is why the commissioner told me quite clearly that, no matter what I thought, he was going to close that police station, as was his right, and I had no intention of trying to convince him otherwise, because I had visited that police post. I will not call it a police station, because it was not; it was a police post. That was the problem; that was what happened under the previous government. It allowed it to get to that stage.

Ms M.M. Quirk interjected.

Mr R.F. JOHNSON: I am not answering the member for Girrawheen's grievance.

Ms M.M. Quirk interjected.

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

Mr R.F. JOHNSON: I repeat that I certainly would not expect any of our police officers to work in that particular facility, if I can call it a facility. It had deteriorated over the years and there was nothing planned to renew it in any way. No money had been spent on it whatsoever under the previous government, yet the opposition cries foul because the police commissioner—not me, and not the government—closed that police station, for very good reasons. When that police post was open, there was not a 24-hour patrol in that area.

Ms M.M. Quirk: There still isn't.

Mr R.F. JOHNSON: I can tell members, regardless of the interjections by the member for Girrawheen, that I am advised that there is now a 24/7 patrol in that area, coming out of Kiara Police Station. Kiara Police Station is a proper police station, with all the facilities that are needed for modern-day policing, and it certainly meets occupational health and safety standards for our police officers. I am told—I have no reason to doubt it—that there is a dedicated patrol of at least one vehicle in the Ballajura area, 24 hours a day.

The member for West Swan mentioned some incidents that occurred two or three weeks ago. Yes, they were terrible incidents, in my view. There was a whole spate of incidents that happened —

Point of Order

Mr W.J. JOHNSTON: The clock was not running. I am not quite sure how long it was not running for.

The SPEAKER: Thank you, member for Cannington.

Grievance Resumed

Mr R.F. JOHNSON: I can go on for hours! It does not bother me!

That was a bad weekend; no question about it. A gang of youths caused havoc. Our police are being blamed for a lack of response, in relation to response times. Let me just give members some information about that weekend. This group, or gang, of youths actually used shopping trolleys to smash through some local shop windows. They also damaged the library and the aquatic centre next door. Police got the first call on Saturday, 16 July 2011, in relation to Flamingo Trail, Ballajura. A vehicle window had been damaged and no offender was nominated. Somebody had smashed a window in a vehicle, and had obviously run off. At the same time, there was a burglary at Ballajura City Shopping Centre and an attendance job was created at 0208 hours. The Kiara night-shift vehicle was dispatched at 0211 hours—which was pretty quick—and arrived at 0212 hours. Police completed inquiries and departed at 0412 hours. No offenders were identified at that stage. These yobbos, if I can call them that, were smashing windows and doing almost similar things to what is going on in London at the moment; I accept that. The police reacted very quickly; they got there but, as with many instances, it was a very busy night and there were —

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen!

Mr R.F. JOHNSON: There were priorities that the police had to put in place first of all. The police were searching for somebody who was allegedly walking around with a shotgun somewhere near that location. They had what is known as hot burglaries going on at the time—that is, people breaking into homes. That must take priority over somebody causing a lot of criminal damage. We take criminal damage very, very seriously. If we do not, I think it leads to greater problems in society. In relation to good surveillance and good CCTV coverage, those young yobbos were caught and charged.

Ms R. Saffioti: What happened to them?

Mr R.F. JOHNSON: They were caught and they were charged. I am more than a little disappointed, as the Minister for Police, that a more severe penalty was not placed on them. The member for West Swan probably has a different view because she likes to mollycoddle these sorts of people. However, I believe that those people, when they behave in —

Ms R. Saffioti: You are a disgrace! Why don't you do something about Ballajura crime?

The SPEAKER: Order! Member for West Swan, you have an opportunity to present a grievance and not to continually interject on the minister's response. If you have further questions or if you want to ask a question, I will enable that.

Mr R.F. JOHNSON: In her interjection the member asked me what I am doing about it. I am continually doing things about it. We have more police now in the police service than we have ever had in the history of WA. We brought forward next year's recruitment to this year, albeit predominantly for CHOGM—the Commonwealth Heads of Government Meeting—but that means we have more police out on the streets now. And Ballajura will get its fair share. There will not be a Ballajura police station, but there will be a Kiara and other local stations. It is my intention to try to do as much as I can to convince the Commissioner of Police, who I do not think needs much convincing, that we need more patrols. And there will be more patrols out in those areas in the fairly near future.

DIVIDING FENCES — MAGISTRATES COURT CASE

Grievance

MR A.J. SIMPSON (Darling Range) [9.31 am]: Mr Speaker, my grievance today is to the Attorney General. I would like to commence by asking leave to table for the information of members some papers relating to a court hearing involving my constituent Mr George Neville Jackson.

[The papers were tabled for the information of members.]

Mr A.J. SIMPSON: My grievance relates to a complaint Mr Jackson has with the operation of the Magistrates Court in Western Australia and stems from his dissatisfaction with the processes involved in a dispute with his neighbours, the Chrisps, who are identified as the defendants in the papers tabled, and the decision of the Armadale Magistrates Court in action ARM 674 of 2009. In 2003 the defendant was paid $1 200 from his insurer, SGIO, to repair a dividing fence that had been damaged by falling trees from his property. There was also a claim for a retaining wall that formed part of the fence, but this was disallowed as the insurer deemed it not fit for purpose. The repairs were then postponed for five years, during which time the retaining wall was further degraded as a result of the proximity of a driveway constructed in 2006 and the impact of frequent vehicle movements on the fence. Mr Jackson filed with the court a letter signed and witnessed by Mr Joyce, a previous owner of his neighbour's property, which stated that he had built the retaining wall in 1978 to replace a railway sleeper wall.

The case was heard in the Armadale Magistrates Court on 14 October 2009, as a minor case—that is, under $10 000—and the magistrate made the following orders. Order 1 states that the claimant and the defendant are to pay equal portions for the repair or construction of the fence, including the retaining wall, dividing their properties. Order 2 states that the defendant is, in not less than 30 days, to obtain two independent quotes for the cost of repair or reconstruction in order 1, and the lesser of those two quotes is to be accepted by the parties and acted upon as soon as practicable by the contractor. The magistrate introduced the words "or reconstruction" for some unknown reason, and had not sought Mr Jackson's agreement on this condition. Furthermore, the order was for the defendant and not the claimant to obtain the quotes. Not only is it normal for the claimant to obtain the required quotes, but this defendant had given evidence in the trial of his inability to successfully get a contractor to quote for the repairs. Mr Jackson believes the inaccuracy of the wording of the magistrate's order has largely contributed to the delays and the injustices he has suffered.

In a minor case, magistrates cannot exceed $10 000 in their orders, yet in this case the magistrate made an order for $21 192.10. In her reasons for judgement, the magistrate made no reference to Mr Joyce's letter in which he stated that he had constructed the retaining wall. In common law, as I am given to understand, the responsibility and ownership of property is passed to 'successors in title', so the retaining wall definitely belongs to the owner of 22 Heather Road—at this time, a Mr Chrisp.

Mr Jackson received the defendant's quotations 19 days after the 30-day limit ordered by the magistrate and the quote bore no relationship to the court order. The order was for the repair to an 18 metre long and one metre high damaged cyclone fence and a nine-metre gap in a local stone retaining wall, which was 0.9 metre high at the damaged section. The defendant's quotes were for a 35-metre limestone block retaining wall l.5 metres high, reducing to one metre high, and a new Colorbond panel fence, for which the dimensions were later confirmed by the defendant to be 89 metres long and l.8 metres high. The height of the quoted wall requires an engineer's design, but there was no cost for this in the quotation. The l.8 metre high Colorbond fence is not permitted under Armadale local law in rural areas such as Roleystone.

Furthermore, both quotations contained the same subcontractors and the same suppliers, and so cannot be considered to be independent quotes. The first quote was provided by Watercon, which is the defendant's own company, and the second quote was provided by Mr Armani, who is a subcontractor to Watercon. Mr Armani is also listed as the retaining wall contractor in both quotations. Therefore, neither of these quotes can be considered to be independent as required by the court order.

The case again went to court and was again heard by the same magistrate on 19 August 2010, some 10 months later. Prior to the hearing, Mr Jackson had filed a statutory declaration from Mr Joyce that confirmed the contents of his earlier letter; that is, that he had built the retaining wall to retain the soil at 22 Heather Road. Mr Jackson also filed a quote for the repair of the wall and the fence, which totalled $4 660—a huge saving on the defendant's lowest quote of $20 192.10. Also, as there had been such another long delay, Mr Jackson had had the wall repaired and had filed photographs of the repaired wall.

The magistrate confirmed that she had read the statutory declaration and Mr Jackson's submissions, and indicated that she was not prepared to reopen the case. The effect of the magistrate's order was that Mr Jackson would now have to endure the removal by his neighbour of the already repaired local stone wall and the 60 metres of perfectly sound cyclone fence, deemed to be a "sufficient fence" under the Dividing Fences Act 1961, and replacing them with a retaining wall and a fence in the materials of the defendant's choice at Mr Jackson's expense and against his express wishes.

Mr Jackson appealed both orders by this magistrate in the District Court. The judge dismissed his first appeal on the grounds that it was out of time, despite the fact that the delays were caused by the defendant and the court's available hearing dates. The judge dismissed the second appeal on the grounds that the decision had been made by a registrar and was therefore not within the jurisdiction of the District Court. The case had in fact been heard by a magistrate and therefore was within the jurisdiction of the District Court, and this fact has since been confirmed by both the Armadale Magistrates Court and the Perth Magistrates Court. Both Magistrates Courts confirm that both court orders were by the same magistrate, Magistrate E. Langdon. The trial transcript also confirms that both orders were made by Magistrate E. Langdon, and Registrar Hewitt of the District Court had at the directions hearing stated that both appeals were within the jurisdiction of the District Court and that both appeals could be heard as one.

My constituent's concerns, which he would like addressed, are as follows. Firstly, he had asked for the forms for a minor case claim but was given a form 53 because it was a dividing fence matter. He relied on the officers of the court to supply the correct form. Why should he suffer because of their error? Why does the form not state "minor case" regardless of the act under which the law is to be applied? Secondly, how is it that a magistrate who gives a court order is not responsible for seeing that the particulars of the order are precisely acted upon? Thirdly, why do court orders not identify whether they are signed by a magistrate or a registrar, and how can a registrar be considered to have signed an order when a registrar has not heard the case and when the magistrate

who did hear the case gave the order in open court? Fourthly, how can a registrar of the District Court not know what is within that court's jurisdiction? In this case, the registrar and the judge were poles apart—all at Mr Jackson's expense. Fifthly, why is there no information on court orders that gives precise information on the time limits for appeal and the authority who must hear that appeal? Sixthly, both courts offer internet access for information for people who have to represent themselves and link to a site that is supposed to give the necessary advice. Throughout these proceedings, whenever Mr Jackson visited this site it was "under reconstruction" and he was therefore unable to obtain that information. Lastly, the 21-day appeal period for civil matters is insufficient, particularly as it is impossible to obtain trial transcripts from the court within this period and, in the case of the Magistrates Court, the claimant is also refused access to the court file.

The SPEAKER: Thank you, member for Darling Range. Attorney General, I give you seven minutes.

MR C.C. PORTER (Bateman — Attorney General) [9.38 am]: That is very generous indeed, Mr Speaker. I hope that I will not need to take up all that time.

I thank the member for Darling Range for his grievance and perhaps, if I might, just for the purposes of the person he is grieving on the part of, relay to this place my understanding of the background and the facts, and then make some comment about the matters complained of.

Mr George Jackson, the person the member is representing for the purposes of this grievance, was engaged in a dispute with his neighbour. Mr Jackson's neighbour's trees fell in 2005, during a storm, and broke a dividing fence and retaining wall between Mr Jackson's property and his neighbour's property—keeping in mind it was the neighbour's trees that fell in the storm. The neighbour apparently claimed money from his own insurers as his house and shared fence were also damaged in the storm. Some level of disagreement then arose between Mr Jackson and his neighbour as to who should repair the fence, given that the trees were on the property of Mr Jackson's neighbour. A matter was then brought before the Armadale Magistrates Court pursuant to a form 53, which is a form issued under the Dividing Fences Act. As I understand it, Mr Jackson claimed $7 000. The case was heard in the Magistrates Court and Magistrate Langdon made two orders: first, the claimant and the defendant—Mr Jackson and his neighbour—were to pay in equal proportions the repair or construction of the fence, including the retaining wall dividing their properties; and, second, the defendant was, in not less than 30 days, to obtain two independent quotations for the cost of repair or reconstruction that was offered in the first order, and the lesser of those two quotations was to be accepted by the parties and acted upon as soon as practicable by the contractor. These matters sometimes arise in dividing fence disputes. Obviously, Mr Jackson thought that his neighbour should pay for all of the repair to the fence because it was damaged by trees on his neighbour's property that blew over in some form of storm.

After hearing all of the evidence, the magistrate took a slightly different view and ordered, in effect, that the neighbour get two quotes; that the lesser of those quotes to be the amount at which expenditure should be undertaken to fix the fence; and that they should share in equal portions that cost. That is probably not an unusual order in the dividing fence disputes that I have seen. Usually the magistrate says the costs need to be split down the middle. In any event, to cut a long story short, both those parties returned to the Magistrates Court, because both were complaining that the other was not carrying out their part of the orders that were previously given—that is, to get the quotes for the other neighbour either to reconstruct or repair the fence and then pay half each. It appears Mr Jackson then returned to the court. Magistrate Langdon read all of the documents provided again by Mr Jackson. This was the same magistrate who made the first order. In effect, she decided that she was not prepared to reopen the matter. Mr Jackson believed that his neighbour did not put proper information before the court and that the magistrate was wrong in not considering some of his submissions or allowing him to speak in support of his submissions. That matter was brought by Mr Jackson and undertaken in open court. In effect, the magistrate said she was sticking to her original decision to get two quotes; the lowest is the amount that they will rebuild for and both will share half the cost.

Mr Jackson filed two appeals in the District Court to that magistrate's decision to split the costs. There are certain rules that apply to appeals to the District Court. In dividing fence matters, a decision of the magistrate is deemed to be final, so there are no bases on which a person can appeal, except for grounds that the decision of the magistrate was outside the jurisdiction of the magistrate or that throughout the proceedings there had been a denial of natural justice. So Mr Jackson lodged his appeal on grounds that there was in fact a denial of natural justice by the magistrate, and also on 13 other grounds of appeal. The next step was that Her Honour Judge Wager in the District Court dismissed Mr Jackson's appeals on 4 March 2011. I understand that the reasons for dismissal were published by the judge on 11 March 2011. The reasons were extensive but, generally, the judge referred to the magistrate's orders being made in accordance with section 15(6) of the Dividing Fences Act; she noted that the orders were final orders and further found in reasons for dismissal that there was no breach of natural justice in relation to the proceedings before the Magistrates Court; and Her Honour's final finding was that she had no statutory ability to extend the time in which the appeal could be lodged. That time was 21 days.

Based on the information that has been provided to me, there was a dispute and, as is often the case in a dispute, people have different views about who should pay. The magistrate gave an order that said, "Get the lowest quote; you both pay half each." It appears that was not to the satisfaction of Mr Jackson; he went back to the magistrate and asked for a second go. The magistrate reaffirmed her first order, which was to get two quotes and each pay half of the lowest quote. Still being dissatisfied with that, Mr Jackson went to the District Court. In effect, the District Court said no to his appeal. It would appear to me that Mr Jackson has exhausted his possibilities to have this matter resolved in the way that he would consider in his own best interests. I will be frank: there is not much the member for Darling Range can do about that as a local member, nor me as an Attorney General.

There is one issue here that I will undertake to take a little further, and that is with respect to that 21-day time limit. One of the issues that arises is that there is no ability to extend an appeal from the decision of a magistrate in these circumstances beyond 21 days. That matter has been raised by the Chief Judge of the Magistrates Court with me. That is a law reform issue. It will require consideration of an amendment to the Magistrate Court (Civil Proceedings) Act and the Dividing Fences Act. I will give that some consideration.

SPRING HILL PRIMARY SCHOOL

Grievance

MR P.T. MILES (Wanneroo) [9.45 am]: My grievance is to the Minister for Education and relates to the provision of preprimary and primary school education in the suburb of Tapping. Several years ago it was obvious that the Tapping Primary School had reached its capacity. Student numbers had grown from 385 in 2007 to 900 in 2009. I wrote to the minister on 12 June 2009 and asked for a full K–7 primary school to be built at the Spring Hill site, which the education department owned at the time, rather than the temporary K–2 facility, which was proposed by the then West Coast district education office. The department's reasoning at that point was that this would be a temporary measure until the additional permanent K–2 classroom was built at the Tapping Primary School. This proposal would have seen young students move to the temporary facility for one year before being relocated once again to the permanent school site the following year. Thankfully, commonsense prevailed and this scenario was averted after 166 parents signed a petition, which I tabled in this house on 5 May 2009.

In November 2009 a school focus group was formed to find ways to reduce the numbers of students enrolled at Tapping Primary School. It was decided to split the school into an early childhood centre catering for about 400 students by 2011, and Tapping Primary School catering for grades 3 to 7 with approximately 600 students. The Spring Hill Primary School catered for kindergarten to year 2 and opened in 2011 with approximately 460 students—180 kindergarten, 150 preprimary and 130 year 1 students. In 2011 Tapping Primary School has catered for 608 students from year 3 all the way through to year 7. However, this scenario has caused havoc for many of the mums and dads who have had children at both campuses, which I will explain a little later. I have consistently argued from day one for Spring Hill to be a K–7 school. I will quote from my 12 June 2009 letter to the minister, which reads —

> I believe it would be a false economy on the State Government's part to provide only a limited educational facility when it's clear that the rapid growth in the area already requires the provision of full primary school capacity. There would be significant savings if a complete K–7 school was built now, given that the bigger facility would only cost an extra $3m approximately to build, particularly as there would be no land purchase costs involved.

That is because they already owned the site of Spring Hill. On 22 February 2011 the minister announced the extension of Spring Hill Primary School to become a full kindergarten to year 7 school with stage 2 of the building program to commence in 2012; Tapping Primary School would also become a full K–7 school, and both schools would be fully operational only from 2013. From the discussions I have had with many Tapping residents who have contacted me over this issue, they would have preferred that both schools be completely separate K–7 entities from 2012. The minister heard from some of these mums firsthand at a meeting in my office on 1 December 2010, when they expressed their dissatisfaction with the planned arrangements and with their experience of having to drop off and collect children at two different campuses. Initially, both schools staggered their start and finish times to allow parents in that predicament time to drop off and collect their children without too much of an inconvenience. However, during the course of this year that has changed and the start and finish times at both schools are now identical. This does not allow parents to have any interaction with the child's class teacher either before or after school. It has made it very hard for parents to get children to school on time at both campuses, particularly when one child needs to arrive at a predetermined time for a particular class activity. It has also increased stress levels for parents who are held up by traffic at one school, making them late to drop off or collect their children at the other school. Parents of children in both schools are being asked to pay voluntary contributions to each school, but many are finding that they cannot afford to do so. Consequently, I understand that the rate of voluntary contributions has gone down at both schools.

I am pleased with the minister's recent decision to allow Tapping Primary School to cater for students from year 1 to 7 in 2012, rather than the year 3 to 7 spread that the school has offered in 2011. However, I am disappointed that Tapping Primary School will not cater for K–7 students next year, which would greatly assist local parents. I am disappointed that the Department of Education did not see fit to bring forth the inevitable and build a K–7 primary school at Spring Hill right from the beginning. As the parent of a primary school–aged child, I know how important it is to provide them with stability and security, especially in matters relating to school, which is a major part of all young children's life experiences. Having an older brother or sister in the same school is an important part of that stability and security. I therefore ask that the minister instruct her department to adopt an individual case-by-case approach to ensure that all families with children at both campuses can be accommodated at one school, not two, before the start of the 2012 school year.

DR E. CONSTABLE (Churchlands — Minister for Education) [9.52 am]: I thank the member for Wanneroo for his grievance and for bringing it to my attention.

The member's chronology of the development of the two schools points to a number of very complex issues surrounding the schools and the school sites, and I will draw attention to those in a moment. It needs to be made clear at the beginning that the Tapping Primary School and Spring Hill Primary School sites are only one kilometre apart. It had been hoped that, rather than the Spring Hill site becoming a second school in the area, the site identified in Ashby would be the site of a second school for this area. However, in the end it was not possible to purchase that site. Although the owners had indicated that they would be prepared at some point to sell it to the education department, it was not really available on time to cater for the huge numbers and population explosion that is evident in the area. It is important to note that the department owned only part of the Spring Hill site and that the owners agreed to sell the second part of the site. Therefore, there were issues with the ownership of the site and having a site big enough to build a K–7 school. One thing definitely highlighted in the member's grievance is the huge and rapid growth in student numbers in the area. It was beyond anyone's expectations to know that would be the case, so it has been a series of look-and-see and changing scenarios we have gone through. Spring Hill Primary School was initially designed to be an annexe of Tapping Primary School. It opened in 2007 as a K–2 school because the preferred site for the second school, as I said, was at Ashby, further away. It is very unusual to have two primary schools only one kilometre apart, but in this case that is what we have ended up with. It was clear very early on, as the member said, that there would be a need for a second school because the numbers at Tapping grew so quickly.

A local consultative group, which is very important in setting up schools, was formed in 2009 to look at the situation. Initially, the group saw merit in having a different configuration of schools and the idea of the K–2 and year 3–7 schools was something that came out of those consultations in 2009. Given that the schools are so close together, they were almost seen as one large school community. The consultative group's initial idea was that Spring Hill Primary School would specialise in the early years, like a junior primary setup, and, only one kilometre away, Tapping Primary School would be for year 3 to 7 students. Indeed, I met at the end of last year with the member for Wanneroo and some of his constituents, mums with young children, who were concerned about how this was happening. The view was put very strongly to me that both schools should become K–7. Given the number of students, that is exactly what will happen. At the beginning of 2013 there will be two K–7 schools, so that will happen. Although I understand the sense of urgency that the member for Wanneroo and some of the parents have, we had to buy the second part of the Spring Hill site, plan the school, design the school and do a lot of things that are wrapped around that. It actually takes time to put out tenders and build the school, so the time frame to have that done by 2012 would be very short indeed. At the beginning of this year I announced that by 2013 the Spring Hill site would indeed become the K–7 school that everyone is looking for.

I will not go through all the history because the member for Wanneroo has done that. I will go to the last part of the member's grievance and talk about what has been put in place to minimise inconvenience for parents. It is important that parents have convenience and that they feel that they are part of their children's education and not have the hassles that they have had. I think that we can see 2012 as a transition year into 2013. Therefore, to minimise inconvenience for parents, a number of concessions are being offered to maximise choices for parents. I will give examples of some of those concessions. All students enrolled in preprimary and year 1 at Spring Hill Primary School in 2011 will have the option to remain at Spring Hill or to enrol at Tapping Primary School for 2012 if they live in the newly developed local intake area for Tapping or have siblings who attend Tapping Primary School in 2012. I am sure that will help some parents. All students enrolled in kindergarten at Spring Hill Primary School in 2011 will remain enrolled at Spring Hill for preprimary in 2012. They will then have the option to remain at Spring Hill in 2013 or to enrol at Tapping Primary School in 2013 if they live in the newly developed local intake area for Tapping or have siblings who attend Tapping Primary School in 2013. All students enrolled in years 3 to 7 in 2011 will remain enrolled at Tapping Primary School in 2012. In 2013 they will have the option of enrolling at Spring Hill Primary School if they live in the newly developed local intake area for Spring Hill or have siblings who attend Spring Hill Primary School in 2013. That allows families to

have the choice, if they wish, to move a child to the same school as their sibling, which I think was one of the very important points the member made in his grievance. In addition to that—I think this is really important—the department will give consideration on a case-by-case basis to individual family circumstances. Therefore, I think that should cover almost every likelihood of family need for 2012 and 2013. I add that school principals report that most parents have indicated that they are very happy with the transition arrangements for 2012. I have been advised there have been no complaints from parents to either the schools or to the north metropolitan regional office about those transition arrangements. Therefore, I think the arrangements have hit the spot with what families are looking for.

BALCATTA SCHOOLS — ROAD SAFETY

Grievance

MR J.C. KOBELKE (Balcatta) [9.59 am]: My grievance to the Minister for Transport is a request for the installation of an electronic school sign on Main Street outside Balcatta Primary School and St Lawrence Primary School. I trust that laying out the case will convince the minister to give priority to the establishment of an electronic school sign in this area.

We are all well aware of the 40-kilometre-an-hour speed limits outside our schools for one and a half hours in the morning and one and a half hours in the afternoon—the times when children are going to and coming home from school. Although that certainly helps to improve road safety in the areas around our schools, there is a constant battle to educate drivers to comply with that speed limit. We have had instances in the past of people driving 40 to 50 kilometres an hour above the limit in those restricted speed limit zones outside schools. The police have an enforcement program and Main Roads has a signage program to try to alert and educate drivers. It is a constant battle to ensure that drivers are aware of the days on which the 40-kilometre-an-hour school speed zone applies. It applies only on school days and only during specific times. People who are perhaps in an area that they are not familiar with may not realise that there is a school there. If their concentration lapses for a moment, they may miss the signage that Main Roads has installed.

The government's introduction of these electronic school zone signs is a very positive step and very much welcomed by school communities, particularly when the school is adjacent to a busy road. I congratulate the government for putting a priority on finding the funds to install these signs outside schools. This project was initiated by the previous minister, Hon Simon O'Brien. His answer to a parliamentary question on notice indicated that 21 electronic school zone signs had been installed. Perhaps that answer is now a bit out of date. When the minister responds, he may like to indicate how many signs have been installed. Hon Simon O'Brien also provided the criteria by which the priority was set for their installation. Given that there are hundreds of schools, it is not necessarily appropriate to put the signs outside every school and a very large cost is involved. Clearly, there has to be a system of prioritisation.

I believe that the section of Main Street adjacent to Balcatta Primary School and St Lawrence Primary School does meet the criteria for the installation of these electronic school zone signs as early as possible. There is already a traffic warden there. We are aware that at various times traffic wardens have had problems with near misses involving people who are inattentive. On occasions there have been acts of road rage against those traffic wardens. They are class A traffic wardens because it is a very busy road. That section of Main Street is a four-lane single carriageway with a 60-kilometre-an-hour speed limit. Hon Simon O'Brien, as the former minister, gave nine criteria, which were in priority order. The first priority order is for four-lane single carriageways in which the speed limit is 70 kilometres an hour. This area of Main Street is a four-lane sealed carriageway with a speed limit of 60 kilometres an hour. It is the second highest of the nine priority factors. The section of the road just a bit further along carries 26 000 vehicles per day. It is a busy road.

Sometimes I drive through that area in the mornings on my way to my electorate office. Just south of that area, near Morley Drive, the traffic on Main Street can be backed up for 400 or 500 metres waiting to get across Morley Drive. That is indicative of how busy it is. To give the minister an indication of how busy this road is and the problems with it, I have had complaints about accidents at the corner of Swan Street and Main Street, which is the first four-way intersection just south of Morley Drive. Balcatta Primary School is just north of Morley Drive. There have been 46 crashes at that intersection over the five years from 2006 to 2010, the most recent figures available. Those figures really do make the case that it is a major road, as I have indicated, classified as a district distributor class A road. It carries a very high volume of traffic, and students cross that road to get to Balcatta Primary School and St Lawrence Primary School. The main entrance to St Lawrence Primary School is off Albert Street, which runs parallel to Main Street, so the busy road is not such a major issue for those students. Few, if any, students regularly cross Main Street as pedestrians to get to their school. They are usually driven to school by their parents and dropped off at Albert Street. Balcatta Primary School has a traffic warden and a school crossing. A lot of students who attend that school and live on that eastern side of Main Street walk to Balcatta Primary School. The principal of that school, Peter Gates, is strongly supportive of electronic school zone signs, as is the principal of St Lawrence Primary School, John Rose. The principals can

make the case that there is a need to take advantage of this initiative of the government, which is a really good step to improve road safety by installing electronic signs. They are just so obvious; the signs are on at the correct time, people are aware of them and it is a great boon to improving road safety for our children going to and coming home from school.

I hope the minister is able to be positive in his answer. I would also like him to put on the record what the budget will allow in the current year. The previous minister said that all the money was expended in the past financial year. We are now at the start of the new financial year. I hope that he can give some indication of the budget to the house. How many signs will be installed? Will the criteria that were put in place under the previous minister still apply or have they been updated or varied in any way? I believe there is a very strong case for the establishment of electronic school zone signs outside these schools in Main Street, Balcatta.

MR T.R. BUSWELL (Vasse — Minister for Transport) [10.06 am]: I thank the member for Balcatta for raising this issue. I do not have access to the records of my predecessor but I have looked through my records and seen that the member has written to me about this issue. I assume that that is the first and only correspondence.

Mr J.C. Kobelke: That letter from me, plus speaking to you earlier.

Mr T.R. BUSWELL: Just then?

Mr J.C. Kobelke: Yes.

Mr T.R. BUSWELL: That letter was sent on 1 August, which we received on 4 August. I appreciate his letter. This program has been in place for a couple of years. I am very familiar with the issues around Balcatta Primary School and traffic movements on Main Street. This matter was raised with me at some length by Hon Liz Behjat, member for the North Metropolitan Region. She is doing a lot of work in this area. I understand that the Stirling Progress Association, under the guidance of Mr Hatton, is currently working with the local community to develop a petition on that issue. This has been going on for some time. I appreciate the member raising the matter, albeit some time into the program; a lot of members have raised similar concerns about schools in their electorates a lot earlier than this one has been raised. However, it is still important. I am expecting that that petition will be tabled in the upper house in the not-too-distant future.

By way of introduction, I am familiar with the school and I am familiar with Main Street. As was pointed out to me by Hon Liz Behjat, Main Street is a very busy street. As the member for Balcatta pointed out, some 26 000 vehicles use this road every day. As anybody who has travelled up or down Main Street at or near peak period—I have had a couple of opportunities to travel on that street en route to other things—would understand that it is a busy road. The intersection at Main Street and Morley Drive is very busy. Balcatta Primary School is just north of that intersection, if I remember correctly from looking at the map with Hon Liz Behjat. I think the member highlighted that. The argument around the school is understood and well made, not just by the member for Balcatta in the letter I received from him last week about a program that has been running for some two years. The only reason I say that with some surprise is that most members have contacted me previously about schools of concern in their electorates. However, we will still deal with it.

The flashing light program is a very important part of providing a safe environment for school students. As the member rightly pointed out, school staff, particularly principals and parents, are very keen to have these installed. We are very keen to keep rolling out the program. I was involved in a long-term community campaign in Busselton to have signs put outside Busselton Senior High School and understand why they are so important to the community. They are fantastic signs. I did not realise that they all link back to the Traffic Operations Centre at Main Roads. I remember going out to the "first flashing", if I could use that term, of some lights in the member for Forrestfield's electorate with the school kids. It was great. We were able to make a phone call and the lights came on. It was brilliant. That school community was very appreciative of what we were able to do. Until the end of June 2010, as the member pointed out, there were 21 flashing lights installed in school zones around Western Australia. In the last financial year, 25 flashing school zone signs were installed; in the 2011–12 financial year we are expecting to install another 30 signs, with a budget allocation of approximately $1.2 million. I would like to think that this program will roll on for some time. I would like to increase the program but, like everything, there are budget constraints, and also the simple issue of the mechanics of getting the installations done.

In relation to Balcatta Primary School, the advice I have—as the member rightly pointed out, and I am sure the petition will enforce this in terms of community support—is that there is every likelihood that it will be included in the 2012–13 program. I have to point out, though, that it is not included in this financial year's program. This financial year's program was set prior to the financial year so that we could lay out the installation schedule. The fact that the member's letter arrived only last week—his first representation in relation to this school in a three-year program—means it is just too hard for us. We are not prepared, basically, to reorganise this year's schedule, because in a lot of cases those school communities know what is coming and we do not want to disappoint them.

Mr J.C. Kobelke: So, minister, are you saying that all the schools in this year's program, according to the criteria you are using, are higher up than Balcatta Primary School and St Lawrence?

Mr T.R. BUSWELL: What I am saying is that all the schools in this year's program are a high priority. There has been no change to the criteria, and they are being funded. What I am saying to the member is that this is a program in its third year, and it took the member until last week to let me know about Balcatta Primary School. The advice I have is that Balcatta Primary School will be a prime candidate for inclusion in funding next year. I am expecting to see more signals of community support when the Stirling Progress Association, under the —

Mr J.C. Kobelke: So is community support the main criteria?

Mr T.R. BUSWELL: No, it is not, and the member knows that.

Mr J.C. Kobelke: Then why are you talking about that instead of looking at the criteria?

Mr T.R. BUSWELL: Because I think it is important. I appreciate the work that Mr Hatton and the progress association at Stirling are doing in garnering broader community support. I appreciate the work that Hon Liz Behjat has done in bringing this matter to my attention. I am merely pointing out that it took the member until last week to write me a letter about it, when the funding for this is in its third year. I am glad the member wrote the letter.

Mr J.N. Hyde: But you haven't listened to Hon Liz Behjat.

Mr T.R. BUSWELL: I have; she has definitely had a big impact on me—a big impact! As I said, we definitely will be looking at this. This is not about the good work done by Hon Liz Behjat.

Mr J.C. Kobelke: So you're playing favourites instead of looking to the safety of schoolchildren?

Mr T.R. BUSWELL: Not at all.

Mr J.C. Kobelke: Well, address the criteria, not the politics!

Mr T.R. BUSWELL: Let me put it this way, member: I think the only reason the member wrote the letter is that he heard about the petition! That is what I think! If the member wants to play politics, I reckon he sat on his backside for two years and did nothing! And I reckon, at long last the member thought: "Oh no! Someone else has gotten themselves organised and is doing my job for me!" But I would not dare play politics and suggest that the member has been lazy! Thank you!

MEMBER FOR SCARBOROUGH

Leave of Absence — Motion

MR A.J. SIMPSON (Darling Range) [10.13 am]: I move —

> That the member for Scarborough be given leave of absence until 21 October 2011 on account of urgent private business.

MR M. McGOWAN (Rockingham) [10.13 am]: The opposition is fully supportive of this motion, and wishes the member for Scarborough and her family all the best.

Question put and passed.

METROPOLITAN REDEVELOPMENT AUTHORITY BILL 2011

Consideration in Detail

Resumed from 10 August.

Clause 8: Functions in areas contiguous to redevelopment areas —

Debate was adjourned after the clause had been partly considered.

The ACTING SPEAKER (Ms L.L. Baker): Members, just while the minister is getting his advisors seated, I will, just for your information, let you know that there is an error in your paperwork. Clause 3, printed at the top of page 11 of the *Notices and Orders of the Day*, has already been dealt with, so you can delete that.

Mr J.N. HYDE: Minister, what is the extent to which these functions are going to be contiguous? I have had the City of Perth raise concerns with me about the lack of consultation that it has had on this bill, being the local government authority that is probably going to be most affected by the Metropolitan Redevelopment Authority Bill 2011. This clause does seem to be incredibly broad on the functions that will be exercised over the contiguous areas. There is a requirement in clause 4 that, under the terms of agreement, the nature of the services to be provided have to be specified, but I would like to know from the minister what sorts of services and functions he thinks will be operating in contiguous areas.

Mr J.H.D. DAY: In relation to the member's suggestion that the effect of this clause is very broad, I point out that it is in fact either essentially the same or exactly the same as is currently provided in section 18A of the East

Perth Redevelopment Act, which is the one that affects the City of Perth, so there is no change in the situation as far as the City of Perth is concerned. In relation to the sort of works that may be undertaken under this provision, what is contemplated are roadworks, footpath constructions and similar sorts of activities, so that the effect of a redevelopment does not necessarily simply stop exactly at the boundary of the redevelopment area. It makes sense for some additional work to be undertaken in the adjoining area so that public benefit can be provided through roadworks being undertaken, or footpath construction or other public works.

Mr J.N. HYDE: Minister, I think it is important to point out that it is not the same situation as the East Perth Redevelopment Act provides for, because currently, under that legislation, two City of Perth councillors have to sit as part of the decision-making body on EPRA. Under this legislation, particularly when we later come to clause 80, the minister could end up, for these areas in the City of Perth, appointing somebody who is not only not a councillor of the City of Perth, but also may not be an elected member in Western Australia or may not be somebody with a direct connection with the community—the ratepayers—in the City of Perth. That is why it is important that the provisions in this bill do not simply mirror the functions of EPRA, because the Metropolitan Redevelopment Authority is going to be a very, very different creature to EPRA.

Mr J.H.D. DAY: The functions are the same. The provision of this power, which is based on commonsense, really, is the same as those in the current East Perth Redevelopment Act. In relation to the composition of the land redevelopment committees that will be established, we will discuss that at a later stage of the bill. I know the member has an amendment to clause 80, and I foreshadow that I also will be moving an amendment in relation to that particular issue. If we want to have a debate about the composition of land redevelopment committees, I think the time to do that is later on.

Clause put and passed.

Clause 9: Delegated functions —

Ms J.M. FREEMAN: Can the minister give me an outline of how far the authority will be able to delegate; will it be able to delegate outside the authority? Will it enable the authority to, effectively, employ private contractors or to privatise functions, including administrative functions of the authority's operations? What is the intention within the scope of the delegation? What areas are anticipated to be delegated? Does the delegation refer to just normal routine delegation of CEO functions or is it a much more expanded delegation of duties? I suppose at the end of the day, given the purpose of this bill is to consolidate existing development authorities into one authority, it would be somewhat concerning if the whole authority could be delegated to a separate company such as Serco or a development company to run a redevelopment operation in a certain area. I would appreciate clarification of that.

Mr J.H.D. DAY: The intention is that the Western Australian Planning Commission will be able to delegate responsibilities, particularly under the contemplated improvement schemes and the implementation of improvement schemes, development controls and so on, to the Metropolitan Redevelopment Authority, which could then subdelegate that responsibility for a particular area to the land redevelopment committee. Essentially, it is contemplated that it apply to the implementation of improvement schemes, the primary responsibility for which will be held by the Planning Commission, but some of the powers under those schemes could be delegated to the Metropolitan Redevelopment Authority, as I said. The member raised, I think, a slightly spurious issue of potential privatisation of administrative functions. I think she is trying to widen the debate somewhat. There have not been any discussions with Serco or any other private organisation in relation to the administrative functions of the proposed Metropolitan Redevelopment Authority, nor do I expect there will be.

Ms J.M. FREEMAN: That is excellent news, minister; I am pleased to hear that. But I would like to know whether this gives the capacity for privatisation, not whether those discussions have occurred.

Mr J.H.D. Day: The answer is no.

Ms J.M. FREEMAN: The answer is no? Thank you.

Clause put and passed.

Clause 10 put and passed.

Clause 11: General powers —

Mr J.N. HYDE: The wording in subclause (2) states that the authority "may do all things that are necessary or convenient to be done …". What is the minister's definition of "convenient"; what is the rationale for that; and what are the sorts of things expected to be used under these general powers? Again, the City of Perth has raised with me its great concerns, having not been consulted over this bill, on the lack of interpretation of the powers and the functions this bill will give to the new authority? Perhaps the minister can tell us what would be an "inconvenient" activity!

Mr J.H.D. DAY: I am advised that the wording here is based on a standard drafting provision that presumably applies in a range of other legislation that has been debated in this Parliament, and, therefore, there is nothing

extraordinary about the wording. I take the word "convenient" to mean whatever the general use of that word is. There is a dictionary at the back of the chamber; I am sure anyone can look up the word in a dictionary if they are unsure of what "convenient" really means. In relation to the consultation that the member referred to, there has been quite a degree of consultation with the WA Local Government Association in the preparation of this bill. There has not been specific consultation with individual local governments. I certainly agree that the City of Perth has a very important role to play in the development of land within its boundaries, which, of course, includes the capital city. I think the state government and the City of Perth have a good and cooperative working relationship on the extensive development that is occurring.

Mr J.N. HYDE: I appreciate the minister's advice. I am sure that if in a Supreme Court case in 10 years the court refers back to the minister's comments to see what was the government's thinking of the day and his advice is, "There is a dictionary at the back of the room; go and look at it —

Mr J.H.D. Day: I think judges use dictionaries occasionally.

Mr J.N. HYDE: They may well do. My concern is that in other legislation in which clauses such as these are included, there are considerable checks and balances on the powers that that legislation gives. There is also the ability for the Standing Committee on Legislation in the upper house to deal with local laws and other incidents that are exempt under this legislation. We are talking about business arrangements of a new authority that does not have the transparency, openness or accountability that other government departments may have. As we both discussed yesterday, I have been unable to get EPRA into the budget estimates to be considered. Even with EPRA's greater powers, it has not been subject to the same scrutiny, oversight and transparency as other bodies. Although I welcome the minister's comment that he does not believe that the authority's powers could be contracted out to a Serco, I think EPRA has privatised a number of services that, traditionally, a local council may have done in-house. Certainly my interpretation of these general powers is that the new MRA could privatise or outsource virtually any activity. I would love to hear the minister deny that it is possible for Serco to deliver parking services, street services or a whole range of other services that this legislation empowers the new MRA to not only undertake in its own right but also devolve to other bodies.

Mr J.H.D. DAY: It is correct that EPRA and the other redevelopment authorities engage contractors for a range of purposes, particularly for providing specialist planning, architectural advice and legal services and so on. I do not expect that situation to change. This provision will enable the authority to enter into contractual and business arrangements, but I point out that under clause 12 the approval of the minister and Treasurer is required in relation to those arrangements. This will not, therefore, as I think has been suggested to some extent, enable the authority to have some unlimited ability to get involved in a range of activities. The activities it is involved in are outlined in clause 11 and are restricted under clause 12. There is nothing particularly unusual about what is proposed here.

Mr J.N. HYDE: The minister seems to have a lot of confidence in his oversight and that of the Treasurer, but the track record of the government, and perhaps of the former Treasurer, shows that a number of activities and services have been contracted out. If we are considering a philosophy of government, under the Local Government Act, this government has enabled some councils to contract out approvals. Therefore, just as some local councils can contract out building and planning approvals to the private sector under the Local Government Act, those important oversight roles in the planning responsibilities of the Metropolitan Redevelopment Authority also could be devolved.

Mr J.H.D. DAY: I am advised that planning powers can be delegated by the authority only to the land redevelopment committees or to an approved public sector entity. I think the concerns that the member for Perth is raising are not in fact justified. The constraints that will be put on the authority under this clause, and also under clauses 12 and 13, are entirely sufficient to ensure that there is appropriate conduct by the authority.

Ms J.M. FREEMAN: I thank the minister; his assurances that it is not the intention to privatise are appreciated.

I want to clarify something that the minister said to the member for Perth about the power that will be given to the authority to do all things that are necessary or convenient. As a member of the Joint Standing Committee on Delegated Legislation, that is always a concern, because these are broader powers than usual. Usually, acts provide that an authority may do certain things and then it lists the issues, as has been done in clause 11(3). In this subclause, the minister is effectively saying that the authority can do anything that is necessary or convenient. The minister is giving the executive the power to do those things. Clearly, the authority must act within its functions, but the clause goes on to define those functions in subclause (3). It is somewhat concerning that the bill provides that the authority will be subject to scrutiny, but it goes on to say that that scrutiny will be by the minister and the Treasurer. The scrutiny provision applies only to clause 11(3)(b), which states —

> subject to section 12, participate in any business arrangement and acquire, hold and dispose of shares, units or other interests in, or relating to, a business arrangement; …

It does not refer to selling advertising opportunities. The Metropolitan Redevelopment Authority could do whatever is necessary or convenient to fulfil its functions, including selling advertising in an area, which the community or even the minister might not agree with. This provision will also give the authority the capacity to use expertise, resources and other services for profit. Although the minister made the comment that clause 12 provides for the scrutiny of the broad powers that will be given to the authority, that is not how I read the bill. I am happy for the minister to point out where I may have misread it, but on my reading of clause 12, only the issues listed in clause 11(3)(b) can be scrutinised. This clause has a long list of issues that will confront the authority in paragraphs (a) through (e). Given that this bill will bring together three authorities, why will this authority need such a broad power to do all things that are necessary or convenient? Firstly, what were the considerations for including the power to do all things that are necessary or convenient, beyond the minister just saying that that is how legislation is drafted? That is a recent drafting policy of the executive, because it wants to take away the ability of Parliament to scrutinise. That is my belief. Secondly, given that the minster said that scrutiny is provided for under clause 12, can he tell me how there will be scrutiny of all those other areas beyond those outlined in clause 11(3)(b)? In effect, the bill does not provide for any scrutiny by the minister and Treasurer of the issues outlined in clause 11(2), which refers to the power to do all things necessary or convenient.

Mr J.H.D. DAY: It is necessary for the authority to be given appropriate powers to operate in the modern commercial world and to have a sufficient degree of flexibility. I am advised that there is a similar provision in section 19 of the East Perth Redevelopment Act. However, it has been modified and updated to deal with expenditure for sponsorship arrangements and the receipt of money for advertising. It also includes standard provisions that have been recommended by parliamentary counsel. This is not some radical change of policy by the government, but is based on the good, professional advice of parliamentary counsel to deal with contemporary commercial arrangements. For example, at the moment the East Perth Redevelopment Authority is involved in the management of the public space at the Perth Cultural Centre. It is also involved in putting on quite a number of events. It may well be that in the future, if it has not already occurred, there may be some sponsorship involved with some of those events. That is really normal practice to a large extent. I imagine that this sort of provision will ensure that there is power to enter into those sorts of arrangements when it is appropriate.

Ms J.M. FREEMAN: I thank the minister for that response, but he did not tell me how clause 12 provides for that scrutiny. How does the Parliament have any scrutiny in the example that the minister has just outlined, other than the fact that it is performing the functions of the authority and the authority has been given the capacity to do any of those things? Clearly, the minister can use his general directions powers. The minister talked about the capacity for sponsorship. Other than the issues outlined in clause 11(3)(b), how will the minister have the capacity to scrutinise the broad power that he has given the authority to do all things that are necessary or convenient?

Mr J.H.D. Day: What are you asking?

Ms J.M. FREEMAN: Previously, when the minister answered the member for Perth's question, he said that those functions will be able to be scrutinised, as provided for in clause 12. But from my reading of clause 12, it simply applies to clause 11(3)(b). Given the minister's answer to the member for Perth's question, in which the minister said that these functions will be able to be scrutinised and dealt with by the minister and the Treasurer, how will the minister and the Treasurer consider and scrutinise the power of the authority to do all things that are necessary or convenient on the issues outlined in subclause (3)(a), (c), (d) and (e), bearing in mind the broad powers that will be bestowed upon the authority?

Mr J.H.D. DAY: I am advised that this bill strengthens governance arrangements and the transparency provisions generally compared with the current situation. It would be ridiculous to suggest that the minister should effectively act as the CEO, which would result in the minister having to scrutinise every business decision. The authority will be a public sector agency and will be subject to questioning through Parliament and the minister in the same way as existing redevelopment authorities and all other public agencies. It is subject to all the usual scrutiny through Parliament, the media and so on. I think the concerns the member raised are a little of an overreaction.

Ms J.M. Freeman: The member for Perth said that they are not subject to the estimates process. Given that under clause 12 the minister and Treasurer can consider proposals under clause 11(3)(b), I would assume that 11(3)(b) would be subject to estimates because you have the power over those things. Will all the powers under clause 11(2) and 11(3)—the capacity to make a profit—be subject to estimates?

Mr J.H.D. DAY: Under their respective portfolios, the Minister for Planning and the Treasurer participate in the estimates committee process as part of the budget bills. To that extent, any question can be asked of them if it relates to the budget and is pertinent to their respective portfolios. The estimates committee process, of course, is not the only way in which scrutiny can be applied to public sector agencies. Ministers can be questioned about a

range of activities and aspects of the operations of public sector agencies, whether they be corporatised entities, statutory authorities, public sector departments or whatever. All the scrutiny that is available now will continue to apply. I am advised that the authority will be subject to the development of business and operational plans. They will need to be approved by the minister and the Treasurer.

Ms J.M. Freeman: Will they be FOI-able?

Mr J.H.D. DAY: Presumably they will be, and they will be included in the annual report.

Clause put and passed.

Clause 12: Minister and Treasurer to consider proposals under section 11(3)(b) —

Mr J.N. HYDE: I seek some clarification regarding the Metropolitan Redevelopment Authority obtaining the written agreement of the minister before it enters into a transaction. What are the circumstances in which the minister may not agree and what process is available to the authority if the minister does not agree to a proposed transaction?

Mr J.H.D. DAY: If approval for a project is not given, clearly the authority is unable to undertake what it has proposed. The authority could continue to argue to the Minister for Planning and the Treasurer that a project should be approved, and if after reconsideration of the same proposal or consideration of an amended proposal the project is given approval, obviously it could go ahead. This constraint is deliberately put into the bill to ensure that the government of the day, including the Treasurer, who has responsibility for the financial management of the state and the amount of debt incurred by the state as a whole, is comfortable with the major projects that are proposed. That is what this is all about.

Mr J.N. HYDE: I seek further information regarding the definition of "transaction". I am concerned that the Treasurer is able to nobble the Minister for Planning by exempting any transaction or class of transaction. In effect, the Treasurer is telling not only the authority, but also the Minister for Planning what to do in his portfolio. Is it a new policy under the Barnett government to give the Treasurer major oversight of a range of transactions in different portfolios? Does this mean that the Treasurer could exempt a department from buying paperclips or does the Treasurer have to sign off on buying paperclips? What range of transactions is expected to be covered under this provision?

Mr J.H.D. DAY: Clause 12(4) provides that an exemption can be granted, subject to the Treasurer's approval. That ensures that the Treasurer and the Department of Treasury and Finance do not have to get involved in considering a range of minor issues. The overall purpose of this clause is to ensure that the Treasurer, and therefore the government more widely, are comfortable with the financial implications of a major proposed project. If I were speaking only as the Minister for Planning and looking at the world from only that perspective, it would be possible to argue that this clause should not be there. However, the reality is that the planning portfolio is part of the government as a whole, and I recognise and fully support the fact that Treasury and the Treasurer must be comfortable with and supportive of the major projects that will be undertaken by the authority. It is up to the Minister for Planning to argue the case with the Treasurer, if necessary, and, as is most likely for major projects, in cabinet as a whole. Clearly the case for the project needs to be made. That is the case with all major projects that are undertaken by state government agencies, whether it be an electricity agency, the Water Corporation or any of the other major trading enterprises. Major projects have an impact on state debt and the state's finances. Therefore, it is appropriate, in my view, to have a degree of oversight and for the government as a whole to approve the implications of any major project that might be undertaken. As I said, clause 12(4) provides that an exemption can be given for the more minor matters so that Treasury does not get clogged up with, and the whole process is not completely frustrated by, minor issues being subject to this provision.

Mr J.N. HYDE: I appreciate the minister's comments. The key issue is: what is the threshold? What is the difference between minor issues and major projects? At what level and which activities does the minister anticipate the exemption will start to apply?

Mr J.H.D. DAY: That has not been determined at this stage. Obviously, that will be subject to discussion between Treasury and the new authority when it is established, with the approval of the Treasurer and the Minister for Planning.

Mr J.N. HYDE: That is concerning me.

Mr J.H.D. Day: And why is that?

Mr J.N. HYDE: The minister does not know what the level of transaction will be; he cannot tell us what is going to be a major transaction and what is going to be a minor transaction that will be exempted.

Mr J.H.D. Day: It may be anything above $10 million, for example. It may be anything above $1 million. I imagine that it is more likely to be anything above $10 million. I do not think Treasury would want to be concerned with everything below that level, but that is me speaking completely off the top of my head. It is obviously subject to discussion between the Treasurer and the minister at the appropriate time.

Mr J.N. HYDE: Again, with comments like "I am speaking off the top of my head" and "I imagine", I can now fully understand why the City of Perth and others are describing this piece of legislation as quite nebulous and giving incredible power.

Mr J.H.D. Day: Where have they said it is nebulous?

Mr J.N. HYDE: In their report to council on Tuesday night.

Mr J.H.D. Day: Did they use that word "nebulous"?

Mr J.N. HYDE: Probably not; that sounds like a John Hyde sort of word. It is probably a concise summary. In fact, if the minister would like, I will read into *Hansard* some of the comments of the City of Perth. The minister has asked me whether the word "nebulous" was used. What was actually stated in the meeting was —

> … it is considered that the Bill is divisive and its implications for local government and ratepayers are likely to be damaging.

That is perhaps a little bit stronger than "nebulous". It continues —

> The lack of consultation that has been undertaken in preparation of the MRA Bill is of great concern. The Bill has substantial implications for the City, removing the City's involvement in decision making on major development projects within its boundaries and enabling the potential erosion of the City's role and powers in relation to future development and infrastructure planning and provision.

Again, I have great concerns that the minister wants us to pass this legislation when I do not think the minister genuinely knows, and perhaps the government does not yet know, exactly what level of power will be given to Treasury over this portfolio, over this authority and over the real functions of an elected local government.

Mr J.H.D. DAY: I very much doubt that the City of Perth is particularly concerned about this aspect. I earlier referred to the issue of consultation. I also made the comment that the working relationship between the state government and the City of Perth is a very cooperative and productive one. I see no reason why that will not continue.

Clause put and passed.

Clause 13: Delegation except of powers and duties under Parts 5 and 6 —

Dr A.D. BUTI: Many of the comments I am going to make on clause 13 will also apply to clause 14, and perhaps even more so, because clause 14 deals with development schemes and development control of redevelopment areas. I refer to delegation. Clause 13(2) states —

> If a person is not an LRC, —

That is, a land redevelopment committee —

> a committee established under section 111,

I go to clause 111(1), which states —

> The Authority may, in addition to LRCs, appoint other committees to assist it in the performance of its functions, and may discharge or alter any committee so appointed.

I am really concerned about the delegation of powers to a number of people and bodies without, in many respects, even ministerial control or, particularly, parliamentary scrutiny. The delegation of powers is an incredible power that we give to people. I really have a major concern with having such a wide net, particularly when clause 111 is introduced in this clause. I wonder why it was necessary to cast the net so wide with the delegation of power.

Mr J.H.D. DAY: I made a comment on this issue in my response to the second reading debate, and I will reiterate some of what I said then. In relation to the delegation of the authority's functions, there is a degree of confusion about the relevant provisions. Clause 13 of the bill enables the authority to delegate a range of its functions to a committee of the board, a board member, a staff member or, in some circumstances, a person or office holder approved specifically by the minister. This provision enables the kinds of functional and financial delegations necessary to enable any statutory authority or agency to perform its day-to-day business. It is really necessary for normal daily operations. It will relate to contracting, purchasing, human resources and other similar functions. Clause 14 of the bill, by contrast, deals specifically with the authority's planning and development control functions, which are its key focus of operation. These powers can be delegated only to a land redevelopment committee, another committee of the board or a person identified in the regulations. A delegation of planning or development functions can be limited depending on the particular stage and requirements of the relevant project and the strengths of operation of the applicable land redevelopment committee. It is possible to delegate those planning and development powers only to a land redevelopment committee, another committee of the board or a person who will be clearly identified in the regulations that will

be established. That is similar to the current operations, as I understand it, of the Western Australian Planning Commission, under which some of the more straightforward matters are delegated to individual officers or people who hold particular offices within the Department of Planning, but the more contentious or complex issues are considered by the statutory planning committee of the WA Planning Commission or, in some cases, by the board of the Planning Commission as a whole. A similar sort of arrangement is intended for the Metropolitan Redevelopment Authority. I reiterate that it will not be possible to delegate the planning or development control functions to just anyone, without that person being clearly identified. Generally speaking, the land redevelopment committee will have responsibility, in the same way as the boards of existing redevelopment authorities have responsibility, for the development control and planning functions.

Dr A.D. BUTI: I thank the minister for that clarification. I understand that the minister or even the authority itself cannot be involved in everything, but my major concern is the clause 111 committees. Clause 111 states that the authority may, in addition to the local redevelopment committees, appoint other committees. There does not seem to be any fetter on the range of committees. The functions they can perform, under clause 14, are very significant. I do not know what control we will have over the quality of the people who will form those committees. If clause 111 were not included as a possibility under clauses 13 and 14, but more so under clause 14, I may not have as much concern, but I do have a major concern with how it now reads and with the ability of committees established under clause 111.

Mr J.H.D. DAY: I understand that the intention under clause 111 is that, as the member pointed out, other committees could be established, but it would be for the purpose of having an audit committee, a budget committee or something of that nature. It is not the intention to establish some other committee to undertake the development control powers. Given that we are setting up the land redevelopment committees, it really does not make sense to contemplate that we would have some other alternative undertaking those functions. In relation to control of who would be appointed, clearly the board of the Metropolitan Redevelopment Authority is responsible to the minister and needs to justify its actions. In any case, given that members of any other committee, be it an audit or budget committee, would most likely be paid, the clear policy and practice of government is that all such appointments need to be approved by cabinet, so there is that degree of control and scrutiny.

Mr J.N. HYDE: The minister mentioned delegation by the board to a budget committee. Currently there is a requirement under the East Perth Redevelopment Act for the minister's approval for acquisition and disposal of land that exceeds $1 million in value. It is my understanding from the minister's second reading speech and media statements that that threshold will be a lot higher for the MRA. I think the member for Armadale and others have raised a quite valid concern. If the threshold reaches an amount of maybe $10 million, as the minister mentioned off the top of his head, could that responsibility also be delegated to a budget committee, so that the minister would not have to be notified of a decision involving amounts of up to $10 million?

Mr J.H.D. DAY: We are talking about a hypothetical situation that I do not really expect to arise. I expect the board of the authority to take responsibility for financial decisions that are made. I gave the example of a budget committee maybe being established, but I do not really expect that to occur. An audit committee could well be established; I think they exist in some other public sector agencies, and certainly in the corporate world. Clause 111 provides the ability for the authority to set up some other committee, but certainly I, as Minister for Planning, would want to justify the need to do so, and I am sure that any future minister would also. The ability is provided there, but it is debatable whether it is really required because, as I understand it, it is likely that boards will be able to establish committees in any case. It is really just to try to ensure that all possibilities are provided for in the future.

Clause put and passed.

Clause 14: Delegation of powers and duties under Parts 5 and 6 —

Mr J.N. HYDE: Again, I refer to the issue of delegation of powers. There is a proviso that it cannot be further delegated. I am a little confused, because the example we have been given so far is that the MRA can delegate to a land redevelopment committee, but the minister just stated that the LRCs may be able to delegate to a budget or audit committee. Have I understood that correctly or not?

Mr J.H.D. DAY: I am advised that the land redevelopment committees are not able to further delegate the powers that have been delegated to them by the board of the authority.

Clause put and passed.

Clause 15: Subdelegation of delegated WAPC powers —

Mr J.N. HYDE: What are the sorts of powers under the Planning and Development Act that the minister anticipates could be subdelegated?

Mr J.H.D. Day: Which subclause are you referring to?

Mr J.N. HYDE: Clause 15(3).

Mr J.H.D. DAY: This clause contemplates the delegation of powers relating to improvement schemes under part 8 of the Planning and Development Act. We changed the Planning and Development Act last year to, amongst other things, enable improvement schemes for a nominated area to be prepared by the Western Australian Planning Commission. The purpose of this particular clause is to enable a land redevelopment committee to delegate some of the powers of implementation of an improvement scheme by the WA Planning Commission.

Mr J.N. HYDE: Again, I have to go back to this point; the City of Perth has also made the same point. The consultation process prior to adding land to a redevelopment area is limited to the WAPC and the relevant local authority, so that there is no requirement for public or landowner consultation; whereas within local government there are requirements for affected neighbours and others to be consulted. We are further subdelegating these powers to the LRCs.

Mr J.H.D. DAY: I hope I have understood the point that is being made by the member for Perth. I am advised that section 16 of the Planning and Development Act enables the Western Australian Planning Commission to delegate to a range of public sector authorities, and the Metropolitan Redevelopment Authority Bill does not change that; it simply enables the Metropolitan Redevelopment Authority to subdelegate to a land redevelopment committee. If the member is raising concerns about the need for public consultation on the preparation of an improvement scheme, that is provided for in the Planning and Development Act. The usual consultation that exists at the moment for planning scheme amendments will need to be put into effect. This clause contemplates the implementation of an improvement scheme, not the preparation of an improvement scheme or the overall land use approvals that would be determined by the preparation of an improvement scheme. The improvement scheme replaces the local planning scheme and also the metropolitan region scheme, in the case of the metropolitan area. It enables detailed planning arrangements to be undertaken for that particular area. The normal public consultation and advertising processes will occur, so I do not think there needs to be any real concern about the public being excluded from the decision-making process for land use approvals.

Mr J.N. HYDE: The minister rightly states that this will replace the local planning scheme and other schemes, certainly under the Metropolitan Redevelopment Authority. Currently local planning schemes have requirements regarding advertising, billboards and often heritage. The great concern here is that, through delegation, the LRCs will be exempt from the advertising of specific activities that local councils are engaged in. Will there be exemptions for cases such as if we wanted to establish a step-down house for the mental health department? As we see at the moment, it has to advertise because it is a use within the scheme that is not allowed. This allows the LRCs to totally ignore a local planning scheme.

Mr J.H.D. DAY: There are no changes to the public consultation arrangements. There will not be an exemption for the sort of situation that the member has just outlined. As I mentioned earlier, a redevelopment scheme or an improvement scheme under the Western Australian Planning Commission will need public consultation to be undertaken. Redevelopment schemes are provided for much more fully in part 5 of the bill, which we will come to at a later point. If the member looks at that, he will see there are some quite extensive provisions about how that needs to be undertaken.

Clause put and passed.

Clauses 16 to 18 put and passed.

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

Mr J.N. HYDE: The concerns I raised about clause 15 are also very appropriate for clause 19, which deals with the contiguous area. This is another point that the City of Perth raised and I think we touched on it during the second reading debate. The bill is ambiguous and unclear about the activities that could be taken over from a duly elected local council on land contiguous to the redevelopment area. The City of Perth stated that there is potential for this clause to erode the city's powers. This may be particularly relevant given the significant state government development projects planned in the city. This clause and a variety of others in this legislation enable various functions and powers of the Metropolitan Redevelopment Authority to pertain to land that is contiguous to the redevelopment area and the council, I think quite rightly, fears that is an erosion of its powers.

Mr J.H.D. DAY: I think this issue was addressed earlier but I will make some additional comments. Clause 19(1) enables the Metropolitan Redevelopment Authority to undertake activities on the whole of a lot of land if the redevelopment area boundary transects the lot. The effect of this provision, therefore, is really quite minor. Clause 19(3) enables the authority to pay for work that is undertaken outside the redevelopment area if it is appropriate. Therefore, this proposed section deals with the situation in which a boundary, for whatever reason, goes through the middle or part of a lot—transects it, as I said—and ensures that the whole of that lot can be included in the development.

Ms J.M. FREEMAN: I note that clause 19(3) states —

> Without limiting section 11(2), the Authority may pay for the carrying out of any work on land that is contiguous with a redevelopment area if the work is, in the opinion of the Authority, directly related to the improvement of the redevelopment area or the functions of the Authority.

Can the minister please clarify how a dispute will be resolved if the Metropolitan Redevelopment Authority is not of the opinion that the work is directly related to the improvement of the redevelopment area or the functions of the authority, but the local government is of that opinion? Will the determination of that come down to the minister? Can the local government go to the State Administrative Tribunal? What is the dispute resolution procedure for what appears to be a contentious clause? What is the dispute resolution process for local government if the authority is of the opinion that the work is not its responsibility, thereby leaving the parties with, I suppose, a long and protracted dispute? I want to know how we can ensure that those sorts of disputes are curtailed and that there is appropriate capacity for appeal and that there can be a quick and effective determination of a dispute in that area.

Mr J.H.D. DAY: I understand that if a landowner is dissatisfied with the conditions of development of that land, they would be able to appeal to the State Administrative Tribunal. If the Metropolitan Redevelopment Authority is the developer or proponent intending to undertake work, ministerial approval is required for that work to be undertaken; otherwise, development approval is required by the authority for any development that may be undertaken by any individual or entity other than the authority itself.

Ms J.M. FREEMAN: That was not as clear to me as I perhaps need. The minister was talking about a private business owner who believes that work on the land needs to be carried out. I think yesterday we used the example of the continuation of a pathway or something like that. I suppose we would probably not use the example of a private developer next to a private property owner. I think it is more likely to be a private property owner next door who believed that for the development to be contiguous with the redevelopment area, it would be something more to do with their private land than a pathway. I agree that probably in that instance it is something that would be in the opinion of the Metropolitan Redevelopment Authority. If a person takes their concern to the State Administrative Tribunal, in the opinion of the authority it is a very direct issue, so I question whether it can be directly determined by SAT. It is perfectly clear—I am not a lawyer in the room—that if the authority does not have the opinion that it is contiguous with the redevelopment area, it does not get payment for that. That is still on the basis of the authority not being of the opinion that it is contiguous with the redevelopment area.

When there is a dispute about this matter, it seems pretty clear to me that appealing to SAT would be fruitless on the basis that the clause is a definitive clause; it is in the opinion of the authority. Can it seek redress through the minister so that its decision is determined quickly and efficiently? The process of appealing to SAT is unfortunately not as quick as people would like. Local governments would say that the path is part of that redevelopment area and they need to continue it to make that redevelopment area work and operate properly. I am still a bit mystified as to how the minister can foresee that it would go to SAT and how it does not need something that is determined or has some sort of capacity in this legislation for a dispute resolution or a determination clause.

Mr J.H.D. DAY: People can always make representations to ministers, and there is normally an attempt to resolve an issue if that representation is made. Whether the land is contiguous, which is a large part of what the member is raising, is a clear question of fact. Normal legal explanations and principles are followed in the case of a dispute. Whether something is contiguous is pretty obvious in most cases and is a clear question of fact rather than an issue of debate. I think that really deals with the issue that the member has raised.

I also point out that under this provision it may well be that the authority is only funding the work outside the redevelopment area, and the work to be undertaken is always subject to the relevant local planning scheme.

Debate adjourned until a later stage of the sitting, on motion by **Mr R.F. Johnson (Leader of the House)**.

RESTRAINING ORDERS AMENDMENT BILL 2011

Second Reading

Resumed from 22 June.

DR A.D. BUTI (Armadale) [11.23 am]: I want to make it clear that I am not the lead speaker in this debate but I will speak now. The Restraining Orders Amendment Bill 2011 seeks to amend the Restraining Orders Act 1997. In the Attorney General's second reading speech to this amendment bill, he stated —

> We should be clear from the outset that domestic violence is a very serious issue, with ramifications that can affect the whole community.

There probably could not be truer words spoken in this Parliament. There is no doubt that domestic and family violence is a serious issue not only for the immediate victims, but also for the whole community. We are generally in favour of this amending bill but we have some comments and concerns. To put it into context and to

clarify and also agree with what the Attorney General said about the effect on the community, I would go as far as to say that domestic and family violence is the most serious form of violence in our community. It shatters homes and the lives of victims and it carries with it damaging economic and community consequences, including homelessness and illness. Further, children who are exposed to domestic and family violence learn abuse from a young age and this often can continue in other patterns of violence.

The cost of domestic and family violence extends beyond the individual victims to the greater community. A KPMG report in 2009 commissioned by the commonwealth government found that domestic and family violence cost the nation $13.6 billion each year. According to the study, if additional efforts are not taken to address domestic and family violence, this figure will increase by $2 billion in the next 10 years. Therefore, there is a pressing need to respond to domestic and family violence in our community. That response should not only focus on justice for victims, but also provide effective prevention strategies. A coordinated response is needed that will strengthen the community's perceptions and awareness of domestic and family violence to change the underlying culture that supports such violence.

We should be clear that domestic violence is a gender crime. There is no doubt that some men are victims of domestic violence, but they are a very small portion. Overwhelmingly, the victims of domestic violence are women. According to the Australian Bureau of Statistics, one in three Australian women have experienced physical violence since the age of 15 years and almost one in five have experienced sexual violence. Historically and contemporarily, domestic and family violence is a gender crime that impacts on females. It is a manifestation of traditional male authority. There has always been a problem in this area because it is often considered to be a private matter. As a result, sometimes policymakers and also the police have not become involved because it seemed to be a private matter in which the law and the state should not intervene. Hopefully, we have overcome that hurdle, but I still believe that the historical perception of the private nature of domestic violence still dominates in some parts of our community, and that affects the protection and prevention measures in relation to domestic violence in our society.

I want to give a statistical overview because it is important and supports the case for why this amendment bill has been brought to this house. In 2005, over 350 000 Australian women experienced physical violence and over 125 000 women experienced sexual violence. Between 2008 and 2009, Western Australia Police attended 30 933 incidents of domestic and family violence in Western Australia. Over 12 000 of these incidents resulted in the police laying a criminal charge. Estimates indicate that Western Australian Indigenous women and girls are 45 times more likely to be the victims of family violence than other Australian women and girls. Indigenous women are further prevented from using what counselling and medical services are available because of kinship, relationships and complexities. In 2006–07, 53 per cent of female homicides in Australia were the result of an intimate relationship between the victim and the offender. In contrast, only 10 per cent of male victims had an intimate relationship with their offender. Domestic violence is the leading cause of homelessness among women and their children in Australia. Domestic violence is the single biggest health risk to Australian women aged 15 to 44 years. Children witnessing ongoing domestic and family violence often enter patterns of delinquency and use violence in their personal relationships. Other psychological and behavioural impacts on children include depression, lower social competence, temper problems, low self-esteem, school difficulties and increased likelihood of substance abuse. Those figures and statistics are reflected on an international scale.

What have society and policymakers done about domestic violence? One of the things they have implemented is violence restraining orders, which is what the Restraining Orders Amendment Bill 2011 seeks to look at in more detail. The Restraining Orders Act 1997, which this bill seeks to amend, empowers the courts to grant violence restraining orders in certain cases of domestic violence. When considering an application for a violence restraining order, a court has to take into account three matters of primary importance: the protection of the applicant from abuse; the prevention of behaviour that could reasonably be expected to cause fear and abuse; and the wellbeing of children.

On 22 June the Attorney General introduced the Restraining Orders Amendment Bill 2011 into this house. The bill seeks to make three important changes that will toughen the current protection order regime. Firstly, the police will be empowered to issue a police order for up to 72 hours without the consent of the applicant; secondly, when the respondent is convicted of a third breach of a restraining order, the courts will impose a term of imprisonment, with exceptions made only in extraordinary circumstances, based on legislation in New South Wales, Queensland, the Northern Territory and Tasmania; and, thirdly, the definition of "serious offence" under the Criminal Investigation Act 2006 will be expanded to include a breach of a restraining order. Therefore, when a charge for a breach of a restraining order is laid, the police can proceed by arrest rather than by summons. The Attorney General's "three strikes then jail" proposal will imprison offenders who repeatedly breach restraining orders. Although that is commendable, the problem is that we have to wait for three breaches before imprisonment. I will be interested to find out from the Attorney General why it is three breaches. Is there any statistical reason for imprisonment occurring after three breaches? An argument can be made, Attorney General, that if a person is willing to breach the restraining order after one breach, they are likely to breach it a second

time, by which time the victim may have been subjected to significant mental and physical abuse and injury. I will be interested to know why imprisonment will be delayed until three strikes, as such. I do not want to be overly bullish on this, because, from the way the bill reads, children in a domestic relationship could also be subject to this amendment and they could also be imprisoned. We always have to be careful in that regard.

I turn to clause 15, which seeks to insert proposed section 61A into the original act. As I said, the proposal is that after three strikes one can be imprisoned. In other words, if someone breaches a restraining order three times, when they go to court there will be a presumption that imprisonment will occur, but there will be a discretion not to imprison. I commend the Attorney General for including that discretion, because, as a lawyer, I believe that the court should always have discretion as to whether it will imprison someone. I would be interested in the Attorney General's response about why we have a discretion in this bill—which I support—but we do not have a discretion when it come to mandatory imprisonment for striking a police officer. I would argue that a victim of domestic violence is in a much more vulnerable position than a police officer and other prescribed officers who come under the mandatory imprisonment legislation. So although I do applaud that provision in this bill—I would never, never champion the mandatory sentencing of anyone without the court having a discretion to not impose imprisonment—I wonder what message we are sending to the community by saying that if people assault a police officer and other prescribed classes of officials, they will go to prison, but if they engage in domestic violence and breach a restraining order three times, which is a major crime, there is a discretion. As I have stated—I will repeat it to make my views clear to this house—I agree that there should always be a discretion, but why is there a discretion in this bill but no discretion when it comes to police officers and others? Is that because of the political pressure that was around at the time that that legislation was introduced? Of course, unfortunately, as I have stated previously, in some sections of the community, domestic violence remains a private matter. I hope that this government, along with the opposition, can take measures to educate the community that domestic violence is unacceptable and should be regarded as one of the most serious crimes that our community has to deal with.

I have a couple of other clauses that I would like the Attorney General to comment on at some stage. Clause 6 of the bill states —

> Any other interim order, or a final order, lapses if it is not served on the respondent within 2 years, or any shorter period specified in the order, of the order being made.

Of course, although that makes sense at one level—if the order is not served within two years, it may lapse—what if the offender has deliberately avoided the serving of the order? What if they have committed an offence and then leave the country for two years or more, and then they come back? It would be my argument for such cases that the order should remain on foot. If all reasonable efforts have been made to serve the order on the respondent, but the respondent has it within their powers to avoid the serving of the order, I am not sure whether we should be allowing them the grace or privilege of not having the order still operating against them.

Another issue is resources or budgetary considerations. As the Attorney General is also the Treasurer, I am sure he is always very mindful of budgetary considerations. I wonder what budgetary impact the proposed legislation will have on the police, the courts, and the prison system. One would think that we would have an increase in prison numbers if we are going to introduce this legislation. One would hope that we will not have an increase in prison numbers, but I suspect that we probably will. There will also be resource implications for the court system, because proposed section 53G(2) states —

> If a court makes a restraining order of the kind referred to in subsection (1), the court may require the parties to the proceedings to appear before the court on a regular basis during the period that the order is in force in order to report on those arrangements.

I think that is an incredibly sensible clause, Attorney General, but, of course, there will be some resource implications for the court. In introducing this legislation, it is the government's responsibility to tell this house the resource implications for the police, courts and prisons.

In conclusion, I reiterate that we should applaud anything that can be done to reduce the horrendous crime of domestic and family violence, but we must ensure that whatever we do will reduce the incidence of domestic violence. I think this amending bill sends a signal to the community that this government and this house are serious about the horrendous crime of domestic violence but, as I stated, I wonder why there is necessarily the need to wait for three strikes. I think the onus is on the government to inform this house about the budgetary considerations. I should add that this bill on its own will not solve the problem of domestic violence. Unfortunately, we will never be able to eradicate domestic violence, but we should try to minimise it. It is a horrendous crime that has an enduring impact on the victims, the children involved, the families and the community from not only a psychological perspective, but also an economic point of view. We must understand that this is only one measure. There are many, many other measures that this government and this house must attend to in order to reduce the incidence of domestic and family violence. I support any measure that will seek to reduce domestic violence and send an appropriate signal to the community that it is a serious offence.

MR J.R. QUIGLEY (Mindarie) [11.40 am]: I apologise that I was not here at the first call. The opposition will not oppose this Restraining Orders Amendment Bill 2011 introduced by the government. Of course, the opposition, when in government in 2004, made a number of significant changes, followed by the required statutory review, which was tabled, I believe, in May 2008, from which these amendments are largely drawn.

It ought to be noted that the bill before the chamber and the Restraining Orders Act cover not only domestic violence situations, but also violence and misbehaviour generally in the community. It is important to pause and note this. I note also the member for Armadale's speech and the passion and concern he has about those incidents of domestic violence. I have had experience in my electoral office of headmasters who have threatened, and on at least one occasion have been required, to take out a restraining order against a parent. The child was not residing with the parent but the parent sometimes picked up the child and was very disruptive on the school grounds. There are myriad instances of both misbehaviour and threatened violence within the community outside the domestic setting. However, one need only visit the Joondalup restraining orders court, particularly on a Monday morning, to see the overwhelming prevalence of applications sought because of domestic situations. As has been referred to and reported in literature, one of the biggest predictors of whether a young person will practice domestic violence as an adult is whether he or she has been exposed to it as a child. It is therefore very important to stem the flow or break the cycle so that the unfortunate behaviour is not passed down through generations. This is the same, of course, with child sexual abuse whereby we hear in many pleas of mitigation and in sentencing remarks that, decades earlier, the perpetrator had been the victim, and so the cycle continues.

I listened closely to the Attorney General's second reading speech and to the member for Armadale's contribution. Within society and within probably both parties there are a range of views about how hard to tighten the tap or turn up the gas at this point. I think the government has got it right on this occasion; the presumption for imprisonment will come into play on the third occurrence. It must be remembered that on the first occurrence, the order itself is made. On the second occurrence, for a breach, there is a substantial penalty of $6 000 or two years' imprisonment at the discretion of the sentencer, bearing in mind the provisions of the Sentencing Act, which require the sentencer to strike a custodial sentence as a sentence of last resort. It would be a very, very serious breach that would require a sentencer—a judge or magistrate—to impose an immediate custodial term on the first breach, or that there be a presumption that custody will be imposed on the first breach.

Many of these circumstances in the domestic setting are clothed in tragic emotional circumstances. Not all the breaches, but some of the breaches, can be of a less serious nature and would require the person to be pulled up sharply, but not necessarily incarcerated at that point. For example, many of the breaches involve piercing the circle, or the diameter, of exclusion when the order is that the restrained person cannot approach the protected person within 500 metres. Sometimes, especially in the family breakdown setting, these orders can be breached at a drop-off or pick-up point when the person subject to a restraining order either has not taken the care to find or could not find a third party to drop off a child and he drops off the child in the driveway, thereby breaching the order by being within 500 metres of the house. Would that, on the first occasion, require a presumption of imprisonment? It might not even require imprisonment on the second occasion if the circumstances come within the definition prescribed by the government in this bill; that is, that the circumstances are extraordinary and that the restrained person would not present a danger to the community. On balance, therefore, I think it is right.

In a non-domestic setting such as a club, a hotel, the street or a workplace, there might be some pushing and shoving between two people and one person seeks a protection order, and that protection order is breached by a punch that results in actual bodily harm such as a broken jaw. The person might plead not guilty to the assault occasioning bodily harm; nonetheless, that person can be breached on the order. It might be on that first occasion, given the seriousness of the matter, that the sentencer might say, "This is not dropping off a child at a driveway; you've entered a licensed club again and once again struck the barman. You've threatened him before and now you've broken his jaw. You're in for six months."

There is a whole range of circumstances that these restraining orders and misconduct behaviour orders can seek to repress. One single legislative response such as this will be insufficient. This bill is a step in the right direction, but, without other measures, it will remain insufficient. I am sure that, first and foremost, the opposition and the community are waiting for the foreshadowed amendments to the Sentencing Act, whereby, as the bookies are tipping, a sentence will be able to include partially suspended sentences and/or weekend detention. That would give the sentencer a greater range of options in these circumstances. We must not lose sight of the fact that when the restrained person is the principal breadwinner of the family and pays maintenance, his immediate incarceration can have further ongoing detrimental consequences for the single mum, who not only has been the victim of harassment, intimidation or violence, but also can suddenly find herself no longer in receipt of child support and having to go through the agencies. This in itself can be a deterrent to a woman who feels that she would like a restraining order, but, if it is mandatory imprisonment on the first occasion, she will hold off because of the further consequences she might suffer. If there were, as we are all hoping, the ability to partially serve and partially suspend a sentence, and that these circumstances will be covered and will not be excluded, a person might be imprisoned for a month and serve his annual leave inside and have the balance of it

suspended so that he suffers punishment but the single mum does not suffer undue financial hardship. It would be similar with the prospect of weekend detention.

From my experience as a practitioner, there is no doubt that, at least in the domestic situation, and I think also in the wider community, there are clusters of these incidents around weekends. Unfortunately, a lot of it involves alcohol. Dad finishes work on Friday arvo and has a few, or he is at home on a Saturday barbecuing and drinking extensively, and then the behaviour occurs that would require him—or her; I should not be sexist—to be restrained. From my experience as a practitioner, and having seen the lists at Joondalup in reasonably recent times, there are certainly clusters of these heavily around the weekend. It might be appropriate in some circumstances that a person be imprisoned for weekend detention for a considerable period and lose his liberty on weekends when the abhorrent behaviour was principally occurring but still be able to function as an employee and breadwinner for the family. As I say, it is not one legislative response that will achieve all this.

Of course, another problem has been identified. Indeed, it was the very basis of the previous federal government's intervention, and I disagreed with the way it was implemented. However, the rationale behind the intervention was the endemic domestic violence and worse in some remote Indigenous communities. There was a spate—I think they are all over now; it ended about 18 months ago—of trials in sessions of the Supreme Court in Derby. There were a lot of sexual abuse cases from remote areas. In those cases, the abuse of alcohol was accompanied by domestic violence. Indeed, some of the strongest advocates against that violence and the excessive consumption of alcohol were the mothers and grandmothers in those communities who were the subject of it and who saw their children witness it and, therefore, be inducted into the cycle. That goes to the whole issue of alcohol in our community and takeaway alcohol in parts of our community. We have heard the public debate about towns in which the purchase of takeaway full-strength alcohol is not permitted, but others complain that fly in, fly out workers and tourists are adversely affected. These are always weighting and balancing considerations. But when we talk about what the member for Armadale talked about—that is, some of the most tragic and serious impacts of crime in our community, including the repetition of domestic violence—although it might not be a gunshot wound or a stabbing, it is the continual belting over an extended period that is so damaging to both the victim and the witnesses, who so often are the children.

This issue of alcohol consumption is one of the factors in domestic violence. Of course, as the Premier said on Tuesday this week, a lot of the violence on the weekend is precipitated by alcohol and, perhaps, in a lot of cases, co-imbibing that with illicit drugs. However, having been a practitioner I am aware that there is a practical problem with restraining orders. The Attorney General alluded to this in his second reading speech when he said that the law —

> … needs to balance the rights to due process afforded to both the applicant and the respondent with the need, in many cases, to provide immediate protection to the applicant.

That matter was addressed in the 2004 amendments when the police were given the power to issue an on-the-spot restraint for 24 hours, or longer—by 48 hours—with the consent of the applicant. The government has now taken away the need for that consent, and sensibly so, because if the police intervened on a Saturday and issued a 24-hour order, there was no restraint by Sunday night. A person could come home tanked from a drinking session when there was no restraint in place and mum would have to go to a shelter or the bush until she could attend court to seek interim relief. We agree with that power.

The Attorney General is also in receipt of a memorandum from Hon Peter Dowding, SC, who is the leading family law practitioner in Western Australia. I would not have thought that the Attorney General would be surprised to learn that Hon Peter Dowding, SC, sent a copy of the same memo to me. He raises another concern, which does not seek to either undermine or attack the restraining orders in any way; it seeks to highlight a practical problem that exists in the real world when we talk about due process. Having practised in court, I know that the level of evidence required to get an interim restraining order is not very high. I think the Attorney General would agree with that. The memorandum of Hon Peter Dowding, SC, goes to the time taken between the granting of the restraining order and the confirmation hearing, which can be many months. I have seen circumstances—Hon Peter Dowding, SC, refers to this in his memorandum—when, during litigation, restraining orders have been used as a tactical weapon by some practitioners. Because the threshold is not very high, there is no cross-examination, and once it is obtained, it is in place for many months before it is actually confirmed. When property is in dispute, a restraining order can be a very quick and effective way of securing exclusive possession of the matrimonial home for several months while the Family Court proceedings are underway, which require affidavits, hearings and cross-examinations. Hon Peter Dowding, SC, proposes to fix this by requiring restraining orders to be brought back before the court for confirmation in a very short time—a matter of two or three days. However, once an interim order is granted, the problem will be pushing aside everything else from the busy magistrates' lists to hold a contested confirmation hearing. As the Attorney General knows, Magistrates Courts are very busy dispensing justice; they are very busy places of business. To ensure that everyone who had an interim order granted on Monday at the Joondalup Magistrates Court will have a confirmation hearing later that week or the week after is, to a degree, almost impossible to achieve in the

practical sense, as far as I can see. However, I would like to think that the process could be expedited, especially when no physical injury is involved and there is no cogent evidence before the court that will test the status quo. Sometimes I have caught my breath and thought, "That whistled through very quickly, untested and unscrutinised." The courts must be careful that practitioners and litigants are not using these orders as a tactical weapon in litigation; otherwise, the orders themselves will fall into disrepute and be disregarded, thereby losing their potency within the community. I do not know whether my few words in this chamber this afternoon will do anything in that regard. However, should the judges or magistrates read them, I hope that when there is no evidence of someone having received a black eye, or any other cogent evidence before the court, but that just a tale is being told, the tale will be tested for not only the purpose of testing the ex parte respondent, but also protecting the efficacy of the orders themselves.

Another important amendment that my learned friend, the member for Armadale, has already addressed is the amendment that prescribes the breaches as serious crimes. Another aspect that led to the impotency of restraining orders was that when a complaint of a breach was submitted, the matter would be duly processed behind the counter by way of summons. When no obvious action was taken either at home or on the streets, the person who sought the order on this particular occasion lost faith and believed that he or she was still exposed, and the law appeared to be a bit impotent. I am looking to the Whip to call the next speaker to the chamber. I do not want to labour the matter for the sake of taking up time, because we are not opposing the legislation. We are looking to implement other sentencing options, perhaps sooner rather than later, so that the courts can imprison these clusters of offenders for the weekend. We would like the courts to impose sentences that jerk the offender's neck but leave the balance of the sentence suspended so that a person involved in a domestic dispute would get a lick of prison for a month during his annual leave and have the balance of his sentence suspended. I believe that would have a sobering impact on the rash behaviour of a person who is not otherwise a criminal offender. I hope that the Attorney General will soon foreshadow some other sentencing options that will complement the provisions contained in this bill.

MR D.A. TEMPLEMAN (Mandurah) [12.09 pm]: I would also like to make a contribution to the Restraining Orders Amendment Bill 2011. I have noted what was said by the Attorney General in his second reading speech and by the two previous speakers for the opposition, which included, of course, the shadow Attorney General, the member for Mindarie. The Attorney General outlined in his second reading speech some of the progress or additional efforts that have been made by the government to address the ongoing issue of domestic violence, which is, as we all know, an abhorrent stain on our community. Domestic violence has an impact on not only the victims of the violence, but also the children and loved ones of victims.

I was Minister for Community Development from 2006 to 2007. It was Labor in government that introduced significant reforms in the approach to domestic violence, including by the police service. I give particular credit to one former Minister for Community Development, Hon Sheila McHale, who, as minister, championed significant reforms on domestic violence, particularly during the term of the Gallop government. When I replaced Hon Sheila McHale as minister, the non-government sector and the Department of Community Development, as it was then called, were implementing a number of the reforms she had introduced. Greater emphasis was placed on the importance of the police service responding immediately to domestic violence. I am not saying that the police service had not been doing that up to that time, but there was certainly a focus on the importance of responding to occurrences of domestic violence, not only for the safety of the victims of domestic violence, but also because of the impact domestic violence has on families, and particularly children. I acknowledge the comments of the member for Armadale. There is a raft of research across not only Australia but also the world about the genuine impact that domestic violence has on the children who witness it. After the introduction of new legislation and changes to legislation in the early 2000s, a number of programs emerged that focused particularly on supporting children. In the Peel region, there is still, unfortunately, a steady flow of domestic violence–related traffic into our courts in Mandurah. It is abhorrent that it is continuous. Unfortunately, statistics show that the prevalence of domestic violence continues to increase. It is a sad indictment of the community that domestic violence continues to have such a terrible, terrible impact on women in particular, and on families and children.

The shadow Attorney General highlighted some issues of concern to the opposition but also clearly indicated that we will support the legislation. I will be interested to listen to some of the issues that the shadow Attorney General, the member for Armadale and others may raise in greater detail during the consideration in detail stage. It is my view that, at the end of the day, we should aim for our system of responding to domestic violence to lead the world. I hope that this bill seeks to make our system much more workable and more effective. If we can achieve that, we should all be proud. If we come out of this process with a better system of dealing with what is a great stain on our community—with a system that is more responsive and more effective—then that will be very, very good for our community.

I want to pay tribute to the people who annually sign up to be ambassadors in the White Ribbon campaign. I know that a number of members of this Parliament, in particular male members, are White Ribbon ambassadors

and speak out about and support the campaign against domestic violence in our community. What we need to do—I have seen this happen in my region—is to make sure that more and more men from all walks of life and ethnic diversity join that campaign. It should not happen just on one day or during one week of the year; it should be an ongoing campaign in which men, in particular, stand up for their communities, their families, their children and their partners by saying that domestic violence is unacceptable and that it is not the way to deal with relationship problems or conflict. The more people and community leaders who stand up against such abhorrent behaviour, the better. I will listen with interest to the Attorney General's response to the second reading debate and, of course, to the debate during the consideration in detail stage.

I will conclude by congratulating members of my community, whether they be workers at the Pat Thomas Memorial Community House women's refuge in Mandurah, support workers who support victims of domestic violence in my community, support workers who work with and assist children who have witnessed domestic violence in my community, or the police men and women who work closely, many of them in domestic violence units, with victims and support agencies. I salute them for the work they do. It is important work. It is relentless work, but it so critical if we are to genuinely change what happens in our community and eradicate domestic violence in the future.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [12.18 pm]: Thank you, Mr Deputy Speaker, for the opportunity to speak on the Restraining Orders Amendment Bill 2011. As the shadow Attorney General indicated, the bill will certainly not be opposed by this side of the house. I note from the Attorney General's second reading speech that this bill is in part a result of the statutory review that was tabled in Parliament in 2008. This is an important part of the incremental steps that we take to make sure that these sorts of laws remain effective.

There are two aspects to domestic violence. The first is how we as a society put laws in place to make sure that we continue, where we can, to stop domestic violence and impede those who wish to perpetuate it in our community. The second aspect is how these laws can anticipate violent situations and make sure that these instruments are used to prevent violence and misconduct as best they can. From that perspective, these are very important laws. As the Attorney General observed in his second reading speech, they are laws that provide a careful balance between the rights of a person wishing to take out a violence restraining order and the rights of the person against whom the order is to apply. Another aspect of the work of government to help communities manage the impact of domestic violence is to make sure that we provide the necessary services and resources. We need to put in place laws and the capacity to regulate people's misconduct in the community, but we also need to put in place the services and resources that allow us to address the impact of domestic violence.

As I said, violence and misconduct restraining orders require a careful balance between the person seeking the restraining order and the person against whom the order is taken out. It is important that we put in place the changes suggested, whereby we have an escalation of the penalties that are applied in the event of a breach of a violence restraining order. Members will be able to reflect, as I have, on their experience of constituents or other members of the community coming to them to describe their frustration at having taken out a violence restraining order in the belief that they would be thus protected by that order, only to find that the order has been breached not only once or twice, but possibly on several occasions. The vulnerability that comes with that does two things: it continues to undermine the person's sense of security, and it also undermines people's faith in the laws which we pass and through which we would like to extend protection to these people. The changes that will be put in place are well intended and I hope they will be effective.

I want to now reflect upon a particular complaint that came to me. This was an incident involving the son and daughter of a very elderly parent who was in hospital with an advanced form of dementia; they found that their mother had become the target of, shall we say, the affections of a much younger man, who wanted to take over power of attorney and her legal and financial affairs, in what they thought was a particularly unseemly and disingenuous relationship. They described the frustrations they had in taking out a restraining order against this person in the first instance, and the lengths they had to go to in the second instance to keep that restraining order in place and make the hospital recognise its effects. I heard only one side of the story, and I can understand that one must always be mindful of what might be some very genuine intentions on the part of this person to befriend the woman; but one must also be mindful of the concerns and anxieties of the son and daughter, who wanted to protect her interests. I think it will be commendable if this legislation continues to strike that balance.

I am particularly sickened, as I think we all are, by domestic violence. Domestic violence impacts upon not only the immediate victim, but also those living in the vicinity of the incidents. I understand that one in five children has witnessed domestic violence, and one in three knows someone who has been affected by domestic violence. Although it is important for us to have legislation in place to continue to drive down the incidence of domestic violence in our communities by providing law enforcement agencies with more tools and courts with more effective penalties, it is also important that we as a society continue to provide resources to empower those who seek to remedy and assist those affected by domestic violence.

It is my understanding that domestic violence costs Australia an estimated $13.6 billion each year in enforcement, support and the social consequences of this most ugly form of human behaviour. Many children grow up in an environment in which domestic violence is seen as a normal part of life, so while domestic violence is a form of physical abuse, exposure to domestic violence is also a form of abuse. It is also a big indicator of whether people will turn out to be perpetrators or victims of domestic violence later in life. It is incredibly important that we have things in place to support these people to the necessary extent.

Through the work I do in my community, it strikes me that violence is becoming an increasing part of our community as drugs and alcohol become an increasingly large element of people's lives. Although I do not know what the empirical evidence is, I am sure there is anecdotal evidence to suggest that incidents of violence in the home and other areas where perhaps we did not previously believe that violence was an increasing component are becoming more frequent in parts of our community.

While the Attorney General has undertaken this important legislation so that we can continue to provide the courts and law enforcement agencies with the tools they need to drive down the incidences of domestic violence, it is disappointing that that has not in turn been matched by extra resources for the agencies that are dealing with the impacts of domestic violence. No new refuge beds have been funded in Western Australia since the Barnett government came to office. That is of particular concern. A lot of people in my community tell me they are frustrated with the ineffectiveness of violence restraining orders. A lot of people come to my office saying that they are worried about the availability of refuges for men and women seeking some form of shelter from the perpetrators of domestic violence. Although it is good that the government has introduced this legislation, it is regrettable that it is not matched on the other side of the ledger with the resources to ensure that we continue to provide support for people who are victims of domestic violence and also support for the perpetrators of domestic violence to give them the capacity and the life skills they need to break the cycle.

I will talk briefly about the Global Good Foundation, which is headed by a good friend of mine, Ms Tanya Dupagne, who is a very active young member of the Kwinana community. The Global Good Foundation is a not-for-profit organisation that is setting up education centres for people suffering from the impacts of domestic violence. They are education centres, not crisis centres, to provide victims of domestic violence with some of the skills that they need to break the cycle, to ensure that they can see beyond their immediate circumstances and can go through life with the sort of life coaching and life skills they need to lead long, fruitful and rewarding lives. It is through that education process and that empowerment that we expose domestic violence for what it is. One of the most important things that we can do is continue to talk about this subject. People do not need to hide; they should not think that it is an issue of shame and that they should not talk about it. In fact, it is the very opposite; we should talk about it and ensure that we expose domestic violence as the evil that it is and that we continue to support the victims of domestic violence.

I take this opportunity to advertise a fundraising drive by the Global Good Foundation that involves members of the Western Australian community throwing themselves out of an aeroplane at 8 000 feet. I am one of the people who will do that. I believe that if I raise more than the target amount of money, I am allowed to choose higher altitudes, such as 14 000 feet and so forth—which I will resist.

An opposition member interjected.

Mr R.H. COOK: At this stage, I thank my colleagues on this side of the chamber who have made useful suggestions about the optional use of parachutes for the charity drive.

Mr R.F. Johnson: They're your factional friends!

Mr R.H. COOK: I wish they were my friends! Therefore, on a lighter note, to anyone who wishes to support the Global Good Foundation's fundraising efforts to create education centres throughout Australia to assist people who are the victims of domestic violence, all donations will be gratefully received.

I conclude by commending the government for these changes to the Restraining Orders Act 1997. They are sensible changes and I note that some of them have already been undertaken in other states. I think in particular the escalation for breaches of restraining orders is an important part of the process, as I said, to not only increase the effectiveness of these laws, but also improve people's confidence that these laws will protect them from the people whom they seek protection from. As the member for Mindarie said, we will not oppose the Restraining Orders Amendment Bill 2011. My final plea to the government is that although this legislation addresses the incidence of issues such as domestic violence and that is very important, it is also important that the government increases the amount of resources available to the agencies that wish to provide refuge, education and support for the people in our community who are caught in the vicious cycle of domestic violence.

MS M.M. QUIRK (Girrawheen) [12.34 pm]: I will be very brief because my learned colleagues who preceded me have given very thoughtful and considered contributions to this debate on the Restraining Orders Amendment Bill 2011.

I support the sentiments that the member for Kwinana expressed about a recurring theme in this place; that is, legislation is brought in without the resources necessarily being in place to support or complement that legislation or make it effective. I too share some concerns about the impact this legislation will have on the capacity of police to enforce this new regime. Therefore, in the course of the reply to the second reading debate, I will be very pleased to have some indication from the Attorney General about what calculations have been made for additional resources that the police may need to ensure that this new legislative regime is properly enforced and whether any assessment has been made of the extent to which any additional workload might be generated.

I too am concerned that in the course of this government's term no additional beds have been provided in refuges for women or children. I think that is particularly unfortunate and I know that there is a huge need in the northern suburbs for it. One of the areas that I am particularly concerned with and have been unsuccessful in lobbying successive governments for is more facilities for men. I visited the Communicare Breathing Space in the southern suburbs, which is exceptional. Men who are the perpetrators of domestic violence are placed there, I think, under court order. They stay there for several months and undergo a program and are gradually reintegrated into contact with their family. It is a fantastic program. There is no such facility in the northern suburbs and it is desperately needed.

Another point I will briefly comment on is that there is some anecdotal evidence about changing demographics in the community that create added domestic violence pressures. I have been told that the movement of many workers to fly in, fly out arrangements has generated additional familial strains that in some cases have resulted in domestic violence. A certain amount of hidden domestic violence has been generated by families being separated for periods and back together for other periods, roles changing, expectations changing, single partners being put under additional pressure by having to do things within the household without assistance and so on. All these things mean that we need greater resources at a community level and a greater capacity to stop domestic violence escalating. Although this legislation effectively ensures that when a pattern of domestic violence happens successively, stronger and more timely action can be taken, which is something that we welcome, we think that nipping domestic violence in the bud is important and therefore we need access to community services at the grassroots level. I am certainly not sure that that is there. I welcome any suggestions from the Attorney General or the government generally about how we can meet the unmet demands to assist the perpetrators of domestic violence who desperately want to stop that pattern of behaviour before they reach the stage at which they come into contact with the justice system. I think that area is very underdone. We need a whole-of-government approach on how we re-educate the people who are perpetrators of domestic violence to ensure that the prospect of those luckily isolated but very tragic cases in which deaths occur are also eliminated.

MR B.S. WYATT (Victoria Park) [12.40 pm]: I too rise to make a short contribution to the Restraining Orders Amendment Bill 2011. I acknowledge the comments already made by a number of my colleagues on the opposition benches. I want to start with the same comment as that made by the member for Mandurah. Many members of Parliament are White Ribbon ambassadors. Part of the role of a White Ribbon ambassador is to make people more aware of the prevalence of domestic violence and that domestic violence is not something that must be kept within the confines of a domestic relationship. For a long time domestic violence was an area of criminality that was not debated or discussed in the open until relatively recently. The statistics outlined by the Attorney General when he introduced the bill and made his second reading speech show that since the introduction of violence restraining orders in Australia in 1988, the number of applications has grown from 8 000 a year to over 13 000.

Mr C.C. Porter: That's 800, member.

Mr B.S. WYATT: To further highlight the point, the number of applications has grown from 800 to over 13 000. Since 2005, when police orders were introduced, the number of 24-hour orders issued by the police increased from under 300 to nearly 9 000.

One of the first things of some prominence that I raised in the Parliament as a new member was the fact that in 2006 a number of medical clinics south of the river had signs up incredibly stating that victims of domestic violence would not be seen. When I went to two premises to view those signs, the argument was made by the then president of the Australian Medical Association (WA) that it was appropriate for medical clinics to display those signs and rather than see victims of domestic violence, refer them to the emergency section of hospitals or to the police station. Anybody who has done any reading or who has any knowledge of domestic violence knows that victims of domestic violence are unlikely to disclose details to people that they do not know, for example, their general practitioner. Thankfully as a result of that, back in 2006, the public response to those clinics was quite strong, as we would appreciate, and the two clinics that I visited promptly took those signs down. I have not heard whether they have changed their practices. However, it goes to show that as recently as 2006, when medical clinics felt they could get away with having those signs up in their clinics, as a society we still have a way to go in acknowledging domestic violence and how we go about combating it. This bill certainly deals with

the criminal end after domestic violence has occurred, and hopefully it will help prevent further domestic violence.

As the member for Armadale has already pointed out, I note that this bill is a rather more sophisticated amendment by the Attorney General than mandatory sentencing. I acknowledge that these amendments give a discretion to the court because situations involving domestic violence are notoriously complicated. I acknowledge that this is a rather more sophisticated way for the court to attempt to deal with individual circumstances of domestic violence. When the Attorney General read the bill in, he highlighted the fact that the most substantial change recommended by the statutory review that was tabled in Parliament in 2008 was for a police order to operate for up to 72 hours without the consent of the applicant. The Attorney General noted in his speech that this would benefit many of our Indigenous communities in which a lot of domestic violence is alcohol fuelled. I am not sure whether the shadow Attorney General intends to go into consideration in detail. Perhaps the Attorney General can highlight to the Parliament the level of consultation that he has had with organisations such as the Aboriginal Legal Service and organisations that deal with Aboriginal people in these situations on a daily basis, not only the accused, but also the victims of domestic violence. I am simply curious to know what that advice was. This morning I had coffee with a former employee of the ALS who noted the member for Armadale on the TV speaking on this bill, and he was not aware of it. As I said, he was a former employee of the ALS. I am curious to hear what feedback the Attorney General had from the ALS and any other organisation he has had consultation with, particularly with respect to the impact on Aboriginal communities.

The Attorney General also noted that clause 15 of the bill introduces the concept of penalty escalation, which I think is supported by most members of this place. This already takes place in New South Wales, Queensland and the Northern Territory, I think. The member for Girrawheen has already raised this point. What impact did the introduction of this concept in those jurisdictions have on resources? What impact did it have on the demand for policing, implementation and review, and the downstream impacts such as women's refuges? The member for Girrawheen highlighted Communicare Breathing Space, which I think is in the electorate of the member for Kwinana. I have visited Breathing Space, and the Nardine Wimmin's Refuge in my electorate is always at capacity. More beds are always required for people, mainly women, fleeing domestic violence. Whilst it is always good to have more resources, it requires the involvement of not just the Attorney General but a broader suite of ministers and executive government perhaps having the commitment to back up this bill with broader resources. The Attorney General noted twice in his second reading speech that it is often said that a restraining order is only as good as the system that backs it up.

The DEPUTY SPEAKER: I—sorry.

Mr B.S. WYATT: The Deputy Speaker is getting ahead of himself. This is only one part of the system to deal with domestic violence. I think the Deputy Speaker is speaking in his sleep. I would like to hear from the Attorney General about the broader suite of measures that he and his government will be bringing to Parliament to correct the entire system that attempts to enforce what the Restraining Orders Amendment Bill 2011 seeks to do. I will not keep the Deputy Speaker any longer.

MS J.M. FREEMAN (Nollamara) [12.49 pm]: I too want to briefly rise. Although I am not sure I can quite limit my remarks to two minutes, I will give it a go. In rising to speak to the Restraining Orders Amendment Bill 2011, I would also like to acknowledge the good work that the City of Stirling refuge does for women fleeing domestic violence. I will be interested to find out how the Attorney General envisages how this legislation will interplay with keeping women in their home, which is the new process being developed through some of the funding under the national plan to reduce violence against women and children, ensuring that women are not placed in situations in which they have to flee their homes and leave their community of support but are able to stay in their homes.

One of the difficulties of this legislation is that the new provisions will be invoked only after the third restraining order breach. My colleague the member for Armadale has outlined the problems of restraining orders.

Debate interrupted, pursuant to standing orders.

[Continued on page 5756.]

GREENWOOD PRIMARY SCHOOL — STORYTELLERS OF TALES OF TIMES PAST

Statement by Member for Kingsley

MS A.R. MITCHELL (Kingsley) [12.50 pm]: I had the pleasure of experiencing the wonderful heritage storytellers of tales of times past at Greenwood Primary School recently. The storytellers of tales of times past offer a unique opportunity to hear stories of heritage drawn from the experiences of senior members of our community. Their stories are of growing up in the earlier part of the last century, changes in the environment, technology and society, living through historical events, and migration and settlement. School program coordinator, Val Corey, had a stimulating line-up of storytellers this day at Greenwood: Val Grey, Judy Paice, Deanne Hetherington, Margaret Wanstall, George Corlett, Madge Hitchens, Derek Cavilla, Cherie Wood,

George Mullen, Pat Geary, Alex Cilia La Corte, and Janet Cavilla. Watching the children's faces as the storytellers told of their life experiences was amazing. Eyes were wide open, questions were being asked, and students remembered other stories told during previous visits. It was this remembering of earlier stories that surprised me the most, along with the easy interaction between the students and the storytellers. It was a wonderful way to bring the generations together and have a history lesson, all at a personal level. The stories are designed to support the school curriculum in English, society and environment, history, communication, values, and the arts. It was a most enjoyable morning, and I thank the storytellers of tales of times past for the contribution they make to the lives of the students.

MRS EDIE HOY POY — CONDOLENCE

Statement by Member for Riverton

DR M.D. NAHAN (Riverton) [12.52 pm]: I would like to pay tribute to Mrs Edie Hoy Poy, a long-time leader of the local Chinese community, a friend of many, including a personal friend of mine, and a caring and loving person, who passed away in June this year. Edie did not have an easy life, but her contribution to this state has been profound. She was born and raised in Port Hedland, where her father ran a series of businesses. They were one of the few Chinese families in that then isolated community, and of course she and her family stood out as being different. She accepted this difference in her stride and set about working to build a strong relationship within the Chinese community not only in Port Hedland, but also more widely. That led to her taking a leading role with the Chung Wah Association for more than 60 years; in fact, she became known as the "Mother of Chung Wah". Throughout her life, Edie championed issues including multiculturalism, citizenship, housing, health, aged care, community safety, and educational opportunities. She and her husband, Royce, became strong advocates for multiculturalism and its benefits and set up the Royce and Edie Hoy Poy Foundation to promote multiculturalism in our society. Edie received many accolades over the years and all were deserved. Her contribution to the Chinese and wider community has been profound, and her unwavering concern for the welfare of others made her a great Western Australian who we will sadly miss.

PEEL REGION — ROYALTIES FOR REGIONS FUNDING

Statement by Member for Mandurah

MR D.A. TEMPLEMAN (Mandurah) [12.53 pm]: I appeal to the Minister for Regional Development to urgently correct the imbalance in royalties for regions funding received by the Peel region. As I highlighted during the recent budget estimates committee deliberations, despite the Peel region being the third-highest royalty generator for the state, despite our rapid growth and despite the Peel region having the second highest regional population behind the South West, our share of the $800 million fund was a paltry $8.4 million in 2010–11. This is outrageous when we consider that $334 million went to the Pilbara, $146 million to the Kimberley, and $45 million to the Wheatbelt. Although I do not begrudge money going to these areas, the Peel is simply not receiving its fair share of the pie. We already know that the Peel's population growth is outstripping the provision of badly needed infrastructure in the region. We also know that the economy of the Peel remains vulnerable to the impact of financial downturns. Our unemployment rate is much higher than the state and national rates, and more people in the Peel are suffering from mortgage stress. Pensioners, people on fixed incomes, self-funded retirees and families are finding it increasingly difficult to make ends meet while the Barnett government continues to increase the cost of basic services, including electricity, gas and water. I call upon the minister to give Mandurah and the Peel its fair share of the royalties for regions pie. We need funding now for projects like the expansion of Mandurah Aquatic and Recreation Centre, new accommodation for the region's non-government organisations and volunteer groups, making the Greenlands Road–Forrest Highway intersection safer, a new traffic bridge in Mandurah, and a CAT bus system in central Mandurah, to name a few—and, minister, give Mandurah pensioners access to the Country Age Pension Fuel Card enjoyed by other regional pensioners. All I want is a fairer slice of the royalties for regions pie.

MR DANIEL RICCIARDO — FORMULA 1 COMPETITOR

Statement by Member for Carine

MR A. KRSTICEVIC (Carine) [12.54 pm]: Daniel Ricciardo was born in Perth, Western Australia, on 1 July 1989, and resided in the northern suburb of Duncraig. He attained his lifelong dream of competing in a Formula 1 competition when he signed with Hispania Racing on 30 June 2011 and represented Hispania at the British Grand Prix at Silverstone on 10 July 2011. Daniel's love of racing developed from his involvement in karting at six years of age and he competed in his first race at the age of nine. By age 17, his achievements in that sport and the Australian formula championships earned him a scholarship to the Formula BMW Asia series in 2006, where he found success in his first season by securing two victories at Bira Circuit, Thailand, and a pole position at Zhuhai International Circuit, China. This success placed him third in the BMW drivers' championship of that year and he was offered a seat in the Italian–based 2007 Eurocup Formula Renault 2.0 season. By the end of 2008 he took his first European title and finished second in the Eurocup Formula Renault 2.0.

Now supported by the Red Bull Racing junior program, Daniel moved to the British Formula 3 Championship in 2009. He found success by being the first Australian driver since David Brabham in 1989 to win the British Formula 3 title. His foray into Formula 1 racing began when he tested for Red Bull Racing at Circuito de Jerez over three days from 1 to 3 December 2009. Although Daniel, who is the first Western Australian to start in an F1 race, did not find success on the podium at this year's British Grand Prix, he achieved his goal of finishing the race. He will take much from his performance and will now look at how he can consolidate his position in Formula 1 driving. Daniel obviously has a big future ahead of him and we wish him every success in his career. He has certainly come a long way since his mum used to pick him up early from school to drop him off at Barbagallo Raceway where he would do laps in some old Formula Fords!

HOME INVASION — MAYLANDS — POLICE PRESENCE

Statement by Member for Maylands

MS L.L. BAKER (Maylands) [12.55 pm]: I rise to make a statement about a dreadful crime that was committed in Maylands last night to an elderly couple who were bashed in their own home. I understand the couple were letting their dog out through the rear door of their property when three men with towels covering their faces forced their way into the home. It is alleged that one man used a screwdriver to threaten the couple while the other two ransacked their home. The elderly couple were repeatedly punched in the head during this invasion and remain in Royal Perth Hospital today.

The three men escaped with cash, a mobile phone and a camera. I am raising this because the ordeal suffered by this couple would have been absolutely terrifying. It is a good example of why I am being inundated with letters from residents expressing grave concerns about this government's intention to remove duty police from the Bayswater Police Station. Our residents will be forced to rely on duty officers from Mirrabooka or Morley to attend call-outs. Experience is already showing in other suburbs such as Ballajura, which has lost its police station under this government, that there has been a reduction in police presence, an increase in crime and poor response times for call-outs. This is simply not good enough and I urge the government to not close any more police stations.

MR LE TAN KIET AND MRS EDIE HOY POY — CONDOLENCE

Statement by Member for Perth

MR J.N. HYDE (Perth) [12.57 pm]: The Western Australian multicultural community has lost two incredible contributors in the past month. On behalf of myself and the member for Girrawheen, I express our sadness at the passing of the Vietnamese Buddhist Association president, Le Tan Kiet. Mr Le arrived here in 1979 after a treacherous three-day journey aboard a boat from Vietnam to Indonesia. In his lifetime, he sponsored more than 1 000 people from refugee camps to live in Western Australia. I will certainly miss his wonderful Sunday morning services at the Buddhist temple in Money Street, Northbridge, where Mr Le and his supporters not only welcomed local Vietnamese Buddhists and people like me and the member for Girrawheen, but also fed visiting backpackers and nearby residents.

We also want to pay tribute to Edie Hoy Poy, who has been a wonderful friend to many of us in this chamber. I was very proud that when the Labor Party was in office, we were able to achieve the naming of Hoy Poy Lane so close to Chung Wah in Perth, where Edie was revered as an elder. She has been a great mentor to and a great advocate for not only the Chinese community and other multicultural groups, but also Western Australian seniors. Both Mr Le and Edie Hoy Poy are greatly missed.

Sitting suspended from 1.00 to 2.00 pm

QUESTIONS WITHOUT NOTICE

DISABILITY CARE AND SUPPORT — PRODUCTIVITY COMMISSION

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

I refer to people such as Neva Stephens who has 14-year-old twin boys, with one twin, Josh, born with cerebral palsy, an intellectual disability and significant personal care needs. On her behalf, and on behalf of so many other families, I ask —

(1) In the past 24 hours, why has the Premier put partisan politics above any sympathy whatsoever to people such as Neva whose lives are dominated by the care needs of their children with disabilities?

(2) The Premier said yesterday that the system in place in this state to support people with disabilities is the best system operating in any Australian state. Does the Premier concede that many people in desperate, heart-breaking need of family services are nevertheless missing out on state help?

(3) Will the Premier apologise to Neva and those with disabilities and their families—who stand ready to help develop policy with this government—for the Premier's insulting comments about their decades-long campaign and the recommendations of the Productivity Commission?

The SPEAKER: Before the Premier answers that question, I indicate to all members, including the Leader of the Opposition, that within that question is the seeking of opinion which is not necessarily what should be a component of a question in this place. I am sure that the Premier will answer the question, but I just provide that particular information to all members in this place.

Mr C.J. BARNETT replied:

(1)–(3) I do not know the child or the family concerned. I would be happy to meet with them —

Mr E.S. Ripper: Good. We will arrange that.

Mr C.J. BARNETT: We will arrange it.

I remind members of this house that the main feature of the last state budget was a historic commitment by the Liberal–National government to provide over $600 million in additional funding to not-for-profit community groups. That funding will go to over 300 000 people with a disability and to over 300 community-based organisations. An immediate 15 per cent increase in funding has already been received by those community-based organisations, and an average further 10 per cent will be allocated within two years. No other government, whether it be in Western Australia or any other state, or indeed the commonwealth, has ever in Australian history shown such a significant, dramatic and expensive commitment to people with a disability and their families as the Liberal–National government in this state. That is the truth of the matter. We all know that the disability sector in this state approached the former Labor government and was rejected by it. We all know that; the sector was rejected by them.

The hypocrisy with the opposition coming in here now running errands for Jenny Macklin and Bill Shorten, which is exactly what it is doing —

Mr E.S. Ripper interjected.

Mr C.J. BARNETT: That is exactly what the opposition is doing. It is taking its instructions from Canberra. From all the information I have, and from what I hear from the disability sector and from families, the level of services provided in this state by the disability services sector is the best of any state in Australia.

Mr E.S. Ripper: Seven out of 10 still miss out—grasp that point!

Mr C.J. BARNETT: I am answering the Leader of the Opposition's question.

Mr E.S. Ripper: The services might be good but they are not extensive enough.

The SPEAKER: Leader of the Opposition, I formally call you to order for the first time today. If there is something in the answer the Premier is providing that you dispute, I will give you the opportunity to ask a supplementary question, but I am formally calling you to order for the first time today.

Mr C.J. BARNETT: One of the distinguishing features in Western Australia is that it is not a government-dominated system. Remember that the state government, not the commonwealth, provides the services. The commonwealth is not the major player by a long shot in this area; it is state government programs and state government taxpayers who provide the services. What is unique through our state's system, which has evolved over a number of years through the Disability Services Commission, is that about 70 per cent of state government funding is spent through not-for-profit organisations, including the Salvation Army, the Senses Foundation, the Cerebral Palsy Association, Red Cross, and on and on it goes. If we were to simply throw that out, what would take its place? The Productivity Commission says that we will have a national insurance scheme. Is it proposing insurance? I do not think so.

Mr E.S. Ripper: A lot of non-government organisations want this NDIS!

Mr C.J. BARNETT: I am answering your question. If you want me to answer it, stay quiet and I will continue to answer it.

Mr E.S. Ripper: I might make an odd comment!

Mr C.J. BARNETT: You can ask another question.

Mr E.S. Ripper: I will; you can be assured of that.

Mr C.J. BARNETT: Meanwhile, sit back and behave yourself, because this government takes it seriously.

Several members interjected.

The SPEAKER: I cannot say I was proud of what happened in this place yesterday—not at all. I hope none of you were proud about what happened in this place yesterday, either. If members wish to continue in this fashion, I will quite happily close question time down today, and take that on my head. The comment is directed to everybody in this place, whether in government or opposition.

Mr C.J. BARNETT: It does not matter what we do or where funds are raised from if the service providers are not there. If we have a system in which people may, in a sense, be given a lifetime of income support—presumably they will be able to shop around—it will be of no value or assistance at all if the service providers are not there.

Mr Speaker, I will give the Leader of the Opposition an example. I visited a number of organisations prior to the state budget. I visited a mother and a young girl who has an acute case of cerebral palsy and multiple disabilities. I outlined what the government proposed in its budget, along with the Cerebral Palsy Association. That mother said to me, "That will give me and my family our life back because our daughter will now be able to go to the Cerebral Palsy Association to have the multiplicity of care and services she requires, and a consistency of carer. We will now have a life as a family knowing our daughter has high-quality care, and consistent care, with the same people."

For the Leader of the Opposition to come in here and imply that I and this government do not care about individuals and families with disabilities is little short of disgraceful. Just simply look at what we did in the state budget. Look at the effort that the ministers with direct responsibility have put into this area, and we delivered when the former government rejected the sector.

Today we are having this orchestrated sense of outrage by Labor across the country. Bill Shorten was on the radio—first, I will go to Jenny Macklin. Do members know what Jenny Macklin had to say? Jenny Macklin said that the disability system is broken, and it is broken in Western Australia. Does the Labor Party believe the disability sector in Western Australia is broken?

Mr E.S. Ripper: It falls far short of the need.

Mr C.J. BARNETT: Do you think it is no good? So Labor thinks the sector is broken! You should go out and tell the not-for-profit sector that the system is broken and see what sort of response you get.

Several members interjected.

The SPEAKER: Take a seat, Premier.

Mr W.J. Johnston: He asked me; I answered him.

The SPEAKER: Member for Cannington, I was not going to mention you at all, but I will now. I formally call you to order for the first time today; the member for Warnbro as well.

Mr C.J. BARNETT: Jenny Macklin thinks that the system in Western Australia is broken and that it is nowhere near good enough. Therefore, she has just condemned the Western Australian community sector for the work it does. She was in the media for all of this morning banging on about it. Then Bill Shorten adopted a particularly nasty and spiteful approach this morning.

Ms M.M. Quirk interjected.

Mr C.J. BARNETT: He did; it was absolutely nasty and spiteful. He makes comments such as —

> … if Premier Barnett thinks that it's 100 per cent fixed in Western Australia …

When did I ever say that? Bill Shorten, in the best tradition of the Labor Party, puts words in people's mouths and criticises them; that is what he does. He is a particularly nasty and spiteful person. I will table the transcript of his comments; read what a nasty and spiteful person he is. He has never spoken to me about it; he has never picked up the phone. What we see today —

Mr W.J. Johnston interjected.

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

[See paper 3749.]

Mr C.J. BARNETT: I will conclude my comments. What we see today is yet again another orchestrated Labor program of trying to criticise services in Western Australia, criticise Liberal–National governments—what the hell. We see the puppets on a string in Western Australia just doing what Canberra tells them to. Why do Labor members not go out into their constituencies and talk to some of the not-for-profit organisations instead of simply taking their instructions from Jenny Macklin and Bill Shorten? I conclude with this comment. As I said from the very outset, we will have an open mind; we will engage in this. But I will not allow a repeat of the way in which health issues were handled by which the federal government says, "We have had the Productivity Commission"—a bunch of economists—"do a report. And guess what? They have come up with a solution for a single national scheme. And guess what? Part of the deal is that you give up your taxes. We raise more taxes, we fund it, we take it over. And by the way, we have never actually delivered a service in a disability services commission ourselves, but we know how to do it because we're the commonwealth; we're terrific." What an absolute joke! We will have a sensible dialogue with the federal government, but we will deal first and foremost with the disability sector. When there are good ideas, we will treat them on merit, but I will not be part of a

Council of Australian Governments process with the federal government coming in, slamming a report on the table, then putting down the press release and saying, "Line up, Premiers, we have a press conference, we want you all to sign away this." It is not going to happen anymore.

DISABILITY CARE AND SUPPORT — PRODUCTIVITY COMMISSION

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

I have a supplementary question. In view of the Premier's comments, will he accept calls from those very non-government organisations and people with disabilities that he has been talking about to immediately establish a community reference group in conjunction with the disability sector to advise him as he negotiates this national disability insurance scheme issue?

Mr C.J. BARNETT replied:

I will attend the COAG meeting next week. I will hear what the Prime Minister has to say —

Mr E.S. Ripper: So you won't agree to what the sector wants?

The SPEAKER: Leader of the Opposition!

Mr C.J. BARNETT: I will attend the COAG meeting. I will hear what the Prime Minister has to say —

Mr E.S. Ripper: Answer the question.

Mr C.J. BARNETT: I tried to; I will not now.

COMMUNITY CHILD HEALTH SERVICES — WAIT TIMES

448. Dr M.D. NAHAN to the Minister for Health:

I would like to bring to the attention of the house a guest in the Speaker's gallery, James Aiona, the former Lieutenant-Governor of the great state of Hawaii.

[Applause.]

Dr M.D. NAHAN: In last year's budget, a substantial amount of funding was provided to improve the timely access to community child health services. A very tough target of 50 per cent in the first year was set for reducing waiting times. Can the minister please inform the house whether that challenging target was achieved?

Dr K.D. HAMES replied:

I thank the member for the question. The treatment of people with certain disabilities, particularly speech disabilities, was a significant problem when we came to government, with extensive waiting times. I have to say that in our early years of government, the waiting times were becoming worse. As demand grew, there were insufficient speech therapists, physiotherapists, occupational therapists and paediatricians involved in treating young children with disabilities, and those waiting times were growing. As a result of an excellent report by the Education and Health Standing Committee, we committed to responding to those recommendations for a significant increase in support for services in those areas. We committed $50 million in the previous budget to employ significantly increased numbers of people, particularly speech pathologists, because it is critical for a child with a disability to be seen and treated early. We set a target to reduce those wait times by 50 per cent and I am very pleased to advise the house that those targets have either been exceeded in many instances, or almost reached in many, with significant improvements. I would like to read the percentages of improvement to the house. For speech pathology, the improvement is exactly 50 per cent. The wait time for people having to see a speech pathologist was 18.8 months; that is now down to 9.4 months. In my view, that is still too long, but the speech pathologists, despite growing demand, have been able to see patients at such a rate that they are steadily eating into that waiting list. In just 12 months, they have been able to reduce that time by 50 per cent. Occupational therapists have reduced the wait times by 51.3 per cent, down to 7.5 months from 15 months. Physiotherapy and wait times have been reduced from 12.4 months to 5.3 months, a 57.3 per cent reduction. Clinical psychology wait times have been reduced by 42.7 per cent, and social work wait times 33.3 per cent.

Dr J.M. Woollard: Well done, minister. What about community health nurses in the schools, though?

Dr K.D. HAMES: My next sentence was to address that! I am determined, as I have said previously, that in this term of government we will address the rest of those issues raised in the committee's report. In my view, this is an excellent start and I foresee these waiting times getting better.

Mr M.P. Whitely interjected.

Dr K.D. HAMES: Doe the member want a mention? I said "the committee"; I know that the member for Bassendean was on the committee.

Mr M.P. Whitely: Whose initiative was it?

Dr K.D. HAMES: Yes, it was the member for Bassendean's initiative to start that review in the first place, but I think it might be our government's initiative to put $50 million in place to address it!

OAKAJEE PORT AND RAIL PROJECT — STATE AGREEMENT ACT

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

On behalf of the Deputy Leader of the Opposition and member for Kwinana, I welcome the students of Peter Carnley Anglican Community School in Kwinana to the Parliament.

I refer to the Premier's comments in relation to the Oakajee Port and Rail project —

> I will be totally accountable when I bring a state agreement bill to this Parliament.

(1) Will there be a state agreement act for this project?

(2) When will it be introduced to the Parliament?

Mr C.J. BARNETT replied:

(1)–(2) Yes, there will be a state agreement act for the project. There has already been a state development agreement announced, and out of that the actual state agreement, the legislative component, will be developed. When will that be brought to Parliament? It will be brought to Parliament very shortly after negotiations are finalised. As it stands at the moment, the deadline has been extended to 30 December this year; therefore, I would not expect to see a state agreement act this year.

OAKAJEE PORT AND RAIL PROJECT — STATE AGREEMENT ACT

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

I have a supplementary question. Can the Premier explain why Oakajee Port and Rail has very definitively told the opposition that there will be no state agreement act with regard to this project?

Mr C.J. BARNETT replied:

Oakajee Port and Rail will not be building a rail or a port without a state agreement act, simple as that. It will be the government that determines that, not Oakajee Port and Rail.

TEACHERS — SUPPLY AND DEMAND

451. Mr F.A. ALBAN to the Minister for Education:

I have noticed with interest the recent comments related to teaching levels. I know for a fact that we have actually had enough teachers at the beginning of each term because —

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen, I formally call you to order for the second time today. I would like to hear the question from the member for Swan Hills; some other people in this place might like to hear it as well.

Mr F.A. ALBAN: I know for a fact that we have actually had enough teachers at the beginning of each term —

Ms M.M. Quirk interjected.

The SPEAKER: A lot of people seem to like your questions, member for Swan Hills, and wish to provide you with assistance. I know that you do not need any.

Mr F.A. ALBAN: I know for a fact that we have actually had enough teachers at the beginning of each term because I have 21 schools in my electorate. With this in mind, will the minister please provide the house with an update on teacher workforce supply in the upcoming years?

Dr E. CONSTABLE replied:

I thank the member for Swan Hills for the question, and I also note that yesterday the member for Victoria Park asked me a question about teacher projections and supply and demand. I want to just —

Mr W.J. Johnston interjected.

The SPEAKER: Member for Cannington, I formally call you to order for the third time today. I presume there are people in this place who want to ask questions and get answers. Some members do not give me that indication, however.

Dr E. CONSTABLE: I indicated to the member for Victoria Park that I would provide him with those figures. This is an issue that we all take seriously. I know that the former government did that during some very trying times over a number of years—2006, 2007 and 2008—when there were shortages. Since that time a lot of work has been done on modelling, but I might say that the modelling is based on very volatile assumptions, and each time I get the figures, which is every 6 or 8 months or so, those figures are tending to go down for a range of reasons, one of which I mentioned yesterday as an example: the global financial crisis made a huge difference to the number of resignations that we saw. For instance, the resignations fell from a peak of 1 143 in 2007–08 to 605 in 2010–11, so there has been a dramatic fall—a 47 per cent fall—in resignations over that time, and

obviously that makes a difference to the supply and making sure that our schools are well staffed. Retirements have also fallen in that time, by way of another example, from a peak of 440 in 2007–08 to 358 in 2010–11. I think that we can fairly say that there have been fewer resignations and retirements for a couple of reasons. One is the GFC, and perhaps also one influence has been that teachers are now much better paid than they were.

If we go back to 2006, there were 20 vacancies at the beginning of the school year; in 2007, 264 vacancies, which was a very difficult year for the former government; and in 2008, 110 vacancies, when there was another difficult start to the school year. We also know that in 2009, 2010 and 2011 we started the school year with basically a full complement. Maybe there were one or two positions in country centres, but they were soon filled, if we take it from the very first day of the year. It is interesting that the early projections indicated that there would be a shortage for public schools, and the only figures I am giving are for public schools, which are about 70 per cent of the projected figures. For public schools for this year, an early projection, going back a few years, was a shortage of 441 teachers. Of course, we know that that did not happen. Again, I think we can safely say that the GFC, well-paid teachers and so on have made a difference to that. But it also illustrates the volatility of the projections that are given.

If we look at current projections, the most recent projections that I have received suggest that for public schools—I am talking only about public schools—there will be a surplus of teachers of 423 at the beginning of next year, and 125 for the following year, 2013. The previous projection, interestingly, had a shortage of 637 for public schools in 2012, and 833 in 2013. Again, this illustrates that it is very difficult to project the shortages of teachers. However, if we go by the current projected shortage for public schools, it is suggested in those projections that there will be a shortage of 440 by 2014, and as many as 1 575 for 2015. We have to remember that in 2015 the full cohort will be back in the high schools, with the half-cohort having gone through schools and finished year 12 the previous year.

It is important to note that the projected figures are the worst-case scenarios for public schools. I compliment the former minister for the work that was done on putting a number of attraction mechanisms in place. They are the sort of things that we are looking at now. I know that the former government went as far as putting in place quite a detailed attraction program for overseas teachers. Obviously, we do not need to do that at the moment, but, if the need arises, we will ramp up our interstate and overseas programs to attract teachers in the next two or three years as we might need to. But we have scholarships for final-year pre-service students, the rural teaching practicum program and the Up-skilling School Support Staff program. Teach for Australia is likely to be part of our scene, with very high-quality graduates entering teaching through a different path. Teach Next is another one of the commonwealth government's programs for people seeking a career change and helping those people upskill their qualifications. The projections need to be closely monitored through this period because they change. As I have watched them over the last little while, they have gradually come down.

Going through to 2020, I am sure that the member for Victoria Park would be interested in the projections, but I would not set too much store by them. In public schools for 2016, a shortage of 1 580 is projected; in 2017, 1 264; in 2018, 1 288; and then it goes up again in the further out years: in 2019, 1 782; and in 2020, 1 754. I do not think those figures are worth very much because many factors could come into play. I expect that the recent global activity and problems will have a big impact again on teachers not retiring early, as they once did. Teachers are, of course, a part of the Skilling WA workforce development plan for Western Australia and are being very closely monitored through the Department of Training and Workforce Development and by the Minister for Training and Workforce Development.

JAMES PRICE POINT GAS HUB — IMPACT ON BROOME

452. Mr M. McGOWAN to the Premier:

I refer to the James Price Point gas hub north of Broome, and as a result of this development, I ask —

(1) What is the estimated increase in the cost of housing and rent in Broome?

(2) What is the estimated increase in the consumer price index in Broome as a result of the gas hub?

(3) What measures does the Premier have in place to avoid the cost and housing price increases experienced in Karratha and Port Hedland?

(4) Will the Premier now go to Broome to explain to the local community what he will do to prevent cost-of-living impacts on Broome residents?

Mr C.J. BARNETT replied:

(1)–(4) An enormous amount of study has been done about the whole James Price Point development proposal and the precinct—a technical study, heritage studies, environmental studies, social impact studies and Aboriginal community studies. It goes on and on. The first part of the member's question requires detailed information. If the member genuinely wants that and if it is available, if the member puts it on notice, I will do my best to provide that to him.

Mr M. McGowan: It's a big issue. You should have some answers.

Mr C.J. BARNETT: Yes. The member asked for some information. I do not have that off the top of my head, but if that question can be answered, it will be answered. Broome does not have a CPI, by the way. The member does not even understand that.

Mr E.S. Ripper: Can you give us some general comments on the cost of living in Broome?

Mr C.J. BARNETT: The member asked quite specific questions. Did the Leader of the Opposition ask the question? I will sit down if the Leader of the Opposition wants to ask the next question of me.

Mr E.S. Ripper: I'm asking that question.

Mr C.J. BARNETT: You are not asking this one. The Leader of the Opposition has already had his go.

Several members interjected.

Mr C.J. BARNETT: I am trying to, but the member's friend keeps trying to —

The SPEAKER: I notice that the member for Rockingham has asked some questions in this place, and I would certainly like to hear the answers to them myself, member for Rockingham. I do not think the Premier needs any assistance and nor does the member for Rockingham in asking the questions.

Mr C.J. BARNETT: To the extent that the factual information can be provided, if the member puts the question on notice, I will provide answers to the member.

This government has been very conscious of the impact on Broome. We will not allow Broome to become an oil and gas town; that will not happen. James Price Point is 60 kilometres away from Broome. Accommodation will be built close to the LNG precinct. This project in operation is not a big direct employer. Again, I stress that this project is only about an LNG precinct. It is not, in any sense, an industrial estate. It will not be of the dimensions or scale of what we have seen developed around Karratha. All those things are to be managed, and they will be.

Mr M. McGowan: How?

Mr C.J. BARNETT: In the past month we have agreed with the Aboriginal people on the three agreements that were signed in this Parliament. That was a very historic moment and probably the most significant act of self-determination by Aboriginal people in Australia's history. That has been done, and we now continue to work with the Woodside-led consortium and other consortia that may well establish LNG precincts there. We will continue to work with the Aboriginal people. I ask members to bear in mind that a final investment decision by Woodside is not due until mid next year at the earliest. We are still a long, long way away from a final decision to proceed.

This is a significant development and it impacts on the Kimberley, but it is on a very small and isolated area of land, which has been chosen very carefully by agreement, in the vast landscape of the Kimberley. I am satisfied that to this point all the necessary work has been done, but there is still further work to be done. We will ensure that Broome will not become an oil and gas town. I am very conscious of the division in the community of Broome. I am appalled at the way in which the Aboriginal people of Broome are being treated. I am appalled at the way in which some of the Woodside workers are being treated. If the opposition thinks that it is a good thing that people spit at Aboriginal people because they support it —

Mr E.S. Ripper: Obviously we do not think it is a good thing!

Mr C.J. BARNETT: Why do you seem to be on the side of the protestors? This is what is happening.

Mr E.S. Ripper: What an absurd allegation!

The SPEAKER: I am going to give the opportunity to the member for Rockingham to ask a supplementary question if he wishes to do so. I am looking forward to the closing of the Premier's remarks in response to the first round of questions from the member for Rockingham.

JAMES PRICE POINT GAS HUB — IMPACT ON BROOME

453. Mr M. McGOWAN to the Premier:

I have a supplementary question. I specifically ask the Premier: will he go to Broome to explain to the people of Broome what he will do to manage the impacts; and, what is the Premier doing to manage that turmoil and disharmony that is occurring in that community today?

Mr C.J. BARNETT replied:

Obviously, I have been to Broome several times on this project, and I will continue to do so. However, I will not be part of a whipping up of anti-Aboriginal and anti-development —

Several members interjected.

Mr C.J. BARNETT: What time of the month is it? It is right in the middle of the tourist season. Tourists were invited to a concert on the beach and when many of them arrived at what they thought would be a free concert, they found out it was a protest. Some of them were not all that happy about that. People such as Geoffrey Cousins are wandering around Broome trying to stir up anger.

An opposition member interjected.

Mr C.J. BARNETT: He has nothing to do with me; I can tell the member that.

I am not going to go to incite or play into the hands of those people in Broome—not the citizens of Broome, but those who are in Broome at this time—who are deliberately inciting hatred against Aboriginal people and using it politically in that community. I am very conscious of the pressure that people are coming under. I accept every responsibility for that project. I have been to Broome several times and I will continue to go to Broome as we manage this project.

JAMES PRICE POINT GAS HUB — AGREEMENT COMMITMENTS

454. Mr V.A. CATANIA to the Premier:

I refer to a newspaper opinion article titled "Battle for the last great wilderness" that includes a quote from the environmental group spokesperson about James Price Point being —

> … a big block, which will be a port for gas, bauxite, alumina from the Mitchell Plateau, coal … zinc … and other usual suspects — gold, diamonds, uranium, copper and mineral sands.

Could the Premier please detail the commitments made in the agreement that he tabled yesterday regarding the limits around the use of the precinct at James Price Point?

Mr C.J. BARNETT replied:

I thank the member for North West for the question. I know that it is something that has been concerning people in not only Broome but the whole north west of the state. I have said to the various environmental groups directly that I acknowledge and respect their opinion and that their position is that they oppose development in the Kimberley. I can accept that and I can respect their opinions and I defend their right to say them. I have also said to the same groups that, even though they may oppose the LNG precinct at James Price Point, the government has a wider agenda for the Kimberley, which is the Kimberley wilderness parks proposal to create the Prince Regent national park and four major marine parks. About $68 million has so far been committed to the Kimberley. Even though those groups are opposed to James Price Point, we will treat that proposal quite separately and we will work with those groups on the environmental programs. We will give contracts to those organisations if they have a competency to work with us. We will do that. We can walk and chew gum at the same time. We can keep the issues separate. That approach taken by the government gets sorely tested when an environmental group, knowing better, deliberately goes out into the community and to the media with a direct intent to mislead, if not lie. I was very disappointed, not in the article written in *The West Australian* yesterday, but in the quotes from the Wilderness Society. I will not repeat the entire quote that the member for North West read out, but I want to say that this is the quote, which I accept, in the newspaper from the Wilderness Society —

> "The vision for JPP is a big block, which will be a port for gas, bauxite and alumina from the Mitchell Plateau, coal ... zinc ...

It goes on and on. The Wilderness Society knows that is untrue.

Mr J.J.M. Bowler: That will not stop them from saying it!

Mr C.J. BARNETT: No, it probably will not, member for Kalgoorlie.

They know it is untrue; they know what they said to the journalist was a lie, and they know what they are saying to the Western Australian public is a lie. I will not deal with groups that deliberately lie. I can respect differences of opinion, but I will not deal with a group that lies to the public in that way. I place on notice that those in any environmental group can protest, object, disagree with the government, criticise me if they want, but if an environmental group wants to work on environmental projects, I will require integrity in what they say.

The report had been talked about publicly and details had been released, but I remind members in the house that this week I tabled the report as promised in Parliament. The report makes it very clear on page 1 that James Price Point, if it proceeds, will be limited to use as an LNG precinct. It is laid down in each agreement and the agreement with the Aboriginal people that it can be used only for an LNG precinct. The report goes on to state that it will be the only LNG precinct on the Kimberley coastline. This is 230 kilometres away from the Horizontal Waterfalls. It is 700 kilometres away from the Bungle Bungles. It is hundreds of kilometres away from most of the parts of the Kimberley that people most identify as the spectacular tourist areas. For the Wilderness Society to come out and report to *The West Australian,* and indeed for *The West Australian* to repeat, something that is absolutely incorrect, and to do so deliberately, I must tell members that the Wilderness Society has just lost a whole heap of brownie points with this government.

STATE BUDGET 2011–12 — INTEREST PAYMENTS

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

(1) Is the Treasurer able to advise the house how much the state's interest payments will total this financial year?

(2) Is the Treasurer able to advise the house how much money the state will have to pay in interest payments over the period of the forward estimates?

Mr C.C. PORTER replied:

(1)–(2) I thank the member for her question. I know that the member has made some statements on this matter previously. I am looking at a media release that she put out —

Mrs M.H. Roberts: Why don't you answer the question?

Mr C.C. PORTER: I am eight words into answering the question.

The SPEAKER: I do not think that anyone in this place at this moment needs to provide the Treasurer with any advice. The Treasurer has been asked a question. I expect the Treasurer to answer it—whether he is eight words in or not.

Mr C.C. PORTER: The media release that the member for Midland put out stated —

> "A debt of more than $20billion will take a generation or more to repay," she said.
>
> "Yearly interest alone will be $1.9billion in 2014, the equivalent of paying for a new Fiona Stanley Hospital each year.

What interests me about the question is: does the member ask it because she does not know what the interest bill on the debt will be or does she ask it because she asserts it will be $1.9 billion and wants me to confirm or deny that fact?

Several members interjected.

Mr C.C. PORTER: I just think it interesting that —

Mr E.S. Ripper: You're the Treasurer; you know the answer.

The SPEAKER: Leader of the Opposition!

Several members interjected.

The SPEAKER: Order! The member for Midland has asked a question and I suspect that she is thinking she might hear an answer. I am thinking that I might hear an answer as well, member for Midland. I do not think that other people need to answer the question on behalf of the Treasurer. I now wish to hear the Treasurer endeavouring to answer the question.

Mr C.C. PORTER: Thank you, Mr Speaker.

I can start off by saying, in good loyalty fashion, what the interest bill is not: it is not what the member for Midland asserts it to be—that is, $1.9 billion—is it member?

Mrs M.H. Roberts: No.

Mr C.C. PORTER: That raises an interesting question. If the member now acknowledges that it is not $1.9 billion, why did she put out a press release to win votes, which goes out to all the people of Western Australia, saying the yearly interest alone will be $1.9 billion? Why did the member for Midland do that?

Mrs M.H. Roberts interjected.

Mr C.C. PORTER: Is the member for Midland a member of the Wilderness Society?

Several members interjected.

Mr C.C. PORTER: Is she now, or was she ever, between the years 1936 and 1949, a member of the Wilderness Society?

Several members interjected.

Point of Order

Mr M. McGOWAN: As you have alluded to on numerous occasions, Mr Speaker, ministers should answer the question. The question was without preamble. It was very specific. It really just asked for two figures from the Treasurer and now he is talking about the year 1936. I would suggest that he come back to the question.

The SPEAKER: Yes, indeed. I think the Treasurer may have erred in the year he is describing. Perhaps he could come back to 2011.

Questions without Notice Resumed

Mr C.C. PORTER: Sorry, Mr Speaker. There are reds under my futon!

The interest bill on our debt is measured by looking at the total interest expense in a year and then deducting from that the amount of revenue that government earns on interest, which is of course how we measure interest. Therefore, in 2010–11, the net interest cost on debt is about $833 million and in 2011–12 it is about $1 048 billion. In 2012–13 it is predicted to be $1 187 billion. Nowhere is it predicted that the net interest cost will be $1.8 billion.

Mr M. McGowan: It is still more than a billion.

Mr C.C. PORTER: Sure, but why lie to the people of WA? If the member for Rockingham thinks that is too much, why go out and lie to the people of WA? Why do that?

Several members interjected.

Point of Order

Mr M. McGOWAN: The Treasurer accused a member of the opposition of telling a lie. I ask that he withdraw that.

Mr R.F. Johnson: He did not.

Mr M. McGOWAN: He did. He was referring to a statement from a member of the opposition and then he said, "Why go out and lie to the people of Western Australia about it?" I ask that the Treasurer be ordered to withdraw that statement.

The SPEAKER: Member for Rockingham, if indeed the Treasurer indicated that, I ask him to withdraw. I must tell you that I did not hear it in that particular context; although that certainly could be a way of understanding it. I am going to give the benefit of the doubt on this occasion to the Treasurer and if he wishes to continue his remarks I ask him to continue.

Questions without Notice Resumed

Mr C.C. PORTER: Thank you, Mr Speaker. It may be that the problem the shadow Treasurer suffers is that she does not know the difference between net and gross interest.

Several members interjected.

The SPEAKER: Order, members! Member for Mandurah, I formally call you to order for the first time today. Member for Midland, you are not aiding your cause by continually interjecting. If you want answers from the Treasurer I suggest that you listen to him for a little while, whether you agree with him or not.

Mr C.C. PORTER: Thank you, Mr Speaker. The problem is the net amount. If we deduct revenue—that is the interest the state earns on its money and assets—from the gross amount, the answer to the first part of the question is $1.187 billion. What is very interesting about that figure —

Mrs M.H. Roberts: It is rather close to 1.9, isn't it?

Several members interjected.

Mr C.C. PORTER: If it is that close, you give me $800 million! If that is a minor amount, that is just ridiculous!

Several members interjected.

Mr C.C. PORTER: It is a minor accounting slip-up on the behalf of the shadow Treasurer.

Mrs M.H. Roberts: What is the gross interest payment?

Mr C.C. PORTER: I have explained what that is; it is 1.882, but that is not the interest on debt.

Mrs M.H. Roberts: You are saying 1.882 —

Mr C.C. PORTER: That is correct.

Mrs M.H. Roberts: Well, how long has it taken you to say that?

The SPEAKER: Order! If you wish to ask a supplementary question, member for Midland, I will give you the opportunity. I am not going to give you the opportunity to continue to yell across the chamber. I formally call you to order for the first time today.

Mr C.C. PORTER: I will explain the difference between gross and net. Gross income is what appears on a pay slip, and net income is what happens after tax. If members go out and do the family budget on the gross income, they might have some difficulties.

Several members interjected.

Mr C.C. PORTER: When we look at the net interest cost, one of the very interesting measures, member, is when we look at net interest as a percentage of revenue. I know that the member likes to talk constantly in the quantum of debt per capita, which is of course high in Western Australia. However when we look at net interest as a percentage of revenue, in 2013–14, we predict net interest as a percentage of revenue will be about 2.88, which is a very, very manageable figure. Interestingly, Victoria's net interest as a percentage of revenue in the same year, sits at about 5.75 per cent and that is because we have a very large economy that requires a very large amount of capital investment—which is what we are undertaking. Therefore, I thank the member for her question and look forward to her next press release.

STATE BUDGET 2011–12 — INTEREST PAYMENTS

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

I have a supplementary question. Will the Treasurer answer the second part of the question with respect to the period of the forward estimates? What will be the gross interest payments over that period?

Mr C.C. PORTER replied:

Indeed, that was not the question. This is the point. The member keeps saying to the people of WA that yearly interest costs alone will be $1.9 billion in 2014. I am looking at the press release to see where it says gross or net and it states that yearly interest alone will be $1.9 billion. The member is trying to convince the people of Western Australia that in somewhat unstable economic circumstances their actual interest bill is gross and not net. And that is not correct; in fact, I would go so far as to say that it is not true.

Mrs M.H. Roberts: But you still won't tell us what it is over the period of the forward estimates. You are embarrassed!

The SPEAKER: There is perhaps enough time for the member for Jandakot to ask a question.

STATE ECONOMY — CREDIT RATING

457. Mr J.M. FRANCIS to the Treasurer:

Given that the United States recently lost its AAA credit rating, I am interested to hear the Treasurer update the house on how the Western Australian economy is stacking up and, in particular, whether there are any external indicators that might be able to give us a better measurement of how the economy is looking.

Mr C.C. PORTER replied:

I thank the member for his question and for the casual and non-note-based way in which he asked it.

Mr M. McGowan: He has been practising all morning.

Mr C.C. PORTER: Indeed; he has to have something to do!

Three important reports came out during the winter recess. In the context of what are tumultuous times internationally and times that may well come to have some effect on our economy, it is worth looking at those three reports. I refer to, firstly, the "Deloitte Access Economics–Arup Investment Monitor"; secondly, Deloitte's economic quarterly business outlook; and thirdly, CommSec's "Economic Insights" report.

Mr T.R. Buswell: It is a good one.

Mr C.C. PORTER: Indeed; that is one of my favourites. The "Deloitte Access Economics–Arup Investment Monitor" described WA as the heavyweight champion of the Australian landscape, which is a graphic description. It had a particular focus in that report, not just about the amount of business investment that is going on in Western Australia, but about the amount of government and public sector investment, which when we speak about debt—which we often do—is what the debt is paying for. The report in the "Investment Monitor" noted that WA has the highest value of planned projects for health and education anywhere in Australia—the big states and the small states. This government is investing more in economic infrastructure, health and education than anywhere else in Australia, which brings me to this chart, which I quickly show members and note that the total of the infrastructure investment program in Western Australia is $7.6-odd billion.

Mr P. Papalia: That is much clearer!

Mr C.C. PORTER: It is as simple as I could make it, member for Warnbro—it does not get any simpler than the wagon wheel!

Mr E.S. Ripper: That is the composition of the government's majority in the Parliament, isn't it?

Mr C.C. PORTER: Or yours in the party room! Who knows? Members will note on this chart that of the $7.6-odd billion expenditure in 2011–12 there are very large amounts in: health, $1.558 billion; electricity utilities, $1.337 billion; and education, $850 million. What is very important to note with that figure of

$7.638 billion is that the average yearly spend over the eight years of the previous government was about $3.17 billion. The fact remains that if members opposite come into this place and talk about debt, at some point as an opposition they have to say what in that wagon wheel they will cut out. What will go?

Several members interjected.

Mr C.C. PORTER: Members opposite will still have to find somewhere else to put people, and that will require extra investment, but we are not quite at that level.

That same report also noted that only Western Australia and Victoria predicted net operating surpluses across all years from 2013–14. The second report was Deloitte Access Economics quarterly "Business Outlook". It noted that all of the forecasts looked at showed that WA would increase its international exports to a staggering $165 billion by 2015–16. That reaffirms again that part of that wagon wheel is the economic infrastructure that allows that to occur. The third report was CommSec's "Economic Insights". What was very interesting is that the CommSec report prior to this listed the Australian Capital Territory as the standout economy in Australia, so I do not know how much faith I put necessarily in CommSec. However, it said that the state's unemployment rate was 4.2 per cent in June, which was well below the national average of 4.9 per cent and the lowest of all states. Of course, listening to some of the debate that was engaged in last evening about domestic content, what we would all hope is that those big projects start to flow through and start to create opportunities for small and medium-sized business. It was interesting that someone came to me recently, and in an effort to argue that flow through was not occurring fast enough, they raised with me total bankruptcy figures for the December quarter as the earliest data available. The figures showed that in WA in the December quarter of 2010 there were 386 bankruptcies, of which 100 were business bankruptcies and the rest personal bankruptcies. It did not sound right that that figure somehow was proving that the WA economy is not doing as well as we might like. When one looks at our percentage of population, which is about 10.3 per cent, our percentage of the overall GDP of the nation is 14.63 per cent; so business is growing in WA. Then the question becomes: what is our percentage of the overall bankruptcies? It is 0.6 per cent. Not only do we have —

Mr E.S. Ripper: So you are happy with the state of the WA economy, are you?

Mr C.C. PORTER: If I had a choice between this economy and anywhere else in the world, I would probably choose WA right now. The point about this is that based on data this is a good jurisdiction to do business in. What we would usually expect is that bankruptcies would be around the same level of the state's share of the total Australian economy. That is what happens in New South Wales, which has about 31 per cent of entire nation's GDP, and about 34 per cent of its bankruptcies; Victoria has about 22 per cent of entire nation's GDP and about 18.76 per cent of its bankruptcies. At the same time as WA is growing business and having a larger share of the national pie, we are shrinking our national share of failures. That is a very healthy situation to be in. No doubt there will be difficult times ahead because of the world economy, but that is not a bad launching pad.

FIONA STANLEY HOSPITAL — SERCO CONTRACT

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

I refer to page 15 of the facilities management services contract for Fiona Stanley Hospital regarding excusing clauses that effectively relieve Serco of any risk or performance penalties when a superbug outbreak occurs, pending the identification of its cause.

(1) Why has the minister allowed such a loose provision of the contract providing Serco and its subcontractors with the ultimate out clause, when they should be taking full responsibility for infection outbreaks in Fiona Stanley Hospital?

(2) What is the mechanism by which the minister will determine who is responsible for infection outbreaks?

Dr K.D. HAMES replied:

I thank the member for the question.

(1)–(2) To understand the answer to that question, the member has to have a reasonable understanding of how hospitals work, and a good understanding of the medical aspects of how infections are transmitted and distributed within hospitals. I can tell the member for Kwinana that in most cases it is not the fault of the staff who are working in our hospitals that there is an outbreak of infection or, in fact, the distribution through that hospital of an infection. It is very often the case that people come into the hospitals as carriers of a particular organism, and as a result of that person, often unknowingly, bringing that particular infection into the hospital that it is spread. In effect, the member is suggesting that our cleaning staff at Royal Perth Hospital or Sir Charles Gairdner Hospital should take personal responsibility for any outbreak of infection. That is an absolute nonsense. Infections happen in hospitals. Our hospitals have one of the lowest rates of infections in hospitals anywhere in the world, and often the responsibility is across the system.

Do we have an increased risk of infection in our private hospitals, where cleaning staff also work? If there is an infection in our private hospitals, do we go to the people responsible for cleaning those hospitals and say, "This is your fault. You should have stopped this from happening"? Absolutely not! What an absolute nonsense. I am glad that we are talking a little about the contract, because there has been criticism of the Serco contract, with the opposition acting as puppets for the union. I was very interested to look at Serco contracts and what was published —

Mr R.H. Cook: I think I would rather be a puppet for the AMA!

The SPEAKER: Member for Kwinana! As I have said in this place on several occasions, there are opportunities to ask supplementary questions, as perhaps a better way of demonstrating what you might want to ask. I am formally going to call you to order for the first time.

Dr K.D. HAMES: We have seen criticism of what was put online. I was waiting yesterday to debate what was put online with the Serco contract. I am looking forward to that, because I have some notes here from the late Mr John D'Orazio, who under the former government signed the Acacia Prison contract to appoint Serco dated 16 May 2006. The Labor Party under the guidance —

Several members interjected.

The SPEAKER: I would like hear the answer to the question.

Dr K.D. HAMES: The world's greatest Treasurer at the time, who is now the Leader of the Opposition, was in charge of running the Treasury when expressions of interest were called for Acacia Prison. Serco put in an application. The Labor Party appointed Serco to take over that contract. Did the Labor government go back to running the prison with government staff? No, it went to a reputable company called Serco. What did they do with the contract? They put it online. Well done. Did they put all the contract online? No, they did not. What did they leave off? They left off exactly the bits that we have left off—exactly the same bits! I am very much looking forward to having this debate when it is brought on as private members' business next time.

FIONA STANLEY HOSPITAL — SERCO CONTRACT

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

I have a supplementary question. How is this contract different from the Royal Perth Hospital contract that led to all the superbug outbreaks during the last attempt to privatise the health system in the 1990s?

Dr K.D. HAMES replied:

That is an excellent question because it gives me the opportunity to tell members of the enormous difference between the two. In those days, there was an attempt to go to the private sector to take over the cleaning contract. In my view it was done wrongly. I have said this to the union, and I have said this publicly. People who were support staff, who were not necessarily trained as teachers, were brought into the contract to look after the whole cleaning services. Frankly, they were not sufficiently experienced, and they were not sufficient staff to do the job properly. That is why we have made sure on this occasion that we have clear requirements in the contract, clear response times and clear outcomes. We have made sure that the contract has not been done in isolation, as it was last time as a microcosm of the total management system in place in Royal Perth Hospital. We have done it as a large system, copying off what members opposite did in the prison system. Well done!

GOVERNMENT DEPARTMENTS AND AGENCIES — GIFT ACCEPTANCE BY SENIOR STAFF

Question on Notice 5075 — Correction of Answer

DR K.D. HAMES (Dawesville — Minister for Health) [3.02 pm]: Pursuant to standing order 82A, I seek leave to table a document that corrects an answer given previously.

[See paper 3750.]

QUESTIONS ON NOTICE

Answer Advice

MR M. McGOWAN (Rockingham) [3.02 pm]: Pursuant to standing order 80(2) in which ministers are required to answer questions on notice within one calendar month after the question was asked, I have a range of questions that have not been answered, which I would like to raise with the relevant ministers and ask that they provide the answers. I have questions on notice to the Premier—5682, 5716, 5733, 5743, 5759 and 5777. They have not been answered in one calendar month. I have questions of the Minister for Housing—5633, 5634, 5635, 5636, 5676, 5713, 5714, 5727 and 5744. They have not been answered in one month. I have questions of the Minister for Health, which have not been answered in one month—5677, 5679, 5680, 5681, 5700 and 5717.

DR K.D. HAMES (Dawesville — Minister for Health) [3.03 pm]: I am not aware of those. I was under the impression that all of the member's questions had been answered. I will ensure that I get straight on to making sure those questions are answered.

Mr M. McGOWAN: Not to be left out, I have a question of the Minister for Regional Development awaiting response—5736.

MR B.J. GRYLLS (Central Wheatbelt — Minister for Regional Development) [3.04 pm]: I am very, very close to answering that question for the member for Rockingham.

The SPEAKER: Before I give the call to the Leader of the Opposition, and respecting the current process, which is with reference to standing order 80(2), which the member for Rockingham has raised, and rightly so, the opportunity is available to ministers to respond at this point. Ministers should be responding to you, member for Rockingham, with respect to those questions that you have put.

MR T.R. BUSWELL (Vasse — Minister for Housing) [3.04 pm]: Thank you for that guidance, Mr Speaker. I am pretty sure I signed all of those questions this morning, except one that I thought was probably a bit complicated for the member, so I am just tidying that up. The member will get all those pretty quickly.

QUESTIONS ON NOTICE 5560, 5543, 5441, 5424, 5526, 5509, 5475 AND 5458

Answer Advice

MR E.S. RIPPER (Belmont — Leader of the Opposition) [3.05 pm]: Pursuant to that same standing order, I wonder if the government has been lazy over the winter break and whether they have been doing any work. I would like to ask why the following questions to the Premier have not been answered and when I can expect an answer—5560, 5543, 5441, 5424, 5526, 5509, 5475 and 5458.

MR C.J. BARNETT (Cottesloe — Premier) [3.05 pm]: I have signed off on a large number of questions in the last few days. I imagine that would be many of those referred to. I make the observation that the opposition is asking the same question over and over again on a range of topics; it repetitively asks them. Most of the answers that I am signing off are referring to a previous question asked by the same person or the same question asked by another member. So, there is some responsibility on oppositions to organise their questions and to not ask repeated questions or to not have multiple members ask the same question.

RESTRAINING ORDERS AMENDMENT BILL 2011

Second Reading

Resumed from an earlier stage of the sitting.

MS J.M. FREEMAN (Nollamara) [3.06 pm]: I will continue where I left off.

The ACTING SPEAKER (Mr A.P. O'Gorman): If members wish to have a conversation, they should leave the chamber as quickly as possible. We like to hear the member on her feet, rather than the conversations taking place around the chamber.

Ms J.M. FREEMAN: I was taking the opportunity in this debate to acknowledge the good work of the refuge run through the City of Stirling. It is one of the last two councils that actually operates refuges. In particular, I wanted to note that in 2009, it celebrated 30 years of operation. It is up to its thirty-second year. I think that is a testament and probably an indictment on our community that we still require that service and still have not addressed the plight of women who have to flee their homes and gain domestic violence restraining orders or violence restraining orders.

I note that one of the issues in the national plan to reduce violence against women and children, and federal government funding, is keeping women in their home and the important role that violence restraining orders play. I pointed out to the minister when he was in Parliament that part of that process is making violence restraining orders and domestic violence restraining orders effective. If a restraining order is breached after the first time, the capacity to keep women and children in their homes is greatly undermined. Part of the capacity for women and children to be protected from violence perpetrated against them is their capacity to also to be protected from the psychological impact of that violence. It is very important to enable women to stay in their homes.

I understand that aspects of the restraining orders are very difficult. It is fraught with people feeling that procedural or natural justice needs to be played out, because we have this idea that we need to note that relationships are complex. That is because we have this idea that relationships are so complex that we need to take note. They are that complex, but we need to be really clear in the community that family violence perpetrated against predominantly women and children is completely unacceptable. Although I accept that this legislation is a good move, I wonder whether it is still a move too far away and a move that does not make that statement strongly enough in the community.

The "National Plan to Reduce Violence against Women and their Children" is an important document with which I encourage all members to acquaint themselves. If the sorts of violence that occurs against women and children in families occurred in the streets in our communities, there would be an outcry. There would be

mandatory sentencing, there would be all sorts of police laws and all sorts of things. Yet we can continue to allow a serious indictment on the community to occur in relative silence, even though the community is much more aware of it. Part of that is the important role the White Ribbon Day campaign plays, which the member for Victoria Park discussed, and part is also our capacity to examine these national plans and operate within them to go forward.

I am continuing to talk about this matter because I am waiting for the Attorney General to come back into the house so that I can ask what role the Attorney General's office is playing in the application of the national plan to reduce violence against women. I note in March 2011 there was an agreement between the Australian Attorneys General to implement a national scheme for the recognition of violence restraining orders. Currently, someone coming across the border fleeing family violence must register in WA a violence restraining order against the perpetrator of that violence. Many people do not know that. They are much more of the view that we have a national system. My understanding is that there is an agreement to put legislation together so that those VROs and family violence restraining orders would be recognised across borders. In a country that has celebrated more than 100 years of Federation, one wonders why that has not occurred by this time. I am interested to know, given that the agreement was made in March 2011, why the opportunity was not taken to include that aspect in this legislation. I therefore ask the Attorney General to report on the progress of the legislation to recognise our VROs across borders and why it was not deemed urgent for inclusion in this legislation.

I also note that for some time now we have had a state strategy to reduce violence against women and family violence—since 2000. I congratulate the Department for Communities and the Department for Child Protection, which is the office now responsible for the prevention of domestic violence, for the good work they have done over the years in this area. I note that the Department of the Attorney General was involved in the development of the recent 2009–13 state strategy. One aspect of that strategy reads —

> … Audit of the Armadale Domestic Violence Intervention Project undertaken in 2005 provided clear evidence that government departments, community sector organisations and the community must have the capacity to respond and work together as seamlessly and consistently as possible if family and domestic violence is to be effectively addressed.

That is a really important aspect of the strategy. Although I acknowledge that this legislation goes part way to that, part of any change in restraining orders, such as this legislation, is the impact for conveying that to the community and making people aware of it. Because we will not go to the consideration in detail stage, I ask the Attorney General to confirm that when the first restraining order is made, there will be a program to make the person the subject of the VRO fully aware of the legalities and issues with respect to the seriousness of the order. A program such as that would be particularly important after a serious second or third breach, which would most likely result in the imposition of a jail term. I say that because of one issue regularly raised with me in the communities I am lucky enough to represent. In many newly arrived communities there is a misunderstanding of violence restraining orders and community expectations about them. That is not to say that our white Anglo–Saxon and long-term community members in Western Australia are any more aware of these expectations. Frankly, if one in five people are subject to domestic violence at some stage during their life, it is clearly not just a characteristic of any particular community. It is a characteristic of power in family relationships, unfortunately, in all sectors of our community. However, one problem that some of the newly arrived communities face is the expectation upon them to resolve a dispute without leading to the harsh methods their communities may have applied in their countries of origin. They now find authorities being brought in and saying that it is not the sort of respectful and responsible behaviour expected of them and that in our community it is actually criminal. I do not necessarily think that sort of behaviour is any less criminal in their communities. I think their communities have dealt with many issues. When I talk to the leaders of those communities, they tell me that the level of violence that results in the imposition of a violence restraining order is no different for them and that the expectation of their communities is that they would not be able to perpetrate that sort of level of violence against families, particularly women and children.

I suppose this legislation signals a note of caution on what these communities need. I congratulate the Attorney General and the Department for Child Protection and the many other departments for having gone out and spoken with newly arrived communities, particularly African communities and the Sudanese community. However, it does need to be made clear to them that when the police and other community members arrive, violence is no way to resolve family disputes. Often family disputes arise when they come to a new country because of the difficulties of fitting in and assimilating into a new culture. Difficulties arise raising children when expectations are based on cultural understandings brought from their country and they suddenly find their children being influenced by a western culture that they are unfamiliar with. That does cause conflict.

I have probably harped on to the Attorney General about that and not articulated it as I would have liked. I suppose what I am really saying is that it is very important that restraining orders be used to make sure that people know that violent behaviour against anyone in the community is unacceptable. People need that explained

to them very early on in the piece so that they know what their responsibilities are, but they also need assistance to find other ways of resolving conflicts in their families, especially in newly arrived communities. That is outlined in the state's strategy for 2009–13 as one of the key focus areas that the Attorney General's department has been involved in.

As we are not going into consideration in detail, Attorney General, I mention some of the changes that I notice go to police orders against children. Proposed section 30D of the act states —

> A police order cannot impose restraints on a child.

That was a determinant that it could not be done at all. Police orders were introduced under the 2004–08 strategy. Under the previous government, amendments were made to the restraining orders legislation to give police greater powers to intervene in domestic violence incidents. I think that was a great change. The change the Attorney General is now putting through is to increase the duration of restraining orders to 72 hours, instead of the police having to go through the 24-hour order and then the 72-hour order. We have heard anecdotally that police are not actually doing that in the community. I have certainly been told that by some community members. That is something I have obviously raised with police in my area. It is especially something that is not occurring in some of those newly arrived communities; police are very reluctant to introduce those orders in that way. When police do that, they do it without really explaining what the implications will be. Often people will return home and the partner will allow them to return home, so breaches occur without the parties having full knowledge of their responsibilities.

I also note that under the 2004–08 strategy of the previous government, the first family violence courts to provide better responses to perpetrators was developed. If the Attorney General has an opportunity, I would not mind knowing how they are going, or if they are still going, and the establishment of protocols between Western Australia Police and the Department for Child Protection to better support children who present in situations of domestic violence. They are the three key things that came out of the 2004–08 strategic plan.

[Member's time extended.]

Ms J.M. FREEMAN: Police orders are very new, having been introduced somewhat recently, in 2004—I suppose that is quite a while ago now. I read the Attorney General's second reading speech and looked at the detailed notes. I am interested to know for what purpose that has been increased. In this case, clearly this is about family members being the perpetrators of violence against children. In saying that, given that —

Mr C.C. Porter: What section is the member referring to?

Ms J.M. FREEMAN: This is in the bill; the proposed amendments to section 30D, "Police orders against children". I suppose I say that in the context of the provisions of "Part 6 – General, Division 1 – Children", of the act, which states —

> No restraining order is to be made against a child who is under 10 years of age.

My question relates to clarification of that and some understanding of why that was necessary. When the police order imposes restraint on a child, I have assumed that is a child over the age of 10.

Mr C.C. Porter: Definitely.

Ms J.M. FREEMAN: "Definitely" is the interjection I got.

Ten years of age seems a very young age to have a restraining order. The Attorney General may recall that I wrote him a letter about restraining orders, referring in particular to a case of a violence restraining order related to students against students. It was a Facebook bullying incident; the Attorney General has a memory of that. Again, the actual restraining order was never issued; they just had to front up to court to defend themselves. This repetitive aspect is, frankly, reversed harassment. I am not privy to all of the matters of the case and to everything that happened, but clearly there is a question—that is obviously not stated in this either—about how many times a violence restraining order against a child, and perhaps also an adult, can be asked for. I note that the Attorney General in his second reading speech talked about that difficult balance. How many times can an applicant do that in an almost vexatious manner? In some ways that is a reverse mischievous act against someone by using the mechanism of restraining orders. I have a 15-year-old child, who I still think is very much a child, so that concerns me. It seems there are other mechanisms that we could use against children aged between 10 and 15. The Department for Child Protection can still come in. It still has a lot of powers in that age bracket. That would be a much more effective way than having a violence restraining order, especially a police violence restraining order, issued against a child over 10. I am interested to hear a bit more of the rationale for and detail of how that has come about.

MS L.L. BAKER (Maylands) [3.26 pm]: I would like to make some comment about the Restraining Orders Amendment Bill 2011, specifically in relation to domestic violence and obviously in relation to the community sector, which plays a major role in delivering services for this type of crime. I will start by updating the house on some information that I received from the chairperson of the Women's Council for Domestic and Family

Violence Services (WA), Anne Moore. I thank her very much for helping me with some of this information. She has just updated me that the statistics they are preparing for their end of year report show a 65 per cent increase in demand for both accommodation and outreach services for the victims of domestic and family violence. The service has also tracked that its unmet demand is much higher than last year. I cannot give the house a figure on that because it has not been prepared yet. The service also reports that it currently receives 100-plus referrals from police each month for outreach services following domestic violence incidents at family homes. I am providing that bit of information because it is important to recognise that there has been, and continues to be, an increase in the incidence of family and domestic violence in Western Australia. The services in place to offer support to victims are still really under a great deal of pressure. It might sound a bit of a paradox given that we heard the Premier refer to the extra investment that his government has made in the community sector, but the unfortunate thing is that domestic violence services are not currently receiving that increase.

I draw the house's attention to questions that were asked during the estimates process earlier this year, and also to information that we received in answer to our questions about whether domestic violence services would be included in the injection of $600 million in funding to the non-government sector. Indeed, it was confirmed by the minister's department that domestic violence services will not be included at this moment. We understand that the government says it is considering paying that money after a final decision is made by Fair Work Australia on the minimum wages case and the renegotiation of the state–federal housing agreement, all of which could take an extra 18 months. Given that family and domestic violence is one of the major drivers of increased numbers of children coming into care, the Department for Child Protection and the Department for Communities are very involved in this agenda. Their budgets should have contained some funding for extra beds in women's refuges. But no—this government has not seen fit to provide any additional funding from that good increase it put into the sector. There is not one extra bed for domestic violence victims in this state. That shows, as far as I can see, a neglect of this area and is something the Attorney General should be aware of, particularly in relation to the close link between violence restraining order legislation and family and domestic violence services in the state.

I congratulate the Attorney General on a generally very positive response to this legislation from the domestic violence support and refuge sector. I am also informed that the victims who work in and are supported by these services, who know about these changes, are also very pleased to see them coming in. I will go through some specifics that are welcomed. Firstly, the removal of the requirement of consent from 72 hours for police orders is definitely a positive as far as the community sector is concerned. Ensuring that all domestic violence offences, including the breach of a VRO, are included within the definition of serious offence in the Criminal Investigation Act 2006 is a major step forward; congratulations. Prohibiting the consideration of consent as a mitigating factor in VRO breaches and prohibiting persons protected from being charged with aiding the breach of an order is also positive. The final positive comments that the community sector has made about this bill are about the provision for the court to warn the respondent, when a VRO is granted, that the respondent must not commit unlawful acts, and the presumption of imprisonment when a VRO is breached for a third time.

Having said these positive and congratulatory things, there are few issues of concern about this legislation. The Attorney General has perhaps already heard of most major concerns, and that is the funding for the sector, which does not come out of the $600 million that the government has put into it. I think that that is a huge gap. Another concern that the sector has pointed to is the problem with magistrate training. The sector thinks that many magistrates still do not have a clear understanding of the dynamics of family and domestic violence and that they are causing problems—big problems in fact—in how this legislation, and the various remedies within it, might be enacted as it is brought in. Some of the issues the sector has raised as concerns include the possibility of re-victimising women through the court process. I say "women"; I understand that there are some men who are subjected to domestic violence but their number is vastly outweighed by that of women. The Attorney General might know the facts, but I remember that all the murder cases in Western Australia a couple of years ago were of women murdered as a result of family and domestic violence. That is indeed a very sobering and frightening statistic. I am not sure what the current rates are, but I am sure that they are still very grim.

It would be also remiss of me not to point to the recently released Education and Health Standing Committee report into the misuse of alcohol in our community. Members would be very aware that in the north west of our state, and in the city and rural centres, there is a very strong problem in communities, in Indigenous communities in particular, which is the link between alcohol and domestic violence. Therefore, it is very important that we see strong services put in place. One issue we picked up through the Education and Health Standing Committee was the costs spread across government of alcohol-related harm. I will read a very few of the statistics. The issues contributing to the costs spread across government departments include such things as 60 per cent of Department for Child Protection clients having alcohol and drug problems, which is clearly about domestic and family violence. In the "2004 National Drug Strategy Household Survey" it was reported more than 80 000 Western Australians were physically abused by people who were drunk and more than 400 000 were victims of alcohol-related verbal abuse. Alcohol has also been associated with 16 per cent of child abuse deaths. The Child Death

Review Committee Western Australia would probably report a similarly grave situation in its statistics. Of particular note is a clear gap in the prison system in how we manage offenders in prison to put in a circuit-breaker for violent offenders; and I hope that the Attorney General takes this up with his colleague the Minister for Corrective Services. There is a shortage of programs and activities, and there is certainly a shortage of successful interventions for the perpetrators of alcohol-related violent crimes, many of whom are committing crimes against individuals, not against property. There is a big gap that will need to be filled in order for us to see some really good results from the Attorney's new legislation.

To continue on the problems that have been raised about the re-victimisation of women, I have mentioned that it has been reported that there have been occasions on which magistrates are perhaps not as sensitive as they could be to victims. Victims probably misinterpret that lack of sensitivity when they are already in a vulnerable state. They are clearly shaken and probably upset and they interpret the magistrate's behaviour as too strong or quite aggressive. There is also the issue of having to face the perpetrator of the crime in court. I know that many courts have video conferencing facilities and other ways of managing that. I am not sure what the reality is of funding that kind of thing, but it would be a good thing to try to minimise the re-victimisation factor. Another point that has been raised with me is women being summoned to appear together in court instead of having the interim order granted, which the Women's Council for Domestic and Family Violence Services has mentioned seems to be putting victims at risk.

The council also points out to Parliament that there is not enough legal support for victims during a trial, and that is an area that I am sure the Attorney General would be aware of; I know that he has an interest in this matter, so I am sure that he is aware of it. There are also problems in not having the ability to exclude the perpetrator from the family home. Indeed, my brother and his wife are both serving police officers posted in the south west in a town where one of them was specifically looking at domestic violence. I was told that on many occasions a problem occurs when an offender assaults the wife or the partner or the children in the house and the police pick up the offender, take him to the station house and either incarcerate him or keep him there. But, what can the police do next? They let the guy out, he goes back home and the whole cycle begins again. Therefore, it is really a call for more preventative services to be in place to help protect victims, but also to help with the perpetrators.

On the subject of breaches of restraining orders, it seems that an issue has been reported of women not being informed that a perpetrator has been seen at her home. In other words, the woman has been out or whatever and someone has reported that the perpetrator has been seen at her home and she has not been made aware of it. Interestingly enough, I have just—I mean "just" in the last five minutes—taken a phone call and listened to an interview on 6PR of a young woman in Homeswest housing who reported the most horrific situation. After monitoring a fairly grim situation of what appeared to be a woman who was drunk or rolling around and jumping on a car, she opened the door to find that it was one of the neighbours who had been, she claimed, assaulted. The woman also claimed that she had been raped. She let in the woman, who was bleeding profusely and badly injured. The alleged perpetrators of the crime were still outside the house. They came into the house. They followed her in with a big lump of wood and a screwdriver, and continued to pursue violence against her. By this stage of the game, this poor woman was in her home with the victim on the floor. Her boyfriend was with her, and they were trying to work out what to do. To cut to the story of what happened, when the police attended, the woman was taken by ambulance to hospital, and I am assuming at this moment that she has not pursued any kind of criminal action. The young woman, who was the tenant of the property, alleges that she was told by police not to bother putting in a report about the incident because she has to live in that block on an ongoing basis. I have said "alleged" all the way through, because it was a phone conversation, but it was a very public phone conversation on 6PR within the last five minutes, so I am sure that we will hear how that situation plays out.

There are a range of lessons in that situation that stand behind the claims of the Women's Council for Family and Domestic Violence Services: that when breaches are reported, sometimes the police do not take them seriously. Indeed, I am sure that many of us have constituents who have told us similar stories. In fact, I have a good friend who has told me a similar story about her ex-husband and a violence restraining order. Not seeing repeated breaches of a VRO as an overall picture of harassment is something that has had quite a lot of media attention. We hear, very distressingly, that women have reported that their partner has broken a violence restraining order, turned up at the house and continued to harass or stalk them. Then, most dreadfully, we hear that the woman has been killed or that something dreadful has happened. Those kinds of awful situations are clearly pictures of harassment leading up to something much worse. Whilst we are not trying to cut corners, the time that elapses between the application for a VRO and the whole process involved can be quite lengthy, and we want to make sure that the length of time is as short as possible.

There are some very, very good things in what the Attorney General is doing, and he is to be congratulated for that. This legislation is long overdue, and I am very pleased to see it happening, as is the Women's Council for Family and Domestic Violence Services. There are real concerns. I draw the Attorney's attention to what I said at the start of my speech about the funding for the sector to provide the support. It is all very well to have

legislation in place, but, as we in this house all know, if the services are not available in the community to support the victims of this kind of crime, all the legislation in the world will not work; it will not do any good.

[Member's time extended.]

Ms L.L. BAKER: The safety nets are in place, but we also need to make sure that these services are funded so that they can be delivered. The unmet demand figures will be published shortly. With a 65 per cent increase in the number of people going to services and with 100 incidents being referred each month, there are clear arguments for all of the government to be concerned about not abrogating responsibility for the council's funding and for making sure that the centres for sheltering these victims are well staffed and well resourced in order to pick up on any problems.

Finally, I wanted to mention—the Attorney will probably be aware of this already—that one of my greatest concerns about domestic violence is the link with the torture of and cruelty to animals. It is called the cruelty connection. It has different names in different places. The council's shelters and the like collect statistics at a basic level when they are asking questions of victims. They ask, "Have you been the victim of a crime?" and they also ask, "Has anyone tortured or attacked one of your pets?" to collect that information. I want to make sure that that link is very clearly identified and that the services are in place and continue to collect that data. I also recognise the good work that the Women's Council for Family and Domestic Violence Services already does in trying to keep statistics. What is missing, Attorney, is a link between the police, child protection services and the RSPCA. That link exists in many other developed countries in the world. I can give the Attorney all the information he could ever need on how to do it. It is happening in other states. There are police-run committees in other states on this subject, and they have had some very good results, so that when the police arrive at an alleged domestic violence scene and they see animals that are clearly injured or have been maltreated, they can report that to the RSPCA. The reciprocal thing happens when the RSPCA goes in to investigate a report of cruelty to animals. If the RSPCA sees young children who look as though they have indicators of maltreatment or abuse, it can report that in a confidential way to the police and also to child protection services. So it is a three-way street, and it works very effectively. I take this opportunity to endorse that and to encourage the Attorney to not let that come off his agenda.

MR M.P. WHITELY (Bassendean) [3.46 pm]: I will make a very brief contribution to the debate on the Restraining Orders Amendment Bill 2011. I have not had a particular interest in this bill, but when we had the discussions within our caucus room an issue came to mind that I did not raise at the time, but I might take the opportunity to raise it with the Attorney. As I understand it, the intention of the bill is to allow the police to interfere in relationships when somebody who needs to be protected, on the judgement of the police, does not seek a restraining order so that that person can in fact be protected. I can understand the need for that, and I can understand a situation in which someone is so disempowered that they need somebody to act on their behalf to protect them. I guess that the concern I had was that I can imagine circumstances—I imagine they would be fairly rare—in which police, for some sort of ulterior motive, may seek to keep two parties apart. I am wondering what checks and balances are in place to address that. I realise that anything would have to be retrospective because of the relatively short time frames involved; in other words, we could not determine motive in a 24 or 72–hour time frame, I would not think, so any sort of correction would have to be after the event. Nonetheless, it was something that came to mind.

The second issue that I have very much half-formed thoughts about is the imposition of restraints on a child in a domestic relationship, presumably often with their parents. Fourteen-year-old boys can be a physical threat to mum, and I can understand the circumstances. But it is really a situation in which, frankly, this Parliament is saying that police sovereignty overrides parental sovereignty, which seems to be fairly novel territory to me. I have some concerns about how that will operate in effect and what potential the parent would then have for ensuring the quality of care of the child. As I said, I can imagine circumstances in which it is necessary. We are, in fact, ceding parental sovereignty to the police, however temporarily, and I wonder whether there are protections for the parent in determining the appropriateness of the care that the child is put into.

MR C.C. PORTER (Bateman — Attorney General) [3.50 pm] — in reply: I thank all the members who have contributed and made very sensible contributions to the debate on the Restraining Orders Amendment Bill 2011. A number of questions were asked of a legislative and technical nature, including the one that the member for Bassendean ended with. I will go through each of the members' questions and address as best I can each of the issues that they have raised.

I start off by raising one general matter. This area represents the central problem of criminology and trying to measure rates of crime. We are constantly faced with the difficulty of trying to separate out cause and effect. If data shows that a certain crime is increasing over time, is the total pool or level of activity of that criminal offence growing or is more of a fixed pool being found, or some mixture of both? This problem arises with a range of different crimes, but domestic assault is definitely one of those crimes that may well be on the rise. A lot of the data that we have collected shows its growth is about policing, legislative responses and the responses

of the courts. For the first time, my office, in conjunction with the police, has separated our assault figures between domestic assaults and non-domestic assaults. We have been able to do that retrospectively by looking at the briefs in each instance going back to 2001–02. The number of reported domestic assaults in 2001–02 was 2 607. In 2010–11 that figure goes up to 8 980. In fact, although a lot of different crimes that we track have had progressive decreases over time—not all, but most—domestic assault has been the growth area of criminal activity in Western Australia. In large part that is about us finding more of something which to some general extent exists. I am not saying that there is not more domestic violence in 2010–11 than there was in 2001–02, but a large component of that growth is about finding more.

It is very interesting to look at year-to-year comparisons. In 2002–03, there were 2 396 reports of domestic assault. The next year that figure increased to 4 351, and the year after that to 7 212. That is a very rapid increase over the course of three years—in that case from 2 396 to 7 212. After that, the number of reports of domestic assault then held steady around the mid-7 000s. That period coincided with the reforms brought in by the Labor government in about 2004 and administrative changes that the police engaged in for recording domestic assaults. Police officers previously went out to houses when there were domestic assaults and they would determine as a matter of police discretion whether or not to charge. If the victim did not want to charge, the police did not have a system of recording that. Now, even in circumstances in which there is a discretion not to charge and a discretion on the party to not seek a violence restraining order, police officers keep very accurate records of how many times they have visited the domestic residence so that when they turn up they know whether there has been a history of that sort of thing. That constantly elevates the prospect of having a charge and having this flow through to the statistics. I hazard a guess that if we looked at the figures prior to 2001–02, we would see that the number of domestic assaults that the police recorded in the 1990s would have been very low, and in the 1980s would have been near on non-existent. That is not because there were no domestic assaults in the 1980s or 1970s, but because it was not a matter that was taken anywhere near as seriously as it should have been and it was not policed heavily. This indicates one of the areas of difficulty. My observation is that the level of domestic assaults may be increasing, although it is difficult to tell. There is certainly now a far more dedicated serious response on the part of Parliament, the police and the courts—as there should be.

The member for Armadale raised the issue of the costs associated with domestic violence as set out in the KPMG Management Consulting report, with which I am familiar. The costs are enormous and quite difficult to quantify. That report is quite thorough, and the costs are absolutely enormous. Much has been said here about what a terrible offence domestic assault is. The reason that I personally have viewed the issue as a priority for this government to try to do something more about is that it represents all the reasons that we have a criminal law—that is, to protect the weak from assault and being assailed by the strong. In domestic relationships, women are almost invariably the victims, although with some exceptions. Women's victimisation is almost invariably because they are simply the physically weaker party and they are at the mercy of a person who may, for a variety of reasons, such as dysfunctional alcoholism or terribly bad judgement or poor character, impose their physical strength on the other party. That is the primary reason that we have always had a criminal law. It is very sad that this offence went under-policed in the decades prior to 2001, but we are getting better.

The member for Armadale raised an issue that a lot of other speakers also raised. The member made a mild to serious criticism of the government about there not being enough programs and enough beds in refuges. I might come back to that in a moment. More can always be done in that area. Being too critical of the government might be a little unfair; I will address that in a moment. The member for Armadale raised the question: why three breaches? I will come back to that when I address the member for Mindarie's contribution.

The member for Armadale also asked: why are we prepared to take the very serious step of having mandatory penalties for an assault on police but not for a breach of a restraining order when we might theoretically assess one offence as being at least as serious or repugnant as the other? There is some logical sense in what the member put. I would move into the area of mandatory sentencing cautiously, although we have engaged in establishing legislation on mandatory sentencing for assaults on police. I agree with the member that there is some argument to suggest that an assault on a woman by a man in a domestic relationship, when the abilities and strengths of the two parties is disproportionate, is an equally horrendous offence and might warrant a mandatory penalty. Theoretically, I do not necessarily disagree with the member. For the part of engaging in law reform, my response and that of my office and the government has been very pragmatic on that issue. The reasoning has been something like this: there is always a risk of elevating the rates of imprisonment and the prison population through mandatory sentencing. The government and I took the view on assaults on police that the number of offenders affected by virtue of mandatory sentencing was relatively low compared with the very high impact that we would achieve in deterrence.

Some figures on mandatory sentencing and police assaults have recently come in. The figures compare January to June 2009 with January to June 2011 and are broken down by police district. The decreased number of assaults on police has been remarkable, and much better than I thought would result from the mandatory penalties policy. I will go through the first three in alphabetical order. The decrease in assaults on police over

that period has been: central metropolitan area, 43 per cent; Goldfields–Esperance, 68 per cent; and Great Southern, 35 per cent. Regardless of whether someone agrees or disagrees with mandatory sentencing as a matter of theory, all that has been achieved with the conviction or jailing of only 13 people at last count under the mandatory sentencing regime. The mandatory sentencing regime affects very few people with penalties, but there is a very large deterrence effect and a decrease in assaults.

My assessment and observations of the situation and of the potential for mandatory penalties in the domestic violence context for a third breach of a violence restraining order is that we might well have a substantially elevated deterrence effect by having an automatic sentence of imprisonment on a third breach, except that would affect a lot of people. The sheer quantum of breaches of VROs after a third breach compared with the quantum of assaults on police officers is much larger. We would be starting from a much larger pool. We would not be jailing 13 people in a financial year under a mandatory sentencing law for a third strike and a VRO. The number jailed would be far greater. Although I accept the member for Armadale's point in theory, the view that I take is that those offences are comparable in terms of seriousness, but for one offence the risks are lower and the rewards higher in terms of deterrence than in the other case. To the extent that that is something that the member may agree or disagree with, that was the logic and the reasoning behind having presumptive sentencing for a third breach rather than mandatory sentencing.

Dr A.D. Buti: I agree with that.

Mr C.C. PORTER: I find domestic assault repugnant in every way and think it is one of the worst offences on the books. As the member for Armadale pointed out, one of the problems is that many homicides grow out of the domestic violence scenario. Showing any level of toleration for domestic violence has this prospect of much worse offending occurring. It is, therefore, a very difficult area.

The member for Armadale also spoke about clause 6 of the bill and the lapsing of a VRO or restraining order after two years. That was not the suggestion that came from the first review, but was a suggestion that came, according to my recollection, from the Magistrates Court and the police. The member is correct when he says that people may avoid service of the order for two years. Given that this offence generally occurs in a domestic scenario, the police have indicated that those people who avoid service for two years are those who have left home, effectively for good, and that if they have been around their wife at any time in those two years, an order would have been served. The view was that it is not wise to have restraining orders sitting on the books for eight or 10 or 12 years, which is what happens at the moment because the fact is that the police do not make serious efforts to serve orders after a two-year period. If they have not served them in that two-year period, they are unlikely to. I accepted that as a reasonably pragmatic outcome, but it is one that I will keep a close eye on because it would be a terrible thing for someone to do something in breach of a violence restraining order that may have been in effect for two years two months after its automatic extinguishment. It is something that we will keep a very close eye on.

The member for Girrawheen also raised the matter of resourcing and budget. This will clearly have an effect on rates of imprisonment—or it may not, depending on, as the member pointed out, the effect on whether the behaviour change that we hope to engage is greater than the effect on imprisonment rates. I can simply say—when I look back over similar things done by the former Labor government in 2004—that, respectfully, the then government did not do what members opposite think now we should do, which is try to engage in some sort of empirical analysis. I would do it if I thought there was merit in it. The government could build a very complicated econometric system and build in all the coefficients to judge behaviour change; frankly, it is outside the expertise of the Department of the Attorney General and would be a somewhat fruitless exercise because whatever is predicted is, in reality, likely to overshoot or undershoot by some significant effect. Therefore, we have not done that. But we have given some very broad consideration to the types of effects on imprisonment and think that this might potentially increase the level of imprisonment. When we introduced mandatory penalties for assaults on police, I said that I thought that would affect between seven and 14 people in a year and in year one it affected 13 people. The effects of this legislation will be larger than that but I cannot recall off the top of my head what we assessed they would be. A very rough calculation of the percentage of people who presently breach after four strikes indicates that 27 people are imprisoned each year. If we automatically, with a few exceptions, impose imprisonment on breaches after three strikes, without substantial changes in behaviour it could be quite a large quantum. However, we think that this will bring about some substantial change in behaviour. The other point that I would raise, member for Armadale, is with respect to the 2004 changes brought in by the then Labor government; they were very good changes and, had I been around, I certainly would have supported them at the time. The first of those changes—many of them affected the Restraining Orders Act, as has already been noted today—was that all assaults or offences perpetrated in the course of family and domestic relationships were to be considered offences in which there existed a circumstance of aggravation. That was the first time that had happened in this jurisdiction. Previously, an assault in a domestic circumstance was a simple assault and was not a circumstance of aggravation if perpetrated against a wife, partner or de facto. Under the changes brought in by the former Labor government, it was a circumstance of aggravation. I do not suggest that

there was a perfect or exclusive correlation between that and the quite substantial increases in the rates of imprisonment that occurred at that time, or indeed in Indigenous imprisonment. Over the period of the former government, the Indigenous percentage increased from 34 per cent to 41 per cent. However, I will say that there is some logic to the proposition that the changes the former government made to the Restraining Orders Act and to make a domestic setting a circumstance of aggravation for assault fed into increases in the prison population in a relatively substantial way. Unquestionably, I think it was the right thing to do, but, respectfully, it does go to show the concept that sometimes to protect individuals—indeed, in this case Indigenous individuals and in particular Indigenous women—a price is paid through increased Indigenous imprisonment for the male population. At times, it looks like a very raw trade-off. I think to an extent other things were happening that help explain the increase in the prison population, not the least of which was the increase in police resources. Another was getting rid of sentences of fewer than six months, which I will come to in a moment. However, make no mistake about it: these changes have the potential to increase the rates of imprisonment and perhaps in the short term put upwards pressure on the percentage of Indigenous imprisonment because, unfortunately, very many of these offences occur in Indigenous families.

The member for Mindarie referred to the growth in and prevalence of restraining order applications, and also noted that these offences do not occur exclusively in the domestic setting. Having a long history in the courts, the member for Mindarie would have seen all number of restraining orders. I recall applying for them on behalf of academics who alleged being stalked by students, and for a range of interesting scenarios, although overwhelmingly they grow out of the domestic context. As the member for Victoria Park noted, 800 restraining orders were issued in 1998 and 13 000 in, I think, 2010. That is a very large increase over that time.

The member for Mindarie raised the issue of three strikes and asked, "why not two", and again I agree with the member for Mindarie. The answer is in effect, we consider that, in all the circumstances and on balance, weighting the different factors, three strikes is about right. The deterrence effect of these is always going to be dampened by the fact that these offences often occurred in incredibly heightened emotional states in which people are not always thinking clearly about the repercussions. However, if someone is on a third breach of a violence restraining order, we think that is something that will be in their mind and it is something that has been shown to have some empirical effect in other jurisdictions. If we were to make it mandatory or to bring it back to two strikes, we were concerned it would place too big a pressure on imprisonment and particularly on Indigenous imprisonment. We will be watching this very carefully, and now that we are keeping data on these things we will be able to measure exactly what the effect is. It may be that this government, or a successive government, comes back to revisit this at some point in the future based on that data. Both the government and I were concerned that if we made it any more stringent than this, what the protected woman potentially gains we lose through rates of Indigenous imprisonment and imprisonment generally.

The member for Mindarie suggested that this be considered as part of a suite of potential reforms, particularly with respect to sentencing options. Again, I agree entirely. We have just finished going through the process of stakeholder input into a thoroughgoing review of the Sentencing Act. Almost unanimously, the stakeholders considered that sentences of fewer than six months of imprisonment should be reinstated in this jurisdiction and that the introduction of partially suspended sentences should be considered, and there was some support for weekend detention, although that was more controversial.

The former government introduced a bill in around 2004 that removed sentences of imprisonment of fewer than six months. I do not criticise that move because it was very difficult to see what would happen and it was a genuine attempt to try to alleviate the problem of unnecessary imprisonment. In my observation, and based on the data that I have seen, that has had two effects: that of bracket creep and of diminishing the sentencing options available to courts. By bracket creep, I mean that a magistrate is faced with a sentencing matrix of mitigating and aggravating circumstances, but the law says that if a person needs to go to jail, they have to go jail, and that is not a reference to quantum. Under the old system, a magistrate who determined that imprisonment was the only last resort disposition had the option of giving someone a month or four or five months in prison. Now, if a magistrate determines that imprisonment is the only appropriate last resort disposition, the sentence must be six months and one day. The fact is that people who would have been in prison for a month are now being imprisoned for six months and one day. That was an unintended consequence of that reform. I think that one of the things that pressed the prison population up during the period of the previous government was the removal of sentencing options of fewer than six months. I think it is now time to revisit the matter, but we will go through a quite long and involved consultative process for the Sentencing Act because there are other considerations. The Northern Territory has partially suspended sentences. Judges will impose a 12-month sentence, and require the person to serve one month with 11 months suspended. It is the short, sharp shock theory of sentencing. There is validity in that. Weekend detention was also raised, and again, in my view, there is validity in that, although that was not as roundly endorsed by stakeholders in the recent round of consultation that we had. All of those sentencing options, particularly in the domestic scenario, should be designed to ensure that people who have employment do not lose it. It has been put to me by the Commissioner of Corrective Services that the difference

in outcomes between a term of imprisonment of six months and six weeks is enormous. With a sentence of six weeks or a month's imprisonment people can still go back to their job, their life; and the lease on their domestic residence is probably going to be maintained. However, with a sentence of six months, all of this is gone and the connection with people's previous life is severed. Whilst conceptually we might think why would we bother with a sentence of six weeks and let us set a minimum of six months in prison, sometimes the deterrent effect, personal or general, of six weeks comes at a far lower cost than six months. All of these sentencing options are things that we need to look very seriously at in the coming 18 months as the government produces a review of that legislation. Let me say that having sentences of fewer than six months should not be billed as a tough on crime measure necessarily, although I think it may have a very strong deterrent effect; but I would imagine that in actual fact it may put some form of downward pressure on the overall population in prison because we do not get bracket creep.

Alcohol was mentioned by the member for Mindarie, and that is a huge problem in all of this. The member made some comments about the full strength takeaway bans in a variety of areas. The government has been a great supporter of those, and they have been very successful. There is the argument that the problem is pushed into other areas, and to some extent that does happen, but that does not detract from the fact that in places like Fitzroy Crossing and Halls Creek, where those bans have been instituted, there have been incredible drops in the rate of admissions to emergency wards, which have not been followed by increasing rates of admissions in the jurisdictions we might logically think people are going to access alcohol nearby and more frequently. There is no doubt they have been a success, and a pretty considerable one.

The member for Mindarie raised the issue of vexatious litigation. That is always a big issue with restraining orders. I agree again with the member for Mindarie that that is most distressing when a person might be inclined to seek a restraining order or a violence restraining order as a strategic leg up in contemplation of another proceeding, usually a family proceeding, which is either on foot or about to be started. I have read Peter Dowding, QC's letter to me. He has a wealth of experience in this area. His letter is sensible. His suggestions are theoretically sensible. They will not be without administrative difficulty, as the member for Mindarie pointed out. My initial reading of the suggestions of Peter Dowding, QC was that what he seeks to achieve is to have the full confirmation hearing after the interim hearing as quickly as possible; the hurdle is very low at the interim stage. We have 10 000 applications. If I went to the Chief Magistrate tomorrow and said that I wanted the 10 000 interims to be turned into 10 000 full hearings within three day, I would not be met with an enormous amount of enthusiasm and the administrative difficulties would be very high. My instinct is to think that we should be looking at an administrative solution to try to pick out the interim violence restraining orders, where there is at least a potential for improper use of the proceeding to bring leverage in another proceeding, like a family proceeding. The fact that our Family Court is also a state court, as is our Magistrates Court, should mean there will be no problem sharing information. That is something I will look into. I would advocate considering bringing on for full confirmation hearing the interim orders—but those interim orders where we know, or suspect, there will be a Family Court proceeding; it should be a smaller subset. Hopefully, that will go to diminishing the prospects of vexatious applications. The other thing is—I know the courts do this—that the courts come down firmly on any individual who they suspect has vexatiously applied for a restraining order. That is not always easy to prove, but when it is proved, the consequences are very serious.

The member for Mindarie also noted that one of the firm and positive features of this bill is that a breach of a restraining order will be proceeded on by arrest, because it will be considered a more serious offence than by summons. I agree with the member that that will make a very significant difference.

The member for Mandurah talked about the ongoing greater emphasis on assaults of this type. This is something that I addressed earlier. The member for Kwinana talked about a failure to increase the number of beds for those people who have found themselves the subject of domestic violence, and he made that the cornerstone of a criticism of the government for, in effect, not doing it. I am not an expert on the issue of how many increased beds have or have not been made. It is something, after listening to what has been said opposite, I will look into immediately after this debate. It should also be noted, however, that there have been other very significant expenditures by this government aimed at this problem. The hostels that royalties for regions money is building in Kalgoorlie and other places are an important part of a wider problem. An amount of $28 million has been allocated to what the government has called a better parenting program, which is the type of program that tries to get to this problem very early to allow families to plan their way out of, to the extent that they are able, the types of stresses that bring on the environment that usually causes domestic violence. As yet, it is early days with that program to see whether or not it is having a significant effect. Nevertheless, it is a fairly significant program with a large amount of money expended.

The member for Maylands said that $604 million worth of community sector funding is not really going directly into this area. Not primarily, but I nevertheless add that many of the recipient groups are working in and about the types of problems that give rise to the stresses of family life that cause domestic violence. I think that money will be a contributing factor to alleviate these problems. I will avail myself of whatever information the

government has about that beds issue, but I think that the government has been doing other things that are substantial.

The member for Girrawheen raised costings and resources. I will openly say to all present that we have not done a thoroughgoing costing, because to do so would have been administratively prohibitive and I would have no confidence in the accuracy of that outcome because all of it depends on behavioural change. Again, I say respectfully, that is not something that members opposite did as a government in 2004 when they brought in similar changes—likely for the same reasons—as they would have been given advice that to do so, in effect, is a wasted effort. We would need a PhD student spending some time with pretty complicated econometric modelling to give us even a chance of getting within a 20 percentile of the outcomes. That is why we have taken a relatively more cautious approach than having a two-strike system or a mandatory system. The member for Girrawheen also made a very good point about fly in, fly out workers having very difficult and unusual stresses on their family life. Indeed, one of the things that we are facing as a jurisdiction, as I understand it, is greater pressure through our Family Court system because of fly in, fly outs. Yet our Family Court system per capita is funded by the commonwealth less well than any other state of Australia. It is a point well made.

The member for Victoria Park raised the issue of whether the Aboriginal Legal Service was consulted. Speaking with my staff after listening to the member for Victoria Park, I now understand that they were not part of consultation in this bill. The reason is that the process that was engaged in with this bill was similar to the process the previous government engaged in, which was through stakeholders, of which the ALS was not necessarily one. That does not seem to be the best way to go about these things. That having been said, this bill has been on the notice paper for some time now. I have not had contact, to my knowledge, from the ALS about its views on this bill, although I would certainly listen to those should they arrive.

The member for Nollamara raised some interesting points, which were also echoed by the member for Bassendean. We cannot have a restraining order applied for, or granted obviously, with respect to a child under the age of 10. It is conceivable that an 11-year-old child could be the subject of a restraining order. To the best of my knowledge anecdotally from the discussions I have had with the departments who work in and about this area, those types of restraining orders are very rare. That is not to say that we might experience them more often with things like cyber bullying and so forth.

Ms J.M. Freeman: My issue was about police being able to enforce restraining orders.

Mr C.C. PORTER: I understand that. I will come to that in a moment. We are proceeding from the basis that both sides of this house in 2004, and indeed back to 1998, considered that there were circumstances in which it would be appropriate for someone to apply for a restraining order against a child, whether that someone is a parent or another child. It happens irregularly, but I think we both accept that that is a possibility and a fair possibility, and courts exercise pretty serious discretion. The point that the member makes is a fair one. It is the point that the member for Bassendean raised.

Proposed section 30D of the act in effect says that a police order cannot impose restraints on a child. The previous police orders of 24 hours could not be applied to a child. We are not merely bringing in orders of 24 hours that can be applied to a child; in effect the amendment says that the police order of 72 hours could be applied to a child. There is a limit or a consideration to that, which appears as new section 30D in clause 8, which states —

> (1) A police order cannot impose restraints on a child unless the child is in a family and domestic relationship with the person for whose benefit the order is made.
>
> (2) A police officer must not make a police order against a child that might affect the care and wellbeing of the child unless the police officer is satisfied that appropriate arrangements have been made for the care and wellbeing of the child.

Ms J.M. Freeman: Who will police that?

Mr C.C. PORTER: The expression that the member for Bassendean used was that to an extent it is placing parental sovereignty, albeit for the period of 72 hours, in the hands of police. It is something we gave detailed consideration to. It is something for which we had support from all the stakeholders that we consulted in this process. It is meant to be designed for the purpose, as we logically accept, that many single mothers find themselves with 14, 15, 16-year-old male children who are physical presences in the household. There have been instances when restraining orders and violence restraining orders have been taken out by those mothers against children. That has happened since the inception of this act. The view was taken that, if it is worthy of protecting the mother against a spouse for a 72-hour cool-down period, which has proved very successful in other jurisdictions, that mother is equally worthy of protection from a child for that 72-hour period. I accept what the member says. It is, if not a radical step, a very substantial step and one that we should not take lightly.

It has not seemed to result in serious injustices or unfairnesses in other jurisdictions where it has been used. The limit on it is that it has to be to the benefit of a parent for the 72-hour order to be applied against a child, so it

cannot be a child-on-child situation or anything of that nature, unless it is inside the family—not outside the family. The police, before they exercise their discretion, have to assure themselves that the child's care is going to be maintained during the 72-hour period, but necessarily that care is not going to be by the parent to whom —

Mr M.P. Whitely: What input does the parent have, though?

Mr C.C. PORTER: The member is right. The parental sovereignty in this area is taken out of their hands and placed in the discretionary hands of the police for 72 hours. I say to the member openly that, although these situations would arise irregularly, it is certainly not inconceivable that this situation will arise. The situation it is designed to affect is that in which the police turn up because a mother has called the police station to say she has been assaulted. The police turn up and, based on the physical evidence around them, are left in little doubt that there has been an assault. The mother says that she does not want anything to happen, and the police have to make a very serious exercise of discretion about whether they will give that 16-year-old male child, for instance, a 72-hour order that says, "Do not come back to this residence within 72 hours."

Mr M.P. Whitely: I understand the need; I can imagine the circumstances. My concern is: what input will the parent have on where the child is put in care, because presumably —

Ms J.M. Freeman: He will not be in care. A 17-year-old will just be —

Mr M.P. Whitely: Or a 14-year-old.

Mr C.C. PORTER: Obviously, the parent's wishes for the type of care the child should receive over that 72 hours will be a primary factor that the police will listen to. They are not compelled to accept the parent's advice or views on that, but I would say, just as a matter of commonsense, that that is one of the things that will be taken into account. Proposed section 30D states that the police must not make a police order against a child that might affect the care and wellbeing of the child, unless the police officer is satisfied that the appropriate arrangements have been made for the care and wellbeing of the child. I imagine that they will take consultation from the parent on their views about what is fair and appropriate, but they do not have to.

What I would say to the member to give him some comfort is that for a police officer to do this—just like it is for a child protection officer to take a child out of a familial environment because they fear danger to a child—is a big step and a very serious exercise of their discretion that we will have to trust they will undertake very carefully, very seriously and very modestly. We will be watching this carefully. We assessed how it has worked in other jurisdictions. It is used infrequently and only in the most extreme cases. We have not been pointed to any particular individual cases of difficulty in other jurisdictions that have used it. The concern is an entirely appropriate one. We simply considered, on balance, that it was a protection that should be afforded some mothers in some circumstances. The member raises a very fair and serious point. We are relying on police to exercise their discretion sensibly and cautiously in very extreme circumstances.

The member for Nollamara raised the reverse harassment issue with respect to proposed section 30D.

Ms J.M. Freeman: Not 30D. Just generally.

Mr C.C. PORTER: It goes back to the point the member for Mindarie made. There is a tendency on occasions for these to be used vexatiously. A lot of submissions are made to me by members of my own party who have had people come into their electorate office saying, "Such-and-such brought a VRO against me. They did it for a reason that was unfair." It happens. We could try to redraft this legislation to strike a better balance, but I am not sure that that could occur, to be honest. This does not change that balance in any way, save that, if people get more of these orders against them and they breach them, they face a great prospect of imprisonment. The member for Nollamara raised the point of how many times a person can vexatiously ask for an order before the courts declare them vexatious or simply refuses to give the order? That is at the discretion of the courts. I can say that Magistrates Courts have a fairly razor-sharp eye for vexatious VRO and restraining order proceedings. I remember in about 1998 going down to court when I was working at Clayton Utz and representing someone who was trying to bring a restraining order against a neighbour. Of course we were being paid to represent that particular individual. The magistrate took one look at our very slim submissions and said, "This is nonsense. Get out of here". That happens with some regularity in the courts. Magistrates take a very sharp eye to these issues. It comes back to the issue that member for Mindarie raised. Trying to work out which —

Ms J.M. Freeman: The issue is that you have to go down to the courts. If someone has done this on repetitive occasions, you still, as the person who is effectively being harassed by this tool, have to go down to get it.

Mr C.C. PORTER: The person will have to go down. It may be a very short hearing if the person has taken out three orders against the other person and they all have been knocked back. The only recourse that other person has is the same recourse they have if someone takes out other proceedings repetitiously against them; that is, to try to get them declared vexatious.

The member for Balcatta had an issue with a constituent who was being subjected to vexatious litigation. Mr Prefumo was that person's name; he was in the paper recently. Very unfortunately, Mr Prefumo also brought

an action against a general practitioner, who settled out of court, which obviously emboldened Mr Prefumo. These things can have huge impacts on people's lives. I am not convinced that we go early enough in declaring litigants vexatious, but it is something that I am considering in light of the issue the member for Balcatta raised with me. But that is a person's recourse in effect. If someone has taken out contractual disputes, restraining orders or lodged dividing fence disputes against a person repetitiously, their recourse is to have them declared vexatious. That is far from simple. The other balance is trying to keep an open court system. It is something that we are having a bit of a look at.

Ms J.M. Freeman: Before you move on from me, I asked a question about the VRO across borders. There was a March 2011 agreement about acknowledging VROs across borders. You were out of the chamber when I asked whether you could update us on what is happening.

Mr C.C. PORTER: I think that is part of the cross-border justice agreement. It exists. I do not have any stats to hand about how many of those —

Ms J.M. Freeman: But I thought it required legislation. That is what the release said: that you were organising.

Mr C.C. PORTER: Can I look into that for the member? Is she talking about applying for a VRO against someone who is out of the jurisdiction?

Ms J.M. Freeman: No.

Mr C.C. PORTER: Or having your VRO recognised?

Ms J.M. Freeman: Yes.

Mr C.C. PORTER: I do not know the answer to that. I have a suspicion that the latter of those two is already effective.

Ms J.M. Freeman: Apparently if you have a VRO, say, from Victoria and you come to Western Australia, you've got to apply for a VRO here against the perpetrator. That means that when you get to Western Australia, your VRO in Victoria will be recognised as a VRO that has validity here. I understand in March 2011 there was an agreement between the Attorneys General.

Mr C.C. PORTER: Yes.

Ms J.M. Freeman: The agreement was to put that in place. The press release says that you are putting in legislation.

Mr C.C. PORTER: Just off the top of my head, I will have to say that I will return to the member on that and tell her what the answer is.

Ms J.M. Freeman: Yes, that's fine.

Mr C.C. PORTER: The member for Maylands also spoke about the community sector and indicated that the demand she had anecdotally was that it was going up by 65 per cent. I have no reason to dispute that there is strong demand for these types of things. What she and others said about the number of beds available is something I will have a look at. I would say that there are some good things the government is doing in this space, but the bed availability is an area that I will have a look into.

The member for Maylands mentioned training for magistrates. It is a difficult area. Our justice system, obviously, does not see the victim represented in a substantive way in court. Some people take the view that that is a good system and some people take the view that it is a bad system. Some magistrates deal with restraining order applicants in the domestic violence system somewhat more gently than others do. I put to the member that I am not sure that it is a matter about training. I think we could roll magistrates through a six-week sensitivity course and some of them would be less sensitive than others. Nevertheless, it might just be a matter I will raise with the Chief Magistrate in one of my regular meetings to see whether he believes training in that area is sufficient. I take the point the member for Maylands made about cruelty connection. I would be interested to see not the whole range of information, but what the member has about the connection in other jurisdictions between the RSPCA and so forth.

That takes me to the member for Bassendean. I think we raised and addressed his issue, not necessarily to his satisfaction but it is a properly raised issue.

Mr M.P. Whitely: There was one other issue of the police officer if the two parties are obviously unwilling to have or do not want a restraining order.

Mr C.C. PORTER: The corrections issue.

Mr M.P. Whitely: Whether the police officer himself has some sort of vexatious motivation. What protection is there after the event? It is unlikely but it is possible.

Mr C.C. PORTER: Indeed. If a police officer issues a 72-hour notice, my understanding of the legislation is that the police can withdraw a notice they have issued. If evidence comes to light that it was vexatiously applied for and the whole thing was a ruse, the police can end—and they are the only ones who can end—the order.

Mr M.P. Whitely: Yes, but what if they are the ones who set it up?

Mr C.C. PORTER: It is not impossible for that situation to develop. But the member's point is if someone has had an order for 72 hours placed on them and evidence later appears that shows it was vexatious or unfair, there is no mechanism in this legislation to have the order stripped from the record. But the order itself is not a criminal record or anything of that nature. It is much like a restraining order. If someone has had an interim order brought against them and then at a full hearing it is found to have no substance and does not warrant a full order, the fact that the person had one brought against them on an interim basis which then later failed still exists.

Mr M.P. Whitely: I suppose it is about the complaint process against the person.

Mr C.C. PORTER: Absolutely. If the police are part of the vexatious issue of a restraining order, that would be a matter for internal police discipline. I get the point. If a police officer wants to separate a bikie and his wife for 72 hours for reasons totally unconnected to the stability or otherwise of their domestic relationship and the police officer uses this order, it would be an improper use of the order and the police officer would be very unwise to do that; and as a matter of internal police discipline that would be a matter for police internally.

I think that addresses all the questions from members opposite. I appreciate the points they have made and the way in which they have approached the bill. I understand that we are unlikely to need to go into consideration in detail, which may mean that I will move for the bill to be read a third time.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mr C.C. Porter (Attorney General)**, and transmitted to the Council.

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE — INQUIRY INTO THE ADEQUACY AND FUTURE DIRECTIONS OF SOCIAL HOUSING IN WESTERN AUSTRALIA

Extension of Reporting Date — Statement by Acting Speaker

THE ACTING SPEAKER (**Mr J.M. Francis**): I have received a letter dated 11 August 2011 from the Chairman of the Community Development and Justice Standing Committee advising me that the committee has resolved to extend the reporting date for its inquiry into the adequacy and future directions of social housing in Western Australia. The committee will now report on 1 December 2011.

House adjourned at 4.35 pm

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QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES — ALBANY–PERTH SKYWEST TRAVEL

5643. Mr P.B. Watson to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

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 B.J. GRYLLS replied:

Landgate, the Gascoyne, Kimberley and Peel Development Commissions: Nil.
The Department of Regional Development and Lands: $4,785.00
LandCorp: $12,341.00
Goldfields Esperance Development Commission: $743.60
Great Southern Development Commission: $15,685.94
Mid West Development Commission: $580.97
Pilbara Development Commission: $973.40
South West Development Commission: $384.40
Wheatbelt Development Commission: $416.85

GOVERNMENT DEPARTMENTS AND AGENCIES — ALBANY–PERTH SKYWEST TRAVEL

5650. Mr P.B. Watson to the Minister representing the Minister for Energy; Training and Workforce Development; Indigenous Affairs

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 J.H.D. DAY replied:

Department of Indigenous Affairs: $14 607.18
Department of Training and Workforce Development: $6,361.75
Central Institute of Technology: Nil
Challenger Institute of Technology: Nil
C Y O'Connor Institute: $521.90
Durack Institute of Technology: $1,942.40
Great Southern Institute of Technology: $98,045
Kimberley TAFE: Nil
Polytechnic West: $844.60
Pilbara TAFE: Nil
South West Institute of Technology: Nil

West Coast Institute of Training: $2,901.70 (This total includes an airfare cost of $310.70, for delivery of a contract (WCIT 10048) with Cooperative Bulk Handling and the charges were reimbursed to the Institute via invoice.)

Office of Energy: $1,987.50

COMO SECONDARY COLLEGE — LEAF BLOWER USE

5699. Mr E.S. Ripper to the Minister for Education

I refer to the Minister's correspondence of 15 June 2010 with Dr Alan Purcell in relation to the use of leaf blowers to clean corridors at Como Secondary College, and I ask:

(a) what plans were put in place to ensure cleaners did not use leaf blowers to clean indoor areas of the school, given that the use of such blowers has happened early in the morning before school administration staff have arrived at the school;

(b) were those plans carried out and can the Minister guarantee that the practice has stopped completely;

(c) what method is currently being used to clean the corridors in question at Como Secondary College;

(d) are leaf blowers used to clean indoor areas of any other schools and if so, which schools and what areas of the school are they used in;

(e) are leaf blowers used in outdoor areas of any schools in a manner that allows dust and other debris to enter classrooms or other internal areas and if so, in which schools;

(f) does Como Secondary College have a functioning Occupational Safety and Health Committee to which complaints like Dr Purcell's can be taken, and if not

(i) why not; and

(ii) will the Minister commit to ensuring all Western Australian public schools have a functioning Occupational Safety and Health Committee and if not, why not?

(g) in relation to the photographs enclosed in Dr Purcell's letter to the Minister of 11 June 2011:

(i) will the Minister confirm whether or not the material dumped in the Como Secondary College's grounds contained asbestos and if not, why not;

(ii) will the Minister confirm whether the material has since been disposed of in accordance with mandated asbestos handling procedures and if not, why not;

(iii) has the Education Department undertaken testing in the school, especially in the areas where leaf blowers were/are used, to determine whether asbestos fibres are present, and if not:

(A) why not; and

(B) will the Minister commit to undertaking such testing and if not, why not?

(iv) has the Education Department undertaken air sampling of the school corridors to test for airborne particles, including asbestos, and if not:

(A) why not;

(B) will the Minister commit to undertaking such testing and if not, why not; and

(C) If yes to (B), and if leaf blowers are still in use in those areas, will the Minister commit to undertaking such testing at a time when the leaf blowers are in use, and if not, why not;

(D) will the Minister table the results of any such testing in the Parliament and if not, why not;

(h) in relation to Page 37 of the notes from cleaning staff induction workshops 2010 by the Education Department Strategic Asset Planning, Infrastructure Directorate, which shows a photograph of a cleaner using a leaf blower on a floor:

(i) was that photograph taken in an indoor area and if not, where was it taken;

(ii) does the Minister agree that the photograph appears to demonstrate the use of a leaf blower indoors, in contravention of your statement to Dr Purcell that the Education Department does not permit the use of leaf blowers in enclosed areas and if not, why not;

(iii) if the Minister agrees that the photograph could be misleading, will the Minister agree to replacing the photograph in the workshop notes and ensure that the ban on using leaf blowers indoors is given extra emphasis in future workshops and if not, why not;

(i) does the Minister agree that the use of leaf blowers, rather than vacuum cleaners, as cleaning devices in schools constitutes a danger to the health of children in those schools, especially those children with asthma or other respiratory conditions, and if not, why not?

Dr E. CONSTABLE replied:

In relation to (a)–(h)(i), I am advised by the Department of Education as follows:

(a)–(b) In response to the complaint from the school gardener, Dr Alan Purcell, an Environmental Services Officer from the Department of Education visited Como Secondary College to discuss the use of blowers by school cleaners with the Business Manager. The practice of using a leaf blower to clean the enclosed walkway ceased, and the school cleaners were advised that it was an unacceptable practice to use blowers in any enclosed area. Staff are expected to comply with Departmental policy and practice.

(c) Brooms or vacuum cleaners are used to clean the enclosed corridors at the school.

(d) The Department of Education does not endorse the use of leaf blowers to clean indoor areas.

(e) When used correctly, leaf blowers do not allow dust and other debris to enter classrooms and other internal areas.

(f) (i)–(ii) The school has advised that the establishment of an Occupational Safety and Health Committee has not been requested by any staff member in accordance with Part 4, Division 2 of the Occupational Safety and Health Act 1984.

(g) (i)–(ii) Material of an unknown origin was reported to have been dumped by persons unknown in an area of undeveloped land between the school and the Collier Park Golf Course. Although the Department has some doubt as to whether this was actually on the school grounds, it was removed within hours of being reported by Dr Purcell. As such it is not now possible to establish whether the material contained asbestos fibre.

(iii)–(iv)(B) The school's Asbestos Register details the location of asbestos containing material in the school and, as there is no indication that any of the asbestos containing material at the school has been disturbed, there is no reason to undertake any testing.

(C)–(D) Not applicable.

(h) (i) The photo was taken in an unenclosed undercover assembly area.

(ii)–(iii) The member is seeking an expression of opinion.

(i) The member is seeking an expression of opinion.

GOVERNMENT DEPARTMENTS AND AGENCIES — ROYALTIES FOR REGIONS FUNDING ACKNOWLEDGMENT

5743. Mr M. McGowan to the Minister representing the Minister for Energy; Training and Workforce Development; Indigenous Affairs

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 J.H.D. DAY replied:

Department of Indigenous Affairs

(a)–(b) Nil

Department of Training and Workforce Development

(a)–(b) Nil

Office of Energy

(a)–(b) Nil

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